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**Between absolute war and absolute peacekeeping:
searching for a theory of the use of force on behalf
of the international community**

TESE DE DOUTORADO

Thesis presented to the Programa de Pos-Graduação em Relações Internacionais of the Instituto de Relações Internacionais, PUC-Rio as partial fulfillment of the requirements for the degree of Doutor em Relações Internacionais.

Advisor: Prof. Kai Michael Kenkel

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Abstract

Braga, Carlos Chagas Vianna; Kenkel, Kai Michael (Advisor). **Between absolute war and absolute peacekeeping: searching for a theory of the use of force on behalf of the international community.** Rio de Janeiro, 2015. 279p. Doctoral Thesis - Instituto de Relações Internacionais, Pontifícia Universidade Católica do Rio de Janeiro.

While Clausewitz's theoretical framework was instrumental in dealing with modern wars, the understanding of the use of force on behalf of the international community is still in urgent need of a working theory. In 1945, the preamble of the Charter of the United Nations, while emphasizing the determination "*to save future generations from the scourge of war*", established a clear dichotomy between good, represented by peace, and evil, represented by war. Nevertheless, the attempt to avoid wars between states and to protect populations ended up creating the conditions of possibility for the use of force on the behalf of the international community. The phenomenon of the use of force on behalf of the international community is therefore somewhat new. It has been mainly characterized by contemporary robust peacekeeping, humanitarian interventions, and (even more recently) responsibility to protect (R2P). Inspired by a Clausewitzian approach and introducing concepts such as *absolute peacekeeping* and the *tertiary trinity*, the present doctoral dissertation proposes a theoretical framework to understand the use of force on behalf of the international community. It also applies the proposed theoretical framework in order to understand two recent events: the UN peacekeeping operation in Haiti (MINUSTAH) and the 2011 intervention in Libya.

Keywords

International community; use of force; peacekeeping; Clausewitz; humanitarian intervention; responsibility to protect (R2P); absolute peacekeeping; MINUSTAH; Haiti; Libya.

Resumo

Braga, Carlos Chagas Vianna; Kenkel, Kai Michael (Orientador). **Entre a Guerra Absoluta e as Operações de Paz Absolutas: Em Busca de uma Teoria para o Uso da Força em nome da Comunidade Internacional**. Rio de Janeiro, 2015. 279p. Tese de doutorado - Instituto de Relações Internacionais, Pontifícia Universidade Católica do Rio de Janeiro.

Enquanto a moldura teórica de Clausewitz foi essencial para lidar com as guerras modernas, a compreensão do uso da força em nome da comunidade internacional ainda demanda urgentemente uma teoria de trabalho. Em 1945, o preâmbulo da Carta das Nações Unidas, ao enfatizar a determinação de “salvar as gerações futuras do flagelo da guerra”, estabeleceu uma clara dicotomia entre o bem, representado pela paz, e o mal, representado pela guerra. Entretanto, esta tentativa de evitar as guerras entre estados e de proteger as populações acabou criando as condições de possibilidade para o uso da força em nome da comunidade internacional. O fenômeno do uso da força em nome da comunidade internacional é relativamente novo e tem sido caracterizado, principalmente, por operações de manutenção da paz robustas, intervenções humanitárias e, ainda mais recentemente, pela responsabilidade de proteger (R2P). Inspirado em uma abordagem clausewitziana e introduzindo conceitos, tais como as operações de manutenção da paz absolutas (“*absolute peacekeeping*”) e a trindade terciária, a presente tese de doutorado propõe uma moldura teórica para compreender o uso da força em nome da comunidade internacional, aplicando, ainda, a moldura proposta em dois eventos recentes: a operação de manutenção da paz no Haiti (MINUSTAH) e a intervenção de 2011 na Líbia.

Palavras chave

Comunidade internacional; uso da força; operações de manutenção da paz; Clausewitz; intervenções humanitárias; responsabilidade de proteger (R2P); manutenção da paz absoluta; MINUSTAH; Haiti; Líbia.

Contents

1 Introduction	14
1.1 From the use of force in war to the use of force on behalf of the international community	17
1.2 The search for a theoretical framework for the use of force on behalf of the international community	19
1.3 Dissertation structure	23
2 Clausewitz and the phenomenon of war	25
2.1 Why Clausewitz?	26
2.2 Clausewitz's theoretical approach	30
2.3 The political nature of war	34
2.4 The enemy and the question of the use of force	37
2.5 Absolute war	39
2.6 Moving from abstraction to reality	41
2.7 Limited and unlimited war	46
2.8 Strategy: from the political purpose to the actual use of force	49
2.9 Clausewitz's war: a contemporary perspective	51
2.10 Clausewitz: a very brief review	55
3 The international community in the international system	58
3.1 The international system	59
3.2 Between balance of power and collective security	61
3.3 Contemporary international security	66
3.4 The question of the use of force, the political, and the enemy	71
3.5 The international community	73
3.6 The question of the legitimacy	77
3.7 Partial conclusions	81

4 The evolution of the use of force on behalf of the international community	82
4.1 From traditional to robust peacekeeping	82
4.2 From humanitarian interventions to the responsibility to protect	98
4.3 The Brazilian RwP initiative and the contemporary debate	105
4.4 Interventions by the international community and academic International Relations	110
4.4.1 The (neo-)realist worldview	110
4.4.2 Interventions in the liberal tradition	113
4.4.3 Constructing a new norm?	115
4.4.4 Cosmopolitan interventions?	118
4.4.5 Sovereignty and intervention: a post-structuralist look.	120
4.4.6 Humanitarian intervention or neocolonialism? A post-colonial critique.	119
4.5 Interventions of the international community: universal principles x particular interests	120
4.6 Partial conclusions	122
5 A theoretical proposal	124
5.1 Main changes since Clausewitz's era: a very brief review	125
5.2 Peacekeeping is not war	126
5.3 Absolute war and absolute peacekeeping	130
5.4 Moving from abstraction to the real-world	134
5.5 The use of force as a function of political objectives	138
5.6 The enemy of all: an International community's political paradox?	141
5.7 The culminating point of international interventions	143
5.8 The "remarkable trinity" and the international community	145
5.9 Intangible forces and the importance of legitimacy	149
5.10 Preliminary conclusions and insights: the framework	150

6 Understanding the contemporary use of force on behalf of the international community in peacekeeping: the case of MINUSTAH in Haiti	155
6.1 Preliminary considerations	156
6.2 Understanding the Haitian scenario	157
6.3 The role of the international community	159
6.4 The use of force by MINUSTAH	164
6.4.1 The use of force by MINUSTAH as a function of the political objectives of the international community	178
6.4.2 MINUSTAH and the question of the enemy	181
6.4.3 MINUSTAH and the dialectic between absolute peacekeeping and absolute war.	188
6.4.4 MINUSTAH and the tertiary trinity	191
6.4.5 Friction within MINUSTAH and the improvisation of the peacekeeping model	194
6.5 Conclusions	198
 7 Understanding the contemporary use of force on behalf of the international community in humanitarian intervention: the case of Libya 2011	 201
7.1 Preliminary considerations	202
7.2 Understanding the Libyan scenario	203
7.3 The role of the international community	206
7.4 The use of force in Libya	211
7.4.1 The use of force in Libya as a function of the political objectives of the international community	219
7.4.2 The intervention in Libya and the question of the enemy	222
7.4.3 The Intervention in Libya and the dialectic between absolute peacekeeping and absolute war	227
7.4.4 The Intervention in Libya and the tertiary trinity	231
7.4.5 Friction during the intervention in Libya	233
7.5 Conclusions	235

8 Conclusions	239
8.1 The theoretical framework	242
8.2 The use of force in MINUSTAH and Libya 2011 compared	243
8.3 Final remarks	248
9 References	251
Annex A	278

List of Figures

Figure 2.1 - The Clausewitzian trinity	44
Figure 2.2 - Modern Interstate War	45
Figure 4.1 - General structure of a traditional peacekeeping Mission	87
Figure 4.2 - The structure of UNDOF	88
Figure 4.3 - General model structure of a contemporary multidimensional mission	92
Figure 4.4 - The structure of MONUC	93
Figure 5.1 - Peacekeeping x war spectrum	135
Figure 5.2 - The tertiary trinity	149
Figure 5.3 - Key elements of the proposed theoretical framework	154
Figure 6.1 - MINUSTAH's deployment timeline	168
Figure 6.2 - MINUSTAH's fatalities	178
Figure 6.3 - Evolution of the security situation in Port-au-Prince	179
Figure 6.4 - MINUSTAH's structure	181
Figure 6.5 - MINUSTAH in the "peacekeeping x war spectrum"	193
Figure 7.1 - Libyan regions	207
Figure 7.2 - Maritime assets in the beginning of Operation Odyssey Dawn	217
Figure 7.3 - Air and naval assets committed to Operation Odyssey Dawn	218
Figure 7.4 - Special forces during the intervention in Libya	219
Figure 7.5 - 2011 intervention in Libya in the "peacekeeping x war spectrum"	233

The fact that slaughter is a horrifying spectacle must make us take war more seriously, but not provide an excuse for gradually blunting our swords in the name of humanity. Sooner or later someone will come along with a sharp sword and hack off our arms.

Carl von Clausewitz, On War

1

Introduction

We the peoples of the United Nations determined:
- to save succeeding generations from the scourge of war [...]
(UNITED NATIONS, 1945)

The citation above, from the very beginning of the preamble to the Charter of the United Nations (UN), while emphasizing the determination to save future generations from the scourge of war, also established a clear dichotomy between good - represented by peace - and evil - represented by war. A brief aesthetic analysis of Candido Portinari's *War and Peace* murals, located at the main authorities' entrance of UN Headquarters, in New York, may help in understanding the general climate after the end of the Second World War. The Brazilian artist's masterpiece is divided in two parts: the one representing war, on the one hand, consists of dark and sad colors and images of destruction; the one representing peace, on the other hand, with clear, live and vibrant colors, aims to transmit happiness and well-being. Pablo Picasso's *Guernica*, in the Security Council chamber, is a further good example of this form of aesthetic representation of war and destruction. Perhaps, at that time, it was thought feasible to establish clear and well-defined boundaries between peace and war or, even more ambitiously, that it would be possible to eliminate war forever.

In fact, with the ratification of the Charter and the consolidation of its values, war definitely gained a negative connotation. War was to be banned and the use of force between states forbidden, except in extraordinary situations. The Charter emphasized, as one of its fundamental principles, that all states "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" (UNITED NATIONS, 1945, article 2). In general terms, this meant that the unilateral use of force by member states was condemned with the exception of very specific situations, such as self-defense (Article 51), and threats to the peace, breaches of the peace, and acts of aggression (Chapter VII).

It is certain that the establishment of the United Nations and its Charter in the immediate aftermath of the Second World War represented significant accomplishments in the attempt to maintain world peace and solve conflicts. Unfortunately, but not surprisingly, the Charter was not fully successful in maintaining peace. One could blame this on the Cold War, which emerged shortly after the document's approval, or even, according to Realist International Relations (IR) theory, on the anarchical nature of the international system, resulting from the absence of a sovereign authority with the monopoly of the use of force in the international arena (WALTZ, 1979, p.102-116).

In such a context, peacekeeping operations¹, although not present in the Charter, were originally conceived as a tool to resolve conflicts and to avoid wars, without resorting to the use of force. In order to assure the approval of all five permanent members of the Security Council or at least to prevent their opposition, avoiding divisions which could prevent the achievement of consensus and agreed decisions, early peacekeeping operations did not include prescriptions for the use of force. The only exception, although not always a very clear one, was self-defense.² In fact, the basic principles of peacekeeping, known by some authors as the “holy trinity” of peacekeeping (BELLAMY; WILLIAMS, 2010, p.173-178), were established during this period: non-use (later to become minimum use) of force, impartiality, and host-state consent. Traditional peacekeeping tried to adhere, as much as possible, to these principles. According to the formula developed by former UN Secretary General Dag Hammarskjöld³, the UN would temporarily intervene within states with “no effect on internal politics” (ORFORD, 2011, p.88). Although clearly idealistic, such a construction has paramount importance for a

¹ For its purposes, this doctoral dissertation will mainly use the terminology “peacekeeping” or “peacekeeping operations”. Contemporary United Nations doctrine identifies a range of activities undertaken to maintain international peace and security. Peacekeeping is one among these activities. The other activities are: conflict prevention, peacemaking, peace enforcement, and peacebuilding. This range of activities is often referred to as “peace operations”. Although the boundaries between these activities have become significantly blurred, so that peace operations are seldom limited to a single activity, one must notice that peacekeeping operations essentially represent a narrower concept than peace operations, which may actually involve peacekeeping or not (UNITED NATIONS, 2008, p.17-19). Chapter 4 will present and discuss in detail the evolution of peacekeeping.

² In some mandates, the authorization to use force for self-defense was not expressly present, depending, therefore, on different interpretations. In 1994, during the Rwandan crisis, the massacre of Belgian UN peacekeepers who provided security to the Rwandan Prime Minister may, in a certain way, be attributed to this uncertainty regarding the right of self-defense (DALAIRE, 2005).

³ Hammarskjöld and then-Canadian foreign minister Lester B. Pearson are considered the “founding fathers” of UN peacekeeping operations.

better understanding of the initial conception of peacekeeping. Peacekeeping discourse was, from the very beginning, clearly dichotomist in relation to war – use of force x non-use of force; political x non-political; dissent x consent, etc.

As the international scenario evolved, especially after the end of the Cold War, bringing along new demands and opportunities, the need to use force to attain mandated goals was acknowledged and even fostered. As a result, peacekeeping, in many cases, became more “robust” and the boundaries with war-making became more blurred. The creation of an Intervention Brigade to conduct offensive operations within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), in 2013 (UNITED NATIONS, 2013b), represents the latest and most ambitious evolution in terms of the use of force in peacekeeping operations.

The use of force may become even more complex and controversial when an actor, a group of actors or even the international community itself decides to intervene in a certain country, using force, regardless of the consent of the host nation, to protect that state’s population. Such situations initially received the general designation of humanitarian interventions (ROBERTS, 1993, p.426; HEHIR, 2010, p.20). During the last two decades, the term humanitarian intervention acquired a negative connotation, arguably due to its political (mis)use by more powerful countries. The concept of the “responsibility to protect” (R2P) later emerged as a solution to achieving a minimum international consensus regarding the protection of populations facing mass crimes and atrocities (ICISS, 2001). R2P was finally adopted and approved during the UN World Summit in 2005.

Nowadays, since peacekeeping has become more robust and acquired an increasing focus in the protection of civilians, there are significant overlap areas between peacekeeping operations and humanitarian interventions. Nevertheless, the two concepts are supposed to be essentially different, especially in terms of consent, as this work will extensively debate.

1.1 From the use of force in war to the use of force on behalf of the international community

The creation of the United Nations, in the attempt “to save succeeding generations from the scourge of war”, actually created the conditions of possibility for the use of force on the behalf of the international community. The use of force on behalf of the international community may take place in different forms, including especially peacekeeping and humanitarian interventions.

The use of force in war has been deeply studied, debated, and theorized throughout history. From the ancient period to the contemporary times, prominent authors, such as Thucydides (1972), Antoine-Henri Jomini (2001), Basil Liddell Hart (1954), Colin Gray (2004; 2007), and Mary Kaldor (2007), among a myriad of others with distinct backgrounds, perspectives, and worldviews, have discussed war in an attempt to better understand it. Among all those authors, Carl von Clausewitz’s theoretical proposal, offered in his masterpiece *On War* (2007), originally published in 1832, represented an important step, if not the most important one, towards an understanding of the phenomenon of war, as the subsequent chapter will demonstrate.

While Clausewitz’s theoretical framework was instrumental for a better understanding of the phenomenon of war, the understanding of the use of force on behalf of the international community is still in need of an adequate theoretical framework. This author, while acknowledging the excellence and timelessness of Clausewitz’s theoretical proposal, argues that it is not fully capable of dealing with the use of force on behalf of the international community. Actually, a theoretical framework to understand the use of force on behalf of the international community must advance beyond Clausewitz, address some of the issues which are not directly present in his work, and, most importantly, propose new concepts.

Therefore, the general objective of this study is to investigate the question of the use of force on behalf of the international community after World War II, with emphasis on peacekeeping and humanitarian interventions, in order to understand the distinct aspects involved in the contemporary use of force on behalf of that community. This form of research has a particular interest in understanding the possible distinctions between peacekeeping, humanitarian intervention, and war.

In more ambitious terms, the present dissertation aims to contribute to the debate regarding the use of force by the international community by proposing a theoretical advance, inspired by Clausewitz and grounded essentially on the use of force and its political nature, as a relevant contribution to understanding recent conflicts and the role therein of the international community.

In order to achieve its general objective, the text will pursue the following specific objectives: to discuss the nature of peacekeeping and war; to understand, from a political perspective, the “evolution” of the use of force in peacekeeping; to problematize the theoretical and analytical limitations of the traditional approaches which attempt to establish a clear separation between peacekeeping and war; to assess and understand the applicability of Clausewitz’s theory of war in the contemporary international relations; to identify possible adaptations of Clausewitz’s theory to include contemporary innovations such as peacekeeping and humanitarian intervention; and to propose a Clausewitz-inspired theoretical framework for the use of force on behalf of the international community in a postmodern world.

This author considers this topic of greatest analytical relevance and currency. There is a clear growing tendency to use force on behalf of the international community, not only in terms of the number of situations where this occurs, but also in terms of the levels of force in each situation. UN doctrinal documents and reports published in recent years confirm this empirical trend (UNITED NATIONS, 2008c; 2009b; 2014d; 2014g). Meanwhile, the international community, which will be debated and defined later in chapter 3, in spite of the efforts to develop norms to facilitate intervention when human security is at risk, seems to be far from achieving its stated purpose of ending war. Major divergences remain between the great powers and their emerging counterparts. Emerging powers in the global South largely interpret interventions as determined, in last instance, by the specific interests of the more powerful countries. There are no signs indicating a decrease in the number of humanitarian crises which might call for the use of force; indeed the most recent events, especially in Africa and in the Middle East, confirm the opposite. The questions this work investigates will allow a better understanding of these different phenomena and the role of the international community.

Considering the author’s origin, there is also interest in presenting a Brazilian perspective. In the Brazilian case, the chosen topic has even greater relevance. The

country has significantly increased its role on the international scene over the last years. In 2008, Brazil had already explicitly declared its intent to “expand its participation in peacekeeping operations, under the aegis of the UN or of a regional multilateral organization, according to the national interests stated in international commitments” (BRAZIL, 2008, p.62). Such intent has already become reality in different cases. There has been a significant expansion of Brazil’s involvement in peacekeeping, with leadership roles being exercised in cases such as Haiti, Lebanon, and most recently even by an individual officer in the Democratic Republic of the Congo. Meanwhile, Brazilian experience with the use of force after the Second World War is still very limited.

Finally, the use of force in humanitarian operations, as a tool to protect civilians, still demands extensive study to assess its effectiveness and the political nature of its use. The 2013 stalemate in the Security Council over Syria clearly demonstrates the urgency of finding normative solutions for the conciliation of presently polarized positions, avoiding the inaction of that Council.

In short, the use of force on behalf of the international community, when compared to the use of force in war, is a much more recent phenomenon. Therefore, while the use of force in war has been the object of extensive discussion and theorization for centuries, the comprehension of the use of force by the international community still requires more debate and, especially, theorization.

1.2 The search for a theoretical framework for the use of force on behalf of the international community

As already identified, the Charter of the United Nations condemned war and the use of force among states, admitting it only in very specific situations. The Charter allowed, nevertheless, some latitude for the use of force in the name of collective security. The emergence of the Cold War initially inhibited that very possibility. In this way, peacekeeping operations, in the original conception, did not include the use of force. As time evolved and for different reasons, the growing use of force in peacekeeping came to be accepted and even encouraged. In some contemporary peacekeeping operations, force has been routinely and intensively used, including using major offensive systems such as tanks and attack helicopters.

In other cases, such as humanitarian interventions, force also has been used to achieve allegedly humanitarian objectives.

This dissertation argues that the increase in the use of force on behalf of the international community contributed to significantly blurring the boundaries between peacekeeping, humanitarian interventions, and war operations. With growing levels of use of force, boundaries may become so blurred that differentiating a peacekeeping operation from a war operation may turn into a great challenge or even only a matter of discourse.

The present research project does not intend to adopt a Manichaean posture regarding the use of force or even between interventions on behalf of the international community and war. This research solely aims to contribute to a better understanding of those operations, so that actors at different levels and in different arenas may have a better appreciation of the kind of conflict in which they are involved. As already identified long ago by authors such as Niccolò Machiavelli, Antoine-Henri Jomini, and even Clausewitz, the importance of clearly understanding the nature of the conflict in which one is involved in is paramount (JOMINI, 2001, p.47-48; CLAUSEWITZ, 2007, p.30).

The main overarching question motivating this research is: “How do changes in the use of force on behalf of the international community shape the relationship between this use of force and war?”

Two groups of secondary questions derive from the main question. The first one relates directly to the topic of the use of force. What are the main reasons for the increase of the use of force by the international community, especially in peacekeeping? What are the interests involved? What are the main consequences in different fields and levels (international politics, domestic politics, strategic, operational, and tactical)?

The second group comprises questions linked to the possible differences and similarities between peacekeeping and war. What are the main characteristics of war? What are the main characteristics of peacekeeping? Is it possible to establish clear boundaries between peacekeeping and war? Is it possible to propose a Clausewitz-inspired theory to understand the contemporary use of force on behalf of the international community?

In terms of theoretical perspective, especially in establishing a relationship between peacekeeping and war, this research draws heavily on the work of Carl von

Clausewitz. Indeed Clausewitz's theoretical framework is the foundation on which the entire proposition of this research rests. Authors such as Max Weber (2004), Norberto Bobbio (1987), and Carl Schmitt (1996) are also instrumental, particularly in dealing with issues related to sovereignty and political power. Poststructuralists such as R. B. J. Walker (1993; 2006), Jens Bartelson (2010), David Campbell (1992), and James Der Derian (2010) constitute important inspirational sources in dealing with the central differences of contemporary politics among which this research navigates: the opposition between peace and war; and the opposition between, in various guises, citizens and humans, national self-determination and humanitarian intervention, and the sovereignty of states and the sovereignty of the international system and of individuals. Those poststructuralist authors and respective ideas are also of great relevance in expanding and adapting the modern Clausewitzian theoretical framework to the present postmodern challenges.

Based on a Clausewitzian approach, this work proposes the concept of *absolute peacekeeping*, which may be understood as a kind of ideal-type consisting of the polar opposite of Clausewitz's equally ideal concept of absolute war. A perfect and unachievable ideal-state, just like absolute war, *absolute peacekeeping* would be entirely non-political and demand full compliance with Hammarskjöld and Pearson's principles of non-use of force, impartiality, and consent. Although one can argue that traditional peacekeeping missions of the first generation came closer to fulfilling these principles, they were actually never achieved, due to a number of intervening factors discussed in what follows.

This dissertation also adopts a broad perspective regarding the evolutionary process which led to the present state of affairs in terms of the use of force on behalf of the international community. It addresses contemporary concepts such as robust peacekeeping and humanitarian intervention. These concepts well illustrate the current role of the use of force and how blurred boundaries between war and peacekeeping operations can recurrently be. This research discusses different implications and consequences of the use of force and its political nature, especially focusing on matters related to sovereignty, civilian protection, peacekeeping, and humanitarian intervention.

By problematizing the establishment of fixed boundaries between peacekeeping and war, while defending the impossibility of a single and universal

perspective to account for the complexities of those operations, this research clearly benefits from a post-positivist epistemology.

In this context, the chosen methodology privileges discourse analysis and deconstruction. Discourse analysis and deconstructive elements are used to show how the boundaries between peacekeeping, humanitarian interventions and war operations are much more permeable than the separation imposed by dominant definitions and discourses. These elements will be especially present in the discussion of what led certain actors to classify and/or legitimize some operations, such as humanitarian interventions, according to their specific interests and political questions and choices.

As already mentioned, with the end of World War II and the subsequent adoption of the United Nations Charter, war definitively gained a negative meaning. One can argue that war was to be banned and the use of force forbidden, except in very specific situations. Therefore, peacekeeping operations, which in the original idea were not supposed to use force, were conceived as a formula to avoid wars.

For various reasons, the initial and traditional conception of peacekeeping gradually changed, since it was incapable of incorporating new and much more ambitious challenges and objectives. Those more ambitious objectives and the introduction of the use of force (in growing levels) as a way to achieve them, have contributed to provide peacekeeping with some of the characteristics of Clausewitzian war. Therefore, sometimes it turned difficult to establish a clear separation, without intersection zones, between those two concepts.

In this context, the study's methodology will also privilege some elements of historiographical analysis, attempting to outline a genealogy of peacekeeping. In order to do so, this study will point out the lines of continuity existing between these operations and war operations, as well as the existing discontinuities among peacekeeping operations themselves.

In ontological terms, the present research is clearly situated in a post-structuralist world view and will benefit from the thoughts and ideas of some of the main authors and thinkers of that school of thought. At the same time, this research will profit from consolidated aspects of a realist worldview, since this worldview provides some elements which are essential to the proposed research question. In this way, this work benefits from a certain existing convergence, at the ontological

level, between realist and post-structuralist positions. As precisely identified by Colin Wight, realists and poststructuralists “share more in common than both parts would like to admit” (2006, p.291). Chapter 5 will expand this discussion.

1.3 Dissertation structure

This dissertation is divided into eight main chapters. This first introductory chapter provides a brief overview of the research, including its objectives, theoretical framework, methodological considerations, and motivations.

The second chapter conducts a theory-based discussion, with a strong Clausewitzian inspiration, about the phenomenon of war. This part presents and debates, from a Clausewitzian perspective, the main characteristics of the phenomenon, with emphasis on aspects related to its political nature and to the use of force. This chapter also deals with some new interpretations regarding the changing nature of war.

The third chapter deals with essential concepts regarding the use of force on behalf of the international community. It begins with a discussion about the international system, balance of power, and collective security. Subsequently, it provides a comprehensive discussion of the notion of the political, which will be of paramount importance to the continuation of the work. Finally, it also discusses the different interpretations of the notion of the international community.

The fourth chapter focuses on the “evolution” of the use of force, on behalf of the international community, after the end of the Second World War. It discusses in depth the creation and evolution of peacekeeping, humanitarian interventions, and other developments and emerging norms, such as the concepts of responsibility to protect (R2P) and responsibility while protecting (RwP). This chapter is particularly concerned with aspects of this “evolution” in terms of the use of force, which have contributed to blur the boundaries between peacekeeping and war. Chapter 4 also presents a discussion of the interventions of the international community through the lenses of different IR schools.

The fifth chapter, which represents the central part of this work, proposes a theoretical framework for understanding the contemporary use of force on behalf of the international community. The proposed theoretical framework intends to incorporate to the brilliant theory proposed by Clausewitz, contemporary aspects

directly concerned with the use of force on behalf of the international community. It will not question the present validity of Clausewitz theory. On the contrary, the theory proposed in this chapter reiterates the timelessness validity of Clausewitz's thoughts, aiming to update them with some contemporary aspects, which did not exist when they were originally conceived, two centuries ago, by the great theorist of war. The proposed theory will also deal with the question of the politics of the international community (in the place of the state) and the possibility of its continuation by other means. The theoretical framework proposed in this research will naturally prioritize aspects related to the use of force and to the political nature of both war and the interventions on behalf of the international community, including peacekeeping and humanitarian interventions.

Chapter 5 also includes the proposition of the concept of *absolute peacekeeping*, as a polar opposition to the equally abstract concept of *absolute war*. This author argues that such a proposition is the study's most interesting and innovative contribution, since it provides an enhanced understanding of present conflicts and deconstructs several artificial boundaries. In short, the main objective of the chapter is to propose a theoretical framework of the use of force on behalf of the international community.

Next, in Chapters 6 and 7, this dissertation will examine the application of the proposed theoretical framework in two very distinct events, in which force was used on behalf of the international community: the United Nations Stabilization Mission in Haiti (MINUSTAH) and the 2011 NATO intervention in Libya. The first one may be generally described as a contemporary peacekeeping operation and the second one as a humanitarian intervention.

Finally, the eighth and last chapter presents an overview of the previous ones and compares the cases presented in Chapters 6 and 7, regarding peacekeeping in Haiti and intervention in Libya, with the assistance of the proposed theoretical framework. Then, it discusses how the theoretical framework contributed to a better understanding of both events. It concludes by presenting this author's views on the prospective of the proposed theoretical framework to contribute to a better understanding of the practical application of the use of force on behalf of the international community, enlightening decision-makers in potential future interventions.

2 Clausewitz and the phenomenon of war

The main purpose of this chapter is to present, from a Clausewitzian perspective, a comprehensive discussion of the phenomenon of war. This preliminary engagement with Clausewitz is of extreme relevance to the ensuing argument, since it presents the main theoretical framework upon which it rests. Clausewitz's theory of war represents the point of departure in this attempt to develop and to propose a contemporary theory of the use of force on behalf of the international community.

This chapter deliberately makes intense use of quotes from Clausewitz's classic *On War* (2007) in order to assure the best understanding possible regarding his thoughts and ideas, setting the foundations for this project's theoretical proposal. These quotes are, therefore, crucial in dialoguing with the author, while providing a better understanding of his celebrated theory of war, in particular because his thinking continues to be frequently misunderstood and, therefore, misinterpreted.

Indeed Clausewitz is probably the most quoted and, at the same time, the most misunderstood theorist of war. Distinct and respected authors and scholars provide opposing interpretations of his work. While, on the one hand, Basil Liddell Hart argues that his work "has served as a foundation for the extravagant absurdity of modern total warfare" (1954, p.356) and John Keegan argues that he advocated unconstrained warfare (1993, p.17-18); nuclear strategist Robert Osgood, on the other hand, defends that he is the preeminent political and military strategist of limited war in modern times (1979, p.2-3). Even today, Clausewitz is misunderstood and many respected analysts, such as Martin Van Creveld (1991), Mary Kaldor (2007), and Mark Duffield (2001) argue that he is a theorist of a type of war that no longer exists. This discussion will return to those three authors later in this chapter, when addressing the question of the changing nature of war. This chapter presents a contemporary perspective regarding war, engaging, for instance,

with scholars who advocate the existence of “new wars”. This discussion contributes to defending and emphasizing the timelessness of Clausewitzian theory.

This chapter also deals with the key concepts of Clausewitz’s theory and highlights the political nature of war and the question of the use of force, concluding with a brief synthesis. This synthesis will set the stage for the development and proposition, in chapter 5, of a Clausewitz-inspired theory of the use of force on behalf of the international community.

2.1 Why Clausewitz?

Carl von Clausewitz’s masterpiece *On War* was published after his death by his widow in 1832, almost two centuries ago (HOWARD, 1993, p.29). Since then, different great scholars have read, misread, interpreted, and misinterpreted his writings. In addition, at the time Clausewitz wrote, concepts such as peacekeeping, which is among the core concerns of this research and will be discussed in depth in chapter 4, simply did not exist. Therefore, it is perfectly fair that one might ask why a significant part of the present research and theoretical framework are based on a theory of war and, more specifically, on Clausewitz’s theory of war.

A brief and simple answer arises with the help of Bernard Brodie, the famous strategist, deeply influenced by Clausewitz, responsible for the basic tenets of American nuclear strategy. Writing more than a century and a half after Clausewitz’s death, on subjects and technologies which were unthinkable during the former’s era, Brodie’s appraisal of Clausewitz and his work was straightforward: “[...] not simply the greatest but the only truly great book on war” (1993, p.58).

The present author has been a lecturer in the strategy course for candidates at the Brazilian Naval War College for the last ten years, and cannot deny his own admiration and enthusiasm for Clausewitz’s ideas and theory, considering them simply outstanding. Clausewitz clearly distinguishes himself from all other theorists. Nevertheless, one could argue that all this admiration and enthusiasm, instead of contributing to a reliable study, could actually lead to a partial and biased approach. Therefore, a more elaborate justification of the reasons to choose a theory of war and, more precisely, Clausewitz as the basis for the proposition of a theory of the use of force on behalf of the international community is undoubtedly needed.

Regarding particularly Clausewitz, the more deliberate justification for this author's choice begins with the quality of the renowned strategist's theoretical framework and the level of abstraction achieved. The dialectical constructions between distinct poles such as an abstract, perfect, and platonic "absolute war" and "the real war"—which will be discussed later in this chapter, and between physical and moral forces, among other distinctions, are simply enthralling.

[t]his model of a dialectic between opposed but linked concepts clearly fascinated Clausewitz, as it did so many of his contemporaries among German thinkers. The treatment of the relationship between physical and moral forces is one example of this. That between historical knowledge and critical judgment, which we have also touched on, was another. So was that, familiar in his time, between the 'Idea' and its manifestations, between 'absolute' and 'real' war. So was the dialectic between attack and defense; and so, most important of all, was that between ends and means. The dialectic was not Hegelian: it led to no synthesis which itself conjured up its antithesis. Rather it was a continuous interaction between opposite poles, each fully comprehensible only in terms of the other. One could not understand the nature of war unless one appreciated the dialectic between moral and physical forces. But one could not have a practical theory for the conduct of war unless one understood the relationship between ends and means; in particular the political end of war and the military means used to attain it. (HOWARD, 2002, p.34-35)

Clausewitz also had very solid field experience. He was not a "desk soldier" (HOWARD, 2002, p.6). He took part in four major military campaigns (HEUSER, 2007, p. xx), received his baptism of fire while only 12-13 years old and was involved in many of the most relevant wars and battles of his time. Clausewitz, like other officers of his generation, enjoyed "an experience in warfare almost unprecedented in its variety" (HOWARD, 2002, p.11). Therefore, one may argue that his theoretical proposals are also grounded in solid practical and empirical experiences.

From his own experience, Clausewitz understood that, giving the nature of war, "a positive doctrine is unattainable" (2007, p.89). He described war as a human endeavor for which "it is simply not possible to construct a model... that can serve as a scaffolding on which a commander can rely for support at any time" (p.89). Clausewitz was also an enthusiast of critical inquiry. For him, "it is precisely the inquiry which is the most essential part of any theory, and which may quite appropriately claim that title" (p.91). His understanding of what theory is about is of enormous value, especially if one considers the time in which he was writing. He clearly saw theory neither as positive doctrine nor as a sort of manual for action. For him theory was to be study, not doctrine (p.90).

Even today, the timelessness of Clausewitz's work continues to be recognized by respected scholars in the fields of International Relations and Strategic Studies. Colin Gray argues that "Clausewitz is the best that we have to help us understand the nature of war, and how it works, and above all why it works" (2004, p.2). For Christopher Bassford, Clausewitz's work "survives as a living influence because his approach, overall, comes closer to capturing the complex truth about war than any writer since" (2003, p.98). Beatrice Heuser understands that "Clausewitz has taught us *how* to think about war" [emphasis in the original] and "has been more successful than just about any strategist before or after him" (2002). Here, one of the main inspirational sources regarding the decision to pursue Clausewitz as the theoretical framework for the present research was the enlightening discussion which occurred during a class of the course of Theory of International Relations, with Professor R. B. J. Walker, at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio), in 2011. During this class, Professor Walker was precise in identifying Clausewitz as "the most preeminent theorist of war and a central thinker of modern international relations" (2011).

Actually, since the inception of International Relations (IR) as an academic discipline, understanding war, power and, naturally, the use of force has represented one of the key concerns and Clausewitz thoughts have recurrently permeated, directly or indirectly, openly or covertly, positively or negatively, the whole debate, especially, however not limited to, a realist perspective. Barry Buzan and Lene Hansen, for instance, recognize in the very first pages of *The Evolution of International Security Studies* (2007) the importance of Clausewitz, together with other Classical writers, "to the foundation and development of IR" (p.9). Buzan and Hansen also acknowledge how Clausewitz work still remains relevant (p.1). Regarding the foundation and development of IR, one must also notice that even Edward H. Carr, in his seminal work to the discipline, *The Twenty Years' Crisis*, explicitly quotes Clausewitz when discussing "Power in International Politics" (1939, Chapter 8) and dealing with the use of military power.

Furthermore, the Clausewitzian notion of war and the concept of balance of power "are at the heart of both [Kenneth] Waltz's anarchical system and [Hedley] Bull's anarchical society" (BROWN; AINLEY, 2005, p.112), as Chapter 3 in this doctoral dissertation will also discuss. Clausewitz thoughts remain essential for the

understanding of the role of war and, consequently, of the use of force “as a conflict-resolving mechanism in classical international relations” (p.98).

John Mearsheimer, in *The Tragedy of Great Power Politics* (2001), while confronting liberalism versus realism, explicitly resorts to Clausewitz in the attempt to explain one of the realist core beliefs:

Third, realists hold that calculations about power dominate states’ thinking, and that states compete for power among themselves. That competition sometimes necessitates going to war, which is considered an acceptable instrument of statecraft. To quote Carl von Clausewitz, the nineteenth-century military strategist, war is a continuation of politics by other means. (MEARSHEIMER, 2001)

Chris Brown and Kirsten Ainley dedicate almost a full chapter of their book *Understanding International Relations* (2005) to discuss the role of war (from a Clausewitzian political perspective) in the balance of power theory. Other recent articles, such as Frederick Kagan’s *Power and Persuasion* (2005) and Stephen Walt’s *Which Works Best: Force or Diplomacy?* (2013), while emphasizing the political nature of the use of force, clearly and explicitly benefit from Clausewitz.

Poststructuralist James Der Derian, while presenting his virtual theory, in *Virtuous War: Mapping the Military-Industrial-Media-Entertainment* (2010), mentions Clausewitz’s ideas no less than fifteen times. Der Derian is especially concerned with how Clausewitz critical approach “always seems get lost with each new wave of technology” (p.145).

Would digitalization, the merging of the infospace with the battlespace, render Clausewitz’s famous dictum obsolete? Understandably, Clausewitz didn’t have much to say about infowar, netwar, cyberwar, and the like. He did, however, dismiss all contemporary attempts to use “positive doctrine” and technical knowledge to close the gap between planned and actual war. (DER DERIAN, 2010, p.4)

Those distinguished IR theorists and their respective works represent just few and very limited examples of how Clausewitz thoughts have permeated and influenced the discipline throughout its evolution. They also contribute to highlight the continuous relevance of Clausewitz.

Finally, from all presented in this section, one should concur with Michael Howard, while acknowledging that Clausewitz is one of the few writers on war, if not the only one, who have succeeded in transcending the limitations of the political and technological circumstances of his time (HOWARD, 2002, p.1), even after the inception of IR as an academic discipline. Clausewitz ideas and especially his theory of war remain the objective of intense debates and of a multitude of

interpretations. For all these reasons, this author contends that Clausewitz's theory of war to this day possesses great potential to contribute in the discipline of International Relations, most especially in the field of international security, as the main point of departure, in the development of a theoretical framework capable of addressing the contemporary question of the use of force on behalf of the international community. The next sections will present and explore the key elements Clausewitz's theoretical approach, aiming to illuminate the most relevant aspects for the purposes of this study.

2.2 Clausewitz's theoretical approach

In our reflections on the theory of the conduct of war, we said that it ought to train a commander's mind, or rather, guide his education; theory is not meant to provide him with positive doctrines and systems to be used as intellectual tools. Moreover, if it is never necessary or even permissible to use scientific guidelines in order to judge a given problem in war, if the truth never appears in systematic form, if it is not acquired deductively but always directly through the natural perception of the mind, then that is the way it must also be in critical analysis. (CLAUSEWITZ, 2007, p.122)

The quote above provides an initial insight regarding the sophistication of Clausewitz's theory of war, especially if one considers the time when it was developed and proposed by the author, almost two hundred years ago. The study of war had been a field frequently dominated by prescriptionist theories and doctrines. As correctly assessed by Beatrice Heuser, most of the works about war published before Clausewitz "were in many ways mere cookery books", divided in many chapters and sections, "giving precise and unequivocal rules to follow on anything" in war (2007, p. vii). Among modern prescriptionists, Antoine-Henri Jomini, for instance, was one of the most notable. Jomini's book *Précis de l'Art de la Guerre* (2001), originally published in 1838, represents a great example of a prescription of how to win wars and to train armies. His ideas dominated the field, especially in the military arena, for almost a century and, even today, one may find Jomini's influence consolidated in distinct features of military establishments in most countries. Prescriptions regarding the principles of war, for example, continue to be present, even today, in doctrinal manuals of the majority of the military establishments, including Brazil (UNITED STATES OF AMERICA, 2008, Appendix A-1; BRAZIL, 2013a).

Furthermore, most of the prescriptionists who wrote about the “art of war” or the “science of war” before Clausewitz were strictly concerned with material factors. Their theories did not include perspectives regarding the use of force under conditions of danger and friction, the constant interaction with the adversary, nor, most especially the moral factors (2007, p.80). The actual conduct of war, in each occasion, was not considered an adequate product for theory (p.81).

The actual conduct of war—the free use of the given means, appropriate to each individual occasion—was not considered a suitable subject for theory, but one that had to be left to natural preference. (CLAUSEWITZ, 2007, p. 81)

Clausewitz, on the other hand, had a completely different objective when writing his *On War*. He did not aim to explain how to wage war, like most of his contemporaries. Instead, “he wanted to analyze war, to understand it better” (HEUSER, 2007, p. viii). His main concern was to explore the tangible and intangible characteristics of the phenomenon of war:

Clausewitz assumed that understanding the essence, the nature (Wesen) of war would eventually help future leaders wage and win their wars more effectively, and this, to him, was the ultimate aim of the exercise. (HEUSER, 2007, p. viii)

According to Peter Paret, in this normally prescriptionist field, “Clausewitz stands at the beginning of the nonprescriptive, nonjudgmental study of war as a total phenomenon” (1986, p. 213). According to Clausewitz, war was not ruled by scientific laws and was essentially a clash of wills and moral forces (HOWARD, 2002, p. 14).

To reduce the whole secret of the art of war to the formula of numerical superiority at a certain time in a certain place was an over-simplification that would not have stood up for a moment against the realities of life. (CLAUSEWITZ, 2007, p.135)

Deeply influenced by Illuminist ideas - especially those of Montesquieu and his *De l'Esprit des Lois* (1758) - Clausewitz developed a level of abstraction that gave his work long-lasting value (PARET, 1986, p.188). Here, again, the sophistication of Clausewitz’s understanding of what a theory, in general, should be is notable.

Theory cannot equip the mind with formulas for solving problems, nor can it mark the narrow path on which the sole solution is supposed to lie by planting a hedge of principles on either side. But it can give the mind insight into the great mass of phenomena and of their relationships, then leave it free to rise into the higher realms of action. (CLAUSEWITZ, 2007, p.222)

For Clausewitz, one of the main purposes of theory is to organize ideas in a systematic order, in a clear and comprehensive form, and to try to link each action to an adequate compelling cause. Theory should, therefore, illuminate all phenomena, making it easier to promptly recognize and eliminate the distortions which normally emerge from ignorance. It should also show how different things are related to each other and, most crucially, separate important from unimportant things (2007, p.222).

Theory exists so that one need not start afresh each time sorting out the material and ploughing through it, but will find it ready to hand and in good order. (CLAUSEWITZ, 2007, p.90)

Clausewitz also recognized and emphasized the importance of theory regarding a critical inquiry. He understood that critical inquiry constitutes the most essential part of any theory, which may claim that name (2007, p.91). Theoretical truths influence on practical life through critical analysis rather than through doctrine (p.106). Results of theoretical investigation (principles, rules, methods, etc.) will tend to lack universality the closer they come to positive doctrine. One should never attempt to use those results as laws or standards, but rather as “aids to judgment” (p.108). He went on to affirm that:

In short a working theory is an essential basis for criticism. Without such a theory it is generally impossible for criticism to reach that point at which it becomes truly instructive—when its arguments are convincing and cannot be refuted. (CLAUSEWITZ, 2007, p.108)

Now, moving more specifically into the theory of war, probably the main proposal of Clausewitz’s theoretical approach regarding war is “to inquire how its nature influences its purpose and its means” (2007, p.31). Here it is interesting to notice that, although Clausewitz is often described as positivist, he was clear in pointing out the irreconcilable conflict between the goal of establishing a positive theory and the actual practice of war:

Efforts To Formulate a Positive Theory

Efforts were therefore made to equip the conduct of war with principles, rules, or even systems. This did present a positive goal, but people failed to take adequate account of the endless complexities involved. As we have seen, the conduct of war branches out in almost all directions and has no definite limits; while any system, any model, has the finite nature of a synthesis. An irreconcilable conflict exists between this type of theory and actual practice.” (CLAUSEWITZ, 2007, p.82)

And he went on, affirming that “a positive doctrine is unattainable”:

Given the nature of the subject, we must remind ourselves that it is simply not possible to construct a model for the art of war that can serve as a scaffolding on which the commander can rely for support at any time. (CLAUSEWITZ, 2007, p.89)

By the end of the nineteenth century, Clausewitz's thoughts were spread and disseminated by a whole generation of strategic thinkers, like Verdy du Vernois, who insisted that "[i]t would be to misunderstand the nature of strategy to try to transform it into a predetermined scientific system" (HOWARD, 2002, p.64)

Clausewitz's prescription for the conduct of war, certainly as interpreted through Moltke and his disciples, is indeed open to legitimate criticism, but his descriptive analysis can hardly be faulted. (HOWARD, 2002, p.69)

Clausewitz strove to understand the reasons why the theoretical concept of war is never fulfilled in practice. He acknowledged the importance of historical examples in clarifying and providing the best kind of proof in empirical sciences. Nevertheless, he pointed out that empirical science, including the theory of war, cannot always back conclusions in historical evidence (2007, p.124-125).

It is an analytical investigation leading to a close acquaintance with the subject; applied to experience—in our case, to military history—it leads to thorough familiarity with it. The closer it comes to that goal, the more it proceeds from the objective form of a science to the subjective form of a skill, the more effective it will prove in areas where the nature of the case admits no arbiter but talent. It will, in fact, become an active ingredient of talent. Theory will have fulfilled its main task when it is used to analyse the constituent elements of war, to distinguish precisely what at first sight seems fused, to explain in full the properties of the means employed and to show their probable effects, to define clearly the nature of the ends in view, and to illuminate all phases of warfare in a thorough critical inquiry. (CLAUSEWITZ, 2007, p.90)

In order to deal with these differences in theory and practice, Clausewitz proposed, in one of his brightest moves, a Socratic distinction for understanding war, arguing that "war can be thought of in two different ways – its absolute form or one of the variant forms that it actually takes" (2007, p.226).

A specific section of this chapter will deal with the concept of *absolute war* and its importance in Clausewitz theory. The concept of *absolute war* is also paramount for this research theoretical proposal regarding the use of force on behalf of the international community. This research theoretical proposal relies heavily on the binary opposition of Clausewitz's *absolute war* and the concept of *absolute peacekeeping*, which will be proposed and presented in chapter 5.

For Clausewitz, there were three main problems in formulating a theory of the conduct of war: the role of moral forces and their effects; the question of positive reactions; and the uncertainty of all information (2007, p.86-88).

Clausewitz thus justified the utility of theorizing about war so long as the theorist knew his limitations, and so long as he gave full weight to the unquantifiable moral factors involved as well as the quantifiable physical ones. (HOWARD, 2002, p.35)

Moral factors cannot be ignored, and theory becomes infinitely more difficult as soon as it touches the realm of moral values. “In war everything is uncertain, and calculations have to be made with variable quantities” (CLAUSEWITZ, 2007, p.84). Those problems will be discussed with more details in the next sections. Their understanding actually represents a substantive part of the theory.

If the theory of war did no more than remind us of these elements, demonstrating the need to reckon with and give full value to moral qualities, it would expand its horizon, and simply by establishing this point of view would condemn in advance anyone who sought to base an analysis on material factors alone. (CLAUSEWITZ, 2007, p.142)

In a brief attempt to identify the relation between critical inquiry and a theory of war, Clausewitz came to the following conclusion:

Should theory leave us here, and cheerfully go on elaborating absolute conclusions and prescriptions? Then it would be no use at all in real life. No, it must also take the human factor into account, and find room for courage, boldness, even foolhardiness. The art of war deals with living and with moral forces. Consequently, it cannot attain the absolute, or certainty; it must always leave a margin for uncertainty, in the greatest things as much as in the smallest. (CLAUSEWITZ, 2007, p.27)

Clausewitz theory of war has some key elements, such as the political nature of war, the two basic forms that war can assume, among others (PARET, 1986, p.196), such as the question of the use of force and the notion of the enemy. The next sections will explore the most important ones, according to this author's perspective.

2.3 The political nature of war

For Clausewitz, war is not autonomous in relation to the political realm. Indeed he saw war as just another, albeit very specific, branch of political activity. It may have had a different grammar, but its logic was the same. War also does not suspend political interaction: “[w]ar cannot be divorced from political life” (2007, p.252). There is an intimate relation between the logic of policy and the grammar of war (GRAY, 2004, p.22). Policy translates the devastatingly destructive nature of

war into a simple instrument. So policy determines the character of war. At the highest level, the art of war corresponds to policy, a policy conducted through the fighting of battles, not by “diplomatic notes” (CLAUSEWITZ, 2007, p.252). Colin Gray reminds us that “war remains an instrument of policy, whatever the ideological or other urges that inspire it” (2004, p.8).

Once again: war is an instrument of policy. It must necessarily bear the character of policy and measure by its standards. The conduct of war, in its great outlines, is therefore policy itself, which takes up the sword in place of the pen, but does not on that account cease to think according to its own laws.(CLAUSEWITZ, 2007, p.258)

In Clausewitz’s perspective, “all wars can be considered acts of policy” (2007, p.29). In one of his most known and most often quoted phrases, he maintained that “war is simply a continuation of political intercourse, with the addition of other means” (p.252). Actually, the importance of this concept is paramount in Clausewitz’s theory. In the very beginning of *On War*, he emphasized a “point that must be made absolutely clear, namely that war is nothing but the continuation of policy with other means” (p.7). For him, “war should never be thought of as something autonomous but always as an instrument of policy” (p.30). Indeed,

[i]f we keep in mind that war springs from some political purpose, it is natural that the prime cause of its existence will remain the supreme consideration in conducting it. That, however, does not imply that the political aim is a tyrant. It must adapt itself to its chosen means, a process which can radically change it; yet the political aim remains the first consideration. Policy, then, will permeate all military operations, and, in so far as their violent nature will admit, it will have a continuous influence on them.

...

We see, therefore, that war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means. (CLAUSEWITZ, 2007, p.28)

Although this correlation between war and politics is often considered one of Clausewitz’s hallmarks, one must admit that he was not the first to make this link between politics and war. Scharnhorst, one of Clausewitz main teachers, had already emphasized the link between the political context and the resulting aims of the belligerents and war (HEUSER, 2007, p.xv). Rühle von Lilienstern, Clausewitz’s classmate, was the first to clearly identify and express the link between politics and war:

The individual operations have military purposes; the war as a whole always has a final political purpose, that means that war is undertaken and conducted in order to realise the political purpose upon which the State’s [leading] powers have decided in view of the nation’s internal and external conditions. (HEUSER, 2007, p.xv)

One of the key points of Clausewitz theory is exactly the proposition of “war as a function of the policies pursued by the entity fighting it” (HEUSER, 2007, p.xxvii). The political conditions normally also determine what a war should be meant to achieve as well as what it can actually achieve (CLAUSEWITZ, 2007, p.135).

When whole communities go to war—whole peoples, and especially **civilized** peoples—the reason always lies in some political situation, and the occasion is always due to some political object. War, therefore, is an act of policy. (CLAUSEWITZ, 2007, p.28)

“If two parties have prepared for war, some motive of hostility must have brought them to that point” (CLAUSEWITZ, 2007, p.22). War is “a serious means to a serious end” (p.27). The political object is, therefore, crucial in any discussion regarding war:

[...] the *political object*, which was the *original motive*, must become an essential factor in the equation. The smaller the penalty you demand from your opponent, the less you can expect him to try and deny it to you; the smaller the effort he makes, the less you need make yourself. Moreover, the more modest your own political aim, the less importance you attach to it and the less reluctantly you will abandon it if you must. *This is another reason why your effort will be modified.*

The political object—the original motive for the war—will thus determine both the military objective to be reached and the amount of effort it requires. The political object cannot, however, in *itself* provide the standard of measurement. Since we are dealing with realities, not with abstractions, it can do so only in the context of the two states at war. The same political object can elicit *differing* reactions from different peoples, and even from the same people at different times. (CLAUSEWITZ, 2007, p.20) [emphasis in the original]

Almost one hundred years later, in 1919, Weber seemed to agree with Clausewitz and his colleagues, affirming that “for politics the decisive means is force” (1919, p.44).

