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**“ A Global Tour d’Horizon ”**

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As we move into this century, many people were hopeful we could have a century of peace after the trauma of last century. A century of peace in which major efforts could be devoted to establishing a fairer and more equal world. Three years in we see that these hopes are being pushed aside by the war on terror, by major divisions between democratic states and by a concentration on issues of security.

Last year the Honorary Chairman gave a Global Tour d'Horizon encompassing all the major issues confronting us, from population to climate change, from globalisation to the clash of civilisations.

His address was prophetic for he warned that unauthorised military intervention in Kosovo should be a precedent never to be repeated. Yet we have seen a war in Iraq. He correctly noted that growing interdependence and increasing population pressures indicate an increased potential for conflict and we have seen war in the Democratic Republic of Congo, in Sierra Leone, and ongoing fighting in Chechnya and the Palestinian Territories.

He called for a conscientious will for compromise and for tolerance in the future if conflict was to be avoided. Yet in the last twelve months we have seen a visible lack of willingness to compromise – not only in relation to Iraq, but in relation to a commitment to environmental protection, and in relations with old allies.

In my own country increasingly conservative politics has led to a withdrawal from the Kyoto Protocol, a decline in racial tolerance, and government policy which violates human rights through the mandatory detention of children seeking asylum from persecution.

The terrorist attack of September 11 undoubtedly changed the world forever. The existence of terror tactics is not new, but the war on terror's pre-eminence in shaping foreign policy is. Terrorists have existed since time immemorial but rarely have they held so many in their grip. The language of security is now the language of every day. The preoccupation with security has led other important matters to drop off the agenda: nuclear proliferation, the war on poverty, and the need for a fairer trading system are but a few, and I shall come to these later.

So twelve months on from the Chairman's call for tolerance, compromise and understanding where are we?

In my view the world we live in is less tolerant, less compromising and less safe than 5 years ago and possibly than last year. This is primarily because of two things – the diminution of the authority of the Security Council and the divisions between major states concerning the coalition against terror.

Before I continue, I digress to acknowledge that the construction and function of the Security Council is not ideal or necessarily complementary to current economic and political realities. However my address today does not concern the composition of the Security Council and its powers, but the Security Council as an authoritative decision making body charged through the UN Charter and under international law with the task of upholding international peace and security.

The fact that major States were so divided caused the Iraq crises to be managed outside the United Nations. Some commentators say that the United Nations' failure to control the situation in Iraq damages it beyond measure and a recent survey reflects this. Sixteen thousand people in 20 countries and in the Palestinian Territories were surveyed last month and the results show that "public confidence in the UN is a major victim of the conflict in

Iraq”<sup>1</sup>, with “positive ratings for the world body tumbling in nearly every country for which benchmark measures are available.”

What we must remember is that in this the United Nations is an innocent victim. The UN can only ever be the sum of its parts. If the UN is heavily criticised it is the policies of its major states that are heavily criticised. If the UN is unable to act or is seen to have failed, as in the case of Iraq, we must remember that its failure is a failure in commitment by its member states to make it work. The UN does not exist as an entity in itself. Even so, the drop in public esteem is of grave concern.

The diminution of the authority of the Security Council threatens international peace and stability. The authority of this key decision making body is important for three main reasons.

Firstly, we need a cooperative onslaught against terrorism. Without cooperation between police forces, intelligence organisations, and governments, terror can never be beaten. While the United States was able to fight and remove the Taliban, the danger of the Afghanistan experience for the current administration, is a view that it demonstrates that unilateralism and the use of its unchallengeable military power works. Joseph Nye, Dean of the Kennedy School of Government at Harvard University warns that while the Taliban were conquered the CIA estimates that less than a quarter to a third of the Al Qaeda network suffered the same fate. The war on terror is far from over.

We must also remember that Al Qaeda is not the only trans-national terrorist network. Closer to my home we have Jamaah Islamiah, those thought responsible for the bombing in Bali. Nye points out that a clear indicator that military strength and war alone cannot win the war against terror is the fact that the United States is not likely to bomb Jakarta in an attempt to be rid of Jamaah Islamiah. An extension of that idea, and even more absurd is bombing Belfast to be rid of terrorists perpetuating violence in Northern Ireland. War will not conquer terrorism. International cooperation at every level is the only way that any real progress will be possible. The best mechanism for this is through the already established United Nations.

