

Two concepts of sovereignty

by Kofi A. Annan

As heads of state and government gather in New York for the annual session of the UN General Assembly Kofi Annan, the UN secretary-general, gives us his thoughts on international intervention in humanitarian crises, and the changes needed for the next century.

The tragedy of East Timor, coming so soon after that of Kosovo, has focused attention once again on the need for timely intervention by the international community when death and suffering are being inflicted on large numbers of people, and when the state nominally in charge is unable or unwilling to stop it.

In Kosovo a group of states intervened without seeking authority from the United Nations Security Council. In Timor the council has now authorised intervention, but only after obtaining an invitation from Indonesia. We all hope that this will rapidly stabilise the situation, but many hundreds—probably thousands—of innocent people have already perished. As in Rwanda five years ago, the international community stands accused of doing too little, too late.

Neither of these precedents is satisfactory as a model for the new millennium. Just as we have learnt that the world cannot stand aside when gross and systematic violations of human rights are taking place, we have also learnt that, if it is to enjoy the sustained support of the world's peoples, intervention must be based on legitimate and universal principles. We need to adapt our international system better to a world with new actors, new responsibilities, and new possibilities for peace and progress.

State sovereignty, in its most basic sense, is being redefined—not least by the forces of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty—by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties—has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.

These changes in the world do not make hard political choices any easier. But they do oblige us to think anew about such questions as how the UN responds to humanitarian crises; and why states are willing to act in some areas of conflict, but not in others where the daily toll of death and suffering is as bad or worse. From Sierra Leone to Sudan, from Angola to Afghanistan, there are people who need more than words of sympathy. They need a real and sustained commitment to help end their cycles of violence, and give them a new chance to achieve peace and prosperity.

The genocide in Rwanda showed us how terrible the consequences of inaction can be in the face of mass murder. But this year's conflict in Kosovo raised equally important questions about the consequences of action without international consensus and clear legal authority.

It has cast in stark relief the dilemma of so-called "humanitarian intervention". On the one hand, is it legitimate for a regional organisation to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked? The inability of the international community to reconcile these two compelling interests in the case of Kosovo can be viewed only as a tragedy.

To avoid repeating such tragedies in the next century, I believe it is essential that the international community reach consensus—not only on the principle that massive and systematic violations of human rights must be checked, wherever they take place, but also on ways of deciding what action is necessary, and when, and by whom. The Kosovo conflict and its outcome have prompted a debate of worldwide importance. And to each side in this debate difficult questions can be posed.

To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might say: leave Kosovo aside for a moment, and think about Rwanda. Imagine for one moment that, in those dark days and hours leading up to the genocide, there had been a coalition of states ready and willing to act in defence of the Tutsi population, but the council had refused or delayed giving the green light. Should such a coalition then have stood idly by while the horror unfolded?

To those for whom the Kosovo action heralded a new era when states and groups of states can take military action outside the established mechanisms for enforcing international law, one might equally ask: Is there not a danger of such interventions undermining the imperfect, yet resilient, security system created after the second world war, and of setting dangerous precedents for future interventions without a clear criterion to decide who might invoke these precedents and in what circumstances? Nothing in the UN charter precludes a recognition that there are rights beyond borders. What the charter does say is that "armed force shall not be used, save in the common interest." But what is that common interest? Who shall define it? Who shall defend it? Under whose authority? And with what means of intervention? In seeking answers to these monumental questions, I see four aspects of intervention which need to be considered with special care.

First, "intervention" should not be understood as referring only to the use of force. A tragic irony of many of the crises that go unnoticed or unchallenged in the world today is that they could be dealt with by far less perilous acts of intervention than the one we saw this year in Yugoslavia. And yet the commitment of the world to peacekeeping, to humanitarian assistance, to

rehabilitation and reconstruction varies greatly from region to region, and crisis to crisis. If the new commitment to humanitarian action is to retain the support of the world's peoples, it must be—and must be seen to be—universal, irrespective of region or nation. Humanity, after all, is indivisible.

Second, it is clear that traditional notions of sovereignty alone are not the only obstacle to effective action in humanitarian crises. No less significant are the ways in which states define their national interests. The world has changed in profound ways since the end of the cold war, but I fear our conceptions of national interest have failed to follow suit. A new, broader definition of national interest is needed in the new century, which would induce states to find greater unity in the pursuit of common goals and values. In the context of many of the challenges facing humanity today, the collective interest *is* the national interest.

Third, in cases where forceful intervention does become necessary, the Security Council—the body charged with authorising the use of force under international law—must be able to rise to the challenge. The choice must not be between council unity and inaction in the face of genocide—as in the case of Rwanda—and council division, but regional action, as in the case of Kosovo. In both cases, the UN should have been able to find common ground in upholding the principles of the charter, and acting in defence of our common humanity.

As important as the council's enforcement power is its deterrent power, and unless it is able to assert itself collectively where the cause is just and the means available, its credibility in the eyes of the world may well suffer. If states bent on criminal behaviour know that frontiers are not an absolute defence—that the council will take action to halt the gravest crimes against humanity—then they will not embark on such a course assuming they can get away with it. The charter requires the council to be the defender of the “common interest”. Unless it is seen to be so—in an era of human rights, interdependence and globalisation—there is a danger that others will seek to take its place.

Fourth, when fighting stops, the international commitment to peace must be just as strong as was the commitment to war. In this situation, too, consistency is essential. Just as our commitment to humanitarian action must be universal if it is to be legitimate, so our commitment to peace cannot end as soon as there is a ceasefire. The aftermath of war requires no less skill, no less sacrifice, no fewer resources than the war itself, if lasting peace is to be secured.

This developing international norm in favour of intervention to protect civilians from wholesale slaughter will no doubt continue to pose profound challenges to the international community. In some quarters it will arouse distrust, scepticism, even hostility. But I believe on balance we should welcome it. Why? Because, despite all the difficulties of putting it into practice, it does show that humankind today is less willing than in the past to tolerate suffering in its midst, and more willing to do something about it.