In summary, according to all those contributions, war may be characterized, therefore, as a political phenomenon in which the use of force plays a key role. For the purposes of this dissertation, the understanding of the use of force as a political phenomenon is of major importance, as well as the proportionality between the political object, as identified by Clausewitz, and the use of force. Next section will engage with the question of the use of force in war. Furthermore, one may easily expand those notions to the discussion of the use of force on behalf of the international community as chapters 3 and, more specifically, 5 will present and debate.

2.4 The enemy and the question of the use of force

In another of his famous and relentlessly quoted statements, Clausewitz defined war, in the beginning of the 19th century, as “an act of force to compel our enemy to do our will” (2007, p.13). This statement encompasses two of the most fundamental concepts in Clausewitz theory, which are also of paramount importance to the purposes of this work: the enemy and the question of the use of force.

At this point, it is extremely important to understand that the political concept of war has a direct relationship with the notion of the enemy. Clausewitz emphasized this relationship throughout his book: “The aim of war should be what its very concept implies – to defeat the enemy” (p.241). Actually, he repeatedly affirmed “that the destruction of the enemy is what always matters most” (p.221) or that “the defeat of the enemy, assuming it to be at all possible, to be the true, the essential aim of military activity” (p.248). According to Clausewitz, “the grand objective of all military action is to overthrow the enemy – which means destroying his armed forces” (p.221).

One may quickly identify a direct relationship between war and the presence of an enemy, which seems to be very simple: there is no war without an enemy or, in Colin Gray’s words, “in the absence of an enemy there can be no war. The presence of a self-willed foe is literally essential to the nature of war” (2007, p.66). Therefore, the centrality of the existence of the enemy is naturally a fundamental characteristic of the whole discussion regarding war.

This close relationship between war and the presence of an enemy will be of great value in Chapter 5, when discussing peacekeeping and proposing a theory for the use of force on behalf of the international community and, especially, in dealing with the notion of the enemy in relation to that very community. Chapter 5 will also, benefitting from a post-structuralist perspective, expand the debate regarding the enemy, sometimes linking it to the very existence of the state (or even the international community).

Regarding the second fundamental concept, the use of force, one may argue that Clausewitz’s thoughts about possible limitations are in line with contemporary concepts of Realist International Relations theory:

Attached to force are certain self-imposed, imperceptible limitations hardly worth mentioning, known as international law and custom, but they scarcely weaken it. (CLAUSEWITZ, 1986, p.83)

Furthermore, still in line with Realism, Clausewitz described the threat of force and its actual use as a kind of bargain, which always needed to be backed by a real capability of putting the threat into practice (HEUSER, 2007, p.xxx). Such view is shared by most contemporary realists. John Mearsheimer, in *The Tragedy of Great Power Politics* (2001) argued that great powers alternate the use of force and diplomacy in order to achieve their political objectives. For Stephan Walt (2013), military power may be key to diplomatic success (2013). Frederick Kagan (2005) argues that war and diplomacy are inextricable linked and that it would be a major error to conduct diplomacy without considering military means or to wage war without diplomacy. Both diplomacy and war are therefore policy tools to achieve the political objectives.

Most importantly, for the purpose of the present dissertation, Clausewitz proposed an interesting and direct relation between policy and war: “As policy becomes more ambitious and vigorous, so will war, and this may reach the point where war attains its absolute form” (2007, p.253). The next section will deal with the absolute form of war.

2.5 Absolute war

From the perspective of the present study, the concept of absolute war is one of the most (if not the most) creative and brilliant moves made by Clausewitz in his effort to propose a theory of war. In the attempt to provide a more precise understanding of war, Clausewitz proposed and developed the concept of *absolute war*⁴.

In the abstract world, optimism was all-powerful and forced us to assume that both parties to the conflict not only sought perfection but attained it. Would this ever be the case in practice? Yes, it would if: (a) war were a wholly isolated act, occurring suddenly and not produced by previous events in the political world; (b) it consisted of a single decisive act or a set of simultaneous ones; (c) the decision achieved was

⁴ “Absolute war” should not be confused with “unlimited war” or “total war”. Clausewitz’s concept of “absolute war” is, as will be presented in this section, abstract, ideal, and unachievable. Unlimited war refers to feasible as will be discussed later in this chapter. Total war, as proposed by Ernst von Ludendorff, refers to the total mobilization of the society.

complete and perfect in itself, uninfluenced by any previous estimate of the political situation it would bring about. (CLAUSEWITZ, 2007, p.17)

Absolute war is a kind of abstract, perfect, and pure model in which war consisted of a single blow of infinite force – an “*Idealtypus*” in Weberian language.

In its conceptual purity, this mental construct (*Gedankenbild*) cannot be found empirically anywhere in reality. It is a utopia. (WEBER, 1949, p.90)

One must also read Clausewitz concept of *absolute war* as a Platonic ideal. In this Platonic ideal logic, the phenomenon of war is considered without the limitations presented by the real world (SCHUURMAN, 2010, p.93). It is ideal not in a sense of being good, but of being natural or logical, in the Aristotelian sense (HOWARD, 2002, p.51). One may argue that Clausewitz, like so many thinkers of his time, was influenced by the same revival of Hellenism which influenced the work of Hegel:

the early Socratic distinctions between the ideal and its manifestations, between the absolute, unattainable concept and the imperfect approaches to it in the real world. (HOWARD, 2002, p.14)

Theory must prioritize “the absolute form of war”, making that form “a general point of reference” (CLAUSEWITZ, 2007, p.225). Nevertheless, a theory which attempts to deal only with the absolute would either have to ignore any situation in which the nature of war have been altered by outside elements or dismiss those elements. That would not be a reasonable purpose for a theory of war. Actually, the adequate purpose of a theory of war is not to demonstrate what war ideally ought to be, but rather to demonstrate what it is in practice (p.240). Therefore, one can think of war in two different views: the absolute form and the many variants it actually takes (p.226). In the context of its absolute form, war is indivisible. The validity of the first view is directly related to the nature of war, while the second relates to its actual history (p.227).

Theory must conceive all this; but it has the duty to give priority to the absolute form of war and make that form a general point of reference, so that he who wants to learn from theory becomes accustomed to keeping that point in view constantly, to measuring all his hopes and fears by it, and to approximating it when he can or when he must. (CLAUSEWITZ, 2007, p.225)

Countless cases have occurred where a small advantage could be gained without an onerous condition being attached to it. The more the element of violence is moderated, the commoner these cases will be; but just as absolute war has never in fact been achieved, so we will never find a war in which the second concept is so prevalent that the first can be disregarded altogether. (CLAUSEWITZ, 2007, p.227)

Clausewitz repeatedly reaffirmed his thesis:

war is an act of force, and there is no logical limit to the application of that force. Each side, therefore, compels its opponent to follow suit; a reciprocal action is started which must lead, in theory, to extremes. (CLAUSEWITZ, 2007, p.15)

Clausewitz's construction of *absolute war* will have major relevance for the theoretical advance proposed by this dissertation, particularly for the proposition of an ideal or abstract type of intervention of the international community presented in Chapter 5.

Nevertheless, a theory which attempts to deal only with the absolute form would either have to ignore any situation in which the nature of war have been altered by outside elements or dismiss those elements. As Clausewitz pointed out, that would not be a reasonable purpose for a theory of war. Actually, the adequate purpose of a theory of war is not to demonstrate what war ideally ought to be, but rather to demonstrate what it is in practice (CLAUSEWITZ, 2007, p.240), in order to educate practitioners and analysts in interpreting – and in acting upon – the wars they happen to experience. The next section will discuss the key features which contribute to distinguish war in theory from war in practice.

2.6 Moving from abstraction to reality

One of the key questions which intrigued Clausewitz regarding the differences between the theory and the practice of war was: “Why is it that the theoretical concept is not fulfilled in practice?” (2007, p.223) He answered his own question arguing that there are different constraints which transform the ideal, perfect, and abstract absolute war into real war, including political limitations.

Clausewitz reminded us that we “move from the abstract to the real world and the whole thing looks different” (p.17). He acknowledged that, “war is an act of human intercourse” (p.100), and “man and his affair, however, are always something short of perfect and will never quite achieve the absolute best” (p.17). Even if the nature of war in abstract terms could be considered absolute, the “imperfect” nature of the men who fought wars contributed to constrain them and, therefore, to make wars fall short of “perfection” (HOWARD, 2002, p.55). As a phenomenon of the human nature, war may be limited or unlimited, but never absolute (CLAUSEWITZ, 2007, p.104). Besides, “each age had in its own kind of war, its own limiting conditions and its own peculiar preconceptions” (p.240).

War may also be interpreted as an exercise of will. Yet, another very peculiar and essential characteristic is that the exercise of this will in war is not directed at an inanimate subject, but rather at an animate subject which most often react with its own will. War is, therefore, a clash of living forces (p.100-101).

the aim of disarming the enemy (the object of war in the abstract, the ultimate means of accomplishing the war's political purpose, which should incorporate all the rest) is in fact not always encountered in reality, and need not be fully achieved as a condition of peace. (CLAUSEWITZ, 2007, p.33)

Real war was never absolute, due, especially, to an array of factors that contribute to moderate the levels of violence (CLAUSEWITZ, 2007, p.223). Addressing those factors, Clausewitz identified a “paradoxical trinity”, which also came to be considered another one of his most interesting and important theoretical constructions:

paradoxical trinity – composed of primordial violence, hatred, and enmity, which are to be regarded as a blind natural force; of the play of chance and probability within which the creative spirit is free to roam; and of its element of subordination, as an instrument of policy, which makes it subject to reason alone. (CLAUSEWITZ, 2007, p.30)

Distinct authors frequently identify the definition above as Clausewitz's “primary trinity” (HEUSER, 2007, p. xxvii). One should observe that the primary trinity does not imply any connotation or assumption regarding the sociopolitical nature of the body which is waging war (VILLACRES; BASSFORD, 1995, p.12). War may actually take many different forms and may be fought by a multitude of entities. In all those forms, war will be shaped by the interaction of the three basic elements of violence, reason, and chance (SCHUURMAN, 2010, p.97). In short, one may argue that the primary trinity is present and therefore may be identified in any kind of war.

Regarding modern wars or interstate wars, in the continuation of the same paragraph quoted above, Clausewitz linked the three primary elements to government, military, and population, respectively, in what came to be described as his “secondary trinity”:

The first of these three aspects mainly concerns the people; the second the commander and his army; the third the government. The passions that are to be kindled in war must already be inherent in the people; the scope which the play of courage and talent will enjoy in the realm of probability and chance depends on the particular character of the commander and the army; but the political aims are the business of government alone. (CLAUSEWITZ, 2007, p.31)

It is interesting to notice that the secondary trinity has always enjoyed more popularity than the primary one. Actually, many scholars have even assumed that the concept is essentially linked to the state (FLEMING, 2009, p.6). The likely main reason resides in the fact that the secondary trinity is linked to more tangible aspects - the population, the army, and the government - than those of the primary one - violence, chance, and reason (see figure 2.1). Nevertheless, one should not put excessive emphasis in the secondary trinity, because it would severely limit the application of Clausewitz brilliant theory and was certainly not his intention while formulating the concept.

Modern wars are seldom fought without hatred between nations; this serves more or less as a substitute for hatred between individuals. Even where there is no national hatred and no animosity to start with, the fighting itself will stir up hostile feelings: violence committed on superior orders will stir up the desire for revenge and retaliation against the perpetrator rather than against the powers that ordered the action. That is only human (or animal, if you like), but it is a fact. Theorists are apt to look on fighting in the abstract as a trial of strength without emotion entering into it. This is one of a thousand errors which they quite consciously commit because they have no idea of the implications. (CLAUSEWITZ, 2007, p.86)

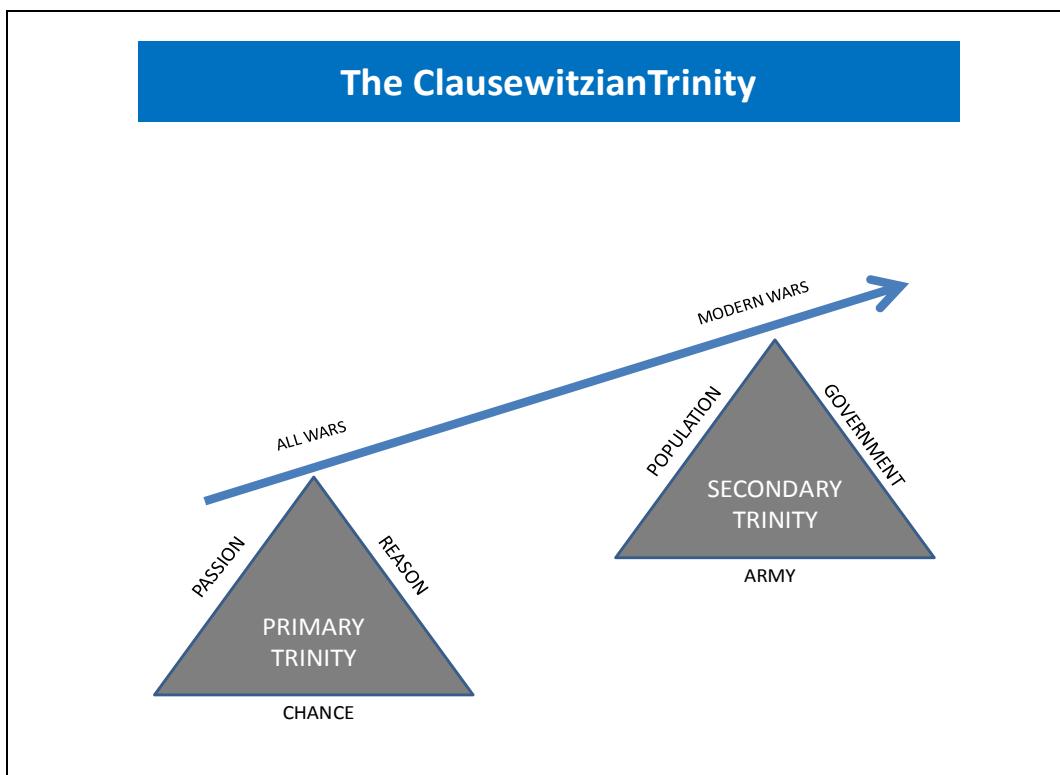


Figure 2.1 – The Clausewitzian trinity (Source: Adaptation by the author)

Actually, the whole of Clausewitz's theory is profoundly shaped by the trinity. According to Heuser, Clausewitz's theory clearly proposed that any war

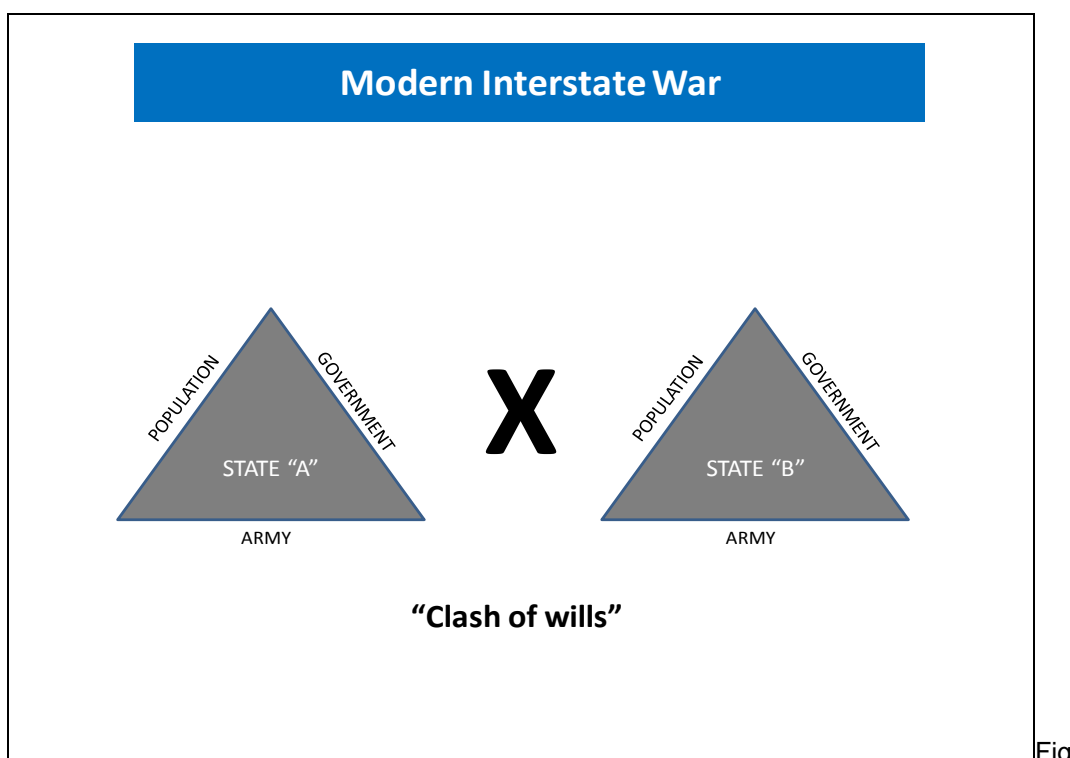
would be shaped by the interplay of the three dimensions, being a function of all three sets of variables:

This trinity can be summed up as one of violence-hatred, chance, and political aims, or to put it in Eulerian terms, war is a function of the variables of violence-hatred, of the luck and the skills of the military, and of the aims of the political leadership. These variables in themselves are interconnected: the tendency towards violence may or may not be curtailed by the political leaders, the military may or may not be influenced by the passion (or disinterest) of the population as a whole, the military's victories or defeats may or may not stir up the passions of the people, and the political leadership may or may not have pursued its interests carefully enough to have prepared the military well for its purpose in war. (HEUSER, 2007, p. xxix)

In fact, the trinity is so crucial for Clausewitz that he could hardly be more emphatic when defending the importance of the presence of each of its three elements in any theoretical proposal:

A theory that ignores any one of them or seeks to fix an arbitrary relationship between them would conflict with reality to such an extent that for this reason alone it would be totally useless. (CLAUSEWITZ, 2007, p.31)

Furthermore, one should understand that, since war is “a clash of living forces”, the enemy will also have its own trinity. The will of the enemy is the main result of its trinity. Therefore, war is actually moderated by the clash of those to opposing trinities (see figure 2.2).



Fig

Figure 2.2 – Modern Interstate War (Source: Adaptation by the author)

Another key feature of Clausewitz's theory which assists in understanding the differences between abstract war and war in the real world is the constant interaction between physical and moral forces. Michael Howard argues that the interaction between moral and physical elements constitute indeed the basis of Clausewitz theoretical approach, in which war would be a constant dialectic between those two elements (2002, p.35). Actually, non-Hegelian dialectic represents one of the most important and unique characteristics of Clausewitz theory of war.

This model of a dialectic between opposed but linked concepts clearly fascinated Clausewitz, as it did so many of his contemporaries among German thinkers. The treatment of the relationship between physical and moral forces is one example of this. That between historical knowledge and critical judgment, which we have also touched on, was another. So was that, familiar in his time, between the 'Idea' and its manifestations, between 'absolute' and 'real' war. So was the dialectic between attack and defense; and so, most important of all, was that between ends and means. The dialectic was not Hegelian: it led to no synthesis which itself conjured up its antithesis. Rather it was a continuous interaction between opposite poles, each fully comprehensible only in terms of the other. One could not understand the nature of war unless one appreciated the dialectic between moral and physical forces. But one could not have a practical theory for the conduct of war unless one understood the relationship between ends and means; in particular the political end of war and the military means used to attain it. (HOWARD, 2002, p.34-35)

For Clausewitz, the power of enemy resistance is the product of two inseparable factors: "the total means at his disposal and the strength of his will" (2007, p.16). For him, "it is evident that destruction of the enemy forces is always the superior, more effective means, with which others cannot compete." (p.41) Furthermore, the "destruction of the enemy's forces" (p.230) that really mattered as the main objective of war was not physical but moral. It was more important to kill the enemy's courage and will than his men: "physical destruction is not the ultimate aim, but a psychological victory is." (HEUSER, 2007, p.xxvi)

Moral⁵ and intangible forces have a preeminent position in Clausewitz's theory:

Military activity is never directed against material force alone; it is always aimed simultaneously at the moral forces which give it life, and the two cannot be separated.

⁵ One should notice that the sense of moral used by Clausewitz is related to psychological and intangible effects. It is not related to ethical or other goodness values, a sense in which the word moral is frequently used in contemporary writings.

But moral values can only be perceived by the inner eye, which differs in each person, and is often different in the same person at different times. (CLAUSEWITZ, 2007, p.85)

War deals with living and moral forces (CLAUSEWITZ, 2007, p.27). Those important forces permeate war “like a leaven may occasionally be used by a commander to invigorate his troops” (p.165).

Besides, as already mentioned, the nature of the war is determined by the nature of policy and political circumstances shape strategy (HOWARD, 2002, p.40). Being a continuation of politics, once the political objectives were attained, there would be no reason for a war to continue.

The more powerful and inspiring the motives for war, the more they affect the belligerent nations and the fiercer the tensions that precede the outbreak, the closer will war approach its abstract concept, the more important will be the destruction of the enemy, the more closely will the military aims and the political objects of war coincide, and the more military and less political will war appear to be. On the other hand, the less intense the motives, the less will the military element’s natural tendency to violence coincide with political directives. (CLAUSEWITZ, 2007, p.29)

Other intangible elements identified by Clausewitz are also of great importance when moving from absolute war to the real world: danger, exertion, uncertainty, chance, and an omnipresent friction. Those elements compose the climate of war (GRAY, 2004, p.9) and ought always to be considered, since they act in moderating the levels of violence.

The concept of friction is critical in distinguishing real war from war on paper. “On the one hand, military operations appear extremely simple” (CLAUSEWITZ, 2007, p.222). The military machine (and everything related to it) is indeed very simple and may, therefore, seem easy to conduct. Nevertheless, it is composed of many distinct parts and “each part is composed by individuals, everyone of whom retains his potential of friction” (p.66). For this reason, “war is like a movement in a resistant element” (p.67). Here, Clausewitz proposed a very interesting metaphor: “A genuine theorist is like a swimming teacher, who makes his pupils practice motions on land that are meant to be performed in water” (p.67).

Friction is, in short, “the force that makes the apparently easy so difficult” (p.68). Friction, together with, danger, physical exertion, and intelligence constitute the main elements that form the atmosphere of war (p.68).

Danger is also inherent to war. Clausewitz considers danger as a part of friction of war. It is not possible to understand war without a clear understanding of

danger (p.62). Another source of friction is uncertainty or what he calls a “difficulty of accurate recognition. [...] making things appear entirely different from what one had expected” (p. 65). For this reason, he gave major importance to intelligence – “every sort of information about the enemy and his country” (p.64).

Prudence, concern, and fear of excessive risk may also contribute to reducing the elemental fury of war. The demands of one belligerent and state of mind of the other also exert some influence in mitigating its primordial violence:

[t]hese factors can become so influential that they reduce war to something tame and half-hearted. War often is nothing more than armed neutrality, a threatening attitude meant to support negotiations, a mild attempt to gain some small advantage before sitting back and letting matters take their course, or a disagreeable obligation imposed by an alliance, to be discharged with as little effort as possible. (CLAUSEWITZ, 2007, p.154)

War could never be considered a self-contained endeavor, occurring in a political vacuum and independent of the events that led up to it or to the new situation it was intended to generate. For Clausewitz, in practice, war could have its own grammar, but not its own logic (HOWARD, 2002, p.52).

In summary, this section discussed distinct aspects which assisted in understanding how real-world war is different from the abstract absolute war. Those aspects have great theoretical importance and will be very useful in the framework proposed in Chapter 5.

2.7 Limited and unlimited war

As already briefly mentioned in the last section, Clausewitz classified real-world war in two general categories, although not explicitly mentioned: limited and unlimited war. With this general categorization, Clausewitz understood that war could be of two kinds, in terms of the objective pursued. It could either be a war “to overthrow the enemy” (unlimited war) or a war “merely to occupy some of his frontier districts” (limited war) so that one could annex them or bargain (2007, p.7). Drawing on Clausewitz, Robert Osgood provided the following definition for limited wars:

Limited wars were to be fought for ends far short of the complete subordination of one state’s will to another’s, using means that involve far less than the total military resources of the belligerents and leave the civilian life and the armed forces of the belligerents largely intact. (OSGOOD, 1979, p.3)

At this point, it is important to notice that there is often major confusion among Clausewitz readers regarding the concepts of absolute war and unlimited war. It is not uncommon to see the two concepts erroneously treated as synonyms. Therefore, it is important to reinforce, especially for the purposes of this dissertation, the understanding that absolute war is just an abstraction, unachievable in the real-world, while unlimited war is attainable.

As already briefly mentioned in the first chapter, Clausewitz emphasized the importance of clearly identifying the type of war one is getting involved.

The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish by that test the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature. (CLAUSEWITZ, 2007, p.30)

Actually, Clausewitz argued that the party which fights an unlimited war normally has an advantage over the party which fights a limited war.

If one side uses force without compunction, undeterred by the bloodshed it involves, while the other side refrains, the first will gain the upper hand. That side will force the other to follow suit; each will drive its opponent toward extremes, and the only limiting factors are the counterpoises inherent in war. (CLAUSEWITZ, 2007, p.14)

Therefore, in his view, war would normally tend to become unlimited. This Clausewitzian line of thought was common place among many German thinkers of the late 1800s, such as Goltz, who affirmed that “war serves the ends of politics best by a complete defeat of the enemy” (HOWARD, 2002, p.67).

Nevertheless, Clausewitz also identified, in another very interesting theoretical construction, the existence of a culminating point: the culminating point of attack or the culminating point of victory.

This culminating point in victory is bound to recur in every future war in which the destruction of the enemy cannot be the military aim, and this will presumably be true of most wars. (...)

If one were to go beyond that point, it would not merely be a useless effort which could not add to success. It would in fact be a damaging one, which would lead to a reaction; and experience goes to show that such reactions usually have completely disproportionate effects. (CLAUSEWITZ, 2007, p.198)

Regarding the culminating point of the attack, Clausewitz argues that

[b]eyond that point the scale turns and the reaction follows with a force that is usually much stronger than that of the original attack. This is what we mean by the culminating point of the attack. (CLAUSEWITZ, 2007, p.198)

Some analysts insist that the culminating point of the attack and the culminating point of victory are distinct concepts, with the former being used in

mostly in the tactical level and the later in the strategic level. Although acknowledging such differentiation, this author argues that Clausewitz uses both concepts as synonyms.

The notion of victory represents, in Clausewitz's terms, the imposition of the will upon the enemy. Nonetheless, according to many distinguished scholars, defining victory (or success) remains a critical concern⁶. For Beatrice Heuser, for instance, the concept of victory remains quite elusive (2013, p.6). According to her, "[w]e are struggling with the concept of what victory in general means" (p.7). in order to better cope with the concept, she proposes a trinity of "victory, peace, and justice" as the basis for a sustainable victory (p.6-9). The next chapter will briefly debate the notion of justice in war. Furthermore, the balance of those three concepts will be of great importance when dealing with the use of force on behalf of the international community and identifying the culminating point of those interventions in chapter 5 theoretical proposal.

One may argue that the general categorization between limited and unlimited war was an oversimplification, since war could actually be anything between these two categories. Since political considerations are paramount and since those considerations may vary indefinitely, war may take many different forms. Although Clausewitz, in Book Eight, very briefly mentioned that "war can be a matter of degree" (2007, p. 225) and affirmed that "wars can have all degrees of importance and intensity, ranging from a war of extermination down to simple armed observation" (p.21), realizing that war could come in different shapes and forms, he never really explored this matter in greater extent.

According to Howard, Clausewitz did not live to explore the implications of this possibility of gradation, as opposed to the sharp distinctions between the two mentioned categories. "He never really considered the territory that lay between his two 'models'" (HOWARD, 2002, p.53).

⁶ See Beatrice Heuser, *Victory, Peace, and Justice: The Neglected Trinity*. Joint Forces Quarterly. Vol. 69, April 2013; Jan Angstrom and Isabelle Duyvesteyn (eds): *Understanding Victory and Defeat in Contemporary War*, London: Routledge, 2007; Boone Bartholomees, *Theory of Victory, Parameters*, Vol. 38 No. 2; Dominic Johnson and Dominic Tierney, *Essence of Victory: Winning and Losing International Crises*, Security Studies Vol. 13 No. 2 (2004), pp. 350-381; Robert Mandel, *The Meaning of Military Victory*, Boulder, Colorado: Lynne Rienner, 2006; and Colin S. Gray, *Defining and Achieving Decisive Victory*, U.S. Army War College: Strategic Studies Institute, 2002.

[...] we need only bear in mind how wide a range of political interests can lead to war, or think for a moment of the gulf that separates a war of annihilation, a struggle for political existence, from a war reluctantly declared in consequence of political pressure or of an alliance that no longer seems to reflect the state's true interests. Between these two extremes lie numerous gradations. If we reject a single one of them on theoretical grounds, we may as well reject them all, and lose contact with the real world. (CLAUSEWITZ, 2007, p.37)

Clausewitz's general categorization of real-world wars as well as the possibility of gradation between the two major categories will serve as important milestones for the theoretical framework to be proposed in chapter 5. Actually, the very possibility of gradation and, from a poststructuralist perspective, the inapplicability of rigid models, are some of the main discussions this author intends to focus on while proposing, in chapter 5, a theory for the use of force on behalf of the international community.

2.8 Strategy: from the political purpose to the actual use of force

No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it. The former is its political purpose; the latter its operational objective. (CLAUSEWITZ, 2007, p.223)

For Clausewitz, the link between war and combat is inescapable. In fundamental nature, “war is fighting” (2007, p.73). The very concept of war determines that everything that happens “must originally derive from combat” (p.38), which may take multiple forms. “There is only one means in war: combat” (p.40).

Actually, one may argue that Clausewitz idea of combat is very broad: “whenever armed forces, that is armed individuals, are used, the idea of combat must be present” (p.38). For the purpose of this research, this broad and encompassing definition of combat is very useful. It will permit to theoretically cope with the different and growing levels of the use of force on behalf of the international community, especially in peacekeeping. Chapter 5 will especially benefit from this debate.

Clausewitz also distinguished between tactics, as the use of armed forces in the engagements, and strategy, as the use of engagements for the object of war

(p.74). This distinction is also instrumental in the present research, since it will help in (de)constructing the very concept of robust peacekeeping, as will be discussed in Chapters 4 and 5.

Strategy consists of the use of engagements to achieve the purpose of war. According to Colin Gray's reading of Clausewitz, a strategic world consists of "a world wherein force is threatened or employed for political ends" (2004, p15). The strategist, therefore, will draw the plan of the war. Consequently, strategic theory, as part of the theory of war, attempts to illuminate the components of war and their interrelationships, pointing out some few principles and/or rules which can be demonstrated (CLAUSEWITZ, 2007, p.133).

Some experts attempt to examine only material factors, excluding all moral issues from the strategic theory. For Clausewitz, nothing could be, at the same time, more simplistic and absurd than to:

reduce everything to a few mathematical formulas of equilibrium and superiority, of time and space, limited by a few angles and lines. If that were really all, it would hardly provide a scientific problem for a schoolboy. (CLAUSEWITZ, 2007, p.134)

He insisted that the existing relationship between material factors is all very simple, including the possible resulting scientific formulas or problems. For him, the real difficulty and complexity relies in understanding and grasping the intellectual and moral factors and their relationships. In short, "everything in strategy is very simple, but that does not mean that everything is very easy" (CLAUSEWITZ, 2007, p.134).

Clausewitz also identified the existence of distinct strategic elements which may affect the use of engagements. He classified those elements in different types: moral, physical, mathematical, and statistical (p.140). Those elements should always be considered as whole, since "if they are studied separately some will automatically be stripped of any undue importance" (p.140).

It would however be disastrous to try to develop our understanding of strategy by analysing these factors in isolation, since they are usually interconnected in each military action in manifold and intricate ways. (CLAUSEWITZ, 2007, p.141)

Regarding the strategic elements, the consideration of the role and importance of moral factors is certainly among Clausewitz most important contribution. For him, as already mentioned, those elements are among the most important in war.

They constitute the spirit that permeates war as a whole, and at an early stage they establish a close affinity with the will that moves and leads the whole mass of force,

practically merging with it, since the will is itself a moral quantity. (CLAUSEWITZ, 2007, p.141)

Nevertheless, he also acknowledged that those elements are intangible. They cannot be classified or counted, and cannot capitulate to academic wisdom. “They have to be seen or felt” (CLAUSEWITZ, 2007, p.141). For Clausewitz, the main moral elements are the commander’s skill, the courage and the experience of the troops, and their patriotic spirit (p.143).

Another important discussion raised by Clausewitz, which finds great debate nowadays, is the notion of the center of gravity.

What the theorist has to say here is this: one must keep the dominant characteristics of both belligerents in mind. Out of these characteristics a certain centre of gravity develops, the hub of all power and movement, on which everything depends. That is the point against which all our energies should be directed. (CLAUSEWITZ, 2007, p.242)

In short, this section assisted in understanding how the political purposes or the political object translates into the actual use of force. It illuminated the notions of strategy, tactics, and combat. One may depict combat as the use of force in the tactical level. As already pointed out, those notions will also have an important role in the theoretical framework to be proposed in this dissertation.

2.9 Clausewitz’s war: a contemporary perspective

During the 1990s, the idea of a transformation of war has gained important supporters. Authors such as Martin Van Creveld (1991), Mary Kaldor (2007), Mike Duffield (2001), among many others, consistently argued that there had been a major change towards the so-called “new wars”. According to this view, “old wars” used to be between states and fought for political objectives by formal armies under political control. “New wars”, on the other hand, were mainly intrastate, frequently many sided, fought by various entities, including militias, gangs, warlords, private military companies, often with economic or even criminal objectives replacing the political ones (BUZAN; HANSEN, 2009, p.232). A central tenet of this “new wars” thinking is that the fundamental nature of war is subject to change, which stands in direct contradiction with the work of Clausewitz about the unchanging nature of war (SCHUURMAN, 2010, p.90).

Since then, there has been a major argument. On the one side, one may find those who consider that theories which were used to help in understanding old

conflicts are not serviceable anymore. On the other side, one may find those who argue that the same traditional theories are still applicable and that, in essence, nothing has really changed.

As already noted, many authors have consistently interpreted that Clausewitzian war deals with conflicts between states (FLEMING, 2009, p.6), concluding that it is therefore outdated and not applicable to post-modern wars and intra-state conflicts which are frequently referred to as “new wars”. Nothing could be more mistaken!

A careful reading of the very first pages of *On War* may promptly deny such a precipitated and flawed conclusion. From the very beginning of his text, Clausewitz makes it clear that, in his understanding, the concept of war goes far beyond conflicts between states. Actually, he reveals an understanding of states as social constructions, which would owe nothing to some of the most prominent contemporary scholars of international relations, such as Nicholas Onuf (1989), for example.

If wars between civilized nations are far less cruel and destructive than wars between savages, the reason lies in the social conditions of the states themselves and in their relationship to one another. (CLAUSEWITZ, 2007, p.14)

Although Clausewitz unmistakably argued that while “savage peoples are ruled by passion, civilized peoples by mind,” he also reminded us that it would be “an obvious fallacy to imagine that war between civilized peoples as resulting merely from a rational act on the part of their governments.” For him, “even the most civilized of peoples, in short, can be fired with passionate hatred for each other.” He went on, affirming that “the maximum use of force is in no way incompatible with the simultaneous use of the intellect” (2007, p.14).

For Colin Gray, “it seems bizarre [...] that anyone should question seriously the relevance of Clausewitz in the twenty-first century” (2004, p.4). He argues that such a mistake may have different causes, especially in terms of misreading and misunderstanding Clausewitz and “the principal culprit appears to be a misreading of Clausewitz ‘remarkable trinity’” (p.8).

According to Howard, it is interesting to observe that the spread of democratic ideas initially made nations more bellicose instead of more peaceful. The increase of the participation of the third element of Clausewitz’s trinity – the people and its passion – brought war closer to his concept of “absolute war”

(HOWARD, 2002, p.68). The levels of violence and the consequent carnages registered during the World Wars, and even the use of atomic bombs in Japan, seem to confirm this thought.

[...] every age had its own kind of war, its own limiting conditions, and its own peculiar preconceptions [...] It follows therefore that the events of every age must be judged in the light of its own peculiarities. One cannot therefore understand and appreciate the commanders of the past until one has placed oneself in the situation of their times. (CLAUSEWITZ, 2007, p.240)

“Clausewitz never expressed any doubt that war was an eternal human social phenomenon” (HEUSER, 2007, p. ix). Nevertheless, he was not very interested in exploring how ideology could influence war aims (p. xv), as one can easily verify in the paragraph quoted above.

Furthermore, the complexity of the so-called new wars reinforces the notion that the primacy of politics over violence must be considered even more essential than in those “old” wars between states. Therefore, those conflicts are likely to benefit from a Clausewitzian approach much more the “old” ones (FLEMING, 2009, p.238).

Long before concepts such as “new wars”, “non-state wars”, and “intrastate wars” became buzzwords or fancy concepts of a pretense new era in which former concepts were not valid anymore, Clausewitz had already dealt with some of the key issues concerning those kinds of wars. In Chapter 26 (People in Arms) of Book Six (Defense), of *On War*, he presented an interesting discussion of those subjects. He argued that, “in the civilized parts of Europe, war by means of popular uprisings is a phenomenon of the nineteenth century” (CLAUSEWITZ, 2007, p.184). He considered “a general insurrection as simply another means of war – in its relation, therefore, to the enemy.” He went on to affirm that:

a popular uprising should, in general, be considered as an outgrowth of the way in which the conventional barriers have been swept away in our lifetime by the elemental violence of war. It is, in fact, a broadening and intensification of the fermentation process known as war. (CLAUSEWITZ, 2007, p.184)

In relation to people’s war Clausewitz concluded that “any nation that uses it intelligently will, as a rule, gain some superiority over those who disdain its use” (2007, p.184). Actually, in Chapter 26, he presents interesting conclusions and insights regarding people’s war, insurrections, and uprisings. Most of them remain clearly valid nowadays and have been constantly repeated by other theorists and applied by politicians and military leaders.

Furthermore, according to Sebastian Kaempf, Clausewitz's earlier writings were almost completely dedicated to guerilla and asymmetric war, between unequal adversaries, such as state/semi-state/non-state actors (2011, p.549). "*Meine Vorlesungen über den Kleinen Krieg*" [My lectures on Small Wars], written in 1810-1811, and "*Bekenntnisdenschrift*" [Confession Memorandum], written in 1812, were dedicated to asymmetric war. Kaempf argues, in "Lost though non-translation: bringing Clausewitz's writings on 'new wars' back in", that those earlier writings were never translated to English and remained largely ignored (p.549-573).

Clausewitz's thoughts concerning what he calls general uprisings (people's war, asymmetric war, guerrilla, etc.) may be of extreme validity and applicability when dealing with contemporary situations in countries such as Afghanistan and Iraq, for example. Colin Gray argues that terrorism and civil strife of different kinds must be read as warfare phenomena and, therefore, Clausewitz's theory of war also applies to them (2004, p.11)

Clausewitz also provided preliminary insights which help in understanding coalition wars. "If two or more states combine against another, the result is still politically speaking a single war" (2007, p.243). In those situations, the main question for him was whether each state has different and independent interests or the interests converge to a single one or are subordinate to the interest of the leader. The more convergent are the interests, the more this coalition of states could be treated as a single entity in war (p.243).

And he went on to affirm, again in a clear realist reasoning, that:

One country may support another's cause, but will never take it so seriously as it takes its own. A moderately-sized force will be sent to its help; but if things go wrong the operation is pretty well written off, and one tries to withdraw at the smallest possible cost. (CLAUSEWITZ, 2007, p.250)

From all presented in this section, as well as in the previous ones, this author argues that most of Clausewitz's theory remain, from a contemporary perspective valid and useful. Furthermore, his way of thinking is compatible with the use of force on behalf of the international community, especially when discussing robust peacekeeping or even humanitarian interventions, as will be discussed in chapters 3 and 4. Nonetheless, since the use of force on behalf of the international community is a recent phenomenon, not directly present during Clausewitz age, some specific

theoretical constructions are necessary in order to better understand the phenomenon.

2.10 Clausewitz: a very brief review

[...] nearly everything currently of interest in Clausewitz's theory of war must continue to apply. It simply does not matter which character of conflicts will dominate in the twenty-first century. So long as the world remains a strategic world, it will be a world addressed by Clausewitz in *On War*. (GRAY, 2004, p.15)

This Chapter discussed relevant aspects of Clausewitz's theory of war. Among them, some are of especial interest in the context of the present doctoral dissertation, since they will provide the basis for its theoretical proposal. This section will very briefly review them and their importance to the continuation of this work.

The first aspect to be emphasized is the political nature of war: war as a function of the political objectives of the entities fighting it and as a continuation of politics with other means. The more vigorous and ambitious the policies, more vigorous and ambitious war will be. Since war is an act of force to compel the enemy, one may argue that as political objectives turn more ambitious, more intense the use of force will be. This will consist of a key aspect when dealing with the use of force on behalf of the international community instead of the use of force in war. This author clearly agrees with Clausewitz claim that "[a]ll wars are things of the same nature" (2007, p.253).

The next aspect is the centrality of the notion of the enemy in war. War is essentially linked to the existence of an enemy, against which force is used. In war the relationship between the use of force and the enemy is direct and straightforward. Nevertheless, when dealing with the use of force on behalf of the international community, this relationship with the enemy is not trivial anymore, as the discussions in chapter 5 will verify.

The only means in war is combat, which may take different forms. In this sense, Clausewitz argues that the idea of combat must be present whenever armed forces are employed.

Another key construction is the ideal and abstract concept of absolute war. The dialectic between linked and opposed concepts, such as absolute and "real" war, physical and moral forces, historical knowledge and critical thought has

paramount importance in Clausewitz theory. This research will deeply benefit from this discussion, proposing a new concept and making intense use of this dialectic, in order to design its own theoretical proposal.

From the distinct aspects which contribute to make “real” war different from absolute war, the “remarkable trinity” has special relevance. The “remarkable trinity” is a much disputed concept, which was presented by Clausewitz in two versions. The primary trinity consists of passion, reason, and chance. The secondary one consists of the people (representing passion), the government (representing reason), and the army (representing chance). While the primary one may apply to different kinds of war, the second one is normally related by most authors to modern or interstate wars. The use of force on behalf of the international community will demand to deepen such a debate in order to incorporate some new aspects.

Clausewitz has also identified other different aspects which contribute to moderate violence in war, turning the absolute model into a real-world one. Among them, one may highlight friction, uncertainty, chance, danger, and prudence, among others. Most of them are intangible features and must always be confronted with physical ones. Those features will also have great relevance and some of them will be greatly accentuated when dealing with the international community.

The notion of the culminating points of victory and/or attack may provide interesting insights regarding the invisible limits, beyond which some operations may cease to achieve the desired aims.

Finally, the concepts of unlimited war - a war to overthrow the enemy – and limited war – with more modest objectives – have major importance in Clausewitz construction, especially in relationship with the political objectives. Here a brief provocation: how would Clausewitz classify the intervention in Libya and the declared aim of toppling Muammar Kaddafi and regime change? This author expects that discussion presented in this research, especially in chapters 5 and 7 will help in illuminating the answer.

From all that was mentioned in this chapter, it is hard to deny the present validity and applicability of Clausewitz theory in contemporary conflicts. This author strongly agrees with Colin Gray’s idea that:

Clausewitz's theory of war applies to all cases of organized theory violence for political ends, no matter the period, the identity of the belligerents, or the character of the warfare that they conduct. (GRAY, 2004, p.21) [emphasis in the original]

Therefore, this author argues that the present research may unmistakably benefit from Clausewitz's theory of war and from the understanding that

[...] every age had its own kind of war, its own limiting conditions, and its own peculiar preconceptions. **Each period, therefore, would have held to its own theory of war**, even if the urge had always and universally existed to work things out on scientific principles. (CLAUSEWITZ, 2007, p.240)[emphasis added]

In order to better deal with the circumstances of the use of force on behalf of the international community, one may argue that it is crucial to deepen the discussion, incorporating new concepts and adaptations, proposing a coherent theoretical framework.

In order to proceed with the discussion, the next chapter will bring the notion of the international community into the debate. It will discuss many of the aspects involved, including the collective security, political communities, and the use of force.

3

The international community in the international system

The previous chapter presented a comprehensive view of how Clausewitz provided one of the most complete - if not the most complete - theoretical discussions of war. Nonetheless, both war and the nature of international security have changed during the last years (WOHLFORTH, 2013). The establishment of the United Nations and its Charter in the immediate aftermath of World War II, for instance, represented a significant step in the attempt to maintain world peace, solve conflicts, and, most importantly for the purposes of the present study, to ban war. The Charter stressed, as one of its fundamental principles, that all states

[...] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. (UNITED NATIONS, 1945)

This meant that, in general terms, the unilateral use of force by member states was condemned, with the exception of very specific self-defense situations, as already presented in the introductory chapter. The Charter of the United Nations condemned war and the use of force among states, admitting it only in very specific conditions, allowing, on the other hand, some latitude for the use of force in the name of the collective security of member states. Those conditions of threats to the peace, breaches of the peace, and acts of aggression, were presented in Chapter VII (UNITED NATIONS, 1945). One may argue that this scenario created the conditions of possibility for the use of force on behalf of an emerging international community, which constitutes the core subject of this chapter. A more detailed study of this use of force on behalf of the international community, as will be discussed in the next chapters, will illuminate its discontinuities in relation to war, as well as its major continuities. As already mentioned, while Clausewitz theoretical framework was instrumental for a better understanding of the phenomenon of war, the understanding of the use of force on behalf of the international community is still in need of an adequate theoretical framework, which may certainly benefit from Clausewitz's theory presented in the previous chapter.

The purpose of this chapter is, therefore, to introduce the notion of the international community, in order better to understand a number of aspects related to the contemporary use of force on its behalf.

In order to address the question of the use of force by the international community, one must first engage with several basic ideas and concepts. The discussion regarding these concepts is instrumental, not only to providing a better understanding of such a complex and multifaceted debate, but particularly to enabling the theoretical move from the use of force in war to the use of force on behalf of the international community.

This chapter's point of departure is a brief discussion on the notion of the international system and its main institutions. It will subsequently deal with the concepts of the balance of power and of collective security, in order to provide a better appreciation of the international security environment in which the international community currently operates.

Then, in order to move further beyond rigid concepts of state and sovereignty, this chapter will deal with the notion of the "political", including political power and political communities, in order to arrive at the notion of the international community and the use of force on its behalf. A brief discussion regarding the Just War Tradition (JWT), including the concepts of *jus ad bellum* and Just War will also be presented, in an attempt to provide a better understanding of how war and the use of force may be accepted and legitimized in world politics. This later discussion will be especially useful in chapter 4, when dealing with distinct interventions of the international community.

3.1 The international system

In his seminal book *Theory of International Politics* (1979), Realist scholar Kenneth Waltz provided the mainstream depiction of the international system. According to Waltz, the structure of the international system could be defined by three basic elements: an organizing principle, the differentiation of the units, and the distribution of capabilities (1979, p.88).

Waltz identified two basic organizing principles: anarchy and hierarchy. While hierarchy was assumed to be the basis of the domestic order, inside the state, anarchy would constitute the basis of the order among states (international).

“Domestic systems are centralized and hierarchic”, while “international systems are decentralized and anarchic” (p.88). At this point, it is important to recall that the notion of anarchy is not the same as disorder, but must be considered in the sense of the absence of a superior authority (in relation to states) with the monopoly of the legitimate use of force. This notion, although basic for any student of international politics, is crucial to the present dissertation—as will be discussed several times in the next sections and chapters. Anarchy, in this worldview, is considered the main reason why there have always been wars and the very notion of the international community, as will be discussed later in this chapter, represents an attempt to cope with and overcome it.

The second element is the differentiation of units. “Anarchy entails relations of coordination among system’s units, and that implies their sameness” (p.93). Here, Waltz argued that sovereign states are functionally similar, since their essential function is to survive in an anarchical environment, performing all necessary tasks, in a self-help posture. Like anarchy, self-help is also supposed to be immutable. No specialization would be possible.

The third element, the distribution of capabilities, deals directly with the notion of power and represents the only element that, according to Waltz, may be adjusted or changed.

The units of an anarchic system are functionally undifferentiated. The units of such an order are then distinguished primarily by their greater or lesser capabilities for performing similar tasks. (WALTZ, 1979, p.97)

For structural realists, the distribution of capabilities among the different units represents the key independent variable, which is crucial for understanding the most relevant international events, such as war, alliances, balance of power, and even peace (DUNNE; SCHMIDT, 2011, p.92). In short, states differentiate themselves, not in terms of function, but in terms of power. Such an understanding will be of major importance in the next sections, especially in discussing the use of force on behalf of the international community.

Hedley Bull, in *The Anarchical Society* (1977), argued that, although anarchy remains an inescapable factor in international relations, countries do have some shared values and interests. Those shared values and interests allow the formation of an international society, based on common norms and institutions. It is an anarchical society in the sense that there is no central power with the monopoly

of legitimate violence. Stuart Kaufman, Richard Little, and William Wohlforth note that what is universal in the international system is “a mix of anarchy and hierarchy”, with different combinations of those two characteristics (2007, p.228).

To the degree systems are anarchical, we next consider the degree to which the logic of anarchy may vary from system to system, and relatedly, the degree to which international norms or international society modify the behavior of states in the system. (KAUFMAN; LITTLE; WOHLFORTH, 2007, p.228)

The main objectives of international society are to preserve the international system and society, to preserve the external sovereignty of the states, and to keep the peace, together with the universal objectives of life, truth, and property (BULL, 1977, p.18). Bull also sees four possible different stages: international system, international society, world society (cosmopolitan), and world government (with a notion of sovereignty which transcends state sovereignty) (p.111).

A society of states (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions.(BULL, 1977, p.13)

Still according to Bull, the international society represents the present stage and has the following main institutions: international law, diplomatic mechanisms, administrative system of the great powers, balance of power, and war (1977, p.71). This research has greater interest on the latest two institutions, balance of power and, naturally war. Chapter two, informed by a Clausewitzian perspective, has already extensively discussed the phenomenon of war. Next section will present and discuss balance of power.

3.2 Between balance of power and collective security

The balance of power is among the most influential concepts in International Relations. The longevity of the idea of the balance of power is undeniable. It consists of an ancient notion, more than five hundred years old, which remains present in essential debates (LITTLE, 2007, p.4). IR theorists continue to study and discuss passionately the subject, without managing to achieve a minimum consensus⁷. According to William C. Wohlforth, Stuart J. Kaufman,

⁷ During the last decades, great theorists have written seminal texts with the purpose of indicating how balance of power provides the basis on which any complete comprehension of the international relations ought to begin. Among those works, one may include: Hans Morgenthau - Politics among

and Richard Little, no other concept has been the object of study for as many academic works or would have greater probability of being pronounced by analysts and foreign affairs practitioners (2007, p.1). A recent debate between Wohlforth et al. (2007; 2009) and Mette Eilstrup-Sangiovanni (2009) well demonstrates how disputes regarding not only the validity of balance of power theory, but also about the actual meaning of the concept remain present. For Richard Little, balance of power provides the necessary ingredients to explain the resilience of the modern international system of states (2007, p.3).

As identified by Inis Claude, in *Power and International Relations* (1962), the balance of power may be considered an ambiguous concept, which has been used by different authors, with contradictory meanings. In 1953, Ernst Haas had already identified eight different definitions for balance of power. According to him, the concept could be employed in four different formats: descriptive, prescriptive, normative, and propagandistic (CLAUDE, 1984, p.12). In 1957, confusion regarding the expression balance of power was such that Vernon Van Dyke, in “International Politics”, after spending more than twenty pages dealing with the subject arrived at a distrustful conclusion, which, in a certain way, persists more than fifty years later.

