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# Towards a Less Imperfect State of the World: The Gulf Between North and South

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## 1 Introduction

Responding to the agenda-setting discourse by Senator Barack Obama on March 18 on race and politics in modern America, Nicholas Kristof noted that "the Obama campaign has led many white Americans to listen in for the first time to some of the black conversation – and they are thunderstruck."[1] To those of us from or with knowledge of the worldview of developing countries, a similar chasm exists between industrialized Western and developing countries, the so-called global North and South: except that the North is yet to listen in to the Southern conversation.

During the Cold War, the world rotated around an East-West axis. Today, this has morphed into the North-South axis. This gulf between the Global North and South was largely responsible for the train wreck of the ambitious effort to reform the United Nations in 2005.

Many Western countries want to use the United Nations to prescribe justice within borders, to reach deep into the domestic jurisdictions of other states, while preserving the status quo order among states. Developing countries, on the other hand, reverse the priority and wish to use the UN as the forum in which to bring greater justice in relations among nations while privileging the status quo-oriented order within states.[2]

The poison of mutual mistrust rooted in the history of their encounter and their differing everyday reality today continues to infect the critical items on the agenda of international public policy. Many developing countries assert a claim to the privilege of managing world order on a shared basis but exhibit a strong reluctance to accept the responsibility flowing from such privilege, for example with respect to protecting the victims of humanitarian atrocities. Some powerful countries insist on claiming the benefits flowing from collective decision-making, in terms of greater legitimacy and authority, but resist the constraints on policy options that would result from a genuinely shared process of international policy-making. Curiously, the two feed on each other. The South points to the North's monopoly of power and privilege to excuse its own lack of a sense of international responsibility; the North points to the many instances of the South's failure to honor the international responsibility to

protect to justify its refusal to restrict international policy-making to the collective UN forum.

In this paper, I intend to demonstrate this slightly melodramatic sounding claim with the examples of war, nuclear weapons, the use of force, international intervention, terrorism, human rights, and climate change.

## 2 War

The inaugural Human Security Report demolished widely-believed myths about wars, battle-deaths, genocide, terrorism and UN effectiveness.[3] Along with a drop in the number of armed conflicts, the number of people killed in battle each year, and the average number of those killed per battle, the nature of armed conflict also has changed. Until the Second World War, wars have been fought between huge mechanized armies. War was an institution of the states system, with distinctive rules, etiquette, norms and stable patterns of practices. Today's wars are mostly fought in poor countries with small arms and light weapons between weak government forces and ill-trained rebels. In most of today's armed conflicts, for example Darfur, disease and malnutrition resulting from warfare kill far more people than missiles, bombs and bullets.

There has also been a shift in where wars are being fought. From 1945 to the mid-1970s, most battle-deaths were in East Asia; in the 1980s, in the Middle East, Central and South Asia and sub-Saharan Africa. Now more people are being killed in Africa's wars than in the rest of the world combined. Armed conflicts in sub–Saharan Africa are particularly difficult to avoid, contain or end because of pervasive poverty, declining GDP per capita, reduced aid, poor infrastructure, weak administration, external intervention, an abundance of cheap weapons and a bitter legacy of past wars. Moreover, violent conflicts in Africa exacerbate the very conditions that gave rise to them in the first place, creating a classic "conflict trap" from which escape is difficult.

Several conclusions follow. First, for most Westerners "war" has become a remote abstraction far removed from their daily experience. Not so for many developing countries, especially in Africa. Second, the majority of armed conflicts involve challenges to national integration (calls to self-determination by sub-groups within existing territorial borders) or to the government's au-

1   Nicholas D. Kristof, "Obama and Race," *New York Times*, March 20, 2008.

2   Mohammed Ayoob, "Humanitarian Intervention and State Sovereignty," *International Journal of Human Rights* 6:1 (Spring 2002), pp. 98–99.

3   Andrew Mack et al., ed., *Human Security Report 2005: War and Peace in the 21st Century* (New York: Oxford University Press, 2005).

thority (wars over government without attempted secession). That is, they are ethno-national conflicts over national territorial borders or internal political arrangements in countries themselves recently emerged from colonial rule: wars of national liberation followed by "wars of national debilitation"[4]. Most Western leaders are incapable of comprehending the framework within which their developing country counterparts must cope with such challenges; most developing country leaders can empathize with one another on this point.

Third, while to Western minds intervening to stop the bloodletting is 'restoring order at the periphery', to developing countries international intervention is a direct threat to territorial integrity. Related to this, finally, is the terrible moral hazard of encouraging ethno-national groups everywhere to demand independence and back it with violence that provokes state retaliation, which then promotes external intervention.

