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Bosnia. Troops from the 2nd Battalion, Royal 22<sup>e</sup> Régiment patrolling a section of the Canadian area of responsibility in Bosnia-Herzegovina.

## PAX CIVITAS MAXIMA: FIGHTING THE GOOD FIGHT

by Christopher Doary

*Neither selfish isolation nor dignified remonstrance is the proper attitude for honorable and self-respecting states. They should intervene very sparingly and only on the grounds of justice and necessity; but when they do intervene, they should make it clear to all concerned that their voice must be attended to and their wishes carried out.*

T.J. Lawrence, *Principles of International Law*,  
1911

**A**mid much backslapping over the qualified success of the NATO-led intervention in Kosovo, it is time to pause and reflect upon what it is that Canadian politicians have sent their armed forces abroad to do in this grave new world. Gone are the comparatively halcyon days of peacekeeping, and yet Canada's political lexicon clings stubbornly to the past. Today, the majority of Canada's 'peacekeepers' have little in common with the buffer-zone custodians of yesteryear. Canadians like to take comfort in the belief that they invented peacekeeping, but like everyone else, they are neophytes in a post-Cold War security environment dominated by intrastate conflict, and where the anachronistic tenets of peacekeeping are unhelpful. Prior to embarking on a gallant crusade to

save humanity from itself, Canadian policy-makers need to weigh the cost, in blood and treasure, against the potential gain of sundry foreign interventions. Policy-makers must also take care not to become preoccupied with what, according to the 1994 White Paper, is a tertiary role for the Canadian Forces. In order to make an informed decision, however, there is a pressing requirement for conceptual clarity.

During the last decade, observers have tried to codify certain military operations that have moved beyond the paradigm of so-called traditional peacekeeping, but which fall short of the more extreme military sanctions permitted by the Charter of the United Nations. In fact, some have gone to great lengths to explain why this new activity is either an extension of peacekeeping (that is, in situations where a modicum of consent presumably exists) or, failing that, an impartial form of intervention, signified by the expression 'peace enforcement.'<sup>1</sup> *Wider Peacekeeping*, the British Army's answer to its experience in Bosnia, is, like American and Canadian doctrine,<sup>2</sup> merely another attempt to fit a square peg into the proverbial round hole. Each manual is based on the assumption that the tattered peacekeeping 'principles'

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of consent, impartiality, and what amounts to a police doctrine on the use of force, apply to operations in this intermediate zone.<sup>3</sup> And each, perpetuates the fiction that 'extended' peacekeeping is not coercion-based.

## ARGUMENT

Peacekeeping is essentially non-intrusive, while enforcement is coercive. The wealth of new territory is emphatically not peacekeeping. Nor is it an extension of peacekeeping. It is a discrete enterprise, tentatively christened "pseudo-Grotian intervention" (PGI): *a coercive, politico-military interference in a state's internal affairs intended to enforce international norms of behaviour*. PGI is premised loosely on the belief that, aside from self-defence, the legitimate use of force rests with a society of states — the ultimate arbiter of state conduct. PGI is nevertheless an ideologically impure concept, a pragmatic marriage of moral values and state interests. In short, PGI is a new class of enforcement.

## BACKGROUND

The Peace of Westphalia (1648) recognized a society of independent, territorially- sovereign states each having jural rights, which all states were bound to respect. In his seminal *De Jure Belli ac Pacis* (1625), Hugo Grotius had posited a right to intervene in the internal affairs of a sovereign if the crown were to maltreat its subjects.<sup>4</sup> However, by validating a state's exclusive jurisdiction over domestic matters, Westphalia effectively repudiated this early attempt to legitimize intervention on humanitarian grounds. The doctrine of

nings of the Westphalian system.

In April 1991, the UN Security Council authorized operations inside northern Iraq with the intention of protecting local Kurds from persecution, and, significantly, without an Iraqi invitation. In recent years, additional UN-sanctioned or sponsored interventions have occurred under the humanitarian banner, despite the fact that the convention of non-intervention was reaffirmed in Article 2(7) of the UN Charter after the Second World War:

Nothing...shall authorize the United Nations to intervene in matters that 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.<sup>6</sup>

And yet, growing acceptance of intrastate missions, at least on moral grounds, suggests that the practical aspects of how to deal with civil strife are equally, if not more, pressing than efforts to reconcile 'humanitarian' interventions with international law.

## INTERVENTION

An understanding of the term intervention is necessary for any meaningful study of the interrelationship between peacekeeping, enforcement and PGI. The difficulty is that the multifarious nature of intervention renders a definition broad enough to capture all the nuances of the word imprecise.<sup>7</sup> Moreover, some connotations are completely at odds with standard literal interpretations. A review of the evolution of intervention as a pivotal concept of international relations in the 20th century is therefore instructive.

