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**Tetsuo Ito**

**UN Authorized Use of Force:  
Recent Changes in UN Practice**

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## Foreword

Tetsuo Ito was born in 1949 and joined the Japanese Foreign Service in 1973. He has served as Director of the Second West European Division (1989-91) and the Legal Affairs Division (1991-94) at the Japanese Ministry of Foreign Affairs in Tokyo. Currently, he is Counselor for Congressional Affairs at the Japanese Embassy in Washington DC. This paper was written while he was a Research Associate at the International Institute for Strategic Studies (IISS) in 1994-95.

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## Introduction

Since 1990, United Nations (UN) member-states have been increasingly prepared to authorize the use of force under Chapter VII of the UN Charter. Since approving UN Security Council Resolutions 665 and 678 during the 1990-91 Gulf crisis, the Security Council has adopted more than a dozen Chapter VII Resolutions that have enabled member-states to intervene militarily in regional conflicts. These resolutions have provided member-states with a legal basis to use force, if necessary, against those responsible for aggression or a threat to international peace and security.

Since the Gulf War, the cases in which military enforcement measures have been taken include:

- ♦ *Operation Restore Hope* in Somalia by the United Nations Interim Task Force (UNITAF) from December 1992 to May 1993 (based on Security Council Resolution 794);
- ♦ several air attacks against Iraqi military facilities conducted by coalition forces in the Iraqi «no-fly zones» (NFZ) in January 1993 that were justified, according to some observers, by a combination of related resolutions concerning Iraq, including 678 and 688;
- ♦ the United Nations Operation in Somalia II (UNOSOM II) from May-October 1993, notably the pursuit of General Mohamed Farah Aideed under Resolution 837;
- ♦ the February 1994 shooting down of Bosnian Serb war planes violating the ban on military flights (Resolution 816);
- ♦ April 1994 air-strikes against Serb positions in the «safe area» around Gorazde in Bosnia-Herzegovina (Resolution 836);
- ♦ the July 1994 military operation to establish secure areas for refugees by French-led multinational forces (Resolution 929);

- ♦ August 1994 air-strikes against a Serb anti-tank weapon and, in September, against a Serb tank in the «weapons-exclusion zone» around Sarajevo (Resolution 836);
- ♦ the September 1994 peaceful landing operation in Haiti carried out by US-led multinational forces (Resolution 940);
- ♦ November 1994 attacks against a Serb-held airport in Udbina in Croatia and Serb missile sites near Bihac in Bosnia-Herzegovina (Resolutions 836 and 958);
- ♦ and May 1995 air-strikes against a Serb ammunition depot near Pale in Bosnia-Herzegovina (Resolution 836);<sup>1</sup>

The use of force by states based on these Security Council Resolutions is neither an operation of the standing UN forces, as envisaged under Article 42 of the UN Charter, nor is it an operation of the basically non-combatant UN peacekeeping forces. Instead, recent practice suggests that a significant evolution in the role of the Security Council in the field of international peace and security has taken place. The Security Council, in making a determination under Article 39 of the Charter, has been less restrictive in its interpretation of what constitutes «a threat to international peace and security». As this paper argues, such determinations and the subsequent authorization of the use of force have been made on a case-by-case basis, subject to the national interests and political considerations of the majority of Security Council members, rather than according to objective criteria applicable to all conflicts. The paper also examines the dilemmas raised by the use of force in peacekeeping operations and questions, in particular, whether the use of air power by NATO in the former Yugoslavia was compatible with the overall aim of the UN mission.

Haiti; and the fact that a pre-existing Organization of American States embargo only required the Security Council's sanction in more universal and mandatory terms.<sup>7</sup> The Security Council President announced that the adoption of Resolution 841 was «warranted by the unique and exceptional situation in Haiti and should not be regarded as constituting a precedent».<sup>8</sup> The Resolution nevertheless marked a change in Security Council practice, as the Council had never been directly involved in the aftermath of a coup d'état in a sovereign state, previously regarded as a purely domestic matter.