A united and strong approach through a united and strong Security Council sends a message to terrorists wherever they may be found. And we must recognise that terrorism may be conducted not only by non-State actors but by States themselves. When is State sponsored assassination terrorism and when is it part of a war of occupation? The old adage “one man’s terrorist is another man’s freedom fighter” may be truer than we care to admit. It is therefore fundamental that a universal definition of terrorism be established, it is fundamental that an international and universal approach be taken to the war on terror. As such it is fundamental that the authority of the UN Security Council, the one international body with legal enforcement powers in terms of intervention in another sovereign state, is protected.

Secondly, the Security Council and support of the United Nations is the only way of establishing a law-based world. We cannot fight terrorists outside the law, and we cannot hope for peace without the law. The 20<sup>th</sup> Century was a period of law making that worked hard to protect the rights of people throughout the world. Labour laws followed the exploitation of the industrial revolution, the 1949 Geneva Conventions followed the Nuremberg trials and WWII, and in order to protect individuals wherever they are the UN Declaration of Human Rights was drafted and subsequently the Covenants derived from it. Finally after civil wars so vile – Rwanda and Bosnia – the International Criminal Court has been established as a means to bring to justice all those committing crimes against humanity, war crimes, and crimes of aggression. This will put an end to the *ad hocery* represented by

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<sup>1</sup> Pew Research Centre for the People and the Press – source: UN Wire, 4 June 2003  
[www.unwire.org/current.asp](http://www.unwire.org/current.asp)

the International Criminal Tribunals for Rwanda and the Former Yugoslavia that were established under Chapter VII by the Security Council.

These global advances in recognition of individuals, as distinct from the States they live in, and the Governments that may or may not protect them, must be carefully safeguarded. It represents one of the most significant advances bequeathed from the last century. The best body to do this is the United Nations Security Council.

Thirdly, the diminution of the power of the Security Council is of concern because security is a collective concept. We cannot demand one person's rights at the expense of another and we cannot have one country's security at the cost of another.

America's willingness to go it alone has never been more obvious than when, in 2001 even before September 11 changed the American psyche, President Bush denounced the anti-ballistic missile treaty, the biological Weapons Convention, the International Criminal Court and the Kyoto Protocols. But his action, along with Britain and Australia, in going to war in defiance of the UN Security Council bears great risks for the future.

Over time, as Honorary Chairman Schmidt noted in his speech last year, American policy has always had elements of isolationism, internationalism and unilateralism. The trick is in the balance and current unilateralist policies should be of concern to all. Joseph Nye suggests that by "embedding its policies in a multilateral framework, the United States can make its disproportionate power more legitimate and acceptable to others". This would certainly serve to promote global peace and security.

America's action over Iraq, and clear preparedness to go to war, serves to illustrate her dominance in the international arena and sends a clear message. While we can welcome America's willingness to use her military might, unilateral action raises many legitimate concerns. Kissinger has argued that the challenge for America today is to turn their current predominant power into an "international consensus and widely-accepted norms that will be consistent with American values and interests." Clearly current unilateralism prevents the US from taking on this challenge, and there is little at this stage to indicate that they might want to.

Nye argues strongly for America to balance the use of what he calls 'soft power' and 'hard power'. Without 'soft power' - diplomacy, tact and the ability to use persuasive argument, it is difficult to turn individuals, or States, to your point of view. Excessive use of military force or 'hard power' on the other hand diminishes opponent's openness to persuasion and creates an atmosphere of threat and counter threat, fear and aggression. The 'soft power' of persuasion and influence is fundamental to the success of the war on terror and to do this effectively I again arrive at the conclusion that there is a need to protect the authority of the Security Council and work through it.

And after the diminution of the power and authority of the Security Council the second major factor contributing to the global insecurity facing us today, is the divisions in the coalition against terror.

Firstly, it is arguably easier for terrorist organisations to recruit if the coalition against them is fractured. While terrorists can use fallacious arguments of an Anglophone neo-imperialism to aid their recruiting drives I can see no end to the war on terror. If, however, the whole world is united in the war on terror as it was immediately after the September 11 attacks, it becomes more difficult to recruit. America, herself militarily supreme, gains much security from a strong coalition. Presenting a united front against terrorism is crucial.