This does not mean that wars are obsolete. Even the United Nations, although devoted to the maintenance and restoration of peace, is not a pacifist organization. But the circumstances in which war may be justified have to be extremely narrow and tightly constrained and governed by the law of the UN Charter. If wars are launched recklessly, frequently and extra-legally, support for them will not be forthcoming in those rare instances where they are justified and necessary.

## 3   Nuclear Weapons

The rising anxieties about nuclear weapons are rooted in two parallel developments: the so-called renaissance of nuclear power and a resurgence of old-fashioned national security threats that supposedly had ebbed with the end of the Cold War. They highlight how all three legs of the triangular linkage of the NPT between nuclear power for civilian use, nuclear nonproliferation and nuclear disarmament, are straining the regime.

After the well publicized accidents at *Three Mile Island* in 1979 and *Chernobyl* in 1986, public and political opposition to nuclear power was so strong that many existing reactor plants were shut down, plans for new ones were cancelled, and virtually no new reactor was built over the last decade. With the spiraling price of oil, caused by a spike in demand from booming major economies like China and India and disruptions to supply because of conflicts in the Middle East, the economics of nuclear power has changed. With the accelerating threat of global warming caused by greenhouse gas emissions, the balance of public anxiety between energy sourced in nuclear power and coal and fossil fuel has changed dramatically. Combined with technological developments, the politics of constructing and operating nuclear power reactors has also changed.

The net result is plans for building several new reactors in Asia, Australia, the Middle East and even in Europe to add to the 435 reactors in 30 countries that are providing 15 percent of the world's total electricity at present. According to the International Atomic Energy Agency (IAEA), this particular renaissance is being led by Asia, with 18 of the 31 planned new reactors to be located there.[5] While nuclear power accounts for 2 percent of China's and 3 percent India's electricity at present, it will jump by a factor of five and eight respectively by 2022. While the spike in their demand is a function of booming economic growth and population, in Japan and South Korea interest in nuclear power arises from lack of indigenous oil and gas resources and the desire for energy security and reducing greenhouse gas emissions. Other Asian countries planning or considering nuclear power reactors are Indonesia, Malaysia, Pakistan, Thailand and Vietnam.

The combination of the new interest in nuclear energy and old-fashioned interest in nuclear weapons throws up four distinct clusters of concern:

- How do we ensure that the plants, materials and skills necessary for nuclear power are available to countries for legitimate civilian uses?

- How do we build firewalls between civilian and weapons-related use of nuclear power?

- How do we prevent nuclear weapons proliferation?

- How do we achieve nuclear disarmament?

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[4]   Leslie Gelb, "Quelling the Teacup Wars", *Foreign Affairs* 73 (1994), pp. 2–6; quoted in Kalevi J. Holsti, "Something Old, Something New: Theoretical Perspectives on Contemporary International Peace and Security," in Edward Newman, Ramesh Thakur and John Tirman, eds., *Multilateralism under Challenge? Power, Internaitonal Order, and Structural Change* (Tokyo: United Nations University Press, 2007), p. 196.

[5]   *Energy, Electricity and Nuclear Power Estimates for the Period up to 2030* (Vienna: IAEA, Reference Data Series No. 1, 2007).

The five NPT-licit nuclear weapons powers and most of their allies might pay lip service to all four concerns but concentrate their efforts on the second and third cluster.

Most developing countries are interested in all four and believe (1) that they are entitled to receive technical and material assistance for their civilian nuclear industry and (2) that the unique status of the nuclear powers entails a commensurate responsibility to do more and faster on disarmament, including further and irreversible reductions in non-strategic nuclear arsenals, reaffirmation of negative security assurances, swift negotiation of a fissile materials cut-off treaty and the maintenance of the moratorium on nuclear testing until the entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT). They find it curious that those who worship at the altar of nuclear weapons raise charges of heresy against others applying to join the sect.

## 4   Use of Force

They find it even more curious that a group of retired NATO generals issued their own clarion call for a commitment to the first use of nuclear weapons by the West in order to prevent undesirable actors from acquiring them and threatening their use.[6] Following the NATO intervention in Kosovo in 1999 and the US-led invasion of Iraq in 2003, this poses a disturbing problem for developing countries. In effect the West in general and the United States in particular are claiming the right to be the arbiter of who may use what mount of force when and for how long. According to the UN Secretary-General's High-level Panel on Threats, Challenges and Change, "The maintenance of world peace and security depends importantly on there being a common global understanding, and acceptance, of when the application of force is both legal and legitimate."[7]

In European history, centralizing states sought to bring order to their societies by claiming a monopoly on the legitimate use of force. Developing countries fear that in some sections of the West today, the view has gained ground that anyone *but* the legitimate authorities of South-

ern countries are entitled to use force. In effect the West claims the right to subject the *internal* use of force by developing country governments to scrutiny in and outside the UN system (by coalitions of the willing).