### Varied but Limited Objectives

The Security Council's authorization of the use of force has demonstrated various objectives. The first two occasions when the Security Council authorized full-scale use of force - in Resolution 83 of 27 June 1950, during the Korean War, and Resolution 678 of 29 November 1990, concerning the Gulf crisis - its objective was clearly indicated by the phrase, «to restore international peace and security».<sup>9</sup> In practice, this meant expelling an aggressor from a victim's territory. These cases conformed to the function that Chapter VII provisions were originally intended to serve. The objective of such use of force, moreover, has been proportionate to the gravity of the situations, both of which were caused by brazen violations of the principle of territorial integrity under Article 2(4) of the UN Charter.

After the Gulf War, the objectives of the use of force were initially limited to humanitarian purposes, but have gradually expanded with the adoption of new resolutions in response to changing military needs in the conflicts concerned. These objectives can be summarised as follows:

*Fulfilment of Humanitarian Needs.* After the Gulf crisis, Security Council authorization of the use of force by states was introduced primarily for humanitarian purposes. The first Security Council Resolution of this kind was Resolution 770 of 13 August 1992 concerning the Bosnian conflict. In the Yugoslav civil war, the international commu-

nity found it difficult to identify a single aggressor, as it had in Iraq. All the warring ethnic groups were more or less responsible for the continuing deterioration of the humanitarian situation. The victim of the armed conflict was not a sovereign state, but civilians within the territory of a single state. Accordingly, the objective of the use of force in Resolution 770 was narrowly defined: to «facilitate the delivery of humanitarian assistance» in order to secure the population's minimum humanitarian needs.<sup>10</sup>

Similar objectives were at the root of Resolution 794 (3 December 1992) regarding Somalia and Resolution 929 (22 June 1994) in Rwanda. Resolution 794 gave authorization «to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia», while Resolution 929 authorized states to conduct a military operation «aimed at contributing - to the security and protection of displaced persons, refugees and civilians at risk in Rwanda».<sup>11</sup> In the case of Haiti, though Resolution 940 of 31 July 1994 did not refer to humanitarian objectives on paper, humanitarian needs were one reason for UN intervention.

*Enforcement of Economic Sanctions.* The use of force has been authorized not only in ground operations, but occasionally in sea operations as well (by maritime forces) to ensure strict implementation of UN economic sanctions. In the Persian Gulf, Iraq's failure to comply with UN sanctions led to the adoption of Resolution 665 on 25 August 1990, in which the Security Council conferred upon the maritime forces of the states concerned authorization to use force, if necessary, «to halt all inward and outward maritime shipping».<sup>12</sup> This marked a revival, after a long interval, of a measure taken in the South Rhodesian case in April 1966.<sup>13</sup> The phrase used in Resolution 665, «to use such measures commensurate to the specific circumstances as may be necessary» was generally interpreted to include the limited use of military force.<sup>14</sup> The same wording was adopted afterwards in Resolution 787 of 16 November 1992 with respect to *Operation Maritime Monitor* in the former Yugoslavia, and in Resolution 875 of 16

October 1993, regarding the enforcement of a UN trade embargo imposed on Haiti.

*Enforcement of a Ban on Military Flights - The No-Fly Zone.* The concept of a ban on military flights, or a no-fly zone, was first introduced in Iraq in the area north of the thirty-sixth parallel in April 1991. The NFZ was intended to protect the Kurdish civilians from Iraqi air attacks, and was extended over the area south of the thirty-second parallel in August 1992 to protect the Shi'ite Muslim minority there. Both NFZs were established, though no Security Council Resolution referred specifically to them, nor were they justified as legally consistent with Resolution 688.

In January 1993, coalition forces conducted air attacks against Iraqi missile and radar sites in both the northern and southern NFZs. The legal grounds for this first use of force by coalition forces after the end of the Gulf War remained unclear, though «humanitarian intervention» under general international law, or a combination of all UN resolutions concerning Iraq (including Resolution 678) were occasionally quoted as legal justification. However, the lack of a firm legal basis for the attacks was not extensively challenged because there was wide acknowledgement of the existence of *de facto* agreement among the majority of permanent members of the Security Council on the use of force.

