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Peace and Security:  
The Challenge and the Promise

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# Peace and Security: The Challenge and the Promise<sup>†</sup>

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## I. INTRODUCTION: THE CHALLENGE

Good afternoon. It is a pleasure to be here in Austin at the University of Texas—one of the world’s leading institutions for research and teaching. Being here brings me back to my own time as an academic—as a doctoral student here in the United States, and then as a law professor and law school dean at Chulalongkorn University back home in Thailand.

I am grateful to Provost Ekland-Olson for his warm introduction and welcome, to the School of Law and the LBJ Library for making fora available for me to speak and interact with Texans on this trip, to the many institutes and centers on campus who sponsored this conference and address, and to the *Texas International Law Journal* for agreeing to publish this talk. I am particularly grateful to Professor Karen Engle, here at the law school, and to the Bernard and Audre Rapoport Center for Human Rights and Justice, whose mission of fostering critical discussion and policy analysis of human rights law could hardly be more timely.

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It is in that spirit of critical inquiry that I would like to reflect on the challenges facing our multilateral regime in the field of peace and security. It is altogether reasonable to ask, as many have in recent years, whether our multilateral legal and institutional framework, assembled in the years after the Second World War, is up to the security challenges now facing our increasingly globalized world.

The United Nations' many contributions in other fields are easy to affirm. We rely on the United Nations to coordinate the work of hundreds of independent national public and private agencies responding to humanitarian emergencies—I saw this first hand as my own country responded to the tsunami disaster last Christmas. We rely on the United Nations to arrange and monitor elections—and sometimes—as in East Timor—for nation building. Every day we rely on the steady background work of the many U.N. specialized agencies and programs in the spheres of human rights protection, health, education, transportation, humanitarian relief, and much more.

But should we rely on the United Nations for peace and security? States have not found it possible to avoid what the U.N. Charter so rightly terms “the scourge of war.”<sup>1</sup> There remains deep disagreement—between states, and within states—about what it means to ensure, as the Charter put it, that “armed force shall not be used, save in the common interest.”<sup>2</sup> Just when does the “common interest” require resort to force? This is not a legal question—it is a political judgment. Can we rely on the legal and institutional machinery of the United Nations to ensure that it is made wisely? The Charter promised a Security Council able to decide this question—yet repeatedly over the history of the United Nations, the Security Council has not acted, even in the face of grave threats to the peace, acts of aggression, and violations of human rights. To what extent may, should, must—individual nations, regional alliances or ad hoc coalitions determine for themselves that the “common interest” demands their resort to military action? In short, can the Charter’s promise of “collective security” still be redeemed?

At the same time, having served as finance minister, I am well aware that economic vulnerability can be as profound a threat to security as the use of force. As the United Nations was founded sixty years ago, the global economy was shattered. The Bretton Woods arrangements were only just being established. Almost every nation maintained extensive controls over their economy—tariff walls, exchange controls, national macroeconomic planning and management. With greater economic openness has come great prosperity—and new threats to our common security. Threats from transnational crime, from globalized epidemics, and, perhaps most disturbingly, from the growing economic and social dualism that has come with globalization. Poverty alleviation, along with social and economic inclusion, must now be part of any global security strategy.

Over the last decades, the United Nations has made important contributions to the struggle against poverty and for economic development. But the initiative has also slipped increasingly to other actors—to the development banks, the IMF, to national governments and, most importantly, perhaps, to private actors. There is no denying that the international community has been better at announcing targets and goals and commitments than it has been at fulfilling them. It is appropriate to ask whether our international institutions can redeem the Charter promise of “social progress and better standards of life in larger freedom,” of the “economic and social advancement of all peoples.”

Two more specific challenges to our common security raise particularly grave questions about our multilateral machinery: *nonproliferation* and *terrorism*. The non-proliferation regime was established when there were few nuclear powers, when nuclear

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1. U.N. Charter pmbl.

2. *Id.*

technology was far less readily available, when the number of nuclear weapons and the quantities of nuclear material were small. Can it manage the challenges posed by the dismantling of nuclear arsenals, the spread of nuclear know-how, the emergence of multiple smaller nuclear—or “maybe nuclear”—states? The threat posed by nuclear weaponry in the hands of outlaw or terrorist networks is absolutely unacceptable—but is our international regime able to prevent it?

Perhaps most importantly, the United Nations was founded by states, to “develop friendly relations among nations,” in the words of the Charter—can it deal with the threats posed by non-state actors, by terrorism or by international criminal networks? The ongoing threat of senseless violence by terrorist groups has rendered the citizenry of nations large and small profoundly vulnerable. War now threatens not only soldiers on the battlefield, but civilians, far from enemy lines, chatting in a neighborhood cafe, starting school, going to work, riding the subway. One need only list the sites of recent terror attacks to understand that it is a global phenomenon: New York, London, Madrid, Moscow, New Delhi, Beslan, Bali, Israel, Egypt, Colombia, Iraq, Afghanistan, Pakistan and most recently in Jordan. Is our multilateral machinery up to the new threat posed by terrorism?

