

**A more secure world:**  
*Our shared responsibility*

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**Report of the High-level Panel on Threats,  
Challenges and Change**



**United Nations**  
**2004**

## Transmittal letter addressed to the Secretary-General from the Chair of the High-level Panel on Threats, Challenges and Change

I have the privilege to transmit to you the report of the High-level Panel on Threats, Challenges and Change, entitled “A more secure world: our shared responsibility.”

The report puts forward a new vision of collective security, one that addresses all of the major threats to international peace and security felt around the world. Our research and consultations revealed that ours is an age of unparalleled interconnection among threats to international peace and security, and mutual vulnerability between weak and strong. We found that the United Nations has been much more effective in addressing the major threats to peace and security than it is given credit for, but that nonetheless major changes are needed if the United Nations is to be effective, efficient and equitable in providing collective security for all in the twenty-first century.

Our mandate from you precluded any in-depth examination of individual conflicts and we have respected that guidance. But the members of the Panel believe it would be remiss of them if they failed to point out that no amount of systemic changes to the way the United Nations handles both old and new threats to peace and security will enable it to discharge effectively its role under the Charter if efforts are not redoubled to resolve a number of long-standing disputes which continue to fester and to feed the new threats we now face. Foremost among these are the issues of Palestine, Kashmir and the Korean Peninsula.

The members of the Panel may not be in full agreement with every specific point and detail of the report, but they all endorse the report and generally agree with its findings. I undertake to draw to your attention, however, that the members of the Panel disagree about the models put forth for Security Council expansion and the method for determining criteria for Security Council membership. Some members of the Panel believe strongly that only the model involving expansion of permanent membership, albeit without a veto, will equip the Security Council to deal with the new century's threats. Others believe equally strongly that the alternative model involving elected, long-term but non-permanent members is the better way to proceed. We all agree, however, that it would be a major error to allow the discussions needed to move towards a decision between the two options to divert attention from decisions on the many other necessary proposals for change, the validity and viability of which do not depend on Security Council enlargement.

Our report is addressed to you, but many of our recommendations will require commitment from and action by heads of Government. Only through their leadership can we realistically forge the new consensus required to meet the threats described in our report.

*A more secure world: Our shared responsibility*

Our deliberations drew on inputs from a wide range of sources, including Governments, academic experts and civil society organizations across the globe. None of our work would have been possible were it not for the extensive support we received. The following Governments made generous financial contributions to our work: Austria, Australia, Belgium, Brazil, Canada, China, Denmark, France, Greece, Ireland, Italy, Japan, Jordan, Kazakhstan, Mauritius, Netherlands, New Zealand, Norway, Portugal, Russian Federation, Singapore, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey and United Kingdom. The following foundations and think tanks made financial or in-kind contributions to our work: Carnegie Corporation of New York, Ford Foundation, John D. and Catherine T. MacArthur Foundation, New York University Center on International Cooperation, Rockefeller Brothers Fund, Rockefeller Foundation, Stanford University Center for International Security and Cooperation, Stanley Foundation, United Nations Foundation and William and Flora Hewlett Foundation.

I should like to conclude by thanking you most warmly on my own behalf and that of other members of the Panel for the honour of entrusting to us this important task. I also wish to register our gratitude to all those who have contributed over the past year to our process of reflection, and above all to our Research Director, Stephen Stedman, and the Secretary of the Panel, Loraine Rickard-Martin, and their staff, without whose hard work and intellectual contributions the present report would not have seen the light of day.



**Anand Panyarachun**

Chairman

High-level Panel on Threats, Challenges and Change

## **IX. Using force: rules and guidelines**

183. The framers of the Charter of the United Nations recognized that force may be necessary for the “prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace”. Military force, legally and properly applied, is a vital component of any workable system of collective security, whether defined in the traditional narrow sense or more broadly as we would prefer. But few contemporary policy issues cause more difficulty, or involve higher stakes, than the principles concerning its use and application to individual cases.
184. 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. One of these elements being satisfied without the other will always weaken the international legal order - and thereby put both State and human security at greater risk.