At the beginning of the century, jurists generally agreed that intervention was a hostile act, some insisting that "the presence of force, naked or veiled" was *sine qua non*.<sup>8</sup> Others took a wider view, embracing diplomatic, economic and other forms of coercion, while some drew distinctions between internal and external variants.<sup>9</sup> In the late 1960s, J.N. Rosenau and his colleagues stressed the convention-breaking and authority-oriented aspects of the phenomenon. Intervention, they argued, was an organized and systematic activity that breached recognized boundaries and aimed to influence the political authority structures of a target society. The goal was to replace exist-

ing structures or to shore up those thought to be in danger of collapse; the implication being that a sovereign unit was violated.<sup>10</sup> However, the belief that intervention constitutes a departure from the norm of non-intervention is fast fading as the frequency of intervention grows.

non-intervention, which holds that domestic policy should be free from external interference, has remained an abiding principle of international affairs for 350 years.<sup>5</sup> Having said that, the alarming increase in intrastate conflict since the end of the Cold War and the concomitant rise in intrastate interference, has challenged the very philosophical and ideological underpin-



Kosovo. A 430 Squadron Griffon helicopter serving with KFOR in Kosovo, February 2000.

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Richard Little has taken a different tack. In 1975, he proposed that intervention was conditional upon an intervener maintaining a 'relationship' with only one faction. He reasoned that maintaining a relationship with all the disputants amounted to "a non-intervention response."<sup>11</sup> It is an intriguing idea, though it would appear that the nature of the affiliation matters most. Provided affiliations are entirely consensual; for instance, a state of non-intervention would presumably exist. In a 1994 article on intervention, Thomas Weiss agreed that 'active hostility' of state and sub-state actors to outside interference is a defining feature of intervention.<sup>12</sup>

A recent monograph reasons that *military* intervention implies the threat or intention of all parties to use significant force. Thus, according to Richard Connaughton, military intervention is not peacekeeping in the classic sense of South Lebanon or Cyprus. "An intervention force does not just keep two warring parties apart, but seeks to control a situation by superior force," the premise, he argues, behind the operations in Kurdistan in 1991.<sup>13</sup> Notwithstanding the author's emphasis on the degree of force, the use of coercion to wrest control of the situation from indigenous (and/or foreign) actors would appear to be the underlying rationale of intervention, military or otherwise. If this is a fair assessment, bona fide peacekeeping does not qualify as intervention.

Non-intervention, then, is not an absolute concept in the sense that there is no outside involvement at all, but rather one in which coercion — *the use of intimidation or force to obtain compliance* — is not a factor. Therefore, as a concept of contemporary international relations, intervention may be defined as: *coercive and/or non-consensual interference aimed at influencing the political authority structures of a particular geographic space.*<sup>14</sup> Viewed in this way, intervention is synonymous with enforcement.

## ENFORCEMENT

Hidden among myriad other commitments is the fact that the United Nations was designed to be an instrument of international will. When the victors of the Second World War founded the UN in 1945, they were determined to make it an effective instrument. The dismal performance of the League of Nations suggested that an international authority for assessing and ordering a response to security threats (the present-day Security Council) was needed to ensure that states did not use war to advance their foreign-policy interests. The focus on interstate relations naturally led to the establishment of a state-centric body.

The UN Charter was fashioned to permit the imposition of a scaled sanctioning or enforcement regimen upon recalcitrant states. The enforcement apparatus is

embodied in Chapter VII – Threats to Peace, Breaches of the Peace and Acts of Aggression. Chapter VII provides the 15-member Security Council with the authority to call upon the parties concerned to comply with its resolutions or face the prospect of diplomatic, economic and related boycotts, as provided for by Article 41. If these measures should prove unproductive, the Council has recourse under Article 42 to apply military sanctions in the form of military posturing, blockades and combat operations. In sum, Chapter VII is the UN's coercive tool chest, and enforcement, its physical manifestation.

UN-sanctioned interventions in Korea (1950-53) and against Iraq (1990-91) are frequently trotted out as archetypes of enforcement. The general feeling is that Chapter VII missions were meant to be gloves-off affairs that employed whatever force was necessary under the circumstances.<sup>15</sup> This is misleading. In part because it has arguably led to the adoption of the label 'peace enforcement' which, aside from any consensus on the expression's meaning, is something of a misnomer. After all, the use of military force is but one expression of enforcement on a continuum of coercive activities, all of which are designed to enforce peace. Furthermore, the argument that 'peace' enforcement sig-



East Timor. HMCS *Protecteur* en route to take up position off East Timor in support of the International Force (INTERFET).