These, then, are the crucial questions in the field of peace and security:

- Can the promise of collective security be redeemed in the face of sharp disagreement about the need to use force “in the common interest?”
- Will our multilateral institutions meet the challenges posed by enduring poverty, and by the exclusion of so many from the social, political and economic promises of our modern world?
- Is our multilateral system up to the challenges posed by nuclear proliferation and terrorism?

As you will see, my own answer to each question is yes. Our multilateral legal and institutional framework can respond to these new threats. The U.N. foundation remains solid. We must all have the political and moral courage to strengthen our multilateral heritage and use our international institutions. As we do, we will need to interpret the Charter flexibly in light of today’s new challenges just as we must renew the Charter framework with new ideas, new approaches, new visions.

Indeed, the Charter has often worked best when bold leaders have interpreted it dynamically and used it creatively to address novel situations. Expanding the good offices role of the Secretary-General, launching peacekeeping missions across the globe, monitoring elections in states vulnerable to political manipulation—all are efforts that have resulted from a dynamic reading of the Charter.

But this is not the task for a Secretary-General alone—nor for the Security Council or the General Assembly. The most effective and dynamic reinterpretations of the Charter have resulted from deep collaboration among the U.N. institutions and their members, and been supported by the informed opinion of the broader international community. No Secretary-General can—or should—seek to reform the world alone, any more than an effective international regime can be adjudicated into being by the International Court of Justice or legislated by the Security Council or General Assembly.

An effective multilateral response to today’s security challenges must be the work of the entire international community—of citizens who demand a responsive and effective international regime and who hold it accountable, and of member states, whose servant the UN system remains. Imaginative Secretaries-General have inspired this work, they have

consulted and cajoled. Their best initiatives have never come as a surprise to the world—they have been born in collaborative discussion with the international regime's many stakeholders.

Before I go further, however, to suggest what I believe our multilateral system might become, I must acknowledge that it is reasonable for people to ask whether we can any longer entrust the United Nations with our hopes for a more secure and just world.

In the years since the Charter was signed, other institutions have emerged—non-governmental bodies and private networks, religious institutions and corporate enterprises—that can seem far more potent, reliable and user-friendly. The number of regional institutions has increased. Communication and transportation is everywhere easier than it was in 1945—the need for a single diplomatic site seems less pressing. The United Nations was designed primarily to facilitate diplomatic conversation—it now finds itself mounting large scale administrative, humanitarian and military operations across the globe.

Moreover, we all know that the United Nations has not always risen to the challenges placed before it by the international community. U.N. peacekeeping troops have not always lived up to the standards of humanitarian law. The most profound finding of the Volcker inquiry into the Oil-for-Food Program was not the smoking gun of this or that misallocated fund—but a broad culture of mismanagement.

It is not clear the U.N. structure reflects the realities of power in the world today. The Charter gave the great powers of 1945 a privileged place in the Security Council—great power, and also special responsibility for collective security. It is right to ask whether an institution so locked in time can function effectively now that the map of economic, military and political power has been so altered.

In short, it is right to ask whether the United Nations, without deep reform, can be entrusted with our security and with our hopes for justice. And here, my answer is no. Without reform, serious, long-term reform, the United Nations cannot and should not be entrusted with our common hope for a more secure and just global order.

In my time with you this afternoon, I would like to look at what the United Nations might accomplish in responding to today's peace and security challenges, and then explain briefly why I believe reform at the United Nations to be so central to our common future.

## II. USE OF FORCE AND THE UNITED NATIONS

By joining the United Nations, states commit themselves not to use force except as authorized by the U.N. Charter—not as authorized by the United Nations, but as authorized by the Charter.

The Charter did not promise that all conflicts would be resolved peacefully—nor that force would never again be used. The U.N. system was to be far more realistic than the ill-fated Kellogg-Briand Pact of 1928, by which states undertook to “renounce [war] as an instrument of . . . policy.”<sup>3</sup> Instead, the Charter established a common legal framework for analyzing the use of force and a political machinery for encouraging the multilateral resolution of conflict.

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3. The Kellogg-Briand Pact art. 1, Aug. 27, 1928, 46 Stat. 2343, 94 L.N.T.S. 57 (1928).

A. *The Legal Framework*

The Charter requires that “All Members shall settle their international disputes by peaceful means”<sup>4</sup> and that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>5</sup> Moreover, the Charter is crystal clear that states retain “the inherent right of individual or collective self-defence if an armed attack occurs . . . until the Security Council has taken the measures necessary to maintain international peace and security.”<sup>6</sup>

The formal legal result is clear, simple and important. There is a broad consensus among legal experts that the only use of force now permitted in the absence of Security Council action is collective or individual self-defense in response to an attack.

