Article 51 of the United Nations Charter: Exception or General Rule? The Nightmare of the Easy War

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1. Charter Validity, Lost Opportunities?

The United Nations Organisation is sixty. «UN reform» sounds like a tiring leitmotiv in the political discourse of the last decades. The appropriate metaphor is that of a crowded cemetery the tumbs of which are the countless reports. Too much time has been wasted. Nobody would honestly deny that the plunge should be taken, once for all. But we should start off on the right foot, bearing in mind that the UN reality is shade and light. No doubt the bureaucratic structure is gasping, mediocre is its present leadership, but as regards principles, objectives, the human development philosophy and the design of a world infrastructure of collective security under supranational authority, the UN Charter keeps unsallied validity from a political, juridical and moral standpoint. This is clearly reiterated by the Resolution of the UN General Assembly of 13 August 2004 (A/RES/58/317) on «Reaffirming the central role of the United Nations in the maintenance of international peace and security and the promotion of international co-operation». In particular, the General Assembly urges States to commit themselves to build up consensus on both concept and pratice of «human security».

The Charter validity is nourished by many factors – among others the visibility that the UN system has provided to NGOs and to women condition issues, and the dissemination of the human development philosophy –, but I think it primarily relies on the existence of the International Law of Human Rights, the «new» universal law that from the very Charter originates and is worldwide resounding in the conscience of innumerable human beings, groups and society organs: the UN and human rights are increasingly perceived as common heritage of all members of the «human family», the UN and

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the new humancentric law cannot but share the same destiny.
Historical circumstances, provided they are honestly interpreted having regard to the real needs of people all over the world, do advocate for strengthening the UN together with that very law for which the UN does exist, the International Law of Human Rights. It should be emphasised the UN and international legality share the same destiny.
World is more interdependent and globalised than in 1945 and makes stronger the need for having multilateral institutions capable to «decide» and carry out international public policies for the equitable distribution and the transparent running of global public goods, including peace, security, development, and environment.
The fall of the Berlin Wall in 1989 offered circumstances that were objectively suitable to step up the pace of the reform, but what happened was only a sterile chattering and the nineties were marked by a *crescendo* of wars, genocides, ethnical cleansing, widespread violence. Despite the availability of a suitable moral and legal paradigme for the global governance agenda – human rights, the international rule of law, subsidiarity, participatory democracy –, the Gulf War in 1991, atrocities in the Balkans and in Rwanda in the nineties, the Kossovo War in 1999, provide us the tragic empirical evidence of institutional failures at the world level.
The terroristic attack of 11 September 2001, and the increase of terroristic behaviours fuelled long-standing unilateralistic intentions of the surviving super-power: needless to remind that the model of «new world order» that President Bush senior advertised even at the UN General Assembly in 1991, was that of a hierarchical system comprising unequal armed sovereignties, where the place of the UN would have been ancillary with respect to the role of few major powers. The last attempt to ditch the United Nations came from Bush jr. with the «unilateral war» against Iraq, that was openly theorised and put into practice in blatant violation of International Law while claiming the formal support of the Security Council.
The UN support was luckily denied on that occasion.
Pressure from both governmental and civil society milieux is now growing to start once for all the UN reform, also to cope with a new reality that could be summarised as follows: even those strongest States that are able to make war are proving not

to be able to win war, then lacking the added-value or the meta-power that is necessary to impose new world orders, as it was usual in the inter-State system in the past centuries.

No other political actor except the UN can adequately take advantage from such situation and penetrate into the big interstice – wars without victories – that is now open to carry out the construction of that peaceful and human-centric world order the principles of which are essentially enshrined by the UN Charter.

We have now some major documents, namely the Report prepared by the High-Level Panel of Eminent Persons *A More Secure World: Our Shared Responsibility* (December 2004), and the Report of the UN Secretary General *In Larger Freedom: Towards Development, Security and Human Rights for All* (March 2005).

The present essay is a critical assessment of those parts of the Reports that relate to the military aspects of security.