Following the above precedent in Iraq, a ban on military flights in the air space over the entire territory of Bosnia-Herzegovina was imposed by Resolution 781 of 9 October 1992. The Resolution eliminated the ambiguity concerning the legal basis for the measure that had existed with the NFZs in Iraq. The NFZ in Bosnia aimed to deter Serbian air attacks against Bosnian cities. However, frequent violations of the NFZ by Serbian aircraft led to the adoption of Resolution 816, which authorized member-states «to take all necessary measures [...] to ensure compliance with the ban on flights [...] proportionate to the specific circumstances and the nature of the flights».<sup>15</sup>

*Support for Peacekeeping Activities.* The objectives of the Security Council-authorized use of

force have been gradually expanded in Bosnia to include helping the UN peacekeeping force to fulfil its mandate. This backing for peacekeeping activities on the ground through the use of air support included assistance with the enforcement of a newly introduced scheme of safe areas. In order to deter Serbian attacks against the Muslim enclaves, Resolution 819 (16 April) and 824 (6 May 1993) introduced the concept of safe areas in Bosnia. These Resolutions established safe areas in the capital city of Sarajevo, the towns of Tuzla, Zepa, Gorazde and Srebrenica in the eastern part of Bosnia, and in Bihac in north-western Bosnia. Along with the surrounding areas, these towns were to remain «free from armed attacks and from any other hostile act».<sup>16</sup> For the purpose of helping UNPROFOR fulfil its considerably expanded mandate, including the deterring attacks against the safe areas, the Security Council, in Resolution 836 of 4 June, authorized UN member-states, «acting nationally or through regional organizations or arrangements» to take «all necessary measures, through the use of air power [...] to support the Force in the performance of its mandate».<sup>17</sup> NATO forces have been entrusted with this task. The use of NATO air power based on Resolution 836 was first confined to the so-called, «close air support» for the purpose of defending United Nations Protection Force (UNPROFOR), and was later expanded to include «air-strikes» for pre-emptive or punitive purposes, including the enforcement of weapons-exclusion zones.

### **Security Council Authorization as Political Pressure**

Both in the Gulf Crisis in 1990 and the Korean War in 1950, in the face of brazen aggression, the use of force had been authorized with plans for its imminent implementation.<sup>18</sup> However, after the Gulf War, authorization of the use of force has often been given without plans for imminent implementation, but rather to exert political pressure on the parties to a conflict. The adoption of Resolution 770 concerning Bosnia-Herzegovina was intended to increase pressure on the warring

factions to prevent them from blocking humanitarian aid deliveries. Some diplomats were optimistic enough to state in the Security Council that the adoption of the Resolution itself would persuade the Serbian forces not to interfere in the transportation of humanitarian convoys and that an occasion when the use of force became necessary would not arise.<sup>19</sup> Also upon adopting Resolution 794, with regard to Somalia, the US representative at the Security Council stated that the mission was essentially a peaceful one and that the United States would endorse the use of force only if and when it decided it was necessary to accomplish its objectives.<sup>20</sup> In such cases, credible resolve, a clear objective and overwhelming military power have been key factors in building effective political pressure to extract concessions without resorting to the actual use of force. These conditions seem to have been achieved more easily when there was no severe clash of national interests between Security Council members in the conflict concerned and, in particular, when the Security Council let the United States lead the operations.

*United Nations Interim Task Force (UNITAF) Mission in Somalia in Early-1993.* In Somalia, Operation Restore Hope conducted by UNITAF on the basis of Resolution 794 demonstrated the overwhelming power of its 37,000 troops with, in the words of then-US President George Bush, a limited and specific objective: «to create security conditions which will permit the feeding of the starving Somali people and allow the transfer of this security function to the UN peacekeeping force».<sup>21</sup> US resolve to use force was credible. The operation succeeded in facilitating relief activities and opening new channels of food-aid delivery to local areas without major military confrontations with warlords. The improved security for both the Somali people and relief workers at the time of the transition to UNOSOM II in May 1993 was another manifestation of its success.

