Chapter 1

Towards Integrated Peace Operations: The Evolution of Peacekeeping and Coalitions of the Willing

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1. Introduction

Historically the United Nations (UN) has concerned itself with defining and developing the concept of peacekeeping since the first full UN peacekeeping force in the Middle East of 1956–67 (UNEF). Peacekeeping was more finely crafted during the Cold War, but in traditional terms reached both its climax and its low-point with the largely unsuccessful peacekeeping operation in Lebanon (UNIFIL) in place since 1978. Such operations are voluntary and are based on consent and co-operation. Generally such operations consist of contributing States’ military contingents under UN command and control, specifically the Secretary-General acting under delegated authority from the Security Council, exceptionally the General Assembly. This should be contrasted with the enforcement model that emerged out of Chapter VII of the Charter under which a Coalition of the Willing is authorised by the Security Council with command and control being delegated to the contributing State(s) or organisation.

With disagreements over the composition of any ‘standing’ UN force and the pervasive use of the veto in the Security Council, Article 42, which empowers the Security Council under Chapter VII of the Charter to take military enforcement action ‘by air, sea, or land forces as may be necessary to maintain or restore international peace and security’, was largely inoperable during the Cold War. The only significant exception was the Korean War from 1950–3, in which a US-led force received UN authority in the absence of the Soviet Union from the Security Council, to combat North Korean aggression. The Korean episode apart, the superpowers, while not countenancing the development of Article 42, were prepared to allow the development of a much more limited military deployment, namely peacekeeping forces that seemed to fall more on the Chapter VI side of the Security Council’s powers, though there is no specific mention of peacekeeping in the Charter.

In general peacekeeping was acceptable during the Cold War because it was kept distinct from military enforcement action. Such a limited military operation not only suited the veto-wielding powers in the Security Council, it also met with the approval of the Non-Aligned states. Indeed the values of peacekeeping – non-intervention and non-aggression - reflected very much the values of the Non-Aligned movement, and more crucially, fundamental principles of international law. It is no coincidence that the major troop contributors to peacekeeping forces during
the Cold War were smaller volunteer States drawn from outside the five permanent members of the Security Council and their immediate allies.

With the end of the Cold War peacekeeping changed, with operations becoming multi-functional combining peacekeeping with limited peacebuilding, usually centred around the holding of elections as the pivotal event between conflict and a stable state. Such operations were a mixed success, with a number failing because the holding of elections did not engage the factions sufficiently to prevent a fresh outbreak of fighting. Since the Brahimi Report of 2000 we have seen the emergence of more integrated and more ambitious peace operations, which combine peacekeeping with more ambitious peacebuilding, consisting of much more than the crude introduction of democracy to an often alien environment. Given that such operations are often conducted in fragile or failed States, there has been a trend towards enabling the military element of such an operation to use force beyond the traditional limited form of self-defence used by peacekeepers. The emergence of peace operations with Chapter VII elements in effect brings together the doctrines underlying the two forms of international military missions that had emerged during the Cold War—peacekeeping based on traditional international legal principles of consent, non-intervention and non-aggression; and military enforcement based on one of the Charter exceptions to the ban on the use of force. This chapter will trace the legal evolution of the doctrines of peacekeeping and military enforcement, and the problematic move towards convergence.

2. Second Best: The Development of Coalitions of the Willing

The Organisation’s collective security role was premised in 1945 on the ability of its primary organ, the Council, ultimately to use military measures to enforce the peace, under Chapter VII specifically Article 42. Article 43 detailed the mechanism whereby armed forces were to be made available, namely by ‘special agreements’ to be arrived at by members of the UN, detailing the numbers, location and the state of readiness of such forces. These agreements were to be reached as soon as possible. However, although the Military Staff Committee, established under Article 47 of the Charter, did report to the Security Council by April 1947 on the basic principles that should govern the UN’s armed forces, Cold War tensions prevented any overall consensus.1

With no likelihood of consensus between the permanent members the idea of a UN army was shelved. The collective security vision of UN authority and UN command and control of military enforcement action was therefore unachievable. What developed instead, starting with Korea in 1950, was a partially decentralised system of collective security whereby the UN delegated authority to a state or group of states acting under Chapter VII to take military enforcement action on behalf of the UN. This in essence brings military enforcement action under Article 42 of Chapter VII very close to the system envisaged for regional organisations under Chapter VIII. Article 53 of Chapter VIII provides that ‘the Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action