The Reports share the same assumption: security threats should be addressed in accordance with the «human security» approach, the UN Charter is still fully valid and amendments should be limited to the provisions regarding the Security Council composition and the establishment of subsidiary bodies. Kofi Annan is explicit to this regard: «I fully embrace the broad vision that the Report (of the High-level Panel) articulates and its case for a more comprehensive concept of collective security: one that tackles new threats and old and that addresses the security concerns of all States».

It has been said that we have good, although partial diagnosis, but pour, and in my opinion even dangerous, prescription. To start with diagnosis, the typology of threats presented by the Reports is not exhaustive at all. The Panel refers to economic and social threats like poverty, infectious deseases and environment degradation; inter-State conflict; internal conflict including civil war, genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; transnational organised crime. But what about the persistent violation of principles and rules of International Law carried out by some democratic States; the doctrine and the practice of preventive war; rearmament and arms trade heavily involving, among others, all five permanent members of the Security Council; theorising and planning civilisations clash

and religious wars; the persisting iniquitous «international division of labour» between developed and poor countries; the ongoing de-regulation of both economy and institutions?

The prescriptive response starts with a realistic and courageous premise, which is explicit in the Panel Report, implicit in that of Kofi Annan: «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 – super-power». Here the claim is clearly for a multilateral approach to security. The Panel even dares to quote literally a phrase pronounced by President Harry Truman in the speech offered to the concluding session of the founding conference of the United Nations: «we all have to recognise – no matter how great our strength – that we must deny ourselves the license to do always as we please». Since threats to security have no boundaries, the Report says, States should endeavour to build up consensus on sharing both rights and responsibilities in the multilateral framework of collective security.

But the proposals are not consistent with this sound premise. The wording «building consensus» and «responsibility to protect» could look as a magic *manifesto*, but its comprehensive content is a destabilising strategy. Building consensus among States is not primarily intended to fully comply with principles and obligations of the UN Charter – in particular with those regarding the use of force –, but to agree on a (new) «division of military labour» between the UN and States based on the distinction of «peacekeeping» and «use of force»: States must be on the front line, the Report say, in combating security threats and the United Nations must be able to better assist them in enhancing their own capacities.

What is actually preparing is a trap and the key to discover the trap is the Byzantine discourse that both Reports make about Article 51 of the UN Charter while ignoring other relevant provisions.

2. Which Credible «Collective» Security for «Human» Security. Dangerous Byzantinism on Article 51

The language used by the Panel relating to the crucial issue of individual and collective self-defense is ambiguous, contra-

dictory, dangerous. It says that «Article 51 of the Charter of the United Nations should be neither rewritten nor reinterpreted, either to extend its long-established scope, so as to allow preventive measures to non-imminent threats, or to restrict it, so as to allow its application only to actual attacks». In fact, the Panel offers its own interpretation in a way that is not in accordance with the non ambiguous literal meaning of Article 51, which – it must be stressed – refers exclusively to the use of force if an armed attack of State against State «occurs». The Panel does not hesitate to support the «classical» interpretation of self-defense when it says that «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» (italics added).

Saying that «lawyers have long recognised that (Article 51) covers an imminent attack as well as one that has already happened», the Secretary General joins the High-Level Panel in providing an extensive interpretation of Article 51.

The perspective of Article 51 becoming a general rule instead of remaining an exception would make States the oligopolistic managers of world security: that means, again, that armed national sovereignties will continue to prevail on the UN supranational authority.

Now, it is not true that (all) «lawyers» agree on the extensive interpretation of Arcticle 51 by adding «imminence», and even «latency», to the «occurrence» of an armed attack. What is true is that some States – namely the USA, Israel, the former URSS... – have broadly (that is illegally) interpreted and implemented that Article.