*October 1994 United Nations Mission in Haiti (UNMIH).* With regard to Haiti, despite initial US reluctance to intervene in 1992, the deteriorating humanitarian situation in Haiti and the rapid

increase in refugees finally obliged the United States to act. President Bill Clinton demanded that the military leadership in Haiti step down immediately, and emphasised his resolve: «when firm brutality occurs close to our shores, it affects our national interests. And we have a responsibility to act».<sup>22</sup> The legitimate government of President Jean-Bertrand Aristide remained in exile, and his return to Haiti was a primary and clear objective of the operation. When former US President Jimmy Carter was sent to Haiti for a final attempt to persuade Haitian General Raoul Cedras and other military leaders to resign, the US armed forces, including at least 12,000 troops, were standing by for immediate military action. The landing operation was nearly launched when the Haitian military leadership finally yielded to US conditions, including a peaceful landing of the multinational military forces led by the United States, and the return of President Aristide to Haiti.<sup>23</sup>

### **National versus UN Command and Control**

The command and control over the forces carrying out military operations on the basis of Security Council-authorized use of force have always been a bone of contention between the UN and the countries providing military forces. In this regard, there has been an interesting evolution in the Security Council's attitude.

*Bosnia (Resolution 770) and Somalia (Resolution 794).* The total lack of consultation with the UN over the coalition military operation in the Gulf crisis evoked wide criticism, leading the UN to strengthen its control over such operations. When Resolution 770 in the Bosnian conflict was adopted, the security of approximately 1,500 UNPROFOR personnel deployed in Bosnia-Herzegovina had already become a primary concern for their home governments and for the Secretary-General.<sup>24</sup> Accordingly, Resolution 770 provided that the use of force be implemented «in coordination with the United Nations». This phrase embodied a compromise between the UN and

NATO that appeared to constitute the basis for a «dual-key» system in subsequent NATO military operations.<sup>25</sup> When Resolution 794 concerning Somalia was adopted four months later, the UN had become still more ambitious to strengthen its control over the possible use of force.<sup>26</sup>

*Rwanda (Resolution 929) and Haiti (Resolution 940).* Seemingly affected by its bitter experience with the command and control of NATO operations in Bosnia-Herzegovina in the first half of 1994, the UN later became more generous and realistic. The Security Council has begun to entitle a state to its «national command and control», in particular when the state that has offered to lead a military intervention has been generally recognised as having special national interests in the conflict concerned. In the cases of Rwanda (Resolution 929) and Haiti (Resolution 940), though certain restrictions on the national command and the nominal participation of forces from other countries were secured, Security Council authorization has been tantamount to covering a unilateral military intervention - by France and the US, respectively - in a UN mantle.<sup>27</sup>

In Rwanda, Resolution 929 (22 June 1994) imposed the modest UN restriction that the operation be limited to «a period of two months» or until «the Secretary General determines at an earlier date that the expanded United Nations Mission in Rwanda is able to carry out its mandate». In the case of Haiti, Resolution 940 of 31 July 1994 enabled the United States to conduct the first military operation by organising coalition forces under a UN fig leaf in the western hemisphere. The Resolution left the Security Council to decide on the timing of the operation's termination by handing over the functioning of the multinational forces to the UN peacekeeping force «when a secure and stable environment [had] been established». Such a restriction was also necessary to alleviate the concerns of many Latin American states about the possible use of force by the United States that stemmed from a long history of US military intervention in the region, including the invasions of Grenada (1983) and Panama (1989).

## The Use of Force by Peacekeepers

Lightly armed peacekeeping forces deployed in volatile and complex environments to conduct humanitarian relief operations have been vulnerable to outside attacks. Security Council authorization of the use of force beyond traditional self-defence has not yielded desirable results, but has instead caused damage to the UN's long-standing reputation. This can be said about both UNOSOM II, after it succeeded the UNITAF functions in May 1993, and UNPROFOR in Bosnia after June 1993.

