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DEFINING AND DEVELOPING THE CONCEPT OF «COLLECTIVE SECURITY» IN STUDY AND PRACTICE OF INTERNATIONAL LAW

The article aims at comparing several scholarly definitions of «collective security», made by scholars from various countries, with the view to elaborate a general definition that would dwell on their achievements and also to stress a number of structural challenges which to the author's mind are likely to have their impact on both theoretical and practical dimensions of collective security in the world. The collective security is defined as such an organisation of international relations, where its members see their state of normal development and protection from threats as common and mutually dependent; it is essentially an organisation of international military enforcement based on and designed by international law. The challenges pointed out are the object of security, the subject of assessment and relation between the purpose and means of its attainment.

Key words: collective security, international security, defining, comparison, the object of security, the subject of assessment, relations between the purpose and means.

Introduction. Researching and teaching international law with special focus on the legal guarantees of international security poses a necessity to use and explain the concept of «collective security» while there is neither its universal definition in international law nor any uniform approach to defining it in respective studies.

This may be of no considerable importance, for this absence presents no obstacle for creation and functioning of international security organisations; moreover, this creation and functioning indicate that all the persons concerned have a similar or nearly similar notion of what «collective security» means. For the purpose or teaching or common use the meaning of «collective security» can always be explained with the help of simple formulas, such as «one for all, and all for one», or «keeping company against someone». One may consider that a comprehensive legal and scholarly definition is not a «must-have» for the purpose to uncover and grasp the very essence of the «collective security» phenomenon. There are cases, however, when some difficulties arise from the absence of such a definition, namely when there is a need:

- to explain the scope of international undertakings of states that follow from realization of the collective security and the possibility of its future development (for instance, if there is a need to answer whether there is one collective security system in modern world, or whether, on the contrary, the universal system and several regional systems are co-existing);

- to outline the international legal means that are envisaged to put the collective security into effect;

- to point out the problems, arising from the functioning of collective security, and to define the effect of these problems upon it as well as upon international law as a whole.

In other words, we are not in need of any special definition of collective security from the perspective of international law to get a general understanding of what it is. Yet, we may be in need of such a definition when we are to analyse the rights and duties, that mean participation in «collective security» and its realization in terms of international law.

The purpose of this study is:

- to compare and analyse the scholarly and pedagogical approaches to defining «collective security» by several authors representing various countries, and also

- to stress a number of practical challenges in the present collective security system that to the author's view are likely to have their impact upon both theoretical and practical aspects of collective security.

1. Historic formation: «an idea with no scholarly definition».

It is a tradition and almost an obligation to start an overview of the historical development of the idea of collective security from the so-called «permanent peace plans», that is - from numerous proposals to establish a community of nations which would strengthen peace in their mutual relations. Commonly recalled are the plans by P. Dubois (1306), G. Podebrad (1464), Henry IV of France or M. de Sully

(1640), Jan Amos Komenský (John Amos Comenius, 1643 – 1670), W. Penn (1693), Charles-Irénée Castel, abbé de Saint-Pierre (1713 and 1729, this permanent peace plan is renown also due to its adaptation and critique by J.-J. Rousseau, J. Bluntschli (1878), I. Kant (1789), J. Fichte (1797), V.F. Malinovsky (1803) and others. Some ideas and initiatives related to the collective security concept can be found in the works of Plato, Dante Alighieri (esp. in the treatise «De Monarchia» of 1313), Erasmus of Rotterdam and other prominent thinkers.

These works should be paid proper credit for being of interest for study and having preserved the idea of collective security through the centuries. Yet their detailed analysis seems to be not of primary importance for our present theme of development of the «collective security» concept, on the reason that these works don't *define* this concept. Another problem with them for a modern scholar is their terminology, which nowadays is sometimes largely different from what it was. So when dealing with these historic peace plans, a modern scholar becomes preoccupied with a number of questions, such as whether the author really meant a world monarchy, or a confederation, a federation or a united «republic», where member states preserve their domestic forms of government. To what extent the schemes proposed are close to an «international organisation», as we now see it? What degree of independence do the members preserve? In what way do their domestic legal systems correlate with the «law of the community»? Questions are so many, that it becomes hardly possible to discuss those plans with the use of our modern views on collective security and its grounds in international law. The authors of the past used the language of the past, and while they believed their scenarios to be realistic in some future, it was not their duty to foresee the future precisely as it arrived with the full scope of its problems.

