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Globalization: New Challenges

From the EPIIC Symposium at Tufts University

Dr. Cornelio Sommargua, former President of the International Committee of the Red Cross; former member, International Commission on Intervention and State Sovereignty:

At a time when the information revolution has largely freed economics from the reins of politics, when globalization has indeed brought economic growth and liberated innovation, there is a need to also globalize responsibility. The state is being undermined by the assertion of so many different identities.

Globalizing responsibility implies, I believe, the improvement of human security, that is, the security of individual persons — their physical safety, their economic and social well-being, respect for their dignity and worth as human beings, and the respect of human rights and fundamental freedoms, namely those of religious choice. There is a growing recognition worldwide that the concept of security must include people as well as states. This is particularly evident after the dreadful terrorist attacks on New York and Washington and the events that have followed September 11, 2001.

The inter-related challenges to human security and peace require an international multilateral response of the whole world system, and this calls for increased cooperation between international organizations with enhanced authority for the UN. Security can only be obtained on the basis of a just and sustainable world order. International cooperation must also include a strong, well-respected judicial element like the International Criminal Court. No country, whether large or small, can protect itself from global threats by itself.

Let me insist that attacking only the symptoms of terrorism will address neither its systematic nature nor its underlying causes. The most effective response is to establish universal good governance and secure human rights for all. Civil liberties, the rule of law, must be respected in any response to terrorism and such response measures must always conform to international law, especially international humanitarian law. I also strongly believe that globalizing responsibility implies a responsibility to protect and, as the International Commission on Intervention and State Sovereignty has firmly stated, the responsibility to protect includes the accompanying responsibility to prevent. It is more than high time for the international community to be doing more to close the gap between rhetorical support for prevention and tangible commitment. Yes indeed, the prevention of conflicts and other forms of manmade catastrophes is first the responsibility of sovereign states and the communities and institutions within them. A firmer national commitment to assuring fair treatment and fair opportunities for all citizens provides a solid basis for conflict prevention. Efforts to ensure accountability and good governance, to promote social and economic development, and to ensure a fair distribution of resources are also part of conflict prevention, as are the containment of corruption and of small arms and light weapons transfers and humanitarian demining programs.

An important aspect of the ICRC report about the so-called "right of humanitarian intervention" is the determined shift in focus to the responsibility to protect. We have wished to avoid ambiguities, to prevent the possible militarization of humanitarian action, and particularly with a responsibility to protect, to be closer to victims. We also wanted to make clear that the humanitarian objective cannot be used as a shield for operations that have other objectives. It also permitted the development of principles for military intervention while requesting that less intrusive and coercive measures be conceded before such an intervention. The just cause was defined in a very restrictive way, mentioning, on the one side, large-scale loss of life, and, on the other side, large-scale ethnic cleansing. There are four major precautionary principles: the right intention, the last resort, proportional means, and reasonable prospect. The commission also spent some space to indicate the right authority.

There is no better or no more appropriate body than the UN Security Council to authorize interventions for the purpose of human protection, and we tried to show how to make the Security Council work better. Let me, however, insist on the necessity for action by the Security Council in cases where in a conscience-shocking situation the responsibility to protect appears evident. Should it not act then, individual states may conduct a military intervention without the constraint and discipline that would be inherent in a UN authorization. At any rate, inaction by the Security Council followed by an armed intervention by a coalition of the willing that would appear to be legitimate, while illegal, would have serious negative consequences for the UN as an organisation.

It is finally a responsibility of the whole international community, including civil society, to take action to protect human beings in danger, and the purpose of the action of our International Commission on Intervention and State Sovereignty (ICISS), particularly when people are in danger in a situation of threatened mass killing or ethnic cleansing. This is also why I consider of particular importance the part of the report devoted to operational principles where reference is made to rules of engagement which should involve total adherence to international humanitarian law and maximum possible co-ordination with humanitarian organizations, the responsibility to rebuild; the quest to provide full assistance with recovering, reconstruction, and reconciliation, addressing the causes of the harm the intervention was designed to halt.

Let me recall that state sovereignty implies responsibility and that the primary responsibility for the protection of its people lies with the state itself. In front of serious suffering of the population because of insurgency, civil war, repression, or state failure, when the state itself is unwilling or unable to halt it, the principle of non-intervention yields to the international responsibility to protect. To limit violence in situations is part of the globalization of responsibility. This is essential for prevention, and I believe that humanitarian actors could do better to create a hate-free, fair, and greed-free world. We have all to be convinced that the world cannot continue leaving one-fifth rich, two-fifths in abject poverty, and another two fifths struggling for a decent life. Each of us has to take responsibility to act in order to enhance human security.