### **A. The question of legality**

185. The Charter of the United Nations, in Article 2.4, expressly prohibits Member States from using or threatening force against each other, allowing only two exceptions: self-defence under Article 51, and military measures authorized by the Security Council under Chapter VII (and by extension for regional organizations under Chapter VIII) in response to “any threat to the peace, breach of the peace or act of aggression”.
186. For the first 44 years of the United Nations, Member States often violated these rules and used military force literally hundreds of times, with a paralysed Security Council passing very few Chapter VII resolutions and Article 51 only rarely providing credible cover. Since the end of the cold war, however, the yearning for an international system governed by the rule of law has grown. There is little evident international acceptance of the idea of security being best preserved by a balance of power, or by any single - even benignly motivated - superpower.
187. But in seeking to apply the express language of the Charter, three particularly difficult questions arise in practice: first, when a State claims the right to strike preventively, in self-defence, in response to a threat which is not imminent; secondly, when a State appears to be posing an external threat, actual or potential, to other States or people outside its borders, but there is disagreement in the Security Council as to what to do about it; and thirdly, where the threat is primarily internal, to a State’s own people.

## 1. Article 51 of the Charter of the United Nations and self-defence

188. The language of this article is restrictive: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures to maintain international peace and security”. However, a threatened State, according to long established international law, can take military action as long as the threatened attack is *imminent*, no other means would deflect it and the action is proportionate. The problem arises where the threat in question is not imminent but still claimed to be real: for example the acquisition, with allegedly hostile intent, of nuclear weapons-making capability.
189. Can a State, without going to the Security Council, claim in these circumstances the right to act, in anticipatory self-defence, not just pre-emptively (against an imminent or proximate threat) but preventively (against a non-imminent or non-proximate one)? Those who say “yes” argue that the potential harm from some threats (e.g., terrorists armed with a nuclear weapon) is so great that one simply cannot risk waiting until they become imminent, and that less harm may be done (e.g., avoiding a nuclear exchange or radioactive fallout from a reactor destruction) by acting earlier.
190. The short answer is that if there are good arguments for preventive military action, with good evidence to support them, they should be put to the Security Council, which can authorize such action if it chooses to. If it does not so choose, there will be, by definition, time to pursue other strategies, including persuasion, negotiation, deterrence and containment - and to visit again the military option.
191. For those impatient with such a response, the answer must be that, in a world full of perceived potential threats, the risk to the global order and the norm of non-intervention on which it continues to be based is simply too great for the legality of unilateral preventive action, as distinct from collectively endorsed action, to be accepted. Allowing one to so act is to allow all.
192. We do not favour the rewriting or reinterpretation of Article 51.

## 2. Chapter VII of the Charter of the United Nations and external threats

193. In the case of a State posing a threat to other States, people outside its borders or to international order more generally, the language of Chapter VII is inherently broad enough, and has been interpreted broadly enough, to allow the

Security Council to approve any coercive action at all, including military action, against a State when it deems this “necessary to maintain or restore international peace and security”. That is the case whether the threat is occurring now, in the imminent future or more distant future; whether it involves the State’s own actions or those of non-State actors it harbours or supports; or whether it takes the form of an act or omission, an actual or potential act of violence or simply a challenge to the Council’s authority.

194. We emphasize that the concerns we expressed about the legality of the preventive use of military force in the case of self-defence under Article 51 are not applicable in the case of collective action authorized under Chapter VII. In the world of the twenty-first century, the international community does have to be concerned about nightmare scenarios combining terrorists, weapons of mass destruction and irresponsible States, and much more besides, which may conceivably justify the use of force, not just reactively but preventively and before a latent threat becomes imminent. The question is not whether such action can be taken: it can, by the Security Council as the international community’s collective security voice, at any time it deems that there is a threat to international peace and security. The Council may well need to be prepared to be much more proactive on these issues, taking more decisive action earlier, than it has been in the past.
195. Questions of legality apart, there will be issues of prudence, or legitimacy, about whether such preventive action *should* be taken: crucial among them is whether there is credible evidence of the reality of the threat in question (taking into account both capability and specific intent) and whether the military response is the only reasonable one in the circumstances. We address these issues further below.
196. It may be that some States will always feel that they have the obligation to their own citizens, and the capacity, to do whatever they feel they need to do, unburdened by the constraints of collective Security Council process. But however understandable that approach may have been in the cold war years, when the United Nations was manifestly not operating as an effective collective security system, the world has now changed and expectations about legal compliance are very much higher.
197. One of the reasons why States may want to bypass the Security Council is a lack of confidence in the quality and objectivity of its decision-making. The Council’s decisions have often been less than consistent, less than persuasive and less than fully responsive to very real State and human security needs. But the solution is not to reduce the Council to impotence and irrelevance: it is to work from within to reform it, including in the ways we propose in the present report.

198. The Security Council is fully empowered under Chapter VII of the Charter of the United Nations to address the full range of security threats with which States are concerned. The task is not to find alternatives to the Security Council as a source of authority but to make the Council work better than it has.

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