*UNOSOM II (Resolution 837).* In Somalia, prolonged civil war had caused a tremendous proliferation of weapons. The active pursuit of disarmament by UNOSOM II then triggered a conflict with the warlords, especially General Aideed's faction. Twenty-four Pakistani peacekeepers were killed in an ambush by militias of Aideed's faction on 5 June 1993 - the biggest single loss ever suffered by UN peacekeeping forces. The Security Council promptly responded by adopting Resolution 837 on 6 June, on the basis of which UNOSOM II issued a warrant for Aideed's arrest and initiated the search for him. The arrest became a principal task for UNOSOM II in the following four months, but the concurrent efforts of peacemaking and a military campaign did not bring desirable results. Hostile actions by the UN against Aideed further aggravated the conflict between them, which brought about more casualties on both sides. Aideed's arrest was never accomplished nor had a satisfactory level of disarmament been attained when, on 4 February 1994, Resolution 897 reduced UNOSOM II's mandate to that of a traditional non-combatant peacekeeping force.

*UNPROFOR (Resolution 836).* Under Resolution 836 of 4 June 1993, UNPROFOR in Bosnia was also authorized «to take the necessary measures, including the use of force, in reply to bombardments against the safe areas».<sup>28</sup> However, UNPROFOR was lightly armed, understaffed and reliant on NATO air power, and was in no position to enter into military combat; commanders of the



force carefully avoided crossing the «Somali threshold». The bitter lessons learned from UNPROFOR have been taken into account in the Secretary-General's «Supplement to An Agenda for Peace» issued on 3 January 1995, which advocated a return to the traditional style of peacekeeping operations.<sup>29</sup>

### **Impartiality and the Use of Force**

Security Council-authorized use of force has inevitably led the UN to take sides in the conflicts mentioned, inconsistent with their requirement to remain impartial. The loss of impartiality has disrupted peacekeeping activities, and the use of force has endangered their security. Such negative features have developed in the Yugoslav conflict in particular.

The UN's initial intervention in the conflict under Chapter VII was marked by an arms embargo that treated all warring parties equally. This impartial treatment was all the more important because the delivery of humanitarian assistance required the goodwill and cooperation of all parties. However, the adoption of Security Council Resolutions 770, 816 and 836, authorizing the use of force by UN member-states, (in practice targeted against the Bosnian Serb forces), has significantly affected the neutrality of UN activities. UN-member-states have been obliged to pursue two incompatible policies simultaneously. On the one hand, the UN was to conduct humanitarian relief activities and negotiations for a peace settlement - for which equal treatment of the warring factions was required to secure their cooperation. On the other hand, the UN was obliged to threaten and punish one warring party with the use of force to deter attacks, extract concessions and maintain the credibility of the UN. The dilemma became particularly acute over the issue of air-strikes.

*Sarajevo - February 1994.* In the early stages of NATO intervention in Bosnia, both in August 1993 and February 1994, the threat of air attacks had worked effectively as leverage to extract concessions from the Bosnian Serbs in Sarajevo.

On 9 August 1993, NATO formally approved the possible use of air power against Serbian forces for the purpose of close air support to defend UNPROFOR if the «strangulation» of Sarajevo continued. The following year a mortar attack by Bosnian Serb forces on 5 February against Markale open-air market in downtown Sarajevo left 68 dead and 197 wounded, the single worst toll since the Bosnian civil war had begun. In response, NATO elevated its threat of air attacks to the use of air-strikes for pre-emptive or punitive purposes, and threatened the Serbs with bombardment of their artillery positions around Sarajevo. The Bosnian Serbs yielded to the NATO ultimatum for the first time in August 1993 and subsequently in February 1994.

