

Evolution of Concepts of Use of Force in International Law

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Modern international situation and new types of peace support operations corresponding to it increased the importance of strong, well-equipped military task forces implementing peacekeeping missions. These task forces enter conflict zones to separate parties at war, to stop clashes and bloodshed, to disarm conflicting sides, and to restore people's peaceful life.

In the 1990s traditional peace support operations under the UN aegis have been transformed, by using force or threats of using force, into complex multi-purpose peacekeeping operations, like in Yugoslavia or Cambodia. But the events of 2002 showed that an anti-terrorist operation can be transformed into a peace support operation, and then, following the logic of national interest, into a standard military presence in the zones of a "vital interest". This shows the necessity to analyze the distinctions between traditional and new style peacekeeping operations, as well as Western and Russian approaches to them.

The basic distinction is criteria of interference, in particular, related to peace enforcement. coercive operation can still be implemented only if it responds to the condition of an imminent threat, such as threats to global and/or regional security, large-scale human rights violations, etc.

Nevertheless, recently the Western version of limits of use of force has been substantially differing from that of Russia. E.g., the US and British field manuals imply that, in the course of a peace support operation, military units should be always ready for the use of force. The traditional UN principle of non-use of force has evolved, in the Western interpretation, into a "minimal use of force", then into "a minimal necessary use of force", and now it

reads "a constant readiness to use force". The new interpretation also includes "capacities required to neutralize obstacles to the implementation of the mission". A principle of neutrality also evolved into a principle of impartiality.

This approach to using force puts under doubt the traditional principles of international security under the International Law. These approaches resulted in a debate on Humanitarian Intervention as a means of conflict resolution. Finally they have led to the NATO operation against Yugoslavia, and the US and British operation in Iraq.

The actions against Yugoslav government has not resolved the conflict in Kosovo, they even escalated it. After September 11, in the context of global community's fight against international terrorism, NATO operation in Yugoslavia is being criticized not only by Russian political and military elite, but also by the various forces in the West.

Interference in a conflict without consent of parties at war, not speaking about the government of the country in which a conflict evolves, could discredit the principle of reasonable use of force and destroy the main attribute of statehood, i.e. national sovereignty. At the same times the international community still cannot exist in the world without national borders. This is the essence of Russian political and military elite viewpoint on the problem of peacekeeping.

Efficiency of the use of force depends on its quantitative and qualitative parameters as well as on the ways of applying it. In this context it will be useful to analyze the traditional ways of using military power and the recent tendencies of the evolution of this process.

The military force is used as a means of armed violence and/or material/psychological pressure, being applied directly or indirectly, as a threat. This pressure affects material potential of a state, or morale of the population. The direct use of force not always brings a result desired, and many states often imply indirect use of force.

Traditionally military power was used for achieving victory at a war. As destructive power of military might was increasing, non-violent means were more and more often being used in the international relations. But this process is far from over, and it will continue in the future.

Another function of military power is a favorable positioning of a state on different levels, — bilateral, local, regional, global, etc. Favorable balance of power could be achieved not only by increasing military might, but also by merging it with the power of other states, by creating military and political blocs and alliances. Unfortunately, this function is also far from being exhausted, and even being galvanized with the new NATO strategy.

One more function of military power is affecting other countries and/or international system, to protect and to advance a country's or a group of countries' national interests. Theoretically, such a pressure should not result in a military conflict or war, but often such a pressure still results in a direct violence.

Military power is also being used as a means of pressure against different movements, terrorist groups, or as a means of destabilizing economic and political situation in different countries and regions. Unfortunately, this tendency has become rather common in the recent decades.

The history shows that the lack of military power can put a state under foreign pressure and/or domination even without a war. But excessive use of military force can bring unfavorable results for both initiators and objects of such policies. At present period we observe the continuation of military competition between states and/or groups of states, direct or indirect, and attempts to gain military advantage.

The use of force under the UN aegis to separate parties at war, to prevent conflicts from escalation, and to enforce peace, is being practiced for at least three decades. The USSR and Russia have been actively participating in peacekeeping activities in the Middle East, Yugoslavia, and other regions. The UN experience could be expanded to other regional international organizations, such as OSCE. It would be to the advantage of Russia and other European countries.

At the same time, a negative tendency towards the substitution of traditional UN functions by that of NATO, also emerges. The delegation of global political decision-making to NATO, which remains a regional defensive military bloc, is totally unacceptable. The UN and OSCE should primarily maintain international peace,

otherwise the basic architecture of European and global security could be ruined.

Due to all these positive and negative tendencies a new type of global and regional security models becomes more and more important. The military power is also to play an important (and at certain period, a dominating) role in these models.

The strict adherence to International Law should always condition the use of military force. The main principle, applied, like in the medicine, should be "No Harm". The interference of a third party in a conflict should not result in its escalation. The success of a peace support operation depends on harmonizing national interests of involved states; methods of interference; skillful application of different means to pressure conflicting sides; military exhaustion of warring parties; readiness by the sides of the conflict to compromise and to fix a status-quo.

Besides that, the practice shows that the interference in a conflict could be more successful if being authorized by the government of a state, in which conflict develops.

Many recent peace support operations under the UN aegis prove that the peacekeepers, with their own interests and perceptions, often become, purposely or unintentionally, the side of a conflict. In some respect the wars for national interests are being replaced by the wars for the purpose of peacekeeping. Such a transformation of basic principles of international mediation in the conflict resolution, alongside with the failures of the "classic" UN operations in Angola, Western Sahara, Somali, Yugoslavia, on Cyprus, etc. (already recognized by the UN itself), justify the global crisis of contemporary peacekeeping.

The analysis of this crisis, and of ways and means of solving it, thus becomes an important task. The experience of regional level conflict resolution could give the way out of this crisis. In this context, the political and military efficiency of the peace support operations under the CIS aegis sets an important example to international peacekeeping. In each of these operations in the CIS the direct military conflict was stopped without coercive use of force, by using it in a mode of peacekeeping.