At the same time we are grateful to these authors. Firstly, as mentioned above, they conceived and preserved the ideas that made the foundations for our present-day beliefs as to what the collective security and the respective international obligations should be. Secondly, these plans reflect – to different extent, though – a number of elements of the concept of the collective security, later implemented. These are, namely, the following statements:

- «peace is better than war», nations (especially the European/Christian ones) have a necessity to live together in peace and they can do it;
- the preconditions to such an establishment are the joint defence and renouncement from use of force in their disputes inter se, based on their mutual obligations;
- a common decision-making centre is necessary, with the tasks to provide for peaceful dispute settlement, to have the lead in the members' joint actions (for example, in the use of force against external enemies or those acting in breach of an agreement); the centre should be entitled to dispose of common finances and assigned troops to that end, maybe it should also possess a right to decide on the future common development of the union members. In a number of plans proposed such a body has the combined powers of a common council and a court, and its structure may have great variations;
- another necessary prerequisite may be a distribution of territories to satisfy the territorial demands of the members and to secure that none of them alone will be stronger than the united rest. (In particular, in the plan of Henry IV of France or M. de Sully this is an essential component).

The author of the present paper believes that presenting a list of elements is a good approach to explain the concept of collective security.

2. Definitions given by some Ukrainian and Russian authors.

To sum up the definitions of collective security given by Ukrainian and Russian authors, at least one feature that they have in common may be noticed: almost all of them express the notion of collective security as a system or a sum of joint activities by nations or by nations and international organisations. The reference dictionary «International law» (Moscow, 1997) gives a typical definition of collective security as a system of joint actions of nations aimed at maintaining international peace and security, established by the UN Charter and carried out within the framework of this universal organisations, regional security organisations, organisations and agreements on collective defence. According to this edition, collective security reflects the notion of general and undivided peace, meaning that in modern international relations the security of any nation is narrowly connected to universal security, and each breach of peace leads to a universal danger¹. V.G. Butkevich defines collective security in a likely way as a system of common measures of all nations or of nations belonging to a certain geographical region, established by the UN

¹ Додонов, В.Н., Панов, В.П., Румянцев, О.Г., Трофимов, В.Н. (1997). *Международное право. Словарь-справочник*. Москва: ИНФРА-М, 94.

Charter and respective regional treaties with the view to prevent or eliminate threats to peace, suppress the acts of aggression and other breaches of peace¹.

There are also some more features, common for Ukrainian and Russian authors, in defining the concept of collective security, as follows:

– giving a list of features or elements of collective security. For instance, S.A. Malinin points out at least three international undertakings of members laying the foundations for any collective security system: 1) not to use force or threat of force; 2) to settle their disputes by peaceful means only; 3) to cooperate actively in elimination of any danger for international peace, that is, to make a safer world². As other instants, L.D. Timchenko³ and L.A. Lazutin⁴ see the concept of collective security as made up of such elements as: 1) the system of generally acknowledged principles and rules of international law; 2) the peaceful dispute settlement system; 3) the system of collective actions to terminate and eliminate threats to peace, breaches of peace and acts of aggression; 4) a system of collective disarmament measures;

– the recognition and statement of constant historical development of the collective security system, while concentrating on the UN Charter and praising it as the highest achievement of this development;

– either defining the collective security system as comprising universal and regional levels or recognising the existence of separate universal and regional collective security systems. R.A. Kalamkaryan and Y.I. Migachev distinguish a general and regional collective security systems⁵, and S.A. Yegorov and B.R. Tuzmuhamedov believe that the collective security system may be universal and regional, the last one being the collective security system of a certain geographic region⁶;

– explaining the meaning of collective security through its relation to the notions of «international security», «global security», «collective defence», «the law of international security» etc. For instance, that is what V.S. Bruz does, separating the concept of collective security from those of general security, military alliances and collective defence⁷.

