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# Collective Security, ‘Threats to the Peace’, and the Ebola Outbreak

Gary Wilson\*

## ABSTRACT

During mid-2014, the international community was rocked by the unprecedented spread of the Ebola virus. Having first taken hold in a number of West African states, the virus began to appear outside of the region as potentially catastrophic consequences were forecast by health experts, international organisations, politicians, and media outlets alike. In September, the UN Security Council labelled Ebola a ‘threat to the peace’ and the international community was urged to provide aid to the worse effected areas in order to eradicate its threat. This paper considers the nature of the Ebola outbreak as a ‘threat to the peace’ under the UN Charter’s collective security framework and attempts to place it within the wider context of discourse on the concept of collective security, in particular its human security dimension. Importantly, it will demonstrate the relationship between a threat of this kind and other recognised threats to the peace.

## INTRODUCTION

The Ebola virus came to international attention during spring 2014 as numerous cases were increasingly reported in Guinea-Bissau,<sup>1</sup> Liberia,<sup>2</sup> and Sierra Leone.<sup>3</sup> The unprecedented spread of the virus led to the United Nations Security Council declaring it to constitute a

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<sup>1</sup> The outbreak was first reported to the World Health Organisation (WHO) by Guinea’s Ministry of Health on 23 March 2014. See the WHO’s press release, available at <http://www.afro.who.int/en/clusters-a-programmes/dpc/epidemic-a-pandemic-alert-and-response/outbreak-news/4063-ebola-hemorrhagic-fever-in-guinea.html>

<sup>2</sup> See WHO press release of 30 March 2014, available at [http://www.who.int/csr/don/2014\\_03\\_30\\_ebola\\_lbr/en/](http://www.who.int/csr/don/2014_03_30_ebola_lbr/en/)

<sup>3</sup> See WHO press release of 1 April 2014, available at [http://www.who.int/csr/don/2014\\_04\\_01\\_ebola/en/](http://www.who.int/csr/don/2014_04_01_ebola/en/)

threat to the peace,<sup>4</sup> amid a series of calls for the international community to provide robust aid in support of medical and humanitarian relief efforts.<sup>5</sup> By October 2014, the virus had been contracted by individuals in the US and Spain.<sup>6</sup> Globally, at this point, over 9,000 cases had been reported of Ebola and approximately 4,500 people had died from it.<sup>7</sup> As of mid-January 2015, the WHO had recorded 21,724 cases of infection, resulting in 8,641 deaths.<sup>8</sup> Liberia was declared Ebola free on 9 May 2015.<sup>9</sup>

This paper seeks to enhance understanding of the nature of the Ebola outbreak as a threat to the peace within the meaning of Article 39 of the UN Charter, by exploring the relationship between the Ebola outbreak and other established threats to the peace, as well as placing it within the wider conceptual context of discourse upon the nature and scope of collective security. We begin by briefly outlining the concept of collective security and its implementation within the UN Charter framework, before proceeding to consider how collective security within the practice of the UN Security Council has increasingly come to incorporate ideas of human security through the range of situations which it has determined to constitute threats to the peace. The major part of the paper is then given to considering the nature of the Ebola outbreak and its conceptualisation as a threat to the peace. This involves

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<sup>4</sup> SC Res 2177 (2014).

<sup>5</sup> See, eg., Secretary-General's remarks at High-level Event on Ebola, 25 September 2014, available at <http://www.un.org/sg/statements/index.asp?nid=8050> ; Secretary-General's Remarks on the Ebola Epidemic, 9 October 2014, available at <http://www.un.org/sg/statements/index.asp?nid=8088>

<sup>6</sup> See statements by the World Health Organization, of 1 October 2014 and 9 October 2014, available at <http://www.who.int/csr/don/01-october-2014-ebola/en/> and <http://www.who.int/csr/don/09-october-2014-ebola/en/>

<sup>7</sup> As of 22 October 2014, there had been 9911 reported cases of infection and 4868 deaths. See WHO, Ebola Response Roadmap Situation Report, 22 October 2014, available at <http://www.who.int/csr/disease/ebola/situation-reports/en/>

<sup>8</sup> Ebola Situation report, available at <http://www.who.int/csr/disease/ebola/situation-reports/en/> The worst affected states remained Sierra Leone (10,340 cases; 3145 deaths), Liberia (8,478 cases; 3,605 deaths) and Guinea (2,871 cases; 1,876 deaths). Relatively isolated cases had also been recorded in Nigeria, Mali, Senegal, Spain, the US and the UK.

<sup>9</sup> WHO statement, 'The Ebola outbreak in Liberia is over', 9 May 2015, available at <http://www.who.int/mediacentre/news/statements/2015/liberia-ends-ebola/en/>

exploration of the characteristics which make the Ebola outbreak such a threat, its relationship with other threats to the peace, and the extent to which it represents a threat of the kind for which the traditional techniques of the UN collective security system are suitable for responding to it.

## COLLECTIVE SECURITY, THE UN CHARTER SYSTEM, AND 'THREATS TO THE PEACE'

The term 'collective security' implies an arrangement by which states act collectively to guarantee one another's security. Resting upon the idea of the 'indivisibility of peace',<sup>10</sup> the notion that the peace of all states is inextricably tied to that of all others, in an ideal collective security system each state "accepts that the security of one is the concern of all, and agrees to join in a collective response to threats to, and breaches of, the peace."<sup>11</sup> The scope of what are considered to pose security threats within any system of collective security will ultimately depend upon that system's conceptualisation of the notion of security. Similarly, the mechanisms available for addressing such threats will be dependent upon the provisions of the collective security system in question. Historically, collective security was largely deemed to concern the protection of states from external attack. As the Commission on Global Governance has noted, "Since the seventeenth century, international security has been defined almost entirely in terms of national survival needs. Security has meant the protection of the state...from external attack."<sup>12</sup> This traditional view of collective security regarded it as an agreement among states that they would regard external aggression against one of their number as an act against them all, and that they would respond with a collective use of force

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<sup>10</sup> Claude, I.L., *Swords Into Plowshares* (4<sup>th</sup> ed.) (New York: McGraw Hill, 1984), pp.229-232.

<sup>11</sup> Roberts, A & Zaum, D., *Selective Security: War and the United Nations Security Council since 1945* (London: Routledge, 2008), p.11.

<sup>12</sup> Commission on Global Governance, *Our Global Neighbourhood* (Oxford & New York: OUP, 1995), p.78.

against the perpetrators of such aggression. This definition of collective security prevailed in most earlier theoretical discussions of the concept.<sup>13</sup> Arguably, such an understanding of collective security was reflected within the Covenant of the League of Nations, Article 10 of which provided that, “The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League.” The Covenant made no express reference to other possible forms of security threats.