DND Photo by Cpl Colin Kelley

nifies an impartial, possibly more restrained, application of force<sup>16</sup> is dubious at best, for impartially-applied force, restrained or not, is bound to be viewed by its recipients as partial. At any rate, Chapter VII resolutions *are* partial. These resolutions "identify a wrongdoer [and] ...it is foolish to pretend that identifying culprits in either interstate or intrastate conflicts is a neutral undertaking."<sup>17</sup>

Two final points require mention. First, it is important to remember that within the UN only the Security Council has the authority to *sanction* state conduct.<sup>18</sup> And second, the decision to impose sanctions is based on a fairly subjective, and therefore selective, interpretation of what the majority of the Council feels "inter-

national political traffic will bear.”<sup>19</sup> There are simply no standardized, objective criteria for authorizing enforcement action, only a rather open-ended notion of what constitutes a threat. In this respect, the Charter is less of a prescriptive global constitution than a constructively ambiguous international policy paper. This is not necessarily a bad thing.

## PEACEKEEPING

The term ‘peacekeeping’ gained currency after the Suez Crisis with the landmark deployment of a UN Emergency Force (UNEF I) to the Sinai in 1956, but had emerged earlier as a by-product of the Cold War’s

tu quo.<sup>21</sup> Hence, peacekeeping’s chief function is to preserve a fragile peace so that peacemaking may proceed. At the same time, a peacekeeping force had to be wary of doing anything that might compromise the language of Chapter VI. Consequently, UN troops have had to abide by deliberately inhibitive terms of reference, all of which reflect the spirit, if not always the intent, of Chapter VI.

Of these, consent is said to be the most critical. It is easy to see why, for everything is contingent upon the disputants agreeing to a foreign military presence in principle. Having said that, consent has been prone to a variety of interpretations, as the UNEF missions illustrated. In response to the Suez Crisis of 1956, the UN Security Council authorized the creation of an armed peacekeeping force to oversee the withdrawal of Israeli forces from eastern Sinai, and monitor a newly established cease-fire between Israel and Egypt.<sup>22</sup> Cairo’s acquiescence was based on the understanding that peacekeepers were ‘guests’ on Egyptian soil, a privilege repealed on the eve of the Six Day War in 1967. In the aftermath of this third Arab-Israeli war, the principle of unqualified and lasting consent became the subject of heated debate.

With the end of the Yom Kippur War in 1973, another peacekeeping force was dispatched to the Sinai under very specific guidelines. The conditions of UNEF II still required that UN troops obtain the consent of the

belligerents before deploying, and insisted that peacekeepers perform their task impartially.<sup>23</sup> But in a significant departure from its predecessor, there was a stipulation in the brief of UNEF II that allowed it to remain *in situ* despite the wishes of the two sides.<sup>24</sup> In addition, the right of self-defence was declared at the outset to include the use of force in defence of the mission mandate, or as a former force commander explained: “resisting forceful attempts aimed at preventing the force from discharging its duties.”<sup>25</sup>

An expanded notion of self-defence was not new. The idea had its genesis in UNEF I, where the right to defend UN positions was only accepted belatedly. In truth, the prospect of using force was not an issue during the discussions that led to the creation of UNEF, although a doctrine of sorts did gradually coalesce over the course of the mission. The broadened concept of ‘mandate-defence’ came later, as outlined in UNFICYP’s marching orders of 1964.<sup>26</sup> Naturally, the latitude afforded by such an amorphous doctrine has led, at times, to some liberal interpretations.<sup>27</sup> However, the position that, on one hand, “weapons cannot be used for coercion,” and on the other, that “weapons can only prevent or deter forceful violations”<sup>28</sup> of a peacekeeping mandate is absurd. It should be self-evident that mis-



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Afghanistan. Soldiers of the 3rd Battalion, Princess Patricia’s Canadian Light Infantry serving on Operation “Anaconda” in Afghanistan, March 2002.

geopolitical climate.<sup>20</sup> Collectively, the designation applies to observer missions manned (usually) by unarmed military officers, and peacekeeping proper, that is, lightly armed soldiers deployed in an interpositional role as in Cyprus (UNFICYP) — the reputed gold standard of peacekeeping. Military observers monitored and reported on violations to a cease-fire, while peacekeepers took the idea a step further by forming a physical buffer between the warring parties. Because of the superpower-induced deadlock in the Security Council, peacekeeping substituted for the inability of the UN to exercise its enforcement powers under Chapter VII, the main executive machinery of the Charter.