Although significant, this broad legal consensus has not yet given us a world at peace. We can expect the most difficult cases to test the boundaries of this consensus. Moreover, much violence escapes its formal grasp—internal strife, civil war. As lawyers, we can immediately see the need for interpretation. It has long been recognized, for example, that in an age of nuclear weapons one need not wait for the attack to occur—but how soon can one do how much in the face of what manner of threat? The Charter exempts “matters which are essentially within the domestic jurisdiction of any state,”<sup>7</sup> and many of today’s greatest threats to international security might well be understood by some to fall within one or another state’s exclusive jurisdiction. Perhaps most significantly, how are we to evaluate the use of force to advance the purposes of the United Nations, particularly where the Security Council has not acted? All these matters remain disputed, as they have since the Charter was signed.

We must all work to ensure that war does not slip in through the cracks opened by these difficult questions of interpretation. Where states are able to meet their obligation to settle disputes peacefully—perhaps with the help of the United Nations—the hard questions can certainly be avoided. Indeed, much can be done before there is resort to force. As Dag Hammarskjöld and so many of his successors have demonstrated, the good offices and mediation of an active Secretary-General can often facilitate conflict prevention and resolution before states resort to force. The good offices of the Secretary-General have successfully mediated countless conflicts—as Kofi Annan stresses—more in the past fifteen years than in the past two centuries. Avoiding recourse to war requires strong and effective leadership at the national, as well as the multinational, level. The work necessary will not always be visible or make headlines. Peaceful resolution requires consultation, negotiation and the steady accumulation of trust. To be successful, our multilateral leaders must work in close and steady partnership with the world’s great powers, and with all stakeholders in a just and peaceful solution. As a result, we should expect that the most effective political and diplomatic work necessary to avert conflict will be undertaken behind the scenes.

Today, we have many more tools at our disposal—regional institutions, bilateral and multilateral partnerships, and a variety of frameworks for dialogue and cooperation. Where the parties to a dispute can be convinced to step back from the brink, allowing a “thin blue

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4. U.N. Charter art. 2, para. 3.

5. *Id.* at art. 2, para. 4.

6. *Id.* at art. 51.

7. *Id.* at art. 2, para. 7.

line” of peacekeepers to stand between them, disputes can often be slowed down or diffused until resolution is possible.

But this, unfortunately, is not always possible. Today’s security challenges present competing priorities alongside common interests. States disagree—vigorously. Meanwhile, the institutional agenda can become crowded with trivia while the most crucial concerns are left unattended. In the most difficult cases, every substantive legal framework depends on the procedures for its interpretation.

### *B. The Political Machinery for Decision*

Our multilateral regime for making decisions is a subtle mix of institutional competences. The U.N. Charter sits atop the traditional regime of public international law. The United Nations does not stand at the apex of a federal order. It offers a constitutional framework for what remains an essentially horizontal legal order. Sovereigns remain the “first-instance” interpreters of their own obligations. Leo Gross—following Hans Kelsen—called it “auto-interpretation.” In this sense, it is correct that every state in the first instance interprets its own obligations—including its right to self-defense under Article 51.

But each state’s own interpretation is not the end of the matter. It is only the beginning. Sovereigns are in a continual conversation with one another, testing and affirming their prerogatives by the reaction of other states. The United States routinely sends its navy through contested straits to affirm its right to passage. The power of the affirmation depends upon the response. It is the acquiescence of those who might contest the assertion that confirms the legitimacy of American passage.

The rules about force work the same way—states assert their prerogatives to one another. The currency of international power is legitimacy, and international law provides a vocabulary for assessing the legitimacy of every sovereign’s “auto-interpretation.” More well-founded claims are more legitimate. More legitimate claims are more powerful. There can be an upward spiral—an exercise of power regarded as legitimate can enhance its power. The multilateral system can be, in effect, a force multiplier for those whose acts are widely accepted as legitimate. And, of course, where a state’s claim is not perceived to be legitimate, the political costs of insisting upon it will be higher.

*This is the central insight of the Charter scheme:* what states do to ensure their own security—even what they do in self defense—will be more effective, more legitimate, and more enduring, where it stands the test of scrutiny by the world community and receives multilateral support.

Of course the use of force will always be controversial—because sovereignty and so much more is at stake. But the Charter did not promise to eliminate controversy. Nor was the regime intended to resolve all conflicts. The framers clearly recognized, for example, that the Security Council could not force the resolution of conflicts against the will of the great powers. That is why they were granted a veto.

