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HEADLINE: COMMENT & ANALYSIS: The legitimacy to intervene: International action to uphold human rights requires a new understanding of state and individual sovereignty, writes Kofi Annan

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BODY:

At the beginning of the 21st century, the United Nations has become more central to the lives of more people than ever. That is not least because state sovereignty, in its most basic sense, is being redefined by the forces of globalisation and international co-operation. The UN has committed itself to the idea that no individual - regardless of gender, ethnicity or race - shall have his or her human rights abused or ignored.

This idea, enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, is the source of inspiration and the impulse for our efforts.

Throughout last year, I placed the individual at the heart of my efforts to advance our understanding of what it means to be a community of nations. Whether it means advancing development, improving the environment or emphasising the importance of preventative action, or intervening - even across state boundaries - to stop gross and systematic violations of human rights, the individual has been the focus of our concerns.

Globalisation and international co-operation are changing our understanding of state sovereignty: states are now widely understood to be the servants of their peoples, and not vice versa. At the same time, individual sovereignty - and by this I mean the human rights and fundamental freedoms enshrined in our charter - has been enhanced by a renewed consciousness of the right of every individual to control his or her own destiny.

These parallel developments - remarkable and in many ways welcome - do not lend themselves to easy interpretations or simple conclusions. They do, however, demand of us a willingness to think anew: about how the UN responds to humanitarian crises affecting so much of the world; and about our willingness to act in some areas of conflict, while seeming indifferent to many other crises whose daily toll of death and suffering ought to shame us into action.

The need to reflect on these momentous questions derives from the events of the last decade, and in particular from the challenges faced by the international community today in Kosovo and East Timor.

From Sierra Leone to Sudan to Angola to Cambodia and to Afghanistan, there are a great number of peoples who need not just words of sympathy from the international community, but a real and sustained commitment to help end their cycles of violence, and launch them on a safe passage to prosperity.

While the genocide in Rwanda and the massacre at Srebrenica will define for our generation the consequences of inaction in the face of mass murder, the more recent conflict in Kosovo has prompted important questions about the consequences of action in the absence of complete unity on the part of the international community.

It has cast in stark relief the dilemma of what has been called humanitarian intervention: on

one side, the question of the legitimacy of an action taken by a regional organisation without a UN mandate; on the other, the universally recognised imperative of effectively halting violations of human rights with grave humanitarian consequences. The inability in the case of Kosovo to unify these two equally compelling interests of the international community - universal legitimacy and effectiveness in defence of human rights - can only be viewed as a tragedy.

It has revealed the core challenge to the UN and the international community as a whole in the new century: to forge unity behind the principle that massive and systematic violations of human rights - wherever they may take place - must not be allowed to stand.

The United Nations Charter declares 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? These are the monumental questions. What is clear is that the rights of the individual are now central to the "common interest".

Just as we have learned that the world cannot stand aside when gross violations of human rights are taking place, we have also learned that intervention must be based on legitimate and universal principles if it is to enjoy the sustained support of the world's peoples. 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.

Any such evolution in our understanding of state sovereignty and individual sovereignty will, in some quarters, be met with distrust, scepticism, even hostility. But it is an evolution that we should welcome. For all its limitations and imperfections, it is testimony to a humanity that cares more, not less, for the suffering in its midst, and a humanity that will do more, and not less, to end it. It is a hopeful sign at the beginning of a new century.

The author is secretary-general of the United Nations

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