Up to now I have not referred to the feelings of hopelessness on the part of the vast majority of world people confronted with the inevitability of war. Going to war, any war, is always a step back. A failure for democracy, development, and understanding; a defeat for the whole of humanity. A war against Iraq will cause more deaths, misery, and desperation to a population already depressed. The UN, I am convinced, is working seriously in all its main bodies and sectors to find diplo-

matic solutions to a real crisis because of the absolute unreliability of the Iraqi regime but also in order to contain a certain arrogance of power and the tendency toward unilateral action. The international community must exercise its common responsibility to ensure Iraqi compliance with Security Council resolutions, but the exercise of this responsibility must be moral as well as legal. Religion cannot be used to justify what is illegal or immoral.

In this context I, a friend of the United States, a friend of this great nation, a friend of all of you U.S. citizens, I would like to wish to see the United States fully committed to build solid peace, real justice, and sustainable development. Their responsibility throughout the world and before Easter lies in a response to the tremendous problem to which we are confronted worldwide and this should occur in a spirit of solidarity, justice, and aid. Humanity needs and expects winning the peace rather than winning the war. Through the collective security organization of the UN let us work for the reasonable balance between we the people and you the governments of the world.

Dr. Robert Jackson, professor of political science, Boston University:

There are, I think, two doctrines that exist in some conflict and contradiction at the present time. There is the post-1945 doctrine of non-intervention that was established at San Francisco at the end of World War II. That conference had noted, among other things, that causes of the Second World War had involved interventions that were deemed to be unjustified and so the doctrine of non-intervention was at the center of the concerns of the founders of the UN. You find it at the heart of the UN charter. That's the first doctrine.

The second doctrine is a contemporary doctrine that has taken on reality, a life of its own, since the end of the Cold War. This is a contemporary, more positive doctrine to relax the rule or restriction of non-intervention in relation to states when certain conditions are present. Let me briefly run through these two doctrines and then offer a few comments on them.

The first doctrine is essentially a negative doctrine. I am referring explicitly to Article 2 of the UN charter, which affirms, I think it's fair to say, the fundamental norm of the charter which is, namely, equal sovereignty, territorial integrity, and non-intervention. That doctrine holds that the inviolability of sovereign states can only be overridden or trumped by two other basic norms of the charter. The first of these is what I consider to be the primordial norm of the whole arrangement and that is the state right of self-defence, Article 51. The second one is the Security Council's fundamental responsibility to defend international peace and security which is spelled out in Chapter 7.

In the conventional view, this article is the basic norm of post-1945 international society. It can be characterised as a doctrine of state responsibility to uphold and respect the sovereignty of all states. That doctrine is not qualified or modified by any conditions that apply to the domestic institutions or domestic policies of sovereign states, which is deemed to be a purely internal affair and not an international affair.

The second doctrine that has emerged in the past dozen years is the more expansive, positive doctrine of intervention. Since 1990 the Security Council has authorised a number of military interventions in various failing or failed states torn apart by violent civil conflict. I refer, of course, to UN-authorized interventions in postwar Iraq in 1991, the former Yugoslavia 1991 and onwards, Somalia in 1991/92,

Haiti in 1993, Rwanda in 1994, and Kosovo in 1998. But let me add a little asterisk for Kosovo, the UN Security Council, of course, authorized the intervention after it occurred. Then there was East Timor in 1999, Afghanistan in 2001. There may be one or two others I've forgotten, but I think that's most of them.

Now all of these cases exist because they escaped veto by any permanent member of the Security Council. If a veto had been cast, they wouldn't have happened the way they did. This is simply a footnote to the present controversy. At this present time [prior to the 2003 United States invasion of Iraq], I understand the Russians are considering exercising the veto. They have a full constitutional right to do it and, in fact, the veto exists to avoid major conflict between the permanent members. We shouldn't forget that.

Let me then briefly run through this new practice that has been emerging. The heart of the practice is in a series of resolutions by the Security Council and in those resolutions the Security Council has been reframing the definition or the understanding of international peace and security and they have been doing that in particular by looking at the notion of a threat to international peace and security in working it out. There is here, built right into the heart of the UN in its resolutions, an assumption of preemption in matters of intervention. The notion of a threat to peace has been expanded and loosened to include what might be characterized as the feared adverse international consequences of civil conflicts involving humanitarian catastrophes — such destabilizing refugee flows produced by wartorn societies as happened in postwar Iraq in 1991 and Kosovo in 1999, among others. The original notion of a threat to peace, namely a palpable danger of international war involving the military forces of states in conflict has been relaxed, re-interpreted, and expanded. In my opinion, this recently constructed norm of humanitarian intervention is a significant departure from the normative order spelled out at San Francisco in 1945.