However, the West's own use of *international* force even when no Western country is under armed attack is portrayed as not always being subject to international authorization by an independent body: "we do not need a permission slip from the United Nations", as President George W. Bush infamously said.

If UN authorization is not a necessary condition, then either we accept the resulting international anarchy and the law of the jungle in world affairs, or we spell out the preferred alternative set of rules and the institutions and regimes in which they are embedded. Logically, there are six alternatives:

- Any one country can wage war against any other.

- Any one coalition of states can wage war against another country or group.

The first and second are recipes for international anarchy. Indeed the challenge of 'humanitarian intervention' arises from the increasingly clear recognition that we no longer cede the right to any one state to use massive force within its borders free of external scrutiny or criticism; claims for reversing the progressive restrictions on the right to inter-state armed violence will be met with even more skepticism;

- Only NATO has a right to launch military action against a non-NATO country. Such claim to unilateralism and exceptionalism that will never be conceded by the 'international community';

- Only NATO has the right to determine if military intervention, whether by NATO or any other coalition, is justified against others outside the coalition.
  This was implicit in the argument that NATO's actions in Kosovo cannot be construed as having set a precedent. The assumption underlying the claim is both demonstrably false, and almost breathtakingly arrogant in setting up NATO as the final arbiter of military intervention by itself and every other coalition;

- Regional organizations can take in-area military action but not out-of-area operations;

- Only the United Nations can legitimately authorize armed intervention.

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[6]  *Toward a Grand Strategy for an Uncertain World: Renewing Transatlantic Partnership* (Washington DC: Center for Strategic and International Studies, 10 January 2008).

[7]  High-level Panel on Threats, Challenges and Change (HLP), *A more secure world: our shared responsibility* (New York: United Nations, A/59/565, December 2004), para. 184.

The fifth and sixth option pose the fewest difficulties, although the history of the Warsaw Pact (Hungary 1956, Czechoslovakia 1968) and that of the Organization of American States (OAS) should inject elements of caution even with respect to the fifth.

For the United Nations, looking at the entirety of its history since 1945, the harsher criticism might well be that it has failed to authorize war on some occasions where a forceful response was necessary rather than that it has been "trigger happy". When it has authorized outright wars, as in Korea in 1950 and against Iraq in 1990-91, there has been broad international support. The same is true of peace enforcement when UN peace operations are challenged by spoilers. But the international consensus, even for UN-authorized operations, will fray and dissipate if the Security Council remains fossilized and out of alignment with current power and influence realities. Developing countries in particular are seriously under-represented in the permanent membership.

## 5    "Humanitarian Intervention" and the Responsibility to Protect

International interventions to protect the victims of humanitarian atrocities are a particular manifestation of a more general paradox. Privileging some crises that are 'securitized' over others that are not reflects the interests and perspectives of the rich and powerful at the expense of the weak and poor. The marginalized and powerless of all people are the voiceless in the human rights "discourse".

The central objective of traditional humanitarian policy has been to reduce the frequency and violence of war. Now many humanitarians demand the use of violence in order to advance the humanitarian agenda. Yet, how can one "intervene" in Kosovo, East Timor, Iraq or Darfur and pretend to be detached from and not responsible for the distributional consequences with respect to wealth, resources, power, status and authority? This dilemma is inherent in the structure of interventions and has nothing to do with the false dichotomy between multilateral or unilateral interventions. "The effort to intervene… without affecting the background distribution of power and wealth betrays this bizarre belief in the possibility of an international governance which does not govern."[8]

International humanitarians partake in global governance as advocates, activists and policy makers. Their critiques and policy prescriptions have demonstrable consequences in the governmental and intergovernmental allocation of resources and the exercise of political, military and economic power. With influence over policy should come responsibility for the consequences of policy. When things go wrong or do not happen according to plan, humanitarians share the responsibility for the suboptimal outcomes.

This denial of responsibility can be explained by their refusal to acknowledge that they have crossed over from the world of ideas and ideals into the realm of power and policy making. Human rights have become the universal vocabulary of political legitimacy and humanitarian law that of military legitimacy. But rather than necessarily constraining the pursuit of national interests in the international arena by military means, human rights and humanitarian law provide the discourse of justification for the familiar traditional means of statecraft. Much as humanitarians might want to believe that they still hold up the virtue of truth to the vice of power, the truth is that the vocabulary of virtue has been appropriated in the service of power. The fault line between activists and policy makers is no longer as sharp as it used to be.

