

Peter G. Danchin and Horst Fischer (eds), ***United Nations Reform and the New Collective Security***. Cambridge: Cambridge University Press, 2010. Pp. 450. \$130. ISBN: 9780521515436.

Spencer Zifcak. ***United Nations Reform: Heading North or South?*** London: Routledge, 2009. Pp. 240. \$140. ISBN: 9780415477208.

Notions such as ‘peace’, ‘war’, ‘threat to the peace’, ‘maintenance of international peace and security’, and ‘collective security’ are not only open-textured but also living concepts. Their content and definition evolve with time and experience. In fact, these concepts are based on a consensus which exists at a particular time between members of the international community. The 2004 Report of the Secretary-General’s High-Level Panel on Threats, Challenges and Changes, *A More Secured World: Our Shared Responsibility* (thereinafter ‘HLP Report’) and the reports that followed (the then Secretary-General’s *In Larger Freedom* Report and the 2005 *World Summit Outcome* Document) aim precisely at delineating such a consensus on the global idea of collective security, ‘global’ in the sense that it touches upon all the notions mentioned

above, notably the one of threat to international *security* (not to be confused with the threat to international *peace and security*).

This 'new security consensus'¹ or 'new consensus about the meaning and responsibilities of collective security'² is critically assessed by the first book under review, *United Nations Reform and the New Collective Security*, edited by Peter Danchin and Horst Fischer, international law professors at the Universities of Maryland and Leiden. As the title suggests, there is a link between United Nations reform and the 'new collective security'. Indeed, if there is a new consensus on peace and security matters, institutional and normative changes are inevitable so as to adapt reality to the new ideology. The second book under review, *United Nations Reform, Heading North or South?* by Spencer Zifcak, considers Kofi Annan's principal proposals for reform of the United Nations and alterations to international law.

These two books are exceptionally complementary. The first answers the question whether the process of reform is an adequate response to 'contemporary threats'³ and 'challenges of the 21st century',⁴ as identified by the HLP. Much of the second is concerned with the reasons for the failure of the principal proposals for reform.

As highlighted by Danchin and Fischer in their introduction, two competing visions of world order prompted the need for reform within the United Nations. On the one hand there is the 'old ideal' of collective security based on multilateral cooperation and the principle of sovereign equality. On the other hand stands the unilateralist paradigm incarnated by 'the world's undisputed military and economic superpower' (at 5), the United States, advocating pre-emptive actions against rogue states and non-state outlaws. These opposite visions generated a twofold question, as if the United Nations reform was a binary problem in every aspect.

From a normative perspective, (a) is international law adapted to 'new' threats to international security?

From an institutional point of view, (b) does the 1945 United Nations architecture satisfy the dire needs of our times?

The authors, notably in Parts I and II of Danchin and Fischer's book, react to the main findings of the HLP Report on these points.

The HLP defines 'threat to international security' as 'any event or process that leads to large-scale death or lessening of life-chances and undermines states as the basic unit of the international system'. Actually, the broadening of the traditional definition of threat to encompass non-military threats is not so new. In 1949, Philip C. Jessup already contended that:

it would be a narrow and stultifying interpretation of the Charter to assert that 'peace' is used in that instrument only as the antonym of 'war' and that therefore peace is not threatened or breached unless war is in the offing or has broken out.⁵

Yet, of the six 'clusters of threats'⁶ identified by the HLP Report some have not traditionally been responded to with force. As pointed out by many authors in the book, but particularly by Joachim Wolf (Chapter 6), the Security Council is not the appropriate forum to deal with

¹ HLP Report, at 1 ('Synopsis'), available at: www.un.org/secureworld/report2.pdf (accessed on 25 July 2011).

² *Ibid.*

³ *Ibid.*, at p. vii.

⁴ *Ibid.*, at 2.

⁵ P.C. Jessup, *A Modern Law of Nations: An Introduction* (1949), at 171.