To be honest, due reference should be made not to the complaisance of those lawyers who are sensibile to the *Realpolitik* appeal, but to the illegal practice of some countries, that aims at subverting the inner *ratio* of the UN Charter and of the International Law in the sense that Article 51 would become the general rule, and the fundamental principles contained in Article 2 of the Charter – in particular, the prohibition of the use of force and the obligation to solve conflicts in a peaceful way – would become the exception.

Having disrupted Article 51, the Panel consistently goes on by saying that «the problem arises, where the threat in question is not imminent but still claimed to be real». Its tortuous ques-

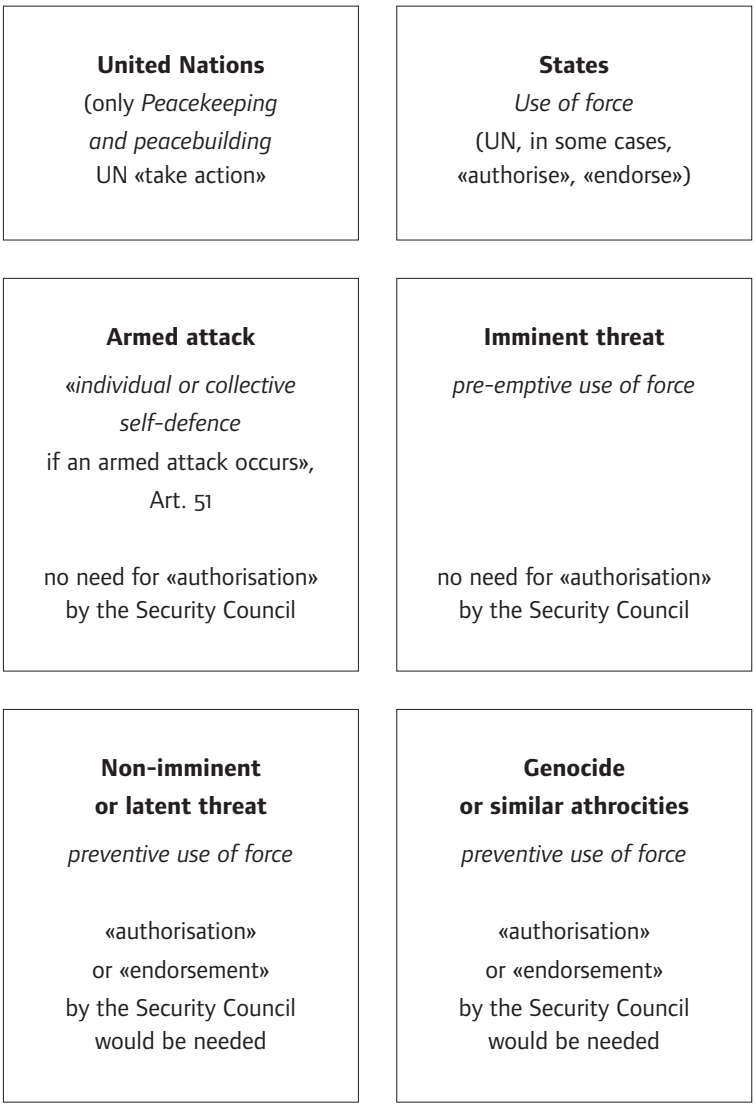
tioning opens the way to a new typology of dangerous «opportunities», absolutely not provided by the UN Charter: «Can a State, without going to the Security Council, claim in these circumstances the right to act, in *anticipatory* self-defense, not just *pre-emptively* (against an *imminent* or *proximate* threat) but *preventively* (against a *non-imminent* or *non-proximate* one)?» (italics added).

There are grounds for being seriously concerned with this «refined» typology. What is behind its literal wording? The Panel does not abstain from providing its own answer: «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 authorise such action if it chooses so». For *pre-emption* and *protection* no reference is made to the Security Council, that means that States are free. But also in the case of *prevention* for which the Security Council is expected to «authorise», it is still open the question: to authorise whom and for what?