Western countries are likely to be the subjects, not the objects of intervention, and their worldview is colored by this fact. The Nonaligned Movement – with 113 members, the most representative group of countries outside the United Nations itself – three times rejected "the so-called 'right of humanitarian intervention'" in the wake of the Kosovo war in 1999 and the subsequent statements from UN Secretary-General Kofi Annan.[9]

At one level, the developing countries' attachment to sovereignty is deeply emotional. The most important clue to understanding their concerns is the history of their encounter with

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8    David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton: Princeton University Press, 2004), p. 130.

9    Thomas G. Weiss, Don Hubert, et al., *The Responsibility to Protect: Research, Bibliography, and Background.* Supplementary volume to the Report of the International Commission on Intervention and State Sovereignty. (Ottawa: International Development Research Centre, 2001), pp. 162, 357. See also Philip Nel, "South Africa: the demand for legitimate multilateralism," in Albrecht Schnabel and Ramesh Thakur, eds., *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship* (Tokyo: United Nations University Press, 2000), pp. 245–59.

Europe. Southern countries achieved independence only after extensive and protracted nationalist struggles. The parties and leaders at the forefront of the fight for independence helped to establish the new states and shape and guide the founding principles of their foreign policies. The anti-colonial impulse in their worldview was instilled in the countries' foreign policies and survives as a powerful sentiment in the corporate memory of the elites. However, these developing-country views either fail to get a respectful hearing at all in Western policy and scholarly discourse, or are patronizingly dismissed. They have no equivalent of Senator Obama to gain a respectful hearing among mainstream American public intellectuals.

At another level, the commitment to sovereignty is functional. State sovereignty is the bedrock principle of the modern international system that provides order and stability. Thus, the international community should not weaken states nor undermine the principle of sovereignty, but strengthen the institutions of states by making them legitimate and empowering of people, respectful and protective of their rights.[10]

A canvassing of views on the heavily contested subject of international interventions to protect populations at risk showed that in no part of the world interventions are rejected under all circumstances.[11] In all consultations, people were prepared to concede that sometimes, outsiders may indeed have to step in with military force to protect victims from perpetrators of mass killings and ethnic cleansing.

However, in all consultations people emphasized the central importance of the UN. The organization embodies the existing international moral code and political consensus on the proper rules of conduct. If the code and consensus have become obsolete, then the UN is still the only proper forum and arena for renegotiating the terms of engagement of individual states with a single international standard of civilization. Interventions do not only violate the sovereignty of any given target state; they also challenge the principle of a society of states resting on a system of well understood and habitually obeyed rules.

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[10] See Simon Chesterman, Michael Ignatieff and Ramesh Thakur, eds., *Making States Work: State Failure and the Crisis of Governance* (Tokyo: United Nations University Press, 2005).

[11] Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006), chapter 13, "Developing Countries and the Eroding Nonintervention Norm."

Those who insist on retaining veto power but want to permit extra-UN enforcement of community norms insist on keeping the very rules that produce the outcomes they wish to reject. Thus, they cannot claim legitimacy in those cases: there is far too serious a problem of normative incoherence (between intervention and procedural restrictions on the use of force). Moreover, all parts of the developing world are seriously concerned of double standards and selectivity.

Finally, developing countries are united in the insistence that external intervention must never lead to territorial breakup. Protection of at-risk peoples must not lead to new political or territorial arrangements imposed by external actors.

In the real world, the choice is no longer between intervention and nonintervention, but between different modes of intervention: ad hoc or rules-based, unilateral or multilateral, and consensual or deeply divisive. The question is not whether interventions should be forbidden under all circumstances, but whether the powerful should respect procedural safeguards if interventions are to be justified. It would be far better to embed international intervention within the constraining discipline of the principles and caution underlying the "responsibility to protect" than to risk the inherently more volatile nature of unilateral interventions. Absent an agreed new set of rules, there will be nothing to stop the powerful from intervening anywhere and everywhere.

## 6    Human Rights

"Regime change" lies at the intersection of minimum standards of human rights within borders, minimum standards of civilized international behavior, and circumstances in which outsiders may legitimately suspend sovereignty and use military force to intervene in internal affairs.

The rise and diffusion of human rights norms and conventions and the extension and diffusion of international humanitarian law were among the great achievements of the last century. The "first-generation negative rights" emerged from constitutional traditions that prevented the state from curtailing the civil rights and political liberties of citizens; the "second-generation positive rights" reflected the agenda of many newly independent but poor countries to prescribe an activist agenda of social and economic rights for their citizens; and the "third-generation solidarity rights" pertain to collective entities rather

than individuals based on notions of solidarity.[12] Human rights, owed to every person simply as a human being, are inherently universal. "Human rights is the language that systematically embodies" the intuition that the human species is one "and each of the individuals who compose it is entitled to equal moral consideration"[13].