Peacekeeping was thus a compromise. Although it took the form of a military operation, peacekeeping — in the absence of any Charter reference — commonly followed the tenets of Chapter VI: the pacific settlement of disputes. Chapter VI is essentially a ‘self-help’ mechanism, with the UN playing the role of facilitator or mediator, an activity known as peacemaking. Granted, diplomats are the principal actors in this process, but soldiers can play an important, albeit subordinate, role. Peacekeepers, a leading academic has written, “are not intended to create the conditions for their own success,” rather, they are guardians of the sta-

sions established under the mantle of Chapter VI are non-enforceable. And therefore, any threat of or use of force to 'defend' a peacekeeping mandate can only be construed as enforcement.

Peacekeeping is an artificial construct with only a tenuous link to the UN Charter. Accordingly, arguments over the legitimacy of remaining in place if consent evaporates, or if the forceful defence of a UN mandate is justified, miss the point. Both proposals are not only antithetical to the intent of Chapter VI, but, significantly, are not issues in Chapter VII operations. Moreover, the perceived need to modify the UN Charter in order to incorporate peacekeeping arguably arose because advocates of a more binding security mechanism tried to make peacekeeping into something it was not. The UNEF II 'rules' regarding consent and the use of force were thus part of an ongoing effort to push the envelope, the result of an intuitive recognition of the shortcomings of peacekeeping. Yet, despite a general disenchantment with peacekeeping methods among practitioners, there is a lingering attachment to the outmoded practices of a Cold War expedient.

### PSEUDO-GROTIAN INTERVENTION

On return from a visit to Somalia in 1993, a humbled Boutros-Ghali declared that: "The United Nations cannot impose peace; the role of the United Nations is to maintain the peace."<sup>29</sup> This is so much twaddle. The organization's Charter explicitly empowers member states to enforce peace collectively, using a range of means. What the UN cannot do is fabricate the international will required to muster and employ these powers. Neo-Grotians might attribute this to a traditional lack of solidarity among states.

Grotius had yearned for a fellowship of states that would share the burden of enforcing universal norms of behaviour. He conceded that war could not be eradicated, but believed that some form of world order was still possible if the rights of states to wage war could be circumscribed somehow. His answer was a secularized version of St. Thomas Aquinas' Just War doctrine. For Grotius, war was not a political act, but opposite sides of the same coin: either an infraction of the law or a case of law enforcement. A just war was concerned with the enforcement of rights and could take three forms: defensive, reparative or punitive. A just war also had to be fought by a proper authority, which Grotius hoped would eventually mean an international society of states. In fact, this nascent society was intended to be the principal beneficiary of just war, and the value of the service so rendered, a measure of a war's legitimacy.<sup>30</sup> At the same time, Grotius was wary of going to war over every just cause and cautioned that "war is not to be undertaken, unless of necessity."<sup>31</sup>

A modified Grotian worldview enjoyed a certain renaissance in the 20th century. Writing during the final days of the Great War, Cornelius van Vollenhoven had foreseen a shift from the pluralist (some would say *Realpolitik*) position prevalent before 1914 to a solidarist arrangement of international affairs.<sup>32</sup> In some ways, he was correct. The birth of the League of Nations in 1920 appeared to signal a new world order founded on the peaceful resolution of disputes and the obligation of the international community to intervene collectively in interstate conflict. More promising still was the renunciation of war as an instrument of state policy by the signatories of the Kellogg-Briand Pact in 1928. Unfortunately, both initiatives fell prey to a lack of shared aims among the more prominent members of the international community.

The next revival of the neo-Grotian movement coincided with the end of another world war and the advent of a suspiciously solidarist body, the much maligned UN of today. Much more than a reincarnation of the old League, the UN embodied the principle of collective security — the belief that, aside from self-defence, the legitimate use of force should be assigned to the international community as a whole, not its separate members. With a new institutionalized form of international cooperation in place, attention turned to the promotion of human rights and the contentious idea of intrastate intervention.