The Charter provided the terms for a conversation among states about the legitimacy of their actions. And, most importantly, it promised the availability of multilateral legitimacy and institutional backing for action taken under its terms. And the Charter’s offer of a multilateral mechanism for testing sovereign claims against the will of the world is also available to the great powers. Their claims and assertions are also more legitimate—and easier to sustain—when their legitimacy has been tested by the international community. This is why Adlai Stevenson took American claims about Soviet missiles in

Cuba to the Security Council—and why Colin Powell presented American claims about Iraq to the world in the same forum.

The U.N. Charter provides the only globally shared language for speaking about the use of force and the requirements of security. In this conversation, the legal framework can shift. After the World Trade Center attacks, for example, the claim that the right of self-defense applied against those states that aided or tolerated non-state actors intent on carrying out terrorist attacks was widely and immediately accepted.

The remarkable thing about the United Nations has been the contribution it has been able to make across six decades despite deep differences among the great powers. Dag Hammarskjöld saw most clearly that the United Nations can have its most productive role in conflicts that do not implicate the security interests of great powers in different ways: where there is consensus among the great powers, in conflicts all wish to see resolved, or in areas of the world where none have crucial interests. We can expand this list—to security issues such as nuclear proliferation, terrorism, pandemics or the security of crucial international economic networks—all of which affect all states.

### *C. Collective Action for Our Common Security*

The United Nations is not only a forum for validating the legitimacy of sovereign claims. The Security Council also makes it possible for the international community to act collectively—not only to “investigate any dispute”<sup>8</sup> and “recommend appropriate procedures or methods of adjustment,”<sup>9</sup> but also to take measures to “maintain or restore international peace and security.”<sup>10</sup> Security Council action should always be a last resort—states have an obligation to settle their own disputes peacefully. But the possibility of Security Council action can itself be a powerful tool in the search for a peaceful solution. It is the Security Council, for example, that backs up the nonproliferation regime with the possibility of sanctions.

Moreover, sometimes force will be necessary to defeat aggression. We must remember that the United Nations has no monopoly on the use of collective force. All states retain the right to collective as well as individual self-defense where the Security Council has not acted or will not act. Where the Security Council cannot act, we have often seen creative efforts to “work around” institutional limitations—perhaps most dramatically in the General Assembly’s United for Peace Resolution authorizing UN engagement in the Korean conflict.

Nevertheless, the Security Council offers the unique possibility for a collective self-defense that is multilateral, tested before the opinion of the world community, and backed up by the legitimacy of the Charter. In the wake of the terrorist attacks of 11 September 2001, the United States turned to the United Nations and to the institutional support provided by the Security Council to legitimate international actions to combat terrorism—where else could it have gone to receive so wide a hearing, or seek so effective a multilateral decision?

Certainly, our collective security machinery can be improved. The Security Council can—and should—be more representative and more effective in its decision making. Expanding the Security Council would, of course, require Charter amendment—and must

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8. U.N. Charter art. 34.

9. *Id.* at art. 36, para. 1.

10. *Id.* at art. 39.

be the project of the member states. In these and other ways, improving the Security Council—like using it—will require political courage, in the capitals of the member states and at the organization itself. Ultimately, I am convinced that the U.N. contribution to peace and security relies on states finding truth in this central fact—that acting together we are all stronger and more secure.

*D. Responsibility to Protect*

The United Nations' contribution to peace and security has from the very beginning been wrought by interpreting the Charter flexibly. Good offices, peacekeeping—these were innovations not explicitly contemplated in the Charter. One recent innovation demonstrates the flexibility of the Charter framework. At the World Summit this autumn, heads of state agreed that the international community has a responsibility to help protect populations “from genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>11</sup> This is an encouraging affirmation—broadly interpreting the mandate of the collective security apparatus to respond to “any threat to the peace, breach of the peace or act of aggression.”<sup>12</sup> It strengthens all of us who are committed to multilateral engagement where human values are most threatened.

It is not, of course, altogether new. States already have a duty to ensure that their populations are protected from genocide and violations of human rights. Indeed, sovereignty has long been a matter of both rights *and* responsibilities. The Charter provided “that armed force shall not be used, save in the common interest.”<sup>13</sup> Defining the common interest to include protection from ongoing genocide and crimes against humanity affirms that the global community's collective interests extend beyond defense from armed attack.

The challenge, of course, is the age old question, “Who decides?” In my view, the international community must interpret the “responsibility to protect” with a view to strengthening respect for the exercise of multilateral responsibility. The Security Council remains the most legitimate body to vet and approve proposals for multilateral exercise of the responsibility to protect, and more broadly, for the use of force. The Council's burden is to uphold the growing understanding among the community of nations that when states are unable to protect their citizens, the international community has a moral responsibility to intervene. We should focus on ensuring they rise to the challenge inherent in that burden. It is easy to fear an international community exercising its “responsibility to protect” too often, in too cavalier a fashion, overstepping the legitimate rights of sovereigns. That must not happen. But it would be equally the undoing of our international community if we forewent action in the face of genocide.