The rifts within Europe, and between France and Germany and the US, are also of concern although it is possible to see benefits in recent debate. Free societies should not avoid discussion on major issues. In my view there have been times in the past when, for fear of creating divisions, Europe remained silent when it should have spoken. The recent debate on Iraq across the Atlantic and within Europe itself if handled appropriately, may lead to more productive discussions about future policy. It may turn out to be a challenging insight into future European affairs.

As Europe expands, unless it drives itself very much further in relation to unified policy, it will become more and more difficult to have a common view of major events. This is positive and should be seen as such. We need a world in which major states can have differences and debate them sensibly and rationally. It is more likely to produce an outcome which more people will support. However this assertion of European independence will need to be handled well on both sides of the Atlantic to prevent the abruptness of recent months.

Terrorists have differences, as do Europeans. Since September 11 a very distinct picture of a terrorist has been painted. He is usually male, of Middle Eastern origin and a Muslim. He is prepared to die for his cause. He hates America for her wealth, her freedom and her openness. He also hates America's allies. However terrorism takes many forms. The Chechnyan who held up a Russian theatre, the Irishman or Basque planting car bombs in busy shopping streets would all argue they had a valid cause, and that terror tactics were their only means of being heard. They have little in common with our Muslim stereotype. We must remember that terror is not owned by one group alone, but that it stretches across the continents and hemispheres. If we fail in this, and believe that terrorists all fit our Muslim stereotype then we are but one step closer to a real and destructive 'clash of civilisations'.

While major states can differ on the methods required to fight the war on terror there is no essential division in the principal of the war. It is a battle that must be taken to the front line and must be won. It will only be won, however, through unified action, through the cooperation of police forces, intelligence and security networks, and governments. It will only be won by a great deal of international cooperation and coordination. The United States' participation is essential but even her power is not enough. None of us will resolve this war alone.

While we are in a general state of insecurity we are also in a state of economic uncertainty. There are doubts about the management of major economies. The falling dollar and instability in the Japanese banking sector hold some concern for the future. It is difficult to resolve major economic issues in the midst of global, political instability. This becomes more urgent because major states are facing the possibility of serious and damaging deflation for the first time in many decades.

The war on terror creates uncertainty which reduces investment and growth. Economic uncertainty may not disappear until there is greater confidence in the management of political relationships. This does not mean consensus and agreement on all major issues, but it does mean that discussion and debate between allies should be conducted with courtesy and respect. All views must be given consideration and be dealt with accordingly.

The economic effect of SARS has already been severe on some Asian economies. There is a chance that it will be contained but the tourism industry has been severely affected and some major airlines are under financial pressure. Will SARS also impact the already great divide between rich and poor nations while tourists with valuable hard-currency holiday at home?

Because of the war on terrorism and increasing economic uncertainty there are other important global issues that have not been dealt with in the way they should. Nuclear non-

proliferation, the question of world poverty and how that relates to the need for a fairer trading system are but three key issues.

The original nuclear powers persuaded the world to accept the original Non Proliferation Treaty. The included a clause that pointed to their own eventual nuclear disarmament. Article VI of the Treaty read this way:

*Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.*

Patently, the original nuclear powers never gave effect to this clause. It appears they were not even prepared to travel part way down the track. It was this mistake that led to India, the world's largest democracy and a leader in the non-aligned movement to initiate a nuclear programme.

India's pursuit of such a programme inevitably meant that Pakistan would also work towards the development of nuclear weapons. They had seen the benefit of the threat of mutual destruction throughout the Cold War.

The failure of the major powers to fully commit to nuclear non-proliferation is a very real failure of leadership. It leads us now to the uncomfortable position of North Korea confirming their pursuit of a nuclear programme, and to the risks of a terrorist dirty bomb.

When the original nuclear non-proliferation treaty was renegotiated after the first 25 years, the opportunity to recommit to Article VI was missed again. It would be of benefit to us all if major powers had the courage to revisit this treaty and the commitment they made when it first came into force.

The question of world poverty remains divisive. It is another issue that has fallen off the global agenda and yet we cannot continue to expect 80% of the world's population to live in poverty while the lifestyles of the rest of the world continue to improve.

At the risk of repeating commonly known statistics:

- Life expectancy in G8 countries is 77, in Africa, 48.
- In Canada the annual spend per person on health is \$2534, in Mali, \$1
- People who live on less than \$1 per day in G8 countries – 0, in Africa, 28 million
- G8 countries spend \$13 billion in aid on Africa, they spend \$311 billion subsidising their farmers.
- The United Nations estimates that the extra annual cost of universal education, halving poverty and cutting child deaths by three quarters would be \$25 billion

Such global inequities are fundamentally unsustainable. The existence of poverty on such a scale is abhorrent and humanitarian reasons alone should be motivation for change. However there is also a strong argument based on enlightened self-interest.