Although Grotius did not condone rebellion, he did hold that foreigners were justified in taking up arms on behalf of an oppressed people in the interest of humani-



Arabian Sea. HMCS *Algonquin* en route to the Arabian Sea to join the naval task group deployed on Operation "Apollo", Canada's military contribution to the international campaign against terrorism, March 2002.

ty.<sup>33</sup> In 1946, Hersch Lauterpacht, another neo-Grotian torchbearer, interpreted this as the "principle that the exclusiveness of domestic jurisdiction stops where outrage upon humanity begins."<sup>34</sup> The passing of the Universal Declaration of Human Rights in 1948 by the UN General Assembly was a hesitant first step in this direction. The Declaration was ambitious and sought to safeguard not only social, economic and cultural rights,

but also more problematic civil and political rights.<sup>35</sup> In spite of the difficulties involved in reconciling these purportedly universal rights with the laws and customs of individual states and the principle of non-intervention, human-rights advocates had some success in promoting their agenda. The UN Security Council sanctioned Southern Rhodesia in 1966 for instituting white-minority rule, and South Africa in 1977 because of its apartheid policy. Overall, the practical application of the collective security concept during the Cold War, whether to enforce peace in Korea or uphold rights in South Africa, fell short of expectations, leading Hedley Bull to conclude in 1966 that the Grotian experiment in the 20th century had proven premature.<sup>36</sup>

However, since the fall of the Berlin Wall, a newfound collegiality among states has led to an exponential growth in internationally blessed military interventions. More importantly, there appears to be a broader consensus regarding the concept of peace enforced through collective action, or *pax civitas maxima*. But is this Grotian altruism at work or veiled national interests at play? It is most certainly a disproportionate measure of each, which is to say that today's interventions are, like their predecessors during the Cold War, still based less on solidarity than on parochialism.

The US-led Unified Task Force to Somalia is likely the only major exception. Even in retrospect, it is hard to pinpoint any compelling US national interest in Somalia at the time. Nevertheless, this brief flirtation with Grotian ideals had some important consequences. First, it led the US and others to reconsider the potential cost of military philanthropy. The US refusal to intervene in Rwanda in 1994 was arguably a direct result of post-Somalia soul-searching. Second, the Somalia imbroglio led observers to draw the wrong conclusions about the use of force in similar operational environments. Arguably, the issue was not the use of force *per se*, but the questionable rationale for its use in certain cases that created problems for UNITAF and the follow-on mission, UNOSOM II.

If soldiers have learned anything in the past decade, it is that proportional force in the circumstances makes far more sense than minimum force as a last resort, that even-handedness has superseded impartiality, and that mutual respect counts for more than consent. Taken together, these basic guidelines comprise the concept of credibility, and credibility is crucial to the success of today's intervention forces.<sup>37</sup>

The term pseudo-Grotian intervention describes a process that arguably has arisen because of an intuitive drive to shape a neo-Grotian world order. PGI, especially its post-Cold War manifestation, has had mixed success in trying to compel states and peoples to comply with internationally accepted norms of behaviour. PGI is not about maintaining the status quo. Nor is it warfighting. Instead, PGI appears to be, above all, a political process wherein the threat and/or use of military force are essential, albeit imperfect, adjuncts to political and diplomatic discourse. To define the phenomenon more precisely requires (and demands) further study.

## POLICY IMPLICATIONS

Sorting through the humanitarian debris of a new century will be an arduous task. Resources are finite and selectivity paramount. Intervention, like development aid, requires a dispassionate triage regime. The severity of a crisis, however, should not be the sole or even main determinant. Instead, Canadian interests should be balanced with a probability of success calculation. In the end, this may mean ignoring the urgent and the lost causes in order to concentrate on the important and the attainable.

Intervention should be rare. But when the international community or a regional organization favours such a response, proponents would do well to consider the following general precepts: the need for a clear set of objectives and a credible force with which to achieve them. With respect to goal setting, care must be taken to identify the underlying malaise beforehand and to determine if intervention is the best remedy. Having identified the disease, planners must also resist the temptation to focus on the symptoms.

Regarding force levels, the operative principle should be 'go big or stay home.' Intervention on the cheap — the substitution of a 'peacekeepingesque' assignment for an enforcement task — is a perilous operational concept. An argument could also be made that a larger force will have a greater impact than a smaller one. Furthermore, an intervening force should be composed of a coalition of the *interested*, able and willing, as only those with abiding national interests are likely to have the resolve needed to persevere if an operation goes awry. Finally, given that intervention is part of a comprehensive rehabilitative process, exit criteria and a sensible post-intervention plan must be factored into the overall intervention strategy, and not added later as an afterthought.