The Panel provides States further opportunities for using force, in particular the *protective* way. Relying on the assumption that «there is a growing recognition that the issue is not the "right to intervene" of any State, but the "responsibility of protecting" of *every* State when it comes to people suffering», the Panel «endorses the emerging norm that there is a collective responsibility to protect, exercisable by the Security Council *authorising military intervention* as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent» (italics added).

The Secretary General's Report absorbs the scheme threats/armed responses imagined by the Hig-Level Panel.

What would be the new «division of armed labour» UN-States according to the Report, that we could call the «easy war typology», looks as follows:



3. Implementing Article 43, Deleting the Scandalous Article 106

What is above pointed out does explain why the Reports abstain from making any reference to the strategic provisions contained in Articles 42 and 43 of the UN Charter.

Article 42: «Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include

demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations».
Article 43: «1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. (...) 3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and *groups of Members* (...)» (italics added).
To explain the link between those Articles, we should recall Article 106 (Chapter XVII: «Transitional security arrangements», still into force...): «Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organisation as may be necessary for the purpose of maintaining international peace and security».
It is clear that Article 43 should be implemented in order to make possible the implementation of Article 42, that in turn would enable the UN to exercise its statutory «supranational» authority and powers. But instead of calling into play those articles, the Reports prefer to butcher – I repeat, to butcher – the non ambiguous content of Article 51. Consistently, they envisage for the Security Council the only task of «authorising» or «endorsing» military actions taken by States, the most powerful of which will always have good arguments to gain the UN «authorisation». The Byzantine discourse about Article 51 opens the way to jeopardise security with permanent destabilising outcomes all over the world. But the very Reports offer an important argument to contradict and counter their butchering strategy.
Escaping from the *ratio* of Articles 42 and 43, Kofi Annan envisages the creation of «strategic reserves for the United

Nations peacekeeping» and of a «United Nations civilian police standby capacity». The «reserves» would be included into an «interlocking system of peacekeeping capacities», that would also comprise stand-by forces made available by regional organisations: the European Union and the African Union are explicitely mentioned. It should be reminded that Boutros-Boutros Ghali supported the creation of the «United Nations stand-by *forces*», but its proposal was voted down and replaced by the «United Nations stand-by *arrangement unit*». The Kofi Annan's «interlocking system of stand-by capacities», although limited to peace-keeping and peace-building, could be taken as the providential key to recover the B.B. Ghali idea.

This proposal could be rebounded on the Reports' intent to demolish the UN security system as provided by the UN Charter. We can easily argue that agreements between the UN and those regional organisations on the permanent availability of military forces for UN operations, would implement the substance of Article 43 of the Charter, which refers not only to single States but also to «groups of Members». This means that the United Nations would be provided the suitable – legal and «material» – ground to «decide» to «take action» in accordance with Article 42, then to directly take over the command of military operations, not only for more or less classical peacekeeping – as Kofi Annan proposes – but also for the other tasks that are included in the typology provided by Article 42. (By the way, the stand-by agreements between the UN and the UE provide good arguments to advocate for a EU seat at the Security Council).

Furthermore the perspective of agreements between the UN and regional organisations would provide a lawful and sustainable architecture of world collective security under the UN authority in full accordance with the provisions of Chapter VII. Then, the UN security system would have huge pillars at regional level and Chapter VIII would become much more relevant by being hierarchically linked with Chapter VII.

Another important implication is that the scandalous Article 106, that allows those five States which are permanent members of the Security Council, to still remain above the Charter, then *legibus soluti*, should be deleted.

In other words: no excuse not to fully implement the Charter, no further alibi for States to use military force *à la Carte*. And no excuse for the Panel's and Kofi Annan's purpose to reshape the

Security Council role as the commander of «Blue Helmets-as-Blue Angels» and as the notary of the *fait-accompli* of major powers. This illegal purpose is further made explicit by the short paragraph that the Reports devote to the amendments of the UN Charter. The first proposal is to drop Articles 53 and 107 (referring to «enemy States») and Article 53 for the part concerning the same subject. Needless to emphasise that this is absolutely correct from the historical, legal and political point of view.