However, collective security can no longer be viewed simply in terms of an arrangement among states to collectively respond to acts of external aggression. Such an understanding is too narrow and fails to recognise the potentially broader nature of collective security, especially in light of its practice within the United Nations era. A flexible approach to collective security is found within the provisions of the UN Charter. The Charter envisages a concert-based system of collective security,<sup>14</sup> in which the major international powers take on special responsibility for maintaining international peace and security through their permanent membership of the executive-styled Security Council, endowed with robust powers to tackle situations of international concern. Central to the operation of the UN collective security system is the employment of Article 39, labelled the ‘gateway provision’,<sup>15</sup> which enables the Security Council to “determine the existence of a threat to the peace, breach of the peace, or act of aggression.” Significantly, there is no requirement of an armed attack or even a military threat for a situation to attract the Council’s attention. Nor must there be a dispute or conflict between or within states, creating the potential for a

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<sup>13</sup> See, eg., Claude, I.L., *Swords into Plowshares* (3<sup>rd</sup> ed.) (London: University of London Press, 1964), p.224; Johnson, H.C & Niemeyer, G., ‘Collective Security: The Validity of an Ideal’, *International Organization*, 1954, v.8, pp.19-35, at p.20; Kupchan, C.A & Kupchan, C.A., ‘Concerts, Collective Security and the Future of Europe’, *International Security*, 1991, v.16, n.1, pp.114-161, at p.118.

<sup>14</sup> On the nature of concert-based collective security, see, eg., Kupchan & Kupchan, *ibid.*

<sup>15</sup> White, N.D., *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security* (2<sup>nd</sup> ed.) (Manchester & New York: Manchester University Press, 1997), p.273.

flexible and broad application of the collective security concept. Following a determination under Article 39, the Council may respond to a situation of concern by authorising sanctions of a non-military<sup>16</sup> or military nature.<sup>17</sup> The key term contained in Article 39 is that of ‘threat to the peace’, the other two labels contained therein having been seldom used in the practice of the Council.<sup>18</sup> The flexible language used allows for the implementation of a form of collective security which goes beyond simply responding to external aggression, Shraga having noted correctly that “more than six decades after the adoption of the UN Charter, the concept of ‘peace’ and of what constitutes a ‘threat to the peace’ has fundamentally changed.”<sup>19</sup> As one study has asserted, in the post-Cold War era “Global security was redefined...and the tasks undertaken to provide security widened to protecting civilians from massacre by their own governments as well as shoring up weak states threatened by struggles among factional militias.”<sup>20</sup> Indeed, in the Post-Cold War era the Security Council has identified threats to international peace and security emanating from a range of situations including human rights abuses, the humanitarian consequences of internal armed conflict, the removal of democratically elected governments, and international terrorism.<sup>21</sup>

Importantly, the UN Charter system provides for a range of responses to collective security threats. As noted, the Charter links determinations of threats to the peace under Article 39 with non-military and military sanctions under Articles 41 and 42, but the UN Security

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<sup>16</sup> Article 41.

<sup>17</sup> Article 42.

<sup>18</sup> The term ‘act of aggression’ is not used by the Council, and ‘breach of the peace’ has only been attached to four situations, all involving the existence of inter-state conflict: North Korea’s invasion of the Republic of Korea (SC Res 82 (1950)); the Iran-Iraq War (SC Res 598 (1987)); Argentina’s invasion of the Falkland Islands (SC Res 502 (1982)); and Iraq’s invasion of Kuwait (SC Res 660 (1990)). For further discussion, see Frowein, J.A & Krisch, N., ‘Article 39’, in Simma, B et al (eds.), *The Charter of the United Nations: A Commentary* (2<sup>nd</sup> ed.) (Oxford: OUP, 2002), pp.717-729.

<sup>19</sup> Shraga, D., ‘The Security Council and Human Rights – From Discretion to Promote to Obligation to Protect’, in Fassbender, B (ed.), *Securing Human Rights?* (Oxford: OUP, 2011), pp.8-35, at p.12. See in general MacFarlane, S.N., ‘Human Security and the Law of States’, in Goold, B.J & Lazarus, L (eds.), *Security and Human Rights* (Oxford: Hart, 2007), pp.347-361.

<sup>20</sup> Crocker, C.A., Hampson, F.O & Aall, P., ‘Collective conflict management: a new formula for global peace and security cooperation?’, *International Affairs*, 2011, v.87, n.1, pp.39-58, at p.42.

<sup>21</sup> See further below.

Council has also utilised the tools of diplomacy and peacekeeping to address perceived security threats.<sup>22</sup>

## HUMAN SECURITY AS COLLECTIVE SECURITY

Acting under Article 39 the Security Council enjoys considerable discretion in classifying situations as threats to the peace, being subject to relatively little legal regulation. The Council's decisions are essentially political in nature and it is only in extreme cases that a decision to determine that a threat to the peace exists would be considered to be ultra vires the Council's powers.<sup>23</sup>

Increasingly, the Security Council has displayed an approach to the discharge of its collective security functions which go beyond statist conceptions of collective security to bring within its purview situations and phenomena which threaten human well-being on a wide range of levels. As one commentator has observed, "the policy debate has moved beyond the traditional State-centric security paradigms, particularly with the emergence of human security."<sup>24</sup> The concept of human security, in turn, has been defined as "a human or people centred and multi-sectoral approach to security, which entails the protection of people from critical and pervasive threats and situations."<sup>25</sup> It involves "safety from chronic threats such as hunger, disease and repression and protection from sudden and hurtful disruptions in the

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<sup>22</sup> See generally Wilson, G., *The United Nations and Collective Security* (London: Routledge, 2014), chs.4 & 6.

<sup>23</sup> On the legal regulation of the Security Council's chapter VII powers, see Wilson, G., 'The Legal, Military and Political Consequences of the 'Coalition of the Willing' Approach to UN Military Enforcement Action', *Journal of Conflict and Security Law*, 2007, v.12, n.2, pp.295-330, at pp.298-301.

<sup>24</sup> Nasu, H., 'The Place of Human Security in Collective Security', *Journal of Conflict and Security Law*, 2013, v.18, n.1, pp.95-129, at p.95.

<sup>25</sup> Final Report of the Commission on Human Security, *Human Security Now* (2003), available at <http://www.unocha.org/humansecurity/chs/finalreport/index.html>

patterns of daily life.”<sup>26</sup> First meaningfully advanced in the 1994 Human Development Report,<sup>27</sup> this approach has come to feature in a number of important UN documents since the beginning of the new millennium. Building upon the objectives set out in the UN’s Millennium Declaration,<sup>28</sup> the report of the High-Level Panel on Threats, Challenges and Change stressed the importance of adopting a ‘comprehensive’ conception of collective security.<sup>29</sup> It noted particularly that in the modern world security threats are inter-related,<sup>30</sup> and that their nature is such that no state alone can make itself invulnerable.<sup>31</sup> It is also worth noting the simultaneous development of the responsibility to protect doctrine,<sup>32</sup> under which states have the primary responsibility to protect their civilian populations from harm, but which gives rise to a secondary responsibility on the part of the international community to intervene where a state is unable or unwilling to meet its obligation to protect its people. The doctrine received the support of the UN General Assembly at the 2005 world summit,<sup>33</sup> evidencing further the extent to which contemporary conceptions of security have human security at their core, and the Secretary-General has issued a series of reports to promote understanding and cooperation in relation to the concept’s development and implementation.<sup>34</sup> Undoubtedly, there is a clear trend towards a human security centred approach to collective security.