## CONCLUDING REMARKS

Until we can speak of truly *international* interests, a solidarist world will elude us. And if, as Bull remarked, "the Grotian conception is said to be a scheme set over and against the facts, then the reply of its defenders is that the pluralist doctrine is a cowardly submission to them."<sup>38</sup> Looking back, the present interregnum may be seen as a transition from a statist world to a global order of some, as yet, indeterminate authority structure. Perhaps what we need is a Grotius capable of synthesizing the Westphalian legacy and the emergent globalism. Or, maybe, we have had our Grotian moment.<sup>39</sup>

As for today's 'peacekeeping mindset,' there are several plausible explanations. First, there may be a reluctance to question the dogma of the 'peacekeeping ministry.' Second, politicians may prefer the innocuous image of peacekeeping to the oftentimes volatile reality on the ground. Peacekeeping, after all, sells. Third, many people may be enamoured with the idea that conflict can be resolved without the need to resort to force, and are therefore increasingly wary of any group that advocates the use of force to resolve dis-

putes. But perhaps the most compelling reason is mental inertia.

Thomas Kuhn's work on paradigms revealed a tendency for learning and problem solving to persist within an established set of ideas (the paradigm) until a problem cannot be solved, at which time someone will advance a new set of ideas.<sup>40</sup> But until then, a kind of mental bungee jumping prevails. The would-be problem solver stretches traditional concepts to the breaking point in an effort to solve fresh problems within the original framework, but inevitably returns to his or her point of departure. The failure to resolve current dilemmas within an older set of parameters may therefore partly account for the hither and thither attempts at reconciling today's operations with past experience.

Muscular, wider peacekeeping, call it what you will, is an exercise in doublethink. Peacekeeping, if it is to retain any meaning at all, must be linguistically divorced from intervention. Similarly, pseudo-Grotian intervention has to be recognized for what it is, a novel international policy tool for enforcing international will.

This paper advocates a new point of departure. It may not prove to be the correct one. If, however, it encourages military doctrine writers and their policy-maker brethren to venture beyond an earlier conceptual horizon, it will have achieved its aim.