⁶ (1) Economic and social threats, including poverty, infectious disease and environmental degradation; (2) inter-state conflict; (3) internal conflict, including civil war, genocide and other large-scale atrocities; (4) nuclear, radiological, chemical and biological weapons, (5) terrorism; (6) transnational organized crime: HLP Report, *supra* note 1, at 23.

non-military threats of a global nature such as those related to the triptych of ‘environment, disease, technology’. According to him, the powers of the Security Council, in terms of Article 24 of the United Nations Charter read with Chapter VII, are strictly limited to peace and security matters. To a certain extent, this contention is tautological: if ‘peace and security matters’ turn out to be ‘environment, disease and technology matters’ by subsequent practice and evolutive interpretation of Article 24(1),⁷ the Security Council is competent to deal with them.

In sum, authors are not critical of the definition of the threat *per se*, but of the normative and institutional response suggested by the HLP. These criticisms address the suggestion that the ‘reformed’ Security Council keep its veto right (see Lauri Mälksoo, Chapter 3) which, combined with the Security Council’s extremely centralized position (sharply criticized by Maxwell O. Chibundu, Chapter 4), is likely to lead to abuses (George Andreopoulos, Chapter 5, on humanitarian interventionism and responsibility to protect). Indeed, as underlined by Lauri Mälksoo, the broadening of the type of threat that merits a collective security response would inevitably result in an extension of the Security Council’s legal authority and moral duty to act in a wider variety of scenarios. For these authors the enlargement of the Security Council is not the adequate answer to that ‘problem’.

The HLP takes the view that the composition of the Security Council should be reviewed in order to increase the involvement in decision-making of those who contribute most to the United Nations financially, militarily, and diplomatically. The HPL advances two alternatives for enlargement, Models A and B,⁸ which would both be acceptable, even though Spencer Zifcak specifies that the HLP favours Model B.⁹

Jan Klabbers, the theoretician of international organizations, discusses this issue, in Chapter 2 of Danchin and Fischer, through the prism of the conceptual ambivalence between *universitas* (quest for effectiveness) and *societas* (quest for representativeness) that, according to him, underlies any process of reform. He wonders what the criterion for representativeness should be, if not military capacity. In the end, Klabbers is not convinced that the world would be a better place with a different Security Council. Between the two competing sentiments that also characterize the ambivalent process of reform, namely *instrumental rationality* (making an institution more effective) versus *political rationality* (concentrating on the political and substantive effects of the institution), Klabbers lays more weight on the latter. The Security Council could be reformed in a variety of ways; its legitimacy would only be increased by an improvement of the substance of its work. Lauri Mälksoo agrees on the point that effectiveness does not automatically engender legitimacy, as the HLP opined.

Finally, I highly recommend Chapter 1 by Peter Danchin, which opens the dance of reflections, to understand the conceptual and doctrinal framework that underlies the HLP Report. This is a fascinating chapter for its precision with regard to the use and implications of the concept of collective security in international law and politics.

⁷ Art. 24(1) of the UN Charter reads: ‘In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.’

⁸ Model A provides for 6 new permanent seats (with no right of veto) together with 3 new two-year term non-permanent seats, making for a Council of 25. Model B would not create any new permanent seats but 8 new four-year renewable-term seats and 1 new two-year non-permanent and non-renewable seat. A third Model was promoted by the ‘Uniting for Consensus’ (UFC) group which provides for 10 additional non-permanent seats but no new permanent seats. For more details, supporters, and variants of these models see Zifcak, at 14–37.

⁹ Zifcak, at 18.

The chapters in Parts III and IV of the book deal with specific aspects of United Nations reform. In Chapters 7 and 8, Dirk Salomons and Ejeviome Eloho Otobo present the new Peacebuilding Commission from different perspectives, ranging between disappointment and hope. Salomons elaborates on what the Peacebuilding Commission could have been if the robust, preventive, and proactive mandate envisaged by the HLP had not been thinned down in the debating and drafting process leading to the creation of the Commission in December 2005. Otobo is more optimistic about the new peacebuilding architecture of the United Nations. He discusses the Commission's engagement in Burundi and Sierra Leone, notably the process by which these two countries were selected by the Commission to be put first on the agenda, and sets out the challenges that the Commission is still facing.