Some authors tend to refrain from giving collective security a definition of their own, preferring to quote the UN Charter. The textbook prepared for the MGIMO University dwells on the Charter as the legal foundation for general collective security⁸, and V.M. Schumilov explains the notion of collective security by recalling the UN Purposes and Principles⁹.

3. Definitions given by some authors from Western Europe and the Americas.

H. Kelsen believed that the assurance of collective security was the function of legal order, national and international alike. He gave collective security this definition: «The collective character of the security established by a legal order manifests itself, firstly, in the fact that the use of force is forbidden by the legal order which is valid equally for all members of the community constituted by the order, and, secondly, in the fact that the reaction against an illegal use of force is a collective action»¹⁰.

H. Kissinger, looking at origins of the modern collective security system in the context of activities of the «Holy Alliance», points out two elements of this system, the balance of power and the agreement on shared values. As H. Kissinger put it, «the balance of power reduces the opportunities for using force; a shared sense of justice reduces a desire to use force»¹¹. H. Kissinger relates formation of the modern collective security concept not only to the ideas of W. Wilson, but also to those of the British Prime-minister W. Gladston, who stood for the morality of state's conduct and recognition of the general source of

¹ Буткевич, В.Г. (2004). Право міжнародної безпеки. *Міжнародне право. Основні галузі*. Київ: Либідь, 268.

² Малинин, С.А. (1999). Право международной безопасности. *Международное право*. Москва: Юридическая литература, 283–284.

³ Тимченко, Л.Д. (1999). *Международное право*. Харьков: Консум, 244.

⁴ Лазутин, Л.А. (1999). Право международной безопасности. *Международное право*. Москва: Издательская группа НОРМА-ИНФРА М, 434–435.

⁵ Каламкарян, Р.А., Мигачев, Ю.И. (2006). *Международное право*. Москва: Издательство Эксмо, 204.

⁶ Егоров, С.А., Тuzмухамедов, Б.Р. (2007). Международная безопасность и международное право. *Международное право*. Москва: Норма, 441–462.

⁷ Бруз, В.С. (1995). *ООН і врегулювання міжнародних конфліктів*. Київ: Либідь, 11.

⁸ Гликман О.В., Кулебякин, В.Н. (2009). Право международной безопасности. *Международное право*. Москва: Высшее образование, Юрайт-Издат, 693–694.

⁹ Шумилов, В.М. (2009). *Международное право*. Москва: ТК Велби, 217.

¹⁰ Kelsen, H. (1957). *Collective Security under international Law*. Washington, D.C.: United States Government Printing Office, 7.

¹¹ Киссинджер, Г. (1997). *Дипломатия*. Москва: Ладомир, 67.

civilized mankind as of the most authorized supreme court¹.

P. Malanczuk, when giving an overview of the legal foundations of the League of Nations and the UN, points out two different views on collective security. The concept of collective security introduced by the Covenant of the League was «in the form of a mere association of self-interested and sovereign states. The concept assumes that all states have an equally strong interest in preventing aggression, and that all states are willing to take the same risk to achieve this. If a great power is involved in an act of aggression, validity of this assumption may well be very much open to doubt»². The collective security system provided for in the UN Charter, which is based on prohibition of the use of force or threat of force and a system of enforcement actions against an aggression, should have been «more advanced»³ than that of the League of Nations.

