BOOK REVIEW


Writing monographs involves making choices, and writing textbooks arguably does so to an even greater extent. Since the textbook format does not normally allow for the gradual development of an argument, those choices are dictated, or informed, by other considerations: the author’s knowledge and expertise, of course, but also, typically, by considerations concerning the required level of instruction, the necessary information to be conveyed, and the expected intellectual abilities of the target audience. And then there is the more elusive factor of the educational culture from which the author stems: continental European textbooks tend to look very different from those written by English scholars, even in so cosmopolitan a discipline as international law.

Robert Kolb’s textbook on United Nations law, an adapted translation into English from the French-language original (Kolb is based in Geneva, and some references to Swiss concerns have been omitted) suffers from some debatable choices, and while the translation is generally fine, the work does not survive its transplantation into a different educational context entirely unscathed.

Kolb divides UN law, it seems (there is no explicit explanation or justification for the book’s set-up), into a substantive part and an institutional part, following the model typically used by EU law textbooks. Justifiable as this is in the abstract, the result is either a thick, sprawling volume (possibly too big for classroom use), or is bound to do an injustice to the complexities and richness of both the institutional and substantive aspects. At a mere
176 pages of text (albeit with many words per page), Kolb’s book falls into the latter category.

The substantive part, which takes up almost two-thirds of the book, predominantly discusses the principles underlying the UN, culminating in many pages on the use of force. Other substantive topics are dealt with in scant fashion: there is a brief discussion of the right to self-determination, but little or no discussion of the socio-economic tasks of the UN (except in the institutional part when discussing ECOSOC), and the Millennium Development Goals are not even mentioned. Human rights, moreover, are to some extent addressed in the institutional part (under headings such as Human Rights Council), but not to any noticeable degree in the substantive part: hence, much of the UN’s work remains under-analyzed. As a result, Kolb inadvertently confirms the classic image of the UN as an organization devoted to peace rather than justice, even while acknowledging the relevance of what he refers to as ‘positive peace’. There may be good reasons for focusing on the role of the UN on the use of force, on collective security and self-defence, but no reasons are adduced and, truth be told, it does appear a bit odd to find lengthy forays on self-defence, or even on the transformation of the idea of war, in a work on UN law. And even if one were to be happy with a strong focus on security issues, it is highly curious that the UN’s unhappy episodes in Rwanda and Srebrenica are not even mentioned: surely, if collective security is considered essential for a student text on the United Nations, then those cannot be overlooked.

The institutional aspects receive a little over 60 pages, in total (pp. 106–171), and this covers membership, brief discussions of the powers and functions of the six principal organs, and a few pages each on the specialized agencies, the relevance of Article 103, and possible amendment. Again, the choice for these topics may well be justifiable, but no explanation is given, nor is there any argument provided for the omission of topics such as the financing of the UN, the budgetary process, the Organization’s privileges and immunities, or its treaty-making practice and law. The reader comes out without knowing who, in the UN, has the treaty-making power, or whether local authorities can prevent politicians from attending meetings, or how the UN receives it’s funding.

Sometimes the book is unwittingly clumsy. Thus, some chapters count only a few pages, the most curious one being Chapter 5 which (two pages long) contains an overview of the lay-out of the Charter, consisting of an enumeration of the chapters into which the Charter is divided. Such