The debate in US circles on whether torture – the prohibition of which "appears on every short list of truly universal standards"[14] – can be justified if it leads to preventing mass terrorist attacks, mirrors the discourse of cultural relativism.

Human beings do not inhabit a universe of shared moral values. Instead, we find diverse moral communities cohabiting in international society. Equally, though, we should be suspicious of the self-serving and spurious claims of ruling elites that their rejection of external criticism is based on an alternative social consensus. Relativism is often the first refuge of repressive governments. A posture of moral relativism can be profoundly racist, proclaiming in effect that "the other" is not worthy of the dignity that belongs inalienably to one.

By contrast, human rights advocacy rests on "the moral imagination to feel the pain of others" as if it were one's own, treats others as "rights-bearing equals," not "dependents in tutelage," and can be viewed as "a juridical articulation of duty by those in zones of safety toward those in zones of danger."[15]

Relativism requires an acknowledgment that each culture has its own moral system and that institutional protection of human rights must be grounded in historically textured conditions and local political culture. But just because moral precepts vary from culture to culture does not mean that different peoples do not hold some values in common. For every society, murder is always wrong. But few proscribe the act of killing absolutely under all circumstances. At different times, in different societies, war, capital punishment, abortion or euthanasia may or may not be morally permissible. So the *interpretation and application* of the moral proscription of murder

varies from one time, place and society to another.

Thus sensitivity to cultural variation and specificity need not collapse into deferring to difference. It means respecting the right of individuals to choose between membership and exclusion from the group if their claims to free agency are denied from within the group. Few non-Westerners asserting claims to international human rights norms seek a wholesale replacement of their cultures by Western belief and value systems. Rather, they – the *dalit* in India, the girl in Afghanistan, the Muslim in Canada – seek protection of their rights *within* their own cultures.

That said, Africans and Asians are neither amused nor mindful at being lectured on universal human values by those who failed to practice the same during European colonialism, and now urge them to cooperate in promoting "global" human rights norms. Many dismiss Europe's expressions of concerns on human rights as based on the twin recurring refrains of arrogance and hypocrisy. The Europeans want to dictate whether or not Myanmar should be permitted in the Asian delegation for the annual ASEAN-Europe (ASEM) meeting in protest at Aung San Suu Kyi's house arrest, but ingratiate themselves with the leaders of China whose former pro-reform leader Zhao Ziyang was under house arrest for longer (15 years), until his death on 17 January 2005.[16]

Diane Orentlicher asks "By whose lights does one determine which rights are '*prima facie* universal' and what local variations in interpretation are permissible?... *Who decides?*"[17] Who indeed.

## 7    Terrorism

Terrorism has an impact on human rights in three ways. First, it is an extreme denial of the most basic human right, namely to life, and it creates an environment in which people cannot live in freedom from fear and enjoy their other rights. Second, the threat of terrorism can be used by governments to enact laws that strip away many civil liberties and political freedoms. One simple but popular technique is to reverse the burden of proof: those accused of terrorist activities, sympathies or even guilt by association on the basis of accusations by anonymous people are to be presumed to be guilty until they

[12]  Thomas G. Weiss, David P. Forsythe and Roger A. Coate, *The United Nations and Changing World Politics*, 4th ed., (Boulder: Westview, 2004), p. 142.
[13]  Michael Ignatieff, *Human Rights as Politics and Idolatry*, edited and introduced by Amy Gutmann (Princeton: Princeton University Press, 2001), pp. 3–4.
[14]  Diane F. Orentlicher, "Relativism and Religion," in ibid., p. 150.
[15]  Ignatieff, *Human Rights as Politics and Idolatry*, p. 163.
[16]  Philip Bowring, "EU lectures on human rights ring hollow," *International Herald Tribune,* 26 June 2004.
[17]  Orentlicher, "Relativism and Religion," p. 144; emphasis in original.

can prove their innocence of unspecified charges. And third, without necessarily amending laws or enacting new ones, governments can use the need to fight terrorism as an alibi to stifle dissent and criticism and imprison or threaten domestic opponents.

The *final* line of defense against international terrorism is preventive national measures in countries that are the targets of attack. Efforts to build effective defenses against international terrorism should focus *first* on countries that harbor or host individuals and groups advocating, financing, arming and otherwise supporting international terrorism. This is where the export of terror can be stopped or contained most cost-effectively. This requires both capacity-building in countries that lack institutional resilience in their security sectors to tackle terrorist cells in their midst; and mustering political will in other countries that have the capacity but lack the determination to root out cells from their midst. Fragile states with frail institutions are the soft underbelly for global terrorism. Terrorists take advantage of porous borders, weak and corrupt law-enforcement forces and limp judicial systems.