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<sup>26</sup> UNDP, Human Development Report: new dimensions of human security (Oxford & New York: OUP, 1994), p.14. The report breaks down threats to human security into seven components: economic, food, health, environmental, personal, community and political (pp.22-25). See Martin, M & Owen, T., ‘The second generation of human security: lessons from the UN and EU experience’, *International Affairs*, 2010, v.86, n.1, pp.211-224, at pp.212-216.

<sup>27</sup> *Ibid.* For discussion, see Frerks, G., ‘Human Security as a discourse and counter-discourse’, *Security & Human Rights*, 2008, n.1, pp.8-14.

<sup>28</sup> GA Res 55/L.2.

<sup>29</sup> UN Doc. A/59/565, Pt.II.

<sup>30</sup> *Ibid.*, para.17.

<sup>31</sup> *Supra* n29, para.24.

<sup>32</sup> The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, available at <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

<sup>33</sup> UN GA Res.60/1, paras.138-40.

<sup>34</sup> See, eg., UN Docs. A/64/701; A/66/703; A/68/685.



Beyond the UN context, regional bodies have also evidenced a broadened conception of what will amount to security threats. For example, the OSCE was one of the first bodies to employ a broad conception of security threats centred on human security,<sup>35</sup> and in its 2003 European security strategy the EU makes reference to the emergence of new security threats including terrorism, the proliferation of weapons of mass destruction, state failure and organised crime.<sup>36</sup> NATO's 2010 strategic concept also recognises the existence of a diverse range of security threats.<sup>37</sup>

The activity of the UN Security Council in recent years has seen it give significant consideration to matters with a human security dimension.<sup>38</sup> The protection of civilians and humanitarian relief supplies during armed conflict has been a major source of concern and a number of UN peacekeeping operations,<sup>39</sup> as well as military enforcement operations,<sup>40</sup> have been tasked with mandates which include responsibility for the protection of civilians.<sup>41</sup> One of the most prominent such operations was the NATO action in Libya during the 2011 civil war, tasked with protecting civilians and civilian populated areas under threat of attack.<sup>42</sup> The

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<sup>35</sup> Odello, M., 'The Organization for Security and Co-operation in Europe and European Security Law', in Trybus, M & White, N.D., *European Security Law* (Oxford: OUP, 2007), pp.295-328, at p.297, 313-15.

<sup>36</sup> *European Security Strategy: A Secure Europe in a Better World* (Brussels: EU, 2003).

<sup>37</sup> *Active Engagement, Modern Defence: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization*, adopted at Lisbon, 19-20 November 2010, available at [http://www.nato.int/strategic-concept/pdf/Strat\\_Concept\\_web\\_en.pdf](http://www.nato.int/strategic-concept/pdf/Strat_Concept_web_en.pdf)

<sup>38</sup> See, in general, Nasu, *supra* n24.

<sup>39</sup> See, eg., the mandates conferred upon peacekeeping operations deployed to Sierra Leone (SC Res 1270 (1999)), the DRC (SC Res 1291 (2000)), Cote d'Ivoire (SC Res 1528 (2004)), Burundi (SC Res 1545 (2004)), Sudan (SC Res 1590 (2005)), Darfur (SC Res 1769 (2007)), Abeyi (SC Res 1990 (2011)), and South Sudan (SC Res 1996 (2011)).

<sup>40</sup> See, eg., the mandates conferred upon operations taking action in respect of the situations existing in former Yugoslavia (SC Res 770 (1992)); SC Res 816 (1993)); SC Res 836 (1993)), Somalia (SC Res 794 (1992)), Rwanda (SC Res 929 (1994)), Zaire (SC Res 1080 (1996)), Albania (SC Res 1101 (1997)), East Timor (SC Res 1264 (1999)), Cote d'Ivoire (SC Res 1464 (2003)), the DRC (SC Res 1484 (2003)), Chad & the Central African Republic (SC Res 1778 (2007)), Libya (SC Res 1973 (2011)), and Mali (SC Res 2085 (2012)).

<sup>41</sup> For general discussion, see Breau, S., 'The impact of the responsibility to protect on peacekeeping', *Journal of Conflict and Security Law*, 2006, v.11, pp.429-464; Holt, V., Taylor, G & Kelly, M., *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges* (New York: United Nations, 2009).

<sup>42</sup> SC Res 1973 (2011), para.4. For detailed discussion, see Wilson, G., 'The United Nations Security Council, Libya and Resolution 1973: Protection of Civilians or Tool for Regime Change?', in Panara, C & Wilson, G

Council has also sought to modify its approach towards the imposition of non-military sanctions in order to minimise their negative humanitarian effects.<sup>43</sup> Considerable discussion within the Council has also centred upon such issues as the impact of HIV/Aids on the maintenance of international peace and security,<sup>44</sup> food crises,<sup>45</sup> and energy and climate change,<sup>46</sup> the former two issues being clearly related to the conceptualisation of the Ebola outbreak as a threat to international peace and security. Like HIV/Aids, the spread of Ebola constitutes a major public health crisis, and one of its key effects identified by the Security Council was its impact upon the availability of food within the affected regions.<sup>47</sup>

## THE EBOLA OUTBREAK AS A ‘THREAT TO THE PEACE’

### **The nature of the outbreak**

The Ebola virus is highly contagious and once contracted, unless treated rapidly, results in relatively quick death.<sup>48</sup> It was first identified in 1976 in what is now the Democratic Republic of the Congo,<sup>49</sup> and although outbreaks have been reported in small numbers since then,<sup>50</sup> the 2014 outbreak in West Africa is by far the worst known.<sup>51</sup> The first case during 2014 was

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(eds.), *The Arab Spring: New Patterns for Democracy and International Law* (Leiden & Boston: Martinus Nijhoff, 2013), pp.101-121.

<sup>43</sup> See Wilson, *supra* n22, pp.107-114.

<sup>44</sup> See UN Docs. S/PV. 4087 (of 2000), 4172 (of 2000), 4259 (of 2001), 4339 (of 2001), 4859 (of 2003), and 528 (of 2005). See also SC Res 1308 (2000)

<sup>45</sup> See UN Docs. SPV. 4652 (of 2002), 4736 (of 2003), and 5220 (of 2005).

<sup>46</sup> See UN Doc. S/PV. 5663 (of 2007).

<sup>47</sup> See below.

<sup>48</sup> For a brief discussion of the virus, see Peters, C.J & LeDue, J.W., ‘An Introduction to Ebola: The Virus and the Disease’, *Journal of Infectious Diseases*, 1999, v.179, p.ix-xvi.

<sup>49</sup> See Peters & LeDue, *ibid*, p.ix.

<sup>50</sup> In the DRC during 1977, Sudan in 1979, and in the Cote d’Ivoire, the DRC and Gabon during 1994-6. See Peters & LeDue, *supra* n48, pp.ix-x.