But the Reports also propose to delete the whole Article 47, establishing the Military Staff Committee «1. (...) to advice and assist the Security Council on *all questions relating to the Security Council military requirements for the maintenance of international peace and security, the employement and command of forces placed at its disposal, the regulation of armaments, and possible disarmament*. (…) 3. The Military Staff Committee shall be responsible under the Security Council for *the strategic direction of any armed forces placed at the disposal of the Security Council* (...)» (italics added).

The proposal to drop this Article, that relates to the «supra-national authority and command» of the UN, fits in perfectly with the purpose to demolish the collective security system as conceived by the UN Charter.

With such negative perspective, we wonder which «new» Security Council while keeping the «old» veto power.

As regards the composition of the Security Council, the Reports present two alternative (?) models, the first of which would extend the present permanent membership to 6 new members, without veto power (2 for Asia and Pacific, 2 for Africa, 1 for Europe, 1 for the Americas) and to 13 non-permanent members (two-year term, non renewable: 4 for Africa, 3 for Asia and Pacific, 2 for Europe, 4 for the Americas): the total number would consequently move from the present 15 to 24.

The second model foresees 8 new members, four-year term, renewable, without veto power (2 for Asia, 2 for Africa, 2 for Europe, 2 for the Americas), and 11, two-year term, non renewable (4 for Africa, 3 for Asia and Pacific, 1 for Europe, 3 for the Americas): again, the total figure would be 24.

It appears clear that the two models are not really alternative, for both new permanent members and new semi-permanent members would lack the veto power. This last will be carefully retained by the old permanent five.

I wonder which real change would happen, except extending and deepening discrimination. We would have a three-level discrimination: between old permanent and new permanent, between permanent with veto and permanent without veto, between old and new permanent (or quasi-permanent) from one side, and the remaining non permanent from the other.
Both Reports say nothing on the necessity for the Security Council to comply with the rule of law principles, hopefully recognising the competence of the International Court of Justice to exercise a legitimacy control on the Council's acts.
Something new and interesting regards the voting procedure: the Reports propose to set up a system of «public indicative voting» (non binding voting, without veto possibility), before passing on the present binding procedure for any subsequent formal vote.
A detailed proposal in both Reports relates to the establishment of a strictly intergovernmental Commission on Peacebuilding, without any involvement of those very actors, the NGOs, which have proved to be absolutely indispensable for any sustainable peacebuilding process.

4. Missing Democracy

The Reports we are criticising stand out for being particularly systematic and coincise. They are appreciable for emphasising the persistent validity of the UN Charter as well as for referring to the idea of «human security», that is primarily «people security» and instrumentally «State security». Nevertheless the overall approach is strongly State-centered, there is no attention to the need of democratising the UN and the other legitimate international institutions. In the very moment in which the discourse on democracy is instrumental even to make war, the Reports simply ignore the international dimension of democracy in its genuine articulation, that is more direct legitimation of the UN institutions and more political (popular) participation in its decision-making processes. (Let's remind that «one country one vote» translates the principle of equal sovereignty of States, not international-transnational democracy).
The lack of any attention to the relevant topic of international

democratisation explains why the Reports do not care the creative reality of innumerable global civil society organisations and movements that are proving to be absolutely necessary to achieve the multi-dimensional security purposes. The Reports start with good intentions by acceding to the human security philosophy but what follows is not consistent with such virtuous premise. As pointed out above, no room is provided for NGOs in the suggested Commission on Peacebuilding nor in the ECOSOC Committee on social and economic aspects of security. And of course nothing is said to extend the regime of NGOs consultative status to the functioning of the Security Council.

At the cost of appearing naive, I shall not refrain from wondering why such ridiculous attention for civil society transnational organisations and movements which really represent and carry out genuine common interests of the members of the human family. It is not enough to simply say – as the Reports do – that there is a *ad hoc* Report of the Panel of Eminent Persons on UN relations with civil society: *We the Peoples: Civil Society, the United Nations and Global Governance* (June 2004: the «Cardoso Report», very interesting indeed).