P.-M. Dupuy also states that the idea of collective security is taken by the UN Charter from the League of Nations' Covenant: the peace is indivisible, so all the members of a universal organisation are on one hand suspect to be able to break peace, and on the other hand are bound to cooperate among themselves and with the organisation to eliminate a threat to or a breach of peace. From this point of view the UN Charter represents a kind of an international social contract, obliging states parties to it to renounce the use of force in their relations with other states and to recognize that the Security Council, the real engine of collective security, possess the means for military enforcement, that is necessary to perform its task of international police⁴.

N. Quoc Dinh, P. Daillier and A. Pellet explain the meaning of collective defence in this manner: under the two world wars the nations restricted themselves by transmitting to international bodies their function and authority to guarantee the efficiency not of the law in general, but of only one rule of the non-use of force, so that law and peace should be protected by one collective action. Because of the conflict of interests it is the maintenance of peace, but not the justice, that remains the main concern⁵.

S. Dreyfus in the book «The Law of international relations. Elements of international public law» has a slight touch of collective security in relation to the League of Nations' activities as an idea aimed to maintain peace, territorial integrity and political independence of all the member states, that all the members had to respect under article 10 of the Covenant, the other two ideas that laid the foundations for the League being disarmament and dispute settlement either by court or arbitration⁶.

G. Camilli writes that disarmament, peaceful settlement of international disputes and respect for territorial integrity of nations were the three main elements making together the collective security system (un sistema di sicurezza collettiva) as the main purpose of the League of Nations⁷. The collective system of security (il sistema collettivo di sicurezza) within the UN is based on the SC's monopoly of the use of force⁸. On G. Camilli's opinion, the activities of the UN peacekeeping forces and the implementation of the «Uniting for Peace» by the General Assembly create a parallel system of security⁹. The international collective system of security (il sistema di sicurezza collettivo internazionale) includes also regional organisations of military nature¹⁰.

M.V. Gutierrez Posse speaks of collective security as of a principle established by the Covenant of the League of Nations and posing on all its members an obligation to respect territorial integrity and existing political independence and to defend it from any external aggression. War was no longer the case

¹ Киссинджер, Г. (1997). *Дипломатия*. Москва: Ладомир, 61, 141–142.

² Маланчук, П. (2000). *Вступ до міжнародного права за Ейкхерстом*. Харків: Консум, 57.

³ Маланчук, П. (2000). *Вступ до міжнародного права за Ейкхерстом*. Харків: Консум, 525.

⁴ Dupuy, P.-M. (1995). *Droit international public*. Paris: Editions Dalloz, 433-434.

⁵ Quoc, Dinh N., Daillier, P., Pellet, A. (1992). *Droit International Public*. Paris: Librairie générale de droit et de jurisprudence, 902.

⁶ Dreyfus, S. (1992). *Droit des relations internationales. Éléments de droit international public*. Paris: Editions Cujas, 223.

⁷ Camilli, G. (2010). *Compendio di orgainszazione internazionale*. Napoli: Gruppo Editoriale Esselibri-Simone, 11-12.

⁸ Camilli, G. (2010). *Compendio di orgainszazione internazionale*. Napoli: Gruppo Editoriale Esselibri-Simone, 130.

⁹ Camilli, G. (2010). *Compendio di orgainszazione internazionale*. Napoli: Gruppo Editoriale Esselibri-Simone, 139-140.

¹⁰ Camilli, G. (2010). *Compendio di orgainszazione internazionale*. Napoli: Gruppo Editoriale Esselibri-Simone, 141. In another edition G. Camilli and F. del Giudice include the three elements into the 'parallel security system', namely the UN peacekeeping forces, the role of the General Assembly and the role of regional organisations. See: Giudice del F., Camilli, G. (2009). *Diritto internazionale pubblico*. Napoli: Gruppo Editoriale Esselibri-Simone, 236–238.

of its belligerents only, but touched the cornerstone of the League of Nations¹.