<sup>51</sup> Baker, A., ‘Racing Ebola: What the world needs to do to stop the deadly virus’, *Time Magazine*, 13 October 2014, pp.24-31, at p.26.

reported to the World Health Organisation in March and occurred in Guinea,<sup>52</sup> before rapidly taking hold in Liberia<sup>53</sup> and Sierra Leone.<sup>54</sup> Notwithstanding a small number of cases identified in Nigeria, as well as isolated incidents in the US, UK, Mali, Senegal and Spain, the international response has centred upon Guinea, Liberia, and Sierra Leone, where the overwhelming number of cases have arisen.<sup>55</sup>

### **Conceptualising the threat posed by the Ebola outbreak**

At its meeting on 18 September 2014, the UN Security Council adopted resolution 2177. In “determining that the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security,”<sup>56</sup> the Council elaborated further upon its perception of the nature of the Ebola threat by “recognizing that the peacebuilding and development gains of the most affected countries concerned could be reversed in light of the Ebola outbreak and underlining that the outbreak is undermining the stability of the most affected countries concerned and, unless contained, may lead to further instances of civil unrest, social tensions and a deterioration of the political and security climate...” The “threat to the peace” posed by the Ebola outbreak was clearly understood in broad terms, which

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<sup>52</sup> WHO, supra n1.

<sup>53</sup> See supra n2.

<sup>54</sup> See supra n3.

<sup>55</sup> See supra n8 and accompanying text.

<sup>56</sup> Although sponsored by a record 130 states, note the comments of Colombia, casting doubt upon the nature of the Ebola outbreak as a threat to the peace: “while the Ebola outbreak in West Africa has the potential to erode stability and social cohesion in some of the countries concerned the situation cannot be characterized as a threat to international peace and security in general” (UN Doc. S/PV.7368, at p.45). It should be highlighted, however, that these sentiments were not reflected in the comments of the representatives of the overwhelming majority of states.

extended beyond its immediate effects on infected individuals to potential longer term consequences upon wider society more generally.

From the discussion which took place between the members of the Council on 18 September and during subsequent meetings, taken together with other statements made by prominent international figures and bodies, it is possible to identify a shared understanding of the nature of the Ebola outbreak as a threat to international peace and security, which places emphasis upon a number of inter-related factors in classifying it in such terms. These concern respectively the complexity of the situation; the economic consequences of the outbreak; the associated issues of health, food and human security; the spill-over effects of the immediate consequences of the outbreak; the collective nature of both the threat posed by the Ebola outbreak and the response required to address it; and the effects on peacebuilding in the post-conflict societies affected by the outbreak.<sup>57</sup> We shall explore further each of these six factors within the wider context of conceptual understandings of collective security.

#### The complexity of the threat

As noted earlier, the High-Level Panel on Threats, Challenges and Change advocated a “comprehensive” approach to collective security. It recognised the diverse range of modern threats and their interrelated nature, and significantly, among the clusters of threats which it identified were “Economic and social effects, including...infectious diseases.”<sup>58</sup> The complex nature of many modern threats to the peace was implicitly acknowledged in the panel’s

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<sup>57</sup> These six considerations are identified through a reading of the relevant UN and other international documents in which the nature of the Ebola outbreak is considered. It is, of course, possible to classify the key considerations highlighted by the international community into more or fewer groups dependent upon the approach taken.

<sup>58</sup> High-level Panel Report, *supra* n29, para.12.

report, it noting that often “threats are interrelated”<sup>59</sup> and that “every threat to international security today enlarges the risk of other threats.”<sup>60</sup>

Although not much consideration was given to the potentially comprehensive nature of collective security at the outset of the UN era, the Security Council has employed a comprehensive approach to collective security in determining the existence of threats to the peace under its more recent resolutions. However, the pronouncements of the international community on the Ebola outbreak have arguably been particularly robust in the forthright acknowledgment of the complexity of the situation to have arisen as a result. The Security Council in resolution 2177 noted the “wider political, security, socioeconomic and humanitarian dimension of the Ebola outbreak.”<sup>61</sup> Essentially, the threat to the peace identified is not simply attributable to one cause (the Ebola outbreak per se) or a single consequence of an event (the resulting human suffering and loss of life). As will become apparent, it arises from a number of consequences of the Ebola outbreak which must also be understood within the context of the dynamics of the affected societies.<sup>62</sup> Echoing the pronouncements of the Security Council, UN Secretary-General Ban Ki Moon noted that, “The Ebola crisis has evolved into a complex emergency with significant political, social, economic, humanitarian and security dimensions.”<sup>63</sup> Similarly, the director-general of the World Health Organization remarked, “This is not just an outbreak; this is not just a public health crisis. This is a social crisis, a humanitarian crisis, an economic crisis and a threat to national security well beyond the outbreak zones.”<sup>64</sup> During the debate leading to the adoption of resolution 2177,<sup>65</sup> and that taking place at a later meeting,<sup>66</sup> a number of states

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<sup>59</sup> High-level Panel Report, supra n29, para.17.

<sup>60</sup> High-level Panel Report, supra n29, para.20.

<sup>61</sup> Para.2.

<sup>62</sup> See further below, for example, on the effects of post-conflict peacebuilding.

<sup>63</sup> UN Doc. S/PV.7268, at p.2.

<sup>64</sup> S/PV.7268, at p.5.

<sup>65</sup> S/PV.7268.

<sup>66</sup> UN Doc. S/PV.7318.

also commented upon the complex nature of the Ebola threat. For the most part observations reflected upon its complexity in similarly general terms. For example, the Netherlands noted that it was “not just a public health crisis; it is also a social, humanitarian and political crisis...”<sup>67</sup> Lithuania felt that, “The outbreak has turned into a complex emergency with significant political, social, economic, humanitarian and security dimensions,”<sup>68</sup> while Jordan similarly noted that it “has become more than a general public health crisis and is now a multidimensional crisis at the political, social, economic, humanitarian and security levels.”<sup>69</sup> In more pointed remarks, the Australian Foreign Minister argued that, “The Ebola outbreak in West Africa ... is much more than a health crisis. This outbreak has serious humanitarian, economic and social consequences – rising food prices, closed schools, lost livelihoods – and it threatens political stability.”<sup>70</sup> One of the worst hit countries, Liberia, itself acknowledged “that the effects of this disease upon our society and our people are multidimensional.”<sup>71</sup>

#### Economic effects

The economic dimension of human security has increasingly been recognised,<sup>72</sup> and a demonstrable connection between low levels of economic development and political and societal instability can be established.<sup>73</sup> In this context, the economic effects of the Ebola

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<sup>67</sup> S/PV.7268, at pp.34-35.

<sup>68</sup> S/PV.7318, at p.18.

<sup>69</sup> S/PV.7268, at p.21.

<sup>70</sup> S/PV.7318, at p.9.

<sup>71</sup> S/PV.7318, at p.30.

<sup>72</sup> See, eg., Kahler, M., ‘Economic security in an era of globalization’, *Pacific Review*, 2004, v.1, n.4, pp.485-502.