Being aware of the danger of the *recul* strategy (back to armed sovereignties) drawn up in the Reports, a suitable argument to counter the reappropriation of full military sovereignty by States (singles and/or «coalitions») is, as above advanced, to emphasise the importance of the stand-by capacities being established by the regional organisations in agreement with the UN. By this way the room is open, *de iure* and *de facto*, to extending the Security Council membership to those regional organisation, like the European Union and the African Union, that have stand-by structures in direct relationship with the United Nations own standby capacity.

Another major remark concerns the ambition of some States to have a permanent seat in the Council. Since in both Reports no veto power is envisaged for new permanent members, I wonder what makes sense for important States to seat as second row permanent members. Without veto power, they would look as «security developing countries» with regard to the «security developed permanent five». Unbelievable. Much more sense would make the entry of regional organisations because of their immediate instrumentality to the principles and purposes of the UN security system.

States are gathering in informal «pressure groups»: the Group of Four-G4 (Brazil, Germany, India, Japan), the Group of Like-Minded Countries «Uniting for Consensus» (among others, Italy, Canada, Mexico, Pakistan). The Non-Aligned Movement is still alive. Their interests are conflicting, but they share the same old-fashion State-centric approach. They all also ignore the challenge of democratising, in the genuine sense, the UN system.

All governmental stakeholders give absolute priority to the reform of the Security Council. This is a partial and unbalanced vision of what should be done. The UN Charter has two fundamental thematic sections, respectively devotetd to security and to development. If we assume, as the official Reports do, that security is «human security» and development is «human development» we cannot but consider both sections of the UN Charter as interdependent and indivisible as human rights are. The Economic and Social Council is no less important than the Security Council. A coherent and consistent reform should pursue the aim of balancing the weight of the two Councils, that in political terms means the real empowerment of the ECOSOC.

The Kofi Annan Report seems concerned with this problem, much more than the Panel's Report does. In the Chapter entitled «Strengthening the United Nations», the Secretary General refers to the «Council*s*» emphasising that while «the Security Council has increasingly asserted its authority, the Economic and Social Council has been too often relegated to the margins of global and social governance». The fact of addressing the subject in the «plural», that is with the «balancing approach», cannot but deserve full appreciation. But, while admitting that «the framers of the Charter did not give the ECOSOC enforcement power», the proposal «to make more important its potential role as *co-ordinator*, *convener*, *forum* for policy dialogue and *forger* of consensus» (italics added), does not meet empowerment requirements aimed at enabling the ECOSOC to «decide» and «carry out» international public policies, not only «final declarations» and «action programs». To actually empower the ECOSOC, reference should be made to the «right to development», as proclaimed by the UN Declaration of 1986 and further elucidated by the UNDP in the comprehensive vision of «all human rights for all» to be implemented in accordance with

the principle of their interdependence and indivisibility. This reference entails that ECOSOC should be enabled to guide and assess the policies of the specialised agencies, especially of the International Monetary Fund and of the World Bank, and to co-ordinate regional organisations.

I would insist on saying that the ECOSOC strength relies in the human rights paradigme. Needless to point out that the very human right field is covered by the specific competence of the Council.

