

SHIELD MOVES FORWARD

"I'm a great-grandfather of two days. I think my great-grandson will see an organised world, with a judicial force backed by military strength that outstrips any other. I don't think there's any other solution"

Jean Pictet (August 1999). Red Cross Lawyer who drew up the Humanitarian Military Code

In the preceding article on Shield (Vol.24 March 1, 1999) it was emphasised that Shield is neither a peace movement nor a pressure group; no one is asked to join Shield.

It was conceived by myself, an industrialist, promoted by John Cockcroft (former MP for Nantwich) and David Selves, an author. It is a concept – a rationale which proposes a fundamental change in the relationship between the UN and the community of nations it attempts to serve. The article significantly increased the interest already being shown in Shield and the supportive comments by prominent people, including a former Prime Minister and Foreign Secretary, strengthens the view that Shield should be made the subject of a full scale debate by a committee appointed by the government.

It has to be said that the government's attitude was somewhat negative when a debate was requested in the Lords relative to an article on Shield which appeared in the *Army Quarterly and Defence Journal*. However, the government's position was based on a fundamental misunderstanding of Shield's proposals. In the meantime, approaches are being made to other European governments.

It would be appropriate to comment firstly on the weaknesses in the UN's Charter, weaknesses which become apparent whenever war is imminent or has broken out.

The Security Council was created to accelerate decisions and actions relative

to threats to international security. However, it is a fact of history that several of the nations comprising the Security Council have more than once been engaged in military conflict with one another either directly, or as suppliers of arms to warring parties. Cast your minds back to the Cuban Missile Crisis in 1962 when Kennedy and Krushchev were eyeball to eyeball, with the world near to catastrophe. Yet America and the late Soviet Union were foremost in the Security Council to which world peace had been entrusted.

Surely it is contradictory to have a group of nations, some with a veto, acting as key players in the maintenance of world peace when inevitably each nation will see its own economic and political interests as paramount. And little would be gained if the much discussed UN military force were to become a reality. Its deployment or otherwise would be conditional on resolutions and vetoes within the UN each reflecting national and political self interest.

Here we carry another piece from Shield's Paul Stonor. Shield is an organisation which has attracted support from Members of both Houses and all parties

A further weakness in the UN Charter is its reliance on collective security, that is collective military or economic action by member nations against any nation committing an act of aggression.

Collective security has been practised by nations over the centuries in the shape of military alliances, mutual aid agreements and guarantees of sovereignty. The United Nations and the League of Nations both sought to widen the concept by involving all their member nations in mutual security arrangements. However, the arrangements in the UN Charter place no legal compulsion on member nations to give active military support to a nation suffering aggressive attack. Consequently, considerations of national interests are likely to take precedence over communal interests and the extent of a collective response, if any, will not be known until well after an aggressive attack has been launched.

The uncertainty of there being an overwhelming response to aggression robs collective security of any worthwhile deterrence thus encouraging the military adventurer to chance his arm in the hope that a quick military victory will be accepted by UN nations as a *fait accompli*. So, if on the one hand collective security fails to respond to an act of aggression the aggressor has won his gamble. If on the other hand it does respond there will be a war such as the Gulf War in which upwards of 30,000 lives were lost. If the UN had been in existence when Poland was attacked in 1939, it would probably have approved the collective response of Britain, France and later America. But the horrifying total of 55,000,000 war-related deaths would still have occurred in the ensuing conflict.

At best collective security, whether or not under the aegis of the UN, may facilitate the winning of wars against aggressors but it is unlikely to prevent their occurrence in the first place. Effective deterrence will only be achieved when would-be aggressors are left in no doubt whatsoever that to break the law enacted by the UN will trigger an immediate and overwhelming military response. Galtieri of Argentina is reputed to have said that he would not have authorised the occupation of the Falklands if he had anticipated that Mrs Thatcher would despatch a task force to expel his forces. A similar reaction to defeat is likely to have been experienced by Saddam, following the Gulf War.

The essential element in the Shield rationale is enforceable international law based on identical principles which generally govern law in a democratic nation. For example, the laws of our nation are enacted by representative parliaments and enforced by police and courts. The police and courts are ultimately accountable to Parliament but

the government of the day has no power to dictate to police and courts when and when not the law is to be upheld.