In Chapter 9, Jeremy Farrall, known as a specialist on United Nations sanctions,¹⁰ retraces the process of reform from this very point of view, starting with the HLP Report and ending with the World Summit Document. He concludes that, in spite of all these attempts at regulating the power of the Security Council to edict coercive sanctions, starting with the end of the cold war, the Security Council is unregulated by nature. Meaningful sanctions regulation must come from the Council itself.

Chapters 10 and 11, by Eric Rosand and Carmen Marquez Carrasco respectively, are concerned with the United Nations' efforts, strategies, and commitments to deal with threats which do not emanate from states. In Chapter 10, Eric Rosand retraces the counter-terrorism action within the United Nations from the post 9/11 response by the Security Council to the Global Counter-Terrorism Strategy adopted by the General Assembly in 2006. He explains that the Strategy is a response by the General Assembly to the narrow Security Council-led counter-terrorism strategy. As underlined by Rosand who seems to agree with them, member states from the South raised legitimacy concerns about the representativeness of the Council and the strategy itself. Pleading for a new institutional framework within the United Nations, Rosand calls for the establishment of a broad-based counter-terrorism entity that is more democratic and legitimate. In Chapter 11, Marquez Carrasco examines the various aspects of the relationship between the Security Council and the International Criminal Court (ICC), notably the Council's power to delegate cases to the ICC. On the question to what extent the pursuit of justice may hamper the maintenance of peace, she answers that, regarding the broad conception of 'peace' adopted by the Council, these two goals may coincide but are not systematically linked.

Three final chapters make up Part IV of the book. They analyse the impacts of any new collective security regime on the ground. In Chapter 12, Dennis Dijkzeul analyses the functioning of the UN Mission in the Democratic Republic of the Congo (MONUC) as a concrete example of collective security in the eastern DRC. He argues that the process of reform failed to address the deeper causes of the security threats in the Congo as well as in other parts of the world for reasons that are intrinsic to conflicts and violence (the interaction of local, national, and international conflicts most notably) and for reasons related to the mandate and funding of MONUC. As these problems, both internal and external to MONUC, transcend the traditional state-based perspective, Dijkzeul suggests that peacekeeping action should also and foremost incorporate local and transnational measures. It is true that the HLP did not exchange the state-based paradigm for a real human security one. According to the definition of 'threat' by the HLP, the state remains the basic unit of the system.

A propos of non-state actors, Elizabeth Salmon, in Chapter 13, takes a critical look at the role of civil society in the Human Rights Council, which, as part of the reform, replaced the Human Rights Commission. She explains how and to which extent NGO participation makes

¹⁰ J. Farrall, *United Nations Sanctions and the Rule of Law* (2007).

the United Nations more legitimate. Yet, this chapter on the reform of the inter-governmental human rights body within the UN is based on the assumption – considering the focus of the book – that human rights are closely related to peace and security matters. So ‘closely’ indeed that the link between security and human rights should not be put into question. Chapter 5 by George Andreopoulos (at 156–163) approaches more critically this ‘linkage issue’ than does Salmon.

Finally, in Chapter 14, J. Paul Martin and Benedicto Q. Sanchez face the question of the role of states and civil society in relation to poor local communities and the specific threats faced by them. The authors develop a collective security model at a ‘village’ level which oscillates between traditional security and development. This last chapter leads the reader to consider the limits of a unique, state-based, and centralized collective security paradigm to be encapsulated in one scheme.

At the end of the book one is left with the impression that collective security may not come down to *one* consensus. The second book under review precisely addresses the question whether a consensus between states from the North and South is conceivable.