To this regard, the proposal contained in the Reports to transform the present Human Rights Commission into a narrower permanent Council, directly linked with the General Assembly, deserves both attention and caution. As a matter of principle, I would warn about the risk of discriminating among UN Member States: democratic and non-democratic, human rights-lovers and human rights violators, etc. For sure, the difference is in the facts, but at the institutional level it should be addressed by involving all UN members in the crucial policy-making on human rights: virtuous contamination should be pursued as a strategic goal. Perhaps, while accepting the idea of a restricted permanent body in the name of both efficiency and effectiveness, it would be worthy to consider the possibility of enlarging the composition of the present Commission to all UN Member States and transforming it into a high level polical forum with much more time devoted to human rights. There is a real need to increase the political importance of human rights and consequently to have a strong «political» body that would be entitled to nourish the political debate and provide major inputs to the human rights standard setting and machinery. To be really new, and effective, the envisaged permanent Council would have of course a more restricted composition, it could take over, among others, the «special procedures» so far carried out by the Human Rights Commission as well as the functions of the present Sub-Commission for the promotion and protection of human rights. Its composition should be of independent experts, not of States representatives as in the Human Rights Commission. Independence and impartiality are fundamental parameters for the effectiveness of human rights monitoring: in the UN system, we have the example of the seven Committees-Treaty Bodies supervising the implementation of the respective international conventions, whose composition is of independent

experts. Among the tasks of the Council, one should aims at liaising in a permanent way with the Treaty Bodies: to this regard, analogy, although loose, would be with the practice carried out in the European system of human rights, where the Committee of Ministers of the Council of Europe, supervises the follow-up of the judgements of the European Court of Human Rights.
But here again a warning: the Reports huge emphasis on the reform of the Human Rights Commission could be a mirror decoy for larks, aimed at edulcorating the *recul* strategy concerning security.

5. Participatory Democracy for the UN Reform and to Counter the New «Bellum Justum» Fundamentalism

My conclusion is that we cannot achieve an effective world system of «human security» without adequate legitimacy and lively political popular participation. If security is also social, economic and environmental, the participation of global civil society actors is indispensable. If the UN institutions are requested to «decide», and not only to «recommend», they must be duly legitimated and participatory.
International democratisation should be carried out since the beginning of the real engineering on the future of the United Nations, that is when proposals are officially discussed. As already advanced in this review and in accordance with the increasing advocacy of civil society organisations and movements, the right venue for such fundamental process is a «Global Convention for strengthening and democratising the UN», to be established upon resolution of the General Assembly, where there is no veto power, in accordance with Article 22 relating to subsidiary bodies. In our case the *ad hoc* body would have a «plural» character, its membership would be provided by several representation segments: States (by regional groupings), international and regional organisations, national parliaments and/or parliamentary assemblies of regional organisations (European Parliament, Latin-American Parliament-Parlatino, Panafrican Parliament...), local government institutions, NGOs, permanent observers at the UN.
Once the Global Convention is established, it would be asked to open suitable e.channels for broader civil dialogue.

At the end of its work, the Global Convention would submit its Report to the General Assembly for any suitable follow up.
I am aware that the «Convention» would not be the best of international democracy, but it would be certainly less self-referential than the ongoing inter-governmental summitry and would launch a non-ambiguous signal of good will to world public opinion.
For sure the UN reform will definitely affect the structure of world order and it cannot be left to the exclusive game of the ongoing, non-democratic inter-governmental summitry: the Reports we are criticising provide us enough evidence of this trend.
As I pointed out, empirical evidence proves that no State, including the superpower, is capable to impose its own «new world order». Hopefully, I would say. Past history is contradicted: new world orders can no longer be the result of the victory of «sovereign» States on the battlefield. The super-power and other States that are comfortably staying around or behind it, want to be free to make war and to justify it with the new *bellum justum* fundamentalism. It is even more un-acceptable that this purpose find accomodation in the Report of the UN Secretary General.
If we pretend to use analogy with past history, we cannot say anything certain for the future. What we can actually say is that to face terrorism, to repress and prevent it as well as other security threats, it is legal, rational, reasonable to keep as an «*acquis*», as a fertile common heritage the United Nations original identity together with the «new» International Law rooted in the UN Charter and in the Universal Declaration of Human Rights, and to pursue the goal of strenghtening and democratising the legitimate, institutional multilateralism in the world system. This is the right way to positive peace as proclaimed by Article 28 of the Universal Declaration of Human Rights: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised». While States are still reluctant to find this road, global civil society organisations and movements – and, among them, an increasing number of Human Rights Centres in many universities all over the world – are already walking in it.