At the background of my remarks today is a most careful, thoughtful, and balanced report of these cases, published by the Danish Institute of International Affairs, the main think tank of the Danish Ministry of Foreign Affairs. It is a cool, rational assessment. The doctrine of responsibility to protect has been crafted in a clear way by a report originated by the Canadian Ministry of External Affairs and in particular a former Canadian Foreign Minister, Lloyd Axworthy, and it has produced another report, a report of the International Commission on Intervention and State Sovereignty, which in my view expresses this better than any other particular report. This is a notion that when individual human beings are at risk in significant numbers wherever they live, that risk, that hazard, ought to be addressed not only by individuals in a voluntary way but by states. It ought to be their responsibility as sovereign states. I quote from a report: "Sovereign states have a responsibility to protect their own citizens from avoidable catastrophe, from mass murder and rape, from starvation, but when they are unwilling or unable to do so," and this is the key, "that responsibility must be born by the broader community of states."

They deconstruct this notion of a responsibility to protect in three ways, along three dimensions. The responsibility to prevent these humanitarian catastrophes from arising in the first place, preventive diplomacy and that sort of thing; the responsibility to react when it does occur; and third, and I think in some ways most interesting and provocative, the responsibility to rebuild. In short, as members of the international community, sovereign states are understood to be bound by a norm of human rights protection. More important, the responsibility to protect is seen to trump the responsibility to respect and uphold the sovereign immunity of all international peace-loving states if and when these two basic norms come into conflict.

Now this is basically a doctrine of international community, international involvement, and intervention. I believe it is a controversial doctrine. It introduces the normative criterion or standard of international legitimacy that draws a rather sharp distinction between two classes of countries, namely constitutional democracies on the one hand and the rest. The standard is reminiscent of an earlier standard of civilization that used to be applied by European countries in their dealings with the rest of the world as a justification of intervention, occupation, and reconstruction and that was of course the colonial era. The best example I can come up with of that earlier doctrine is found in the General Act of the Berlin Conference of 1884–85 when the European powers, the imperial powers, partitioned Africa and occupied it and governed it for a further period of seventy or eighty years.

This doctrine has, therefore, hints of trusteeship and paternalism in it, and I put it in that way because the 1945 doctrine is based on anti-paternalism, anti-colonialism, restriction on outside involvement where there is no violation of the right of self-defence or collective security under the UN.

So what we have here in my view is a conflict of two basic values, the old norms of non-intervention and this new doctrine of responsibility to protect. I think at certain points that conflict can be massaged and one hopes it won't arise in many places, but the possibility of it arising is always there, which raises the question of what do you do when it happens. I can't tell you my answer to that question because I think that question is to some extent bound by circumstances. But the point of these remarks is to point out that both of these normative orders or arrangements produce good consequences and bad consequences, and in international affairs we cannot have our cake and eat it.

Ramu Damodaran, Editor-in-Chief, UN Chronicle*:*

The first Prime Minister of my country, Jawaharlal Nehru, had said very loftily in 1947 that the real test of a nation's freedom comes in its conduct of foreign affairs, all else is local autonomy. But if you go to an Indian today and ask whether the degree of local autonomy that we have had for the past fifty-five years has brought us the genuine fruits of independence for which Nehru and his comrades struggled in the thirties and forties, I think you would get a mixed answer.

An Erosion of Norms

The real challenge before us in addressing the reconciliation between sovereignty and globalization is to find areas where they can co-exist. Is it as Dr. Corneilo Sommaruga has very eloquently argued, really in the responsibility to protect? If it is in the responsibility to protect, who is there to monitor the protectors? Is it in the capacity to delineate a set of finite goals, which the UN and its leaders have tried to do in terms of the development goals that they've set for 2015? Does that exercise other nations' sovereignty to pursue domestic, economic policies that are essential to realizing multilaterally agreed ends mean an enhancement or an abridgement of sovereignty?

The challenge now is in the definition of an internationally accepted and internationally articulated set of norms, because what we have seen ironically enough in the half century since the UN was created, is a steady erosion of global norms and a steady misinterpretation or reinterpretation of just what those norms mean. We have come to a point, for instance, when we no longer talk of, say, disarmament as a goal

in itself. We have replaced talk of disarmament by talk of non-proliferation, or the non-spread of weapons. So, again, a core value has gone. We talk, for instance, and Dr. Sommaruga used the very evocative phrase of "shocking the conscience," but I would put to you that if we are in a state where our consciences are going to be shocked by immediate acts whether of aberration or of deliberate state policy in the case of genocide or in the case of the refusal of a member state of the UN to accept the accountability called upon it by the Security Council, Dr Sommaruga would know this full well by recalling last year's abortive UN mission to Jenin.