J. Alcaide Fernández and M.C. Márquez Carrasco attest the collective security system as the key element of the post-war law and order on condition that it is not so much an exception to the prohibition to resort to force as it is an institutional addition to it². These authors mention further that the collective security scheme in Chapter VII of the UN Charter does possess the two features: the institutional one and the centralisation of military action.³

B.T. Halajczuk and M.T. del R. Moya Dominguez see the collective security system as a contrast to traditional concept of individual security, according to which any nation was free to arm itself and to agree upon alliances with the view to unite their forces against a common threat. Instead of this the collective security system reposes on the cooperation of the members of international community and has as its purpose the proportionate security for all the nations of international society, and not only that of allies. These authors also state that this new form appeared as a consequence of the failure of the individual security system and the outbreak of the First World War.⁴

On the contrary A. Gómez Robledo in his research of international jus cogens sees the origins of collective security designed with the view to introduce sanction against an aggressor and prevent new aggression, as well as of immediate defence following an ancient custom and law of nature, in the maxim *vim vi repellere licet*.⁵

As we have seen, the Western authors have more varied approaches to defining the collective security, and even not all the authors use the same term. Many explain the meaning of collective security starting with the Covenant of the League of Nations and then come to the United Nations as to the next stage in its historical development. On summing up a number of definitions there come out at least two elements of collective security: 1) the legal commitment of nations reflecting the idea of international peace being general and indivisible, and 2) the respective organisation of international enforcement with the view to implement the commitment (leading to creation of the respective institutions).

So, Ukrainian and Russian authors generally tend to define collective security in a common way as a system of actions, based on international law and aimed at maintenance and restoration of international peace. The Western approaches are comparatively more varied, yet they let us define at least two elements of collective security: 1) legal commitments on peace support, and 2) the respective organisations of international enforcement (leading to the need for international institutions to be created). It may be stated that, taken in most general manner, Ukrainian and Russian authors tend to look upon collective security as the «activity» of its members aimed at peace maintenance, and the Western authors see collective security more as the «space», where members have united on the bases of their legal undertakings to maintain peace.

Each of these approaches has its advantages, as well as faults. If the «activity» is emphasised, this may lead to recognition that «activity» itself is more important than the goal it has to pursue, thus turning the «activity» into an end in itself. In practice this may mean preservation (and the financial support for) the system of means designed for peace maintenance, but in the situation of frequent peace-breaking. Moreover, in particular cases the cost of preservation of the system of peace maintenance may be the resignation of the efficient performance of its main function, that is – of the maintenance of international security. Emphasising the «space» in its turn leads to concentration on the territorial scope of the members' undertakings to support peace, while diminishing the attention to the system of regular cooperation, though the system of cooperation is certainly necessary for the proper functioning of modern collective security.

There is a thing the author would like to stress. The scholarly thought of international law does not have generally accepted definitions of «national security», «international security», «global security» etc. All those are the notions related to collective security, and just as well as with it, it is widely believed that everyone understands the meaning until the meaning is to be translated into scholarly language from the one of «common sense». The scholarly definitions of national and international security normally look too heavy. If human security is pretty easy to define (or it seems so) as «a state of being protected», the notions

¹ Gutierrez Posse, M.V. (1990). *Derecho internacional público*. Buenos Aires: Zavalia, T 1, 39.

² Alcaide Fernández J. y Márquez Carrasco, M.C. (1997). La legítima defensa y los nuevos desarrollos de la acción de las Naciones Unidas en el marco de la seguridad colectiva. *Anuario de derecho internacional*, XIII, 254–255.

³ Alcaide Fernández J. y Márquez Carrasco, M.C. (1997). La legítima defensa y los nuevos desarrollos, 361.

⁴ Halajczuk, B.T., Moya Dominguez, M.T. del R. (1999). *Derecho internacional público*. Buenos Aires: Sociedad anonima editora, comercial, industrial y financiera, 722.