### III. POVERTY ALLEVIATION AND THE THREAT OF ECONOMIC VULNERABILITY

I have spoken at some length about security in the traditional sense—security from the scourge of war. But for the citizens of the world, economic security can be every bit as precious. Vulnerability to economic hardship can be every bit as frightening.

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11. 2005 World Summit Outcome, G.A. Res. 60/1, para. 138, U.N. Doc. A/Res/60/1 (Oct. 24, 2005).

12. U.N. Charter art. 39.

13. *Id.* at pmbl.

By now we know the horrifying facts: one-fifth of the world's population—1.2 billion people—survive on less than one U.S. dollar a day. Eleven million children under the age of five perish every year—more than 1,200 children every hour. Preventable death and suffering should shock our conscience. We can do better.

The links between economic and military security are clear. Military conflict can wipe out a generation of economic progress in an afternoon. Communities trapped in the nightmare of poverty can stoke the embers of ethnic conflict and political extremism. Indeed, prosperity must be shared to be stable. Disease, hunger and illiteracy impede participation in the global economy. Extreme poverty blocks the first move towards developing self-reliance and erodes dignity as well as security.

There is no one way forward to prosperity—there are many. The U.N. Millennium Development Goals (MDGs) have laid down a framework for poverty eradication. They are a strong beginning. We must find the global commitment to redeem their promises and pledges by action. At the same time, we must build the local conditions, the local expertise and knowledge, the regional and neighborly collaboration necessary to spread the benefits of growth and to ensure the stability needed for our poorest citizens, regions and neighbors to prosper.

We must all ensure that our neighbors also prosper, as we must all ensure that our global neighborhood remains peaceful. Debt relief by the North may be greatly welcomed, but it must be accompanied by financing for development that enables countries in the South to achieve development through self-help. Any debt relief without job and income creation is unlikely to lead to sustainable development. Soon there will be more debts. To be effective, programs to promote self-help must be income generating, must be based on a people-centered approach, and must forge a true partnership among the government, the people, the civic society and the private sector. Aid should be targeted to address economic dualism and inequality by facilitating participation by the poor in the productive economy. Strategies must focus on improving public investment to ensure it will benefit the poorest of the poor in a way that will break the cycle of poverty and provide the poor with real opportunities. Poverty reduction must create ownership.

Certainly, these will not all be tasks for our multilateral institutions—national and local authorities will need to take action. We will need to actively engage the private sector. Empowering the poor will require more effective mechanisms for their participation in both the North-South and the South-South partnership. Our multilateral institutions could do more to facilitate sharing of local experience with poverty alleviation and social inclusion. The presence of so many non-state actors on the international stage opens new directions for coordinated action. Many countries in the South have gone through successful self-help schemes with effective partnership and job and income creation programs. The United Nations can be an incubator of ideas as well as a clearing house of practices and experiences. Based on their stories of success and failure, the United Nations and its Member States, together with its agencies, must work closer for tailor-made development initiatives to bring real changes toward people-centered sustainable development.

One thing we can surely do through our multilateral frameworks, however, is to affirm a common vision: that peace is more than the absence of conflict, and that prosperity is more than a growing GDP. Where prosperity remains a promise only for the few, the many can look in, but may find no entry other than to smash the screen. For peace to endure, it must put down roots in social justice—and social exclusion must give way to collective empowerment. The poor must feel that they are part of the solution, not the problem—this is the promise of larger freedom.

#### IV. NUCLEAR SECURITY

Let me turn to two serious and immediate challenges posed for our multilateral security regime: nuclear proliferation and terrorism. Political dynamics, technological advances and globalization have placed severe strains on our global regime for nuclear security. No one institution, no one approach, can resolve so complex—and so urgent—a problem. But we should be very concerned that the World Summit Outcome document failed to address both the problems of nuclear proliferation and disarmament.

Indeed, the Non-Proliferation Treaty (NPT) regime itself is under more pressure today than at any time in its history—and yet never has it been as important to reaffirm and strengthen our commitment to it. The threats are new, the technology has changed, globalization has made the work of those who would proliferate far easier. The Nobel Peace Prize awarded to Dr. ElBaradei and his colleagues at the International Atomic Energy Agency (IAEA) was not only to recognize their past contributions to nuclear security, but to underscore the importance of supporting their initiatives as we face the next generation of proliferation issues, as well as today's very serious challenges.

We must realize that the international regime for nuclear security is not only multilateral. It is a patchwork of different schemes—the NPT, the IAEA, backed up by the Security Council, as well as the decentralized and often bilateral efforts to guard against “loose nukes” and to cooperate on interdiction, investigation and enforcement of national laws prohibiting proliferation.