<sup>73</sup> Various indicators of states’ levels of development exist. However, the 2014 Human Development Index, contained in the UN Development Programme’s Human Development Report (New York: United Nations, 2014) bears out the correlation between a state’s level of development and its general stability. Those states considered to have the lowest levels of development have invariably experienced internal conflict in the past two decades and include Liberia (175<sup>th</sup> of 187), Guinea-Bissau (177<sup>th</sup>) and Sierra Leone (183<sup>rd</sup>). Other notable hotspots featured in the index’s lower rankings include the DRC (186<sup>th</sup>), Central African Republic (185<sup>th</sup>) Cote d’Ivoire (171<sup>st</sup>), and Afghanistan (169<sup>th</sup>). See also Kim, N & Conceicao, P., ‘The Economic Crisis, Violent Conflict, and Human Development’, *International Journal of Peace Studies*, 2010, v.15, n.1, pp.29-43.

outbreak have been cited on numerous occasions.<sup>74</sup> For example, the World Bank noted the impact on economic growth, suggesting that in a worst case scenario, Liberia's annual economic growth could decline from 6.8% to -4.9%. Inflation was also a side effect.<sup>75</sup>

The states directly affected by the Ebola outbreak themselves emphasised the devastating economic consequences with which they were faced. Liberia noted explicitly the relationship between poor economic conditions and conflict. As a society still seeking to create stability after a recent prolonged civil war, its UN representative argued that "Even before the outbreak, we were grappling with herculean challenges. They include finding productive employment for a significant number of our people – especially the youth, some of whom are ex-combatants – strengthening the rule of law and implementing measures for security sector reform... The Ebola outbreak has distracted our attention from those national priorities."<sup>76</sup>

Similarly, Sierra Leone remarked that, "we have made tremendous progress in rebuilding the economy and the lives of those who suffered during the war... It is a sad story that it is reversing all our gains and, more particularly, if we are not careful, that has strong global systemic challenges. If we do not act fast, it will challenge our human capacities."<sup>77</sup> Guinea noted, "Ebola is hampering economic activity and affecting all sectors, particularly transportation, trade, tourism and agriculture. That could result in a decline in the gross domestic product by about 2.5 per cent, suddenly undermining all of the development efforts and strategies undertaken by our three countries."<sup>78</sup>

The UN Assistant Secretary-General for Political Affairs also spelled out the harsh economic repercussions for the most affected countries: "In the most-affected countries – Guinea,

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<sup>74</sup> For some statistical data on the socio-economic impact of the spread of the Ebola virus, see the comments of the Head of UNMEER to the Security Council, S/PV.7318, *supra* n66, at pp.3-4.

<sup>75</sup> Baker, *supra* n51, p.27.

<sup>76</sup> S/PV.7268, at p.23.

<sup>77</sup> S/PV.7268, at p.26. See also S/PV.7318, at p.31.

<sup>78</sup> S/PV.7268, at p.24.

Liberia and Sierra Leone – the implementation of critical Government programmes has slowed considerably, as national authorities have been forced to refocus their energies and resources on stopping, treating and preventing the spread of the Ebola outbreak...Ebola is significantly disrupting the economic sustainability of those countries, with dire consequences for the delivery of essential State services...There are also concerns about the continuity of critical projects focused on building peace and ensuring sustainable stability in three countries. Moreover, the adverse consequences of isolation and stigmatization on peace and security in the affected countries should not be underestimated.”<sup>79</sup>

#### Human security

As the Security Council’s collective security agenda has moved beyond the identification of state-centric threats to concern itself more with addressing threats to human security, most recent determinations by the Council of the existence of a threat to the peace have concerned situations involving major humanitarian crises. The harmful effects of such crises on the welfare and security of human beings are undeniably capable of posing threats to the peace in accordance with understandings of human security, and/or can be consequences of more specific – and traditional – threats to the peace, for example incidences of armed conflict.<sup>80</sup>

That the Ebola outbreak represented a severe humanitarian crisis was explicitly recognised by the Security Council in resolution 2177 and concern for the individual well-being of those infected by – or at risk of being infected by – the Ebola virus is in line with the Council’s increased emphasis upon human security in the discharge of its chapter VII functions.

Humanitarian considerations extended beyond the individual suffering of those infected by

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<sup>79</sup> UN Doc. S/PV.7279, at p.7.

<sup>80</sup> See further Wilson, G., ‘The United Nations Security Council and Refugee Flows as ‘Threats to the Peace’’, in Islam, R & Bhuiyan, J.H (eds.), *An Introduction to International Refugee Law* (Leiden & Boston: Martinus Nijhoff, 2013), pp.267-289, for elaboration of this point in relation to threats to the peace posed by situations in which refugee flows are present.



Ebola to the ability of public health systems within affected states to tackle the outbreak, the resulting economic consequences for those systems, and the availability of adequate food supplies resulting from the general economic disruption caused by the outbreak in West Africa. This latter point was specifically made by the African Union's representative at Security Council discussions, who argued that, "Traders, farmers and health officials can no longer go about their daily business without fear of the unknown... critical is the impact on cross-border trade and food security as people are unable to trade and work their fields, leading to a rise in food prices."<sup>81</sup> The Netherlands went so far as suggesting that such was the gravity of the situation that, "if we do not act now, people not dying of Ebola may die of starvation."<sup>82</sup>

#### Spill-over effects

A commonly advanced criticism of collective security, grounded in realist perspectives upon international relations, has been that states will not be prepared to participate in collective efforts to address threats arising elsewhere unless their own national self-interests are in some way affected.<sup>83</sup> Although this criticism is perhaps more relevant in the context of conflict situations requiring a military response, where situations of international concern produce effects which spread beyond their original source it becomes easier for states further afield to recognise impacts upon their own interests. The logic of states participating within collective security arrangements as a means of removing threats posed to other states before they grow into threats which directly threaten them has long been recognised and can be understood by reference to the 'domino theory'. This notion informed US foreign policy towards the

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<sup>81</sup> S/PV.7268, at p.37.

<sup>82</sup> S/PV.7268, at pp.34-35.

<sup>83</sup> See, eg., Betts, R.K., 'The Delusion of Impartial Intervention', *Foreign Affairs*, v.73, n.6, pp.20-33; Clark, M.T., 'The Trouble with Collective Security', *Orbis*, 1995, v.39, n.2, pp.237-258.

Communist bloc during the Cold War era, particularly in respect of its approach to the Korean and Vietnam wars, where the US' priority was to prevent against the perceived likely spread of communism should South Korea or South Vietnam succumb to communist rule. Summarising the underlying theory, President Eisenhower stated that "you have a row of dominoes set up, you knock over the first one, and what will happen to the last one is a certainty that it will go over very quickly."<sup>84</sup> Although the potential spill-over effects of threats to international peace and security were conceived in military terms in that context, the principle underpinning the 'domino theory' is theoretically of relevance to any kind of threat to the peace. Beyond the categorisation of the core nature of the complex threat posed by the Ebola outbreak in essentially human and economic terms, the potential for its initial effects to spill over and threaten areas further away from its origins has been explicitly recognised. The nature of infectious diseases is such that their potential to spill-over beyond the source of their origin is a real danger. Alluding to this risk, President Barack Obama argued that, "If this epidemic is not stopped, this disease could cause a humanitarian catastrophe across the region."<sup>85</sup> Similarly, UN Secretary-General Ban Ki Moon noted that, "The suffering and spill-over effects in the region and beyond demand the attention of the entire world. Ebola matters to us all."<sup>86</sup> The head of the WHO encouraged the international community to "remember that people crisscross West Africa's porous borders all the time. Other countries will have to deal in the same aggressive way with imported cases."<sup>87</sup> A number of states also referred to the potential spill-over effects of the Ebola outbreak, for

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<sup>84</sup> Response to question in Press Conference, 1954, available at <http://www.nv.cc.va.us/home/nvsageh/Hist122/Part4/IkeDomino.htm>.