⁵ Gómez, Robledo A. (2003). *El Jus Cogens internacional. Estudio histórico-crítico*. Mexico: Universidad nacional autonoma de Mexico, 84.

of national and international security look more complicated, comprising not only the peace maintenance itself, but also fighting against the causes of peace breaking, as well as the institutional activities and the implementation of respective provisions. The author of the present paper believes that a more clear vision of national or international security can be received, if they are compared to health. A healthy body is the one that not only feels itself free from threats, but also feels itself able to function and develop properly. Alike, national and international security may be perceived as not only the state of freedom from threats or ability to repel them, but also as the process of creating the conditions to develop.

The history of international relations has proved the possibility to create the nations' unions aimed at their common security and of long-term cooperation within them. The more complex remains the problem of evolution of the existing collective security structures in conformity with international law and in response to the development of threats to international and national security. Such an evolution is known to be necessary, but it is a usual experience that the collective security system on universal level is changed by revolutions, that is – as a consequence of a large-scale international conflict it could not prevent. The assurance of the possibility for a universal collective security system to be developed by evolution, that is – by means of peace, – would have been a great relief to mankind. Yet there is no such assurance, as far as the collective security organisations are created historically to embody a certain balance of powers on the international scene, and so to agree to changes means to restrict or to surrender one's leadership.

The author believes that, in most general way and combining the above-mentioned approaches, collective security may be defined as an *organisation of international relations, where its members look upon their state of normal development and protection from threats as common and interrelated*. The assault on a member's security is considered by them to be a breach of security of them all, and that perception leads to common reaction to such an assault with possible creation of a system of joint actions to prevent and repel such breaches. Collective security has an international legal dimension, because such an organisation of international relations has to be based on international law.

A feature of major significance is that collective security has close ties to international enforcement and organisation of its performance. It may be discussed endlessly that collective security is the bases for international peace maintenance and is created to «prevent wars». At the same time, however, the collective security system (no matter here, if it is a single one or divided into levels) is first of all *an organisation of international military enforcement, under international law*. The development, the structures, especially the decision-making processes of international collective security organisations reflect the balance of forces reached in some period in history, and their legal foundations are not easy to adopt to the changing international situation in a timely manner. This is a source for both their crucial necessity and their ambiguity.

4. The practical challenges.

As stated earlier, one of the achievements that make us indebted to the historical authors trying to present their plans for «permanent peace» is their effort to list the elements necessary for an organisation aimed at peace maintenance. The turbulent and reach practical experience of such bodies in existence not only gives us a possibility to see and evaluate those elements in action, but also invites us to imagine the practical challenges that those elements depend on and have to cope with. To the author's mind, the further development of the modern system of collective security is to answer to several practical challenges to its structure; these challenges are likely to shape both practical and theoretical aspects of the concept of collective security as a whole:

1. The object of security. The present system of international legal undertakings aimed at the maintenance of international security as reflected in the UN Charter is centered upon the idea that it is the sovereign rights of states, namely those of territorial integrity and political independence that should be protected by international rules. The threats to international security, however, may be directed explicitly against the security of people, and nowadays these are the acknowledged threats of increasing danger. It is understood, that the security of nation and that of a human being are interrelated and indivisible, and it is for the sake of human security that we talk of national and international ones. (An eloquent statement of this can be found in the preamble of the UN Charter, marking that war «twice in our lifetime has brought untold sorrow to mankind» and so the UN is created to save succeeding generations from its scourge). The object of security as officially recognized by the members of this particular collective security system is of importance because it influences the means of protection used within this system. It follows that international legal regulation of the means of protection, available for the use within a particular collective security system, is related to defining the object of security.

2. *The subject of assessment.* The undertakings concerning maintenance of international peace and security are of great importance in modern international law, but they can be carried out effectively only subject to bona fide interpretation and application of it. This means that the practice of interpretation and application by the competent entities within a collective security system is of no less importance than the rights, duties and undertakings under international law in the security sphere. It is clear that the obligations under international law aimed at maintaining international security are made more precise and developed in response to new threats of international peace and security; the response to these threats won't be efficient enough, however, without the alongside interpretation and application of the respective legal rules and undertakings in timely and bona fide manner, both on universal and regional levels.