We have been using the term balance without defining it, as everybody knew what it meant. In fact, it is not far from the truth to say that nobody know what it means. (VAN DYKE, 1957, p.219, as quoted in CLAUDE, 1984, p.22)

Claude pointed out three of the most common uses: as a situation (representing either equilibrium, disequilibrium or simply a neutral posture of power distribution, no matter balanced or not); as politics (aiming in creating or preserving the balance); or as a system (possibly the most common use) (1984, p.17-25). Some authors believe that, as a system, balance of power is automatic, while others understand that it is completely dependent on the manipulation of competent statesmen. Frequently, the same author even uses the concept in the same phrase with different meanings. Hans Morgenthau, for instance, declares using the expression in four different senses: a politics aiming to achieve a certain situation; an actual situation; and equivalent distribution of power (equilibrium);

and any distribution of power (MORGENTHAU, 1948, p.125; CLAUDE, 1984, p.25).

Balance of power operates in the absence of other regulating systems. According to Kenneth Waltz (1979, ch. 3), a balance of power occurs when states adjust their respective politics, according to the changes in the world power configuration, in an attempt to equilibrate the distribution of power. Equilibrium will not always take place. Anyway, states will always attempt to avoid others from becoming hegemonic. Waltz argues that the most stable distribution of power is bipolar, since multipolarity permits many variations and different alliances. Other authors argue that multipolar systems are the most stable, even indicating that the existence of five powers would constitute an ideal system. In short, according to Waltz, no state desires the emergence of balance of power. Nevertheless, balance of power emerges as a consequence of the actions of the states, once there is no other security alternative as efficient. Balance of power is inherent to any international system. As may be noticed, there are major discussions concerning whether balance of power is automatic or not, regarding its instability and stability, multipolarity and unipolarity, among others. Those discussions are not the object of this research.

Therefore, the present study is very cautious in the use of the expression. For its purposes, this dissertation will proceed with the contemporary description of balance of power proposed by Richard Little. Little identifies balance of power as a simple, but very efficient applicable metaphor, which transforms the concept of power centered in the agents in a structural concept, in which power is a result of the system, in which the overall distribution of power is constantly readjusted (2007, p.13). Little also argues that frequently the complexity of balance of power is not recognized and acknowledged by realists, since their approach is mostly materialist (p.251-254). According to realists, balance of power is a product of the insecurity experimented by states operating under an anarchical international system.

The English School, on the other hand, associates balance of power to the very existence of the international society. Its approach considers not only material factors, but also ideational ones. A critical ideational factor is the acknowledgement by the great powers of their responsibility in maintaining order in the international society. As a consequence, they ought to maintain the balance of power. Therefore, Bull rejects the idea that balance of power may emerge in an unpredicted way, as a

consequence of the actions of the states. According to Bull, balance of power is a necessary complement to any world order. It is an artifact that (most) states want to see as a desirable final position. In short, balance of power may work only if states want it to work. One must preserve the balance of power in order to maintain order (BROWN; AINLEY, 2005, p.102).

War has a fundamental role in maintaining the balance of power system. Naturally, there are forms other than war to maintain the system, such as: internal balance (weapons run), external balance (alliances), and emulation (to emulate the behavior of the dominant power). In general, balance of power relates to avoid major changes, maintain status quo, or even equilibrium. Nevertheless, conflict resolution demands changes and those changes may occur by means of a war. Therefore, in balance of power, war rather than representing a failure, represents a means of conflict resolution or, in the already mentioned Clausewitz words, “a continuation of politics by other means”. Chris Brown and Kirsten Ainley identify in this extension “the continuity between war and peace” (2005, p.102).

In the twentieth century, the common-sense view of war came to be that it is a pathological phenomenon, that war represents a breakdown, a malfunctioning, of the international system, or, perhaps, a sign of the immaturity of a people or a civilization – this last was the view of, for example, Freud (1985). However, to understand the role of war in a balance of power system, it is necessary to realize that this is mistaken. War is a normal feature of international relations, a normal part of the functioning of the international system, and in no sense pathological, although it may be regrettable. (BROWN; AINLEY, 2005, p.103)

Collective Security was conceived as a possible alternative to balance of power (CLAUDE, 1984, p.94-149) and, consequently, as an attempt to eliminate or, at least, to reduce the risks and scourge of war. Woodrow Wilson engaged in persistent attacks against balance of power, advocating the need of creating the League of Nations, as an instrument to allow the concerted application of power.

The Wilsonian concept of collective security was presented in deliberate and emphatic contrast to the pre-existing balance of power. (CLAUDE, 1984, p.110-111)

Inis Claude argues that collective security consists of a system of power management located in the middle zone of a virtual spectrum, which ranges from balance of power, on one extreme, to global government, on the other (1984, p.95). The development of the notion of collective security is a phenomenon of the beginning of the twentieth century (p.107).

The scheme is collective in the fullest sense; it purposes to provide security for all states, by the action of all states, against all states which might challenge the existing order by the arbitrary unleashing of their power. (CLAUDE, 1984, p.110)

Brian Frederking, benefiting from Alexander Wendt (1999) and Karl Deutsch's previous work (1957), identifies four possible categories of social arrangements: Hobbesian war, Lockeian rivalry, Kantian collective security (in which the use of force is acceptable), and a Kantian security community (in which the use of force is not acceptable) (2003, p.368).

In collective security arrangements, agents identify each other as citizens (rule 1) who are obliged to uphold agreed-upon rules of behavior (rule 2) and act collectively to punish those who do not uphold those rules (rule 3). There is no presumption that actors will universally agree to the directive rules (rule 4); an enforcement mechanism that includes military force is thus needed to punish any transgressors of the rules (rule 5). A collective security arrangement may enforce only the rule of state sovereignty, or it could enforce rules regarding weapons proliferation, terrorism, human rights, and so on. The use of force is considered to be sometimes necessary and acceptable to enforce community rules (rule 6). Collective security orients agents to act with a sense of duty to generate rules of peaceful behavior and punish those who break the rules. Through the explosion of multilateral treaties, Security Council resolutions, UN peacekeeping missions, and nongovernmental organizations, agents have been slowly institutionalizing a global collective security arrangement in the post-cold war world. (FREDERKING, 2003, p.368)

One may argue that League of the Nations constituted the first serious attempt to actually institutionalize a system of collective security. Basically, the League of the Nations was an attempt to create a collective security system which could limit or ameliorate the problem of war (WOHLFORTH, 2013). Collective security, after the First World War, was a conscious substitute for the systems of alliances and balance of power (THAKUR, 2006, p.32). After its failure and the outbreak of World War II, the United Nations emerged as a possible solution, by fixing some of the flaws of the League of the Nations, for the continued implementation of the system. Indeed, the primary purpose of the United Nations is precisely the maintenance of international peace and security (p.2):

[p]redicated on the proposition that war can be prevented by the deterrent effect of overwhelming power being brought to bear against any state contemplating the use of force, collective security entails the imposition of diplomatic, economic and military sanctions against international outlaws. (THAKUR, 2006, p.32)

This author understands that although the collective security and its contemporary main institution, the United Nations, were obviously not able to eliminate wars or the balance of power, it was somewhat successful in attenuating them, reducing significantly the number of war casualties (THAKUR, 2006, p.16-

17). Furthermore, as will be discussed later in this Chapter, the United Nations is also directly related to the very notion of the international community.

The result, from this author's perspective, is therefore a hybrid system, which combines some of the characteristics of balance of power with some of the characteristics of collective security. Contemporary international security, as will be presented and discussed in the next section, developed and continues to operate under this hybrid system. Consequently, its behavior will be always influenced and affected by aspects of both balance of power and collective security, with a prevalence of either one, according to different situations. In this author's world view, most of the times, balance of power prevails.

3.3 Contemporary international security

Since the Peace of Westphalia and the creation of the modern state, humanitarian considerations were sacrificed in the benefit of citizenship, in order to allow the survival and sovereignty of the state and the stability in the international system (LINKLATER, 2007 p.81). For a long time, the locus of legitimate authority has been the sovereign state (BARTELSON, 2010, p.82). Jens Bartelson, considering the question of legitimacy, also identifies a "double bind" between political authority and the use of force (p.82). According to Max Weber:

the state is the form of community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory... The state is regarded as the sole source of the 'right' to use violence. (WEBER, 2004, p.33)

Principles such as non-intervention and self-determination became general rule in international relations and the Charter of the United Nations, in 1945, reiterated those principles (Chapter I). Concerns regarding human rights remained, therefore, in a secondary position during the whole period of the Cold War, notwithstanding the fact that the same Charter had also emphasized their primacy (Preamble) or even the approval of the 1948 Universal Declaration of Human Rights (UN, 1948).

Furthermore, during the period of the Cold War, the imminent threat of military confrontation between the two superpowers led to the almost exclusive preeminence of military aspects of international security (BUZAN; HANSEN, 2009, p.256). In the final years of this period, important debates regarding the expansion of the concept of security began to take place. Those debates

contemplated the possibility and the need to expand the concept of security to include aspects other than military (BUZAN; WÆVER; DE WILDE, 1998, p.7). Such an expansion, as advocated by the School of Copenhagen, would allow for “some widening but retaining the specific sense of (inter)national security as being an exceptional and extreme form of politics” (BUZAN; HANSEN, 2009, p.260). With the end of the Cold War and, especially, with the end of the imminent threat of nuclear conflict, other aspects of the international security definitely began to gain more space and relevance, resulting also in a certain loss of the dominant role of the exclusive military questions (HUYSMANS, 2006, p.20). Later, the debate incorporated even newer approaches, such as the concept of human security, this time weakening the dominant role of the state, questioning the notions of sovereignty, and, naturally, turning the whole issue of the international security even more complex.

In the securitization approach proposed by Barry Buzan, Ole Wæver, and Jaap de Wilde (1998, p.21), the concept of security is directly related to the survival of a certain referent object. By convincingly arguing the presence of an existential threat to a referent object, the security of such an object gains major priority and is put above and beyond political discussions.

If by means of an argument about the priority and urgency of an existential threat the securitizing actor has managed to break free of procedures or rules he or she would otherwise be bound by, we are witnessing a case of securitizations. (BUZAN; WÆVER; DE WILDE, 1998, p.25)

In a more traditional perspective, the referent object is constituted by the state, incorporating its government, territory, and society (BUZAN; WÆVER; DE WILDE, 1998, p.22), or by a certain political community (DALBY, 1997). During the Cold War, the question was dominated by the idea of national security, defined in military terms (BAYLIS, 2011, p.234-235). Traditionalists, such as Stephen Walt, defend the more strict interpretation of the concept, identifying questions of security as those related to the “study of the threat, the use, and the control of the military force” (1991, p.212).

During the final years of the Cold War, as the political-military agenda incorporated new subjects, the idea of expanding the concept of security to include non-military issues and threats began to develop (BUZAN; WÆVER; DE WILDE, 1998, p. 2-3). The approach of security in terms of different sectors, proposed by Buzan, in his classic *People, States and Fear: An Agenda for International Security*

Studies in the Post-Cold War Era (1991), also gained great relevance. According to this approach, the military sector refers to the relations of coercion and the use of force; the political sector refers to the relations between the authority, the government status and recognition; the economic sector encompasses commerce, production, and finance; the societal sector deals with the relations of collective identity; and the environmental sector constitutes of the relations between the human activity and the planet biosphere (BUZAN; WÆVER; DE WILDE, 1998, p.7).

The traditionalist position remained contrary to the expansion of the concept of security to include non-military threats (global warming, migration, etc.) and other non-state objects of reference (humanity, identity, population, individuals, etc.). The main reasoning, according to Walt, was that such an expansion would depreciate the intellectual coherence of the field of the International Relations (HUYSMANS, 2006, p.20). Nevertheless, with the vanishing of the danger of military confrontation between NATO and the Warsaw Pact, the military aspects of the security questions apparently lost their dominant status (p.17). Therefore, issues such as arms control, nuclear deterrence, and military alliances, among others, lost their central role in security studies. Those studies began to encompass a much broader spectrum of questions, including environment, migrations, and refugees, for example (p.15).

With the end of the Cold War, the extension of the market economy to the former members of the “Iron Curtain”, and the intensification of the global financial system of investments and production, the agenda of expanded security gained growing projection and importance (BUZAN; WÆVER; DE WILDE, 1998, p. 211). Such a move also had another important collateral consequence. Due to its the expansion, the concept of international security, which so far was primordially linked to interstate events, became affected by intrastate ones (HUYSMANS, 2006, p.21). Therefore, with the expansion of the concept of security and the redefinition of the concept of sovereignty, international and domestic security became definitely interlocked (HERZ, 2010, p.603). To cope with such a situation, Keith Krause and Michael Williams suggested, in what they called a paradoxical response, that it would be necessary “to broaden the agenda of security studies (theoretically and methodologically) in order to narrow the agenda of security” (1996, p.249).

During the transition period of first years after the end of the Cold War, various humanitarian tragedies took place, such as the Rwandan Genocide, Somalia, and, in a smaller scale but with major impact due to its location in Europe, the massacre at Srebrenica. On all those occasions, the international community, in spite of some mobilization, proved incapable to act to prevent those tragedies (DALLAIRE, 2005; WILLS, 2009). Such situations gave increasing impulse to those defending a broader and deeper approach to security.

Advocates of the development of new international norms which seek to safeguard individual rights in the international society view the state-based norms of collective security of the Charter, particularly the rights of sovereign equality and non-intervention, as failing to meet these ends. (CHANDLER, 2004, p.59)

Bolder approaches to the expansion of the concept of security gained increasing importance, resulting not only in the inclusion of sectors other than military in the debates, but also in new objects of reference for the security: the society, the populations, or even the individual. In those more radical and innovative approaches, the state was replaced as the security object of reference.

In the concept of societal security, the society replaces the state as the object of reference (WÆVER et al., 1993, p.23). Societal security relates directly to the survival of a society and may be defined by the capacity of a certain society to persist, in its essential character, during condition changes and under real or potential threats (p.23).

In human security, the state is replaced by its population (BUZAN; HANSEN, 2009, p.202). The concept of human security proposes that the logic of security must be expanded, beyond territorial defense and national interests, to include the so-called universal concerns, conflicts prevention, as well as an effort to eliminate underdevelopment and poverty. In this case, the object of reference is not the state anymore. It turns to be the population or the individual (p.202). This change in the object of reference entails deep impacts for the international relations and especially for the issue of the humanitarian interventions, as will be discussed in the next Chapter. The concept of human security is of special importance in the context of the present research, since it has a direct relation with many of the interventions of the international community.

Martha Finnemore (1996) identified, since the decade of 1990, the emergence of a new norm for humanitarian interventions. The supposed emergence

of such new norm constitutes another important factor which has characterized the recent increase in the use of force on behalf of the international community.

According to Krause and Williams, treating the individual, rather than the sovereign state, as the object of security may result in three possible different approaches: individuals as persons, citizens, and members of the humanity. The first possibility, treating individuals as persons, opens the state for critical scrutiny and represents a major challenge to the claim that the state provides the only locus of authority and security. The second one, treating individuals as citizens, illuminates the fact that, in many instances, citizenship may paradoxically become a source of insecurity, when the state exerts violence against its own citizens. The third, while treating individuals as members of “transcendent human community”, allows addressing the broadest global threats, such as environmental issues (1997, p.44-45).

One may argue that those different and competing approaches to international security and objects of reference are all present in the contemporary international setting. Those approaches are used by different actors, including the international community, to discursively justify their positions and actions, according to their own interests.

In Brazil, for instance, the recently published National Defense Policy (PND in the original acronym), naturally, maintains the state as the referent object, defining security as:

[...] the condition which allows the Country to preserve its sovereignty and territorial integrity, to promote its national interests, free from pressures and threats, and to assure the citizens the exercise of their constitutional rights and obligations. (BRAZIL, 2013b)

Nevertheless, the same PDN also proves to be up to date in relation to some of the most recent evolutions, by recognizing the gradual expansion of the concept of security, “including political, military, economic, psychosocial, scientific-technologic, environmental, and other fields” and by admitting that security “may focus on the individual, the society, and the State, resulting in definitions with different perspectives” (BRAZIL, 2013b).

3.4 The question of the use of force, the political, and the enemy

Jean-Jacques Rousseau, in *Du Contrat Social* (1762), defined force as physical power (2003, p.3). In a more contemporary definition, one may argue that the use of force consists of violent means applied by a politically controlled military system (KJEKSRUD, 2009). According to Colin Gray, “force may be an instrument of policy for states, for factions within states, or for movements and groups that lack any particular state affiliation” (2004, p.15).

There is a direct link between war and the use of force. Peter Paret identified that the means of war consist basically in the use of force or the threat of use of force (1986, p.207). For Hedley Bull, in *The Anarchical Society*, war is “organized violence carried on by political units against each other” (1977, p.184). This means that, for him, the use of force corresponds to the notion of war only if conducted by an organized political unit against another one.

In Clausewitz’s perspective, as thoroughly discussed in the previous chapter, force constitutes the *means* of war, while the *object* is to impose our will on the enemy (2007, p.13). The degree of force to be used against the enemy is always directly dependent of the levels of political demands of both sides plus the resources available. He proposes an interesting relationship between the need to the use of force in war and the use of cash payment in commerce:

[t]he decision by arms is for all major and minor operations in war what cash payment is in commerce. No matter how complex the relationship between the two parties, no matter how rarely settlements occur, they can never be entirely absent. (CLAUSEWITZ, 2007, p.40)

According to Clausewitz, a given belligerent would, in principle, normally use no greater force than what he thinks would be enough to achieve his political purposes (2007, p.229). In order to gauge the amount of resources necessary to be mobilized for war, one must examine up front his own political will as well as the enemy’s (p.230).

From the evidence already presented in this section, it is clear that the question of use of force, whether in war or not, is intrinsically related to the notion of the political and to political power. Of these, the notion of the political is likely the most disputed. Nevertheless, with the assistance of thinkers such as Hans Morgenthau, Norberto Bobbio, Max Weber, and, especially, Carl Schmitt, one may

reach a working understanding of the political, which will be helpful for purposes of this doctoral dissertation.

Hans Morgenthau distinguishes clearly between political power and force:

[p]olitical power must be distinguished from force in the sense of the actual exercise of physical violence. The threat of physical violence in the form of police action, imprisonment, capital punishment, or war is an intrinsic element of politics. [...] In international politics in particular, armed strength as a threat or a potentiality is the most important material factor making for the political power of a nation. (MORGENTHAU, 1948, p.13-14)

Norberto Bobbio (1987) contends that what distinguishes political power from other forms of power is exactly the possibility of the use of force. Max Weber affirms that “for politics the decisive means is force” (1919, p.44). He considers that the political character of a social group can only be defined by a means which, although not exclusive, is specific and crucial to its essence: the use of force (p.56). Colin Gray, following the same line of thought, argues that “politics is about power” and “military force is the ultimate form of power” (2007, p.97).

At this point, the ideas of Carl Schmitt, expressed in *The Concept of the Political* are especially enlightening. Schmitt centers the essence of the political in the distinction between friend and enemy: “the specific political distinction to which political action and motives can be reduced is that between friend and enemy” (1996, p. 26).

According to Schmitt,

The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation. It can exist theoretically and practically, without having simultaneously to draw upon all those moral aesthetic, economic, or other distinctions. The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general nor by the judgment of a disinterested and neutral third party. (SCHMITT, 1996, p.26-27)

For Schmitt, political thought and instinct are theoretically and practically the ability to distinguish friend and enemy. Politics reaches its highest point when the enemy is clearly identified as the enemy (1996, p.67). Regarding the notion of the enemy, benefiting from Hegel, Schmitt sees the enemy as a negated otherness. A relation between enemies is a mutuality of negations, which bear the danger of war (p.63).

For only in real combat is revealed the most extreme consequence of the political grouping of friend and enemy. From this most extreme possibility human life derives its specifically political tension. (SCHMITT, 1996, p.35)

One may consider this discussion regarding the distinction of friend and enemy, from a poststructuralist perspective, as a distinction between self and other. David Campbell, in *Writing Security* (1992), emphasized the importance of the “other” in the construction of the identity of a state, and the propensity of turning this self-other distinction in radical and threatening “otherness”.

‘Security’ thus became an ontological double requirement; the state needed to be secure, but it also needed the threatening Other to define its identity, thereby giving it ontological security. (BUZAN; HANSEN, 2009, p.218)

One may easily enlarge those arguments regarding the construction of state identity to incorporate other social groups, including groups of states, international organizations and coalitions, and even the international community. For Jeff Huysmans, *The Concept of the Political* represents a great illustration of how defining what is political from what is non-political is part of the political struggle in modern politics (2008, p.169). Alexander Wendt argues that

rogue states are also constituted by social relations to other states in the form of the representational practices of the international community (and of the Great Powers in particular). (WENDT, 1998, p. 113)

In short, for the purposes of the present argument, the notion of the political will be defined by the possibility of using force and, most importantly, by the distinction between friend and enemy. Whether, on the one hand, this definition may seem natural when dealing with the use of force in war, as debated in the previous chapter; on the other hand, it will be of major importance when dealing with the question of the use of force on behalf of the international community. Furthermore, one should not ignore the contingent nature of the materialization of friendly and enmity relationships. In different situations, friends may become foes and vice-versa. The next section will deal exactly with the concept of the international community.

3.5 The international community

In 1795, Immanuel Kant sketched, in his masterpiece *On Perpetual Peace*, the concept of “a federation of nations which, however, would not have to be a State of nations” (1917, p.129), in an attempt to reduce conflicts and to promote

world peace. Nevertheless, the actual implementation of the idea of an international community is rather recent. Edward H. Carr, in another work seminal to the discipline of International Relations, *The Twenty Years' Crisis*, asked: “is there an international community?” (1939, p.162). Presently, the expression international community is often used, by different actors and with diverse meanings, such as “the notional collectivity of all humankind” (GRAY, 2007, p.283) or as “the states that make up the world, often in the attempt to make the most powerful ones respond to a problem, war, or crisis” (BAYLIS et al., 2011, p.567). Since this research deals with the use of force on behalf of the international community, one of the main questions which ought to be addressed concerns what does the expression international community actually mean.

Generally speaking, “a community may be described as a human association in which members share common symbols and wish to cooperate to realize common objectives” (BAYLIS, 2011, p. 561).

Emanuel Adler and Michael Barnett define a community by three basic characteristics: 1) members of the community must have shared interests, values, and meanings; 2) they must also have “many-sided and direct relations ... through some form of face-to-face encounter and relations in numerous settings”; and 3) they must display some reciprocity which expresses a level of “long-term interest and perhaps even altruism” (1998, p.31).

Drawing on the work of Andrew Linklater, Alex Bellamy points out that community membership implies in a certain set of rights and duties:

- The community bestows rights on the individual members by virtue of their membership.
- Members of a community have a right to participate in the political life of the community.
- Members of a community are obliged to fulfill whatever duties are expected of them. (BELLAMY, 2004, p.55)

Unless community members have identical views regarding collective goals or about how to realize them, politics will exist inside the community. Furthermore, as much as the community wishes to govern itself and to be free of alien rule or domination, it turns into a political community. Commitment to self-rule is an essential characteristic of a political community (LINKLATER, 2011, p.530).

Regarding specifically the international community, there are still many discerns concerning its precise meaning, its origins, and even its existence. Carr, answering his own question, formulated at the beginning of this section, argued that

[i]t has already been shown that there is in fact a widespread assumption of the existence of a world-wide community of which states are the units and that the conception of the moral obligations of states is closely bound up with this assumption. There is a world community for the reason (and for no other) that people talk, and within certain limits behave, as if there were a world community. (CARR, 1939, p.162)

Nonetheless, Carr also recognized that it would be dangerous to suppose that this hypothetical community possesses the coherence of other communities of more limited size, including the state (1939, p.162). In Carr's perspective, the international community has less coherence for two main reasons: the principle of equality between members of the community is not applied; and the principle that the good of the whole should take precedence over the good of a part is normally not accepted (1939, p.162). One ought to notice that Carr wrote before the creation of the United Nations and its Charter, which tried to reduce some of the inequalities identified by Carr.

More than fifty years later, the dilemma seems to persist. Colin Gray, for his part, frequently identifies the international community as a "fictional body" (2007, p. 231). For Paul Rahe, "there is no international community". He considers that "the phrase is an empty rhetorical gesture that conceals the worst of all wishful thinking" (2002, p.148). Arjun Appadurai (2009) argues that it "is neither international nor a community". Kofi Annan (2009), on the other hand, argues that "the international community does exist" and affirms that "it has an address", the United Nations.

In a recent article, *What is the International Community?* (2013), former French Prime Minister Michel Rocard provides the following interpretations of the concept of the international community:

For some, an international community simply does not exist. For others, the term refers, more pragmatically, to all countries when they decide to act together. Still another, more accurate definition encompasses all countries with international influence – that is, any country whose identity and sovereignty is recognized, and that chooses to participate in global discussions and decision-making. (ROCARD, 2013)

Assuming the existence of an international community, another question which ought to be addressed is about who decides for that community. According

to Colin Gray, the international community “makes its appearance on the stage of the UN in New York” (2007, p.274) In the present context, one may argue the best, most natural, and most legitimate representation of the international community is the United Nations. The UN “carries the mantle for the international community” (ROCARD, 2013):

[t]he United Nations is the obvious body through which the world should debate, decide, and confront the question of military intervention to prevent genocide (or its related manifestations such as ethnic cleansing). (HEHIR, 2002)

Bardo Fassbender, a Professor of International Law at the University of the Bundeswehr in Munich, argues that the international community is a community based on an agreement on a limited set of fundamental rules and that the UN Charter should be interpreted as the constitution of that very community (2007, p.71).

Nevertheless, the decision-making power of that organization, especially regarding subjects related to the international security, resides only in its most closed “club”, the Security Council and, more specifically, its five permanent members. The Security Council, according to Ramesh Thakur, suffers, nevertheless, from a “quadruple legitimacy deficit: performance, representational, procedural and accountability” (2006, p.302). Many different debates and propositions concerning the need to reform the Security Council are presently ongoing. Nevertheless, those discussions seem to remain far from achieving a common agreement. Meanwhile, many actors, especially in the Global South, complain about a democracy deficit in the international. This view is corroborated by some preeminent scholars of cosmopolitanism, such as Andrew Linklater, who affirms that:

[g]lobal structures violate commitments to the politics of consent: there is a global democratic deficit that must be reduced if worldwide arrangements are to be legitimate. (LINKLATER, 1999, p.477)

Noam Chomsky (2002), although considering that this literal sense of the international community is reasonably clear, observes that there are other dangerous “technical” interpretations which frequently challenge the original one. He argues that the term is frequently used, for instance, to portray the United States and its allies. Others, with an even broader interpretation, defend that the international community represents

a ‘moral ideal’ (Kant might have said, a ‘regulative principle’ of practical reason) shaping our evaluation of and individual national responses to crises like humanitarian disasters and terrorism. (LUCAS Jr, 2003, p.130)

Depending on the world view, one may argue that the very concept of the international community represents an attempt to cope with anarchy. The international community is not invested with hierarchical authority over the states, especially regarding the monopoly of the use of force. Nevertheless, it aims in acquiring a level of legitimacy, which may provide justification for intervention in other states’ affairs, including the use of force. Those situations, in theoretical terms, would neither be war between states nor intrastate Weberian sovereign power authority.

In short, for its purposes, this dissertation will assume a narrow definition of the international community, centering its existence mainly at the United Nations, as proposed by Gray, Hehir, Rocard, and Fassbender. Nevertheless, an attempt to move to a broader and looser definition will also be useful especially when applying the Clausewitzian trinity to the international community, as will be discussed in chapter 5.

3.6 The question of the legitimacy

The effectiveness of the global collective security system, as with any other legal order, depends ultimately not only on the legality of decisions but also on the common perception of their legitimacy — their being made on solid evidentiary grounds, and for the right reasons, morally as well as legally. (UNITED NATIONS, 2004a, p.57)

The question of the legality and legitimacy regarding the use of force in the international is certainly not a new one. The *Just War Tradition* (JWT), for instance, had its origins centuries ago and was largely debated and documented in the writings of Augustine, Aquinas, and specially Grotius. During the crusades, for instance, “the importance attached to the just cause demanded that those who were perceived to be threatening the community had to be shown to be genuine injurers” (RILEY-SMITH, 2001, p.130). Nevertheless, placing limits on the legitimate use of force remains a major challenge of the international community (p.289).

Traditionally, international law governing the use of force is divided in two main segments: *jus ad bellum*, which deals with the conditions when force may be

used or war may be waged; and *jus in bello*, which deals with how force must be used once war has started (REUS-SMIT, 2011, p.287).

Before the UN Charter, one of the key precepts regarding *jus ad bellum* was the notion of just cause. Just cause initially corresponded to the idea that “waging war was justified morally as well as legally, if a state was responding to an unwarranted attack or seeking reparations for damages” (p.288). Later, during the nineteenth century, the more permissible thought was that “war was justified if it served a state’s vital national interest”. One may argue that those conditions besides providing great latitude for the use of force by different states, were also ambiguous and controversial, giving range to different interpretations.

In 1945, the UN Charter, however, established major limitations for legal use of force. The right of unilateral use of force by member states was confined to self-defense situations, according to Article 51. Nevertheless, the Charter also created the conditions of possibility for the use of force on behalf of the international community, as prescribed in Chapter VII. The UN incorporated the proscription on the use of force for national objectives, but inserted prescriptions to the use of force in support of the international authority (THAKUR, 2006, p. 30).

The question of legitimacy has always been an important concern of the use of force by states. Michael Walzer argues, in his classic *Just and Unjust Wars* (1977), that the non-intervention paradigm and consequent “ban on boundary crossing is subject to subject to unilateral suspension” in three cases: 1) two political communities are already engaged in secession or “national liberation; 2) when the boundaries have already been crossed by the army of another country; 3) in cases of “terrible” human rights violations, which makes “cynical or irrelevant” to talk of community or self-determination (2006, p.90). Walzer acknowledges, nevertheless, that although those criteria reflect deep and valuable commitments to human rights, their effective application is “difficult and problematic” (p.108). This author agrees with Walzer and argues that the level of subjectivity of such criteria and the lack of an adequate measure tool, especially regarding the third one, which deals with “terrible” human rights violations, often contributes to different interpretations and discourses by distinct nations and organizations regarding a certain scenario or event.

When dealing with the use of force on behalf of the international community, the question of legitimacy turns even more essential. The *2004 Report*

of the *High-level Panel on Threats, Challenges and Change* identifies five basic criteria of legitimacy in order to decide on the authorization of the use of force by the Security Council:

- (a) Seriousness of threat. Is the threatened harm to State or human security of a kind, and sufficiently clear and serious, to justify *prima facie* the use of military force? In the case of internal threats, does it involve genocide and other large -scale killing, ethnic cleansing or serious violations of international humanitarian law, actual or imminently apprehended?
- (b) Proper purpose. Is it clear that the primary purpose of the proposed military action is to halt or avert the threat in question, whatever other purposes or motives may be involved?
- (c) Last resort. Has every non-military option for meeting the threat in question been explored, with reasonable grounds for believing that other measures will not succeed?
- (d) Proportional means. Are the scale, duration and intensity of the proposed military action the minimum necessary to meet the threat in question?
- (e) Balance of consequences. Is there a reasonable chance of the military action being successful in meeting the threat in question, with the consequences of action not likely to be worse than the consequences of inaction? (UNITED NATIONS, 2004a, p.57-58)

Although those criteria, at a first glance, may look simple, their actual interpretation and application proves to be subjective rather than objective. The questions proposed by those criteria continue to be object of great debate, whenever the international community deals with an allegedly need to use force, as will be discussed in the next chapter and, more empirically, in chapter 7, when dealing with the 2011 intervention in Libya.

3.7 Partial conclusions

This chapter discussed the role of the international community in the international system, mainly focusing on the question of the use of force. From a strict Realist perspective, one could argue that the notion of the international community is irrelevant and that what really matters are the disputes between the great powers, which results in the balance of power. However, one must also acknowledge that the attempt to create a system of collective security, although not capable of fully replacing the balance of power, as intended by Wilson, was somewhat successful. It is unquestionable that the number of international conflicts and consequent casualties were deeply reduced after the Second World War and the establishment of the UN as the basis for a collective security system.

From this researcher's perception, the international community operates and is deeply influenced by an international system, which combines some of the characteristics of balance of power and some of the characteristics of collective security. Contemporary international security is not only a product of those influences but also a result of the transformations which occurred during the last decades, including the introduction of non-military sectors and threats, as well as objects of reference other than states. The use of populations as objects of reference for security is directly linked, at least discursively, to many of the recent cases of use of force on behalf of the international community, as the next chapter will present.

When dealing with the question of the use of force, its political nature became clear. Clausewitz had already identified the obvious link between the political and the use of force in war. Although, the notion of the political is sometimes controversial and disputed, this dissertation arrived at an understanding of the political as defined by the possibility of using force and, most importantly, by the distinction between friend and enemy. This understanding will be of major relevance for the development of a theory of the use of force on behalf of the international community, as chapter 5 will propose.

Regarding specifically the international community, this doctoral dissertation agrees with the scholars who advocate its existence and embraces a narrow notion, in which its main institution is represented by the UN. Nevertheless, broader definitions will also be of major value, especially when trying to apply the Clausewitzian trinity in the development of a new theoretical framework.

Finally, this chapter dealt with the question of legitimacy of the use of force and its requirements. This discussion contributed to setting the stage for a better understanding of the different interventions of the international community, which will be presented in the next chapter.

The notion of international community and the use of force on its behalf also bring along many intriguing questions. Is there a hierarchy between the international and the local community? While under intervention, is the state still part of the international community or is it treated as a "barbarian"? Is it possible to draw boundaries between the international community and a state under intervention? Would it be the case of a community (international) waging a "war"

with another community (national, local) which is part of this very community?
Next chapters will attempt to illuminate some of those questions.

4

The evolution of the use of force on behalf of the international community

The previous chapter introduced the notion of the international community. This chapter will deal with the different forms of intervention by this community, which can result in the use of force on its behalf. The main emphasis will naturally be on peacekeeping and humanitarian intervention. The subsequent topics will explore the evolution of those concepts, their differences and possible intersections.

In a first step, this chapter will present the evolution of peacekeeping, from its early configurations, in the aftermath of World War II, to contemporary structures and mandates, with special focus on the consequences and repercussions of the increase in the levels of the use of force. Then, it will deal with the debates regarding humanitarian interventions, the emergence of the concept of the responsibility to protect (R2P), and the Brazilian-proposed corollary, the responsibility while protecting (RwP).

Finally, attention will be paid to how these forms of intervention are perceived and considered by distinct theoretical approaches of International Relations (IR). In order to provide a broad view of different available IR approaches, this chapter includes (neo-)realist, liberal, cosmopolitan, constructivist, poststructuralist, and postcolonial approaches.

4.1 From traditional to robust peacekeeping

Peacekeeping operations did not appear anywhere in the UN Charter and did not exactly fit in any of its chapters. According to Boutros Boutros-Ghali, UN Secretary-General from 1992 to 1996, “Peace-keeping can rightly be called the invention of the United Nations” (1992, p.14). Mainly conceived by Dag Hammarskjöld, UN Secretary General from 1953 to 1961, and Lester Pearson, then Canadian Minister of Foreign Affairs, peacekeeping emerged as a creative and somewhat successful instrument to solve certain punctual conflicts (URQUHART, 1987, p.133). Brian Urquhart, former UN Under-Secretary-General for Special

Political Affairs⁸, offers the following account in his autobiography *A Life in Peace and War* (1987):

The modus operandi of peacekeeping operations, [...], was then a first experiment, a complete innovation. We were asking soldiers, against all tradition and training, to take part in non-violent operations in a critical situation – operations, moreover, which were not under the control of their own governments. The new peacekeeping operations touched on the most delicate issues of military psychology, national sovereignty, international politics, and national and international law. (URQUHART, 1987, p.137)

Hammar skjöld, using an expression coined by Cyro de Freitas Valle⁹, a Brazilian who served as the second president of the UN Security Council, referred to peacekeeping as belonging to “Chapter VI and a half” (HILLEN, 1998, p.10). In other words, peacekeeping was initially positioned between the traditional methods of pacific settlement of disputes of Chapter VI, such as mediation, and the forceful “all necessary measures” of Chapter VII, such as embargos and military intervention. “Peacekeeping evolved in the grey zone between pacific settlement and military enforcement” (THAKUR, 2006, p.34) or, according to William Durch, “evolved as an alternative to the collective security that the UN was designed to provide but could not” (1993, p.151).

In keeping with this progression, the initial mandates for traditional peacekeeping operations were exclusively under Chapter VI. In order to assure the approval of all five permanent members of the Security Council, the first peacekeeping operations did not include provisions to use force.

The key principles of peacekeeping were established during this period: impartiality, consent, and non-use of force except in self-defense. Those principles are so important for the construction of peacekeeping that some authors, as already presented in the introductory chapter, refer to them as the “holy trinity” of

⁸ Brian Urquhart served the United Nations for four decades. He started as one of its very first staff members and ended up as an Under-Secretary-General for Special Political Affairs. At the time of the events, he was serving as an advisor in the Office of Secretary General Dag Hammar skjöld.

⁹ Although the “Chapter VI and a Half” formulation is normally attributed to Dag Hammar skjöld, the expression was actually coined by Cyro de Freitas Valle, a Brazilian diplomat, who served as the 2nd President of the United Nations Security Council (17 February – 16 March 1946). The original quote is traced to documents of the UNEF Advisory Committee in the UN Archive, UNA-DAG-1, 5.0.1.0., Box 1. In Manuel Fröhlich. “Keeping Track of UN Peace-keeping: Suez, Srebrenica, Rwanda and the Brahimi Report”. In Jochen A. Frowein and Rüdiger Wolfrum, eds. *Max Planck Yearbook of United Nations Law*. Vol. 5. New York: Kluwer Law International, 2001; pp. 185-248; as quoted in Kai Michael Kenkel, Five generations of peace operations: from the ‘thin blue line’ to ‘painting a country blue’. *Revista Brasileira de Política Internacional*. Year 56, n.1. Brasília, DF, January - June 2013.

peacekeeping (BELLAMY; WILLIAMS, 2010, p.96). Traditional peacekeeping tried strictly to observe these principles.

[R]eluctance to use force is consistent with the traditional conception of peacekeeping as an impartial activity undertaken with the consent of all parties, in which force is used only in self-defense. (CHESTERMAN, 2005, p.2)

In their initial conception, those operations were “expressly non-threatening and impartial” (BERDAL, 1993, p.3). Consequently, traditional peacekeeping also tended to be more non-political. According to Hammarskjöld’s formula, the UN would temporarily intervene within states with “no effect on internal politics” (ORFORD, 2011, p.88). This stance is also shared by Patrick Cammaert, a former chief military advisor in the UN: “*Peacekeeping operations should ‘a priori’ be non-political*” (CAMMAERT, 2003, p.15). The report submitted by then UN Secretary-General Hammarskjöld regarding the functioning of the United Nations Emergency Force (UNEF), in 1956, clearly reflects traditional peacekeeping operations *modus operandi*, as envisioned by its main architect:

there was no intent in the establishment of the Force to influence the military balance in the current conflict, and thereby the political balance affecting efforts to settle the conflict (UNITED NATIONS, 1956)

During the Cold War, the tasks assigned to peacekeeping operations were relatively simple and not very ambitious: supervising cease fires and armistices; establishing demilitarized zones; and the separation of forces, normally in well delimited areas with low population density. The uncomplicated structures of those missions generally reflected those more limited and less ambitious objectives. Furthermore, their simple and straightforward organizational charts, with only a few and indispensable units, also reflected the attempt to have a non-political behavior, not interfering on the internal politics of the states nor in the political balance between them, focusing mostly on the military component. Figure 4.1 presents the general structure of a traditional UN peacekeeping mission.

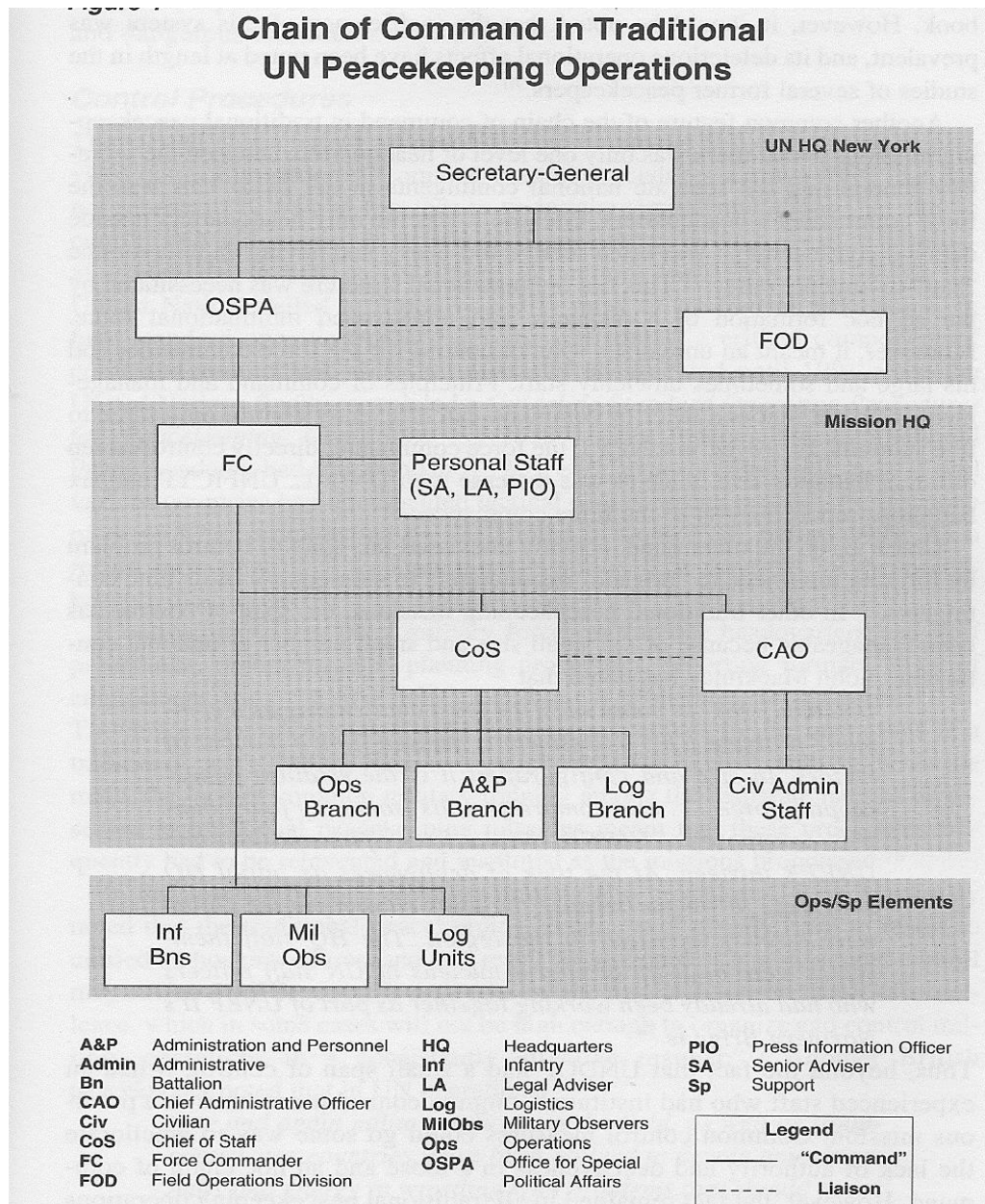


Figure 4.1 – General structure of a traditional UN peacekeeping mission
(Source: HILLEN, 1998, p.97)

Figure 4.2 presents, as an illustration, the actual structure of the United Nations Disengagement Observer Force (UNDOF). UNDOF was created in 1974, by UN Security Council resolution 350, to maintain the ceasefire between Israel and Syria; supervise the disengagement of Israeli and Syrian forces; and supervise the areas of separation and limitation, as provided in the May 1974 Agreement on Disengagement (UNITED NATIONS, 1974). In 2014, the mission, although severely affected by the crisis in Syria, continues to exist and to perform its tasks, preserving nowadays the same overall structure of a traditional peacekeeping

mission. As one may notice, UNDOF presents a very simple structure, focusing mainly in the military component.

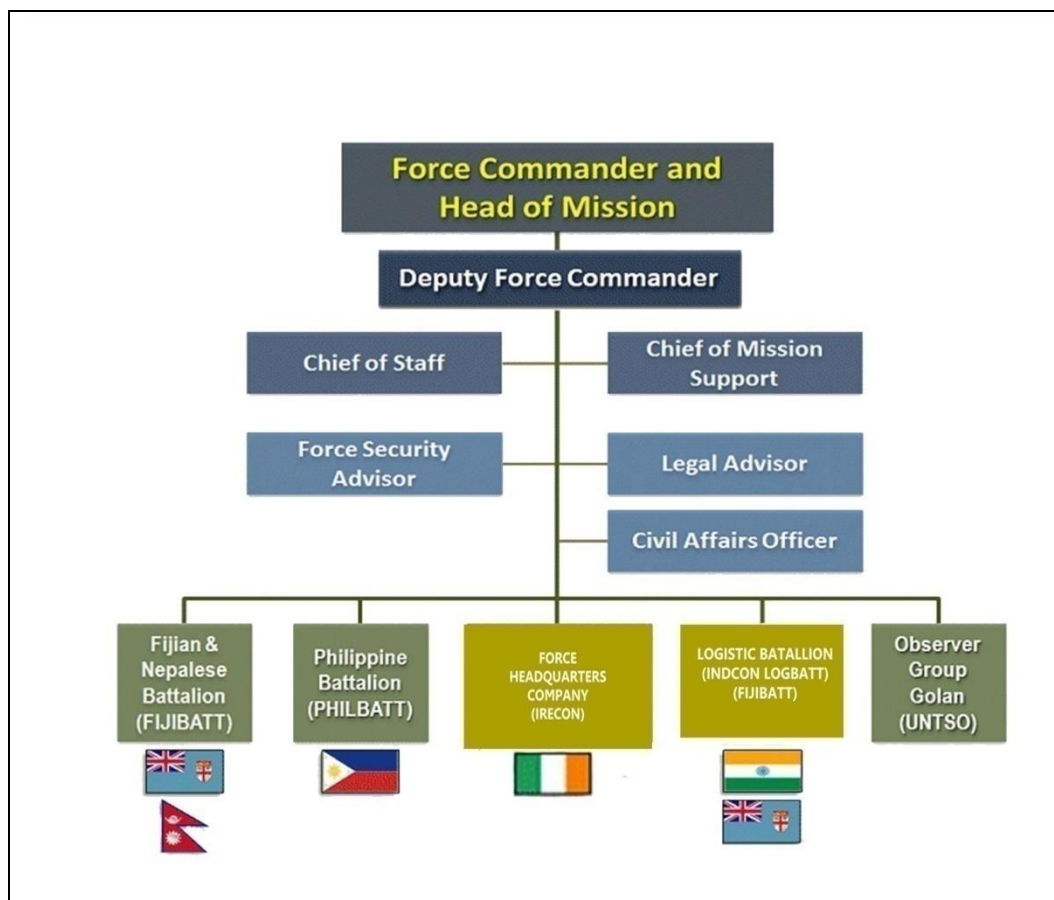


Figure 4.2 – Structure of UNDOF (Source: UNDOF website¹⁰, 2014)

The greatest exception, in all respects, was the “*Opération des Nations Unies au Congo*” [United Nations Operation in Congo] - ONUC (1960/64), which included the authorization to use force (HILLEN, 1998, p.29). ONUC’s mandate was approved under very atypical circumstances.¹¹ The final results were not very satisfactory: great loss of life for the UN, including Secretary General Dag Hammarskjöld, and an abysmal economic crisis in Congo (FETHERSON, 1994, p.45). According to William Durch (1993), such traumatic results “helped to ensure that the U.N. funded no new peacekeeping operation for a decade”. Furthermore, sixty years have passed and the UN is still struggling in Congo, this time with the *Mission de l’Organisation des Nations Unies pour la Stabilisation en République*

¹⁰ <http://www.undof.unmissions.org/Default.aspx?tabid=9231&language=en-US> (accessed on 06 September 2014)

¹¹ The Resolution was passed during a period in which the Soviet Union was boycotting the Security Council. It was approved by the General Assembly using a previous “Uniting for Peace” resolution.

Démocratique du Congo [United Nations Organization Stabilization Mission in the Democratic Republic of the Congo] (MONUSCO).

During the decade of 1990, the end of the Cold War brought major changes, new challenges in the international scenario and, most importantly, greater maneuver latitude to Western powers. The context within which force was used under UN auspices also evolved radically (CHESTERMAN, 2005, p.2). One may argue that the end of the Cold War, as presented in the previous chapter, opened the window of peacekeeping to more politically oriented mandates. There were also new postcolonial disputes, as well as more intrastate conflicts.

In 1992, UN Secretary-General Boutros Boutros-Ghali published a report, *An Agenda for Peace*, evaluating the new international scenario and identifying new tasks (BOUTROS-GHALI, 1992). The report identified five key activities: preventive diplomacy, peacemaking, peacekeeping, post-conflict peacebuilding, and peace enforcement (p.5-7). Regarding peacekeeping, which the document argue that could “can rightly be called the invention of the United Nations” (p.13), there were important considerations. It emphasized that the deployment of UN forces in the field should have “the consent of all parties concerned” (p.6).

Such a report and, more specifically, the *Supplement to An Agenda for Peace* (UNITED NATIONS, 1995b) reasserted a strict dichotomy between peacekeeping and peace enforcement actions, for which consent was not required (CHESTERMAN, 2005, p.11). In 1996, Marrack Goulding, a senior UN official, while directing the Department of Political Affairs (DPA), after having directed DPKO for seven years (1986-1993), expressed in an article published in *International Peacekeeping* his understanding that United Nations ought to be absolutely clear about whether it was intervening as “an impartial peacekeeper or as an avenging angel to punish the wicked and protect the righteous” (GOULDING, 1996, p.15-16; CHESTERMAN, 2005, p.18).

In the mid-1990s, the hurdles regarding the use of force in peacekeeping beyond self-defense remained very clear, as reflected in the UN Department of Peacekeeping Operations (DPKO) *General Guidelines for Peacekeeping*:

Peacekeeping and the use of force (other than in self-defence) should be seen as alternative techniques and not adjacent points on a continuum. There is no easy transition from one to the other. (UNITED NATIONS, 1995a, p.21-22)

At this point, it is crucial to notice that, in spite of such official discourse of clear differentiation between peacekeeping and the use of force, the following paragraphs will clearly demonstrate that, contrary to the official discourse, peacekeeping operations and the use of force began increasingly performing in a continuum. Actually, in the new and challenging scenario which surfaced with the end of the Cold War, the United Nations employed peacekeeping in much more ambitious tasks (TALENTINO, 2005, p.19-55). Consequently, there was a growing demand for the use of force.

Both the authorization and the use of force have come about for several reasons: first, due to the number of attacks against civilian and military personnel engaged in peacekeeping operations; secondly, in order to more effectively carry out difficult mandates; and thirdly, due to more complex conflict situations in which peacekeepers are engaged. (COX, 1999, p.257)

In 1993, the United Nations Operation in Somalia II (UNOSOM II) was the first mission organized and effectively commanded by the UN explicitly mandated under Chapter VII (FINDLEY, 2002, p.184). The increasing use of force by UN peacekeeping operations after the end of the Cold War contributed to narrow the gap which previously existed between peacekeeping and peace-enforcement (COX, 1999, p.241).

In some peacekeeping operations, the pressure to use more force, exercised by different actors of the international system, especially permanent members of the Security Council, generated existential conflicts inside the mission. The comments of British General Sir Michael Rose, Commander of the United Nations Protection Force (UNPROFOR), in former Yugoslavia, when addressing pressures from the US government, well demonstrate this matter:

If someone wants to fight a war here on moral or political grounds, fine, great, but count [the United Nations] out. Hitting one tank is peacekeeping. Hitting infrastructure command and control, logistics, that is war, and I'm not going to fight a war with white-painted tanks. (ROSE, as quoted in BARNETT, 1995)

The example above constitutes one among many other situations in which demands for a more intense use of force were present. In MINUSTAH, likewise, the Brazilian leadership, especially in the beginning of the mandate, was target of very intense pressures, from US, France and Canada, to increase the levels of force, as will be presented and discussed later in chapter 6.

Initially, however, the more complex and ambitious tasks were not supported by either necessary resources or adequate mandates. Consequently, in

some situations, the peacekeeping force was incapable of avoiding humanitarian tragedies, such as in Rwanda, Somalia, and Srebrenica. There was certainly a capability gap between the more ambitious objectives and the means available inside the peacekeeping mission.

