

The United Nations Security Council: Contemporary Threats to its Legitimacy and Performance

An international conference organized by the University of St. Gallen
at Monte Verità, Ascona, in May 2016

Following an invitation by the Chair in International Law and European Law of the University of St. Gallen, a diverse group of academics gathered from May 22nd to May 25th, 2016 at Monte Verità in Ascona, Switzerland, with the aim of critically taking stock of, and further developing, the debates of the last twenty years regarding the work and a possible reform of the United Nations Security Council. Professor Bardo Fassbender was happy to welcome as participants of the conference some fifty scholars of international law from diverse schools of thought, political scientists, philosophers, diplomats and policy makers who had come from various European countries, the United States, Latin America, Asia and Australia.

Among the participants were professors Antony Anghie (University of Utah), Thomas Burri (University of St. Gallen), Francis Cheneval (University of Zurich), Christine Chinkin (London School of Economics), Oliver Diggelmann (University of Zurich), David Kennedy (Harvard Law School), Jan Klabbers (University of Helsinki), Mattias Kumm (New York University and Humboldt University Berlin), Winrich Kühne (Johns Hopkins University), Dirk Lehmkuhl (University of St. Gallen),



Professors Bardo Fassbender, Dirk Lehmkuhl and David Kennedy in Panel 3, "Law and Politics in the Debate on UN Security Council Reform"

Christopher Michaelsen (University of New South Wales), Anne Orford (University of Melbourne), Vincent-Joël Proulx (National University of Singapore), Daniel Thürer (University of Zurich), Lars Viellechner (University of Bremen), Neil Walker (University of Edinburgh) and Oleksandr Zadorozhnii (National Taras Shevchenko University of Kyiv, Ukraine). Ambassador Pascale Baeriswyl, Vice Director of the International Law Office of the Swiss Federal Department of Foreign Affairs, provided important insight from her experiences at the United Nations, in particular regarding the efforts of a coalition of smaller UN member states, including Switzerland, to reform the working methods of the Security Council. Among the participants was a large number of younger scholars and Ph.D. students who cherished the opportunity of having a face-to-face exchange with some of the most prominent academics in the field.



A view from the conference site on Lago Maggiore and gladly, this expectation proved to be right.

Monte Verità – or the “Mountain of Truth” – is the name of a hill in Ascona overlooking Lake Maggiore chosen at the beginning of the 20th century by a cosmopolitan group of idealists and artists experimenting with different forms of alternative world views and life styles. Today, the hill is the site of a hotel complex and conference centre. Against this special historical background, Monte Verità appeared to be a good place to think about the future of the Security Council, and the international legal order in general –

In his keynote address which opened the conference on Monday morning, Professor Daniel Thürer (University of Zurich and International Committee of the Red Cross) drew on his rich practical experience as well as on his vast knowledge as an academic. Professor Thürer made a case for embracing Kant rather than Grotius as the “father of international law” and, referring more specifically to the role of the Security Council in contemporary world affairs, he suggested to consider the concept of a “benevolent hegemony”, an idea later in the conference taken up by Professor Antony Anghie, one of the most prominent voices of the Third World Approaches to International Law (TWAIL). Professor Thürer went on to reflect on the topic of Security Council reform, focussing on the efforts with the greatest momentum, and highlighting that these were initiatives concerning legally informal, but abstract and principled restrictions of the veto power of the permanent members of the Council.



Prof. Antony Anghie during his presentation “North-South Relationships in the Work of the Security Council”

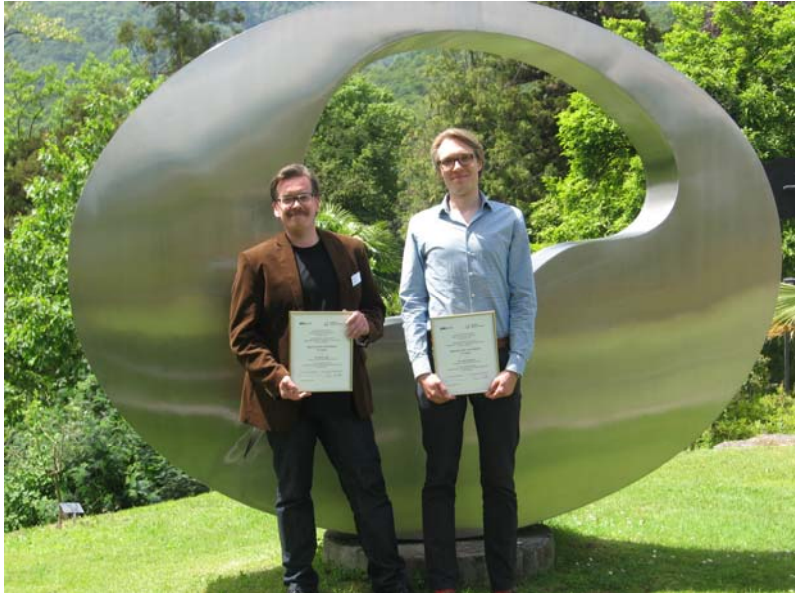


Professors Jan Klabbers, Lars Viellechner and Oliver Diggelmann in Panel 1, “Global Constitutionalism and Critical Approaches to International Law”

Over the course of the following three days, eight panels provided an opportunity to discuss diverse topics relating to the Security Council. The panellists and the audience vividly considered global constitutionalism and critical approaches as theoretical frameworks for an analysis of the Security Council and its work. They took a closer look at the concepts of legitimacy, rule of law, and democracy as they apply or do not apply to the Security Council, reflected on the relationship between law and politics in the debate on the reform of the Security Council,

considered strategies for increasing the inclusiveness of the Security Council, and scrutinized different aspects of the mandate and substantial work of the Security Council, including North-South relationships, human rights and gender, and the maintenance of international peace and security, which is still the core mandate of the Security Council.

The conference schedule left ample room for informal discussions outside of the panel sessions. Thus, conversations over breakfast, lunch, or dinner sometimes turned into little seminars in which the renowned academics interacted with the younger scholars who had been invited to attend the conference. Passionate discussions ensued over a walk through the park surrounding the Monte



Verità hotel, or over coffee on the hotel terrace, covering

Bastian Loges and Holger Niemann with their certificates of merit in the park of Monte Verità

not only the topics addressed in the panels but also the relationship between academia and (diplomatic) practice, differences in the academic cultures of the disciplines present at the conference, and the right mix of critique, idealism and pragmatism in dealing with the Security Council. As many participants said, they benefitted enormously from the three days spent with such an interesting group of people at a place so inspiring like that of Monte Verità. The younger scholars, in particular, explained that they would integrate the knowledge and insight gained in the conference into their future research and publications. Bastian Loges (Technical University Braunschweig) and Holger Niemann (Leuphana University Lüneburg) were honoured with the Congressi Stefano Franscini Award for young scientists for the best presentation during the conference, having delivered a paper on “The Other Council: The Transformation of United Nations Security Council Practices”.