## NOTES

1. Christopher Bellamy, *Knights in White Armour: The New Art of War and Peace* (London 1997), pp. 87-88.
2. *Wider Peacekeeping* (H.M.S.O. 1995), in Richard Connaughton, "Wider Peacekeeping - How Wide of the Mark?" *British Army Review*, No. 111 (December 1995), *Field Manual 100-23: Peace Operations* (Washington 1994), and Canadian Armed Forces Manual, *Operations Land and Tactical Air, Volume 3, Peacekeeping Operations* (1995). See also Note 16.
3. US Army doctrine, for example, states that: "The critical variables of peace operations are the *level of consent*, the *level of force*, and the *degree of impartiality* [original emphasis]. The degree to which these three variables are present plays a major role in determining the nature of the peace operation [peacekeeping or enforcement] and force-tailoring mix. They are not constant and may individually or collectively shift during the course of an operation." *FM 100-23: Peace Operations*, 12-14. In contrast, an Australian draft doctrine circulated in 1993 divided what it termed "peace operations" three ways: peacekeeping, peace support and peace enforcement. The second category was apparently a reflection of operational experience garnered from Australian participation in UNITAF. *Operations Series, ADFP 1 Doctrine (Draft)*, 1993, pp. 35-1 to 35-3.
4. Hugo Grotius, *De Jure Belli ac Pacis* (On the Law of War and Peace), trans. F.W. Kelsey (Oxford 1925), Book II, Ch. 25, § 8. 3.
5. It should be said that the doctrine of non-intervention was not formerly articulated until the mid-eighteenth century by Christian Wolff in his *Jus Gentium* (1749) and by Emerich de Vattel in his *The Law of Nations* (1758). Wolff conceded that collective intervention might be a permissible exception to the convention. However, non-intervention was largely a policy of Christendom for Christendom, as Christian states tended to intervene at will in the affairs of non-Christian societies. Interestingly, while intervention on humanitarian grounds is rare, the Ottoman Empire has been targeted on several occasions for real or alleged mistreatment of Christian subjects in Greece (1827), Lebanon (1860), the Balkans (1877-78) and Macedonia (1905).
6. UN Charter, quoted in Bellamy, *Knights in White Armour*, pp. 24-25. As one of the architects of the Charter later opined, Article 2(7) was considered an evolving concept. Given that state practice and international law are in constant flux, the founders deemed it imprudent to define precisely what fell within the domestic jurisdiction of a state in 1945. John Foster Dulles, cited in Connaughton, "Wider Peacekeeping," p. 56.
7. Compare, Richard Little, *Intervention: External Involvement in Civil Wars* (London 1975), p. 2; and Stanley Hoffmann, "The Problem of Intervention," in Hedley Bull, Ed., *Intervention in World Politics* (Oxford 1984), pp. 7-9.
8. T.J. Lawrence, *Principles of International Law*, 5th ed. (New York 1913); in Anne Van Wynen Thomas and A.J. Thomas, Jr. *Non-Intervention: The Law and its Import in the Americas* (Dallas 1956), p. 68; and Henry G. Hodges, *The Doctrine of Intervention* (Princeton 1915), pp. 1, 5.
9. Lassa Oppenheim, for example, viewed intervention as a dictatorial or coercive interference that could be forceful or non-forceful. L. Oppenheim, *International Law*, Vol. I (London 1905), as cited in Bull, *Intervention in World Politics*, p. 1. Hodges defined intervention as "interference by a state or states in the external affairs of another state without its consent, or in its internal affairs with or without its consent." His reference to external intervention reflects usage by such nineteenth century strategists as Jomini and Corbett. Based on Hodges' model, the Persian Gulf War was a case of international actors intervening in the external affairs of a state (Iraq's irredentist bid for Kuwait). In contrast, the failed allied intervention (1918-19) during Russia's civil war is an example of the more common view of intervention as an intrastate phenomenon. Hodges, *Doctrine of Intervention*, p. 1.
10. Rosenau's emphasis on convention breaking is noteworthy. He argued, for example, that General De Gaulle's outspoken comments regarding the self-determination of Quebec during a tour of Canada "constituted an intervention because such a theme had not previously marked French diplomatic behaviour toward Canada." James N. Rosenau, "The Concept of Intervention," *Journal of International Affairs* (JIA) 22, No. 2 (1968), pp. 165-176; Oran R. Young, "Intervention and International Systems," *JIA* 22, No. 2 (1968), pp. 177-187; and I. William Zartman, "Intervention Among Developing States," *JIA* 22, No. 2 (1968), pp. 188-197.
11. Little, *Intervention*, p. 8.
12. For Weiss, coercive or non-consensual intervention today comes in three forms. The first covers unopposed entry into weak or failed states - what occurred in Afghanistan where government forces were unable to prevent aid agencies operating in areas not controlled by Kabul. The second category involves obtaining "quasi-voluntary" consent, wherein belligerents are subjected to non-forceful means in order to induce compliance, as in the Sudan. Diplomatic pressure, along with threats by humanitarian agencies to stop aid delivery, apparently convinced the two main Sudanese factions to permit the establishment of so-called corridors of tranquility in 1989. In the third scenario, arm-twisting gives way to breaking arms by way of economic and military sanctions. The economic sanctions against Iraq and subsequent military action, the institution of no-fly zones in the Balkans and the disarming of Somali factions are contemporary examples. Thomas G. Weiss, "Intervention: Whither the United Nations?" *Washington Quarterly* 17 (Winter 1994), p. 111.
13. Richard Connaughton, *Military Intervention in the 1990s: A New Logic of War* (New York 1992), pp. 3, 178.
14. The use of 'geographic space' is deliberate. The distinction allows room for both internal and external variants of intervention, and the definition is not hindered by the absence of formal boundaries.
15. Interestingly, Article 42 was not invoked in either case. For example, the Korean action is said to have been enacted under Article 39, the enabling clause used to determine the existence of a threat to peace, etc. Article 43, which gives the Security Council authority to 'pressgang' national armed forces into UN service, has so far failed the test as well. Instead, forces have been contributed on a voluntary basis, or as in the case of the Korean and Persian Gulf Wars, by 'contracting out' military services. Connaughton, *Military Intervention in the 1990s*, pp. 6-7.
16. This is the view espoused by a British doctrine team in 1997. They argued that impartiality was what distinguished 'peace' enforcement from war. Peace enforcement was defined as: "a coercive operation carried out to restore peace in a situation of chaos or between belligerent parties who may not all consent to intervention." Bellamy, pp. 251-53.