Based on those failures, UN sponsored a major panel to discuss its future role. The final report, known as the *Brahimi Report* (UNITED NATIONS, 2000) presented severe criticism regarding the way peacekeeping operations had been conducted, advocating deep modifications. Such a level of criticism was very unusual for an official UN panel. Nevertheless, the report was fully endorsed by both the Security Council and the General Assembly. One of the most important conclusions was that, in order to be able to face more complex tasks, it would be necessary that peacekeeping missions had adequate mandates and military capabilities. The result was a new generation of peacekeeping operations: complex, multidimensional and integrated. Future mandates would also be under Chapter VII, in order to allow all necessary measures, including the use of force (BELLAMY; WILLIAMS, 2010, p. 90). The *Brahimi Report* certainly constitutes one of the most important milestones in the history of the evolution of peacekeeping.

The Report also brought important discussions regarding the principles of peacekeeping, reaffirming that “consent of the local parties, impartiality and the use of force only in self-defence should remain the bedrock principles of peacekeeping” (UNITED NATIONS, 2000, p. ix). Nevertheless, it proposed a different interpretation and “evolution” regarding impartiality. Impartiality in relation to the parties involved was to be replaced by impartiality in relation to the mandate.

Impartiality for such operations must therefore mean adherence to the principles of the Charter and to the objectives of a mandate that is rooted in those Charter principles. Such impartiality is not the same as neutrality or equal treatment of all parties in all cases for all time, which can amount to a policy of appeasement. (UNITED NATIONS, 2000, p.9)

As recommended by the *Brahimi Report*, the structures of peacekeeping missions turned more sophisticated, integrated, and complex. Those structures included the different areas and branches, responsible to tackling, in an integrated approach, the much more ambitious political objectives pursued by contemporary peacekeeping with “more robust rules of engagement” (UNITED NATIONS, 2000, p.9). According to Bellamy, such an innovation of integrated missions “have

aligned peacekeepers more closely with contestable political objectives” (2014, p.1). Figure 4.3 presents the general model structure of a contemporary, multidimensional, and integrated UN peacekeeping mission, as presented in the recently released *United Nations Force Headquarters Handbook* (UNITED NATIONS, 2014h), with its multiple components and agencies.

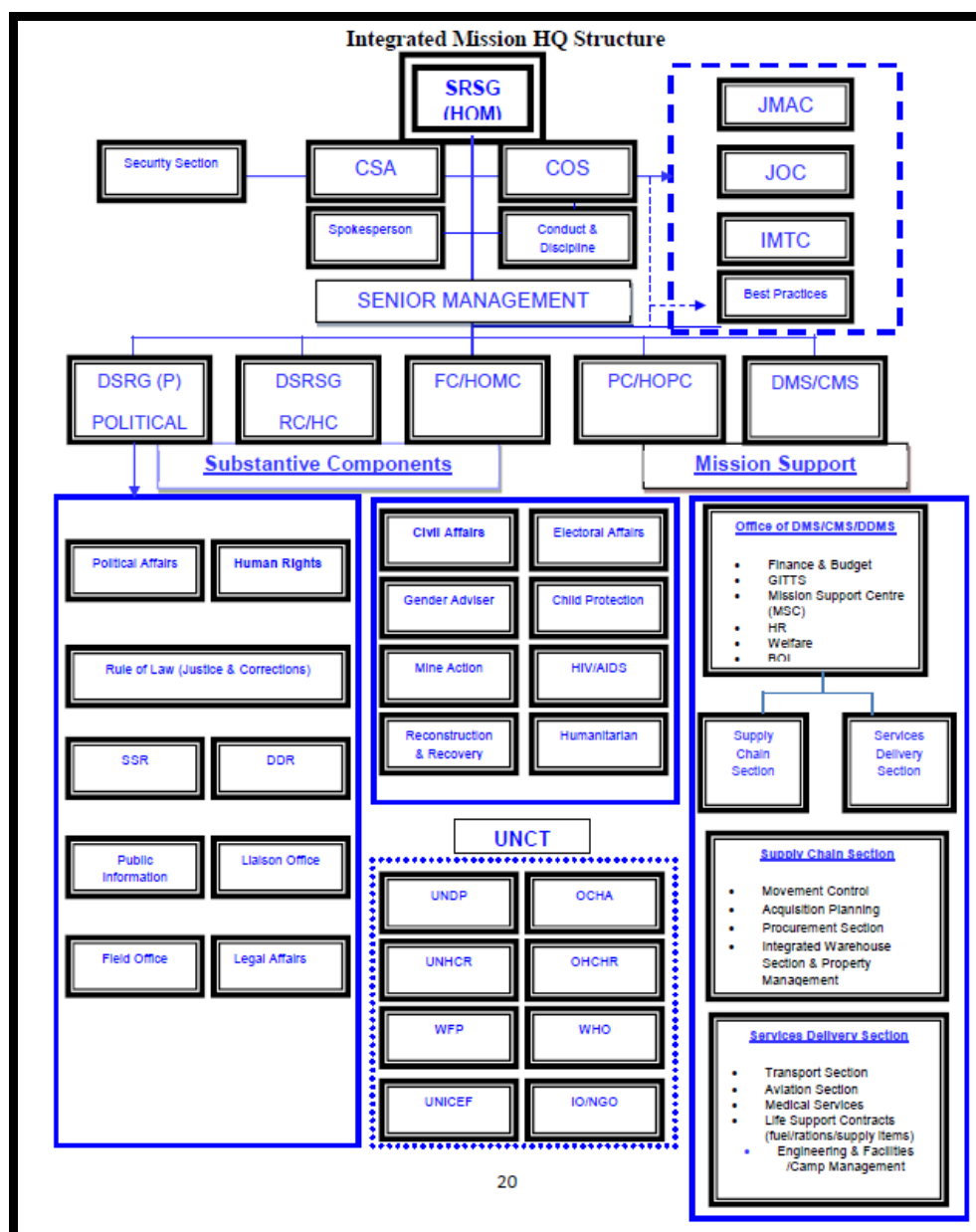


Figure 4.3 – General model structure of a UN contemporary multidimensional integrated mission (Source: United Nations Force Headquarters Handbook, 2014)

As one may promptly notice, the general structure of these contemporary missions (figure 4.3) once compared with general structure of former traditional peacekeeping missions (figure 4.1) present major innovations and a myriad of new components. The multidimensional structure and the presence of distinct

components, including a political one, clearly reflects the intent of having a more political posture.

Figure 4.4 presents the actual structure of the United Nations Organization Mission in the Democratic Republic of Congo (MONUC), in 2011. The comparison between the structures of UNDOF (figure 4.2) and MONUC (figure 4.4), with all its branches and cells, may contribute to illuminate the evolution of peacekeeping in terms of the much more ambitious objectives resulting in complex organizational structures.

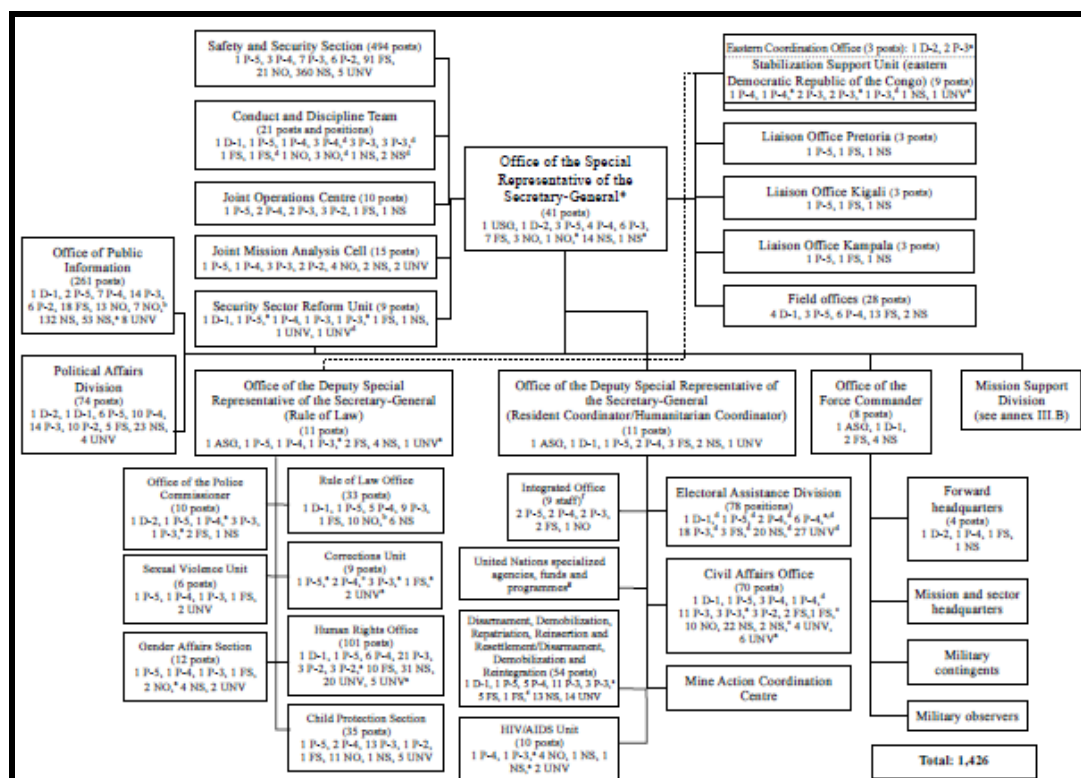


Figure 4.4 - Structure of MONUC (Source: United Nations (A/64/670))

Regarding mandates, one should notice that, until the 1990s, the widespread understanding was that peacekeeping operations would be mandated under Chapter VI. Missions under Chapter VII would not be considered peacekeeping, but peace enforcement (FETHERSTON, 1994, p.11).

In the beginning of the 21st century, however, as peacekeeping forces continued to face growing challenges, troops received authorization to use force at higher levels and to use more powerful weapons. In 2008, UN published the *United Nations Peacekeeping Operations: Principles and Guidelines* (UNITED NATIONS, 2008c), also known as the *Capstone Doctrine*. The *Capstone Doctrine*

brought some interesting new concepts and, probably, the most innovative was the redefinition of the principle of non-use of force.

Although the practice of United Nations peacekeeping has evolved significantly over the past six decades, three basic principles have traditionally served and continue to set United Nations peacekeeping operations apart as a tool for maintaining international peace and security:

- Consent of the parties
- Impartiality
- Non-use of force except in self-defence and defence of the mandate (UNITED NATIONS, 2008c, p.31)

Until the publication of this manual, the principle was defined as non-use of force, except in self-defense (later it also had encompassed the protection of civilians). The *Capstone Doctrine* significantly expanded the concept by defining it as “*non-use of force except in self-defense or in the defense of the mandate*” (UNITED NATIONS, 2008c, p. 27) [emphasis added]; turning official a situation that already existed in the field. The natural conclusion, in a broad interpretation, is that force, under such a definition, could then be used to accomplish any task included in the mandate.

The concept of robust peacekeeping certainly represented an important innovation and precedent, defining:

[...] the use of force by a United Nations peacekeeping operation at the tactical level, with the authorization of the Security Council, to defend its mandate against spoilers whose activities pose a threat to civilians or risk undermining the peace process. (UNITED NATIONS, 2008)

This concept was first outlined in the *Brahimi Report* (UNITED NATIONS, 2000, p. ix-xi). In 2008, the *Capstone Doctrine* gave the definition an official veneer, contributing to reducing the resistance of many countries in participating in more robust Chapter VII operations. All these operations could, consequently, be classified as peacekeeping, attenuating the national and international political costs of taking part in a peace enforcement operation (KJEKSRUD, 2009, p.9). On the other hand, this situation naturally blurred the boundaries between peacekeeping, peace enforcement and war-making even further, turning them, contrary to the official discourse, in a continuum.

Nevertheless, it is certain that this move contributed to reducing the resistance of some countries, like Brazil, in taking part on more robust operations mandated under Chapter VII. With greater latitude to use force, most contemporary UN operations could then be labeled as peacekeeping, even under Chapter VII,

avoiding, therefore, the political evils of a peace enforcement label (KJEKSRUD, 2009, p.9). Furthermore, while consent, as already discussed, was paramount in Chapter VI operations, according to Simon Chesterman, “the question of consent to an operation is not legally significant when it is authorized under Chapter VII of the UN Charter” (2011, p.280).

In 2009, reinforcing its intentions regarding the use of force, the UN published a *non-paper* “*A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping*”, known as *New Horizons*. Intended to help identifying future challenges to peacekeeping and presenting general orientations to contributing countries, it emphasizes, for the future, the importance of “a robust approach to peacekeeping operations” (UNITED NATIONS, 2009b, p.21).

Those moves constituted patent indications of the will inside UN, especially from some of the permanent members of the Security Council, to make more frequent and intense use of force, whenever deemed necessary, mainly in the protection of civilians.¹²

This intent of using force in growing levels is not a rhetoric figure or project for a distant future. In MINUSTAH, as mentioned, the Brazilian leadership, especially in the beginning of the mandate, was target of very intense pressures from countries such as US, France and Canada, to increase the levels of force (ABDENUR, 2008). MINUSTAH, during the most critical moments, conducted large scale operations with intense use of force (BRAGA, 2010a, p.714).

Furthermore, there are presently different situations, such as Congo and Sudan, in which peacekeepers are resorting to even more intense levels of force. The increasing presence of peacekeepers in contexts where risks and threats are higher, demanding the use of attack helicopters and tanks, painted in UN white, to face armed opposition is already a common occurrence in a variety of scenarios (UNITED NATIONS, 2010e, p. 2-7; 2012a, p.2-3).

Operating in pursuit of political objectives set by the Security Council in situations that are deeply unstable and characterized by the presence of multiple armed groups, many of which oppose the Council’s objectives, contemporary peacekeepers operating in South Sudan, Darfur, Mali, the DRC, CAR and elsewhere can no longer rely on their perceived neutrality and impartiality [...]. (BELLAMY, 2014, p.1)

¹² United Nations Security Council resolution 1296 (2000), on protection of civilians in armed conflicts, clearly illustrates this will.

In April 2011, French attack helicopters and tanks, in support of the “*Opération des Nations Unies en Côte d'Ivoire*” [United Nations Operation in Côte d'Ivoire] (ONUCI), were used against forces loyal to former president Laurent Gbagbo. They constituted an essential political instrument in accelerating the ending of the crisis and in allowing the elected president to take charge (LE FIGARO, 2011).

More recently, on 28 March 2013, in an unprecedented move, the United Nations Security Council adopted resolution 2098 on Congo mission (MONUSCO), authorizing the creation of an offensively-oriented *Force Intervention Brigade*:

[...] and *decides* that MONUSCO shall, for an initial period of one year and within the authorized troop ceiling of 19,815, on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping, include an “Intervention Brigade” consisting inter alia of three infantry battalions, one artillery and one Special force and Reconnaissance company with headquarters in Goma, under direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups as set out in paragraph 12 (b) below and the objective of contributing to reducing the threat posed by armed groups to state authority and civilian security in eastern DRC and to make space for stabilization activities; (UNITED NATIONS, 2013b)

In an interesting piece, *When peacekeeping goes to war* published in *Foreign Policy* immediately following the above Security Council resolution, David Bosco compares the present scenario in Congo with the situation in 1961, during ONUC, already discussed in this dissertation, and raises some of the current concerns, in terms of UN principles and relationship with other partners (BOSCO, 2013b). In fact, the resolution not only authorized but tasked the *Force Intervention Brigade* to conduct offensive operations with or without the participation of the Congolese armed forces:

[...] carry out targeted offensive operations through the Intervention Brigade referred to in paragraph 9 and paragraph 10 above, either unilaterally or jointly with the FARDC, in a robust, highly mobile and versatile manner and in strict compliance with international law, including international humanitarian law and with the human rights due diligence policy on UN-support to non-UN forces (HRDDP), to prevent the expansion of all armed groups, neutralize these groups, and to disarm them in order to contribute to the objective of reducing the threat posed by armed groups on state authority and civilian security in eastern DRC and to make space for stabilization activities; (UNITED NATIONS, 2013b)

One should not underestimate the crucial importance of such unprecedented development. Although UN had already used force in peacekeeping, as already deeply discussed, the new MONUSCO mandate and its *Force Intervention Brigade*

represent the first time UN has directly determined the conduct of offensive operations in the context of a peacekeeping mandate.

Shortly after, acknowledging those concerns, Hervé Ladsous, the UN Under-Secretary General for Peacekeeping, wrote, as part of the celebrations of the International Day of United Nations Peacekeepers in 2013, an article published in a number of newspapers and magazines. In it he writes:

[i]n [the] eastern Democratic Republic of Congo (DRC), where armed groups continue to threaten millions of civilians, we are responding with a new Force Intervention Brigade and the use of unarmed, unmanned aerial vehicles to monitor the movement of armed groups that pose a threat to civilians. These tools will give our peacekeeping mission a tactical edge, rapid mobility and stronger deterrent effect. (LADSOUS, 2013a)

Under the headings of *UN peacekeepers in changing times*¹³ or *For UN Peacekeepers, new means for changing times*¹⁴, Ladsous' article strongly denied that UN peacekeeping would be changing towards war fighting. For him, "the use of force by our peacekeepers in the DRC is the exception, not the rule in UN peacekeeping." (2013)

Furthermore, Ladsous, not surprisingly, insisted that:

[w]e stand on the core principles that have guided peacekeeping since the 1950s to act impartially in support of peace and operate with the consent of the parties. We use force only in self-defence and defence of a Security Council mandate. But, we must also be prepared to confront spoilers at the margins of a peace process. (LADSOUS, 2013a)

Nevertheless, in spite of the official UN discourse, it seems obvious that, in this latest move regarding the DRC the Security Council, using clear and direct language, made official the conduct of offensive operations and proactive use of force within the framework of a UN peacekeeping mission. On the other hand, the present author agrees with Ladsous' assertion that "UN peacekeeping addresses the nature of 21st century conflict; adapting to these new contexts constitutes an evolution, not a revolution". This situation not only confirms a tendency which began more than a decade ago (an evolutionary process), but also reaffirms its main thesis regarding the changing nature of UN peacekeeping, especially in terms of the increasing use of force.

¹³ International Herald Tribune, 28May2013. Available at: <http://tribune.com.pk/story/555579/un-peacekeepers-in-changing-times/>

¹⁴ The Africa Report, 29May2013. Available at: <http://www.theafricareport.com/North-Africa/for-un-peacekeepers-new-means-for-changing-times.html>

Actually, the evolution identified by Ladsous remains a permanent and living process. On 31 October 2014, the UN Secretary General announced the creation of a “High-Level Independent Panel on Peace Operations”, to be chaired by former East Timor President Jose Ramos-Horta and composed by prominent specialists, including the former MINUSTAH Force Commander, Brazilian Lieutenant General Floriano Peixoto Vieira Neto. The intent is to make the panel’s recommendations available to the General Assembly at its 2015 general debate (UNITED NATIONS, 2014e).

As we approach the 15-year anniversary of the Brahimi report, we must acknowledge that peace operations today are increasingly called on to confront politically complex and challenging conflicts, often in volatile security environments where operations are directly targeted. We must take stock of evolving expectations and consider how the Organization can most effectively advance peace, assist countries caught in conflict and ensure that our peacekeeping operations and special political missions remain strong and effective in a changing global context. (UNITED NATIONS, 2014e)

In conclusion, peacekeeping remains a valuable tool of the international community, which has consistently evolved towards higher levels of the use of force during the last decades and is likely to continue to evolve, as presented in this section. It will continue to remain nevertheless, as Ramesh Thakur has once pointed out, “one of the most visible symbols of the UN role in international peace and security” (2006, p.37). The persistent increase in the use of force in peacekeeping operations, creating a continuum with enforcement actions and some similarities with war-making, nonetheless, reiterate the urgent demand for adequate theorization.

4.2 From humanitarian interventions to the responsibility to protect

The use of the *humanitarian intervention* label has become, for different reasons, controversial, especially after the beginning of the 2000s, when the International Commission on Intervention and State Sovereignty (ICISS) “made a deliberate decision not to adopt this terminology” (2001, p.9). In fact, humanitarian interventions, in the recent history, had acquired negative connotations, raising many objections and opponents. Therefore, most of the proponents of interventions on humanitarian basis have recently objected the use of this term, as this section will later discuss.

Nevertheless, in spite of all the controversy, this author agrees with Aidan Hehir, considering that it provides “the most accurate description of the type of action under discussion” (2012, p.159), and for such a reason will use the humanitarian intervention terminology throughout this section.

We no longer have wars, only ‘humanitarian interventions’ that rest on assumptions of moral superiority. The privileging of some crises that are securitised over others that are not reflects the interests and perspectives of the powerful and the rich at the expense of the weak and the poor. The voiceless in the human rights ‘discourse’ are the marginalized and powerless in the global power equation. In Europe, centralizing states sought to bring order to their societies by claiming a monopoly on the legitimate use of force. Developing countries fear that in some sections of the West today, the view has gained ground that anyone but the legitimate authorities can use force. (THAKUR, 2006, p.265)

Chapter 3 discussed how humanitarian concerns have acquired, during the 1990s, a prominent role in the international agenda. The introduction of populations and individuals as referent objects of international security, together with the changing nature of conflicts—from interstate to intrastate—brought deep changes to the balance between citizenship x humanitarian (WHEELER, 2006, p.32-33). Humanitarian tragedies, such as Rwanda, Somalia, and the Balkans contributed to this picture. Those changes have shaken and modified the notion of sovereignty.

One of the key consequences was that the debate regarding humanitarian intervention took center stage. In some of the intrastate conflicts, members of the international community have decided to intervene, ending up treating (at least discursively) populations or individuals as the referent object of a specific notion of security. Those interventions are known as humanitarian interventions. The notion of humanitarian intervention is fundamentally different from humanitarian assistance, not necessarily in terms of purposes, but in terms of means. According to Yves Sandoz, humanitarian interventions constitute armed interferences by a state, group of states, or International Organization inside the territory of another state, with the purpose of repressing humanitarian or human rights violations (1992, p.225-237). Adam Roberts, for his part, defined humanitarian intervention as:

a military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering of death among inhabitants. It is understood as referring only to coercive action taken by states, at their initiative, and involving the use of armed force, for the purpose of preventing or putting a halt to serious and wide-scale violations of fundamental human rights, in particular to life, inside the territory of another state. (ROBERTS, 1993, p.426)

Aidan Hehir, in more recent publication and in line with the definitions already presented above, proposes the following one:

Military action taken by a state, group of states or non-state actor, in the territory of another state, without that state's consent, which is justified, so some significant extent, by a humanitarian concern for the citizens of the host state. (HEHIR, 2010, p.20)

One may conclude that the notion of humanitarian intervention, either in older or more recent definitions, encompasses some basic features: 1) armed military action, 2) use of force, 3) lack of host nation's consent, and 4) justification on humanitarian grounds. Those key features have paramount importance for the purposes of this dissertation.

Humanitarian interventions are, therefore, essentially different from peacekeeping. Although those two forms may occasionally overlap and have blurred boundaries, especially with the advent of more robust peacekeeping, they are fundamentally different. Peacekeeping operations are primarily "designed to preserve the peace, however fragile" (UNITED NATIONS, 2008c, p.18) and are oriented by three basic principles, "which have traditionally served and continue to set United Nations peacekeeping operations apart" (p.31): consent, impartiality, and non-use of force (except in self-defense and defense of the mandate). Humanitarian operations, on the other hand, are conducted to protect populations and involve, by definition, the use of force without the consent of the host nation.

Martha Finnemore argues that foreign intervention, generally speaking, had always been present in international relations for different motivations. Nevertheless, as already debated in the previous chapter, it was during the 1990s that humanitarian aspects and human rights grew as normative justifications for such interventions (2003, p.21).

Placing individuals and populations as referent objects for security, humanitarian interventions theoretically occur in situations in which "the state, far from being a security provider, as in the conventional wisdom, has been a primary source of insecurity" (WALKER, 1993, p.11).

The post Cold War emphasis on humanitarian intervention reinforced, and was reinforced by, arguments that the state can form a threat to the individuals it is intended to protect. (FIERKE, 2007 p.44)

Some authors argue that governments tend to be the main source of human rights abuse and insecurity (AYOGB, 1989; BOOTH, 1999). According to Michael

Walzer, humanitarian interventions are morally justified in response to acts “that shock the moral conscience of mankind” (2006, p.107). Furthermore, Walzer dangerously argues that there is no moral reason to adopt a passive posture, “waiting for the UN” (p.107) and that any state capable of intervening has the right to try to do so (p.108).

One may easily identify that there are visible tensions between the principles of non-intervention and sovereignty (which rule the security of states) and the notions of universal human rights, which having human security as the central concern, came to serve as the main justification for the increase in the number of humanitarian interventions. According to former UN High Commissioner for Human Rights, Navi Pillay, “State sovereignty is often invoked to deflect UN action to prevent serious human rights violations” (2014, p.2).

Humanitarian interventions use force to achieve objectives. Therefore, benefiting from the discussion about the political presented in chapter 3, one may conclude that they involve critical political aspects. Furthermore, during the last decade, the term humanitarian intervention acquired a negative connotation, especially due to its political (mis)use by more powerful countries (EVANS, 2012b; THAKUR, 2006, p.264-287).

In 1999 and 2000, during meetings of the UN General Assembly, Secretary-General Kofi Annan emphasized the need for an international consensus regarding the main questions involved in humanitarian interventions. Annan also presented those main questions in a frequently cited and quoted piece, *Two Concepts of Sovereignty*, published in *The Economist* (1999, p.49-50). Answering his request, Canadian Prime Minister Jean Chrétien announced, during the UN Millennium Assembly, in September 2000, the creation of an independent commission to discuss the matter. The *International Commission on Intervention and State Sovereignty* (ICISS) was created to find a way to balance the rights of states with those of individuals. According to David Chandler, the ICISS aimed to discuss moral, legal, operational, and political questions involved in the development of a broad international support for a norm legitimizing humanitarian interventions (2004, p.60). Basically, ICISS would aim to solve the tensions between the concept of sovereignty and human rights (citizen x human), establishing a new consensus around principles which should be observed in the protection of threatened populations (BELLAMY; WHEELER, 2011, p.521).

In December of 2001, ICISS published its final report *The Responsibility to Protect* (2001), originating the eponymous concept. The Commission established that states have the primary responsibility of protecting their citizens. In situations in which states are unable or unwilling to protect their citizens, “the principle of non-intervention yields to the international responsibility to protect” (ICISS, 2001, p. xi). The Report extended this responsibility to encompass not only the reaction to humanitarian crises, but also the prevention of those crises and the reconstruction of failed or tyrannical states. According to the ICISS Report, there was a necessary re-characterization regarding state sovereignty: “from *sovereignty as control* to *sovereignty as responsibility* in both internal functions and external duties” [emphasis in the original] (p.13).

This attempt to shift the focus of the debate from the question of whether states have or not the right to intervene to the question of where the responsibility for the protection of threatened populations is located, became the main focus of this effort to produce a new political consensus, supporting what the Report named “military intervention for human protection purposes”, attempting to establish thresholds, criteria, and limits on those operations (ICISS, 2001, p. xii).

According to Jonathan Eyal,

[t]he R2P concept merely adapted the ‘just war’ idea to a new international context, although it diverged from it in two respects. First, R2P is not merely concerned with the use of force; instead, it seeks to set out a broad array of possible measures designed to prevent mass atrocities, which start once a conflict becomes imminent or predictable, and continue long after a peace agreement is signed, or a ceasefire obtained. So, it can include anything from humanitarian supplies in the incipient phase of a crisis, right up to demilitarisation and security sector reform measures long after the crisis has subsided. The second area in which R2P departs from the traditional concept of ‘just war’ is in its attempt to re-conceptualise the relationship between intervention and national sovereignty. (EYAL, 2012, p.54)

ICISS attempted to define the responsibility to protect establishing a set of criteria which would allow the UNSC, governments, and other observers to evaluate if a certain humanitarian intervention could be considered legitimate in humanitarian terms. ICISS attempted to achieve a better identification of the JWT criteria for interventions discussed in chapter 3. Those criteria encompassed: “the just cause threshold” (loss of lives in large scale or ethnic cleansing, real or potential), “precautionary principles” (right intention, last resource, proportional means, and reasonable prospects of success), “right authority” (interventions should ideally be authorized by the SC; in case not possible, by the General Assembly or,

if also not possible, by regional organizations), and “operational principles” (including clear objectives, common military approach, limited use of force, adequate rules of engagement, and maximum possible coordination with humanitarian agencies) (ICISS, 2001, p. xii-xiii).

Although apparently objective, those criteria once again proved to be subject to different interpretations and possible manipulations by more powerful actors, constituting a source of concern and resistance for less powerful countries, including Brazil (KENKEL, 2008).

In spite of the initial resistance, the United Nations General Assembly approved, during the 2005 World Summit, a declaration in which its 191 member-states committed to the principle of responsibility to protect. This declaration, nevertheless, presented some important modifications in relation to the original ICISS proposal, among them the inclusion of the need for an express authorization of the Security Council. This declaration represented, above all, an important normative change, since for the first time the society of states formally admitted that sovereignty could, in specific situations, be violated for humanitarian purposes. Actually, the whole idea of R2P is that those interventions should be interpreted as a strengthening of sovereignty rather than as a violation.

The endorsement of the concept of responsibility to protect (R2P) by the United Nations, during the 2005 World Summit, reinforced even further a growing preponderance of the human over the citizen:

Clear and unambiguous acceptance by all governments of the collective international responsibility to protect populations from *genocide, war crimes, ethnic cleansing and crimes against humanity*. Willingness to take timely and decisive collective action for this purpose, through the Security Council, when peaceful means prove inadequate and national authorities are manifestly failing to do it. [emphasis added] (UNITED NATIONS, 2005f)

The approval of the concept within the UN allowed greater acceptance in skeptical countries, such as Brazil, and its adoption by some regional organizations, such as the African Union.

In 2009, UN Secretary-General Ban Ki-moon published an R2P Implementation Report (UNITED NATIONS, 2009e), which stated that R2P should be based on three pillars, non-sequential and with equal importance:

Pillar one: the responsibility of the state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement. This pillar, the Secretary-General described as the ‘bedrock’ of R2P and, in addition

to specific commitments to R2P, derives from the nature of sovereignty itself and the pre-existing legal obligations of states.

Pillar two: the international community's responsibility to assist the state to fulfill its responsibility to protect, particularly by helping them to tackle the causes of genocide and mass atrocities, build the capacity to prevent these crimes, and address problems before they escalate in the commission of the crimes.

Pillar three: in situations where a state has manifestly failed to protect its population from the four crimes, the international community's responsibility to take timely and decisive action through peaceful diplomatic and humanitarian means and, if that fails, more forceful means in a manner consistent with Chapters VI (peaceful measures), VII (enforcement measures) and VIII (regional arrangements) of UN Charter (para. 139). (BELLAMY; WHEELER, 2011, p.521)

According to the Report, there was no set sequence to be followed from one pillar to another. Furthermore, the Report discussed in depth each pillar, while affirming that no pillar was *a priori* more important than another (UNITED NATIONS, 2009e, p.2).

In short, one may argue that the concept of R2P also represented an attempt to surpass the debate regarding the prevalence of sovereignty x human rights, institutionalizing intervention as part of a broader regime for the protection of threatened populations. It actually brings human rights within sovereignty. Some analysts understand R2P as the codification of a norm for humanitarian interventions which had emerged during the 1990s.

At this point, it is also important to clearly differentiate R2P from the protection of civilians (PoC), which has a much narrower sense. According to UN Special Adviser on R2P Prof. Jennifer Welsh,

[i]t is important to underscore, however, that while the PoC and RtoP overlap, they are not the same: the PoC is in one sense narrower, in that it only refers to situations of armed conflict (and RtoP crimes can occur outside that context); but it is also broader in that the rights of civilians in armed conflict extend beyond protection from mass atrocities. This distinction has been emphasized not only conceptually but also politically. In its concentration on situations of armed conflict, the PoC directs the energies of the Council toward more clear-cut threats to peace and security, as opposed to the more contested area of mass human rights violations (the broad rubric of RtoP). Those countries supportive of the PoC agenda within the Council have at times taken pains to avoid association (WELSH, 2011, p.3)

R2P proponents such as Gareth Evans - its "intellectual father" (SPEKTOR, 2012) - frequently advocate that "humanitarian interventions are dead" (EVANS, 2012c). As already presented in the beginning of this section, they argue that the term humanitarian intervention, due to the negative connotations, should not be used anymore. Nevertheless, they also admit, when confronted, that R2P's third pillar, when used, may ultimately result in the use of force in the form of a

humanitarian intervention. This author had the opportunity of personally engaging Gareth Evans during a R2P event held in Rio de Janeiro in 2012, confirming the above interpretation (EVANS, 2012c). For Roland Paris, preventive humanitarian intervention is “in the heart of R2P” (2014, p.570). Aidan Hehir agrees, affirming that “[t]he idea that R2P can, or should, distance itself from the issue of humanitarian intervention is, I contend, illogical” (2012, p.255).

In spite of the consensus already achieved, one can notice that R2P as a norm remained somewhat problematic. The initial criteria identified in 2001 by ICISS proved to be highly subjective. Since the ICISS Report, a lot has been done in order to reach more objective criteria, including the already mentioned Secretary-General R2P Implementation Report (2009) and UN General Assembly annual dialogues (2009-2014). Nonetheless, this author agrees with Roland Paris when arguing that profound structural problems in R2P’s third pillar persist (2014, p.593). According to Paris, there are five key areas of tension:

the mixed motives problem makes preventive humanitarian interventions prone to delegitimization, the counterfactual problem makes it inherently difficult to demonstrate their effectiveness, the conspicuous harm problem focuses attention on their human and financial costs, the end-state problem creates pressures for mandate expansion, and the inconsistency problem makes R2P seem fickle or hypocritical. (PARIS, 2014, p.593)

More powerful countries continue to be seen by less powerful ones as the main responsible parties for the codification of the norm and for the decision, most of the times political, regarding its application or not in different cases. Countries in the Global South remain worried that humanitarian interventions, even if replaced by R2P, may ultimately establish in practice a system of “selective security” (AYOUB, 1995), operated by Northern countries, rather than the desirable collective security. Such selectivity creates “the appearance of double standard” (PARIS, 2014, p.588). The swiftness of the Security Council in authorizing the bombing of Libya, with humanitarian purposes, and incapacity (or unwillingness) to interrupt the massacre of civilians in Darfur may well illustrate the current state of affairs.

Actually, regarding the situation in Darfur, International Criminal Court (ICC) Chief Prosecutor, Fatou Bensouda, on 12 December 2014, delivered severe criticism towards the Security Council, while communicating the decision to suspend war crimes investigation in Darfur. Bensouda stated that Security Council

on Darfur “can only embolden perpetrators” (UNITED NATIONS, 2014f). In her communicate, she directly held the Security Council responsible for the decision:

Given this Council’s lack of foresight on what should happen in Darfur, I am left with no choice but to hibernate investigative activities in Darfur [...] What is needed is a dramatic shift in this council’s approach to arresting Darfur suspects. (THE GUARDIAN, 2014; UNITED NATIONS, 2014f)

Regarding Libya, according to Aidan Hehir, “[a]t times, the interests of the P5 and humanitarian need do align – as per Libya in 2011” (2012, p.260). According to Gareth Evans, the NATO intervention in Libya was, “at least initially, a textbook example of how R2P is supposed to work” (2012a, p.25). Nevertheless, the intervention was considered by many to have overstepped its initial humanitarian justifications. Actually, the perception of (ab)use of R2P in the case of Libya proved to be a major setback, also displaying “all the pathologies associated with the structural problems” mentioned above (PARIS, 2014, p. 593). On the one hand, a political bias of the intervention, “regime change”, was made clear since the very beginning and the operation conducted by NATO generated concerns and protests in different countries. On the other hand, it was not very clear whether the objectives regarding the protection of the population were really achieved or if the situation had turned even worse than before. The situation was also a good indicator of how humanitarian interventions, even under the new R2P framework, continued to have a tendency to go well beyond pure and noble humanitarian purposes, acquiring political connotations and growing levels of the use of force. Chapter 7 will debate the intervention in Libya in great length.

Consequently, many countries, especially in the global South, had a perception that the use of R2P in Libya was incapable of avoiding the preponderance of the interests of the great powers over the humanitarian ideals of protecting civilians under threat (MASHABANE, 2012). Roland Paris seems to agree, arguing that, “[a]t best, the intervention yielded mixed results on the ground, along with a legitimacy crisis for R2P” (2014, p.588). Actually, it seems very clear that the developing world still have significant objections regarding humanitarian intervention and R2P discourses (HEHIR, 2012, p.207). According to Jennifer Welsh, the main reason is not an unconditional adherence to a conception of absolute sovereignty, but rather a fear of the potential for misuse and the inconsistent use of those interventions (2010, p.429).

No matter how optimistic or pessimistic perspective one may have in relation to humanitarian interventions the fact is that those interventions, even under the R2P structure, represent, together with peacekeeping, the main forms of contemporary use of force on behalf of the international community. Therefore, any theoretical framework to deal with the use of force on behalf of the international community must be able to address humanitarian interventions.

4.3 The Brazilian RwP initiative and the contemporary debate

The consolidation of R2P was not capable of presenting an adequate and non-political solution, which could correct the problems of the humanitarian interventions already identified in this Chapter. The behavior of the international community in two recent humanitarian episodes, in Libya and Darfur, leads to the conclusion that the attempt to establish universal principles for humanitarian interventions and especially having those principles followed is still a distant dream, a utopia.

In this context, the Brazilian government proposed the concept of “responsibility while protecting” (RwP). RwP was first mentioned in September 2011, by President Dilma Rousseff, during her opening speech at the UNGA General Debate. On November 9, during an open debate in the Security Council about the protection of civilians, Maria Luiza Viotti, Permanent Representative of Brazil to the UN, presented a declaration of the Minister of Foreign Affairs Antonio Patriota expressing the Brazilian view: the international community, while performing its responsibility to protect, must also have high levels of responsibility while protecting.

According to this view, the concept of R2P, which had just completed ten years of existence, was developed and consolidated, as already presented in this chapter, with a clear and legitimate purpose: avoiding that populations could be victims of four types of crimes: genocide, ethnic cleansing, war crimes, and crimes against humanity (VIOTTI, 2012). The armed intervention in Libya, having as justification the protection of civilians, went far beyond, highlighting the worries already presented in relation to the humanitarian interventions and in accordance with the world view of the critical theories of IR, in terms of discourse and power. There was a clear need of improving the concept. According to Viotti, during the

intervention in Libya, some issues caused great concern: the extent of force employed; the incapacity to combine and calibrate military action with diplomacy; the questionable interpretation of the Security Council mandate; and the lack of supervision by the same Council of the actions taken on behalf of all members of the UN. “It was argued to be a matter of ‘responsibility to protect, but there was a lack of ‘responsibility while protecting’” (VIOTTI, 2012).

The main elements of the Brazilian proposal are: the valorization of prevention and of the pacific means for conflict resolution; the exceptionality of the use of force; the obligation that the action does not cause more harm than the one it attempts to avoid; the strict adherence to the mandates; the proportionality and the limits to the use of force; and the need to monitor and evaluate the implementation of the resolutions (UNITED NATIONS, 2011a, p. 2-3). Those elements are present in a concept note produced by the Brazilian government: *Responsibility while protecting: elements for the development and promotion of a concept*. This note was distributed as a document of the General Assembly and of the Security Council (A/66/551–S/2011/701) (UNITED NATIONS, 2011a).

The conceptual note deals first with the emergence of R2P and its consolidation in the three already mentioned pillars: primary responsibility of the state in protecting its population; responsibility of the international community in supporting the state in its primary responsibility; and, finally, the responsibility of the international community to intervene to protect the population, in exceptional circumstances in which the state has clearly failed. According to the initial Brazilian position, the three pillars should follow a strict line of political subordination and chronological sequence. Coercive intervention of the international community should only take place after all measures of the first two pillars have been attempted. This demand of chronological sequence is probably the most contentious point of the Brazilian proposal, as will be discussed in the next section.

According to the Brazilian proposal, the concepts of R2P and RwP should evolve together, based in the fundamental principles, parameters, and proceedings, as presented in the concept note. The proposal also points out that military interventions (even when just, legal, and legitimate) always result in high material and human costs. Therefore, all diplomatic means and solutions must be attempted before force is used. Only as a measure of last resource, the international

community should exercise its responsibility to protect by the use of force. In this situation, the decision must come only after an ample and judicious, case by case, analysis of the possible consequences of the military action. Even so, there should always result of a judicious calibration of force and diplomacy. Violence against civilian populations must always be repudiated, wherever it takes place. The tragedy of Rwanda is also mentioned as a bitter memory of failure of the international community in reacting in a timely manner.

Nevertheless, the conceptual note highlights the growing perception that R2P may be employed in mistaken ways for purposes other than the protection of civilians, such as regime change. This reinforces some of the concerns regarding humanitarian interventions already largely discussed in previous sections. This perception may turn even more difficult for the international community to achieve the objectives of protection of civilian populations. The note also affirms that:

[...]the world today suffers the painful consequences of interventions that have aggravated existing conflicts, allowed terrorism to penetrate into places where it previously did not exist, given rise to new cycles of violence and increased the vulnerability of civilian populations. (UNITED NATIONS, 2011a, p.3)

The Brazilian initiative generated great international repercussion. Reactions ranged from those who considered that the Brazilian proposal could make impossible the application of the responsibility to protect (R2P), to those who considered it an important enterprise aiming to improve R2P, avoiding its indiscriminate use. According to Roland Paris:

Brazil's 'Responsibility while Protecting' paper is arguably the most prominent set of recommendations on the reform of R2P to be put forward by a national government following the Libya mission. (PARIS, 2014, p. 588-589)

Some authors consider Brazil the most revisionists of the norms among the emerging powers. Randall Schweller, for instance, refers to Brazil as "the rising spoiler" (2011, p.293). Accordingly, the first reactions among members of P3 (US, UK, and France) were very negative. They considered that the Brazilian proposal, once accepted, would pose severe limitations on R2P and might even make its implementation impossible (EVANS, 2012b). According to Ramesh Thakur, the Brazilian initiative was interpreted as an attempt to weaken and deteriorate a recently created norm (2011, p.182).

Thakur also argues that there is a clear difference between the positions of the Northern powers and of the emergent powers of the Global South (2011, p.182).

The latter consider it essential to avoid R2P from being used again politically and abusively as they deem to have happened in the Libyan case. Such concern is shared by former UN High Commissioner of Human Rights, Navi Pillay, who argues that “R2P, like human rights, must never become politicized, employed selectively or be the weapon for double standards and regime change” (2014, p.4).

After some time and especially after the stalemate in regard to the Syrian crisis, when the Security Council for a long time was incapable of achieving a minimum consensus for action, the P-3 countries began to examine the Brazilian initiative in a more positive way. Considering that a continuous polarization of the Security Council is not beneficial, those countries came to see RWP as a possible instrument in the search for a new consensus (WELSH, 2012).

In 2012, the *Stockholm International Peace Research Institute* (SIPRI), one of the most traditional and respected centers of studies of peace and conflict published in its year book (*SIPRI Year Book 2012*) a piece recognizing the importance of the Brazilian initiative. Indeed, its first chapter, written by Gareth Evans and entitled *Responding to atrocities: the new geopolitics of intervention* argues that “The Brazilian ‘responsibility while protecting’ initiative, focusing on clearer criteria for and more effective monitoring of the use of force, offers a constructive way forward” (2012a, p.3).

Evans, presently the chair of the advisory board to the Global Centre for the Responsibility to Protect, argues that:

Brazil’s ‘Responsibility While Protecting’ initiative is an important and very constructive contribution to the debate, at a time where dialogue is urgently needed in the wake of criticism about the way the United Nations’ civilian protection mandate was implemented in Libya last year. (EVANS, 2012b, p.243)

Nevertheless, the debate, like any subject related to humanitarian interventions, is still far from achieving a minimum consensus regarding its implementation, especially about the execution of R2P’s third pillar, which, as already presented, effectively materializes humanitarian intervention. The most disputed point seems to be the Brazilian initiative emphasis on a strict sequential approach of the three pillars of R2P, as already presented. According to the interpretation initially proposed by Brazil, second pillar should only be used once the first has failed. Most importantly, the third pillar, which can include coercive intervention, should only be used once the other two pillars have failed. Two of the

most respected experts on R2P, Alex Bellamy and Ramesh Thakur, have conflicting positions regarding the subject.

Bellamy (2010) argues that the three pillars have equal importance, in such a way that the whole R2P construction would collapse in the absence of one of them. Furthermore, Bellamy understands that the pillars are not sequential and any of them may be applied before the others. This position diverges from the initial Brazilian understanding that “the three pillars must follow a strict line of political subordination and chronological sequencing” (UNITED NATIONS, 2011a, p.2).

Thakur argues that the concerns of the Global South in regard to humanitarian interventions have not been adequately addressed by the Northern countries. The UN must therefore perform its vital role in reducing the differences between both positions. Thakur’s understanding gets closer to the Brazilian position once he proposes that

The most important element – the weightiest Pillar – is the state’s own responsibility and the most critical is the international community’s response to fresh outbreaks of mass atrocity crimes.” (THAKUR, 2011, p.150)

Therefore, one may understand the importance of the RwP initiative. By demanding more responsibility in the conduct of those actions planned to ensure the protection of civilians and by proposing more transparent criteria for the use of force in those circumstances, the concept of RwP contributes to reduce a possible political component of those interventions. RwP complements R2P and aims in assuring more international control of the use of force and transparency during interventions, while deeply focusing on the perspectives of success in protecting populations when compared with the risks of degrading the humanitarian situation even further.

As mentioned, the whole debate seems very far from achieving a consensus. As assessed by Navi Pillay, during a speech on 29 October 2014, “[t]he interventionist provision of R2P continues to be problematic for states, particularly when it is used as justification for military intervention in internal conflicts” (2014, p.3). As presented in this chapter, humanitarian interventions, most often, had objectives which went far beyond the sole protection of civilians. Critical theories tend to interpret R2P, as well as humanitarian interventions, as another attempt to create or discursively legitimize norms from a position of power, in which the ideas and values of the dominant powers are universalized.

In conclusion, the concept of RwP represents an important counterpoint to the attempt to universalize a norm which led to allow and legitimize political humanitarian interventions. In this context, the Brazilian initiative may represent an important step in the attempt to avoid the careless, indiscriminate, and mainly political proliferation of humanitarian interventions. Nevertheless, the probability of success of the initiative will depend on the Brazilian capability of defending the position, together with other emerging powers which have contested the so-called global norms. As those countries get more prominent in the international arena, it will be harder to ignore their positions and aspirations.

4.4 Interventions by the international community and academic International Relations

The academic field of International Relations provides different approaches from which one may understand interventions by the international community. Basically, each of the main schools which are part of the contemporary core of the discipline provides a unique view of the phenomenon, naturally arriving at particular conclusions. Furthermore, even inside the same school of thought, different and contradictory perspectives are frequently found.

The present study here selected six of those approaches, which will permit analysis of interventions from different perspectives. This section will begin with the mainstream (neo-)realist and liberal worldviews; then, it will deal with constructivist and with cosmopolitan critical perspectives; ending up with post-structuralist and post-colonial critical perspectives.

This section will present a very brief analysis with the lenses of those distinct theoretical approaches. This analysis will allow this author to present some of his own conclusions in understanding those interventions and the principles which guide them, in terms of their universality or particularity.

4.4.1 The (neo-)realist worldview

Initially, an analysis of international interventions from a realist perspective may also benefit from Clausewitz's insights. Not surprisingly, in a clear realist reasoning, he affirmed that:

One country may support another's cause, but will never take it so seriously as it takes its own. A moderately-sized force will be sent to its help; but if things go wrong the operation is pretty well written off, and one tries to withdraw at the smallest possible cost. (CLAUSEWITZ, 2007, p.250)

One may argue that this way of thinking is perfectly compatible with the use of force on behalf of the international community, especially when discussing robust peacekeeping or even humanitarian interventions.

In a more contemporary view, John Mearsheimer, one of the most preeminent neorealist theorists, seems to agree, arguing that:

[...] for better or for worse, states are rarely willing to expend blood and treasure to protect foreign populations from gross abuses, including genocide. (MEARSHEIMER, 2001)

Regarding peacekeeping, recent studies, developed under the *Providing for Peacekeeping Project*, seem to confirm the above statement, acknowledging “the potential for casualties as a significant political obstacle to contributing to UN missions” (BELLAMY, 2014, p.1).

According to Mearsheimer (2001), realism neither prescribes nor proscribes humanitarian interventions. Nonetheless, he presents a very skeptical view of humanitarian interventions, which he frequently refers to as “*human rights interventions*”. For Mearsheimer, most of the times the search for objectives not directly linked to security (in the traditional national conception) does not have any effect in the balance of power.

Human rights interventions usually fit this description, because they tend to be small-scale operations that cost little and do not detract from a great power's prospects for survival. (MEARSHEIMER, 2001)

For Stephen Krasner, the Westphalian standard based in the principles of sovereignty, autonomy, and territoriality provides a simple, elegant and convincing model (1996, p.115). Nevertheless, he argues that the principle of sovereignty has always been an “organized hypocrisy” (1999). From Krasner perspective, sovereignty has four analytical categories: international legal sovereignty (every time a state is recognized and legally accepted by the others as an equal); independent sovereignty (every time the state is capable of exercising the control of movements through its borders); domestic sovereignty, when the state is capable of controlling events inside its territory; and, finally, Westphalian sovereignty, when “states exist in specific territories, within which domestic political authorities are the sole arbiters of legitimate behavior” (p.15). Therefore, Westphalian sovereignty

will be compromised every time external actors “infringe domestic autonomy” (p.22).

Krasner argues that sovereignty breaches have regularly occurred throughout history, “violations of Westphalia, however, are an old problem, not a new one, [...]” (1996, p.150). One of the most ordinary forms of violation was by means of foreign interventions with the purpose of protecting religions, ethnic groups, or national minorities (1999, Chapter 3). In those situations, more powerful states manipulate the legal recognition in order to influence the politics of the weaker ones (p.224).

Still according to Krasner, “Westphalian sovereignty can be compromised through invitation as well as intervention” (1999, p.22). One may relate invitation to peacekeeping, which has consent as a key principle, as deeply discussed throughout this chapter. Therefore, in both peacekeeping and humanitarian interventions, Westphalian sovereignty is to some extent compromised.

Based on Krasner’s approach, one may argue that weaker states are frequently submitted to coercions and impositions, which turn them incapable of defending their autonomies and, very frequently, their own territories: “Some states have the power to preserve their territory and autonomy; others do not” (1996, p.150-151). Krasner’s view seems to corroborate an ancient passage, extracted from Thucydides Melian dialogue:

[...] you know as well as we do that, when these matters are discussed by practical people, the standard of justice depends on the equality of power to compel and that in fact the strong do what they have the power to do and the weak accept what they have to accept. (THUCYDIDES, 1972, p. 401-402) [emphasis added]

Great powers, on the other hand, according to Mearsheimer, may alternate between the use of force and diplomacy in order to achieve their objectives. Humanitarian interventions may certainly constitute one instrument of force and diplomacy.

Based on the perspectives of Mearsheimer and Krasner, this study concludes that, in the realist worldview, peacekeeping operations and especially humanitarian interventions normally take place when they are in the best interest of the great powers. “The international response to intrastate crises is still determined by interests and geopolitics, rather than principle” (HEHIR, 2013, p.157-158). Actually, peacekeeping operations and humanitarian interventions may also occur

in situations not directly linked to those interests, only if there is no significant impact in their balance of power.

4.4.2 Interventions in the liberal tradition

The basic premise of liberal philosophy is that the main purpose of states and governments is to protect and assure basic human rights. This means that there is a social contract that, in a certain sense, justifies the existence of the state (ROUSSEAU, 1762; LOCKE, 1764). Therefore, according to Fernando Tesón, the liberal reasoning favoring humanitarian interventions is based on two main moves. The first one considers that a tyrant government and the behavior which occurs in situations of extreme anarchy both constitute serious forms of injustice in relation to human beings. The second move considers that an external intervention is morally permissible in order to end such an injustice (2003, p.93).