At that time, the varying interests of NATO and UN Security Council member-states had not yet become a serious obstacle to formulating and maintaining a unified policy, and the threat of air attacks had much more credibility.<sup>30</sup>

*Gorazde - April 1994.* The credibility of NATO's ultimatum policy in Sarajevo gradually eroded as NATO's use of force began to antagonise the Bosnian Serbs. The possibility of Bosnian Serb retaliation against the lightly armed peacekeeping troops on the ground became a matter of increasing concern to the UN and the troops' governments. The April 1994 Gorazde incident marked a turning point in the effectiveness of the «ultimatum» policy. On 10-11 April 1994, NATO forces carried out their first air-to-ground attack against Serb positions around the safe area of Gorazde, responding to a UN request for «close air support». Though the scale of the air raids was limited, with only two US aircraft in use each time, the Serbs retaliated by shooting down British *Sea Harriers* and taking scores of UN peacekeepers hostage. After heated debate, NATO agreed to apply the «Sarajevo model» to Gorazde, and sent an ultimatum to the Bosnian Serbs on 22 April to cease shelling Gorazde immediately and withdraw all heavy weapons from the weapons-exclusion zone around Gorazde. Finally, the NATO ultimatum was met, but the military operation in Gorazde, including pinprick air attacks, also antagonised the

Serbs. At that point, the Serbs officially declared a halt to all cooperation with the UN. On 11 April, the Bosnian Serb military command accused the UN and NATO of entering the war on the side of the Muslims.<sup>31</sup>

## The Limitations of UN Air Attacks

The NATO experience in the Bosnian conflict indicates that air attacks cannot influence the outcome of ground combat. In this regard, the dual-key system improved the security of peacekeepers, but it has paralysed Security Council-authorized use of force.

*Friction Regarding the UN-NATO Dual-Key System.* The Serbs first recognised the friction between the UN and NATO in managing the dual-key system as a weakness in the April 1994 Gorazde operation. A NATO request for an immediate air strike was blocked by the UN, which was reacting to the Serb warning that they would be merciless towards UN forces in the event of NATO air-strikes. On 26 November 1994, the UN mission in Zagreb again rejected a NATO request to launch air attacks to destroy surface-to-air missile sites that threatened NATO planes in north-western Bosnia and Serbian-held territory in neighbouring Croatia. The refusal clearly indicated how a UN-NATO dual-key system has limited military efficacy.

*Udbina and Bihac - November 1994.* On 21 November, NATO warplanes carried out a massive air raid against the Udbina air base in Krajina, a Serb-controlled region of Croatia, from which Bosnian Serb planes had carried out air attacks against the safe area around Bihac. The operation was the biggest bombing raid in NATO's 45-year history, destroying parts of the runway, missile sites and other military facilities in the air base. Twenty Serb fighter aircraft at the air field, however, were deliberately left undamaged in compliance with a UN request; NATO's operation was being restricted by UN concern for possible Serb retaliation against peacekeepers on the ground. As

the Serb forces did not stop their attacks on Bihac, NATO launched the second attack against three Bosnian-Serb missile sites near Bihac on 23 November. Even after these two NATO air attacks in Udbina and Bihac, the Bosnian Serb shelling of Bihac and its troops' advance towards the city did not stop. Such an aggressive attitude by the Bosnian Serbs seemed to be based on their conviction that NATO was incapable of stepping further into the armed conflict against them. On 27 November, US Secretary of Defense William Perry noted that NATO air-strikes could not influence the outcome of ground combat and that there was «no prospect» of the Bosnian government forces winning back territory controlled by Bosnian Serbs.<sup>32</sup>

*Sarajevo - May 1995.* When the four-month truce implemented on 1 January 1995 approached its expiration date, fighting once again intensified. The Serbs renewed their intimidation of the UN by killing two French peacekeepers on 14 April. The UN grew even more concerned about the security of peacekeepers as contributing states repeatedly warned that they would withdraw their forces if security conditions did not improve. On 7 May, UN officials resisted a call by their military commander in Bosnia for NATO air-strikes to deal with a Serb mortar attack from the weapons-exclusion zone around Sarajevo.<sup>33</sup>