"While poverty and denial of human rights may not be said to 'cause' civil war, terrorism or organized crime, they all greatly increase the risk of instability and violence."[18] To describe terrorism as an *understandable* response does not make it into a *legitimate* response. Explanation is not justification; to try to understand is not to seek to condone, let alone to endorse. But because the "root cause" argument is deeply connected to the global fault lines on terrorism, it is all too often summarily dismissed. Most developing countries, and not merely Muslim ones, do want more attention paid to root causes.

Grievance rooted in collective injustice against ethnic and religious groups generates anger and armed resistance when the weaker resort to their comparative advantages in "asymmetric warfare". Often the driving force behind fanatic hatred is individual despair born of collective humiliation. If relations are based purely on power, with no concession to justice and equity, then peace and stability rest on insecure foundations, on the temporary inability of the revisionists to challenge the entrenched status quo, and not on their acceptance of the status quo as the

legitimate order. It would be as futile for Indians to deny that the quality of governance in Kashmir has often been strained as for Americans to deny their past propensity to back repressive regimes throughout the world so long as they were "our bastards": "the anger of young Muslims results primarily from revulsion at their corrupt leaders, and the subservience of these rulers to the United States."[19] For young Muslims, "it is better to carry arms and defend their religion with pride and dignity than to submit to this humiliation."[20] The US becomes the focus of grievance if its arms and policies are seen to be propping up occupying or brutalizing forces.[21]

Terrorism highlights the development-security nexus. Poverty detracts from the state capacity to provide universal education through the public sector, resulting in thousands of children going to private religious institutions and being schooled in the twin cultures of the Koran and the Kalashnikov. It is hard to imagine Palestine, Pakistan, Afghanistan, Indonesia and the Philippines as long-term major recruiting and training bases and safe havens for terrorism if they were comfortably well-off, middle-class countries.

The real struggle is likely to be within Islam,[22] not a clash of civilizations between Islam and the rest. And this struggle will be fought most intensely as a war of ideas. Perceptions of a US or Western crusade against Islam are likely to alienate many Muslims from the West and drive them into the arms of the fundamentalists. Instead of viewing terrorism through the lens of a war between civilizations, we have to see it as a war *on* civilization (an assault on values and freedoms we hold dear), and a war *for* civilization (the defense of the values and freedoms that we hold dear).

An urgent task is adopting a universally accepted definition. The High-Level Panel defined terrorism as "any action… that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a popu-

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18  Kofi A. Annan, *In larger freedom: towards development, security and human rights for all*. Report of the Secretary-General (New York: United Nations, document A/59/2005, 21 March 2005), para. 16.

19  Mai Yamani, "Alienated Muslims build internet shrine," *Australian Financial Review*, 30 June 2004.

20  Jessica Stern, "Terrorism's new Mecca," *Globe and Mail* (Toronto), 28 November 2003.

21  To cite just one example: "Planner of attacks was motivated by U.S. support for Israel," *Japan Times*, 24 July 2004.

22  For an analysis of the struggles from within for "the soul of Islam," as well as relations between Islam and the West, see Amin Saikal, *Islam and the West: Conflict or Cooperation?* (London: Palgrave Macmillan, 2003).

lation, or to compel a Government or an international organisation to do or to abstain from doing any act."[23] The focus on the nature of the acts breaks the unhelpful link with causes and motivations. It affirmed that "terrorism is never an acceptable tactic, even for the most defensible of causes" and therefore "must be condemned clearly and unequivocally by all".[24]

That the Palestinian people have a just cause and a justified grievance does not mean that blowing up a busload of school children is just: it is an act of terrorism, not a battle in an armed liberation struggle. The violation of the civilian immunity principle by suicide bombers has been a political catastrophe for their cause. The proposed definition brings clarity and rigor, removes the ideological edge from the debate and mutes the charges of inconsistency and double standards.

That said, it is also true that the threat of terrorism in most developing countries pales beside the pervasive threats of disease from lack of safe water and sanitation, the spread of HIV-AIDS and other deadly illnesses. Malaria kills more than one million people around the world every year, 90 percent of them in Africa: 3,000 people, or the equivalent of 9/11, per day. It accounts for one-fifth of all child deaths.[25]

## 8   Climate Change

Climate change is one of the more disputed concepts of our time. There is disagreement about the scientific models that underpin how fast the world's climate is changing, about how much of that change is attributable to human activity, and what the effects of that change will be.[26] However, there is increasing consensus in the scientific community that global warming *is* happening

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[23]   HLP, *A more secure world*, para. 164.d.

[24]   Ibid., paras. 157, 161.

