

Nicholas Tsagourias and Nigel D. White

COLLECTIVE SECURITY

THEORY, LAW AND PRACTICE

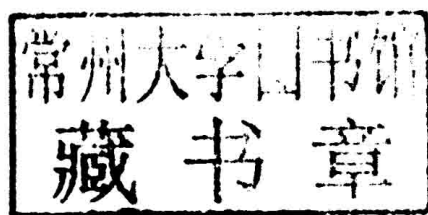
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COLLECTIVE SECURITY

This book provides a systematic analysis and assessment of the institutional, operational and legal parameters of Collective Security and more specifically of the United Nations Collective Security system. The book explains the morphology of Collective Security as a global public order institution and presents its triggers, institutions, actors, components and tools. It then goes on to analyse the legal properties of Collective Security and assesses its mechanisms for political, legal and criminal accountability. The book presents routes to Collective Security and discusses what a Collective Security system should be at the present historical juncture.

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PREFACE

Throughout history there have been a number of collective security projects, with the United Nations being the current and probably most enduring. In brief general terms, collective security (CS) is a lego-political construct to maintain international peace and security by treating all threats as indivisible and by centralising and institutionalising decision-making and action in this respect. As stated by the High Level Panel in *A More Secure World*, a CS system entails commitments, responsibilities, institutions, strategies and resources. More specifically, it entails institutions that will make decisions, take action and generally assume responsibility for peace and security; it entails common strategies for peace as well as political and legal commitments to contribute to the common endeavour. In order for these to materialise, members of a CS system (principally states) need to have a common interest in the aims of that system and share common understandings as to how they should organise themselves in order to achieve that goal. This is the hinterland against which a CS system is built and is expected to function.

Whereas the establishment of a CS system is the product of such a common understanding – usually after some devastating, albeit chastening, event – CS is not a static construct but changes in response to internal or external events. To begin with, the concepts of peace and security change in light of normative developments and technological changes. Likewise, the source or the type of threats also changes. Terrorism, the proliferation of weapons of mass destruction, humanitarian crises, environmental degradation and uses of force by non-state actors are among the most illustrative examples of the changing notions of peace and security, or of the changing sources of insecurity. This has led to the development of broader and deeper understandings of peace and security to enable the CS system to go further than the short-term goal of securing an end to fighting, and to protect human security alongside state security, although the latter remains central to CS and the wider international order. In addition to the above, the interests,

claims and expectations of the CS members may also change, as well as the configurations of power within the CS system. More than that, perceptions about what a CS system is for may change in time as, for example, in the relationship between peace and justice. As a result, not only resources, tools and strategies, but also the CS's lego-political structure, all need to be constantly reviewed, and adapted accordingly.

All of the above reveal the dynamics that fashion a CS system and impact on its constitution: not only its institutional and legal design, the policies it pursues, the tools it uses to attain its objective, the resources it needs and the actors it involves in its operations, but also the degree of allegiance of its members to the system.

This book will study the theoretical, political and legal parameters of CS by focusing on the United Nations Collective Security system (UNCS) and related institutions and actors. Its main contention is that any analysis and assessment of the political, institutional, legal and operational parameters of CS in general, and of the UNCS in particular, needs to take into account and integrate into such an analysis the dynamics referred to above. Thus, the central methodological premise of this book is to study CS, and the UNCS in particular, in the context of: (a) the tension between law and politics; and (b) the tension between the CS ideal and CS in practice. The first relates to the question of the extent to which law is an instrument of CS as a political project. Thus, one of the aims of this study is to examine the role of law in CS as a facilitator, regulator or constraint and assess its impact on the maintenance as well as effectiveness and efficiency of CS. The second relates to the question of the extent to which, and the form in which, the ideals of CS have been made probable or improbable in the real world. Thus, the other aim of this book is to measure CS ideals against CS practice, explain the reasons for any modification or adaptation and assess their impact on the realisation of CS aims. From the above, the third aim of the book ensues, which is to reflect on the current validity of the idea of CS and include assessments of what a CS system is – or should be, at the present historical juncture.

From the above it also transpires that the aim of the book is not to provide a blueprint for a CS system, but instead is to explain and deepen our understanding of CS by linking its theoretical, normative and empirical dimensions. By so doing we aim not only to put CS law in its wider conceptual as well as political contexts, but to help understand how law functions in a system that is dominated by states, politics and power. It will be seen whether, despite the appearance of being infertile

ground in which law (and more broadly justice) can flourish, law can set limits to power as well as providing a means of channelling it and, furthermore, whether securing peace is sought, albeit imperfectly, with reference to justice. Can the *collective* nature of CS, which signifies that its values, principles and norms are a product of collective agreements and common understandings, work even against powerful states using CS laws as instruments of power? Inevitably, in grappling with these questions the co-authors have disagreed at some points and, while we have tried to ensure that the arguments are coherent and consistent, the reader should expect to find debate and controversy as well as answers and conclusions.

A number of institutions and individuals deserve our expression of gratitude. The writing of the book was facilitated by a British Academy Small Grant (SG091119). We are indebted to Dr Russell Buchan, Dr Tarcisio Gazzini, Professor Vera Gowlland-Debbas, Dr Thérèse O'Donnell, Professor Natalino Ronzitti, Professor Achilles Skordas and Dr James Sloan, participants in a workshop organised at the University of Glasgow, for their invaluable comments on aspects of the book. We would also like to thank Alexandra Bohm for taking invaluable notes from the workshop and express once more our gratitude to Dr Russell Buchan for reading and commenting on the manuscript. We are indebted to Dr Julie Self and Christy Shucksmith for their help with editing and proofreading. Finally, from Cambridge University Press, we would like to thank Nienke van Schaverbeke, Finola O'Sullivan and Richard Woodham for their support.

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