<sup>85</sup> Cited in Baker, *supra* n51, at p.27.

<sup>86</sup> S/PV.7268, at p.2.

<sup>87</sup> S/PV.7268, at p.6.

example the Netherlands noting that it had “the potential to destabilize entire countries and regions, compromising national, regional and international security.”<sup>88</sup>

#### The collective nature of the threat

Related to the spill-over potential of the threat posed by the Ebola outbreak, the international community went to some lengths to emphasise the collective nature of the threat and its shared stake in responding effectively to it. The very cornerstone of the concept of collective security is a shared acceptance of the ideal of the “indivisibility of peace”, the belief that the security of each state is tied to that of all other states.<sup>89</sup> The collective security concept “is based on the assumption that all victims are equally important.”<sup>90</sup> States must abandon narrow, short-term perceptions of their security needs grounded in self-interest. Instead, actions or occurrences which threaten the security of anyone anywhere must be tackled through collective means. The system of collective security established by the UN Charter has undoubtedly come in for most criticism when perceptions have arisen that its members have failed to demonstrate adequate concern for situations threatening the security of states and populations in perhaps far removed places, a most obvious example being the perceived failure of the international community to act to prevent the genocide which ravaged Rwanda during 1994.<sup>91</sup> Where threats to the peace arise from situations of a humanitarian nature unaccompanied by armed conflict, however, the dangers which may discourage action on the part of other states are largely absent. This ought to more readily facilitate collective efforts in response on the part of the international community. While in recognising the potential

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<sup>88</sup> S/PV.7268, at pp.34-35.

<sup>89</sup> See Claude, *supra* n10; Naidu, M.V., *Collective Security and the United Nations* (London: Macmillan, 1975), pp.21-2.

<sup>90</sup> Weiss, T.G., Forsythe, D.P & Coate, R.A., *The United Nations and Changing World Politics* (2<sup>nd</sup> ed.) (Boulder: Westview Press, 1997), p.27.

<sup>91</sup> See Report of the Independent Inquiry into the actions of the United Nations during the 1994 Genocide in Rwanda, UN Doc. S/1999/1257.

spill-over effects of the Ebola outbreak the international community has acknowledged the security threat it poses beyond the area of its primary concentration, it has arguably gone further in emphasising strongly the collective stake of the international community in addressing its causes and consequences. A proclaimed strength of collective security is its promotion of cooperation among states,<sup>92</sup> and resolution 2177 itself noted that the “control of outbreaks of major infectious diseases requires...national, regional and international collaboration and...stressing the crucial and immediate need for a coordinated international response.” Member states were called upon “to provide urgent resources and assistance.”<sup>93</sup> In no uncertain terms, President Obama proclaimed that “in an era where regional crises can quickly become global threats, stopping Ebola is in the interest of all of us.”<sup>94</sup> In welcoming the US’ decision to contribute 3,000 troops to relief efforts, Ban Ki Moon suggested that, “No single government can manage the crisis on its own,”<sup>95</sup> and one of the most severely affected states, Sierra Leone, underlined the collective international interest in tackling the Ebola outbreak when stating that, “It is...quite clear that an investment in the fight in the epicentre, West Africa, is an investment in our collective health and security.”<sup>96</sup> The “indivisibility of peace” seemed central to pronouncements upon the nature of the threat posed by the Ebola outbreak in a manner not often noted in international discourse in respect of many previously recognised threats to the peace.

#### Effects on post-conflict peacebuilding

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<sup>92</sup> See, eg., Kupchan, & Kupchan, supra n13, pp.130-133.

<sup>93</sup> Para.7.

<sup>94</sup> Remarks by President Obama at U.N Meeting on Ebola, 25 September 2014, reproduced on the White House website, available at <https://www.whitehouse.gov/the-press-office/2014/09/25/remarks-president-obama-un-meeting-ebola>

<sup>95</sup> S/PV.7268, at p.3.

<sup>96</sup> S/PV.7318, at p.31.

The nature of complex situations posing threats to international peace and security is such that the cause or effect of one threat can rapidly transform into or impact upon other threats. The susceptibility of post-conflict states to renewed outbreaks of violence, and the contribution of socio-economic circumstances to this danger, has been well documented.<sup>97</sup> A major point of concern in relation to those countries of West Africa most severely affected by the Ebola outbreak, in particular Liberia and Sierra Leone, is that these are states which have suffered from the catastrophic effects of internal conflict in recent years,<sup>98</sup> and remain in the relatively early stages of peacebuilding processes designed to strengthen their recently obtained peace.<sup>99</sup> Defined as “measures targeted to reduce the risk of lapsing or relapsing into conflict...and to lay the foundations for sustainable peace and development,”<sup>100</sup> peacebuilding processes’ central aims include reducing the risk of resumption of conflict.<sup>101</sup> The destabilizing socio-economic consequences of the Ebola outbreak, identified above, have the potential to undermine such peacebuilding processes and create an environment conducive to the kinds of pressures which ignite unrest, and subsequently armed conflict. Such concerns featured heavily in the Security Council’s debates over the Ebola epidemic, in which its destabilising effects were readily acknowledged. Secretary-General Ban Ki Moon expressed the view that “The situation is especially tragic given the remarkable strides that

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<sup>97</sup> See, eg., World Bank, *World Development Report 2011* (New York: World Bank, 2011), pp.2-3, 6-8. See also Collier, P., *Economic causes of civil conflict and their implications for policy* (New York: World Bank, 2000).

<sup>98</sup> A detailed overview of the conflicts involving these states and the UN involvement therein is beyond the scope of the present discussion. Liberia was engaged in civil war between 1989 and 2003, during which time a host of UN Security Council resolutions were adopted in respect of the situation, ECOWAS and UN peacekeeping operations were deployed in support of peace initiatives, and a range of sanctions were imposed on the country. Similarly, Sierra Leone experienced civil war between 1991 and 2002, and also experienced the deployment of ECOWAS and UN peacekeeping operations, and the imposition of UN sanctions.

<sup>99</sup> A comprehensive UN peacekeeping operation, UNMIL, has operated in Liberia since the conclusion of the Accra Peace Agreement in 2003. Established by SC Res 1509 (2003), the mission’s mandate (most recently outlined in SC Res 2066 (2012)) encompasses a series of functions related to support for peacebuilding measures. Following on from the work undertaken by UNAMSIL and UNIOSIL, peacebuilding in Sierra Leone is currently supported by the UN’s Integrated Peacebuilding Office (UNIPSIL), established by SC Res 1829 (2008).

<sup>100</sup> UN Secretary-General’s Policy Committee, 2007, cited in United Nations Peacebuilding Support Initiative, *UN Peacebuilding: An Orientation* (New York: United Nations, 2010).

<sup>101</sup> Ramsbotham, O., ‘Reflections on UN post-settlement peacebuilding’, *International Peacekeeping*, 2000, v.7, n.1, pp.169-189, at p.172.