[25]   *Malaria: a major cause of child death and poverty in Africa* (New York: UNICEF, 2004).

[26]   On *SciAm Observations* (Scientific American's blog), several categories of skepticism can be classified: "Warming may not actually be occurring; the present warming could be a natural uptick; CO2 emissions cannot explain the warming; climate models are unconvincing; warming is a good thing, so we shouldn't try to stop it; Kyoto is useless, or worse; people who argue that human activity causes global warming can't be trusted." George Musser, "Are You a Global Warming Skeptic? Part III," posted April 24, 2006 11:36:46 am, <http://blog.sciam.com/index.php?title=are_you_a_global_warming_skeptic_part_ii_1&more=1&c=1&tb=1&pb=> accessed June 1, 2006.

The science of climate change has accumulated over many decades to become compelling. Global climate change poses significant risks to the planet, and all nations have an important stake in addressing this new threat that is already sufficient to make collective action both necessary and urgent. Awareness has grown of the strain on earth's finite resources and the harm, possibly irreparable, being done on the environment. When the IPCC presented its final report in November 2007, it noted that 11 of the last 12 years (1995–2006) had been among the 12 warmest years since temperatures began being recorded in 1850. Average temperatures in the northern hemisphere were higher in the second half of the 20th century than during any other 50-year period in the last 500 years and perhaps even the last 1300 years. Consistent with global warming, the sea level has risen and the average Arctic ice shelf has shrunk.[27] Global greenhouse gas (GHG) emissions due to human activities have grown since pre-industrial times, with an increase of 70 percent just between 1970 and 2004. Among the consequences of global warming will be more extreme weather, with an increase in the number and intensity of heat waves, heavy rainfalls, and snowfalls.

The responsibility for having created the problem through carbon-intensive growth and profligate consumption patterns, and therefore for the solutions, rests largely with the rich countries who have far deeper carbon footprints and also the financial and technological capabilities to undertake the necessary action. The three worst GHG emitters per capita are the US, Canada and Australia. If the whole world adopted US and Canadian levels of production, consumption and waste generation per person, we would need nine Planet Earth's to sustain them.

The politics has changed with a startling suddenness so that previously skeptical leaders in Australia, Canada, and the United States, for example, are scrambling to catch up with the firming convictions of their electorates that serious action is urgently needed. Recent reports by Nicholas Stern and the Intergovernmental Panel on Climate Change (IPCC) were major catalysts for the dramatic mood swing in world public opinion.[28]

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[27]   IPCC, *Summary*, p. 1.

[28]   Sir Nicholas Stern, et al., *The Economics of Climate Change* (2006); www.hm-treasury.gov.uk; and *Summary for Policymakers of the Synthesis Report of the Fourth Assessment Report of the IPCC* (Geneva: IPCC, 2007).

Yet while the responsibility for causing climate change rests largely with the rich countries, it is the poor people who will be hit the hardest by worsening drought, weather volatility and extremes, and a rising sea level. By 2060, the semi-arid regions of sub-Saharan Africa could face productivity losses of more than one-quarter. By 2080, almost two billion people more could have to face water scarcity. Glacial retreat and changed rainfall could produce an ecological crisis in large swathes of northern China and southern Asia. Intensified flooding and storms could displace an additional 330 million people in coastal and low-lying areas (including 70 million in Bangladesh, 22 million in Vietnam, 6 million in Egypt). Droughts, floods and storms are already among the most powerful drivers of poverty and inequality as they wipe out assets, lead to malnutrition, and impede literacy as children are withdrawn from school. Moreover, existing studies show that those exposed to drought in early childhood are one-third more likely to be malnourished. The poorest countries and peoples of the world will be the most vulnerable. In addition to their capacity to cope, the adaptive capacity "is intimately connected to social and economic development" and "unevenly distributed across and within societies."[29]

Based on scale, magnitude, and irreversibility, global climate change constitutes a critical security issue. There is a need for action by all and a need for action now. Delay in acting on climate change now will mean that the costs of addressing it later will be significantly greater. The technical challenges will also mount with growing complexity.

Along with steps to combat climate change, action is also needed now on energy efficiency, conservation and diversification, and adaptation. To accommodate future population and economic growth, new methods are required for the development of alternative sources of energy supply to reduce global reliance on oil and conventional coal, including greater use of nuclear energy and hydroelectric power, even while promoting the use of non-fossil fuels and renewable sources of energy.

The central question is who is going to pay for the costs of addressing global climate change and how the costs will be shared. There is a special responsibility on the part of advanced industrial countries, which account for the largest share of the current levels of carbon emissions in the atmosphere. Yet they insist on meaningful binding commitments from developing countries who query why they should not aspire to raise their own standards of living, and why any sacrifices should be borne by developed countries.