This complex system needs to be strengthened through coordination, better mechanisms for oversight and verification, and more integrated means of cooperation among nations. We will continue to need forceful bilateral and multilateral diplomacy, deeper cooperation among national regimes in securing the technology and material necessary for building nuclear weapons, as well as renewed multilateral efforts to encourage broader disarmament and stronger international efforts to ensure the security of all states.

We must frame these problems with clarity to address them effectively. For example, we must recognize that proliferation among states and non-state actors are linked. The potential for terrorists to acquire nuclear weapons or materials poses an absolutely unacceptable threat. States must ensure the security of nuclear material within their borders, and must be supported in doing so by multilateral and bilateral cooperation. Whether civilian or military, efforts by states to enhance the security of nuclear facilities—as well as improved export controls for dual use products and materials—remain the leading tools to fight the danger of proliferation among non-state actors. Design and implementation of these security programs and regulations requires financial, human and technical resources. Providing them will require bilateral cooperation supported and supplanted by the work of multilateral institutions. Indeed, efforts to monitor and eliminate the black market trade in fissionable materials and technology will only be successful if pursued with the unequivocal backing of the international community. The United Nations must continue to support these efforts. Security Council Resolution 1540<sup>14</sup> and the Proliferation Security Initiative are important first steps but more can be done.

At the same time, the non-proliferation regime must itself be strengthened. Illicit weapons programs in signatory states—as well as weapons development by non-signatories—can become, wittingly or unwittingly, the basis for access to nuclear materials and technology by non-state actors. This is why the NPT regime should be expanded to non-signatories and strengthened by enhanced verification and inspection capabilities. In

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14. S.C. Res. 1540, U.N. Doc. S/RES/1540 (Apr. 28, 2004).

this entire area, we will need new ideas and initiatives. It is increasingly difficult to prevent access to nuclear technology, but one vulnerable bottleneck remains—fuel enrichment. Proposals for multilateralizing the nuclear fuel cycle deserve more attention. Regional monopolies on enrichment, with adequate inspection, would strengthen our ability to prevent dispersion of enriched fuel. The promising American initiative to develop cooperation for the interdiction of illicit material on the high seas, and now also in aviation, might well be strengthened and broadened by multilateral efforts. We will need to strengthen the IAEA's inspection and verification powers. More importantly, we need to garner the political commitment of all states to subject themselves to such verification. Internationally, the IAEA has enormous expertise on technical issues. They rely, however, on the Security Council for the back up necessary to ensure compliance. In the end, states must meet their responsibilities to ensure their territory is not a platform for proliferation.

We must recognize that a root cause of proliferation among states remains the pervasive feeling of insecurity. Roughly thirty countries live under the security of a nuclear umbrella, either as nuclear states or as their allies. For the rest there is no credible regional or multilateral security system. The United Nations' collective security function through the Security Council has not proved reliable enough, nor have regional security arrangements. In the final analysis, like all disarmament issues, nonproliferation will only yield to diplomatic pressure and international cooperation when every state's legitimate security concerns are also attended to. The United Nations alone cannot solve these issues—but there is a great deal it can do. The Secretary-General, for example, could assume a more proactive role, offering good offices to address long-standing conflicts. Doing so would require a strong policy team in the Secretary-General's office, as well as steady and close collaboration with member states. The United Nations can also be an important forum to build the consensus necessary for meaningful disarmament.

States have a right to the peaceful use of nuclear energy. But that right is qualified. States have a responsibility to ensure that activities in their territories do not threaten the security of others in the international community—no state has the right to tolerate activities that may lead to nuclear terrorism. The international community can do a great deal to assist states in developing sustainable energy policies that do not threaten proliferation. I am confident that we can harness nuclear energy peacefully if we remain committed to a multilateral framework of qualitative inspection and verification.

## V. TERRORISM

Let me turn to terrorism. The United Nations has repeatedly found itself unable to define terrorism—it would be easy to conclude that there is no unified international regime in place to address terrorism. Each nation faces this new global threat alone—or with its closest friends—without the help of a functioning multilateral regime.

But this is a mistaken view. Of course it is unfortunate that a consensus definition could not be reached at the World Summit. That said, acts of terror are already illegal everywhere in the world, under both national and international law. The most basic doctrines of state responsibility give every state the duty to ensure that its territory is not used to harbor terrorists or others threatening attacks on other states. Thirteen different treaties target the illegality of terrorist acts and provide tools for multilateral cooperation in the fight against terrorism. Numerous multilateral arrangements facilitate the sharing of intelligence about terrorist groups and efforts to block access to funding by known terrorists and terrorist organizations. Our focus should be on using this regime as

aggressively as possible to coordinate our response to the threat terrorism poses to international peace and security.