In this way, the implementation of the Security Council-authorized use of force had been carefully avoided since the bombardments in Udbina and Bihac in November 1994. The UN faced the dilemma that NATO inaction would encourage a Serb offensive and further damage the credibility of the use of force, while NATO bombardment would sacrifice the security of peacekeepers. NATO appeared to opt for a high-risk policy. On 25-26 May 1995, NATO fighters carried out two air raids against a Serb ammunition depot near Pale, the Bosnian Serb «capital», demanding that the Serbs hand over heavy weapons in the weapons-exclusion zone around Sarajevo. The Serb forces immediately stepped up their retaliation by shelling five of the six safe areas - including «the most murderous single shelling of the war» against

Tuzla - and by taking more UN peacekeepers hostage, some of whom were unarmed military observers used as human shields to deter further NATO air attacks.<sup>34</sup> In such a situation, it became practically impossible for the Security Council to conduct air-strikes.

## **Conclusion**

The UN and the Security Council do not have any inherent or self-generating power; the source of UN power is decisions taken by member-states in accordance with the provisions of the UN Charter. Legitimacy, international solidarity and resource sufficiency are the basic requirements for the effective functioning of the UN in the field of international peace and security. Although the unprecedented harmony among Security Council members during the Gulf crisis created the illusion that a «New World Order» was possible, the UN experience since then has been a reminder that the effective use of force depends substantially on the political will and harmony of sovereign states. These states have varying national interests in international conflicts; when those interests diverge, decisions regarding the use of force tend to be delayed, and their implementation hindered or carried out indecisively and half-heartedly. Such a phenomenon has been evident, in particular, when both peacemaking and peace enforcement have been pursued concurrently.

Bearing in mind these inherent restrictions, however, the role that Security Council-authorized use of force has played for international peace and security should not be underestimated. It has restrained the great powers from resorting to unilateral use of force, and has helped to develop, however imperfectly, more objective, transparent and justifiable international discipline over the use of force.<sup>35</sup> The multiplication of UN military enforcement measures taken for humanitarian causes has also significantly changed the traditional norm of non-intervention.

Since the Korean War, virtually all military operations based on Security Council-authorized use of force have been led by US forces. Some

argue that Security Council-authorization has only served US national interests, been based on double standards, and been used to justify arbitrary military action by the United States. Nevertheless, the UN experience examined in this article indicates that for the foreseeable future - in which greater international control over multinational military operations seems unlikely - Security Council-authorized use of force cannot work effectively without the political leadership of the United States and the participation of its overwhelming military power.

Under the newly evolved concept of UN Security Council-authorized use of force, it is of primary importance to ensure the cooperation of the United States and encourage its «enlightened» national interests. It is also vital to secure the political will and spirit of cooperation of other Security Council member-states to take or accept hard decisions on security issues. Under such conditions, and provided it has sufficient resources, the Security Council can be a useful instrument for coordinating national interests and providing a state-led military operation under a UN banner - a token of universality and legitimacy - in order to maintain and restore international peace and security for UN member-states.