Both industrial and emerging market economies need to acknowledge their common but differentiated responsibilities, to accept an equivalence of burden-sharing, to see that all countries take national action on climate change, and to negotiate an effective regime aimed at stabilizing global levels of carbon emissions within agreed acceptable targets. Because current levels of affluence in industrial countries have been directly associated with cumulative carbon emissions, they must provide financial and technical support to developing countries for them to achieve sustainable economic growth and social equity. For the past two decades, "sustainable development" has been subverted into sustainable consumption under the neoliberal consensus. It is neither fair nor realistic to expect developing countries, including powerful and populous countries like China and India, to forego tolerable consumption levels for their people in order to subsidise continued conspicuous consumption by the advanced countries.

All sides must confront some inconvenient truths. Past emissions continuing to change global climate for several more decades, rising demand energy as the engine of development growth, and intensifying volatility in the Middle East need to be addressed in the short term of the next decade. Urgent energy needs for developing and developed countries have somehow to be reconciled with longer-term goals of halting and reversing carbon emissions and global warming.

On mitigation, the industrial countries have to own up to their historical responsibility and take the lead in cutting their 1990 GHG levels by 30 percent by 2020 and 80 percent by 2050, according to the United Nations.[30] This can be done through a mix of carbon taxation; more stringent cap-and-trade programs; energy regulatory standards on vehicle emissions, buildings, electrical appliances, etc; and greater recourse to renewable energies and carbon capture and storage.

Developing countries have lesser responsibility for the creation of the climate change problem and lesser capacity for both mitigation and ad-

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[29]   Ibid., p. 14.

[30]   UNDP, *Human Development Report 2007/2008. Fighting Climate Change: Human Solidarity in a Divided World* (New York: Palgrave Macmillan, 2007).

aptation. They therefore need more transition time, financing for low-carbon technology transfer and assistance with adaptation. Their target should be set at cutting emissions by 20 percent of 1990 levels by 2050, starting from 2020 and supported by international transfers of finance and low-carbon technology. The report recommends the creation of a climate change mitigation facility to provide $25-50 billion annually toward incremental low-carbon energy investments in developing countries.

Even with stringent mitigation, warming will continue at least until 2050. Adaptation is necessary to cope with the implications of this and as insurance against the threat of insufficiently stringent mitigation. Here again, differential capacity between the rich and poor countries carries the risk of "drifting into a world of adaptation apartheid."[31] The spending to date on multilateral mechanisms on adaptation total a mere $26 million, with high transaction costs associated with such low levels of financing. Additional annual financing for adaptation, for example for climate proofing infrastructure and building resilience, will require $86 billion by 2015.

## 9    Conclusion: The Rule of Law

International law, like law in general, is an effort to align power to justice. Politics is about power: its location, bases, exercise, effects. Law seeks to tame power and convert it into authority through legitimizing principles, structures and procedures. Law thereby mediates relations between the rich and the poor, the weak and the powerful, by acting as a constraint on capricious behavior and setting limits on the arbitrary exercise of power. Conversely, the greater the gap between power and authority, the closer we are to the law of the jungle where might equals right. Equally, the greater the gap between power and justice in world affairs, the greater is the international legitimacy deficit.

The weak and vulnerable countries seek protection from the predatory instincts of the powerful – an abiding lesson of history– in a rules-based world order that specifies both the proper conduct to be followed by all states and the mechanisms for reconciling differences between them.[32] The UN lies at the center and indeed

symbolizes a rules-based order. The binding character of contracts does not rest on the reliance of one party to a contract; rather, it rests on the institution of the contract itself.[33] The same argument holds with respect to the UN Charter which regulates *when* force may be used and international humanitarian law which regulates *how* force may be used. Similarly, sovereignty as the organizing principle of international society is not the property of any particular state, but an international institution, "the foundational principle on which the rest of international relations is constructed."[34] Progress requires the creation and maintenance of a rules-based world order that specifies both the proper conduct to be followed by all states and the mechanisms for reconciling differences between them.

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[31] Desmond Tutu, quoted in UNDP, *Human Development Report 2007/2008*, p. 13.

[32] Maria Soledad Alvear, "Humanitarian Intervention: How to Deal with Crises Effectively," introductory remarks at the ICISS Round Table Consultation, Santiago, 4 May 2001 (unofficial translation).

[33] Friedrich V. Kratochwil, *Rules, Norms, and Decisions: On the conditions of practical and legal reasoning in international relations and domestic affairs* (Cambridge: Cambridge University Press, 1989), p. 28.

[34] Ian Hurd, 'Legitimacy and Authority in International Politics', *International Organization* 53:2 (Spring 1999), p. 393.

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