Michael Walzer, following the same line of thought, understands that “non-intervention is not an absolute moral rule: sometimes, what is going on locally cannot be tolerated” (1995, p.55). He argues that a humanitarian intervention is “morally necessary whenever cruelty and suffering are extreme and no local forces seem capable of putting an end to them” (p.55). Under these circumstances, Tesón defines

permissible humanitarian intervention as the proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of double effect. (TESÓN, 2003, p.94)

While the action of former traditional peacekeeping operations, abiding for the principle of non-use of force, could be considered somewhat non-political, the model of contemporary robust peacekeeping operations may reflect the prevalence of liberal peace theories, which argue that democratic states, with market economies, are less subject to conflicts (BELLAMY; WILLIAMS, 2010, p.26). Michael Doyle (1995), one of the main proponents of the democratic peace theory, advocates the interventionism in the internal affairs of non-liberal states as a form of promoting democracy, by means of a politics which combines coercive and non-coercive measures, including the use of force. Consequently, the structure, the functioning, and the behavior of contemporary peacekeeping operations, presented earlier in this chapter, bear aspects that are typical of liberal theories. Key elements

of liberalism are present in contemporary peacekeeping: multilateralism, international institutions, democracy, free trade, and rule of law. According to Ramesh Thakur,

The community of states must be willing to work with local partners and institutions to create enduring structures of liberal democratic governance, the rule of law, market economy and civil society. (THAKUR, 2006, p.47)

Even a critical approach, under which, according to Robert Cox, all theories exist for someone or some specific purpose (1981, p.126-155), may identify the dominance of the liberal model. According to Pugh, peacekeeping operations aim to establish and protect liberal economic order (2004, p.41). Roland Paris seems to agree, affirming that:

Without exception, peacebuilding missions in the post-Cold War period have attempted to 'transplant' the values and institutions of the liberal democratic core into the domestic affairs of peripheral host states. (PARIS, 2002, p.638)

In general terms, then, most contemporary peacekeeping missions will also feature, to a certain degree, a political element. As already discussed, this political orientation may be emphasized or not, depending on the levels of force necessary to accomplish the objectives. One can argue that, although the general construction of contemporary peacekeeping may be based on the liberal model, the use of force, paradoxically, may be better explained in terms of the Realism. The use of force to impose a certain will, either in peacekeeping operations and/or humanitarian interventions, certainly adds to reaffirm the anarchical condition of the international system and the *Hobbesian* concept of the state of nature.

Among the coercive measures, Doyle emphasizes the importance of expanding the so-called liberal zone by using a variety of political, economic, and diplomatic instruments. Intervention, one of those instruments, is considered legitimate by Doyle if the majority of the population demonstrates major dissatisfaction with the local government and if their rights are being largely and systematically violated.

For Bruce Russett (1998), the motivations for humanitarian interventions are linked to the ideals and interests in promoting liberal and democratic values, representing a neo-Kantian perspective, which associates democracy, independence, and pacific relations. According to Russett, although this perspective had always been present in the UN, it gained special emphasis after the end of the Cold War. The association between underdevelopment and conflicts turned into a

point of consensus among different experts who advocated the liberal peace, both in the field of development as in the field of security (DUFFIELD, 2001).

4.4.3 Constructing a new norm?

Martha Finnemore (1996) notices that, with the end of the Cold War, the number of military interventions with the purpose of protecting civilians grew considerably. She argues that realist as well as liberal theories do not provide adequate explanations for this phenomenon. In contrast with the realist claim, Martha Finnemore, from a constructivist stand point, suggests that use of force and humanitarian interventions may be driven by a social process, with the emergence of new norms. During the decade of 1990, a new norm began to emerge in relation to humanitarian interventions. Finnemore defends that one cannot understand the standards of intervention out of the context of the normative changes which take place. The normative context is important since it configures the conceptions of the interests.

None of these realist or liberal approaches provides an answer to the question, What interests are intervening states pursuing? In part this is a problem of theoretical focus. Realism and most liberals do not investigate interests; they assume them. Interests are givens in these approaches and need to be specified before analysis can begin. (FINNEMORE, 1996, p.3)

Also according to Finnemore, a constructivist approach does not deny the importance of power and interests. Nevertheless, she defends that the investigation of interests requires a different theoretical approach, focusing on the international norms and on how those norms influence the interests. Since norms are socially constructed, they evolve together with the changes in social interactions, causing also changes in interests.

For constructivists, the sources of power go beyond material aspects, including ideational ones. In this context, legitimacy gains even greater relevance. Nicholas Wheeler (2006) sees, in the case of humanitarian interventions, a “shaming power of the humanitarian norm”. Following this line of thought, some constructivists believe that governments may be “shamed” by the pressure of other governments, their own citizens, or even the international public opinion, to effectively act in order to interrupt genocide, mass murder, and ethnic cleansing (BELLAMY; WHEELER, 2011, p.522).

For Ian Johnstone, the intervention in Kosovo, although considered largely illegal, took place in an evolutionary framework and may have contributed to the creation of an emerging consensus about humanitarian interventions (2005, p.201). Wheeler (2006) seems to agree, arguing that a new solidarity norm of humanitarian intervention would have emerged after the action in Kosovo and that NATO was the entrepreneur of the new norm.

The adoption of the already mentioned concept of the responsibility to protect (R2P) by the UN in 2005 represented, for constructivists, and important event. For the first time the international society formally declared that humanitarian and human rights concerns could, in certain occasions, overrule sovereignty. Just a few decades before, the great majority of jurists and experts were absolutely contrary to the idea of humanitarian intervention, since it violated the principle of sovereignty, in terms of the non-intervention, besides allowing the great powers to try to become like “sheep in wolf’s clothing” (BARNETT, 2011, p.162). Therefore, one may conclude that during the last fifteen years there has been a growing acceptance of a norm in relation to humanitarian intervention and may also understand R2P as the formal codification of the consolidation process of the new norm, initiated during the 1990s (BELLAMY; WHEELER, 2011, p.523).

4.4.4 Cosmopolitan interventions?

The idea of cosmopolitanism or cosmopolitan citizenship had its roots in the ancient Greece. Kant and other Illuminist thinkers employed the idea with the intent of promoting a greater sense of moral obligations which would transcend the borders of sovereign states (LINKLATER, 2007, p.109). Cosmopolitanism is committed to constructing a more peaceful, just, and sustainable international order (BURKE, 2014, p.13). During the last decades, the cosmopolitan approaches of the political community had a new boost, especially due to the phenomenon of the globalization. The act of “Saving strangers” (WHEELER, 2002) may demonstrate that moral principles are not restricted by the borders of a certain political community, the ‘polis’. Those principles should in fact become, according to Kantian ideals, universal and be extended to the ‘cosmopolis’. Nonetheless, Wheeler is somewhat skeptical due to the tenacity of the state and the nationalisms compared to the fragility of the cosmopolitan ties. According to Mary Kaldor

(2009), the nationalist and state centric thought is yet to be replaced by the concept of a single human community.

Daniele Archibugi argues that the motivations to conduct military interventions are always mixed, which means that altruist motivations are always combined with political and economical interests. Governments of democratic countries are no exception. Therefore, he defends that the solo form of reducing the interests' side and reinforcing the altruist side is by increasing the number of actors involved in the humanitarian interventions. The broader the coalition willing to intervene, greater will be the probability that the military action be decided in accordance with the interests of the population to be saved and not by the interests of the intervening governments. (FARER et al., 2005, p.222).

The cosmopolitan use of force with the purpose of human protection would be, according to Thomas Weiss, the culmination of a normative tendency, initiated during the decade of 1990, towards the concept of "sovereignty as responsibility". According to David Chandler, during "the 1990s, humanitarian intervention was lauded by academic commentators as heralding a new global order of cosmopolitan law and human rights" (2013, p.24). The sense would not be to dispraise the principles of sovereignty and non-intervention which support the international society, but add the respect for human rights to the characteristics of sovereignty. When one state or government is unwilling or incapable of protecting the population inside its territory, sovereignty and non-intervention would be put aside (FARER et al., 2005, p.233).

Andrew Linklater recalls that one of the key cosmopolitan principles is that "good international citizens" must assist the victims of institutional cruelty. Nevertheless, he also recognizes the existence of a dilemma, due to the legalist position regarding state rights. This dilemma may only be solved when the international community is persuaded to adopt a new legal rule in relation to humanitarian wars. He argues that the intervention in Kosovo could be a catalyzer for a new era of "cosmopolitan law enforcement" (2007, p.88).

Following the same line, Mary Kaldor proposes a cosmopolitan base in response to the challenges of contemporary intrastate wars and crises. The monopoly of the legitimate and organized use of force would be reconstructed in a transnational base. In this new paradigm, humanitarian intervention would be interpreted as "cosmopolitan law enforcement", conducted by international

soldiers-policemen. In the same way that, in traditional conflicts, soldiers are prepared to die for their countries, in cosmopolitan interventions, soldiers-policemen would risk their lives for the humanity. In 2010, James Pattison, in a book called *Humanitarian Intervention & the Responsibility to Protect: Who should intervene?*, suggests a new formula for the creation of cosmopolitan forces under the auspices of the United Nations (2010, p.229-236).

In short, cosmopolitan critics defend the need of conducting humanitarian interventions. They do not accept that international borders may limit the application of universal moral and human rights concepts. Nevertheless, they also recognize that unilateral interventions may lead to political distortions. They believe that those distortions may only be attenuated with interventions that are really cosmopolitan. This may only be achieved with the consolidation of a global civil society (HEHIR, 2008) and with a maximum participation of the international community.

4.4.5 Sovereignty and intervention: a post-structuralist look.

In contrast to the cosmopolitan proposal of universality, R. B. J. Walker, in *Lines of Insecurity* (2006), alerts to the risks inherent to a tendency in the behavior of hegemonic powers. These powers are always tempted to consider their particular perspectives as universal. Therefore, the Anglo-American view that, in a certain moment, the ‘*cosmopolis*’ and the universal law will replace the ‘*polis*’ may actually represent, in practice, the prevalence of imperial and unilateral politics (p.68-71).

Helle Malmvig (2006) suggests that sovereignty and intervention have worked as a binary pair, with a hierarchical relation existing between the two concepts. In this relation, sovereignty would be in the good and normal side of how things should be, while intervention would be in the problematic and pathologic side, always demanding, therefore, justification. The legitimation of intervention reproduces this logic in a paradoxical manner: in its justification, intervention is reinstalled as a dangerous and abnormal act, which reaffirms the normality and legitimacy of sovereignty, which, in the same move, is violated.

Sovereignty and intervention become, therefore, mutually constituted, by means of discursive and performative practices, as identified by Cynthia Weber.

When conducting an intervention, the intervening power, coalition or even the international community affirm that the target state's sovereignty is weakened, and simultaneously declares that the objective is to reconstruct the sovereignty in new basis, allegedly more legitimate and enduring (WEBER, 1992).

Walker identified four 'rules' of the international order that must be accepted "as the condition of possibility of any specific claim to state sovereignty" (2006, p.69): no empire, no religious war, keep political life inside, and no barbarians. From this perspective, humanitarian interventions, as discussed in this section, may have imperial connotations, may tend to classify others as barbarians, and, most importantly, normally constitute a clear attempt to apply the political in the international, therefore jeopardizing the very existence of the modern sovereign state.

In this continuous search for justification, Walker suggests that there has been a double attempt to prioritize, in a very selective way, humanitarian values, supposedly universal, in relation to the principle of non-intervention, and to classify certain peoples as barbarians (2006, p.72).

Drivers on the highway from polis to cosmopolis may think they know where they are going, and demand that we follow them in the name of an ethical humanity, a humanitarian intervention, an escape from the petty parochialisms of a the sovereign state, but it is not a road that will be taken by anyone who has the slightest clue about what it means to put the regulative ambition for a free and equal modern political subject into serious doubt. (WALKER, 2006, p.75)

Therefore, studying the case of the intervention in Kosovo, for instance, with post-structuralist lenses, one may notice that more powerful nations were able to construct (by means of a discourse of power) Serbia as a dangerous and oppressing country, controlled by a barbarian leader, deserving, therefore, having its sovereignty violated, in order to allow saving an oppressed population. The importance of such an act was enough to justify the exceptionality of the intervention, even against the UN Security Council.

4.4.6 Humanitarian intervention or neocolonialism? A post-colonial critique.

According to Neta Crawford, "debates about humanitarian intervention are in many ways a continuation of arguments about colonialism and decolonization" (2002, p. 400). Therefore, a brief approach of humanitarian interventions, with

post-colonial lenses, may provide an interesting perspective, especially in giving voice to the populations of target countries.

An ambivalent discourse, with the fingerprint of the Western logocentrism, has often constituted target populations as “unprotected” and in urgent need of being “rescued” (MORENO; BRAGA; GOMES, 2012, p.387). All this in binary opposition to dangerous and oppressing governors and politics, similarly to what was suggested by Edward Said (1978) or Homi Bhabba (1994). At the same time, those places are pictured as underdeveloped or even pre-modern. Yet, some of them, like Kosovo, are located very close to the most “modern” or “post-modern” European civilizations.

Arturo Escobar (1995) points out that, in colonial encounters as well as in the discourses of power, global South is convinced to think of itself as inferior and underdeveloped. Therefore, most of the times, the decision making process excludes local populations. Those populations are also underrepresented, by leaderships not necessarily legitimate or hybrid. In order to be heard during the process, they must have already acquired some of the characteristics of the “colonizers”.¹⁵

Using post-colonial lenses and a more radical view, one may understand humanitarian interventions as manifestations of the “democratic empire”, which advances towards less developed states in the global South, creating informal protectorates (UN transitory administration in Kosovo or the permanent presence of Russian troops in South Ossetia, for example). Those manifestations would maintain some of the colonial-style hierarchies.

4.5 Interventions of the international community: universal principles x particular interests

As mentioned in the beginning of the last section, this very brief analysis of international interventions, using some of the ideas of distinct IR theoretical approaches, did not aim to present a thorough debate. This would be a much more ambitious task, which could demand a dissertation of its own and is definitely not

¹⁵ As an interesting example, one may notice the role performed by Ahmed Chalabi. During the period just before the Iraqi invasion, the US presented Chalabi as a legitimate representative of the interests of the Iraqi people. Chalabi, a businessman who had emigrated from Iraqi long before, clearly had other very specific interest and could hardly be considered a legitimate and authentic representative of the Iraqis.

part of the objectives of this research. The purpose here was solely to enlighten the reader, by very briefly showing that one may think and understand those interventions in very different, and sometimes conflicting, ways.

The discussion ranged from the traditional rationalist perspectives of realism and liberalism to the post-structuralist and post-colonial critiques. Based on the theoretical approaches presented, this author argues that one may hardly speak of an emerging norm for humanitarian interventions based only on legitimate humanitarian ideals, as advocate some constructivist authors.

In practice, however, it is virtually impossible to imagine a military intervention that is motivated solely by humanitarian considerations. Decisions to use armed forces almost always involve a mix of motives, including self-interest. [...] self-interest is not only inevitable but *required* to sustain a potentially costly and dangerous military intervention [...] (PARIS, 2014, p. 572-573) [emphasis in the original]

[...], whatever altruistic motives may lie behind the desire to codify a norm of humanitarian military intervention, its practical application in contemporary world politics will always be open to abuse by powerful governments. (WILLIAMS; BELLAMY, 2012, p.284)

Practitioners, such as Navi Pillay, who served as the UN High Commissioner for Human Rights for six years (2008-2014), also acknowledge that:

[s]hort term geopolitical considerations and national interest narrowly defined, have repeatedly taken preference over intolerable human suffering and grave breaches of - and long term threats to - international peace and security. (PILLAY, 2014, p.1)

It is even harder to consider the existence of universal principles, as dreamed by cosmopolitan critical authors. This author strongly agrees with Aidan Hehir's contention that

[t]he power of self-interest among states remains the guiding force in international relations and this is arguably most evident with respect to the P5. To ignore this and assume we convince this states to change their ways through moral advocacy alone is unlikely to achieve positive results. (HEHIR, 2012, p.264)

One may argue therefore that international interventions, in spite of the growing normative consensus, remain, in practice, selectively dictated by particular interests. This situation reveals a convergence between the realist and the post-structuralist positions. One could also even consider such a convergence as unexpected. Nevertheless, this convergence should not surprise a judicious analyst. This dissertation has already pointed out, in its introductory chapter, when dealing with the methodological considerations, that realism and post-structuralism have a lot in common. According to Ole Wæver, such a convergence should not surprise, since poststructuralism does not mean anti-structuralism and post-structuralism has

more in common with realism than the major part of its opponents (2002, p.23). Colin Wight also seems to agree. As already mentioned in the beginning of this study, he points out that, in the ontological level, realism and post-structuralism “share more in common than both parts would like to admit” (2006, p.291). Actually, especially regarding international security, Barry Buzan and Lene Hansen conclude that

poststructuralists also constituted themselves as indebted to the Classical Realist tradition, and, like Realism, argued that state sovereignty and security were not easily transformed. (BUZAN; HANSEN, 2009, p.218)

According to Buzan and Hansen, both perspectives also assume, at the ontological level, inseparability between states and enemies (2009, p.218). Such inseparability between states and enemies will have paramount importance in the continuation of this dissertation, as the next chapter will demonstrate.

In conclusion, combining realist and post-structuralist approaches, this doctoral dissertation argues that, most of the times, the interests of the powers continue to dictate the destinies of armed military interventions in general and specially humanitarian ones. Those powers may construct their discourses according to the convenience of the occasion and those interventions may, in practice, turn political ones.

4.6 Partial conclusions

This chapter dealt with the use of force on behalf of the international community, especially after the end of World War II. If the UN Charter, in a certain sense, has prohibited the unilateral use of force by countries, except in very special circumstances already mentioned, the same Charter created the conditions of possibility for the use of force on behalf of the international community. Such a use of force has taken place especially in two forms, which have great interest for the purposes of this research: peacekeeping operations (and its variations) and humanitarian interventions.

Peacekeeping, which was originally designed not to use force, has endured a large number of adaptations and modifications, since it was first conceived. Actually, peacekeeping continues to evolve, adapting to the changing demands of the international scenario. Contemporary peacekeeping now may officially include offensive operations and intervention brigades, which means that the use of force

turned to be a key ingredient of those operations. Humanitarian interventions, on the other hand, have always included, by definition, the use of force. As will be deeply discussed in the next chapter, the act of using force brings along the notion of the political, in Schmittian terms, the sense of an enemy, and many of the characteristics of war.

In order to set the stage for the next chapter, this one also presented a very brief review of a few possible interpretations of those international interventions, according to some the different worldviews in the field of the International Relations. This brief review assisted this author in pointing out his own perspective regarding those interventions. Furthermore, it contributed do strengthen this author's conviction that the interventions of the international community and specially the use of force on its behalf may be better understood with a combination of realist and post-structuralist perspectives. Such a combination will provide the key ingredients to the proposition of a theoretical framework for understanding the use of force on behalf of the international community which will be the key objective of the next chapter.

5 A theoretical proposal

Chapter 2 presented a comprehensive conversation on how Clausewitz provided one of the most complete - if not the most complete - theoretical discussions of war and on how his work remains of major relevance today. Chapters 3 and 4 discussed the emergence of the notion of the international community and the evolution of the use of force on its behalf, including peacekeeping and humanitarian intervention. Regarding the notion of the international community, it is important to recap that, for the purposes of this dissertation, among the many competing interpretations, this author agrees with the narrow understanding that the UN is, presently, the best representation of the international community. Peacekeeping, as demonstrated, was originally envisaged to resolve conflicts and maintain international peace, without resorting to the use of force. Peacekeeping, because of the circumstances of the Cold War, was conceived, therefore, to be essentially different from war.

The present chapter, which represents the most central part of this dissertation, will propose, benefiting from a Clausewitzian perspective, a theoretical framework for understanding the contemporary use of force on behalf of the international community. The proposed framework, which might be labeled *neo-Clausewitzian*, intends to incorporate to the theory proposed by Clausewitz contemporary aspects concerned with the use of force on behalf of the international community. While acknowledging that Clausewitz's theory is not fully capable of encompassing current postmodern conflicts, especially due to the essential difference between war and peacekeeping, this dissertation argues that his theoretical approach is still valid and relevant and, therefore, may provide a very significant point of departure in such a quest.

The use of the *neo-Clausewitzian* label aims to make it clear that the proposed theory does not intend to question the present validity or relevance of Clausewitz. Quite the opposite, this work, as already intensely discussed in Chapter 2, reiterates the soundness of Clausewitz and basically aspires to update and invigorate his theoretical approach with contemporary aspects, which did not exist

or did not seem to have major relevance, when his work was originally conceived and published, almost two centuries ago.

This chapter will deal with the question of the politics of the international community - in the place of the state - and with the conditions of possibility for the continuation of this politics by other means: the use of force. The proposed framework will naturally prioritize aspects related to the use of force and to the political nature of both war between states and the actions of the international community, especially peacekeeping and humanitarian interventions. It draws, therefore, on Clausewitz's theory of war as the main point of departure of this search for a theoretical framework for the use of force on behalf of the international community. Nevertheless, in order to incorporate and understand some relevant aspects of current conflicts, involving the international community and the use of force on its behalf, the main purpose of this chapter is to advance beyond Clausewitz, adapting and incorporating new concepts, whenever deemed necessary.

Structurally, the proposed approach has four main dimensions: the process which results in the use of force on behalf of the international community instead of modern state war; the use of the ideal types and the move from abstract to practice; a critical perspective which may help in understanding the continuities and discontinuities between the two extremes of peacekeeping and war; and the intangible aspects which characterize human intercoursures.

5.1 Main changes since Clausewitz's era: a very brief review

Clausewitz, as comprehensively discussed in chapter 2, while arguing that the fundamental nature of war is not subject to change, also contended that "every age had its own kind of war, with its own limiting conditions, and its own peculiar preconceptions" (2007, p.240). Consequently, each age would have "its own theory of war" (p.240). Understanding the main changes which have occurred since Clausewitz period represents, therefore, a critical step before attempting to develop a theory capable of addressing the contemporary age.

The main changes occurred since Clausewitz, as well as the main continuities, were deeply debated in chapters 3 and 4. This section will very briefly summarize some of the key changes already presented in the previous chapters, in order to assist the theoretical development and proposal.

The prohibition of the unilateral use of force by states, determined by the Charter of the United Nations, certainly represents one of the most formidable changes. Such a prohibition largely represented the birth of new legal framework, in which wars were banned. One may argue that in this new framework war between states was, in a certain sense, replaced by the use of force on behalf of the international community.

In spite of the new legal framework, some interstate wars continued to occur, both legally (self-defense) and illegally, representing a point of continuity with the previous era. The 1982 Falklands/Malvinas War between Great Britain and Argentina represents an interesting example of those continuities. Nevertheless, one must also acknowledge that there was a major reduction, both in terms of the number of events and casualties.

The focus on the individual represents the other major change from Clausewitz era to the present time. The valorization of human rights and the notion of human security also determined some legal and normative changes. The whole R2P debate presented in the previous chapter may well illustrate how broad those changes were.

One may argue that those changes created the conditions of possibility for the solidification of the very notion of the international community and for the use of force on its behalf. Furthermore, reaching back to Clausewitz, those changes may represent the “peculiar preconceptions” of the present age and the basis for the development and proposal of a theoretical framework.

The proposed theoretical framework will not deal directly with war anymore, but rather with the use of force on behalf of the international community. As thoroughly discussed in chapter 2, from this author’s perspective, wars, either “old” or “new”, represent continuity with Clausewitz’s era and his theory is perfectly capable of dealing with them. The use of force on behalf of the international community, on the other hand, represents a new paradigm, which demands an adequate theoretical framework.

5.2 Peacekeeping is not war

Although the assertion above may sound obvious to most people, the distinction is actually not so simple, especially after the developments occurred during the last decades in regard to the increasing levels of the use of force on

behalf of the international community, already presented and discussed in chapter 4. Some authors, such as Domício Proença Junior, have even attempted to characterize peacekeeping as a “coalition war” (2002, p.156). Nevertheless, it seems evident that a war theory is not enough to study peacekeeping.

The problems with using *On War* as a basis for a doctrine of peacekeeping and peace enforcement missions is, briefly, that these are “wars” only to a limited extent and thus conform badly to Clausewitz’s theory. (ABRAHAMSSON, 2009)

As previously and repeatedly mentioned, Clausewitz, in two of his most often quoted expressions, defined war as “simply a continuation of political intercourse, with the addition of other means” (2007, p.252) and “an act of force to compel our enemy to do our will” (p.13). As already exhaustively explored in chapter 2, the whole political concept of war has a direct relationship with the notion of the enemy. The centrality of the existence of the enemy is therefore an elemental characteristic of the whole discussion regarding war.

When the subject changes from war to the use of force on behalf of the international community (peacekeeping, humanitarian intervention, etc.), the question of the enemy does not seem trivial anymore. In fact, it may turn to be very problematic. The dominant discourse, for instance, used to affirm that “in traditional peacekeeping operations there is no enemy. Instead you have warring factions towards which you have to remain impartial” (SVENSSON, 2003, p.41). According to Michael Pugh, “Peacekeepers were represented as disinterested in the outcome of a dispute, neutral and impartial towards the disputants” (2004, p.47). The notion of the absence of an enemy was so embedded in traditional peacekeeping that, according to J. King Gordon (1971, p.586-588), one of the best books about preparedness for peacekeeping, produced in the beginning of the 1970s, had the following title: *Soldiers without Enemies: Preparing the United Nations for Peace-keeping* (FABIAN, 1971). For Brian Urquhart, who worked for the United Nations since its foundation, “peacekeeping forces had no ‘enemies’, just a series of difficult and sometimes homicidal clients” (1987, p.293).

The United Nations Interim Force in Lebanon (UNIFIL), created in 1978, provides an interesting example. There are a myriad of armed groups in Lebanon, with diverse political, ethnical, and religious motivations. Some of them are legal, others are not; some of them are sympathetic to the government, others are not. UNIFIL does not confront any of them.

Nevertheless, once one starts dealing with more robust peacekeeping and using force, the debate regarding the objective and discursive identification of the enemy may turn indeed much more complex. While using force, the action of the international community, unsurprisingly, turns more political, in the Schmittian sense discussed in chapter 3. Can the international community identify a well-defined enemy in peacekeeping?

At this point, this doctoral dissertation suggests one first key move in the search for a theory of the use of force on behalf of the international community. In peacekeeping, the more the international community identifies and labels certain actor(s) as enemy(ies), the more politically it behaves – in the Schmittian terms discussed in section 3.4 - and more it moves towards the concept of war.

Let us depart from the initial traditional peacekeeping operations, presented in the beginning of the last chapter. In those operations, as already mentioned, there were no identified enemies of the international community and the UN force was demanded to be fully impartial. In order to achieve such a level of impartiality, one of the requirements, for instance, was that the composition of the peacekeeping force needed to have “equitable geographic representation” (HILLEN, 1998, p.119). Furthermore, those operations had Security Council mandates under the Chapter VI of the Charter, so that force was not to be used, except in self-defense. As precisely identified by Patrick Cammaert - a former chief military advisor in the UN - without a defined enemy or adversary, “due to political sensitivities, for many years ‘intelligence’ within UN was not considered an acceptable term, activity or process” (2003, p.14). David Carment et al. agree and argue that “historically, United Nations (UN) peace missions eschewed intelligence capabilities” (2006, p.2).

In war, on the other hand, intelligence is considered one of the most vital activities, defined as “information and knowledge about an *adversary* obtained through observation, investigation, analysis, or understanding” (US, 1998, p.224) [emphasis added].

Once, one moves to robust peacekeeping, some agents are occasionally identified as spoilers¹⁶ and are perceived and sometimes referred to as enemies of the peace process.

A related dilemma frequently arises: whether to regard ‘spoilers’ that challenge the new regime as political opponents, criminal elements, or military enemies (CHESTERMAN, 2005, p.12)

In this view, since the *Brahimi Report*, the UN force continues to be officially described as impartial, not anymore in respect to the parties, but in regard to the mandate (UN, 2008). Consequently, force may be used against those spoilers. One may argue that the introduction of a Joint Mission Analysis Center (JMAC), together with other intelligence resources, in contemporary multidimensional peacekeeping missions represented the recognition of the importance of having timely information about those spoilers (or enemies). According to Mats Berdal, for instance, MINUSTAH’s innovative use of intelligence represented a significant departure from the traditional approach to peacekeeping, resulting in the conduct of intelligence-driven operations, which contributed to the defeat of the gangs and other spoilers of the peace process in Haiti¹⁷ (2009, p.118). A clear development towards this direction of recognizing the existence of an enemy in peacekeeping is the creation of a Force Intervention Brigade inside MONUSCO, in order “to conduct offensive operations” (UN, 2013). One may argue that “offensive operations” obviously demand the existence of a clearly identified enemy, against which those (offensive) operations are conducted, no matter in a peacekeeping operation or not.

Once one reaches the notion of humanitarian intervention, the enemy may seem more easily identifiable in the conventional discourse, as also lengthily discussed in the last Chapter: those who are perpetrating atrocities against the population. Nevertheless, if one eliminates the conventional discourse and analyze those interventions from other perspectives, one may reach different conclusions regarding the enemy. Mary Kaldor (1999), for instance, argues that a significant feature of contemporary conflicts is that they are frequently driven by questions of identity. From a poststructuralist standpoint, one can argue that the enemy may not

¹⁶ Spoilers, as already discussed in chapter 4, are defined as “individuals or groups that may profit from the spread or continuation of violence, or have an interest to disrupt a resolution of a conflict in a given setting” (UNITED NATIONS, 2008, p.99).

¹⁷ Chapter 6 will explore in greater length and detail the case of Haiti and MINUSTAH.

have an objective existence, depending, therefore, on discursive practices and constructions of identity to be recognized and declared, in what David Campbell (1992) calls “discourses of danger”. Alan J. Kuperman argues that “intervening states, when justifying their use of force to domestic and international audiences, demonize the regime of the country they are targeting”. This demonization may contribute to expand the objective of interventions initially motivated by humanitarian intent, to include regime change (2013, p.3). Furthermore, those policies of identity illuminate the symbolic boundaries which are virtually set within and across different communities (CAMPBELL, 1992), naturally including the international community. Those identities do not have an objective existence and cannot be essentialized, since they are constantly articulated, rearticulated and contested (ZEHFUSS, 2001). From this perspective, humanitarian interventions or even robust peacekeeping may turn indeed very political.

In short, while in war the notion of the enemy may seem more natural and direct, when dealing with the use of force on behalf of the international community this notion has proven to be much more problematic, although still quite present many times. In order to theoretically cope with those contemporary situations, one may argue, nevertheless, that Clausewitz still provides an excellent point of departure. Most importantly, Clausewitz offers an excellent insight in terms of philosophical approach, since his level of abstraction does not encounter any parallel in other war studies. The next section will benefit from this level of abstraction to propose an equivalent approach in regard of the use of force on behalf of the international community.

5.3 Absolute war and absolute peacekeeping

Chapter 2 presented one of Clausewitz’s most brilliant moves in the attempt to provide a more precise understanding of war: the concept of *absolute war* - a kind of abstract, perfect, and pure form in which war consisted of a single blow of infinite force. It also emphasized how one must read the concept of *absolute war* as a Platonic ideal, in terms of being natural and logic, in the Aristotelian sense.

For Clausewitz, “in essence war and peace admit of no gradations” (2007, p.251). A theory of the use of force on behalf of the international community must

advance Clausewitz's framework by also being able to account for this space between war and peace. The use of Platonic ideal-types, such as absolute war, and non-Hegelian dialectics between two opposed but linked concepts, as presented in Section 2.6, may prove instrumental in dealing with some of the main dichotomies of role of the international community in regard to the use of force: peacekeeping x war; humanity x citizenship; political x non-political; friendship x enmity; among others.

Therefore, as the second key move for a theoretical understanding of the nature of contemporary conflicts, especially those in which force is used on behalf of the international community, this work suggests, using the same logic of Clausewitz, a dialectic between two absolute concepts: absolute war and *absolute peacekeeping*.

This dissertation proposes the concept of *absolute peacekeeping*, as a model of abstract, ideal, and perfect intervention of the international community – an “*Idealtypus*” in the Weberian language already presented in chapter 2 - in the form of a peacekeeping operation in which the three already mentioned underlying principles (impartiality, consent, and non-use of force) are fully observed, leaving the levels of use of force in an absolute zero.

While war is described by Clausewitz as a “*clash of wills*”, one could argue that, absolute peacekeeping, in essence, could be described as a sum of wills, since, theoretically all involved – international community and parties – would be aiming to maintain peace. Consequently, absolute peacekeeping, from the perspective of the international community, would not identify any kind of enemy - impartiality. Therefore, from a Schmittian perspective, the action of this operation would not have a political character. Of course, as mentioned, this concept is virtual and unachievable, precisely like Clausewitzian absolute war.

Also using the same logic used by Clausewitz, when dealing with war, one may argue that those three peacekeeping principles merely represent an ideal form. The simple presence of foreign troops in uniform in a host nation already entails an act of force. This author agrees with the already mentioned Clausewitz's understanding that “whenever armed forces, that is armed individuals, are used, the idea of combat must be present” (2007, p.38). In fact, for the purpose of this research, this broad and encompassing definition of combat is very useful. It allows

to theoretically coping with the different and growing levels of the use of force on behalf of the international community, especially in peacekeeping.

Regarding the other two principles, it would also be impossible to reach a level of complete consent among all players. Besides, due to its human nature, the peacekeeping force would never be entirely impartial or completely non-political.

Any form of external military intervention in a civil conflict is likely to favour one party or another, and thus will tend to be seen as biased by the local parties, even if the interveners, themselves, seek to remain impartial. (PARIS, 2014, p.576)

Getting closer to the *absolute peacekeeping* ideal of intervention would require a Kantian world, in which the international community would constitute a single and perfect security community. In this ideal security community of Karl Deutsch, discussed in Chapter 3, “members of that community will not fight each other physically, but will settle their disputes in some other way” (ADLER, BARNETT, 1998, p.6). The use of force would not be acceptable (FREDERKING, 2003, p.368).

This hypothetical and ideal intervention would only occur in situations in which harmony reigned. According to Robert Keohane, “harmony refers to a situation in which actors’ policies (pursued in their own self-interest without regard for others) automatically facilitate the attainment of others’ goals” (1984, p.51). In those idealist situations of absolute consent, impartiality, and non-use of force, cooperation would be unnecessary, since the harmony would be automatic.

Nevertheless, as discussed in chapter 2, one cannot deny the still anarchical nature of the international system. In that sense, even with the notion of the international community, the system remains without a single authority with the monopoly of the use of force. Automatic alignment and harmony may exist only as a theoretical model. As Kenneth Waltz points out, “in anarchy there is no automatic harmony” (1959, p.182).

Once we move to the real world, harmony needs to be replaced by cooperation.

Harmony is apolitical. No communication is necessary, and no influence need be exercised. Cooperation, by contrast, is highly political: somehow, patterns of behavior must be altered. (KEOHANE, 1984, p.53)

In terms of an armed intervention of the international community, absolute war and *absolute peacekeeping* would be positioned on opposite sides of the

spectrum of the use of force. Nevertheless, war and peacekeeping are never absolute. Real-world interventions, including war, peacekeeping, and humanitarian interventions would be all situated inside this spectrum.

From all that was discussed in the previous chapter, this author argues that, contrary to the dominant discourses, the boundaries between those interventions of the international community are neither precise nor clear. Therefore, they actually operate in a continuum (see figure 5.1 below).

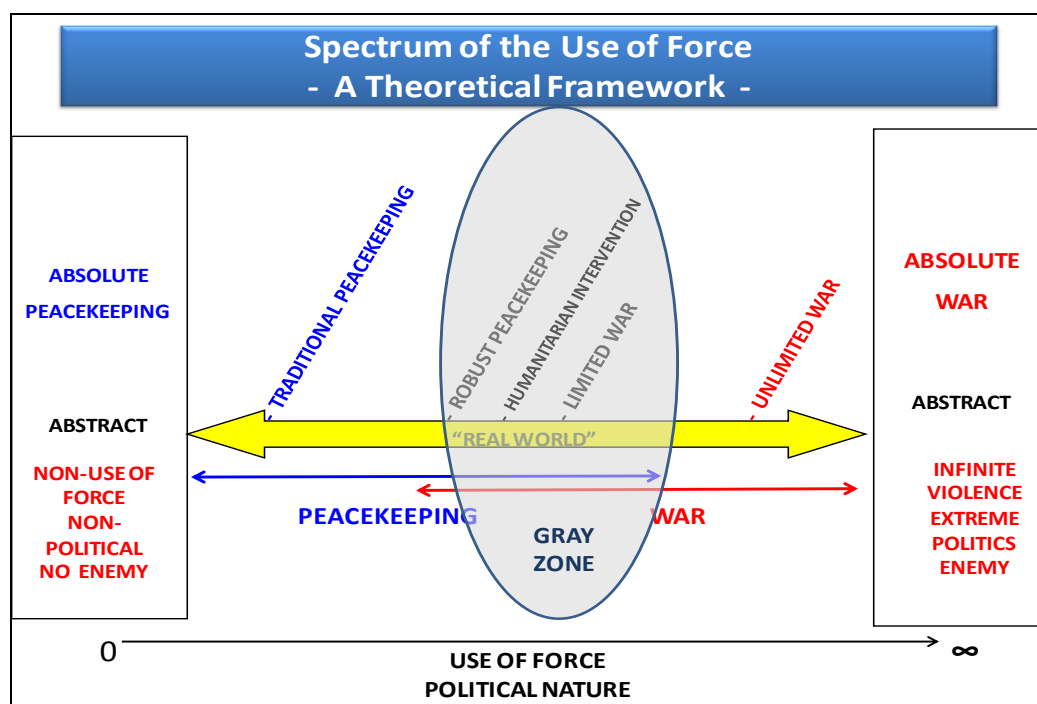


Figure 5.1 – Peacekeeping x war spectrum (Source: the author)

Depending on the levels of the violence involved, a conflict resulting in the use of force on behalf of the international community may be situated closer to war or peacekeeping. By using increasing levels of force, the conflict tends to be more political and to resemble war. Identifying the boundaries poses a major challenge. Nevertheless, one can argue that, under conditions of intense use of force, labeling a conflict as war or peacekeeping will also be, most of the times, a political decision and a matter of discourse.

This doctoral dissertation proposes, therefore, that the use of force on behalf of the international community would necessarily be positioned between those two absolute concepts, getting closer to the one pole or the other, according to

circumstances which will be discussed in the next section and illustrated by the cases presented in chapters 6 and 7.

5.4 Moving from abstraction to the real-world

As discussed in greater depth in chapter 2, the question of the differences between the theory and practice of war intrigued Clausewitz. “Why is it that the theoretical concept is not fulfilled in practice?” (CLAUSEWITZ, 2007, p.223) Answering his own question, he pointed out different constraints, including political ones, which transform the ideal, perfect, and abstract *absolute war* into real-world war. Among other aspects, he also emphasized the human nature of war.

The phenomenon of use of force on behalf of the international community is obviously, just like war, an act of human interaction. Most of the limiting conditions that affect war will also affect this phenomenon, keeping it away from the ideal of *absolute peacekeeping* and, sometimes, even moving it towards *absolute war*. Just like a state in war, the behavior of the international community also has its limiting conditions. The behavior of the international community, for instance, during the Cold War was perceptibly different from its behavior during the decade of 1990.

The more the action of the international community moves away from absolute peacekeeping, the more it may be interpreted, akin to war, as an exercise of will. Yet, another very peculiar and essential characteristic is that the exercise of this will, in both situations, is not directed at an inanimate subject, but rather at an animate one, which most often reacts with its own will. This research argues that, just like war, one must understand the use of force on behalf of the international community as a clash of living forces. At this point, the following quote, already present in chapter 2, may be read from the perspective of the international community.

the aim of disarming the enemy (the object of war in the abstract, the ultimate means of accomplishing the war's political purpose, which should incorporate all the rest) is in fact not always encountered in reality, and need not be fully achieved as a condition of peace. (CLAUSEWITZ, 2007, p.33)

One should also notice that once the international community identifies, either discursively or practically, an enemy, its actions will be affected by the same constraints and limitations identified by Clausewitz as influencing in war.

Real war was never absolute, due, especially, to an array of factors that contribute to moderate the levels of violence (CLAUSEWITZ, 2007, p.223). Being a continuation of politics, once the political objectives were attained, there would be no reason for a war to continue. Besides, uncertainty, chance and an omnipresent friction would act in moderating the levels of violence. Those factors, identified by Clausewitz as important moderators of the violence in war, also play a key role in the use of force on behalf of the international community. Adrian Johnson (2013), a military analyst at the Royal United Services Institute (RUSI), when trying to determine what would be some “general rules” regarding a successful humanitarian intervention, pointed out luck – or chance, in Clausewitz’s language - as a key ingredient, in terms of how events unfold on the ground and how the neighbors respond.

Chapter 2 also discussed the Clausewitzian concept of friction and its contribution to moderate the violence of war. According to Clausewitz, friction is essential in distinguishing real war from war on paper. While everything related to war is very simple and may, therefore, seem easy to conduct, “each part is composed by individuals, everyone of whom retains his potential of friction” (2007, p.66). The notion of friction is also clearly present in the interventions of the international community.

Tom Ricks, in his classic *Making the Corps* (1998), about the United States Marine Corps, provided the following description of the operation in Somalia during the nineties:

This was the first U.S. brush with ‘peacemaking’— a new form of post–Cold War, low intensity chaos that is neither war nor peace, but produces enough exhaustion, anxiety, boredom, and confusion to feel much like combat. (RICKS, 1998, p.17)

In this case, friction actually transcends the Clausewitzian concept, including the unpredictable and unexpected nature of the results of the political interaction between the global (international community) and the local (national community), even without the use of force (MILLAR; VAN DER LIJN; VERKOREN, 2013, p.137). During those interventions on behalf of the international community, “the global and the local are in constant confrontation and transformation with each other” (BJÖRKDAHL; HÖGLUND, 2013, p. 292). According to Anna Tsing, the concept of friction, when dealing with global interactions, illuminates the evolving and unpredicted character of unintended

consequences (2005, p.3). Sometimes these unpredicted results may contribute to achieve peace or to moderate violence, sometimes the effect may be exactly the opposite. The subject is getting increased importance in recent debates regarding international interventions. British specialized journals *International Peacekeeping* and *Peacebuilding* both dedicated recent special issues to deal with friction and uncertainty: *Frictions in Peacebuilding Interventions: The Unpredictability of Local–Global Interaction* (MILLAR; VAN DER LIJN; VERKOREN, 2013) and *Precarious Peacebuilding: Friction in Global-Local Encounters* (BJÖRKDAHL; HÖGLUND, 2013), respectively.

The concept of friction provides a lens for analysis and description which can make visible the multiple and diverse actors, actions, motivations, and implications of peacebuilding. (MILLAR; VAN DER LIJN; VERKOREN, 2013, p.142)

Chapter 2 also presented danger as inherent to war. Clausewitz considers danger as a part of friction of war. For him, prudence, concern, and fear of excessive risk may also contribute to reducing the elemental fury of war. Regarding the use of force on behalf of the international community, one may argue that the same elements of danger may be present. They will naturally be proportional to the use of force needed.

In contemporary peacekeeping, danger, as part of friction, presents other interesting aspects which contribute to reduce the levels of force actually used. Those aspects are particularly present in robust operations in which the use of force in the defense of an ambitious mandate is authorized and required or even in the protection of civilians. Mats Berdal and David Ucko identified a number of problems, which normally plague UN peacekeeping operations in a much more critical way than they would in other military operations. The problems below, identified by Berdal and Ucko, clearly meet the criteria for friction:

[...] poor standard of many of the military units deployed; ‘critical deficiencies’ in communications, transport, intelligence and, above all, the absence of unity of command caused, in part, by the frequent refusal of contingent commanders to accept orders through the UN chain of command. (BERDAL; UCKO, 2014, p.669)

Furthermore, a 2014 Report of the UN Office of Internal Oversight (A/68/787) identified that “multiple factors contribute to the non-use of force in peacekeeping”. Some of those aspects, which are ordinarily absent in war, will have a tremendous impact in peacekeeping. Among those factors, the key ones are:

differences of view in the Security Council and among troop-contributing countries regarding the use of force; the existence of a de facto dual chain of command (UN and national) regulating the use of force; some UN missions perceive themselves as weak, outnumbered, and stretched, considering the use of force only “a paper option”; and, at the units and even at the individual levels, concerns regarding possible penalties for inadequate use of force tend to lead to inaction (UNITED NATIONS, 2014d, p.12-16). In peacekeeping missions, distinct factors, such as the above mentioned, result that “a wide array of actors must agree before the PKO employ robust force” (BREAKEY; DEKKER, 2014, p.307).

When dealing with the concepts of limited and unlimited wars, Clausewitz argued that sometimes wars have a tendency to turn unlimited. Here, this research argues that, for different reasons, robust peacekeeping may have an opposite tendency to move towards traditional.

One may argue that Clausewitz had already, indirectly, identified some of the main reasons for that phenomenon: prudence and the resistance on fighting other people's wars. The analysis of the behavior of military forces in robust peacekeeping operations may also benefit from Clausewitz's realist insights. At this point, it is adequate reinforce that:

One country may support another's cause, but will never take it so seriously as it takes its own. A moderately-sized force will be sent to its help; but if things go wrong the operation is pretty well written off, and one tries to withdraw at the smallest possible cost. (CLAUSEWITZ, 2007, p.250)

Another key reason relates, in a certain way, to the preparation of the military contingents and their willingness and skills to take risks and robust action. Although robust peacekeeping, as presented in chapter 4, constitutes a relatively new endeavor, distinct examples of this tendency to move towards traditional are already present in many of the most recent operations in which the mandate was permissible in terms of the use of force. In MINUSTAH, for instance, military contingents were, for different reasons, initially reluctant to use force (BRAGA, 2010a, p.715).

More recently, in MONUSCO, one more example:

In November of last year [2012], Congolese rebels from the M23 movement advanced on Goma, eastern Congo's largest city. As the rebels took the city, the U.N. peacekeepers deployed there stood by, never firing a shot. (BOSCO, 2013b)

In brief, this section presented some of the main considerations regarding the core elements which contribute to transform the theoretical, abstract, and ideal concepts of *absolute war* and *absolute peacekeeping* into real-world intervention practices of the international community

5.5 The use of force as a function of political objectives

Chapter 2 discussed Clausewitz's understanding of the political nature of War. Colin Gray agrees with Clausewitz, affirming that "the purpose of war, and therefore of the conduct of warfare, is always political" (2007, p.7). This section departs, therefore, from the conclusions already presented, which allowed to consider "war as a function of the policies pursued by the entity fighting it" (HEUSER, 2007, p.xxvii).

In the context of the present research, the notion that "as policy becomes more ambitious and vigorous, so will war" (CLAUSEWITZ, 2007, p.253) is of great importance. The political conditions normally determine what a war should be meant to achieve, as well as what it can actually achieve (p.135). The political object discussed in section 2.3 - The Political Nature of War - of chapter 2 is, therefore, in this author's perspective, crucial in any discussion regarding war or the use of force on behalf of the international community.

Having in mind the notion of the political objective, this dissertation argues that one may easily adapt Clausewitz original proposition to the following: the use of force on behalf of the international community must be perceived as a function of the policies pursued by this very community.

As already extensively debated in chapter 2, Clausewitz classified real-world war in two general categories: limited and unlimited war. One may argue that this general categorization between limited and unlimited war was an oversimplification, since war could actually be anything between these two categories. Since political considerations are paramount and since those considerations may vary indefinitely, war may take many different forms. Clausewitz actually mentioned that "war can be a matter of degree" (2007, p. 225) and affirmed that "wars can have all degrees of importance and intensity, ranging from a war of extermination down to simple armed observation" (p.21), realizing that war could come in different shapes and forms. Nonetheless, he never really

explored this matter. According to Howard, Clausewitz did not live to explore the implications of this possibility of gradation, as opposed to the sharp distinctions between the two mentioned categories. “He never really considered the territory that lay between his two ‘models’” (2002, p.53).

The theoretical framework proposed by this research benefits from this very possibility of gradation and, in a poststructuralist perspective, from the inapplicability of rigid models. It argues that there is a spectrum of the use of force, which ranges from absolute peacekeeping, in one limit, to absolute war, in the other limit. Both limits are, as already mentioned, abstract and unachievable, while real-world use of force on behalf of the international community falls between them.

Clausewitz emphasized the importance of clearly identifying the type of war one is getting involved in, as “the first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make” (2007, p.30). This assertive is especially valid when dealing with the use of force on behalf of the international community. The reason does not reside in any Manichean view regarding different interventionist processes, but on the need to correctly understand the nature of those processes in order to better deal with them.

In the proposed *absolute peacekeeping* / *absolute war* spectrum of the use of force, traditional peacekeeping is situated at the lower end, since, as already mentioned, it was conceived to solve conflicts without resorting to the use of force and without the identification of an enemy. As already noted in the previous chapter, traditional peacekeeping could, therefore, have a more non-political behavior, in Schmittian terms and even in terms of not promoting new ideologies and changing behaviors in the host nation. The model of contemporary robust peacekeeping, on the other hand, will necessarily have a more political posture, not only for promoting specific ideologies and behaviors, as also discussed in the last chapter, but most importantly for using force. The political uses of contemporary integrated peacekeeping are evident in how those operations frequently result in an association of peacekeepers with contestable political objectives (BELLAMY, 2014, p.1).

Thus, in general terms, one may argue that most contemporary peacekeeping missions will also have, in a certain degree, a political element, in terms of its objective of modifying the behavior of the host nation. This political nature may be emphasized or not, depending on the levels of force necessary to

accomplish the objectives. The greater the levels of force applied in peacekeeping operations, the more political (in Schmittian terms) it tends to be and more blurred the boundaries with warfare become.

Humanitarian interventions, by definition, use force to achieve objectives and involve, therefore, critical political aspects, as clearly demonstrated in the last chapter. Regarding humanitarian interventions, Beat Schweizer, former Deputy Director-General of the International Committee of the Red Cross (ICRC), seems to agree and alerts that “the ‘humanitarian label’ has been increasingly used by Western governments to legitimize a new and sometimes controversial security agenda” (2004, p.547). In this search for a pretense ‘just cause’, hegemonic discourses frequently demonize the ‘other’. As already discussed in chapter 4, post-structuralist authors such as R.B.J. Walker argue that that there has been a double attempt to prioritize, in a very selective way, humanitarian values, supposedly universal, in relation to the principle of non-intervention, and to classify certain peoples as barbarians (2006, p.72). In those situations, the use of force on behalf of the international community will certainly acquire many of the characteristics of war and will be positioned, therefore, closer to the higher end of the already mentioned spectrum.

Currently, one can easily imagine situations in which a hypothetical state is conducting or allowing abuses against human groups in its own territory and some actor(s) or the international community decide, therefore, to intervene, using force. Many different problems and concerns may arise from this decision to intervene. First of all, those enforcement actions may often tend to be subjective, biases, and clearly selective (NAMBIAR, 2001, p.167-168). Why a political decision to intervene in one case and not in another? Who can decide? Who can intervene? According to Jens Bartelson, this tension remains clearly unresolved, mainly because “while states are vested with inalienable rights of self-preservation, international institutions possess the right to intervene in states that have failed in this regard” (2010, p.81). As humanitarian concerns acquired greater importance in the international agenda, leading to major changes in the balance citizenship x humanitarianism and, consequently, to humanitarian interventions, one may argue that a new post-Westphalian order emerged. In such an order, the international community sometimes “competes” with the state for the monopoly of the use of force.

Regarding the 2013 crisis in Syria, one should also notice the polarization in the international community and especially in the Security Council. While some countries continued to support the Syrian Government, others openly supported the rebel groups. Such support often included not only discourse, but also financial resources or even weapons. According to Donnatella Rovera, a senior investigator for Amnesty International, the international community failed miserably, putting too much emphasis on the military paradigm. She argued that, instead, the international community has not pressed enough the Syrian regime with different concrete economic and judicial sanctions, including threats of bringing the case to the International Criminal Court. She concluded pointing out that it is necessary to bring all parties (government, rebels, etc.) accountable. Otherwise, she argues, “it is not international legality, but just politics” (2013, p.53).

This discussion leads to the next topic, which will deal with an interesting possible paradox, as a consequence of the play of politics inside the international community.

