5 Peacekeeping and the Politics of Intervention

The post-Cold War order in international politics has been characterised by the growth of intra-state and ethnic conflicts. Demands for peacekeeping and United Nations intervention have grown rapidly. Between 1988 and 1992 the United Nations created as many peacekeeping operations as it did in the entire Cold War. The United Nations has also developed a new assertiveness in the international system. In the aftermath of the Gulf War the Security Council demanded that Baghdad cease the repression of Shia communities in the south of Iraq and the Kurds in the north. In December 1992 the Security Council authorised the Secretary General and member-states to use ‘all necessary means’ to establish a secure environment for humanitarian relief in Somalia. A new United Nations relationship with NATO has also been established, with the Alliance providing enforcement and support for the world organisation in its mission in the former Republic of Yugoslavia.

This chapter examines the nature of the peacekeeping in the new era. It will compare and contrast contemporary United Nations peacekeeping operations with those in the Cold War. It will show the evolution of peacekeeping and its relationship to enforcement. Its central concern is to examine the role of NATO in the service of the UN in the former Republic of Yugoslavia.

THE UNITED NATIONS CHARTER AND PEACEKEEPING

The United Nations Charter does not define peacekeeping. Chapter VI of the Charter provides for the pacific settlement of disputes but does not specify peacekeeping. Article 33 looks to the resolution of disputes by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. The Security Council was empowered to call upon parties to settle disputes by these means when it deemed necessary. The Security Council was further empowered by Article 34 to investigate any dispute or situation to determine if it was likely to endanger international peace and security. Finally Article 38 enables the Security Council, ‘if all the parties to any dispute so request’, to make recommendations to the parties with a view to a pacific settlement of the dispute. The clear anticipated
target of these Charter provisions was the state. The membership of the UN was defined solely in terms of the state and the principle of sovereign equality. Article 2.7 states:

Nothing in the present Charter shall authorise the United nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under chapter VII.

Nicholas has suggested that the Security Council role in the pacific settlement of disputes is analogous to government conciliation machinery in a democratic state; a role of fact-finding, arbitration and recommendation but not the imposition of solutions. Moral pressure is brought to bear but not enforcement: 'what a democratic government abstains from doing out of regard for civil liberties, the Security Council abstains from doing out of regard for the rights of sovereign states, duly safeguarded by the provisions of the Charter' (Nicholas, 1979, p. 95). The Security Council can in effect only make recommendations when it is operating outside of chapter VII. The Security Council is moreover constrained by the jurisdiction of sovereignty with respect to intra-state as opposed to inter-state conflict. If chapter VI is to be effective the consent of the state or states concerned becomes essential.

It was Chapter VII of the Charter which provided authority for enforcement action with respect to threats to peace. Article 39 empowered the Security Council to determine the existence of any 'threat to peace, breach of the peace, or act of aggression' and make recommendations or decide what means should be taken to maintain or restore international peace and security. Article 41 authorised the Security Council to decide what measures short of armed force should be employed to enforce its decisions and Article 42 provided for the use of military force. The Security Council was given the power, if measures under Article 41 would or had proved inadequate, to use air, sea or land forces 'as may be necessary to maintain or restore international peace and security'. All members of the United Nations, by Article 43, were to make available to the Security Council such forces or support as it deemed necessary. The intention of the Charter was a mandatory enforcement system determined by the Security Council. The Cold War, however, prevented the effective operation of chapter VII and collective enforcement under the Charter.

Cold War divisions denied the unanimity required to implement its peace enforcement system. The veto powers of the permanent members of the Security Council ensured the superpower confrontation immobilised the