If we are going to be saying that we are not going to let our consciences be shocked by the greater inequities that persist and the fact that it is these inequities — the fact that in order to attain the goals of halving the world population that is living on less than $1 a day by 2015, you will require a rise in the national income of countries of the order of 3.7 percent, which one-third of the world's population in 127 countries have not been able to do in the last ten years. Do we not allow our consciences to be shocked by the fact that in sub-Saharan Africa today the life expectancy has come down to forty-five years from forty-seven years while on the continent of Europe, as someone commented the other day, we are really looking forward to an old Europe where more than 60 percent of the population will be pensioners in another twenty-five years? How do we reconcile these without allowing it to offend our conscience?

And so we come back to the question of where does the global responsibility for global citizens end and the responsibility of a state to protect its citizens from that intrusion begin? When a multi-national company decides, for instance, to come to India and manufacture an item of immediate consumer appeal, let's say lipstick, is the government obliged to regulate that company so that the resources that its citizens might otherwise invest or spend in productive areas is not diverted by enlarging their areas of choice? Or is that an intrusion upon the sovereignty of the individual?

The Sovereignty of the Individual

We must realize that the sovereignty of the state or the globalized order of the world in which we live today becomes entirely peripheral until we accept the sovereignty of the individual. It is a sovereignty of the individual, which means, clearly, that genocide does not begin in the thousands, it begins with the death of one person. It is the primacy of the individual that recognises that terrorism is not encapsulated in one particular newspaper headline but is in the stark fact that a person who goes to work quite normally on a clear blue day in September does not live for two hours beyond taking that first train. Once you come down to the level of the individual — and this I think is what the UN in particular has now to do, and by the UN obviously I mean its member states — then a lot of these problems come back into a coherent form in which you can tackle them, otherwise the danger with which we are faced is globalization like the Internet — it's something that is all around us but no one can really control it, and you are in a situation where you will not allow the fundamental responsibility of governments to their citizens to be addressed and therefore you will negate the very widespread enhancement of global democracy that has occurred since 1989 by which governments are no longer responsive to the people who put them in power in the first place but are more anxious to protect their physical security from neighbors around them.

Sovereignty and Ethics

Sovereignty, in a sense, is the cornerstone of ethics and the UN is a coalition of fractious states. But in any community of 190-odd members, discussions are bound to be fractious. I do not see a problem in that. But if they're going to be inconclusive or, worse still, if they're going to be diverted away from the central agenda at hand, then I think that we put in danger the entire multilateral system upon which globalization ultimately depends. You are going to have a situation where, just as we have legitimate governments now, you will have increasingly self-assertive legitimate opposition in the form of civil society groups. Are these groups legitimate? Is the degree of opposition sanctioned? This is a question that we have to ask. Certainly there are powerful non-governmental organizations that have really worked, as the International Committee for the Red Cross has, and have become synonymous with international humanitarian action.

But my point is that you cannot allow your sovereignty to be challenged by, or your globalization to be facilitated by crises alone. It has to be much more mundane, much more day-to-day. And therefore, to my mind, the very fact that we can set up a monitoring body, as the UN has set up in the case of specific human rights treaties, as the UN has done in the case of the Organisation for the Prohibition of Chemical Weapons, or the Ottawa Coalition on Landmines, or, indeed, the International Criminal Court — if we can extend that into the social sector by which governments are responsible not only to their citizens for what they are doing for their benefit but are accountable to a larger international system as well, then you will genuinely be able to reconcile the sovereignty of states with the imperatives of globalization.

And it's clearly not impossible. In the last year alone we had a situation in Brazil, where the entire evolution of the system of citizens participating in civic budget making has led to a re-appropriation of resources to the extent of 98 percent [increase] for water services and 85 percent [increase] for sanitation services which was not possible when the budgets were being drawn up by government planners alone. In Uganda as a result of Jubilee 2000 and the debt relief measure that followed, there is an actual national Uganda debt network, which, in each school, has a blackboard demonstrating how the eradication of national debt has translated into specific funds for specific projects in that community and that school.