The link between war and poverty is strong. Civil wars throughout Africa are testament to this fact. Wars breed further instability both regionally and globally. Refugees, political and economic, legitimately fleeing both war and poverty are finding their way to the shores of industrialised nations. Portrayals of such refugees as queue jumpers and undeserving opportunists creates social and racial hostility fuelling often difficult cultural conflicts within developed nations. By addressing the root causes of why refugees flee their homeland, by redressing some of the global inequalities that exist and making life in a foreign nation less attractive by increasing the attraction at home, we will all be contributing to a safer and more secure future for all the world's children.

One of the best ways of addressing these global inequalities will be to establish a fairer trading system. World trade has seen rapid expansion over the past 25 years although as a proportion of world Gross Domestic Product it is not as great as that in the period between 1870 and 1914. Where the World Trade Organisation has been established to advance free trade and prevent protection it does not really promote competition in a global sense.

Many third world countries have had their development hindered by lack of access for their agricultural products to wealthy markets. Truly open trade would have better and more positive results than all the development assistance offered today. To deny the Third World access to affluent markets in agriculture is to make a substantive decision against the interests of those countries. Yet what chance is there for any American government to stop subsidising American agriculture, or for the French to make decisions that could devastate the countryside and their way of life? Is free trade only to be advanced in areas where the decision-makers will do well? Or can some hard decisions be made for the benefit of all humanity.

Despite these serious concerns we can look over the past twelve months with confidence and optimism at some key events.

Transition of power in China has gone smoothly, and recent memorial services in Hong Kong commemorating Tiananmen Square demonstrate a slow but definite move towards a more open China. The continuity in Chinese policy, continued economic growth and their contribution to stability in the Asian and South East Asian region are all positives.

The establishment of the new International Criminal Court may be the most significant advance since the establishment of the United Nations itself. It will be a catalyst for States to take the national enforcement of international human rights law much more seriously<sup>2</sup>.

It will provide an avenue for the international criminal justice system to deal with terrorists within and under international law. For example, the definition of Crimes Against humanity in Article 7 of the *Rome Statute* is broad enough to cover a terrorist attack such as the September 11 bombing<sup>3</sup> although the Statute had not entered into force at the time of that particular international crime. It would be a grave mistake to underestimate the achievement embodied in the establishment of the International Criminal Court.

There is an increased humanitarianism which challenges traditional notions of the nation state and demands respect for human rights around the world. Humanitarian intervention is an accepted principle, used by the UN Security Council under Chapter VII for the first time in the case of Somalia. Since then the terminology has been used as an excuse, not the least of which was Kosovo and ex post facto in Afghanistan and even in Iraq. While I have no

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<sup>2</sup> Timothy McCormack: Enforcing International Human Rights Law Post September 11 – Draft Document not to be quoted without permission.

<sup>3</sup> Timothy McCormack: Enforcing International Human Rights Law Post September 11 – Draft Document not to be quoted without permission.

problem with the notion of the international community coming to the rescue of a civilian population persecuted beyond endurance, more work must be done to set objective standards for humanitarian intervention. The principle, however, is a good one – States can no longer do whatever they want to their own people without attracting the attention and wrath of the international community.

We are faced with a common insecurity both from terrorists and from an uncertain global economy. There is no alternative, even for the most powerful, but to work together. Without a strong and unified international community the problems facing the world today will spread and grow. A strong international order has the opportunity to present a united front, unified standards of acceptable behaviour which cross the boundaries of culture and civilisation. The Universal Declaration of Human Rights does this, the Rome Statute of the International Criminal Court does this. The former recognises universal rights, the latter defines universal wrongs. I would also like to pay tribute to the work of Prime Minister Takeo Fukuda and Chancellor Helmut Schmidt, our Honorary Chairman, in the promotion of the Universal Declaration of Human Responsibilities. Its eventual acceptance by the international community will serve to define more clearly how inter-relations should be conducted both on a State and individual level. At this time we must all take up the challenge of the founding fathers of the United Nations who saw, even during time of international war, a time of great fragmentation and division, and a time when the threat to world peace was far from settled, the need to work together to create a peaceful and stable world for the future.

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