Liberia and Sierra Leone have made in putting conflict behind them.”<sup>102</sup> The African Union’s representative believed that the situation arising in the region was “even more difficult for post-conflict countries on a serious course of reintegration, rehabilitation and rebuilding of their social fabric.”<sup>103</sup> Several states referred expressly to the dangers posed by the consequences of the Ebola outbreak for the recently found peace in the affected states. Chile detailed the danger in some detail, noting that, “The epidemic has been undermining the social and economic stability of those countries, which are emerging from conflict, at a time when they have been pushing ahead with a determination in their respective peacebuilding processes... whenever there is a genuine threat of any type or origin to the stability, security and peace in an area or region that is in the process of building peace and supported by United Nations missions, the Council... must adopt the necessary decisions that will ensure the conditions needed in order for those affected countries to adopt and implement the technical measures and specific policies they need to tackle the emergency.”<sup>104</sup> In a similar vein, Lithuania expressed concern that the Ebola outbreak “threatens to cancel the hard-won reconstruction and development gains of [the affected] countries.”<sup>105</sup> Similarly, Russia suggested that “the further spread of the epidemic in African countries could carry the threat of destabilizing the situation and potentially be fraught with the danger of reigniting dormant conflicts and outbreaks of violence.”<sup>106</sup> The affected countries themselves referred to their concern about a return to conflict. Liberia in particular articulated its fears in some detail, noting that “the Liberian people, with the unswerving support of [UNMIL] had been enjoying the dividends of the peace achieved in 2003, following 14 years of bloody civil conflict. During those years of calm, we succeeded in institutionalizing the democratic culture and had begun to take some strong steps, with the support of the United Nations and other

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<sup>102</sup> S/PV.7268, at p.2.

<sup>103</sup> S/PV.7268, at p.37.

<sup>104</sup> S/PV.7268, at p.22. See also S/PV.7318, at pp.24-5.

<sup>105</sup> S/PV.7318, at p.18.

<sup>106</sup> S/PV.7318, at p.22.

international partners, to address the legacy of socioeconomic devastation bequeathed by the protracted Liberian civil war.”<sup>107</sup> It went on to add that it had made “valiant efforts to comply with regional protocols aimed at curbing the spread of small arms and light weapons and transnational crime” and that the current situation had “gravely undermined our ability to address them, with the attendant risk of adversely affecting peace and security in our country and region.”<sup>108</sup> Similarly, Guinea referred to its own “considerable progress made in recent years...in terms of economic recovery, social cohesion and the democratization of political life risks being compromised by the far-reaching consequences of the Ebola virus disease.”<sup>109</sup>

### **Responding to the threat**

As has been established, traditional notions of collective security envisaged military responses to military threats. However, as understandings of what can amount to threats to the peace have broadened, so too have the range of responses considered appropriate for addressing these threats. As Orakhelashvili notes, “the concept of collective security is broad, and can include in itself a variety of tasks such as conflict prevention, crisis management, peace-keeping, or peace enforcement, as required to enable the relevant institution to deal with threats as their gravity and magnitude require.”<sup>110</sup> Under both the actual provisions of the UN Charter system and its implementation in practice, four main tools for responding to situations threatening international peace and security might be identified: pacific settlement or diplomacy, non-military sanctions, peacekeeping, and the application of military

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<sup>107</sup> S/PV.7268, at pp22-23.

<sup>108</sup> S/PV.7268, at p.23.

<sup>109</sup> S/PV.7318, at p.29.

<sup>110</sup> Orakhelashvili, A., *Collective Security* (Oxford: OUP, 2011), p.15. See also Abass, A., *Regional Organisations and the Development of Collective Security* (Oxford: Hart, 2004), pp.112-114, for the distinction between collective security and enforcement action.

enforcement measures.<sup>111</sup> Prima facie, these tools appear more suited to the amelioration of disputes or conflicts than situations which have at their core public health crises.

The peaceful settlement of disputes is expected to precede the adoption of any more robust collective security measures, the UN Charter explicitly requiring states to resolve their disputes peacefully.<sup>112</sup> However, while traditional threats to the peace invariably emanated from disputes arising between states, increasingly they have come to stem from disputes within states or, as in the case of the Ebola outbreak, from situations which involve no dispute at all but a naturally occurring phenomenon which threatens human well-being. The techniques of pacific settlement identified in the UN Charter<sup>113</sup> are, therefore, largely irrelevant to the amelioration of the Ebola epidemic. That said, in a broader sense diplomacy extends to the various interactions which take place between states, both through institutionalised fora and on an ad hoc basis. We have already referred to collective security's proclaimed merits as an endeavour which permits the institutionalisation and promotion of interstate cooperation. Such interactions are clearly of potential benefit in promoting international cooperation upon responding to the Ebola outbreak.

The core 'teeth' of the UN collective security system, namely non-military sanctions and military enforcement measures, are prima facie inappropriate mechanisms with which to address a threat to the peace of the nature of the Ebola outbreak. The effectiveness of military enforcement measures as a tool for tackling threats to the peace depends upon the existence of an identifiable target that is amenable to military coercion to remove it. As such, these are not obviously suited to tackling the Ebola outbreak, it not having been connected with any

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<sup>111</sup> See Wilson, *supra* n22 See also Tsagourias, N & White, N.D., *Collective Security: Theory, Law and Practice* (Cambridge: Cambridge University Press, 2013), who broadly identify these same tools of the UN collective security system, but include state-building as an additional tool (pp.193-218).

<sup>112</sup> Article 2 (3).

<sup>113</sup> See Articles 33-38.



actual, as opposed to potential, resulting outbreak of violence or other situation which may be alleviated by external military intervention.

Although adopted in response to a broad range of threats to the peace, non-military sanctions under Article 41 are predicated upon the theory that the imposition of restrictive measures against those actors responsible for the existence of such threats may exert coercion over them to such an extent that they change their conduct, leading to the removal of the threat posed. To date these have taken the form of trade sanctions, arms embargoes, diplomatic and travel restrictions, and financial sanctions.<sup>114</sup> UN sanctions formed a central plank of the international response to conflict in Liberia and Sierra Leone during the 1990s and early 2000s, and partially remain in respect of Liberia in support of peacebuilding processes.<sup>115</sup> Their continued effective enforcement is, arguably, reliant upon the maintenance of a degree of stability in the region, and as Chad noted in the Security Council, “Ebola weakens everything that was built in the post-conflict period in Liberia and Sierra Leone, and makes it difficult to implement Security Council sanctions for those countries.”<sup>116</sup> This underlines the fact that separate threats to the peace can impact upon one another, and reinforces the concern expressed by several states in the Council regarding the effects of the Ebola outbreak for the peacebuilding processes in the affected states.

However, non-military sanctions are largely irrelevant as far as addressing the causes or consequences of the Ebola outbreak is concerned. There are no actors responsible as such for the creation of the Ebola epidemic, against which traditional sanctions might exert pressure to

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<sup>114</sup> For an overview of the main forms of sanctions applied by the Security Council, see Wilson, *supra* n22, pp.96-102. Note also that Article 41 has been taken to provide the legal basis for measures other than sanctions, for example the creation of international criminal tribunals. See Prosecutor v Tadic, Case No. IT-94-1AR72, Decision on the Defence Motion of Interlocutory Appeal on Jurisdiction, (Oct. 2, 1995), ILM 32 (1996). The creation of UN territorial administrations has also been based on Article 41. See Frowein, J.A & Krisch, N., ‘Article 41’, in Simma, B et al (eds.), *The Charter of the United Nations: A Commentary* (2<sup>nd</sup> ed.) (Oxford: Oxford University Press, 2002), pp.735-749, at pp.743-745.