That is where our energies should be focused because without that we will have a UN, as it has been compelled to be in the last half century — a source of international peace and security without realizing what exactly constitutes that peace. The lowest common denominator is the individual, and we must make sure that whatever the UN does or whatever member states are responsible to the UN for, is something that will affect that individual not only in times of peril or crises but in his day-to-day life.

Philip Bobbitt, author of The Shield of Achilles: War, Peace and the Course of History, Democracy, and Deterrence:

When I explain sovereignty to my students I ask them to think about the control they have over their own bodies, over their arms and legs, because this is actually the origin of the idea. So many concepts in international law — identity,

integrity, personality we attribute to the state — were attributes of the prince before we had states, and the most important of these personal attributes is sovereignty. The birth of the state at the time of the Renaissance transferred these attributes from the individual to the heuristic abstract concept of the state, but they're still basically the same ideas. Since that time, states have undergone a number of transformative changes, and the constitutional order of princely states is almost nowhere to be found in the world today, perhaps Brunei or Saudi Arabia, but in very, very rare places.

Instead we have a constitutional order defined by its basis in legitimacy as were its predecessors, but it really originates in the last part of the nineteenth century, the 1870s in Germany and the 1860s in this country. That constitutional order, which arose in a single state, was ratified by peace conferences into a sort of constitution for the society of states, and when Robert Jackson spoke of the equality of states before the law in 1945 that's what he was talking about. Versailles, San Francisco, the Moscow and Copenhagen and Paris Declarations, all wrote constitutions for the society of states, and they all ratified in particular constitutional order. We now believe that order is about to change, and with that change will come a new variation in our ideas about sovereignty.

I was quite struck by Dr. Sommaruga's remarks of the sovereignty of the individual because this so well captures what I believe will be a new constitutional order. The order we all live in now, virtually all states, is an order that puts the state in the service of a nation. That nation may be broadly defined as it is in my country or it may be in most countries defined as a particular ethnic or historical, cultural, linguistic thing. But in all these countries the premise is the same, the state says give us power and we will improve the material well-being of the nation. Now there are many developments that are making this more and more difficult to achieve. I will just give you five as quickly as I can.

One is what we often refer to as the globalization of finance and trade that takes away from any particular state the power to control the value of its national currency. The second development is a system of human rights. Again a global, international system that says that states and their leaders must obey laws that they did not themselves adopt. Third, an international system of communications that prevents any state from being able to manage its own culture. Fourth, trans-national threats like AIDS, famine, global warming, and climate change, that no state can hide from but no state can really control. And fifth, perhaps most threateningly, the development and distribution of weapons of mass destruction that means that no state, no matter how powerful, no matter how many men under arms they may have, can protect itself by simply protecting its borders.

Now these developments, I think, in time, because they undermine the current constitutional order, will bring another constitutional order to bear. The state will not evaporate even if its particular form is in decay. A new premise will come up and I believe this new premise has elements we can already glimpse in our state in other states' behavior. With effect to sovereignty, I think it will bring into conflict three different ideas. I am going to call these transparence, translucence, and opacity.

For a transparent concept of sovereignty we look into the state itself and we ask whether or not it has taken sovereignty from its people. That is, is it a state based on some kind of popular endorsement at regular intervals repeated and does it protect the minorities whose endorsement may not come in the traditional ways of majoritarian government? Does it protect the human rights of its citizens and is it in

war with them? Does it try to exterminate, expel, or crush some particular group within its polity? Because if it does that, then we say it is forfeiting its right to sovereignty, and the government is no longer attached to the society. Now in a transparent concept of sovereignty there is, Robert Jackson remarked so insightfully, a two-tier system of laws. We apply one set of international rules, that which protects sovereignty, to those states who are trying to protect their citizens. And when a state wages war against its own citizens, for example, genocide, we say that government is no longer sovereign and it is subject to another set of rules that permit outside intervention.

Now the variance on this transparency idea, of which I think probably the Americans are the most ardent advocates, is translucence. This also permits intervention but only when this has been certified by the UN or international organizations that can speak for the global community of states. I think the intervention in Kosovo is an example of transparent sovereignty because it was not authorized and, indeed, in my view is counter to the UN Charter, whereas the intervention in Afghanistan [,were it conducted by the UN,] might be an example of translucent sovereignty because an international organization gave it its imprimatur.

Against those two examples you might have what I would call opaque sovereignty. This is the idea that within each state what it does with its own people is its own business and nobody else's and that any intervention, even that sanctioned by the international community is, per se, illegitimate.