17. Weiss, "Intervention," p. 116. According to one view, the just war doctrines enshrined in the UN Charter have weakened the right to remain neutral and have transformed the duty of neutrals from impartiality to 'qualified neutrality' or 'non-belligerency.' Hedley Bull, "The Grotian Conception of International Society," in Herbert Butterfield and Martin Wight, Eds., *Diplomatic Investigations* (London 1966), p. 62.
18. The Uniting for Peace Resolution of 1950, while used to create UNEF, does not give the General Assembly authority to approve enforcement measures.
19. Weiss, "Intervention," p.114.
20. Some trace peacekeeping's origins to the delimitation commissions of the 1920s or the interwar period in general. See Bellamy, *Knights in White Armour*, p. 85; and Alan James, "History of Peacekeeping," *Canadian Defence Quarterly* 23, Special No. 2 (1993), p. 17, fn. 7.
21. James, "History of Peacekeeping," p. 12.
22. Until 1956, the UN had only deployed unarmed military personnel on observer missions.
23. Other conditions included the support of a relevant international authority (the Security Council), a prescribed force structure, the establishment of command and control arrangements, adequate financing, and geographic representation within the peacekeeping force. Bellamy, *Knights in White Armour*, p. 161; and Wiseman, "Peacekeeping," p. 3. Many academics insist that impartiality is an essential ingredient of peacekeeping. However, Sir Brian Urquhart, who spent almost forty years working in the UN Secretariat where he helped in the development of peacekeeping, names consent as the most important aspect of peacekeeping and ignores the concept of impartiality altogether. Connaughton also questions the utility of impartiality given that during a conflict even humanitarian assistance is a partial act. Compare, Wiseman, "Peacekeeping," pp. 2-3; and James, "History of Peacekeeping," p. 12; with Connaughton, "Wider Peacekeeping," p. 58; and Brian Urquhart, "Beyond the Sheriff's Posse," *Survival* 32, No. 3 (May/June 1990), pp.196-205.
24. Any such action was, however, subject to Security Council approval at the time. In retrospect, it is difficult to gauge the seriousness of this commitment considering that the operational mandate lapsed in 1979 without testing the proviso. UNEF II was withdrawn in 1981 and replaced by a non-UN Multinational Force of Observers (MFO) under the auspices of the United States. Henry Wiseman, "Peacekeeping and the Management of International Conflict," *Background Paper* (Canadian Institute for International Peace and Security), No. 15 (September, 1987), p. 2.
25. Gustav Häggglund, "Peace-keeping in a Modern War Zone," *Survival* 32, No. 3 (May/June 1990), p. 238.
26. Trevor Findlay, "The Use of Force by Peacekeepers Beyond Self-Defence: Some Politico-Legal Implications," in Alex Morrison, Douglas A. Fraser and James D. Kiras, Eds., *Peacekeeping with Muscle: The Use of Force in International Conflict Resolution* (Toronto 1997), pp. 53-55.
27. Canadian counter-sniper activity in the Balkans, for example, is a very proactive form of 'self-defence.'
28. Häggglund, "Peace-keeping in a Modern War Zone," p. 238.
29. Boutros Boutros-Ghali, as quoted by Julia Preston, "U.N. Officials Scale Back Peacemaking [sic] Ambitions," *Washington Post*, October 28, 1993, p. A40; as cited in Thomas G. Weiss, "Triage: Humanitarian Interventions in a New Era," *World Policy Journal* 11, No. 1 (Spring 1994), p. 66.
30. Bull, "Grotian Conception of International Society," pp. 54-57, 64. Grotius also held that the citizens of a state were also subjects of international law and belonged to the international society in their own right. Thus, individuals were the ultimate and intended beneficiaries of a just war doctrine and international solidarity. Having said that, and with the exception of his views on intervention on humanitarian grounds, Grotius was a non-interventionist at heart long before Christian Wolff articulated the concept in *Jus Gentium* (1749).
31. Grotius, *JBP*, Book II, Ch. 24, § 8.
32. Cornelius van Vollenhoven, *The Three Stages in the Evolution of the Law of Nations* (The Hague 1919). The pluralist position, exemplified by Oppenheim and others, argued that states are not prone to solidarity, but rather tend to agree only for certain minimum purposes. L. Oppenheim, *International Law*, Vols. I and II (London 1905-06).
33. Grotius, *JBP*, Book II, Ch. 25, § 8. 3.
34. Hersch Lauterpacht, "The Grotian Tradition in International Law," *British Yearbook of International Law* 1946, p. 46.
35. The Declaration was divided into two covenants. The one dealing with economic, social and cultural rights was passed in 1966. The one concerned with civil and political rights is still in limbo.
36. Bull, "The Grotian Conception of International Society," p. 73. Bull died in 1985.
37. Compare Connaughton, "Wider Peacekeeping;" Alastair Duncan, "Operating in Bosnia," *RUSI Journal* 139, No. 3 (June 1994), pp. 11-18; and Sean M. Maloney, "Insights into Canadian Peacekeeping Doctrine," *Military Review* 76, No. 2 (March-April 1996), pp.12-23.
38. Bull, "The Grotian Conception of International Society," p. 69.
39. Richard Falk, preface to Charles S. Edwards, *Hugo Grotius, The Miracle of Holland: A Study of Legal and Political Thought* (Chicago 1981), pp. viii-xxi.
40. Thomas Kuhn, *The Structure of Scientific Revolution*, 3rd ed. (New York, 1996).