The rationale of Shield calls for a radical extension of the United Nations Charter to empower and oblige the UN (a): to enact laws binding on all nations, such laws being initially limited to matters of international security; and (b): to create an enforcement arm to uphold the laws so enacted.

The enforcement arm would comprise a supranational council commanding a powerful military force. The council members would be drawn in equal numbers from all UN member nations, each membership being subject to the approval of the UN General Assembly. The council members would in no way be representing their respective nations, their role would be identical to that of the personnel who make up the courts in democratic nations – to decide with total impartiality whether or not the law has been broken and to command the subsequent actions to uphold the law. National and political self interest would therefore play no part in the decisions of the Shield council.

The powerful military arm under the control of the council may be regarded as being equivalent to a democratic nation's police force whose function is to apprehend the law breaker using force if necessary.

Be clear that the council and its military arm would be an integral part of the United Nations and fully accountable to it. But accountability does not imply that the UN Security Council or, by parallel, a democratic government, have the right to dictate when and when not the law is to be upheld. Under the Shield rationale the UN would have enacted an international law stating that the unauthorised military violation of a nation's sovereignty by another nation is an international crime of the first degree. Should a nation commit such a violation it would fall to the supranational council, not the UN's General Assembly or Security Council, to decide whether or not UN law had been broken. And it would fall to the supranational council to issue a non-negotiable ultimatum to the aggressor followed, if repudiated, by decisive military intervention.

The council would not be mandated to take autonomous action relative to a civil war or a flagrant violation of human rights. However, a majority vote in the UN's General Assembly could provide a specific mandate directing the Shield council to intervene in the internal affairs of a grossly delinquent nation. Council members who are nationals of the nations in or approaching armed conflict (and of closely allied nations) would be deprived of their vote when a poll was being taken in respect of military intervention by the council's armed forces.

Being stateless and without towns or populations to defend, Shield would enjoy an "immunity to reciprocal devastation". Consequently, it would project the absolute certainty that non-negotiable retribution would fall upon any nation committing a material act of military aggression. Not only would such deterrence eliminate acts of aggression, it would also eliminate the emergence of military dictatorships in the first place. There

would be no point in amassing arms and armed forces which, if used aggressively, would trigger progressive destruction of the national economy.

The implementation of Shield would not require nations to surrender one iota of their sovereignty other than their freedom to commit acts of military aggression. Under Shield, each nation would decide if and when it would start to reduce its own national defences.

The personnel for Shield's armed forces would be recruited on a strictly voluntary basis, open to the populations of all UN member nations. Governments would therefore be relieved of any political

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responsibility for the risks and rewards to which their citizens who volunteer would be subject by their own choice and decision. It would be advantageous if the serving members were to take on the supra-nationality of Shield for the period of their service contract.

Misgivings expressed about Shield have been peripheral rather than fundamental. No one has yet suggested that it would be undesirable to move towards a more secure and safer world based on law strictly enforced without the taint of national and political self interest. So why not start the journey now and let the difficulties argue for themselves along the route? In any case, are the anticipated difficulties any more onerous than those faced during the development of the European Union or NATO?

Obtaining the acceptance of Shield's principles by the international community is frequently put forward as an insurmountable hurdle. However, no cogent reasons are advanced why a majority of the UN's member nations would vote against the adoption of Shield. The same nations would gladly accept an unconditional guarantee given by America that their sovereignty would be defended by American military power. So what is fundamentally different between a nation having its sovereignty defended by Shield forces rather than American forces?

But why should a well-intentioned nation not welcome Shield with open arms? It is not being asked to give up any of its sovereignty – just the reverse, it is having its sovereignty guaranteed. It is not being asked to reduce its current levels of defence, it remains free to reduce them when it feels secure under the guarantee of Shield. The eventual reductions in defence budgets would far outweigh the scaled contributions to the UN to cover the cost of maintaining Shield.

The progress of Shield is quickening due to the inherent logic of its rationale being more widely recognised – a logic on which our own legal system is securely based. But vision will remain paramount – vision to overcome the anathema to change; vision to see beyond the complexities of implementation; vision to see a peaceful World Order founded on law impartially enforced.