The universal bodies entitled to provide such interpretation and application within the modern collective security system are: 1) the UN Security Council, possessing the primary responsibility for the maintenance of international peace and security, having the right to take binding decisions and to authorize collective enforcement measures, yet dependent on the P5 agreement; 2) the UN General Assembly, competent to discuss any questions or any matters within the scope of the present Charter and make recommendations concerning a dispute or situation, yet having no right to make recommendations as to a dispute or situation that are being considered by the Security Council, unless the Security Council so requests; 3) the International Court of Justice, that may decide upon any question of international law, including that concerning the legal aspect of maintenance of international peace and security, with powers to take decisions on international disputes, which are binding for the parties, and to give advisory opinions having no binding force as to any legal question asked by the General Assembly or the Security Council, but limited in action by its competence. The possibility to create a sort of «constitutional control» of the ICJ as to the SC resolutions was discussed, but such a control cannot be exercised directly, because the ICJ has no right to abolish the SC resolutions, and also because of the separation of powers of the ICJ as a judicial organ and the SC as a political one, as it was defined by the ICJ in its 1984 decision on the «Nicaragua vs. USA» case. The resolution of the Council binds the Court in no manner whatsoever, but the decision of any case by the Court does not afflict the SC position as to the same matter¹.

High is also the importance of the assessment given by regional security organisations and also by various social organisms and the mass-media. The assessment by regional security organisations though indispensable to complement the universal organs and to provide for regional security may often be biased and determined largely by concurring political interests of their members. The assessment by social organisms and the mass-media does have the most significant impact on public opinion, but strictly does not have its grounds in international law, except only the position of human rights bodies or other legal associations.

Finally, it shall be remembered, that nations themselves interpret their undertakings under international law while implementing these undertakings in their policy on international scene.

The significance of regional mechanisms for the maintenance of international peace and security may in no way be underestimated. Neither may it be forgotten, that the universally common opinion may not be either the unique or the only just one. Meanwhile, as far as the non-use of force or threat of force principle and the related concepts in international law are universal, there is a necessity to secure their implementation by universal mechanisms.

3. *The relation between the purpose and the means of attainment thereof.* Under the UN Charter, the Security Council is free to define the existence of any threat to peace, that presents the ground for international military or non-military enforcement action on behalf of the world community. Any situation may be named by the SC a «threat to peace», if the necessary number of its members including the P5 agrees so, and the demand to comply with the customary rule of proportionality is the only guarantee that the actions answering to the threat to peace will be adequate to it in scale and character without great excess. This is rather hard to achieve in practice and brings back again the problem of efficient assessment.

Conclusion. For the purpose of studying international legal guarantees of international peace and security collective security may be defined as such an organisation of international relations, where its members see their state of normal development and protection from threats as common and mutually dependent. The breach of security of one of the members is considered to be the breach of security of them all, and so a common reaction of the members to such a breach is expected to be provided for. A system of

¹ Case Concerning Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America) (Jurisdiction, Judgment) [1984] I.C.J. Rep.1984. <<http://www.icj-cij.org/docket/files/70/6485.pdf>> (28 October 2016).

common prevention of threats and common resistance to them may be developed. The international legal dimension of collective security comes from the fact that this organisation of inter-state relations has to be based on international law. Aimed at maintenance and restoration of international peace and security, in its essence collective security is an organisation of international military enforcement, designed by international law, and the construction of international organisations created to maintain collective security reflects the balance of power established within a particular historic period in international relations.

The author believes that the development of the object of collective security – that is, of the values that members of a collective security system consider and recognize to be protected – may be taken as a basis for scholarly analysis of the historic development of various forms of collective security. The author also believes that the problem of assessment should be ranked first among the tasks that are to be resolved in the progress of the modern collective security system. It is easy to understand that the rules of international law, both those of treaties and of customs, will develop by meeting the new challenges made by the developing threats of international peace and security, but an efficient and bona fide interpretation and application of those rules have an important share in the functioning of collective security.

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