Sovereignty looks toward the future. There are two groups that have set up markets in sovereignty. The European Union has done this already, and I think the United States may some time in this century begin doing it itself. Let me give you an example from the American context. As you know, we were founded in the late eighteenth century by groups that saw themselves as states, states like France and England. Virginia and Massachusetts, Pennsylvania, and New York regarded themselves as states with sovereignty and that's why we're called the "United States," something that my students find so confusing when I talk about states like Germany or states like India. Those states gave up a measure of their sovereignty to form the original union, and for about seventy or eighty years we went on under that compact. The Civil War changed that quite dramatically, and it more or less faced the sovereignty of the states and insisted that the rules that govern human rights that had previously only applied to the federal government, now applied to the states. It took us about a century to make that a reality but today it ought to be that if you are arrested in Minneapolis you're read the same Miranda rights you would be read in Miami. It ought to be that if you lose your job because of your race you have the same rights against your employer in Florida that you do in California. We have tried to normalize these rules so they apply equally to all states, all the fifty states.

Now a market in sovereignty will reverse that development and you will have states in the twenty-first century, and by now I mean states like Texas and Massachusetts, you may have a state in which polygamy is sanctioned. You may have a state that has an established church. You may have a state that permits abortion and another state that criminalizes it, a state that permits narcotic consumption and another state that criminalizes that. You have a much wider variation in human rights, in part because the identification of any particular person with her state is not as great as it was in the twentieth century or even, certainly, as it was in the eighteenth century.

The last thing I'll say about these two concepts, markets in sovereignty, the kind you see underway in Europe right now, and the three ideas of sovereignty — transparence, translucence, and opacity — is that above all we need to write rules. I

started by saying that I may not agree with everyone on this panel or in this room about what we should do in Iraq, what we should do about the International Criminal Court and landmines, but on this one point I hope I can win your agreement. The United States cannot continue to act without writing rules. If, as I believe, the old rules do not apply, it is senseless to treat a state that has violated a cease-fire agreement for twelve years, that has violated its own commitments to a treaty, that has invaded its neighbors twice, that was the first state to have the distinction of invading and annexing another member of the UN, that has waged a campaign of genocide against its own people, that has no concept of democratic institutions (it having recently elected its leader by a 100 percent vote), that a state like that does not stand toward the international community in the same way as does Iceland and that it is folly and a dangerous folly to think that it does. But because of the developments I mentioned at the outside, including especially weapons of mass destruction, we can no longer wait upon states to develop these capabilities when they do develop the malignant intentions that are, to my mind, the enemy of democratic sovereignty.

Whether I am right or wrong about that I hope you will agree with me that we must at least try to write those rules, that we cannot continue to act in defiance of international law, relying only on the ad hoc.

Gwyn Prins, author of The Heart of War: On Power, Conflict and Obligation in the 21st Century*:*

What I will do is just make an observation, what I will call a framing context observation that I hope will pull together some of the points that my colleagues have been raising. And since time is short I will do this all without subordinate clauses if I can. I want to point to what I think are three structural dilemmas which we perhaps ought to talk about because I think that much of what's been said so far has these three structural dilemmas running through them.

Now the framing context. Well, the framing context of the discussion about sovereignty and globalization is plainly that we're living at a time where we see the transfer of primary political responsibility from the states, the nation-states, this curious and special creation of the last 230 years, to individuals as has been pointed out by two of my colleagues particularly strongly. But this is occurring in a rather special and complex risk environment of the modern world.

Briefly, for the rich world this transfer is occurring in what my friend and colleague, the director of the LSE Tony Giddons, calls rather helpfully, the transformation of intimacy. Everybody sitting in this room has this experience, you may not have thought about it this way but it's the case. You know, at least the ladies may know or perhaps the men who secretly read ladies' fashion magazines, will know that advertisement which is – I think it's for watches, you see this rather elegant, impossible looking lady saying, 'Who will I be today?' And that, of course, is what we can all choose to be because living in this society we can wake up in the morning and decide who we're going to be. Why? Because we're hugely empowered as individuals.

Compared to previous generations, it's quite astonishing. And we now take it all for granted. We've all made telephone calls, sent e-mails, done all of those things, this morning no doubt, and not thought twice about it. And this gives us in our society as individuals plainly a heightened sense of ourselves and of our self-importance although it is a paradox in itself because that heightened awareness has coupled with

it a profound anomie, a profound sense of alienation. The evidence for this is all around us because in all mature democracies we have seen for the last twenty years a consistent pattern of political behavior that is of withdrawal of most people from formal politics. The present British government, just to take my own country as the example, was elected on the smallest number of votes that have been cast from the total potential electorate since the khaki election of 1918, and this is a pattern that you find across all of the mature democracies. Portmanteau political parties are being replaced by politics of a different sort, consumer politics, people who vote through the way that they spend their money in the supermarket. It's actually arguably quite sensible as a strategy.