5.6 The enemy of all:¹⁸ an International community’s political paradox?

It has often been said that between 1945 and 1989 peace was kept by a war that nobody dared to fight. (Michael Howard, 2002, p.78)

The analysis of the political interactions in the international community, from a Schmittian perspective¹⁹, may lead to an interesting paradox. The more political is the interaction inside the international community, the less political will be the action of this very community and vice-versa. The less political is the interaction inside the international community, the more political may be the action of this community. One could even argue that this paradox may destabilize the very notion of the political, which from a post-structuralist perspective is not surprising.

Although this paradox may look confusing, the understanding is actually quite simple. The more polarized and more political are the positions of the actors inside the international community, the less able this community will be to achieve agreements on substantive issues, especially regarding the use of force. The period

¹⁸ *The Enemy of All* is the title of a book, authored by Daniel Heller-Roazen, which deals with the notion of common enemies of mankind (2009).

¹⁹ At this point, it is important to keep in mind that, as already deeply discussed in Chapter 3, the Schmittian notion of the political is directly related to the relation friend/enemy.

of the Cold War provides a great example. During that period, the polarization between NATO and the Warsaw Pact and the clear feeling of enmity between the members of the two opposing blocs most of the time prevented the international community from agreeing on the use of force on its behalf. As presented in chapter 4, traditional peacekeeping, with non-use of force as a key principle, emerged during this period as a feasible solution. One may argue that, during this period, the international community was generally not able to identify a common enemy, against which the use of force would be needed.

In the immediate aftermath of the Cold War, however, the polarization between the former members of the antagonist blocks was dramatically reduced, as well as the notion of enmity. This led to a less political (again in Schmittian terms) engagement inside the international community. Some authors, such as Francis Fukuyama, even argued that the convergence of positions of the former East-West adversaries represented *The End of History* (1989). This situation allowed for achieving common positions on matters of international security, with the identification of shared interests and objectives. As presented in chapter 4, an important consequence was an increase in the levels of the use of force, in both peacekeeping and humanitarian interventions. A greater priority to the individual, the emergence of human rights, and the notion of human also security contributed to such a development. One may argue that the international community was, therefore, able to agree on shared “enemies”, against which force was to be used, resulting on a more political (Schmittian terms) action of the international community.

The notion of an “*enemy of all*” (HELLER-ROAZEN, 2009), an enemy of the entire international community in contemporary terms, is certainly not new. Piracy, for instance, has enjoyed, since long time, the status of a shared enemy, against which the use of force is legitimate (p.31-39). Nowadays, piracy seems to continue to enjoy the same status. The recent United Nations resolutions regarding the use of force against piracy and the joint action of countries such as United States and Russia in the Horn of Africa confirm this thought. Contemporarily, one could argue that massive human rights violators and perpetrators of genocide and other atrocities also enjoy the status of enemy of all. Nevertheless, their timely and adequate identification is not always very simple and remains subject to political discussion inside the international community. The less polarized (political)

positions between different actors contribute to the identification of a common enemy.

The recent cases of the intervention in Libya and the continuing crisis Syria may be also analyzed through these lenses. Chapter 7 will discuss the intervention in Libya, with special focus on the behavior of the international community.

With such paradox in mind, the next section will attempt to theoretically cope with the “*limits*” of the use of force on behalf of the international community and the blurred boundaries with war.

5.7 The culminating point of international interventions

Among some of the most interesting Clausewitz’s theoretical constructions presented in chapter 2, one may find the concepts of the culminating point of the attack and the culminating point of the victory: a point beyond which the operation cease to produce favorable results and may increasingly risk defeat. If the notion of victory in war, as defended by Beatrice Heuser, may be quite elusive (2013, p.6), interpreting and defining victory in the scope of international interventions should prove even more challenging.

When dealing with the use of force on behalf of the international community and, particularly, with peacekeeping, one may benefit from the same rationale above and recognize the existence of a culminating point of peacekeeping. This virtual point, not easily identified, may be interpreted as a tipping point, beyond which the use of force on behalf of the international community may cease to produce the desired outcome, may transform it in another kind of conflict, and may even produce results and outcomes opposite to the desired ones. Since the general objective of those international interventions should be generally related to the preservation of the greater interests international community and to maintaining international peace, the balance between victory, justice, and peace, identified by Heuser (p.6), will have even greater importance than in war.

As precisely identified by Andrew Linklater, “humanitarian wars cause human misery and suffering, however noble the intentions may be” (2007, p.88). Roland Paris seems to agree, affirming that “[i]mages of war – even a ‘good’ war – tend to be shocking” (2014, p.584). Collateral damage or, in Roland Paris terms,

conspicuous harm must constitute a major concern for all military operations, most especially for those intended to prevent harm and protect populations (p.575-576).

Therefore, it is especially important to balance the humanitarian benefits of an intervention once compared to the destruction this intervention will necessarily bring along. The result of the equation may certainly be an exponential degradation of the humanitarian conditions, exactly the opposite of what the alleged purposes of the intervention were. Distinguished scholars, from different schools, seem to agree on the dangers of the unrestrained use of force. James Der Derian, in his virtual theory presented in *Virtuous War*, alerts to the risks of this dangerous belief that the use of military force “can supernaturally solve the most intractable political problems” (2010, p.220). Joseph Nye wrote, in a recent piece entitled *The Future of Force* (2015) that “the notion that force alone can transform conflict-riven societies in the Middle East and elsewhere is a dangerous fallacy”. According to Mats Berdal and David Ucko, there are very real risks in resorting to the use of force in peacekeeping as a substitute for an effective political answer to complex crisis, such as unresolved civil wars (2014, p.671-672). Although one must acknowledge that the use of force may be essential in solving some disputes, one must also understand that certain political problems will not be solved through the use of force and may be actually amplified with unexpected consequences.

One must admit that, in some cases, the use of force in peacekeeping operations, especially at the tactical level, remains absolutely necessary in order not only to protect those civilians under imminent threat, but also to assure the very credibility of the peacekeeping mission and its military force. Therefore, in the field level and according to the different scenarios involved the adequate balance of actions with and without the use of force remains of paramount importance.

Nevertheless, beyond certain levels, the use of force may cease to contribute to the success of the mission, creating major distortions and collateral consequences. In terms of the humanitarian situation, it may result in scenarios even worse than the ones that have allegedly triggered the peacekeeping operation or humanitarian intervention. The final consequence is that an operation that was originally conceived to be peacekeeping may rapidly turn to bear most of the characteristics of a war. Humanitarian interventions and peacekeeping mandates with strong political and major use of force requirements should, therefore, be avoided, since peacekeeping is certainly not the adequate tool to address those

problems. The levels of political use of force that can turn peacekeeping into war and the boundaries between peacekeeping and war may be so blurred that precisely identifying them turns to be almost impossible.

Furthermore, as already mentioned, one may frequently arrive at paradoxical situations, in which the international community is, from its own perspective, conducting a robust peacekeeping operation and/or a humanitarian intervention, while the target nation is, in its own view, waging a war, sometimes even unlimited war - in Clausewitzian terms - for the survival of the state (or regime). Humanitarian problems could then turn much worse than in the initial scenario. From the perspective of the head of the target state (especially totalitarian ones), the survival of the state (or regime) will have absolute priority over humanitarian considerations (Muammar Kaddafi's behavior during the Libyan crisis and Bashar Al Assad in Syria constitute clear examples in terms of establishing those priorities).

5.8 The “remarkable trinity” and the international community

Addressing the limiting factors of violence in war, Clausewitz also identified the already mentioned remarkable trinity that came to be considered another one of his most important theoretical constructions. Chapter 2 presented how the trinity is essential in Clausewitz thought and how it came to be known in two different “versions”. The primary trinity was composed of violence, chance, and reason. The secondary trinity, directly derived from the primary one and more directly applicable to modern wars, was composed of the population, the army, and the government. Chapter 2 also debated how Clausewitz, due to those different approaches in regard to primary and secondary trinities, came to be mistakenly considered by some respected scholars as a theorist of modern wars only. Furthermore, it also emphasized that, since war is a clash of wills, one's trinity should not be considered in isolation, but rather in opposition to the enemy's trinity. Actually, it is the interplay of those two trinities, representing the “clash of wills”, that moderates violence in war.

This author agrees with Bart Schuurman's understanding that “the trinitarian concept of war has withstood the test of time, being as applicable now as it was during the Napoleonic era” (2010, p.97). Therefore, this section, based on this

understanding that Clausewitz ideas should not be restricted to modern wars, will expand the discussion presented in chapter 2, in order to include the notion of the international community.

According to Colin Gray, “war is a social institution conducted by polities” and “polities range from states to security communities that lack many of the standard features of statehood” (2007, p.25). The international community naturally fits the concept of a security community. Therefore, one may argue that the Clausewitzian trinity is applicable to either war or the use of force on behalf of the international community, although the relationship with the first one normally tends to look more straightforward.

This dissertation argues that adapting the secondary trinity or, even more importantly, proposing a tertiary trinity to the use of force on behalf of the international community is not very difficult. While Colin Gray argues that “*governments act on behalf of the communities they rule*” (2007, p.24), this proposed tertiary trinity must involve, instead of a government, the notion of governance; instead of a national population, a variety of distinct populations; and instead of an army, a diversity of military, paramilitary, and non-military forces (see figure 5.2). Consequently, in this situation, achieving a balanced trinity, which Clausewitz identified as fundamental factor for success, will always prove to be more complicated than in modern wars. The discussion must deal directly with the diversity of the world population, the democratic deficit identified in some international organizations which take part in the global governance, including the United Nations Security Council; and the fragile link between this governance, the populations, and the military forces which act on behalf of the international community.

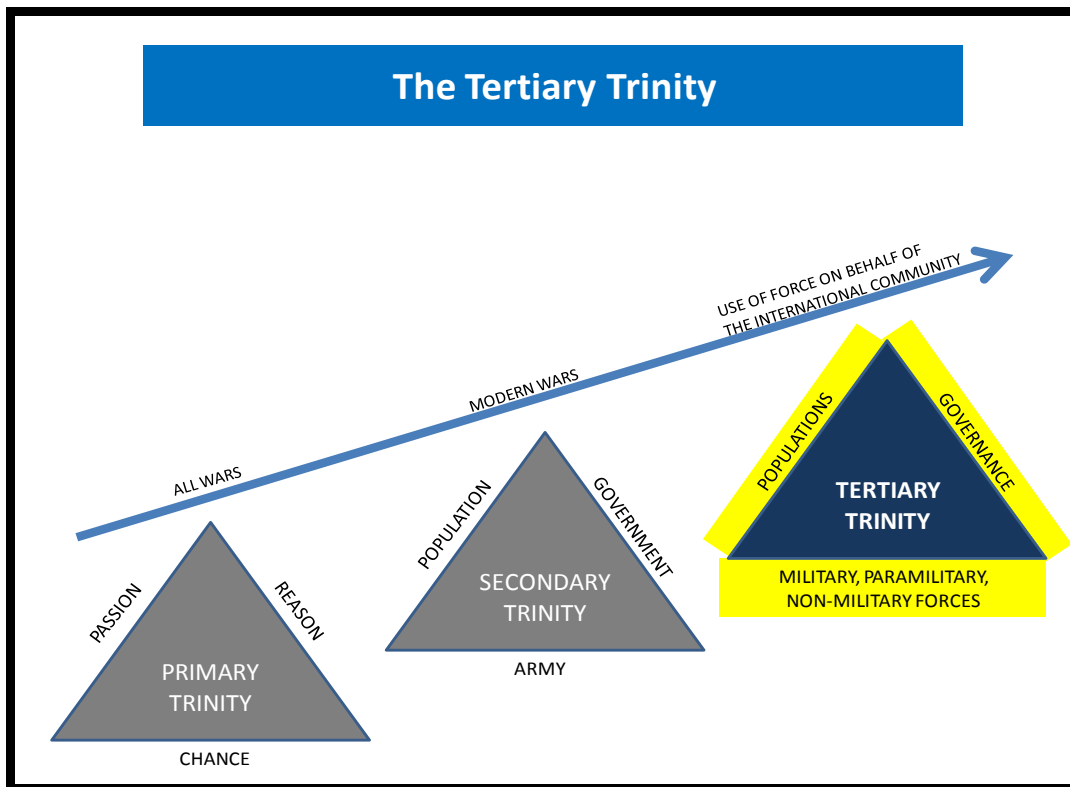


Figure 5.2 – The tertiary trinity (Source: the author)

This unbalanced trinity is clearly identified by Robert Muggah and Conor Foley in a recent article on the Huffington Post website, as a question of legitimacy: “Peace-keeping mandates intended for the so-called ‘global South’ are drafted by a Council that unashamedly excludes the vast majority of troop-contributing countries and mission-hosting states” (FOLEY; MUGGAH, 2013).

At this point, it is useful to return to the discussion regarding the notion of the international community, extensively debated in chapter 3. Once one adopts a loose notion of the international community, achieving a balanced trinity turns even more complicated, if not impossible, due to the major disconnections between the three points of the triangle. The more one sticks to the literal sense of the international community and recognizes the UN as its natural representation, the connection between the three points of the triangle may look simpler. Nevertheless, this does not mean that achieving a balanced trinity in the international community should be considered a trivial puzzle.

As already discussed, the tensions between the sovereign state and the sovereignty of the international system are also located at the center of the discussion. Chapter 3 pointed out the “double bind” between political authority and the use of force (BARTELSON, 2010, p.82), especially in terms of legitimacy.

In ordinary times, when institutions inside the state are functional and the state is recognized as such by its neighbors and by the international system, it is not difficult to understand the validity of this concept. Nevertheless, there are at least two security situations in which this understanding is not so simple and is subject to other influences. The first relates to interstate security problems and the second to intrastate ones. Our focus will be on the intrastate ones, because they will allow for a more interesting discussion in terms of the use of force, sovereignty, contemporary peacekeeping, and intervention.

Intrastate security problems, depending on levels and circumstances may represent an exception, taking the whole debate of sovereignty to the definition, provided by Schmitt, that “[s]overeign is he who decides on the exception” (2005, p.6). If one state is fully capable of dealing with its security problems and the international community considers that it is dealing with those problems in a fair manner, there are not likely to be major sovereignty issues. Nevertheless, those issues will certainly arise in situations in which the state is not capable of dealing alone with those problems and/or in which the international community considers that it is not dealing with them in a fair manner, especially in terms of human rights and other humanitarian considerations. Those situations may result in a demand for the presence of foreign forces inside the state, possibly resulting in two different broad scenarios.

In the first scenario, the state may authorize (or even request) the presence of foreign troops to help in solving its security problems. Therefore, one could still argue that, although this state is not fully capable of exercising sovereignty in a Weberian approach, it is still deciding on the exception, in Schmittian terms. “The sovereign decides whether [the/a] normal situation exists” (2005, p.13). The decision of authorizing the presence of those troops remained still (at least formally) within the state and the exercise of the monopoly of the use of force may also be represented by this authorization. This whole argument, although very fragile, may still be considered somewhat valid. This would normally be the case of peacekeeping operations, which have consent as one of the underlying principles, as already discussed.

This leads us to the second and more complex scenario. A scenario in which an actor, a group of actors or the international community decide to intervene, using force, regardless of the authorization of the host nation. When these circumstances

occur, it becomes clear that the state has previously effectively lost the monopoly of the use of force and the capability to decide on the exception. It certainly lost a major part of its sovereignty, since force is being used inside its territory, against its will and, many times, even against its own state forces. Those situations, as already discussed in chapter 4, have currently received the general designation of humanitarian interventions.

In conclusion, during the interventions of the international community in a certain nation, one may identify the presence of at least two distinct (and frequently opposing) trinities: the tertiary trinity of the international community and the secondary trinity of the nation (or even a primary trinity, if one considers non-state actors). The interplay between those two (ore more) trinities, including all the intersections between them, represents one of the key aspects which influences and moderates the levels of the use of force during international interventions.

For all those reasons, this author argues that the remarkable trinity, when applied to the use of force on behalf of the international community, illuminates many important aspects, which may help in understanding the reasons why the phenomenon tends to be even more complex than modern wars. The international community may only succeed while using force once it achieves a balanced tertiary trinity.

5.9 Intangible forces and the importance of legitimacy

As discussed in chapter 2, moral²⁰ and intangible forces have a preeminent position in Clausewitz's theory. Presently, constructivists seem to agree with Clausewitz, arguing that the forces of power go beyond material ones and are also ideational (BARNETT, 2011, p.157). When dealing with the use of force on behalf of the international community, moral forces not only remain of great importance, but also need to be understood taking into consideration many of the aspects discussed in this Chapter, especially in the last item. Among moral aspects, one finds legitimacy.

States, including great powers, crave legitimacy, the belief that they are acting according to and pursuing the values of the broader international community. There

²⁰ One should notice that the sense of moral used by Clausewitz is related to psychological and intangible effects. It is not related to ethical or other goodness values, a sense in which the word moral is frequently used.

is a direct relationship between their legitimacy and the cost of a course of action: the greater the legitimacy, the easier time they will have convincing others to cooperate with their policies; the lesser the legitimacy, the more costly the action. (BARNETT, 2011, p.157)

Legitimacy represents an important factor for the success of interventions of the international community and must be considered both internationally as well as locally. Furthermore, there is a continuous effort in developing, implementing, and consolidating new norms which may assure international legitimacy. The whole discussion about the emergence of R2P, presented in chapter 4, constitutes a clear example of those normative efforts to gain legitimacy.

In terms of local legitimacy, there are interesting debates between mainstream UN peacekeeping and peacebuilding doctrine and procedures (UN, 2008) and other alternative approaches, suggested by scholars and other experts. UN mainstream, although formally concerned with the importance of local legitimacy, continue to organize its missions actions in an attempt to establish a liberal model in the target nations, as already discussion in this chapter. On the other hand, different critical works advocate the importance of taking local peculiarities into account, “improvising the liberal peace model” (MORENO; BRAGA; GOMES, 2014) or even arguing for a “local turn” in the study of peace and conflict (MAC GINTY; RICHMOND, 2013).

This research understands that the moral forces, presented by Clausewitz as having an important role in war, may have an even more critical role when dealing with the use of force on behalf of the international community. Among those forces, legitimacy, considered nationally, internationally, and especially locally, may be of paramount importance for the success of the endeavor. Legitimacy may also prove to have a crucial position, in terms of contributing for a more balanced trinity, as discussed in the previous section.

5.10 Preliminary conclusions and insights: the framework

The use of force on behalf of the international community is a somewhat recent phenomenon, which is acquiring great importance in the International Relations and, especially, in the field of the international security. Although it may occasionally bear some similarities with the phenomenon of war, the use of force on behalf of the international community is essentially different. In fact, the origins

of the international community and the use of force on its behalf are, paradoxically, related to the creation of the UN and to its aim of eliminating the scourge of war.

Clausewitz theoretical proposal represented an important step, if not the most important one, to the understanding of the phenomenon of war. From what was discussed in this chapter, one may conclude that his theory, although not fully capable of dealing with the use of force on behalf of the international community, may provide a very significant point of departure. Nevertheless, a theoretical framework to understand the use of force on behalf of the international community must go beyond Clausewitz, address some of the issues which were not directly present in his work, and, most importantly, propose new concepts.

The theoretical framework proposed in this research has therefore five main aspects: the political process of the identification of the enemy; the ideal form of intervention of the international community – *Absolute Peacekeeping* – and the dialectic between the absolute war and absolute peacekeeping, including the tangible and intangible aspects that moderate the use of force and the culminating point of peacekeeping; the notion of the use of force as a product of the political objectives pursued by the international community; the tertiary trinity; and friction and other intangibles.

Key Elements
The Question of the Enemy
Absolute Peacekeeping and the Dialectic between Absolute Peacekeeping and Absolute War
The Use of Force as a Function of the Political Objectives of the International Community
The Tertiary Trinity
Friction and other Intangibles

Figure 5.3 – Key elements of the proposed theoretical framework (Source: the author)

In a first move, this dissertation identified the political nature of the use of force on behalf of the international community. In this regard, the question of the enemy, which is basic and intuitive when dealing with war, emerged as key point. As largely discussed, the identification of the enemy, when dealing with the action of the international community, is neither trivial nor intuitive. It has, however, paramount importance. The notion of enmity may vary in degree, directly affecting the political objects and demanding, accordingly, different levels of the use of force.

In a second move, this research proposed the concept of *absolute peacekeeping*, as an abstract and ideal intervention of the international community. It is ideal in the sense that it is supposed to be absolutely impartial, has full consent, and an absolute zero level of the use of force, resulting in a non-political nature. Furthermore, since the interventions of the international community were originally conceived to solve conflicts and avoid wars, absolute peacekeeping is in binary opposition with Clausewitz absolute war. Both concepts are also located at completely opposite sides of the spectrum of the use of force.

Nevertheless, since real war and real peacekeeping are never absolute, the actual use of force on behalf of the international community will always take place between those two poles. The dialectic between them provides one of the most important tools to understand the different stances of the interventions of the international community.

The next move dealt with a number of factors which contribute to moderate or augment the levels of violence, during those interventions. Those factors are responsible for keeping actual interventions away from the absolute concepts. Clausewitz theory was again instrumental in providing the elements which contribute to moderate the levels of violence in war. It also contributed to the identification of the elements which may tend to add or reduce violence in the interventions of the international community.

Meanwhile, one must admit that, in some cases, the use of force in peacekeeping, especially in the tactical level, remains necessary in order not only to protect those civilians under imminent threat, but also to assure the very credibility of the peacekeeping mission and its military force. Therefore, in the field level, the adequate balance of kinetic and non-kinetic actions remains paramount. Nevertheless, beyond certain levels, the use of force ceases to contribute to the

success of the mission and creates major distortions. This research, again with inspiration in Clausewitz, theoretically identified this point as the culminating point of peacekeeping. In terms of humanitarian situation, it may result in scenarios even worse than the ones that have allegedly triggered the peacekeeping operation or humanitarian intervention. The final consequence is that an operation that was originally conceived to be peacekeeping may rapidly turn to bear most of the characteristics of a war. Humanitarian interventions and peacekeeping mandates with strong political and major use of force requirements should, therefore, be avoided, since peacekeeping is certainly not the adequate tool to address those problems. The levels of political use of force that can turn peacekeeping into war and the boundaries between peacekeeping and war may be so blurred that precisely identifying them turns to be almost impossible.

The Clausewitzian trinity, when applied to the use of force on behalf of the international community, revealed how problematic is the linkage between global governance, the world distinct populations, and the military, paramilitary, and non-military forces operating on its behalf. This research proposed a tertiary trinity. This trinity may assist in the understanding of postmodern contemporary dilemmas regarding the state sovereignty and interventions, citizenship and humanity, among others. It also may illuminate the difficulties of dealing with one community (local, state) inside another (international), especially when the subject is the use of force. One of the important conclusions was that it seems much more difficult to have a balanced trinity when dealing with the international community than when dealing with the modern state. The interrelationship inside this tertiary trinity gains major complexity, making the linkage between the three elements more difficult. This may result, for instance, in armies operating in the field in complete disconnection with the aspirations of the populations, which, from their side, may also be disconnected from those who decide for the international.

This research concludes therefore that, with inspiration in Clausewitz's theory of war, it is effectively possible to propose a theory to understand the question of the use of force on behalf of the international community. This doctoral dissertation also pointed out some of the key elements of this theoretical proposition. Some of them clearly still need to be improved and further debated. Nevertheless, one may argue that the initial elements already identified are

adequate to proceed with the development of a theoretical framework to understand the use of force on behalf of the international community.

The next two chapters will examine this proposed theoretical framework in two recent situations in which force has been authorized by the UN and used on behalf of the international community. Chapter 6 will discuss the United Nations Stabilization Mission in Haiti (MINUSTAH), a typical case of contemporary robust peacekeeping. Chapter 7 will debate the 2011 intervention in Libya. This intervention represents an interesting situation in which the use of force has been authorized for humanitarian purposes.

6

Understanding the contemporary use of force on behalf of the international community in peacekeeping: the case of MINUSTAH in Haiti

The previous chapter proposed a theoretical framework to deal with the question of the use of force on behalf of the international community. Arriving at such a theoretical construct was, as affirmed in the introductory chapter, the main objective of this dissertation. This chapter and the next one will seek to analyze, through the lenses of the proposed theory, two distinct cases of the use of force on behalf of the international community: contemporary peacekeeping and humanitarian intervention.

This chapter, which particularly deals with peacekeeping, has the “*Mission des Nations Unies pour la stabilisation en Haïti*” [United Nations Stabilization Mission in Haiti] (MINUSTAH) as its focus. MINUSTAH was selected because it provides an excellent analytical setting for the identification of the key elements of the theoretical framework proposed in the previous chapter (see figure 5.3).

Furthermore, this author finds MINUSTAH particularly interesting for a number of distinct reasons, the most important being: a) MINUSTAH was designed to serve as a model contemporary multidimensional and integrated peacekeeping operation (UNITED NATIONS, 2005c, p.1), which may assist in later expanding the analysis to other contemporary peacekeeping missions; b) MINUSTAH completed, on 1 June 2014, one decade, alternating periods of very different behaviors in terms of the levels of the use of force, which provides an interesting setting to discuss the question of the use of force; c) the belief that, after some debate, the international community managed to achieve and maintain a certain level of consensus regarding the use of force by MINUSTAH; d) the consensus that the use of force was successful in bringing some stability to the country (DZIEDZIC; PERITO, 2008, p.1); e) the interplay between MINUSTAH—a peacekeeping mission with a major Latin American military component—and Haiti’s geopolitical situation as a former French colony in the outskirts of the US

also presents a remarkable setting to discuss the different roles of the international community, its members, and local actors in peacekeeping operations; f) the intricate network of security, humanitarian, human rights, and developmental issues present in Haiti provides an interesting scenario regarding the interplay of international politics and the use of force; g) the fact that this author spent one full year in MINUSTAH as the Assistant to the first Force Commander, which permitted first-hand field experience, and familiarity with such a mission; and h) last, but not least, the final reason relates directly to the country where this author is based. MINUSTAH represented for Brazil a very important turning point, especially regarding participation in Chapter VII operations which require the use of force on behalf of the international community.

6.1 Preliminary considerations

In order to address MINUSTAH's case, this chapter will first present a brief background on Haiti, with the purpose of assisting in the understanding of the crisis which led to the creation of the peacekeeping mission. Then, a specific section will discuss the role performed by the international community, before and after the creation of MINUSTAH. The subsequent section will debate the question of the use of force by MINUSTAH, benefitting from the key aspects of the theoretical framework of the use of force on behalf of the international community, identified in the last section of the previous chapter.

These key aspects are: a) the use of force as a function of the political objectives of the international community; b) the question of the enemy; c) the dialectic between absolute peacekeeping and absolute war; d) the tertiary trinity; and e) the notion of friction in the interventions of the international community. This sequencing is intended to allow an accurate understanding of such a complex UN mission. It will also provide an organized setting to apply the proposed theoretical scheme to MINUSTAH's case. Finally, the last section of this chapter will present the main conclusions regarding the use of force in MINUSTAH and the applicability of the theoretical scheme advanced by this research.²¹

²¹ Chapter 7, which will specifically deal with the 2011 intervention in Libya, will also use the same sequencing, with the purpose of facilitating the comparison between both cases.

6.2 Understanding the Haitian scenario

One must acknowledge that the Haitian crisis which finally resulted in the deployment of MINUSTAH, in 2004, has deep roots (GIRARD, 2005, p.12). Therefore, it is essential to present—albeit very briefly—Haiti’s historical trajectory, in order to ensure a better understanding that the crisis which originated MINUSTAH is not an isolated episode. It must be interpreted in face of the events that have distinguished the formation of the country until the contemporary period.

Haiti occupies the western part of the Caribbean island of Hispaniola, known as “Saint Domingue” under French colonial rule. The island is presently divided between Haiti and the Dominican Republic. Hispaniola appears in most history books as the place where Christopher Columbus’ fleet made landfall in its trip to the Americas in 1492. The territory now occupied by Haiti at that time came under Spanish rule, passing to French control in 1697.

During the colonial period, if on the one hand Haiti - the “Pearl of the Caribbean” - represented a symbol of success and wealth for France, on the other it also constituted one of the most brutal and violent slaveholding systems in the Americas (GIRARD, 2010. p.17-38). The high levels of violence demanded a permanent flow of slaves from Africa in order to replace the deceased. It would also leave permanent divisions marking the future Haitian society. Initially, there was a difference between *creoles* (slaves born in Haiti) and *bossales* (slaves newly arrived from Africa) (BITTER, 1970, p.22-26; WARGNY, 2004, p.37). Later, a racial division between *authentiques* and *mulattoes* would remain as one of the hallmarks of Haitian politics. Allegedly, modern-day politicians such as Jean-Claude Duvalier and Jean-Bertrand Aristide managed to build their careers on the basis of their skin colour (GIRARD, 2010. p.11).

The colonial period ended with independence, after a group of untrained and uneducated former slaves managed to defeat, in 1803, a Napoleonic army, in the little-known Battle of Vertières (GIRARD, 2010. p.39-58). “The only successful slave revolt in human history was fought and won on Haitian soil” (GIRARD, 2005, p.4). As a result of this major feat, Haitian independence was finally declared on 1 January 1804.

After independence, Haiti has faced many different cycles of intense internal violence (PIERRE, 1997; ETIENNE, 2004). Haitians are said to consider

themselves the “bastard sons of the French Revolution” (WARGNY, 2004, p.44). Actually, independence condemned Haiti to decades of isolation. For the already independent United States, whose economy was still strongly based on slavery at that time, the mere existence of an independent republic of former slaves so close to its territory represented a major threat (ETIENNE, 2004, p.14). During this period, lacking other cultural points of reference, Haitians sought to reproduce the beauty and luxury of the French aristocracy. A period of internecine power struggles ensued, with different groups exploring others as slaves using the same methods of the colonial period, often with even greater violence (PIERRE, 1997, p.58-61).

The next major periods of Haitian history were the American occupation, the Duvalier period, and the Aristide era. The US occupation, from 1915 to 1934, brought American values and culture, as well as segregation (Jim Crow) laws to Haiti. Consequently, American values would compete with the French influence (ETIENNE, 2004, p.35-36). This dual French-American influence persists nowadays as an important attribute of Haitian society and continues directly to impact its key security institution, “*Police Nationale d’Haiti*” [Haitian National Police] (HNP). In studying the HNP’s *ethos*, one can easily note that it oscillates between a gendarmerie tradition of protection of the state and a “serve and protect” citizen-oriented approach. After all, Haiti represents the result of a former French colony located in the outskirts of the US (MORENO; BRAGA; GOMES, 2012, p.382). Haitians today “draw much of their culture from France and many of their economic aspirations from the American model” (GIRARD, 2005, p.5).

The authoritarian Duvalier dictatorships (1957-1986) based their rule on violent political repression by a paramilitary force called the *Tontons Macoutes*.²² The Aristide era (1990-2004) brought a democratically elected president, a *coup d’etat*, an international intervention with the establishment of a first UN mission (1994), the reestablishment of the deposed president, and the intense use of populist techniques to control and manipulate the masses. It was under President Jean-Bertrand Aristide that another armed group, the *chimères* (officially known as *Organizations Populaires-Lavalas*²³), appeared, mixing political violence with common crimes.

²² Political militia created by François Duvalier (Papa Doc), infamous for the intense use of violence.

²³ *Lavalas* was the name of Aristide’s political party.

At this point, it is interesting to point out that these militia or paramilitary forces constitute, throughout Haitian history, a key element in political confrontations, decisively contributing to either keeping a certain group or president in power or to toppling them. Among those armed groups, the most remarkable were the *Cacos*, the *Tontons Macoutes*, and the *chimères*.

Such a turbulent historical trajectory and a series of natural disasters, ranging from hurricanes to earthquakes, contributed to generating a chaotic scenario with persistent political violence, extreme and pervasive poverty, critical environmental degradation, and a generalized lack of hope. The 2010 earthquake which devastated the country represents the latest and certainly the most notorious of those natural tragedies.

One of the main consequences of this instability is the fact that Haiti presents nowadays a consistently low Human Development Index (HDI). In fact, according to the United Nations Development Program (UNDP), Haiti continues to present the lowest HDI among all the countries of the Americas (UNITED NATIONS, 2013d, p.144-147).

6.3 The role of the international community

In 2002, popular demonstrations against President Jean-Bertrand Aristide and his *Lavalas* party began to take place. By the end of 2003, a severe internal crisis was once again occurring in Haiti. Consequently, the main international actors with an interest in the Haitian situation—the US, France, and Canada—began actively seeking an end to the crisis, avoiding more serious consequences. In the United States, for instance, the images of thousands of Haitian “boat people” refugees still represented a bitter memory of the effects of the 1992-1993 crisis in Haiti (GIRARD, 2005, p.133-150).

By the end of February 2004, the new crisis had reached its climax, finally resulting in the fall of President Aristide, who would leave the country on the 29th of that month. On the same day, the Multinational Interim Force - Haiti (MIF-H) – composed of troops from the United States, Canada, France, and Chile – began its deployment in Haiti.

MIF-H was endorsed by United Nations Security Council resolution 1529, also dated 29 February 2004, approved unanimously during an emergency meeting

of the Council (UNITED NATIONS, 2004b). MIF-H, dubbed *Operation Secure Tomorrow*, by the United States Department of Defense, reached, on 8 May 2004, a ceiling of 3,773 troops (USSOUTHCOM, 2004, p.1). Such a provisional solution, promptly adopted on behalf of the international community, contributed to controlling violence, bringing some stability to the country (BRAGA, 2005, p.49), in a period of institutional collapse, while a long-term solution was being discussed inside and outside the United Nations.

The United Nations Department of Peacekeeping Operations (DPKO) immediately began planning for a new peacekeeping mission, meant to replace MIF-H as soon as possible. The USA and France, its main troop contributors, already had other important military commitments, in the Middle East and Africa respectively, and were anxious to leave the country (BRAGA, 2005, p.49). UN reconnaissance teams were sent to Haiti with the purpose of identifying the major requirements, to propose the structure and the mandate of the future peacekeeping mission, and to plan the transition from MIF-H to the UN mission. Simultaneously, the UN and other actors, especially the United States and France, intensified negotiations with countries, such as Brazil, which might be interested in participating and even having a leading role in the mission. The idea of Brazil taking the lead of the UN force was allegedly raised by French President Jacques Chirac during a telephone conversation with Brazilian President Luiz Inácio Lula da Silva in March and was endorsed by the United Nations Secretary General (RELIEFWEB, 2004a; REUTERS, 2004; BARLUET, 2007). Actually, UN Secretary General Kofi Annan also engaged Brazilian Foreign Relations Minister Celso Amorim, expressing the desire to have Brazil take the lead of the military component of the UN mission about to be created. The invitation was allegedly supported by the United States, the European Union, and Latin American countries, such as Peru, Argentina, and Chile (ESTADO, 2004; FOLHA DE SÃO PAULO, 2004).

On 16 April 2004, the UN Secretary General submitted to the Security Council a report (UNITED NATIONS, 2004c) with the recommendations regarding the creation of a UN peacekeeping mission in Haiti. After some debate, on 30 April 2004, the Security Council, “Acting under Chapter VII of the Charter of the United Nations” and “**unanimously** adopting resolution 1542 (2004)” [emphasis added],

decided to establish the “*Mission des Nations Unies pour la stabilisation en Haiti*” [United Nations Stabilization Mission in Haiti] (MINUSTAH) for “an initial period of six months, with the intention to renew for further periods” and requested “that authority be transferred from the MIF to MINUSTAH on 1 June 2004” (UNITED NATIONS, 2004f, p.3). MINUSTAH began its deployment to Haiti in late May, initiating its mandate on 1 June, as planned. After a transition period of a little less than a month, MIF-H left the country. In an attempt to ensure a smooth handover, the transition between MIF-H and MINUSTAH was conducted in two phases: the transfer of authority (TOA) from MIF-H to MINUSTAH took place on 1 June, as established in the mandate; and the transfer of responsibility (TOR) occurred only on 25 June. During this timeframe, while MINUSTAH manpower slowly increased, MIF-H troops left the country. On 25 June, most of MIF-H troops had already left, except for a Canadian and a French infantry companies, which would remain under MINUSTAH (with blue helmets) for roughly one month more, and the Chilean Battalion, which would be incorporated by MINUSTAH for the continuation of the mission (BRAGA, 2005, p.54).

One may argue that, since the escalation of the Haitian crisis, in 2004, which finally resulted in the creation of MINUSTAH, the international community had a well-defined and not much disputed role. Many countries, especially the United States, France, and Canada were swift in immediately bringing the matter to the attention of the United Nations Security Council (UNSC). Some countries also engaged in bilateral negotiations, as explored in previous paragraphs. The matter was debated inside the organization and agreements were reached without major problems. Consequently, UNSC promptly and unanimously approved two resolutions: the first one authorizing the emergency deployment of the Multinational Interim Force – Haiti (MIF-H) (UNITED NATIONS, 2004e); and the second one creating MINUSTAH (UNITED NATIONS, 2004f).

After more than ten years of periodic renewals and adjustments, MINUSTAH’s mandate is the result of a minimum necessary consensus inside the United Nations regarding the appropriate actions in Haiti. During all those years, there were debates within the international community, especially regarding the most disputed issues, such as the question of the use of force and developmental practices, as the next section will extensively discuss. The Haiti Core Group, composed of representatives of the countries more directly involved in the Haitian

situation and in MINUSTAH, and other interested actors, met frequently during those years, in order to achieve agreed solutions²⁴. During those ten years MINUSTAH's structure and profile received some small adjustments in order to better adapt to the evolution of the Haitian scenario and to the demands of the international community. The existence and continuation of MINUSTAH, nonetheless, was never seriously challenged. Actually, there was steady support for the mission and renewal mandates were approved without major difficulties. Only after ten years, in view of the progress achieved in terms of the security situation in Haiti, the growing security challenges in other parts of the world, and UN budget restraints, the international community began to seriously consider a major downsizing of MINUSTAH and the eventual termination of the mission (MULET, 2014).

One may argue that the role of the international community regarding MINUSTAH was, during the whole process, discussed and mostly decided inside its main institution, the UNSC. As debated in Chapter 3, the United Nations Security Council, in this author's view, represents the core decision-making body of the international community.

MINUSTAH had at least two critical periods: the beginning of the mission, until 2007, when a robust use of force proved to be necessary; and the period which immediately followed the 2010 earthquake, which demanded an enormous humanitarian effort. Even in those two critical periods, the international community was able to agree upon workable positions regarding the use of force. The international community managed to achieve a compromise between the more aggressive position of Northern countries such as the United States, France, and Canada and the more conservative position of Latin American countries (BRAGA, 2010b, p.714-715). Generally, key issues were debated and agreed inside the UN and/or inside MINUSTAH.

Furthermore, although several strong debates certainly took place in the UNSC, with conflicting positions and perspectives among different actors, one may

²⁴ Haiti Core Group is chaired by the Special Representative of the Secretary General and comprises the Deputies, the Force Commander, representatives of OAS and CARICOM, other regional and subregional organizations, international financial institutions, and other major stakeholders. It has the purpose of facilitating the implementation of MINUSTAH's mandate, promoting interaction with the Haitian authorities as partners, and enhancing the effectiveness of the international community's response in Haiti (UNITED NATIONS, 2004f, p.2).

argue that the fact that the strategic interests of three of the P5 (the UK, Russia, and China) were not directly at stake in Haiti may have contributed to the achievement of concerted positions with the other permanent members (US and France), which had more clearly defined strategic interests at stake in Haiti, therefore contributing to validate the realist approach presented above in chapter 4.

Following UN guidance in terms of equitable geographic representation and regional leadership, MINUSTAH military and police components, in August 2014, consisted of uniformed personnel from 18 and 47 different countries, respectively (UNITED NATIONS, 2014b). In terms of regional cooperation and leadership, it is also important to notice that Latin American countries have, since the beginning of the mission, performed an increasing role. Indeed, Latin American participation represented 48 per cent in 2006, 61 per cent in 2010, and 79 per cent in 2014 of MINUSTAH's military contingent (UNITED NATIONS, 2014b). Latin American countries have cooperated within MINUSTAH with an unprecedented degree of commitment and common goals, especially within the military component. Former regional rivals such as Brazil, Argentina, and Chile have managed to achieve a high level of collaboration and mutual confidence.

This situation has contributed to the success of the mission and the countries directly involved are already reaping the benefits of this experience. Since the beginning of MINUSTAH, different Latin American countries have engaged in important integration and cooperation initiatives. The South American Defence Council, established in 2008, and the Argentina-Chile combined peacekeeping battalion "Cruz del Sur" [Southern Cross], created in 2006, constitute relevant examples, at the political and operational levels (RUZ, 2008, p.107-118; BRAGA, 2010b, p.719).

From all of the above, one concludes that the international community was clearly and broadly represented by and within MINUSTAH, which also had a preponderance of regional actors. MINUSTAH and its 18 unanimously approved UN Security Council resolutions²⁵ (until December 2014) clearly reflect the role and the will of the international community. The next section will discuss, using the theoretical scheme proposed in chapter 5, how the use of force by MINUSTAH,

²⁵ UN Security Council resolutions 1542 (2004), 1608 (2005), 1702 (2006), 1743 (2007), 1780 (2007), 1840 (2008), 1892 (2009), 1908 (2010), 1927 (2010), 1944 (2010), 2012 (2011), 2070 (2012), 2119 (2013), and 2180 (2014).

acting on behalf of the international community in Haiti, reflected such a representation.

6.4 The use of force by MINUSTAH

MINUSTAH was established under Chapter VII of the Charter of the United Nations, in 2004. By that time, the notions of robust peacekeeping and of the use of force in defense of the mandate were already very familiar within the UN, especially among DPKO planners, as discussed in chapter 4 above. Although those two concepts would only turn official, in 2008, with the approval of the *Capstone Doctrine* (UNITED NATIONS, 2008c) they had been broadly discussed and applied, at least since the publication of the *Brahimi Report*, in 2000 (UNITED NATIONS, 2000). Therefore, one may argue that the conception of MINUSTAH's mandate was deeply influenced by the notions of robust peacekeeping and of the use of force in the defense of the mandate. DPKO planners certainly expected MINUSTAH to face challenges and to use force.

Accordingly, MINUSTAH unsurprisingly made frequent resort to the use of force, both in self-defense and in the defense of its mandate, especially during its first three years. Over the course of its first ten years, MINUSTAH alternated short periods of more intense use of force with longer periods of relative calm. Exclusively for analytical purposes, one may consider the use of force by MINUSTAH in five distinctive phases: a) the deployment, from the establishment of the mission on 1 June until December 2004; b) the confrontation, from December 2004 until early 2007; c) the stabilization, from mid 2005 until the 12 January 2010 earthquake; d) the earthquake's aftermath, basically comprehending the whole 2010 and mid 2011; and e) the recovery, from mid 2011 until the present time (2015).

This section is mainly descriptive, since the succeeding sections will benefit from the contents of this one in order to analyze MINUSTAH's different phases through the lenses of this research's proposed theoretical framework.

a) The deployment

Given the negotiation process regarding possible troop contributing countries (TCC), mentioned in the last section, the armed forces of countries such as Brazil and Argentina began preparations for a possible participation in a prospective UN mission in Haiti even before the mandate's approval (COSTA et al., 2004, p.14-15). On 30 April 2004, the UN Security Council approved resolution 1542, which established that MINUSTAH's mandate would begin on 1 June. With only one month left, preparations intensified frenetically. According to DPKO, the timeframe between the approval of the mandate and the arrival of the first troops was one of the shortest in the UN history. With the exception of the Chilean force, which was already present as part of MIF-H and transferred to MINUSTAH, other contingents would begin to arrive more than a month later.

Nevertheless, MINUSTAH's deployment timeline was very slow. Figure 6.1 presents a chronology of the mission's troop deployment numbers, as presented in its monthly reports and briefings. As already mentioned, as soon as MINUSTAH's forces started to deploy, the MIF-H withdrew, leaving only the Chilean contingent, which remained in Haiti under MINUSTAH's umbrella. Therefore, during the very first month of the mandate, international forces in Haiti were reduced from 3,800 soldiers (MIF-H) to less than 1,000. Three to four months after the beginning of the mandate, MINUSTAH still had less than 40% of the 6.700 initial authorized military personnel strength approved in Security Council resolution 1542.

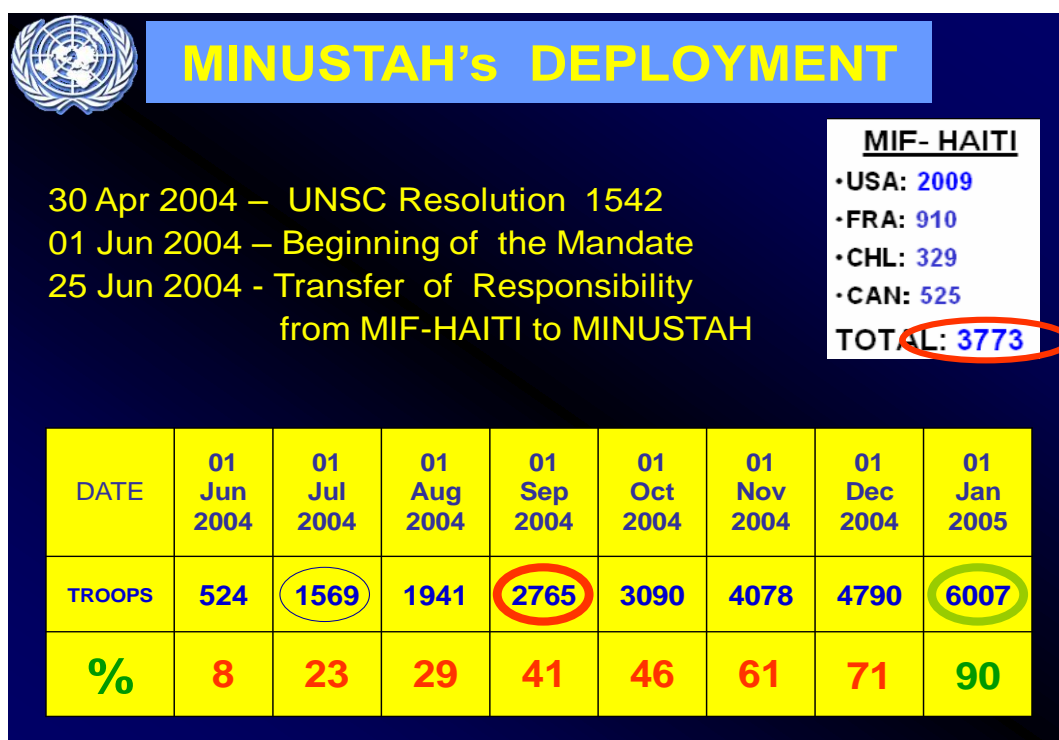


Figure 6.1 - MINUSTAH's deployment timeline (Source: MINUSTAH)

This situation, of course, created a major security breach, since troops in the field were under pressure from different armed groups. Upon MINUSTAH's deployment the main active armed groups in Haiti were: criminal gangs, the *chimères* (politically oriented militias), the rebels, and the former military. The boundaries between those groups were not very clear and, occasionally, there were many intersections and interconnections between them. Section 6.4.2 will present a more in-depth discussion of those groups and their relations with MINUSTAH, focusing on the notion of enmity, as proposed by this dissertation's theoretical framework.

When the situation in the field started to deteriorate, the mission's military force simply did not have enough assets to reverse the scenario. By September 2004, the situation in Haiti was critical, with major violence breaking out in different areas and with the consequences of Tropical Storm Jeanne, which inundated the historical city of Gonaïves, demanding a tremendous humanitarian effort. During the most vital periods, especially in the aftermath of Jeanne, in September 2004, the military force escorted hundreds of humanitarian convoys and provided security to food distribution centers, in support of humanitarian agencies (UNITED NATIONS, 2004d, p.7).

Meanwhile, the diverse armed groups which had been, in a certain sense, less active due to the presence of MIF-H, began to become more active, creating a feeling of greater insecurity throughout the country and especially in Port-au-Prince. In this scenario, some countries, especially the United States, Canada, and France, were actively and intensively pressing for a more aggressive and proactive use of force. This pressure was ostensive and was exerted in many different ways: diplomatic *demarches*, frequent visits, and military/diplomatic conversations, among others (ABDENUR, 2008). This author has personally witnessed those pressures exerted at the field level, during numerous audiences of distinguished visitors with the Force Commander or with the Special Representative of the Secretary General heading the mission (BRAGA, 2010b, p.721).

On the other hand, MINUSTAH troops were, for many reasons, not willing to use force. First, as mentioned, the critically low troop numbers would not encourage much bolder actions from MINUSTAH's leadership other than keeping a minimum presence and some stability. Secondly, most troops came from Latin American countries and for some, operating under Chapter VII was a new experience. Brazil's latest major peacekeeping experience as a troop contributing country (TCC), for example, had been in Angola, a classic Chapter VI operation.²⁶ Thirdly, there was also strong pressure from different human rights organizations, which proliferate in Haiti, condemning any use of force, with tough accusations against MINUSTAH, even threatening to bring charges against the Force Commander at the International Criminal Court. Finally, there was a great concern regarding possible innocent civilian casualties. This unwillingness of peacekeeping components to use force should not surprise, since it confirms what was already theoretically presented in the previous chapter.

During 2004, MINUSTAH, plagued by critical troop numbers, struggled to maintain minimum presence and patrolling capacity in the most critical parts of the country, to assist in the humanitarian effort, and to react to the most challenging security threats. Only by the end of the year, MINUSTAH's numbers would reach a more comfortable level (see figure 6.1), allowing the mission to operate more

²⁶ Actually, Brazilian troops had already operated under Chapter VII in East Timor. Nevertheless, the echelon involved, a MP Platoon, was too small and too specific in its tasks to be able to benefit from the experience.

proactively. Some proactive and robust operations, with a more intense use of force, would constitute the main characteristic of the next analytical phase.

b) The confrontation

By December 2004, one may argue that many converging aspects contributed to changing MINUSTAH's posture towards armed groups. Among them, the most important were: troop numbers reached 90% of the authorized ceiling, allowing for a more proactive posture; MINUSTAH's leadership had already gotten a clearer understanding of the Haitian scenario; troops and respective TCCs had slowly adapted to Chapter VII rules of engagement; armed groups were getting each time more active and bolder, directly challenging Transitional Government of Haiti (TGoH) and MINUSTAH's authority; there was a growing perception of insecurity in the main cities; and, consequently, there was a mounting pressure from the UN, from the TGoH, and from the already mentioned countries for a more proactive use of force by MINUSTAH.

Before the end of the 2004, MINUSTAH would conduct two major operations against distinct armed groups: the first one was an operation against gangs in Cité Soleil (Operation *Liberté*) and the other consisted of a raid against a former military group, which had occupied the house of ex-president Aristide in Tabarre.

Operation *Liberté* was a deliberate combined brigade-level operation, which employed a battalion from Brazil and another from Jordan, targeting criminal gangs operating in Cité Soleil, the largest slum in the Haitian capital Port-au-Prince. By the end of 2004, Cité Soleil represented the most important stronghold of some criminal gangs and was the most dangerous area in the city. During the operation, there was intense fire from both sides. The operation contributed to stabilizing the situation in Cité Soleil, though only for a short period of time.

While MINUSTAH was conducting this major operation in Cité Soleil, a group of former members of Haiti's military decided to challenge the government and take over the house of the former President Jean-Bertrand Aristide. The TGoH considered such a move unacceptable and demanded immediate action from MINUSTAH. After surrounding the house and negotiating for two days, MINUSTAH decided to retake it using force if necessary. The operation was

successfully conducted by the Brazilian Marines. MINUSTAH put up a show of force, with the main weapons of an infantry battalion, including Armored Personnel Carriers (APC), anti-tank weapons, and machine guns. Nonetheless, no shots were in fact fired during the operation. After the main gate was blown up by a charge of C4 explosives, the ex-military men decided to surrender.

Other former military groups remained active throughout the country, mostly taking police stations. In March 2005, two other large scale operations were conducted to recover police stations occupied by former military. In Petit Goâve, in the early hours of 20 March, the Sri Lankan Battalion conducted a major operation to retake the police station. During the operation one Sri Lankan peacekeeper was killed and three were wounded. Two members of the former military were killed and ten injured (UNITED NATIONS, 2005b). In Terre Rouge, the Nepalese Battalion, reinforced by a Brazilian company, retook the local police station. Days before, one Nepalese peacekeeper had been was killed, and two injured, in the area. During the operation one former soldier was killed (UNITED NATIONS, 2005a).