<sup>115</sup> See SC Res 1521 (2003).

<sup>116</sup> S/PV.7318, at p.15.

effect a change in behaviour. It is conceivable that in appropriate circumstances, some form of sanctions might be usefully employed to restrain the effects of the epidemic, for example the imposition of travel restrictions in affected regions in order to prevent the spread of the disease. Such steps would be akin to public health measures underwritten by the mandatory force of Security Council decision-making, albeit in practice the minimal impact of the virus outside of the affected region, and the public health measures voluntarily undertaken by states to safeguard against its further spread have sufficed in this respect.

It is appropriate to make reference to peacekeeping as a tool of the UN collective security system in the context of discourse over the threat to the peace posed by the Ebola outbreak, for both practical and conceptual reasons. In the latter sense, just as incidents such as the Ebola outbreak can hardly have been within the contemplation of the UN's founders when drafting the language of Article 39, nor was peacekeeping which receives no mention in the UN Charter. In the same way that Article 39 has been interpreted increasingly broadly to take account of changing conceptions of peace and security, peacekeeping originated and evolved in order to permit the UN to make a useful response to situations demanding international action in a geopolitical environment characterised by a deadlocked Security Council for four decades. Peacekeeping is a remarkable creation of the United Nations era. Initially involving the imposition of lightly armed forces to supervise ceasefire agreements with the consent of the parties concerned,<sup>117</sup> through successive generations UN peacekeeping has evolved as operations have undertaken a broad range of functions including the delivery of humanitarian assistance to civilians during conflict and assisting the implementation of peace processes and

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<sup>117</sup> On the limited functions of earlier UN peacekeeping operations, see Wilson, *supra* n22, pp.126-127.

peacebuilding measures.<sup>118</sup> UN peacekeeping operations had already been utilised as part of peacebuilding processes within Liberia<sup>119</sup> and Sierra Leone,<sup>120</sup> and a role for them in tackling the Ebola outbreak was quickly identified, Australia suggesting that, “[UN] peacekeeping missions, in particular...UNMIL, can also support efforts to combat the outbreak, as far as their capacities and mandates allow. We know that peacekeepers cannot be transformed into front-line health care workers, but as UNMIL is demonstrating, they can play a crucial role to communicate Ebola preventive measures to the public, and importantly, to dispel fear and misinformation.”<sup>121</sup> Certainly, the broad functions undertaken by peacekeeping operations – which have increasingly included the provision of support for the delivery of humanitarian aid – would appear *prima facie* to complement some of the initiatives required to respond to the Ebola outbreak. Indeed, the Security Council in an earlier discussion on the HIV/Aids virus had recognized the role which peacekeeping operations could play in contributing towards collective efforts to tackle the spread of that disease,<sup>122</sup> including the incorporation of HIV awareness within their mandates, outreach projects for vulnerable groups, and action to address conflict-related sexual violence.<sup>123</sup>

An interesting development in response to the Ebola outbreak was the creation of UNMEER,<sup>124</sup> a mission which arguably represents a hybrid peacekeeping/public health

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<sup>118</sup> See, eg., Thakur, R., *The United Nations, Peace and Security* (Cambridge: Cambridge University Press, 2006), pp.37-41; Berdal, M., ‘The Security Council and Peacekeeping’, in Lowe, V., Roberts, A., Welsh, J & Zaum, D (eds.), *The United Nations Security Council and War* (Oxford: Oxford University Press, 2008), pp.175-204.

<sup>119</sup> UNMIL. Created by SC Res 1509 (2003), its broad mandate includes support for the implementation of the ceasefire ending the Liberian conflict, protection of civilians, support for humanitarian assistance, supervision of disarmament, support for security reform, and support for the implementation of the peace process.

<sup>120</sup> Established by SC Res 1270 (1999), UNAMSIL performed a similar role in Sierra Leone to that discharged by UNMIL, successfully completing operations in 2005. Today, the UN continues to support peacebuilding processes in Sierra Leone through UNIPSIL, its integrated peacebuilding office, established by SC Res 1829 (2008).

<sup>121</sup> S/PV.7268, at pp.16-17.

<sup>122</sup> SC Res 1983 (2011).

<sup>123</sup> *Ibid*, paras.4-9.

<sup>124</sup> UN Mission for Ebola Emergency Response.

operation.<sup>125</sup> Described as “unique in many ways...the first emergency health mission...the first United Nations system-wide mission...a crisis-management mission,”<sup>126</sup> UNMEER’s work has included overseeing safe burial of victims of Ebola, case identification and isolation, and treatment of those affected. It combines obvious public health functions performed by medical professionals, for example treatment, with more practical functions which peacekeepers are suited to perform, such as overseeing safe burials. The creation of UNMEER represents a yet further step in the evolution of the tools of the UN collective security system to respond to new challenges which arise from a broadened conception of collective security, and builds upon previous developments in which the purposes of peacekeeping – and strategies employed by it – were expanded.

## CONCLUSION

The international discourse and response to the outbreak of the Ebola virus in 2014 provides us with a classic study in the evolution of the collective security concept within the practice of the United Nations. While in some respects evidencing its own unique features, the conceptualisation of the Ebola outbreak as a threat to the peace and the subsequent international response essentially builds upon an ongoing process through which the concept of collective security continues to be interpreted, taking account of developments in perceptions as to the nature of international peace and security threats. While the international community clearly attached significance to a number of key characteristics of the threat posed by the Ebola outbreak, the centrality of the concept of human security to the practice of collective security within the UN system was undoubtedly reinforced.

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<sup>125</sup> On the mandate conferred upon UNMEER, see UN Doc. S/PV.7318, at pp.3-6. See also UN Doc. S/PV.7279, at pp.2-5. For details of resourcing requirements, see the Report of the UN Secretary-General, UN Doc. A/69/404.

<sup>126</sup> S/PV.7268, at p.4 (Head of UNMEER Anthony Banbury).

However, while in one sense collective security is in a constant state of flux in terms of its practical ambit, it is also possible to identify a certain degree of constancy in the theoretical notion of collective security which is arguably traceable to its first inception within the UN system. This is borne out by the content of the Security Council's discussion of the Ebola outbreak as a threat to the peace, with a number of the key features identified as central to the nature of the threat posed – in particular states' collective stake in addressing the situation and its potential to spill-over – reflective of long established theoretical understandings of collective security's core tenets and requirements.

An important point to be noted from consideration of the Ebola outbreak as a threat to the peace concerns the mechanisms traditionally provided by the UN collective security system for responding to such threats. These were created largely with threats arising between states, and certainly situations taking the form of disputes or conflicts, in mind. As such they are ill-suited for addressing naturally occurring phenomena, be these public health crises or natural disasters, and the international community must be prepared to give consideration to new techniques for addressing threats to the peace taking these forms. In this respect, the developments witnessed in the creation of UNMEER, which blends functions traditionally associated with some peacekeeping operations with strategies of public health actions, are encouraging.