Fighting terrorism begins with recognition that the tactic of terror is never acceptable. The targeting of innocent civilians can never be justified. Moreover, it is now clear that terrorists, wherever they are located, are the enemies of the entire international community. Kofi Annan has rightly stressed that terrorism is a direct attack on the United Nations' core values: the rule of law; the protection of civilians; mutual respect between people of different faiths and cultures; and peaceful resolution of conflict. What can be done? The rise of global terrorist networks requires new and commensurate responses—a combination of law enforcement, intelligence, and diplomacy, backed up where necessary by the legitimate and credible threat of military force.

It is easy to forget how much the United Nations is already contributing to the fight against terror. We easily overlook the role played by the International Civil Aviation Organization in fostering a secure global commercial aviation system. Or the International Maritime Organization's role in protecting our ports with tougher port and ship security standards. Or the U.N. Office on Drugs and Crime's role in combating drug trafficking, organized crime and international terrorism. Or the role that the World Health Organization plays in coordinating our response to global health risks, including those posed by terrorists. The Counter-Terrorism Committee of the Security Council already plays an important role in recommending measures that states might undertake to fight terror, and in matching those countries needing technical assistance in their counterterrorism efforts with potential donors.

But more can and should be done. Terrorism is both a threat to international peace and a criminal act. We must mobilize our multilateral machinery on both fronts. Where there has been a terrorist act, the international community must be united in tracking down the perpetrators. The international community should support the work of national governments seeking to bring terrorists to justice. We must all cooperate to reduce the capacity of terrorist organizations to mobilize funding and support or to find immunity. This is an area where we need creative thinking—how best to extend our transnational cooperation to prevent as well as to prosecute terrorist strikes, how better to share intelligence, how best to assist nations as they strengthen their own law enforcement capacities. We should better coordinate national efforts to identify and eliminate channels of funding and support for terrorist acts. A more effective web of multilateral action can strengthen each nation in its fight against terror.

The international community plays a useful role when we are united in condemning acts of terrorism. It would be easy to think we would be more likely to do so, or could do so more readily, were we able to find consensus on a definition of terrorism. I am less sure. There is something strange about legal negotiations. We often find governments willing to denounce acts of terror, willing to stand side by side in condemnation, when they have not been able to agree on a legal definition. In this struggle we should focus on action—not on language.

Moreover, the absence of a definition results not only from the problem of perspective—the old idea that “every man's terrorist is someone else's freedom fighter.” That can be true, although I am encouraged by the willingness of so many to condemn innocent attacks on civilian life regardless of what their perpetrators offered as justification. It is also true that terrorism is itself a complex phenomenon. The state-sponsored use of terror tactics, state-sponsored terrorist organizations, the multinational criminal networks, the loose global alliance of like-minded extremists, these are all different challenges that require a differentiated response. A firm and nuanced response is more crucial than agreement on any single definition.

We must recognize that terrorism is a problem that will be with us for a long time. It will require vigilance across changes in governments, across changes in the international institutional structure, and across changes in the tactics and motivations of terrorists themselves. To stay the course, we must carefully calibrate our response. We must be careful that our short term responses to terrorism do not aggravate the problem we are seeking to solve.

Where states ignore their responsibilities, they must be held accountable. No state has the right to allow its territory to be used to threaten another with terrorism. Where individual terrorists and terror networks are sustained by transnational criminal activity, we must collaborate in its investigation and prosecution, and in the preventive action necessary to keep our communities secure. We should cooperate to defend crucial economic and social infrastructures. Only through intense bilateral and multilateral efforts—including in the field of nonproliferation—will we be able to deny terrorists access to weapons of mass destruction. We should develop the capacity of all states to prevent terrorism. Weak states are particularly vulnerable, and only if we help them to develop the necessary indigenous institutions will we be able to deter terrorists from using weak states as havens where they can recruit and train personnel.

There are many reasons to be hopeful about our common struggle against terrorism. The number of signatories to all current conventions on terrorism has increased from just two to over sixty—all in the last four years—an impressive track record. We should study successful national antiterrorist efforts—in the United Kingdom, in Spain, in the United States—wherever they can be found. The multilateral system can be a force multiplier for good ideas.

At the same time, the international community must accelerate our efforts to cultivate a culture of peace through inter-religion and interfaith dialogue and cooperation. This is the time to recognize diversity, to live with it, and to let diversity enrich and strengthen the world. This is the time to learn to embrace the diversity within every culture, alongside differences in faith and belief. This is the time to understand that the values of peace, of social equality and of the sanctity of life are common to all religions. A culture of peace and a dialogue among all faiths can instill values of tolerance, mutual respect and understanding of diversity and differences. How can we lament the fact that others do not understand us if we do not ourselves make efforts to understand them?