In June 2005, MINUSTAH carried out another major operation in Cité Soleil. The combined operation, involving peacekeepers from four different countries (Brazil, Jordan, Peru, and Uruguay), was aimed at Dread Wilmé's gang. Dread Wilmé was reputed to be the most important and dangerous gang leader in the capital. UN peacekeepers encountered major resistance and there was an intense firefight. Although Dread Wilmé was eventually defeated, the operation results were once again limited, since other gangs would take over after a few months.

The following months, especially in 2006, saw some other forceful operations, making use of a more developed intelligence system, in order to better identify the targets and respective capabilities. With more precise and reliable information, MINUSTAH was therefore capable of acting more proactively. The role of MINUSTAH's "intelligence" system will be discussed later in section 6.4.2.

The beginning of 2006 also had some turbulence regarding the electoral process for presidential elections. Such turbulence demanded the use of non-lethal force to control demonstrations and to establish minimum conditions for fair elections. A new president, Rene Préval, was elected and inaugurated on 14 May. A

successful transition to a democratically elected president certainly represented an important achievement.

From December 2006 until February 2007, MINUSTAH conducted its most robust and organized military campaign²⁷ against Cité Soleil gangs. The following operations were executed: *Peace Christmas* (20-21 December), *Blue House* (24 January), *Drouillard* (31 January), *Jauru* (9 February), *Center* (15-17 February), *Bellecourt* (20 February), and *Bois Neuf* (28 February).²⁸ The campaign represented a major effort and required a joint participation of different contingents.

Operation *Jauru* represents a good example. On 9 February 2007, MINUSTAH conducted its greatest operation against Cité Soleil gangs. Peacekeepers from Brazil, Chile, Bolivia, Peru, Paraguay, Uruguay, and Jordan took part in Operation *Jauru*.

The campaign was reputed a great success, representing a major defeat to the gangs. Furthermore, it also represented an important turning point. From that moment on, Port-au-Prince experienced a significant reduction in terms of gangs' activities. It was the last occasion in which MINUSTAH had to resort to high levels of the use of force.

The UN mission in Haiti's successful campaign against the gangs of Port-au-Prince is an example of effective UN mandate enforcement against irregular armed forces that posed a deadly threat—in this case, to the Haitian government and the peace process. (DZIEDZIC; PERITO, 2008, p.1)

In short, with the operations conducted in the beginning of 2005 and either the defeat or discouragement of some of the spoilers of the peace process, the situation started to revert, finally reaching a more comfortable security level in early 2007. The result of such a robust campaign conducted by MINUSTAH was largely positive, marking the beginning of the next analytical phase.

c) The stabilization

In mid-2007, MINUSTAH entered a new phase. Operation *Jauru* represented the last time force was used in very significant levels. During the

²⁷ In military terminology, a campaign is composed of “a series of related military operations aimed at accomplishing a strategic or operational objective within a given time and space” (US, 2013, p.33).

²⁸ MINUSTAH, Force Commander's presentation to the Ministers of Defense of Latin American TCC. September 2007.

following years, MINUSTAH would spend many months without firing a single shot. Nevertheless, the overall situation could not be considered stable enough. Many other events contributed to bring some level of instability.

In 2008/2009, environmental, external, and internal aspects continued to contribute to degrade the humanitarian situation in Haiti. In September 2008, the country was, once again, devastated by four hurricanes: Fay, Gustav, Hanna, and Ike (RELIEFWEB, 2008, p.1). MINUSTAH, one more time, escorted humanitarian convoys of different organizations throughout Haiti, making sure supplies would safely arrive were they were needed. Furthermore, Haiti's extremely precarious economy was also one of the first countries to be affected by the 2008 international food crisis. The crisis brought some unrest and political demonstrations. MINUSTAH peacekeepers worked hard to avoid a deterioration of the security situation in such a scenario.

Finally, 2009 saw departmental elections. Elections naturally represent a critical period and the country also saw some unrest. In all those situations, the use of force may be assessed as mostly non-lethal and very minor, especially if compared to the previous phase. There was in fact great progress in establishing a secure environment, one of the key parts of MINUSTAH mandate (UNITED NATIONS, 2009e) and the mission was transitioning to a more developmental approach to taking action against common crime, drug trafficking, and border and maritime security.²⁹

In short, the country was entering a more consistently optimistic scenario and the UN was even already considering a reduction of MINUSTAH troop levels and some evolutions in terms of mandate and profile, when, in the first days of 2010, another natural disaster would, once again, cause major setbacks. This time, however, the disaster had catastrophic dimensions. From this research's analytical perspective, the event represented the beginning of the next phase regarding the use of force by MINUSTAH.

d) The aftermath of the January 2011 earthquake

²⁹ See United Nations Security Council Resolutions 1780 (2007) and 1840 (2008) (UNITED NATIONS, 2007b; 2008a).

On 12 January 2010, a 7.3 magnitude earthquake struck Haiti. Over 220,000 people were killed, more than 300,000 injured, and 1.5 million were left homeless (OXFAM, 2014). There was also very significant material damage. A major part of Haiti's already precarious infrastructure was destroyed, emblematically including the prominent Presidential Palace.

The United Nations and MINUSTAH also took a significant toll. The earthquake killed 101 peacekeepers and members of the UN country team, including mission head Hédi Annabi and other members of its senior leadership. MINUSTAH's headquarters was completely leveled (UNITED NATIONS, 2010a, p.2).

The earthquake naturally brought new security challenges: most of the inmates from the country's main prison escaped, including some important gang leaders who escaped bringing weapons and uniforms with them (UNITED NATIONS, 2010a, p.6); the Haitian National Police also lost a significant portion of personnel and facilities; and there was a general infrastructure collapse.

In such a chaotic scenario, the main concern during the immediately following days was humanitarian: treating casualties, saving victims who were trapped under collapsed buildings, identifying and burying the deceased, providing water and food to the already impoverished population, and shelter to those who lost their homes, among other significant humanitarian tasks (UNITED NATIONS, 2010a, p.3).

Teams from several countries, international organizations, and non-governmental organizations rushed to Haiti. The United States, Haiti's most capable neighbour, within hours organized Operation *Unified Response* and deployed Joint Task Force Haiti (JTF-H). Operation *Unified Response*, at its peak, deployed over 22,000 US military personnel in and around Haiti (approximately 4,000 ashore) and included 23 ships and 58 aircraft (KEEN et al., 2010, p.1). The US presence in Haiti not only significantly contributed to the humanitarian effort, but also indirectly played an important role in maintaining the country's minimum secure environment. US military presence in Haiti, in coordination with MINUSTAH, contributed to create a better security atmosphere in a crucial moment, avoiding major mutinies and the rebirth of illegal armed groups (KEEN et al., 2010).

On 19 January, in order to cope with the new security challenges, UNSC resolution 1908 increased MINUSTAH's authorized strength to 8,940 troops and 3,711 police personnel. As a result, infantry and, especially engineering units from different countries deployed to Haiti. Brazil deployed a second infantry battalion (UNITED NATIONS, 2010a, p.8).

Nevertheless, as an important sign of the progress achieved during the earlier phases, even under these precarious conditions, the security situation remained reasonably comfortable. None of the major operations, with robust use of force, of the second phase were needed. Both in the earthquake's immediate aftermath (with the presence of US troops in Haiti and after their departure), as well as in a longer term, except from minor incidents, most of them typical of law enforcement and police activities, in which occasionally MINUSTAH had to resort to the use of force, no major confrontation happened. Most of the incidents were typical of a country with high levels of inequality, poverty, and, consequently, criminality rates.

In the beginning of 2011, although the humanitarian crisis persisted, one may argue that its most acute period had already passed. Haiti was able to conduct presidential elections and a new president, Michel Joseph Martelly, was sworn in as René Préval's successor on 14 May 2011. This was a most extraordinary event in Haiti's political trajectory, since it represented the transition from a democratically elected president to another.

In August 2011, the Report of the Secretary-General on the United Nations Stabilization Mission in Haiti judged that:

[w]ith the winding down of large-scale humanitarian operations and the completion of the elections, many of the additional challenges that had justified the increase in the Mission's authorized troop and police strength have been met or have decreased significantly. (UNITED NATIONS, 2011b, p.13)

In view of the above assessment, the same Report recommended the beginning of the "drawdown of post-earthquake surge capabilities" to pre-earthquake levels (p.13).

Again, for exclusively for analytical purposes, this research understands that those events represented the beginning of a next phase.

e) The recovery

With a more stable situation and the continuation of the recovery effort, UNSC resolution 2012, dated 14 October 2011, reduced the authorized troop strength to 7,340, getting close to pre-earthquake numbers. Resolutions 2070 (2012) and 2119 (2013) would reduce the troop numbers even beyond pre-earthquake: 6,270 and 5,021, respectively (UNITED NATIONS, 2012b; 2013c).

In terms of the use of force, this phase had many similarities with the previous stabilization phase. Military force, mostly non-lethal, was again needed to control the increase of civil unrest of demonstrations, “attributable to socioeconomic grievances and a growing sense of impatience with regard to the continued delays in holding elections” (UNITED NATIONS, 2014a, p.14). Joint security operations with the Haitian National Police were also conducted with the purpose of disrupting gang and other criminal activities (p.6).

In June 2014, when MINUSTAH completed its tenth anniversary, a UN Strategic Assessment Mission (SAM) was sent to Haiti in order to assess the country’s situation and the progress of MINUSTAH, with a view to recommending the future configuration and drawdown of the peacekeeping mission. As expected, the security situation was described as stable and not presenting a military threat.

The factors impacting security are criminality, gang violence, and mobilized or spontaneous violent civil unrest triggered by political instability or economic hardship. (UNITED NATIONS, 2014c, p.2)

One may argue that those factors which still impact security in Haiti are not different from those which are present in many other countries. They represent rather a problem of ordinary law enforcement than an extraordinary security gap. With such a view in mind, the United Nations Security Council decided, in October 2014, to reduce the military strength of MINUSTAH to 2,370 troops, still maintaining a military capability in order to be able to face unforeseen challenges (UNITED NATIONS, 2014g).

In the beginning of 2015, however, as Haiti’s internal political situation turned even more complex. There were further delays in holding elections which led to the end of the terms of most Haitian congressmen. As a result of the political stalemate, President Michel Martelly started ruling by decree, civil unrest reached more worrying levels (THE WASHINGTON TIMES, 2015).

For different reasons, including demands for Martelly’s resignation and the rising oil prices, frequent demonstrations took place in Haiti. By the end of January,

the UN Security Council conducted a three-day visit to the country in order to assess first-hand the situation. During the visit, President Martelly reiterated a request that a planned reduction of military troops be delayed until after elections are completed (MIAMI HERALD, 2015).

By the end of January 2015, while this author was concluding this doctoral dissertation, the UN Security Council was still assessing the situation and, so far, had not decided to change the planned reduction of MINUSTAH's military strength.

In case the decision to reduce the military strength is maintained, MINUSTAH will enter another analytical phase, the drawdown, which may eventually lead to the termination of the mission and/or to the reconfiguration of the United Nations presence in Haiti. Since any discussions regarding the use of force during a future phase would be just an exercise of speculations, this doctoral dissertation will not deal with this phase, limiting its research and analysis to the five already mentioned phases, during the last ten years, from the beginning of the mission in 2004 to the situation in the end of 2014.

This work's proposed theoretical scheme argues that the simple presence of armed military personnel already represents the use of force, since the potential to do so is present, at least as dissuasive power. Nevertheless, from the analysis of the five phases described above, one may argue that MINUSTAH only used force in more significant levels during the confrontation phase, which lasted for approximately three years. During the other 70% of its ten-year existence, until 2014, MINUSTAH may have resorted to the use of force, yet not in considerable levels.

Figure 6.2 reflects the evolution of the use of force in terms of the number of MINUSTAH casualties caused by hostile action, since the beginning of the mission until November 2014.

United Nations peacekeeping						
(4a) Fatalities by Mission, Year and Incident Type				up to 31 Jan 2015		
	Year	Accident	Illness	Malicious Act	Other	Total
MINUSTAH	2005	3	3	6	1	13
	2006	2	4	5	1	12
	2007	3	6	0	0	9
	2008	2	2	1	0	5
	2009	13	4	1	2	20
	2010	100	0	0	1	101
	2011	4	3	1	1	9
	2012	1	2	0	1	4
	2013	0	2	0	1	3
	MINUSTAH	128	26	14	8	176

Figure 6.2 – MINUSTAH's fatalities (Source: United Nations)³⁰

One may promptly notice that during the confrontation phase the number of casualties was significantly higher than during the other phases. The number of casualties caused by hostile action is possibly a good indicator of the use of force by MINUSTAH and of the evolution of the security situation.

The evolution of the security situation in Port-au-Prince during the period of 2004-2008, presented in Figure 6.3, may also provide another interesting indicator of the success achieved by the use of force during the confrontation phase.

³⁰ http://www.un.org/en/peacekeeping/fatalities/documents/stats_4a.pdf Accessed on: 16 February 2015.

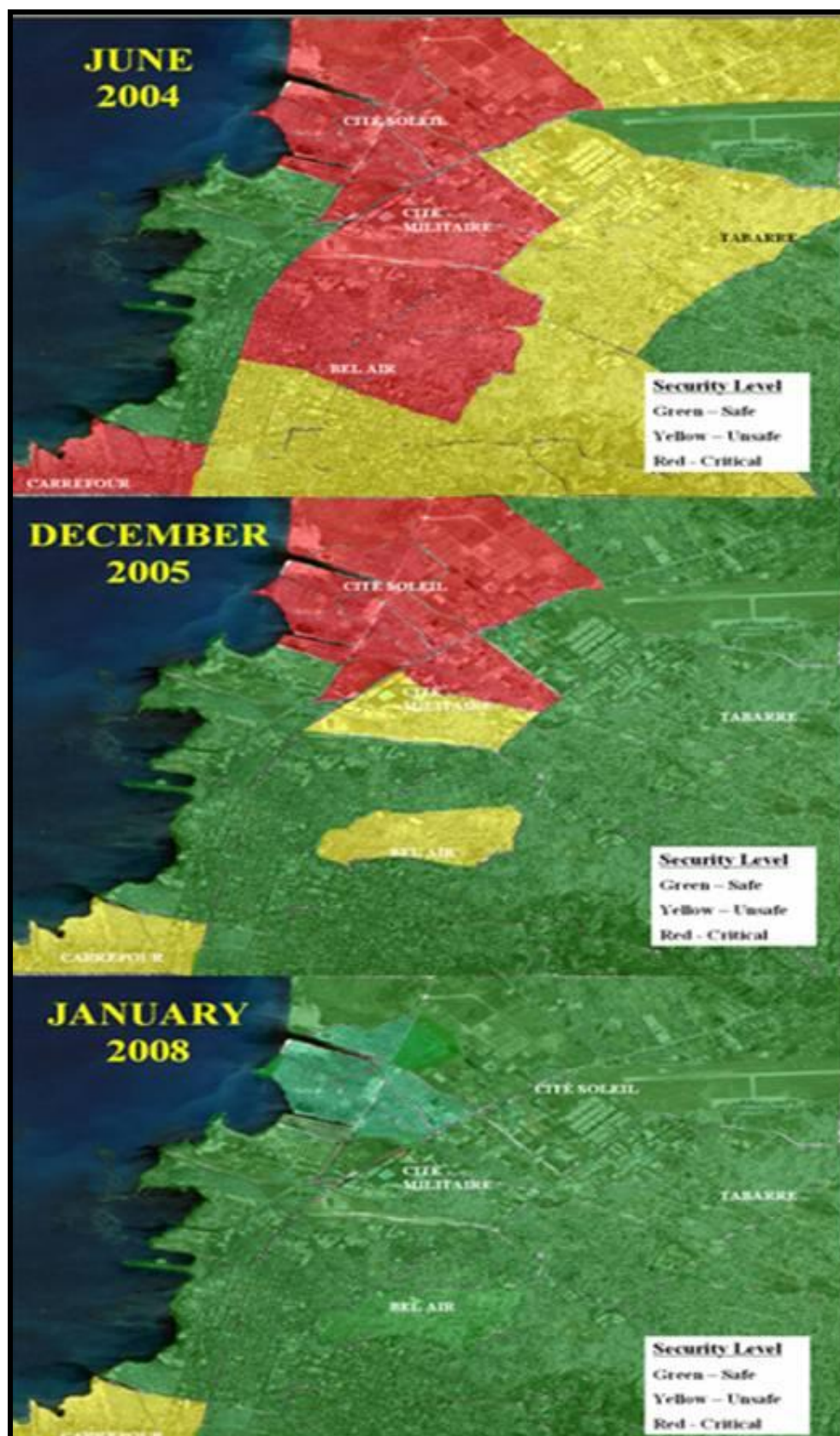


Figure 6.3- Evolution of the security situation in Port-au-Prince 2004-2008
(Source: MINUSTAH)

The next sections will discuss MINUSTAH's conduct presented in this section, using the theoretical framework proposed in Chapter 5. Given that the main concern of the present work is to contribute to the understanding of the different forms of the use of force on behalf of the international community, such a discussion will illuminate the mission main aspects, contributing to validate the relevance of the proposed theoretical scheme.

6.4.1 The use of force by MINUSTAH as a function of the political objectives of the international community

According to the theoretical framework proposed in the previous chapter, the use of force on behalf of the international community during a particular intervention, whether peacekeeping or humanitarian, is directly related to the objectives of this very community regarding the intervention. Accordingly, the more ambitious those objectives are, more vigorous the use of force is likely to be. Therefore, analyzing the political objectives and how they may influence in the use of force ought to be one of the first tasks one should engage in order to better understand a certain intervention.

Like most contemporary UN missions, MINUSTAH was planned and structured to face political, economical, social, and security problems. It was conceived with three main objectives: establishing a secure and stable environment, promoting human rights, and contributing to the reconciliation and political process (UNITED NATIONS, 2004f). Those three objectives are clearly stated in resolution 1542 (2004), which created MINUSTAH. Annex A presents an extract of resolution 1542, with the complete contents of MINUSTAH's stated objectives under each main area. Generally speaking, as discussed in chapter 4, contemporary peacekeeping operations also present key elements of liberalism, such as multilateralism, international institutions, democracy, free trade, and rule of law. MINUSTAH was no exception.

In order to accomplish those tasks, the mission was organized under the leadership of a Special Representative of the Secretary General (SRSG), with two civilian branches and a military component. Two deputies (DSRSG) lead the civilian branches, one of whom was also in charge of coordinating humanitarian activities and the UN country team. The Force Commander (FC) leads the military

component. Figure 6.4 presents MINUSTAH's complex and multidimensional structure. This structure, similar to most contemporary peacekeeping missions, reflects MINUSTAH's ambitious objectives and, naturally, its role in terms of the political process in Haiti. The complexity of MINUSTAH's organizational structure also reflects the role MINUSTAH was intended to play in multiple dimensions of the Haitian society.

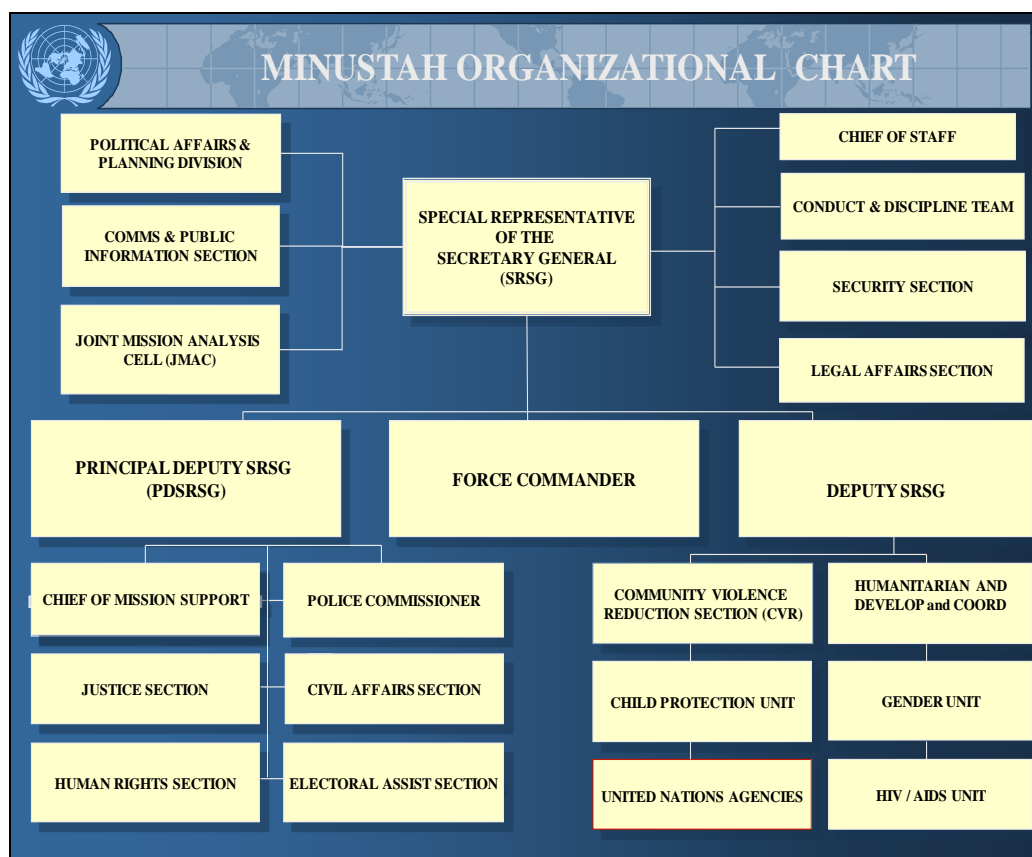


Figure 6.4 - MINUSTAH's structure (Source: MINUSTAH)

As presented in the previous section, the use of force by MINUSTAH was largely related to the task of establishing a secure and stable environment. Nevertheless, the volatile political situation in Haiti and the human rights aspects also led MINUSTAH to use force in other situations. From MINUSTAH's ambitious objectives, one may immediately realize that MINUSTAH, differently from the absolute peacekeeping abstraction, has in fact a strong political component, in terms of changing and modifying behaviors and attitudes. Resolution 1542, under the general objective of establishing a secure and stable environment, assigned MINUSTAH the following tasks:

(a) in support of the Transitional Government, to ensure a secure and stable environment...;

...

(c) to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programmes for all armed groups, ...;

(d) to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support to the Haitian National Police and the Haitian Coast Guard ...;

(e) to protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its personnel, ...;

(f) to protect civilians under imminent threat of physical violence, ...; (UNITED NATIONS, 2004f, p.2-3)

The possibility of using force to accomplish tasks (e) and (f) was not peculiar to MINUSTAH. As discussed in chapter 4, during the 1990s, those tasks began to be considered in an expanded interpretation of self-defense and nowadays are formally assigned in most UN peacekeeping mandates. The protection of civilians (PoC) is one of the key concerns of the UN wherever it deploys. In 2006, UN Security Council resolution 1674 officially acknowledged the paramount importance of PoC:

Reaffirms its practice of ensuring that the mandates of United Nations peacekeeping, political and peacebuilding missions include, where appropriate and on a case-by-case basis, provisions regarding (i) the protection of civilians, particularly those under imminent threat of physical danger within their zones of operation [...]. (UNITED NATIONS, 2006a, p.3)

MINUSTAH sporadically and in a limited fashion used force (mostly non lethal) to accomplish those tasks, especially during the more turbulent periods. Among the key events presented in the previous section, one may point out demonstrations and public unrest, especially during electoral seasons and political significant dates; and the distribution of humanitarian assistance, particularly in the immediate aftermath of the many natural disasters.

Tasks (a), (c), and (d), on the other hand, ended up demanding much more complex and vigorous use of force. Actually, the assignment of those three tasks to MINUSTAH represented an important political decision of the international community. Such a decision had major impacts in terms of the use of force.

In contrast with the mandates of traditional peacekeeping, which had historically determined a more impartial posture regarding the parties involved, resolution 1542 clearly stated that MINUSTAH would operate in support of the TGoH. Such a situation meant that, in a certain way, the TGoH was supposed to have a final say regarding the confrontation or not with certain groups, as well as

the time and place for those confrontations. Tasked to ensure a secure and stable environment “in support of the transitional government”, MINUSTAH’s behavior would be deeply influenced by the political choices of the TGoH.

Furthermore, once MINUSTAH was tasked to support the TGoH, recognizing and supporting the Haitian National Police (HNP) as the only legal armed group, and stating that “all armed groups” were supposed to be disarmed, the potential for confrontation with armed groups and to resort to the use of force was very present in MINUSTAH’s mandate.

In general, MINUSTAH resorted to more robust and lethal use of force mainly in operations against two main armed groups, among the many distinct groups existing in Haiti: illegal gangs and the former members of the disbanded “*Forces Armées d’Haiti*” [Haitian Armed Forces] (ex-FAd’H). Next section will discuss MINUSTAH’s relationship with the distinct armed groups operating in Haiti and how the political choices of the international community were instrumental in dealing with some of them, in certain situations, either with a sense of “enmity” or not.

Finally, as discussed in the previous section, one should notice that MINUSTAH resorted to intense use of force during the first phases of the operation. Nevertheless, once the armed groups considered most threatening were neutralized and the broad objective of establishing a secure and stable environment was to some extent achieved, the actual use of force by MINUSTAH dropped to sustained very low levels.

6.4.2 MINUSTAH and the question of the enemy

Chapter 5 discussed how the question of the enemy in peacekeeping is not a trivial one. While in war the identification of the enemy seems simple, in peacekeeping it is not. While traditional peacekeeping, as carefully discussed in the previous chapter, was not supposed to identify enemies, robust peacekeeping, such as MINUSTAH, may occasionally identify them. Generally speaking, in robust peacekeeping, force may be used against those groups which are considered “spoilers” of the peace process.

In Haiti, while there were no formal opposing forces and no peace agreement to be implemented, there were different armed groups active in the

country. Upon MINUSTAH's deployment, the main armed groups operating in Haiti were: a) the Haitian National Police (HNP); b) the former members of the disbanded "*Forces Armées d'Haiti*" [Haitian Armed Forces] (ex-FAD'H); c) the rebels; d) the *chimères*; and e) criminal gangs (BRAGA, 2010b, p.714-715).

One should also notice that there was also a significant interconnection among those groups. As correctly assessed by the Centre of International Cooperation in one of its main papers on Haiti,

The most salient political violence of the past three decades has involved not well-organized combat operations, but mobilization of crowds from among the millions of extremely poor, on short notice by murky political interests. Violent political activity often reflects intertwined criminal and political insecurity. (CENTRE ON INTERNATIONAL COOPERATION, 2009, p.5)

This section will begin by briefly presenting the main aspects of those groups and analyzing their relationship with MINUSTAH.

a) The Haitian National Police

Since the dissolution of the Haitian Armed Forces in 1995, the Haitian National Police (HNP) was considered the Haiti's only legal armed force. As discussed in the last section, resolution 1542 clearly states that MINUSTAH should "assist" and provide "operational support" to the HNP. Supporting and operating with the HNP was very challenging, especially during the first years of the mandate. Upon MINUSTAH's arrival, the HNP was plagued by major problems of corruption, human rights abuses, partisan political deployment, and the use of extreme violence. In addition, it lacked human resources, weapons, and equipment. For those reasons, the HNP was despised by a good part of the population and its behavior created major problems for MINUSTAH, as will be debated later in this section. Nevertheless, as a consequence of resolution 1542, MINUSTAH was supposed to have the HNP as a "privileged" ally.

MINUSTAH's relation with the other armed groups was supposed to be exactly the opposite. According to resolution 1542, all other armed groups should be disarmed, demobilized, and reintegrated.

b) The former members of the disbanded Haitian Armed Forces.

The Forces Armées d’Haiti [Haitian Armed Forces] (FAD’H) were extinguished by a decree of President Aristide in 1995. The Haitian Constitution, nevertheless, was not changed. A significant part of the former soldiers were neither disarmed nor reintegrated at the time. They received neither pensions nor compensations. Keeping their weapons, they engaged in paramilitary activities, especially in the countryside. Upon MINUSTAH’s arrival, almost ten years after the FAD’H disbandment, the problem persisted.

MINUSTAH’s posture towards the ex-FAD’H was directly related to the political decision of the international community regarding them. In other peacekeeping missions, especially traditional ones, the UN have adopted a posture of impartiality between the parts. An interesting conversation, occurred during the occupation of Aristide’s house in Tabarre, described in the last section, may contribute to enlighten such a discussion. Immediately after the ex-FAD’H had occupied the house, UN peacekeepers surrounded it. Arriving on the scene, Hocine Medili, DSRSG and at the time OIC³¹ MINUSTAH, a very seasoned UN career staff, quickly assessed the situation and MINUSTAH forces role: “Perfect. MINUSTAH is performing one of the classical peacekeeping tasks: separation of forces, establishing a buffer zone between the two parties.”³² In the case, the two parties were the HNP and the ex-FAD’H. Naturally, such a situation did not last for a longer period and MINUSTAH was pushed by TGoH to intervene, using force against the ex-FAD’H in order to recover the house.

In MINUSTAH mandate, the decision was to only recognize the TGOH and the HNP and to take their side. Consequently, due to such a decision, MINUSTAH had to persistently engage in major confrontations with the ex-FAD’H, as described in the last section, with casualties in both sides.

In this author’s perspective, most of those confrontations could have been avoided if the international community had adopted a more impartial or, at least, more flexible posture regarding the group and its demands. Even so, a major part of the group, operating in the north part of the county, decided to demobilize in Cap Haitien, after a skilful negotiation conducted by the Chilean contingent. A major

³¹ Officer in Charge. Official who is responsible for the mission during the absence of the SRSRG.

³² This author was an eyewitness to this declaration.

part of this group would remobilize later, since neither TGoH nor MINUSTAH proved to be ready to reintegrate them.

Almost twenty years later, ten years after MINUSTAH's arrival in Haiti, the problem persists, yet attenuated by the UN force presence and action, especially during the first years. The use of force by MINUSTAH certainly discouraged most of the ex-FAD'H from confronting the UN mission. Nevertheless, what will happen after the end of the mission is still uncertain. President Martelly, for instance, has consistently announced his intent of reestablishing the FAD'H (ARCHIBOLD, 2011; TREVELEYAN, 2012; THE ECONOMIST, 2013) and, certainly, has not materialized such intent yet due to the resistance of the international community.

In short MINUSTAH's military component, although unwillingly, had enmity relation with the ex-FAD'H, especially during the first years. In this author's view, such a relationship was undoubtedly the result of a political choice of the international community, expressed in resolution 1542.

c) The rebels

Traditionally, armed rebel groups have performed important roles in Haitian politics. In different events, those groups have decisively contributed, as mentioned in the beginning of this chapter, to oust a certain president and to install a new one. Historically, since the country's independence, those groups have been usually organized in the Northern region, closer to Gonaïves and Cap Haïtien, from where they marched towards Port-au-Prince.

During the 2004 crisis, those rebel groups were once again present. Mostly organized in Gonaïves, their march towards Port-au-Prince played a very important role in the fall of President Aristide. Feeling responsible for the collapse of Aristide's regime and looking for rewards, the rebels remained very active during the beginning of MINUSTAH, especially in Gonaïves area.

Consequently, during the first years, confrontations between MINUSTAH and rebel groups were unavoidable. Rebel groups constituted one of the main challenges to the UN Argentine military contingent, which was responsible for the Gonaïves sector, and ended up having to resort to the use of force against them.

d) The *chimères*

The *chimères* represented the latest of Haiti's many paramilitary groups and were named after the fire-breathing monster of Greek mythology, which is part goat, part lion, and part dragon (GIRARD, 2010, p.192). Officially known as “*organisations populaires Lavalas*” (OP-Lavalas), the *chimères* were considered a brainchild of Aristide. Like other paramilitary groups, such as Duvalier's *Tonton Macoutes*, the *chimères* played a very important role in maintaining presidential power.

The *chimères* were very active, especially in the poorest neighborhoods, such as Cité Soleil and Belair. They routinely conducted violent actions targeting individuals and organizations capable of challenging Aristide's power. They were also involved in many ordinary criminal activities, including drug traffic, robbery, and murder. With the fall of Aristide, many of them remained active and armed, controlling important areas, especially in Port-au-Prince.

For MINUSTAH, one of the main challenges was differentiating *chimères*' political violence from ordinary crime.

e) Criminal gangs

Like in most developing countries, Haiti's criminal gangs are widely present in different neighborhoods. In the complete absence of governmental agencies, those groups frequently control significant parts of the poorest areas.

Gangs remained present throughout MINUSTAH's existence. Especially in the beginning of the mission, gangs were heavily armed and controlled significant territory. During the first three years, as already presented, MINUSTAH resorted to robust use of force against some of those gangs to regain control of the most critical areas. There were major confrontations between MINUSTAH and criminal gangs, especially in Cité Soleil and Belair. After the initial period, due to MINUSTAH action, they had their activity significantly reduced. With the earthquake, some of them regained momentum, yet not in the intensity of the first years. In 2014, after ten years, MINUSTAH continues to confront these gangs, mostly in a law enforcement role. The challenge, nevertheless, is not much different from other developing countries which face major social inequalities.

After briefly examining the just mentioned five armed groups, one may argue that, by establishing MINUSTAH's objectives, the international community indirectly identified its main "enemies": illegal armed groups, criminal gangs, and other occasional "spoilers" of the peace process. Dealing with these groups posed a major challenge, especially regarding disarmament, demobilization, and reintegration (DDR). DDR in Haiti is substantially different from other traditional peacekeeping missions, since there is no "peace agreement" to implement or formal opposing groups to disarm.

Therefore, during the first years of the mandate, MINUSTAH planned and executed robust operations against some of those groups. Those operations considered the threat and the actual use of force. Some of the most important operations were conducted against former military groups (Aristide's house, Terre Rouge, and Petit Goâve) and against gangs (Cité Soleil and Belair), as described in the previous section. During some of them, force was intensively used.

Another important issue relates to the use of intelligence. As discussed in chapter 5, in traditional peacekeeping, intelligence capabilities are intrinsically very limited. MINUSTAH, although conceived as a model contemporary peacekeeping operation, upon its arrival in Haiti did not have any significant intelligence capability. Nevertheless, as the need to confront different "enemies" and to resort to the use of force became evident, MINUSTAH had to develop a reasonably capable intelligence system. The implementation of MINUSTAH's Joint Mission Analysis Center (JMAC) and its connections proved extremely effective in identifying different threats and confronting them. The most important military operations conducted by MINUSTAH, especially after the first year, were leveraged with the work of the JMAC.

In the fascinating case of Haiti, the mission's Joint Military Analysis Cell (JMAC) – in effect its intelligence branch – was able to develop actionable tactical and operational intelligence, which proved critical to destroying the 'gang structures' in Port-au-Prince. (BERDAL; UCKO, 2014, p.669)

Once the threat posed by those armed groups vanished, actual use of force by MINUSTAH also ceased. After the threat from those groups were neutralized and they were not considered "enemies" capable of jeopardizing MINUSTAH's mandate anymore, the execution of those kinds of robust operations, with high levels of the use of force ceased. MINUSTAH, therefore, entered another phase, in which the levels of force were substantially reduced and enemies were not so easily

identified. Once a more secure and stable environment was obtained, the sense of enmity tended to disappear in military terms, and the mission turned into a more law enforcement phase, instead of military.

There is also a much more intricate question regarding the notion of the enemy in MINUSTAH. Contemporarily, as already mentioned, the mandates of UN peacekeeping missions, including MINUSTAH, must present clear directives regarding the protection of civilians (PoC). UN forces are directly tasked to protect civilians under imminent threat. Theoretically, the situation seems simple enough: individuals who are perpetrating human rights abuses against the population are considered “spoilers” of the peace process and, therefore, force may be used against them.

In the field, nonetheless, the situation sometimes is not so simple. In February 2005, for instance, a major incident occurred when a popular demonstration escorted by MINUSTAH was attacked and broken by the members of the Haitian National Police (HNP). A demonstrator was shot and killed, sparking a major crisis between the SRSG and the TGoH (BRAGA, 2010b, p.722). The same mandate which tasked MINUSTAH to support the HNP also tasked to protect the civilians under imminent threat. So, what would be the status of the HNP under this situation? Should force be used against them? After the incident, the SRSG went public declaring that should such a situation happen again, he would order MINUSTAH troops to shoot at the HNP. In the aftermath, there were some major arguments between MINUSTAH and the TGoH. HNP human rights abuses were possibly reduced, but certainly did not stop. MINUSTAH, for its part, never shot at the HNP. In such a dilemma, one may argue that the incident was solved in the political level, short of the use of force.

From all discussed in this section, one ought to acknowledge the great complexity of the question of the enemy in contemporary robust peacekeeping missions, such as MINUSTAH. Nevertheless, such a debate contributes to illuminate some of the most crucial aspects of the use of force by a UN mission, its requirements and consequences.

6.4.3 MINUSTAH and the dialectic between absolute peacekeeping and absolute war.

Chapter 5 proposed the concept of absolute peacekeeping as part of the theoretical framework of the use of on behalf of the international community. The concept of absolute peacekeeping was then defined as a model of abstract, ideal, and perfect intervention of the international community – an “*Idealtypus*” in Weberian language - in the form of a peacekeeping operation in which the three aforementioned underlying principles (impartiality, consent, and non-use of force) are fully observed, leaving the levels of the use of force at absolute zero. At this point, in order to avoid confusion, it is important to reiterate, once again, that absolute peacekeeping simply represents an unachievable abstraction, a theoretical point of reference. Even the very first traditional peacekeeping missions, although trying to adhere as much as possible to those three principles as discussed in Chapter 4, were not capable of fully and absolutely observing them. After all real-world peacekeeping missions are human endeavors and, hence, behave differently from absolute and ideal models. Absolute peacekeeping is, by definition, the binary opposite to Clausewitz’s absolute war.

MINUSTAH, as a real-world robust peacekeeping mission, naturally differs significantly from the abstract and ideal absolute peacekeeping model presented in chapter 5. Nevertheless, a brief analysis of MINUSTAH, having the abstract model as paradigm and point of departure, will prove essential for better understanding the operation and its challenges, contributing for deepening the analysis and the debate.

First of all, one may argue that the contents of MINUSTAH’s mandate have created its own problems regarding the basic principles of peacekeeping operations. As mentioned, the mandate established that MINUSTAH would support the Transitional Government of Haiti (TGoH) and the Haitian National Police (HNP), recognized as the only legal armed force in the country. A mandate that only recognized TGoH and HNP, considering illegitimate or simply ignoring other parties involved, can hardly be considered completely impartial in relation to the opposing parties. Actually, MINUSTAH’s mandate, from this perspective ought to be considered very partial. The UN proposed solution is to accept the disputed reinterpretation of the expression as impartiality towards the mandate (UNITED NATIONS, 2000), which characterizes the mandates of some contemporary

peacekeeping missions. Furthermore, there were also issues related to the notion of consent. It is correct to assess that the TGoH agreed to MINUSTAH's presence in Haiti, as formally written in the Status of Forces Agreement (SOFA) signed by the Haitian Prime Minister Gerard Latortue. Nevertheless, Latortue's legitimacy to do so was considered somewhat questionable among part of the Haitian population, as well as abroad: although the President was appointed in accordance with the Haitian Constitution (HAITI, 1987, article 149), Latortue had been selected by a "*Conseil des Sages*" and imported from the Haitian Diaspora in Florida (ROC, 2005, p.130-131). According to the Haitian Constitution, the Prime Minister was supposed to be nominated by the President and submitted to the approval of the parliament (HAITI, 1987, article 137). These issues regarding the basic principles peacekeeping and the existence of the already presented active armed groups resulted in the military component having to resort numerous times to an intense use of force in order to accomplish its tasks, particularly during the first years of the mandate.

From the perspective of the use of military force, the consequence of such a loose observation of the principles of peacekeeping was that MINUSTAH, during its first three years, tended much more to peace enforcement rather than peacekeeping (see the discussion regarding robust peacekeeping and the Capstone Doctrine presented in chapter 4). After a slow start, MINUSTAH's leaders perceived that, in order to succeed, it would be necessary to use more force than most TCCs initially thought necessary. During this period, MINUSTAH began to adapt to the Haitian scenario and to Chapter VII rules of engagement, occasionally resorting to the intense use of force against illegal armed groups and other spoilers, particularly during the confrontation phase in the first three years, as already presented.

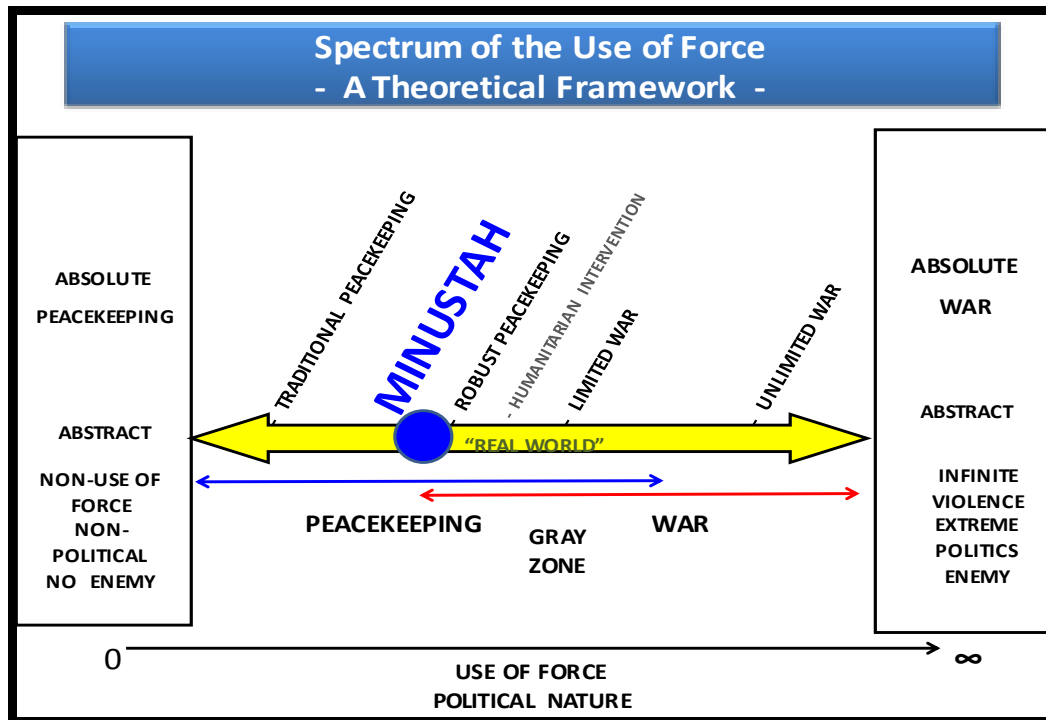
Through the peacekeeping x war spectrum presented in chapter 5 (see Figure 5.1), one may promptly verify that MINUSTAH, even when using force, may be overall placed closer to the absolute peacekeeping side than to the absolute war side of the spectrum. Naturally, the relative position in the spectrum varied throughout MINUSTAH's timeline, alternating periods of more robust use of force with periods of more humanitarian-oriented behavior. During its more than ten years of existence, the number of situations (and the timeframe) in which the actual

use of force was needed is small once compared to the period in which MINUSTAH did not need to resort more consistently to the use of force.

Although one may naturally describe MINUSTAH as robust peacekeeping, the levels of force used, even when compared to other UN robust peacekeeping missions, were very limited. One must consider that the presence and the actual tactical use of attack helicopters, drones, snipers, artillery howitzers, and tanks³³, painted in white and “UN” marked has turned a common image in different scenarios, such as Congo and Sudan (BRAGA, 2010a, p.20; BOECHAT, 2014, p.58). MINUSTAH used none of those weapons. Actually, MINUSTAH’s weapons were basically limited to the light infantry weapons of the Table of Organization and Equipment (TOE) of infantry battalions.

As already exhaustively discussed, MINUSTAH was conceived under the notion of robust peacekeeping. Nevertheless, reflecting all the aspects discussed and a brief comparison with other robust peacekeeping instances, one may argue that MINUSTAH is not situated in a high-end regarding robustness. Based on all the considerations presented, figure 6.5 positions MINUSTAH in the peacekeeping x war spectrum.

³³ Tanks, which in the military terminology consist of armored vehicles with organic heavy guns, are normally considered offensive weapons and should not be confused with armored carriers (APCs), which are normally used for the protection of troops, and have been largely employed in UN peacekeeping for a long time.



As presented in Chapter 5, the analysis of the tertiary trinity is normally much more complex than the secondary one, due to the great variety of possible perspectives and interpretations. The analysis from MINUSTAH's standpoint should be no different. Regarding populations, for instance, one ought to separate the analysis in at least three distinct groups: the Haitian population, the populations of the Troop Contributing Countries (TCC), and the populations of other countries of the international community.

The Haitian population, although not an enthusiastic supporter of MINUSTAH, also did not present major objections or obstacles, except during some critical periods, when some more vigorous demonstrations took place. From a Haitian perspective, there was, naturally, some scepticism towards MINUSTAH. UN missions had deployed to Haiti seven times since 1993 (RESDAL, 2007, p.306) and, for different reasons, had failed or left prematurely. Consequently, there was among the Haitians a natural initial lack of confidence towards MINUSTAH: it was just one more UN mission in a country already tired of them. This sentiment would pose important challenges, especially during the first years of the mission and be further inflated by the very slow MINUSTAH deployment timeline.

One factor that played a crucial role in obtaining the support of the population was impartiality. As already discussed, MINUSTAH's mandate, especially during the first years of its implementation, could hardly be considered an example of impartiality. Nevertheless, MINUSTAH troops were reluctant to use force and, in different occasions, protected demonstrators, many times even against the will and authorization of the TGOH, sometimes even confronting the HNP. It means these peacekeepers were normally reluctant to use force, searching for alternative solutions and negotiations, only resorting to the use of force when deemed utterly unavoidable. Such behaviour contributed to providing the population with a better appreciation of the military force. It also created an unexpected paradox, granting, in the field, a perception of greater impartiality than the terms of the mandate would normally indicate. In 2008, according to the aforementioned USIP report, there was "an overwhelmingly positive attitude of Haitian citizens toward the UN operation and its results" (DZIEDZIC; PERITO, 2008, p.1).

Respect towards the population and human rights was also important, contributing to assure a good level of support. As a consequence, MINUSTAH

troops in Haiti, although respected by the population, are not feared. For instance, MINUSTAH Brazilian troops patrolling and being greeted by the population and approached by children are a very common picture in Haiti (KENKEL, 2009b). This is very important, since a long-term presence of foreign troops tends to develop a natural rejection, once they may be perceived as occupation troops. Broadly speaking, MINUSTAH has enjoyed an average tepid support from the Haitian population during its ten years of existence.

TCC populations, generally, did not get much engaged in political debates regarding the presences and the roles performed by their respective troops in Haiti. One may argue that they were neither supportive nor unsupportive. In Brazil, for instance, except for a minor epistemic group of military, diplomats, academics, and politicians, most of the population did not really engage in discussions regarding the role or even the presence of Brazilian troops in Haiti. Even during the moments when MINUSTAH presented a higher profile in Brazilian media, such as in the beginning of the mission, during the Brazil X Haiti soccer game, or in the immediate aftermath of the 2010 earthquake, when a considerable number of Brazilians were killed, the reaction of the Brazilian population towards MINUSTAH remained mostly indifferent. In short, once one considers world populations in general in regard to the use of force by MINUSTAH, the main conclusion is that the levels of force used up to now and related casualties, the reaction is mostly indifferent.

Regarding governance, the United Nations Security Council actually performed as the main institution of the international community, as suggested in chapter 2. The Security Council was capable of drawing and unanimously approving mandates (MIF-H and MINUSTAH), which not only reflected the general position of the international community, but also provided the necessary legal tools for the use of force. Governments from member countries, especially those with direct or indirect interest in the mission participated, and continue to participate, in the main decisions regarding MINUSTAH.

Finally, the behaviour and the performance of UN military and police forces, operating in Haiti on behalf of the international community, proved to be compatible with the profile of other components of the trinity: force was occasionally used in considerable levels, nevertheless the number of casualties was limited enough to avoid major impacts, especially in terms of public opinion. One

may argue, therefore, the tertiary trinity remained somewhat balanced for the most part of MINUSTAH's ten years of existence, contributing to the level of success achieved in terms of a more secure and stable environment and for the long duration of the mission. An interesting question to ask is whether such a balance would remain had the levels of the use of force increased, generating a larger number of casualties.

6.4.5 Friction within MINUSTAH and the improvisation of the peacekeeping model

Chapter 2 discussed how the Clausewitzian notion of friction contributes to distinguish real-world war from the war on paper, turning things, which may apparently look very simple, extremely difficult. According to Clausewitz, ordinary efforts do not produce the desired effects, so that war demands disproportional efforts to achieve the most uncomplicated tasks. The theoretical scheme proposed in chapter 5 expanded the notion of friction to the use of force during the interventions of the international community with the same reasoning and incorporating other new aspects. Such an expansion allowed a better understanding of the reasons why those interventions normally end up so differently from what was originally intended and planned. In peacekeeping, especially in MINUSTAH's case, the notion of friction also contributes to understand why the liberal peace model is constantly improvised at the field level (MORENO; BRAGA; GOMES, 2014, p.168-184).

From the beginning, MINUSTAH faced intense challenges, resulting mostly from the complex Haitian scenario, the peculiarities of the UN system and mission's structure, the role of other international actors, and even the previously mentioned lack of experience of the mission's military contingents in operating under Chapter VII.

The first challenge troops faced upon their arrival were the cultural and political peculiarities of Haiti. The United Nations system tends to apply preconceived formulas to peacekeeping operations in different host nations, sometimes ignoring cultural subjectivities. This was especially true in Haiti. From all presented in this chapter, one may clearly argue that Haiti's security challenges did not fit conventional approaches or doctrines developed for international peace

operations. UN missions in Haiti, including MINUSTAH, were not responding to traditional armed conflicts between organized and well-defined opposing forces.

Friction was present even inside MINUSTAH's structure. Especially at the beginning of the mission, the relationship among MINUSTAH's different branches and the intricate norms and bureaucracy of the UN system presented major challenges to accommodating sometimes conflicting interests and objectives, and in implementing decisions.

The already discussed slow deployment schedule was another important source of friction. In the first month of the mandate, international forces in Haiti were reduced from 3,800 soldiers (MIF-H) to less than 1,000. This situation logically created a major security breach, leaving the troops in the field under pressure from different armed groups. As a result, when the security situation started to deteriorate during the second semester of 2004, the military force simply did not have enough assets to reverse the scenario.

The increasingly intense use of force also tends to create new obstacles and other collateral consequences. First of all, at the highest political and diplomatic level many countries, especially in Latin America, are not comfortable with participation in operations with a peace enforcement character. Additionally, in the field, most "peace partners" are also unwilling to operate together with a military component that is resorting to a high level of force. Some, such as the International Committee of the Red Cross (ICRC), recognize that neutrality is paramount to success in their own mandates, and close cooperation with a military component that is resorting to increased use of force is far from neutral.

There are further practical consequences at the level of the military force. UN peacekeeping symbols, like blue helmets and white vehicles, were created with the intention of permitting a clear identification of its components by all actors present in the field. In classical peacekeeping operations, this meant that all parties could immediately identify and recognize UN peacekeepers, who due to their neutrality would be spared attack or antagonism. These markings were a protective measure. This changes, however, when peacekeepers resort to the use of force. If they are using force more consistently, they will be confronted militarily and other parties will use force against them. In such cases, blue helmets and white vehicles represent easy targets rather than a form of protection, as they were originally conceived (BRAGA, 2010b, p.715).