## Notes

- <sup>1</sup> All the above military operations in the former Yugoslavia were carried out by the NATO air force.
- <sup>2</sup> UN Document, S/PV 2982, pp. 6 and 12.
- <sup>3</sup> See D. J. Harris, *Cases and Materials on International Law* (London: Sweet & Maxwell, 1991), pp. 874-76.
- <sup>4</sup> UN Document, S/PV 3009, pp. 21, 57 and 59.
- <sup>5</sup> *Ibid.*, p. 49.
- <sup>6</sup> UN Document, S/PV 3082, 9.
- <sup>7</sup> UN Document, S/PV 3238, p. 17.
- <sup>8</sup> *Ibid.*, p. 9.
- <sup>9</sup> Security Council Resolutions 83 and 678 both include this language.
- <sup>10</sup> UN Security Council Resolution 770, para. 2.
- <sup>11</sup> UN Security Council Resolution 794, para. 10; UN Security Council Resolution 929, para. 2.
- <sup>12</sup> UN Security Council Resolution 770, para. 2.
- <sup>13</sup> The use of force in Southern Rhodesia (Resolution 221) - which authorized the British Navy to intercept oil tankers heading for Southern Rhodesia - was the only UN-authorized maritime use of force prior to the Gulf crisis.
- <sup>14</sup> UN Security Council Resolution 665, para. 1.
- <sup>15</sup> UN Security Council Resolution 816, para. 4.
- <sup>16</sup> Security Council Resolution 824, para. 3.
- <sup>17</sup> Security Council Resolution 836, paras 5 and 10.
- <sup>18</sup> In the Gulf, despite the condition on Resolution 678 (29 November 1990) that force be used «unless Iraq on or before January 15, 1991 fully implements [...] the forgoing resolutions», preparation for the use of force began immediately following the Iraqi invasion of Kuwait. In the Korean case, a few hours before the Security Council met to vote on Resolution 83 (27 June 1950), US President Harry Truman had already issued an order to the US air and sea forces to give support to the South Korean forces.
- <sup>19</sup> UN Document, S/PV 3106, p. 13.
- <sup>20</sup> UN Document, S/PV 3145, p. 36.
- <sup>21</sup> George Bush quoted in John R. Bolton, «Wrong Turn in Somalia», *Foreign Affairs*, vol. 73, no. 1, January/February 1994, p. 60.
- <sup>22</sup> President Bill Clinton, 15 September 1993, White House press statement.
- <sup>23</sup> In addition to these two specific cases, military operations for securing UN economic sanctions at sea and enforcing NFZs in the air have generally proved to be low-risk and effective when supported by dominant military power, in light of their clear and limited objectives.
- <sup>24</sup> Secretary-General Boutros-Ghali sent a letter to the Security Council one day before the adoption of Resolution 770 warning that the security of UN peacekeepers could be jeopardised if military force was actually used. *International Herald Tribune*, 14 August 1992.
- <sup>25</sup> UN Security Council Resolution 770, para. 2. At the Security Council meeting, the UK Representative, Sir David Hannay, stated, «close coordination with the UN will be put in hand. In deciding whether and how far military measures are needed, we will give great weight to the views of the United Nations authorities and the humanitarian agencies». UN Document, S/PV 3106, p. 35.
- <sup>26</sup> Resolution 794 provided that: the Secretary-General and the member-states concerned were authorized «to make the necessary arrangement for the unified command and control of the forces involved» (para. 12); a request be made for the establishment of «appropriate mechanisms for coordination» between the United Nations and military forces involved (para. 13); and that a «small operation liaison staff» of UNOSOM be attached to «the field headquarters of the unified command» (para. 15). The strengthened UN command and control, which contributed to the unanimous adoption of the Resolution, was implemented in the operation.
- <sup>27</sup> See UN Security Council Resolution 929, para. 2 and UN Security Council Resolution 940, para. 4.
- <sup>28</sup> Security Council Resolution 836, para. 9.
- <sup>29</sup> Supplement to Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, A/50/60, S/1995/1.
- <sup>30</sup> In addition to NATO's overwhelming military power, the influence of the intermediaries on the Bosnian Serbs - in particular that of President of Serbia proper, Slobodan Milosevic, in August 1993, and the Russian government in February 1994 - facilitated these concessions.
- <sup>31</sup> *Daily Telegraph*, 12 April 1994.
- <sup>32</sup> *International Herald Tribune*, 28 August 1994.
- <sup>33</sup> The 24 April 1995 announcement of the UN tribunal for the former Yugoslavia naming the Bosnian Serb leader, Radovan Karadzic, and military commander, General Ratko Mladic, as suspected war criminals further antagonised the Serbs.
- <sup>34</sup> *International Herald Tribune*, 27 May 1995.
- <sup>35</sup> During the Cold War, the Security Council was unable to take effective measures to deal with issues of international peace and security. States, therefore, often resorted to unilateral military action on the basis of the right of independent or collective self-defence under Article 51 - frequently used by states to justify the arbitrary use of force. Though the right of self-defence remains a last resort for large powers when their national interests are at stake, it is noteworthy that, since the end of the Cold War, there has been only one case of when Article 51 was invoked: the 26 June 1993 US missile attack on Iraqi intelligence headquarters in Baghdad in retaliation for Iraq's alleged attempt to assassinate former US President George Bush.