Spencer Zifcak’s book is a plunge into the complex and detailed discussions, inspired by politics and balance of power, that eventually led to the adoption or, mostly, to the non-adoption of Kofi Annan’s reform proposals. Zifcak scrutinizes the reform attempts of two main institutions of the United Nations – the Security Council and the General Assembly – and a subsidiary body of the General Assembly – the Human Rights Council. Zifcak also devotes three chapters to spheres of international law related to the use of force that are subject to change, the responsibility to protect, and action against international terrorism.

The originality of Zifcak’s book lies in his thesis, which pervades the whole book. According to him, the failure of most of the reform proposals is due to what he calls the ‘North–South impasse’. Zifcak defines North and South in terms of the principal political blocs at the UN. In these terms, the Northern states comprise the European Union, the US, Japan, the ‘CANZ group’ (Canada, Australia and New Zealand) and, on some occasions, Russia. The Southern states are represented by the ‘Group of 77’ (which includes Brazil, China, and India) and the overlapping – to a certain extent – group of ‘NAM’ (Non-Aligned Movement).

There are many disagreements between Northern and Southern states as to what the Security Council should aim at, for example on the question whether the United Nations should coercively intervene in cases of massive violations of human rights. The author explains these diverging opinions and strategies by pointing out their contrasting interests and priorities that are matters of security and efficiency for the North, development and equity for the South. The North’s conception of intervention therefore conflicts with the South’s understanding of sovereignty. Zifcak describes and analyses in depth the influence of these opposite strategic considerations on the process of reform.

In the epilogue, Zifcak advances some tentative suggestions for overcoming this problem; for example, that the Secretary General take strong leadership in the negotiations between states. At the end, Zifcak contends that ‘consensus constitutes an enormous impediment to progress’ (at 189). In his view, then, United Nations reform must not be excessively *consensual* at the risk of being anodyne or meaningless.

In summary, then, these two books provide the reader with a theoretical and practical perspective of what the 2005 UN reform has been, what it could have been, and why it failed (the perspective is mainly sceptical on the outcomes of the reform). The main merit of the book by Zifcak is to make clear that the UN reform is more a problem of political will than of international law. But does the UN really need a ‘reform’, in the sense of a process of institutional and normative changes reflecting new security concerns or new values to be protected? The merit of the book by Danchin and Fischer lies in raising this important question. The question whether the world indeed faces ‘new’ threats to peace or whether the ‘international community’ has a *new* perception of them is related to this.

Individual Contributions to United Nations Reform and the New Collective Security

- Peter G. Danchin and Horst Fischer*, Introduction: The New Collective Security;
Peter G. Danchin, Things Fall Apart: The Concept of Collective Security in International Law;
Jan Klabbers, Reflections on the Politics of Institutional Reform ;
Lauri Mälksoo, Great Powers Then and Now: Security Council Reform and Responses to Threats to Peace and Security;
Maxwell O. Chibundu, Assessing the High-Level Panel Report: Rethinking the Causes and Consequences of Threats to Collective Security;
George Andreopoulos, Collective Security and the Responsibility to Protect;
Joachim Wolf, Responses to Non-Military Threats: Environment, Disease and Technology;
Dirk Salomons, On the Far Side of Conflict: The UN Peacebuilding Commission as Optical Illusion;
Ejeviome Oloho Otoho, The New Peacebuilding Architecture: An Institutional Innovation of the United Nations;
Jeremy Farrall, The World Summit Process and UN Sanctions Reform: Between Rhetoric and Force;
Eric Rosand, The UN Response to the Evolving Threat of Global Terrorism: Institutional Reform, Rivalry, or Renewal?;
Carmen Márquez Carrasco, International Justice and Collective Security: Between Pragmatism and Principle;
Dennis Dijkzeul, Developing Security in the Eastern DRC: MONUC as a Practical Example of (Failing) Collective Security;
Elizabeth Salmón, Indirect Power: A Critical Look at Civil Society in the New Human Rights Council;
J. Paul Martin and Benedicto Q. Sánchez, Collective Security: A Village Eye-View.

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