## VI. REFORM: THE NECESSARY FIRST STEP

So, as you can see, my answer is yes, multilateralism remains a faith worth fighting for. And yet, we must acknowledge the shortcomings of our existing multilateral institutions. Before the United Nations can be entrusted with our hopes for international peace and security, it must be profoundly reformed. Only a well-managed and accountable United Nations can muster the cooperation necessary for broader institutional reforms and the new initiatives necessary to meet today's security threats.

There is no longer any question that management reform of the UN Secretariat—flagship for our multilateral hopes—must come first if it is to provide the necessary leadership for the initiatives I have discussed here today. In the reform process, we will need to be open to ideas and practices from other sectors—in particular to management tools from the private sector, and to the lessons learned by other public sector actors, nationally and internationally, about successful management reform and anticorruption tools.

But wise plans abound about just what needs to be done, and I will not take your time here to rehearse them. Everyone understands that reform is a process. A start was made this past September at the World Summit. But only a start. To press forward will require continued political will and a solid partnership with key partners—including, most crucially, the United States, the organization's founder, its major funder and its host.

Whatever we wish our institutions to achieve, they must first be well managed, their staff alive to new possibilities, their procedures transparent and accountable. Working in the private sector, I have seen the significance of the entrepreneurial spirit and the importance of wise and steady management. We should build performance benchmarks, goal indicators and real timelines into our plans and promises. Accountability should be our motto—not only for our development institutions. Accountability of states to their citizens, of states to one another, of international institutions to their members, and of this present generation to future ones.

We must be sure, however, that accountability means the right thing in the right context. The accountability of international institutions to their member states is a matter of strategic partnership, of shared vision and shared objectives. The accountability of our institutional management is one of honesty and absolutely faithful adherence to rules. The accountability of our institutions and diplomatic initiatives to citizens is a matter of political and moral commitment, requiring transparency and opportunities for dialogue and democratic choice.

Accountability to the General Assembly should not mean micromanagement. It should mean a politically vigorous Assembly, setting strategy and holding the Secretariat responsible for results. An accountable Security Council should not mean a body too large to be effective. It should mean representation of stakeholders across the globe, including the greatest powers in a body able to decide and act effectively. Accountability for an organization like the Economic and Social Council should not mean the publication of countless pronouncements and reports—it must mean a focused objective and clear role as a clearinghouse for coordinating the efforts of diverse multilateral, national and local best practices. For the organization as a whole, accountability must mean ensuring that the United Nations uses the most effective strategy, fosters the most ethical conduct, and delivers the most tangible results. Ultimately, as trustee of our hopes for a peaceful and secure world, the United Nations must be accountable to all of us—to the world's citizens. Our United Nations should be the global avatar of good governance, sound management and accountability.

The support of the great powers and of all the United Nations' major donors is crucial. But we must remember that most of U.N. activities occur elsewhere—in Asia, in Africa, in Central and South America, in the Middle East. The citizens and governments of nations who host and benefit from the United Nations' work—whether in the fields of security, humanitarian relief, or development—are also stakeholders. Any U.N. reform agenda must, therefore, be both balanced and fair. It must ensure that the legitimate interests of all Member States in the reform process are met. Increased managerial authority and flexibility must be balanced by political accountability to all of the United Nations' constituents. A U.N. reform agenda must balance greater institutional effectiveness and managerial authority with political responsiveness and accountability.

## VII. THE PROMISE

Let me conclude. The peace and security promises of the U.N. Charter are as significant now as they have ever been. The peace we seek today will not be the peace of the status quo. Urgent change is already upon us. We must rekindle the aspiration for both

collective security and peaceful change. To manage peace, we must learn to manage change. The peace and security we seek is not for the elites alone—the world’s poorest, neediest, most powerless have the most to gain should we realize the Charter’s eloquent promise of life “in larger freedom.”<sup>15</sup>

The use of force by non-state actors, nuclear security, terrorism, the social dualism of enduring poverty—all these threaten us today in new ways. But the legal and institutional foundation for responding is sound. Innovations in technology and in communication open opportunities for fighting pandemics and coordinating local and national responses to transnational crime. We can all now see how small our world has become. We will need political, cultural and moral courage to use our multilateral system and to act in the common interests of mankind. The challenge is to find the collective moral and political courage to “unite our strength,” in the words of the Charter, “to maintain international peace and security, and to ensure . . . that armed force shall not be used, save in the common interest.”<sup>16</sup> And all this with the hope that we might achieve “social progress” and live in “larger freedom.”

The international community has time and time again demonstrated unity and courage to live up to these words. There is much to be hopeful about. The United Nations provides a unique, inclusive and legitimate terrain to imagine together a common future. I have no doubt that it—and we—will rise to the challenge.

Thank you.

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15. U.N. Charter pmbl.

16. *Id.*

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