Let me hurry through with the characteristics of this. In our world we see another absolutely decisive characteristic: a rising age and a declining birth rate. All young women living in this society wrestle with the tension of the fact that their bodies tell them that the age at which they should have children is far earlier than the age at which their careers and their other obligations tell them that they want to do it, and we've seen a rise now to an average age of first birth in the late twenties, early thirties coupled with a spectacular decline in the birth rate. And also we see an epidemic of stress and depression. Look only at prescription rates for Prozac and other sorts of antidepressants to know that. This is that part of the world.

But most people, of course, don't live in this world. Two-thirds of the human family don't live in that world, two-thirds of them have never made a telephone call at all let alone one this morning, and two-thirds live in conditions where there is a structural disempowerment of individuals. That is because they are living in a world where we see the increasingly quick collapse of the post-colonial state settlement that was put in place at the end of the last round of formal empires in the middle of the twentieth century and those people live, therefore, in one way rather ahead of those of us in the rich world because they don't withdraw from formal politics. They've never entered them. If you look at the pattern of electoral behavior in most post-colonial societies it's absolutely consistent (Professor Jackson has published on this). You get a sudden introduction of people voting, usually in the pre-independence election and maybe the one after, and then it disappears. Why? Because most parts of the world run on patronage politics, they always have done. In a sense they're proof therefore against this change.

We also see in the poor world a rising birth rate because when you are denied the benefits of public good, that is to say all things like running water and refrigerators and insurance policies and things that we take for granted, if you are poor what do you have to substitute for all of those functions? Well the answer is only one thing — children — you have to have children to haul water, to do the cooking, to look after you in your old age because you don't buy an insurance policy. Therefore we've seen the rising birth rate in much of the poor world which is now being tempered, if you look at the UN population report published two days ago, tempered very visibly by the epidemic of two things, of genocide on the one hand, which is the pathological killing of their own people by governments, and of pandemic disease on the other. People who are poor are put in conditions, particularly women, where they are structurally at risk of pandemic disease of which the AIDS/HIV epidemic is one example. We're just in the middle of the African epidemic that is going to be followed by a much bigger Indian one and that will then be followed by a Chinese one of a rather different nature. So this produces a deeply riven world, and that's the structural framing context.

Now the structural dilemmas that we face. The first is that we no longer have a

common matrix of institutions which lies equally across the whole of the human family. The 1945 settlement, the thing out of which the UN principle of sovereign equality came, is now shattered and not all sovereign states are equal. But, and here's the structural dilemma, at the same time that we see this happening we see an increasingly firm matrix of universal principle arising.

Now very briefly on each of those. On the first, Robert Kagan recently and famously enraged Europeans by informing us that Americans came from Mars and we came from Venus. We lived in a sort of Kantian world where history had stopped, but the poor old Americans had to stand on the wall and live in a Hobbesian world and still deal with all the nasty things that happened. The Europeans, although they didn't seem very grateful for this, were only able to play their splendid Kantian games because the Americans kept the world that way for them. And the Europeans were furious, not least, of course, because it's clearly quite correct. We do live in that sort of a world.

I prefer, in fact, a different way of formulating this breaking of the common matrix, and that's put by one of our most senior diplomats, Robert Cooper in the Foreign Office, who observes that we live in a world with modern, pre-modern, and post-modern states. Europeans on the continent of Europe, some of them, live in post-modern societies where sovereignty of the state seems less important. Much of the poor world lives in pre-modern conditions and, importantly, two large countries are modern where the notion that security and state sovereignty are tightly tied together with the identity of the individual. And those are, of course, respectively, China and the United States. The United states is pre-eminently a modern society because e pluribus unum — what holds people together, it's the flag, it's the sense that everybody is different but everybody is an American.

The other feature is one that Mr Damodaran eloquently emphasized, it is the rise of human rights. This is the new principle that is being laid across the human family. It is expressed, as Dr Sommaruga pointed out, in the ICISS just cause principle, which is becoming, therefore, a basis of customary international law, and it has three implications. First, fairly brutally, it is the end of that permissive, relativistic cop-out where you could always say, "Well, excuse me, but Asian values do not permit me to agree to this principle," or African values do not, or Muslim values do not. We are now in a world where universal human rights mean exactly that. The lowest common denominator of rights attaches itself to each individual. And that's interesting because it means that, therefore, we are now going back to the late eighteenth century. Much of the modern debate, the twenty-first century debate, has a familiar ring because it's the unfinished conversation that was being held by philosophers of the late eighteenth century. It was prematurely terminated when the French revolution gave an answer to the question, which was that individual identity would be fused into that of the state.

And the third feature is that we see the rising significance of obligation-driven actions. That is because much of the human family have no rights that they can enforce upon us — the rich and powerful. If we take action to look after those who are at risk, particularly if they're at risk from genocidal and brutal tyrants like Saddam Hussein, then the only way they can call upon us is by speaking to our sense of obligation and duty. It's a very old-fashioned, Kantian thing.

Which leads me to the next structural dilemma, which is that as far as sovereignty is concerned, in a modern world we can see that the Peter Principle is at work. To those who have, more will be given; and from those who have not, some will be taken away . This is merely the return of the world to business as usual in the

conduct of international affairs. If you take that in a thousand-year perspective of time, we are now entering again an imperial era. Imperial eras are the way we do international affairs on 1000-year schedules. The United States is the most important imperial power since Augustan Rome in the second century A.D. We are seeing the implications of this in front of our eyes this week, [February 2003] if you're watching the newspapers. We see the draining of power simultaneously from all three of the major mid twentieth-century multilateral institutional creations. NATO is, of course, already dead. It was accidentally assassinated after September 11. The European Union, although it's not being noticed very publicly yet, is also in its last days. The present conduct of French policy is, in my view, quite likely to lead to the withdrawal of many countries, including my own, from what used to be a consensual view about the European future.

But the one that's been interesting in the discussion here today is, of course, the UN, because the UN now is clearly at the Abyssinian moment. As Mr Bush quite accurately and eloquently put it, the choice is between being a continuing relevant body, which will actually fulfill what it said it wanted Saddam to do in Resolution 1441, or not. And if not, then we will know that the UN will be like the League of Nations, and it will go the same way. That doesn't have to be the way it goes; obviously this is rather current, because if we look at the UN, it has a way to steer a useful course into the new future. If we look at what the UN actually stands for, I would suggest that rather than looking closely at Article 2 you look for where the spirit of the UN is expressed, which is, of course, not in any of the clauses but in the preface. If you look in the preface, then there's a very useful sentence where you see that the hierarchy which puts men and women before states, the point which Mr Damodaran has underlined for us, is explicitly expressed.

As for the particular ways forward, I think that they are increasingly clear. After Saddam has been removed from Iraq, then there will be a need for the UN to play a role, and that role will come through a reawakening of sleeping chapters and clauses in the charter, notably for those of you who read this before you go to bed every night, Chapter 12 and Article 84, which are the ones that deal with trusteeship. We are now, as I said, back in an imperial age, and the international community will have an important role to play after the period of the American government and military occupation in creating (recreating) a circumstance for civil society in that country. That will have an important knock-on implication for the continuing cancer in international affairs with the Israel/Palestine conflict, which will depend upon the UN imposing a partition. That will only happen if the Palestinians can see that the successful operation of trusteeship in Iraq can be applied to them in the short term, which I think is not impossible.

The third implication that you should note is one that is uncomfortable for the ICRC and other multilateral non-governmental institutions, for in this new world what used to be called humanitarian space is being remorselessly squeezed to the point of extinction. The ICRC knows this very well.

Which brings us to the final structural dilemma, which is actually rather an amusing one. As we sit here in the New World, we have to be aware that the New World is much older than the Old World. What I mean by that is that the United States, which always thinks of itself as a new country is, of course, actually a rather old country — old in the sense that matters for this discussion. This is the only country in the world of any significance that is operating a pre-French revolutionary constitution. What we see is the indispensability of the United States as the prime actor and shaper of this imperial era into which we move. The only game in town, ladies

and gentlemen. We have a great advantage here because as you will know, you go down to the reflecting pool, you go into the Jefferson Memorial and you look at those great bronze panels , and what is the only word that you do not find? That word, of course, is “America” or “Americans” because this was a country that wasn’t set up for Americans, it was set up for the principles and rights of man, meaning everyone. This is extremely helpful because you have a country whose self-defining image and whose founding myths are in congruence with the requirements of this loosely structured new twenty-first century into which we are going. We collectively in this world are very fortunate that the imperial hegemon happens to have those values within itself. Of course, they’re not the only forces in this society. Heaven knows there are many negative forces in contention. But the name of the game, if we are going to ensure that the sovereignty of the individual is going to be protected around the world, something which I strongly hope, is going to depend upon the degree to which we can speak to and activate that sense of itself, which this reluctant new imperial hegemon has so centrally in its own self-image. z