The relationship with the different humanitarian agencies present in Haiti represented a further challenge. There is always an inherent friction between military forces and humanitarian groups operating in the same environment, and the Haitian case was no exception. Especially during the first years, a lack of mutual understanding and trust was probably the main cause. Nevertheless, the critical humanitarian situation, exacerbated by natural disasters, would force these two different groups to learn to work closely together in order to succeed. During the most critical periods, beginning in the aftermath of tropical storm Jeanne in September 2004, the military force escorted hundreds of humanitarian convoys and provided security to food distribution centres, all in support of humanitarian agencies. After some initial friction and mutual recriminations, military and humanitarian actors reached an acceptable level of understanding and coordination in those areas.³⁴

Major disagreements persisted, however, regarding the direct delivery of humanitarian assistance by the military force. Humanitarian agencies are not sympathetic to this idea, arguing that it does not contribute to the improvement of the humanitarian situation and can generate even greater distortions. Military forces, on the other hand, consider it a critical step in gaining the support of the population and in reducing tensions in the field. Regardless of the provenance of such aid, it is important to acknowledge that Haiti's social and humanitarian situations remain critical. The country suffered repeated setbacks due to the combined effects of the food crisis, the global financial and economic crisis, and the devastating 2008 hurricane season.³⁵ However it was in the aftermath of the powerful earthquake, which struck Haiti in January 2010, that MINUSTAH's military component, and the different humanitarian actors reached an unprecedented level of cooperation, which was vital in order to alleviate the intense agony of the population.

Haiti's Presidential elections brought other interesting example of friction and how the peacekeeping mission behaviour was constantly negotiated and improvised at the field. Fully supporting Presidential elections in 2005/2006 was

³⁴ The Office of Coordination of Humanitarian Affairs (OCHA) on the civilian side and the Civil-Military Coordination Center (CIMIC), on the military side, both contributed to reducing these tensions.

³⁵ United Nations Security Council. Report of the Security Council mission to Haiti (11 to 14 March 2009). 2009. (S/2009/175)

another major achievement. Here, the major tasks included providing security to registration centres spread throughout the country, protecting 35 presidential candidates at events including demonstrations and public speeches, ensuring the logistics necessary to transport the electoral material to the most remote areas using all available means of transportation (from helicopters to donkeys), and providing security to the voting centres and ballot counting facilities³⁶. The security situation became critical when an absolute majority, necessary to avoid a second round, was not achieved. Suspicion of electoral fraud grew among the population, sparking another period of enormous unrest with barricades throughout Port-au-Prince. The impasse was only solved through another improvisation: the use of the so-called “*Belgian formula*” at the suggestion of the Brazilian Ambassador (VINCENT, 2006; WILLIAMS, 2006). Such an “improvisation” allowed the proportional distribution of blank votes and the avoidance of a second round (MORENO; BRAGA; GOMES, 2012, p.385-386).

As a result, in May 2006 René Preval was inaugurated as the 55th President of Haiti. This represented a normal democratic transition from his predecessor Boniface Alexandre, a situation not often seen in Haiti. While government legitimacy certainly improved after the election, other problems persisted within the Haitian Government, among them lack of capacity, corruption, difficulties of dialogue and reconciliation among opposing political groups and, perhaps most importantly, a lack of durable development projects.

In fact, some of MINUSTAH’s most important challenges are directly related to development. As already mentioned, the MINUSTAH mandate has three main branches: a secure and stable environment, the political process, and human rights. A comparison of the initial Secretary General’s recommendation³⁷ regarding the mission with resolution 1542, shows that a fourth branch suggested in the former—development—was not included the latter. According to the Security Council, primary development tasks were not to be undertaken by MINUSTAH but rather by donor countries and other international organizations, based upon their own interests and possibilities. While clearly dependent on development progress

³⁶ Before the elections, the great majority of Haitians had neither ID cards nor any other means of personal identification.

³⁷ United Nations. Report of the Secretary-General on the United Nations Stability Mission in Haiti. 16 April 2004. S/2004/403

for its own success, in this aspect MINUSTAH therefore had to rely on the goodwill of the international community and other external agents.

The aspects described above represent just a few examples of the numerous friction situations occurred within MINUSTAH. This section confirmed therefore that, as proposed in Chapter 5, the notion of friction is inherent not only to war, but also to the use of force on behalf of the international community. The understanding of the notion of friction in peacekeeping has the clear potential to illuminate important some of the key events, decisions, and the actual course of a certain mission. In MINUSTAH's case, as well as in most peacekeeping operations, the constant presence of friction contributed to the improvisation of the UN peacekeeping model.

6.5 Conclusions

MINUSTAH initiated its deployment to Haiti in May 2004 and completed its tenth anniversary on 1 June 2014. As described in this chapter, MINUSTAH was designed and actually operated as contemporary robust, multi-dimensional, and integrated peace operation. In terms of the use of force, which is the key subject of the present research, MINUSTAH faced, until 2014, distinct situations which were analytically divided in five phases. During the confrontation phase, MINUSTAH consistently resourced to the use of force in considerable levels. During all the other phases, the levels of the use of force were not substantial.

The latest UN Security Council resolution on MINUSTAH, resolution 1580, dated 14 October 2014, and the decision to significantly reduce the size of MINUSTAH's military component to 2,370 troops may illustrate the understanding of the international community regarding the success of the mission in bringing a secure and stable environment to Haiti. In addition, since 2008, most analysts recognize the success in improving the security situation in Haiti. In September 2008 the United States Institute of Peace (USIP) already stated that "the lessons from the resounding success achieved in Haiti should be captured and put into practice wherever missions are challenged by illegal armed groups" (DZIEDZIC; PERITO, 2008). The 2010 catastrophic earthquake created many new challenges. Nevertheless, the improvements of the security situation were recovered without

significant use of force and sustained, creating the conditions for the UNSC decision to downsize the military component of the mission in 2014.

One may certainly dispute such a conclusion, since there many other aspects which affected the decision of downsizing, including the financial costs and the great demands for peacekeeping troops in other regions. Nevertheless, as already presented, improvements in terms of security and stability were recognized by distinct organizations. Future developments after the mission's downsizing or its complete withdrawal are, nevertheless, difficult to predict. After all, as the late SRSG Hedi Annabi once pointed out in 2008, "a poor, hungry, and desperate population is simply incompatible with stability and security" (UNITED NATIONS, 2008b). Haiti's social development indicators, as already noted, remain extremely low.

The main purpose of this chapter was to discuss the use of force by MINUSTAH, using the theoretical framework proposed in chapter 5. In order to achieve its purpose, this study dealt with the role of the international community and with the key aspects of: the use of force as a function of the political objectives of the international community; the question of the enemy; the dialectic between absolute peacekeeping and absolute war; the tertiary trinity; and the notion of friction.

In MINUSTAH's case, one may argue that probably the most important aspect regarding the role of the international community was the capacity of debating and achieving agreed positions. The UN Security Council unanimous approval of all resolutions regarding Haiti, since the beginning of the crisis in February 2004, clearly reflects the level of compromise achieved. It also allowed for ten-year duration of the mission, with a somewhat linear behavior and without major uncertainties regarding its continuation.

Resolution 1542 and other resolutions regarding MINUSTAH reflected the political objectives and the political choices of the international community. The decision to establish the mission under the Chapter VII of the Charter of the United Nations, as well as the tasks and objectives assigned in the resolution, all had a paramount influence in the use of force by MINUSTAH. Furthermore, those political choices also resulted in MINUSTAH's military forces occasionally having to engage in ally or enemy relationships with distinct organizations. MINUSTAH's uneasy relationship with the Haitian National Police (HNP) and the former

members of *Forces Armées d'Haiti* (ex-FAD'H), as debated in this chapter, represent important consequences of those choices. Those relationships illustrate the major influence the question of the enemy has in terms of the use of force.

The dialectic between the abstract notions of absolute war and absolute peacekeeping permitted to situate MINUSTAH in a spectrum between those two extremes. It contributed to understand that the levels of force used by MINUSTAH, even during the confrontation phase, and the peculiarities of the mission's behavior reflect a position that is certainly closer to absolute peacekeeping than to absolute war. A brief comparison with other robust peacekeeping missions, such as MONUSCO, reinforced such a position even further.

The study of the tertiary trinity and its application to MINUSTAH contributed to understand how its three components influence and are influenced by the use of force. In MINUSTAH's case one may argue that the levels of the use of force were moderate and that such a moderation created the conditions for a balanced tertiary trinity. It is important to recognize, as discussed in chapter 5, that the balance inside the tertiary trinity is normally even much more complex and difficult to obtain than inside the secondary one, since it deals with much more disparate actors than the national ones.

The application of the notion of friction to MINUSTAH allowed to understanding how the situation in the field was influenced by a vast array of factors which regularly lead to significant differences between the planned and the actual behaviour of the mission. It also contributed to understanding how the peacekeeping model was constantly improvised at the field level.

In short, the theoretical framework proposed in chapter 5 proved very useful in contributing to the understanding of the distinct aspects concerning the use of force by MINUSTAH. Departing from this application to MINUSTAH's case, one may argue that the framework may be applied to any peacekeeping operation. Finally, this chapter confirms that the use of such a theoretical scheme in the study of different peacekeeping operations will contribute to a better understanding and would also permit interesting comparisons. This author also encourages its application in other peacekeeping operations cases in future studies.

7

Understanding the contemporary use of force on behalf of the international community in humanitarian intervention: the case of Libya 2011

Chapter 5 proposed a theoretical framework to deal with the question of the use of force on behalf of the international community, which is the central purpose of this research. As noted, the proposed theory considered mainly two general situations: peacekeeping operations and humanitarian interventions.

The previous chapter discussed MINUSTAH, as a case of the use of force on behalf of the international community in peacekeeping operations. This chapter aims to discuss another instance of the use of force on behalf of the international community: humanitarian interventions. This chapter selected the 2011 NATO intervention in Libya as a case study because it fits all the criteria for humanitarian interventions, as presented in section 4.2 above: armed military action, use of force, lack of host nation's consent, and justification on humanitarian grounds. It provides an excellent setting for the identification and the analysis of the key elements of the theoretical framework proposed in chapter 5 (see figure 5.3) and is unmistakably different from MINUSTAH's case.

Furthermore, this author finds the 2011 NATO intervention in Libya particularly interesting for a number of distinct reasons, the most important of which being: a) the intervention in Libya arguably represents a contemporary case of humanitarian intervention conducted after the introduction of the R2P framework. According to Roland Paris, it "was the first coercive intervention to be justified under the Responsibility to Protect (R2P) Doctrine" (2014, p. 169). For Jonathan Eyal of the UK Royal United Services Institute (RUSI), "Libya was a classic test-case of humanitarian intervention, now incorporated as a new United Nations concept, and usually referred to as the 'Responsibility to Protect', or R2P" (RUSI, 2011, p.7); b) differently from MINUSTAH, the decision to authorize the operation was not unanimous in the UN Security Council; c) also differently from MINUSTAH, there is still major dissent in the international community regarding

the way in which the force authorized by that very community was used in Libya; d) furthermore, there are still debates within the international community regarding the levels of success of the use of force in protecting civilians; e) the intervention in Libya is still affecting decisions on the use of force to protect civilians (the UN Security Council stalemate in Syria situation constitutes a good example); f) the intervention and the use of force has sparked some important unintended consequences, especially in Northern Africa and in the Middle East, possibly contributing to destabilize the region; and g) the security situation in Libya degraded continuously after the intervention, as the next sections will present. In the beginning of 2015, when the present research project was coming to an end, there were still no signs of improvement of the overall security situation in Libya.

7.1 Preliminary considerations

In order to address the intervention in Libya, this chapter will first present a brief overview of country, including some historic antecedents and background, as well as the main actors and challenges, which finally led to the intervention. Then, a specific section will discuss the role performed by the international community before, during, and after the intervention. The subsequent section, which is naturally the most important one, will debate the question of the use of force in Libya, benefiting from the key aspects of the theoretical framework of the use of force on behalf of the international community, proposed in the last section of chapter 5. Those key aspects are: a) the use of force as a function of the political objectives of the international community; b) the question of the enemy; c) the dialectic between absolute peacekeeping and absolute war; d) the tertiary trinity; and e) the notion of friction in the interventions of the international community.

This sequencing is intended to allow an accurate understanding of a complex intervention, as well as to contribute to providing an organized setting to apply the proposed theoretical framework to the case and to identify Libya's intervention main aspects regarding this framework. Such sequencing is also instrumental in allowing the comparison between different cases of the use of force on behalf of the international community.

Finally, the last section will present the main conclusions regarding the use of force during the intervention in Libya and the applicability of the theoretical

framework advanced by this research. With the purpose of facilitating the comparison of both cases, this chapter will use the same sequencing of the previous one, which discussed the use of force in MINUSTAH.

7.2 Understanding the Libyan scenario

Naturally, the crisis which resulted in the intervention in Libya should not be treated as an isolated event. It is therefore necessary to briefly discuss Libya's geopolitical setting and recent historical trajectory, in order to ensure a better understanding of the path which led to intervention in the country.

Libya, with a territory of a little more than 1,700,000 square kilometers, is the fourth-largest African country. It has a population of about 6.5 million inhabitants. Facing the Mediterranean, the country has a particularly strategic location along the Northern rim of Africa, sharing borders with Egypt, Sudan, Tunisia, Algeria, Chad, and Niger. Since the Sahara Desert covers 95 of the county, the great majority of the population (more than ninety per cent) lives along the Mediterranean coast. Approximately 88 per cent of the inhabitants are urban and concentrated in three main cities: Tripoli, Benghazi, and Misrata. The population is composed of different ethnic groups, with an Arabic majority, concentrated on the northern part of the country and on the coast. Among those ethnic groups, one may find Tuaregs, Berbers, and Tebous. There are more than 140 different tribes and sects. The official language is Arabic, which is spoken by 95 per cent of the population. Its culture, like other countries of the Maghreb, was deeply influenced by Ottoman rule, as well as the colonial period. Libya is traditionally divided in three main regions: Tripolitania, Cyrenaica, and Fezzan (figure 7.1). Regionalism, illustrated by the weakness of Tripoli central state control resulting in great political and economic autonomy of Cyrenaica and Fezzan, together with pastoralism and tribalism, represent important characteristics of Libya's social organization (AHMIDA, 1993, p.11-13). The major contrasts among these three main regions and their political and economic autonomy not only played a key role in the series of events which led to the fall of Muammar Gaddafi, during the 2011 crisis, but also remain as critical conditioning factor of current events.



Figure 7.1 – Libyan regions (Source: fanack.com)

Modern Libya was not formed until the twentieth century. The Roman Empire controlled both Tripolitania and Cyrenaica. When it was split into the Western Roman Empire and the Byzantine Empire, Tripolitania remained with the Western while Cyrenaica passed to the control of Constantinople. Later, Arab troops conquered both regions, bringing them to the control of the Islamic Empire, for almost nine hundred years. In the sixteenth century the Ottoman Empire took control of both Tripolitania and Cyrenaica and held them until the beginning of the twentieth century. In 1911, neocolonial Italy decided to conquer the region³⁸. After intense local resistance and fierce battles, the Ottomans ceded control of Tripoli to the Italians in 1912 (ROBINSON, 2011, p.1).

³⁸ Curiously, the Italian invasion of Libya also marked the first time “air power” was used as a weapon of war. On 1 November 1911, Italian Lieutenant Giulio Gavotti turned to be the first person in combat to drop bombs from an airplane. Gavotti threw four bombs (actually hand grenades) on a concentration of Arab troops south of Tripoli (HIPPLER, 2013, p.1-3).

Italy struggled to maintain the control of its new colony. There was frequent rebellion and resistance, particularly in the city of Benghazi. Italy did not obtain complete control of Libyan territory until 1931. After the Axis defeat in the Second World War, Libya was split between Britain and France. In 1951, a unified and independent United Kingdom of Libya was finally formed, under King Idris I. Since independence, there was a growing historical enmity between Cyrenaica and Tripolitania, represented by their respective capital cities of Benghazi and Tripoli, as both regions struggled for power and national leadership of the recently independent country (BELL; WITTER, 2011, p.15). This polarization between Tripoli and Benghazi may certainly assist in understanding the events which culminated with the intervention in Libya, as well as the present conflicts between different factions.

In 1969, a young Libyan Army Captain, Muammar Gaddafi, launched a coup d'état and took control of the country, creating a Libyan Arab Republic (ROBINSON, 2011, p.1). Nevertheless, six decades after independence, Libya remained divided between the ethnic and tribal rivalries, provincial relations, and bisected local politics (LEWIS, 2011, p.43). When the 2011 crisis began, Gaddafi had ruled Libya for four decades, with a historical record of abuses towards the population and great disrespect for human rights.

One should also notice the Libyan regime did not enjoy great popularity among Western governments. Actually, for a long time, the country had been rightfully accused of harboring terrorists and assisting in the planning of terrorist attacks: Gaddafi's regime was directly involved in commercial airplanes explosions explosion over Lockerbie, in Great Britain (Pan Am 103) and Sahara (UTA 772), in the killing of US servicemen in Berlin, among other terrorist support activities. Muammar Gaddafi was considered an enemy by many Western countries, which for a long time, would like to see him ousted from power in Libya.

The American obsession with Qadhdhafi reduces the entire Libyan state and its politics to Qadhdhafi, with the result that Qadhdhafi and the Libyan Jamahiriyya government are often seen as an aberration rather than a product of recognizable social forces. (AHMIDA, 2005, p.68)

Actually, according to William Lewis, during the last two decades, the Western relation, in general, and the US in particular, with Gaddafi oscillated, in three phases. During the first one, Gaddafi "was vilified as a maniacal dictator and supporter of terrorist" (LEWIS, 2011, p.49-50) and targeted with aerial

bombardment in 1986. In a second phase, Gaddafi passed through a “rehabilitation process” (p.50-51) and became increasingly accepted and received with honors in different countries and forums, especially in France and Italy. The third phase began with the 2011 crisis, and Gaddafi was, once again, vilified.

In terms of the Libyan economic and development situation, there was a deep contrast with the Haitian case, presented in the previous chapter. The Libyan economy before the 2011 intervention was considered strong, with significant oil reserves, in very close proximity to Europe, which gave the country high geoeconomic and geostrategic importance. In 2010, Libya presented, according to the United Nations Development Program (UNDP), a high Human Development Index (HDI). Actually, according to the UNDP, Libya’s HDI was the highest among all African countries (UNDP, 2010).

7.3 The role of the international community

One may argue that the 2011 Libyan crisis had its origins in the context of the Arab Awakening (or Arab Spring), in which a series of protests occurred in different Arab countries, resulting in the fall of some governments and regimes, such as in Egypt and Tunisia (MATHEUS, 2013, p.114). The results achieved in those countries, with Tunisian Zine Ben Ali and Egyptian Hosni Mubarak both removed from power, certainly provided special inspiration and impetus to Libyan rebels.

The crisis in Libya erupted with demonstrations on 15 February 2011, in the city of Benghazi, and developed very fast. Demonstrations turned into violence and armed revolt in different parts of Libya resulting in the start of a civil war. Demonstrations, especially in Benghazi, turned uncontrollable. On 22 February, Gaddafi (2011) publicly ordered, in his most infamous speech, his soldiers to crush the opposition. “We will march in our millions, to purify Libya inch by inch, home by home, person by person, until the country is clean of the dirt and impurities”.

The disproportional threat posed by Muammar Gaddafi’s regime against the rebels and, especially, against the population generated prompt reactions from the governments of different countries. According to Simon Chesterman, “State leaders are usually more circumspect in the threats they make against their populations than was Qaddafi; impending massacres are rarely so easy to foresee”

(2011, p.282).The official intervention response would be latter justified exactly on Gaddafi's threat to his own people (MARU; DERSSO, 2013, p.148-149).

As already mentioned, many countries, such as the United States and Great Britain, also rightfully claimed that Gaddafi's regime had great historical links with international terrorism, with participation in harboring terrorists, as well as in the planning and execution of terrorist attacks in different countries. Among those attacks, the most notorious was the Lockerbie attack, in Great Britain, when a bomb planted by terrorists exploded a commercial airplane (PanAm 103). The close ties of the terrorists involved in the episode with Gaddafi's regime were disclosed and clearly proved by a complete and detailed investigation conducted at the time of the event. In short, Libya had been considered for a long time a historical focus of state terrorism. Therefore, one may argue that, for some countries, the 2011 crisis may also have presented a great opportunity, by changing Libya's regime, to correct and eliminate an old and serious problem in terms of state sponsored terrorism.

The situation was brought to the attention of the UN Security Council which initially voted and approved two central resolutions regarding the crisis: resolutions 1970 (UNITED NATIONS, 2011d) and 1973 (UNITED NATIONS, 2011e). While resolution 1970, condemning violence in Libya, was unanimously approved on 26 February 2011, resolution 1973 was not. Actually, the level of discord regarding resolution 1973 was high and the result of the voting reflects such a condition. Resolution 1973, approved on 17 March 2011, established a "no-fly zone" over Libya and, under Chapter VII, authorized all necessary measures to protect civilians and mobilized R2P.

The issue was fiercely debated and, only after long negotiations, UN Security Council resolution 1973 was finally approved on 17 March 2011, "by a vote of 10 in favour to none against, with 5 abstentions (Brazil, China, Germany, India, and the Russian Federation)" (UNITED NATIONS, 2011c). Among the P5, while the United States, France, and Great Britain passionately pushed for the resolution, Russia and China decided to abstain. After the approval of the resolution, differences regarding its implementation got even clearer.

Actually, France was probably the most proactive country in seeking the approval of resolution 1973. After its approval, France was also the first country to recognize the legitimacy of the Libyan rebel "*National Transitional Council*" (NTC) as the sole legitimate representative of the Libyan people and to initiate

offensive military operations. Later on, countries such as Great Britain, Italy, Spain, Germany, the United Arab Emirates, Qatar, Jordan, Gambia, Senegal, and Australia, would also recognize the NTC as the sole legitimate representative of Libya (BBC NEWS, 2011). Others such as US, Russia, and China recognized the NTC as a representative of the Libyan people (BBC NEWS, 2011). Controversially, some of those countries have supported the NTC during the conflict by means of military advisors and special operations groups. There were also speculations regarding the transfer of weapons.

One may also identify in some of the discourses, traces of the “liberal peace” view, discussed in Chapter 4, as reflected in the following statement in a NATO report:

The initiative for the operations in Libya was taken by several European Union countries, in particular France and the United Kingdom, who demonstrated their commitment to the values of freedom and democracy and had a very clear view of the advantages of strengthening democracy in the Mediterranean space. (NATO, 2011a, p.5)

A brief analysis of the declarations of the representatives of the countries which abstained may assist in understanding how divided the international community was regarding the matter. China’s representative position was that

the United Nations Charter must be respected and the current crisis must be ended through peaceful means. China was always against the use of force when those means were not exhausted. His delegation had asked specific questions that failed to be answered and, therefore, it had serious difficulty with the resolution. It had not blocked the passage of the resolution, however, because it attached great importance to the requests of the Arab League and the African Union. At the same time, he supported the efforts of the Secretary-General’s Envoy to resolve the situation by peaceful means. (UNITED NATIONS, 2011c)

Russia decided to abstain, considering that the resolution adopted was not the best solution to put an end to the crisis and, especially, to assure the protection of the civilian population. According to the Russian representative, Russia

abstained, although his country’s position opposing violence against civilians in Libya was clear. Work on the resolution was not in keeping with Security Council practice, with many questions having remained unanswered, including how it would be enforced and by whom, and what the limits of engagement would be. His country had not prevented the adoption of the resolution, but he was convinced that an immediate ceasefire was the best way to stop the loss of life. His country, in fact, had pressed earlier for a resolution calling for such a ceasefire, which could have saved many additional lives. Cautioning against unpredicted consequences, he stressed that there was a need to avoid further destabilization in the region. (UNITED NATIONS, 2011c)

The other (non-permanent) members of the Security Council, which decided to abstain, also presented important concerns regarding the resolution. Germany advised that

[d]ecisions regarding the use of military force were always extremely difficult to take. Indeed, in the implementation of the resolution just adopted, Germany saw great risks, and the likelihood of large-scale loss of life should not be underestimated. Those that participated in its implementation could be drawn into a protracted military conflict that could draw in the wider region. If the resolution failed, it would be wrong to assume that any military intervention would be quickly and efficiently carried out. Germany had decided not to support the resolution and would not contribute its own forces to any military effort that arose from its implementation. Germany had abstained from the vote. (UNITED NATIONS, 2011c)

India's representative explained that

his abstention, expressed great concern over the welfare of the population of Libya and supported the appointment of the Secretary-General's Envoy. The report of that Envoy and that of others had not yet been received. As a consequence, today's resolution was based on very little clear information, including a lack of certainty regarding who was going to enforce the measures. There must be certainty that negative outcomes were not likely before such wide-ranging measures were adopted. Political efforts must be the priority in resolving the situation. (UNITED NATIONS, 2011c)

And, finally Brazil's representative Ambassador Maria Luiza Viotti explained her country's position:

“[w]e are not convinced that the use of force as provided for in operative paragraph 4 of the present resolution will lead to the realization of our common objective — the immediate end of violence and the protection of civilians,” she said, adding that Brazil was also concerned that the measures approved today might have the unintended effect of exacerbating the current tensions on the ground and “causing more harm than good to the very same civilians we are committed to protecting”. No military action alone would succeed in ending the conflict. Protecting civilians, ensuring lasting settlement and addressing the legitimate demands of Libyan citizens demanded a political process. (UNITED NATIONS, 2011c)

The analysis of the positions and statements presented above clearly demonstrates that, although resolution 1973 was approved, the Security Council and the international community were significantly divided regarding that matter and about the actual implementation of the resolution. It is also very important to recognize “that those five governments [which abstained] represent about half of the world's total population” (EYAL, 2012, p.56), which has great importance once the issue is the international community. In short, although the resolution was approved and not vetoed, it became clear the international community did not manage to find a concerted position on what to do in relation to Libya. From the

debates, one should notice that the key overarching question was about the utility *per se* of the use of force for protection of civilians and responsibility to protect purposes.

There were also conflicting positions between some of the main regional organizations involved. As already mentioned, NATO members were working in the UN Security Council for more coercive measures. NATO's initiative was supported by the Gulf Cooperation Council (GCC) and by the Organization of the Islamic Conference (OIC). The African Union (AU), meanwhile, was still working on the implementation of a roadmap in order to settle the dispute peacefully. The African Union Peace and Security Council (PSC) expressly opposed and rejected "any foreign military intervention, whatever its form" (AFRICAN UNION, 2011, p.1).

Nonetheless, one may argue that the African Union regional position regarding intervention in Libya was largely confused and contentious. According to Alex de Waal,

[t]he AU was not able to convince Libyans, Africans or the world that it was a credible interlocutor for peace in Libya. Africa did not present a united position, and did not provide the financial, military or diplomatic resources necessary for the AU initiative to appear a genuine alternative, let alone to prevail. (DE WAAL, 2013, p.379)

Resolution 1973 came just a week after the adoption of the roadmap proposed by the AU (ADENIYI, 2013, p.128) and the three African non-permanent members of the Security Council (Gabon, Nigeria, and South Africa) voted for the intervention (MATHEUS, 2013, p.119).

From all of the above, one may conclude that the international community was unequivocally divided regarding the intervention and the use of force in Libya. Nevertheless, one ought to admit that, according to the notion of the international community advocated by this research, the approval of UN Security Council resolution 1973, even not unanimous, in fact represented the authorization of such a community for the use of force in Libya on its behalf.

The next section will discuss, using the theoretical scheme proposed in chapter 5, how the use of force during the intervention in Libya, its outcomes, and other long-term effects mostly reflected the dissent inside the international community.

7.4 The use of force in Libya

On 19 March 2011, two days after the approval of resolution 1973, France took the lead, initiated *Opération Harmattan* and launched airstrikes in Libya. France was immediately followed by the United States (with Operation Odyssey Dawn), Great Britain (with Operation Ellamy), Canada (which would later provide the overall NATO operational commander), among other countries. On 31 March, with Operation Unified Protector, “NATO took control of all military operations for Libya” (NATO, 2011).

For analytical purposes, this dissertation will consider the intervention in Libya in three distinct phases: a) pre-intervention negotiations and preparations: from the eruption of the crisis in Benghazi, on 15 February 2011, until the beginning of Operation Odyssey Dawn, on 19 March 2011; b) intervention phase: from the beginning of Operation Odyssey Dawn, on 19 March, until the end of Operation Unified Protector, on 31 October 2011; and c) post-intervention instability: from the end of Operation Unified Protector, on 31 October 2011 until the present time (early 2015).

a) Pre-intervention negotiations and preparations

During the Libyan crisis, events unfolded very quickly. UN Security Council resolution 1970 was approved only eleven days after the beginning of the demonstrations, resolution 1973 was approved 19 days after resolution 1970. The actual intervention began no more than two days after the approval of resolution 1973. Therefore, the whole pre-intervention and preparation phase was actually very brief.

The protests in Libya began on 15 February. Gaddafi’s regime attempted to neutralize the protests resorting to high levels of violence and threat. As a result, within less than two weeks the Libyan government was condemned by the United Nations Human Rights Council. Non-governmental organizations, such as Human Rights Watch (HRW), also strongly condemned the Libyan government.

On 26 February, the Security Council passed resolution 1970, demanding “an immediate end to the violence and calls for steps to fulfill the legitimate demands of the population”, referring Libya to the International Criminal Court,

and applying other measures, such as arms embargo, assets freeze, and travel ban. Meanwhile, events were moving very quickly, both inside Libyan territory and in the international arena. In different regions of Libya, the protests had rapidly evolved into full-scale civil war. Rebel forces in Cyrenaica were on the offensive, “moving out from Benghazi”. There was also major turmoil in Tripolitania, especially south and west of Tripoli (RUSI, 2011, p.3). On 5 March, a rebel National Transitional Council (NTC) emerged and declared itself the only legitimate representative of the Libyan people. Gaddafi, on the other hand, had already launched a counteroffensive and continued to move towards Benghazi.

In the international arena, the African Union (AU), in a communiqué issued on 10 March, as already mentioned in the previous section, reaffirmed its rejection of any foreign military intervention (AFRICAN UNION, 2011, p.2). In the UN Security Council, major debates took place, especially regarding the possible implementation of a no-flight zone.

A no-fly zone was favoured by some, but not all, European governments, by the OIC and the GCC; but it was opposed outright by the African Union, China and Russia. (RUSI, 2011, p.3)

Meanwhile, countries willing to intervene militarily increased their armed presence and operations in the Mediterranean and accelerated the planning and the coordination of the implementation of a no-flight zone. In fact, the United States, France, and Great Britain, among others, had already been more actively involved in planning and coordination since the approval of UN Security Council resolution 1970 (QUARTARARO; ROVENOLT; WHITE, 2012, p.144). A total of fifteen nations, including members of NATO and the Arab League, agreed to join the coalition (p.145). On 17 March, Gaddafi’s went public once again, this time delivering an immediate threat to crush his own people: “We are coming tonight. We will find you in your closets. We will show no mercy and no pity” (AL ARABIYA NEWS, 2011). On the same day, UN Security Council approved resolution 1973, authorizing “all necessary measures [...] to protect civilians and civilian populated areas under threat of attack”, therefore providing the legal framework for beginning the international intervention in Libya.

b) Intervention phase

The intervention effectively began in the early afternoon of 19 March, when France launched airstrikes against Gaddafi's troops marching towards Benghazi (FRANCE, 2011). Several hours later, the United States began Operation Odyssey Dawn, which would last for twelve days, when it transitioned to NATO's Unified Protector (NATO, 2011a, p.5). Operation Odyssey Dawn begun with deployment of US, French, and British assets, under control of the United States African Command (US AFRICOM) (JOHNSON; MUEEN, 2012, p.vii). Actually, during the early phase of the intervention, before all operations were absorbed under Unified Protector umbrella, those countries were conducting operations under different names: the U.S. Operation Odyssey Dawn, the French *Opération Harmattan*, the British Operation Ellamy, and the Canadian Operation Mobile (BELL; WITTER, 2011a, p.24). Since all operations were actually coordinated under Odyssey Dawn, through US AFRICOM, for simplicity, this dissertation will refer to all intervention military action prior to Unified Protector as Operation Odyssey Dawn.

An initial coalition of thirteen countries conducted the operation which, according to NATO,

successfully crippled Gaddafi's Integrated Air Defence and long-range surface-to-air missile systems and blocked the regime's armour and mechanized units from reaching Benghazi. (NATO, 2011a, p.5)

On 27 March, NATO announced it would assume control of the military operation (NATO, 2011a, p.5). Operation Odyssey Dawn terminated on 31 March, when NATO took sole command of the implementation of the no-fly zone (JOHNSON; MUEEN, 2012, p.vii), after launching Operation Unified Protector.

NATO, under Operation Unified Protector, took control of all military operations. Operation Unified Protector consisted of three main elements: the arms embargo, the implementation of the no-fly zone, and the protection of civilians (NATO, 2011, p.1). Those three elements began in distinct dates: the arms embargo commenced on 23 March, the no-fly zone on 25 March, and the protection of civilians on 31 March.

Operation Odyssey Dawn conducted, until 28 March, 1,602 air sorties, including 735 strike sorties, and launched 199 Tomahawk missiles against facilities in Libyan territory (UNITED STATES OF AMERICA, 2011). Numerous naval and

air assets from different countries joined Operation Odyssey Dawn. Figure 7.2 presents the main naval assets which took part in the operation.



Figure 7.2 – Maritime assets in the beginning of Operation Odyssey Dawn (Source: US DOD, apud US Congressional Report, 2011)

Operation Unified Protector, which replaced Odyssey Dawn, presented even more impressive figures. According to the United Kingdom House of Commons International Affairs and Defense Section, on 31 March, when the Odyssey Dawn took full control of the implementation of the no-fly zone, 21 ships and 205 aircraft, from different countries, were committed to the operation (HOUSE OF COMMONS, 2011, p.12). Figure 7.3 presents the contributions by country.



















Operation Contributing Nations (as of 31 March)							
							
	Belgium	6	0		Netherlands	7	1
	Bulgaria	0	1		Norway	6	0
	Canada	11	1		Romania	0	1
	Denmark	4	0		Spain	6	2
	France	33	1		Turkey	7	6
	Greece	2	1		United Kingdom	17	2
	Italy	16	4		United States	90	1
Total						205	21

Figure 7.3 – Air and naval assets committed to Operation Odyssey Dawn (on 31 March)
(Source: House of Commons, 2011)

Odyssey Dawn would later reach approximately 8,000 troops; over 260 air assets, including fighter aircraft, surveillance and reconnaissance aircraft, air-to-air refuellers, unmanned aerial vehicles and attack helicopters; and 21 naval assets, including supply ships, frigates, destroyers, submarines, amphibious assault ships and aircraft carriers. It conducted 26,500 air sorties, including over 9,700 strike sorties, destroying over 5,900 military targets, including over 400 artillery weapons and rocket launchers and over 600 armored vehicles and tanks (NATO, 2011).

The figures are impressive, not only in terms of the weapons used and respective fire power, but also in terms of targets hit and destroyed. The number of aircraft strike sorties during the 2011 intervention in Libya, for instance, represented almost half of the number of strike sorties during the 2003 Iraqi War, which reached 20,246 sorties (MOSELEY, 2003, p.7; BRAGA, 2005, p.137).

Most of the effort during both Odyssey Dawn and Unified Protector was conducted from the air, with missiles, rockets, and bombs launched from seaborne and airborne platforms. Nonetheless, the operations in Libya were also supported by a significant Special Forces component on the ground. Due to security concerns and other political considerations, most countries normally do not precisely identify the numbers of Special Forces involved during an operation or even acknowledge their participation. Therefore, the table below (figure 7.4) presents only some of those forces, which operated in Libya, as identified in a report of the Royal United Services Institute (RUSI) (2011). Due to the already mentioned reasons, this author is fully aware that the presented list is obviously neither complete nor exhaustive. Nevertheless, for the purposes of this dissertation, it is enough to understand that a significant multinational Special Forces component operated on the ground and assisted in shaping the whole campaign, complementing the effort of the air component.

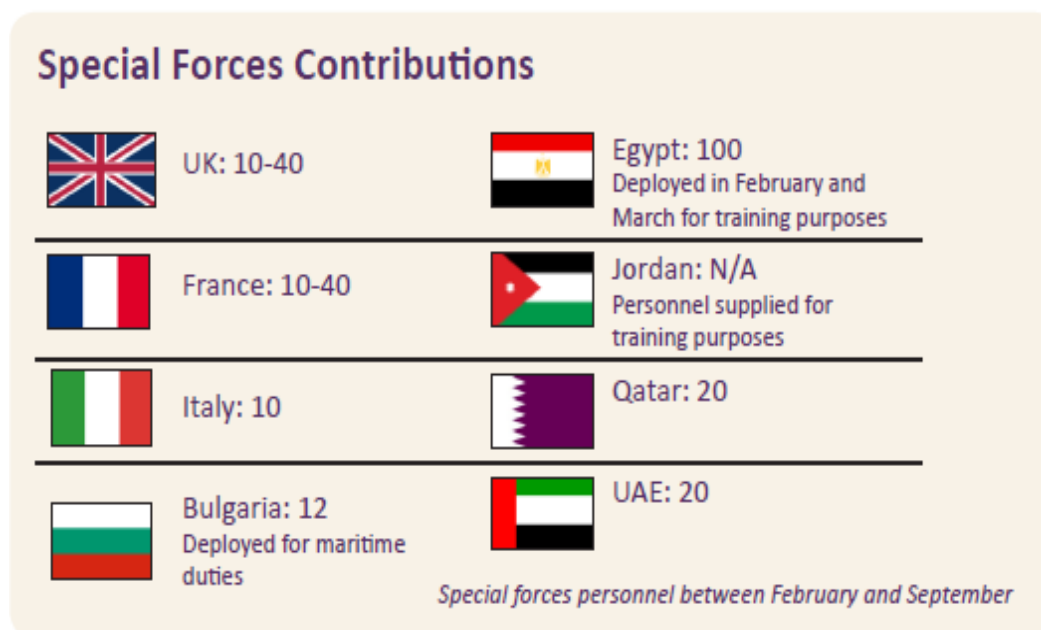


Figure 7.4 – Some special forces identified during the intervention in Libya
(Source: RUSI, 2011)

Operation Unified Protector was officially terminated on 31 October 2011, three days after Gaddafi was killed. From all the evidence presented, one may promptly conclude that, during the intervention phase, force was very intensively used on behalf of the international community in Libya.

c) Post-intervention instability

This is how the international community is supposed to work -- nations standing together for the sake of peace and security, and individuals claiming their rights. Now, all of us have a responsibility to support the new Libya -- the new Libyan government as they confront the challenge of turning this moment of promise into a just and lasting peace for all Libyans. (OBAMA, 2011b)

The intervention phase ended on 31 October 2011. Libya, nonetheless, would face major instability and violence during the subsequent years. Since the country's security forces were "virtually imploded" during the intervention, all kinds of militias continued to proliferate and struggle for power, alternating the provision of security to certain groups of the population and threatening to other groups (GAUB, 2013, p.ix). Therefore, in the post-intervention, the situation in Libya remained extremely complex, with major episodes of great violence and instability. The intervention exacerbated Islamic Radicalism and weapons arms proliferation, not only in Libya, but also in its regional neighbors (KUPERMAN,

2013, p.1). One may argue that the entire Mali situation, for instance, was a direct result of the flow of arms from Libya.

On 16 September 2011, just one month and a half before the termination of Operation Unified Protector, UN Security Council passed resolution 2009, which established a *United Nations Support Mission in Libya* (UNSMIL). UNSMIL was mandated to assist and support Libyan national effort to:

- (a) restore public security and order and promote the rule of law;
- (b) undertake inclusive political dialogue, promote national reconciliation, and embark upon the constitution-making and electoral process;
- (c) extend state authority, including through strengthening emerging accountable institutions and the restoration of public services;
- (d) promote and protect human rights, particularly for those belonging to vulnerable groups, and support transitional justice;
- (e) take the immediate steps required to initiate economic recovery; and
- (f) coordinate support that may be requested from other multilateral and bilateral actors as appropriate. (UNITED NATIONS, 2011f)

Nevertheless, once Operation Unified Protector was over and the intervention terminated, Libya's National Transitional Council (NTC) maintained its rejection to the presence of foreign military personnel in the country, including UN observers (BBC, 2011a).

Since the end of the intervention, in addition to the continuing fights between different militias, many other very significant international incidents took place.

Since the close of hostilities at the end of October 2011, the number of reported cases of clashes between militias particularly in the capital has increased, in some cases leading to deaths and serious injuries (UNHRC, 2012, p.45)

These incidents contributed to significantly degrading the security situation in Libya. Some notable incidents were registered in 2012. During the first half of the year, the Red Cross, in spite of the agency's traditional principle of neutrality, had its offices attacked in both Benghazi and Tripoli. Other incidents included attacks to the Tunisian Consulate and to the British Ambassador's motorcade, and a brief occupation of Tripoli International Airport (GAUB, 2013, p.28). One of the most serious incidents would take place on 11 September 2012, when the U. S. Ambassador was killed during an attack to the U. S. Consulate in Benghazi.

In 2014, the situation in Libya remained precarious and highly unstable, both politically and economically. The Libyan National Congress, for instance, had

been invaded by demonstrators more than 250 times since the fall of Gaddafi. Oil production, the country's key source of revenue, continued to fall. Production dropped from 1.4 million barrels per day, registered in June 2013, to 230 thousand barrels per day, in March 2014 (ABOU-ALSAMH, 2014, p.14). Actually, according to the US Energy Information Administration:

Libya's oil production was disrupted for most of 2011 because of the civil war, but it recovered relatively quickly following the cessation of most hostilities by the autumn of that year. The country's oil sector was crippled again in mid-2013 as widespread protests led to a sharp deterioration of the security environment at oil facilities and the closure of loading ports, oil fields, and pipelines. (UNITED STATES OF AMERICA, 2014, p.5)

Human rights violations continued to be reported by organizations such as Amnesty International (AI), Human Rights Watch (HRW), and *Médecins Sans Frontières* (MSF). Furthermore, instability in the country and its neighbors were complicated by number of high-performance weapons at loose after the toppling of the regime. Heavily armed militias, which were essential during the fight against Gaddafi's regime, continued to refuse to surrender weapons and to join the national army (ABOU-ALSAMH, 2014, p.14). Instability in countries such as Mali have been identified as major collateral effects and unintended consequences of the situation in Libya (ADENIYI, 2013, p.131).

In the second semester of 2014, the general situation in Libya continued to degrade even further. As one of the militias attacked, occupied, and closed Tripoli International Airport, confrontations continued to take place throughout the city. As a result, the *United Nations Support Mission in Libya* (UNSMIL) decided to temporarily withdraw its staff from Libya "because of security situation" (UNITED NATIONS, 2014i). In addition, diplomatic representations from several countries such as the United States, France, Britain, Spain, France, the Netherlands, Russia, Egypt, and Brazil, among others, decided to evacuate their personnel and close their respective Embassies (UPI, 2014; MUNIZ, 2014, p.50-52). Furthermore, the October 2014 edition of *Jane's Intelligence Review*, one of the most respected subject-expert journals, brought the piece "State of Failure", which debated the different prospective scenarios for Libya. According to the analysis provided, as fighting between tribal and Islamic militias continue,

[t]he Libyan government is unlikely to recover its authority in the coming year, and in a **best-case scenario** will remain dependant on quasi-independent militias and remnants of the former army for several years to come (COCHRANE; ABI ALI, 2014, p.22) [emphasis added]

In November 2014, turning things even worse, there were disturbing and widespread news that fighters loyal to the Islamic State (ISIS) had taken complete control of Derna, a Libyan city of about 100,000 inhabitants, located in the Mediterranean coast (CNN, 2014). Libya's chaotic situation had created favorable conditions for Islamic extremism growth. In February 2015, ISIS fighter, confirming their increased power in Libya, released a gruesome video of the collective beheading of Egyptian Christians. Egypt decided to retaliate immediately, bombing ISIS positions in Libya (CNN, 2015). Italy, the last European country still with a diplomatic presence in Libya decided to evacuate its Embassy and citizens, due the unsustainable security situation in the country (CORRIERE DELLA SERA, 2015).

In short, almost four years after the beginning of the intervention in Libya, the critical security situation in the country continued to degrade exponentially, with little prospective for improvement in the near or medium-term future.

7.4.1 The use of force in Libya as a function of the political objectives of the international community

Like all military operations, this one was more messy and ambiguous than politicians like to admit. (RUSI, 2011, p.1)

As already presented in the previous chapters, this doctoral dissertation argues that identifying the political objectives of the international community represents a fundamental step in understanding the use of force during the interventions conducted on behalf of such a community. According to the theoretical framework proposed in chapter 5, the use of force on behalf of the international community during a particular intervention, whether peacekeeping or humanitarian, is directly related to the objectives of this very community regarding the intervention. The more ambitious those objectives are, more vigorous the use of force is likely to be. Therefore, analyzing the political objectives and how they may influence in the use of force ought to be one of the first tasks one should engage in order to better understand a certain intervention.

The contents of UN Security Council resolution 1973 provide a natural point of departure for such an analysis. Turning to resolution 1973 to identify the political objectives of the international community, one may conclude that those

objectives, as expressly declared, were mainly related to the protection of the Libyan population under imminent threat. Resolution 1973 expressly registered the Security Council's "determination to ensure the protection of civilians and civilian populated areas" (UNITED NATIONS, 2011e, p.1) and demanded "a complete end to violence and all attacks against, and abuses of, civilians" (p.2). One may conclude that the crucial declared objective of the international community, as expressed in resolution 1973, was directly related to the protection of civilians. According to Paul Williams and Alex Bellamy, resolution 1973 represented the first time the UN Security Council had explicitly authorized the use of force against a functioning *de jure* government for humanitarian purposes (2012, p.273).

Nevertheless, in order to have a better understanding of the political objectives involved in the intervention in Libya, one should not limit the investigation to the textual contents of resolution 1973. The analysis of the discourses of some of the leaders of the main nations directly involved in the intervention, as well of the intervention's main executive international organization - NATO - may certainly contribute to a better understanding of those political objectives.

In different occasions, leaders of the most powerful NATO member states, especially the United States, the United Kingdom, and France, stated openly that Gaddafi should not remain in power and that regime change was needed (ADENIYI, 2013, p.129). United States President Barack Obama, for instance, during an address to the Nation on Libya, delivered very early during the intervention, on 28 March 2011, only eleven days after the approval of resolution 1973, stated that:

Of course, there is no question that Libya – and the world – would be better off with Qaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means. (OBAMA, 2011a)

An op-ed piece, jointly signed by UK Prime Minister David Cameron, US President Barack Obama, and French President Nicolas Sarkozy, simultaneously published in the Times of London, the Washington Post, and Le Figaro, may also provide important clues regarding the political objectives of the three countries:

Our duty and our mandate under UN Security Council Resolution 1973 is to protect civilians, and we are doing that. It is not to remove Gaddafi by force. But *it is impossible to imagine a future for Libya with Gaddafi in power*. The International Criminal Court is rightly investigating the crimes committed against civilians and the grievous violations of international law. It is unthinkable that someone who has tried

to massacre his own people can play a part in their future government. The brave citizens of those towns that have held out against forces that have been mercilessly targeting them would face a fearful vengeance if the world accepted such an arrangement. It would be an unconscionable betrayal. (CAMERON; OBAMA; SARKOZY, 2011) [emphasis added]

Regarding NATO's official position, a report presented during the 2011 Annual Session of the NATO Parliamentary Assembly, in Bucharest, stated that:

The collapse of Colonel Gaddafi's regime is indisputably a political success for NATO, as it is for the European Union. The essential goal was reached, whatever the difficulties in implementing the mission may have been. (NATO, 2011a, p.5) [emphasis added]

The analysis of the statements above lead to the identification of a more ambitious political objective: regime change. Professor Michael Clarke, RUSI Director General, acknowledges that

[w]hether saving civilian lives automatically meant fighting to remove Qadhafi was a difficult political line to maintain. This made the military objectives more ambiguous than they might otherwise have been. (RUSI, 2011, p.5)

According to Kometer and Wright, "whether regime change was initially a military objective or not, it was a political goal in the end" (2013, p.27). The fact that the intervention continued for a long time, even after Gaddafi was on the run, incapable of presenting a plausible threat to the population, and only ended after he was killed contribute to validate such a perspective. The decision to terminate the operation only came exactly the day after Gaddafi was killed. On 20 October 2011, Gaddafi was gruesomely killed near the town of Sirte. The following day, NATO announced the decision to conclude its mission on 31 October (DANIELS, 2013, p.106). According to NATO, "the operation was terminated on 31 October 2011 after having fulfilled its objectives" (NATO, 2011).

From what was already presented, one may argue that the political objectives initially established by the international community, through UN Security Council resolution 1973 were indeed limited to the protection of the Libyan population. Nevertheless, one should also notice that the force used on behalf of this very community ended up having much broader political objectives. According to Jonathan Eyal,

The Libyan episode mirrors Western behaviour in previous interventions, from the Bosnia operation in 1995, to the Kosovo war in 1999 and the invasion of Iraq in 2003. In every one of these occasions, a handful of Western governments used a UN Security Council resolution which lacked full backing, supposedly on the behalf of the 'international community'. And, in every single case, once a resolution passed in the UN, Western governments precluded any further debate. So it proved this time:

Russian and Chinese pleas to reconvene the Security Council in order to debate the Libya situation were shrugged off. (RUSI, 2011, p.7)

Depending on the tighter or looser interpretation of the notion of the international community, as presented in chapter 3, regime change could be considered a political objective of the international community or not. In fact, for some of the most powerful members of the international community, directly involved with military operations in Libya, regime change was as a political objective. Discourse analysis of the pronouncements of NATO political leadership and the actual course and timeline of the operation, as presented above, may promptly confirm such a conclusion.

Whatever the initial intention of the Permanent Five, there is little doubt that the operation mutated into a proxy war with regime change as the object. (JOHNSON; MUEEN, 2012, p.3)

The inclusion of regime change as a political objective for the operation also contributed to a more negative view of intervention among many countries. According to Kay Mathews, of Addis Ababa University,

[m]any feel that what happened in Libya was not a revolution like those in Egypt and Tunisia, but a coup d'état orchestrated by external forces with NATO contributing under the pretext of humanitarian intervention. (MATHEWS, 2013, p.114)

To sum up, regime change was not a political objective of the international community, considered in the tight definition proposed in chapter 3. Nonetheless, some nations and international organizations, as debated in this section, did have regime change as a political objective for the intervention in Libya. Therefore, if one considers a looser definition of the international communities, in which it is composed mainly by the more powerful countries capable of and willing to intervene internationally (see Chapter 3), regime change may also be considered an objective of the international community during the intervention in Libya. As result, this author argues that whether regime change was an objective of the international community or not, the fact is that force was (very intensively) used, on such community's behalf, not only with the purpose of protecting civilians under imminent threat but also with the purpose of producing regime change.

7.4.2 The intervention in Libya and the question of the enemy

In the theoretical framework proposed in chapter 5, this study argued that while the notion of the enemy may be straightforward in war, during interventions

of the international community such a notion is not trivial. The debate regarding the question of the enemy represents another elemental step in understanding the use of force on behalf of the international community, particularly in humanitarian interventions,

The question of the enemy during the intervention in Libya must be considered from at least two very distinct perspectives. The first perspective relates directly to UN Security Council resolution 1973, which authorized the use of force on behalf of the international community, and the second one relates to the actual use of force during the intervention.

In terms of the first perspective, as already repeatedly mentioned, resolution 1973 authorized the use of force to protect the population under imminent threat. According to Jennifer Welsh, an

important aspect of Resolution 1973, and the accompanying air campaign, is the degree to which it shifts the nature of the UN's involvement from one of genuine (or at least professed) impartiality—a hallmark of the United Nations' original approach to peacekeeping—to one of “taking sides. (WELSH, 2011, p.4)

In terms of the first perspective, there was no direct discursive identification of an enemy, although resolution 1973 preambulatory paragraphs did refer to the Libyan authorities and their responsibilities. Therefore, according to the framework proposed in chapter 5, the enemy could be indirectly identified as those groups and forces perpetrating abuses against the civilian population.

In terms of the second perspective (actual use of force), one may argue that force was predominately used against Gaddafi's regime and its forces. From this second perspective and in direct contradiction with the first one, there was a clearly defined enemy.

Nevertheless, before debating in more detail the question of the enemy during the intervention in Libya, it is necessary to broadly identify and discuss the main armed forces present in the country once the intervention began. In a major simplification and benefiting from the framework proposed by the United Nations Human Rights Council, in its Report of the International Commission of Inquiry on Libya, one may argue, for the purposes of this research, that there were two main armed groups operating in Libya: a) Gaddafi forces and b) *thuwar* (anti-Gaddafi forces) (2012, p.40).

a) Gaddafi forces

Gaddafi forces consisted mainly of the Libyan Armed Forces, the *Kataeb* (brigades which were in the forefront of internal security), the Revolutionary (or Republican) Guard, Special Police, and, allegedly, foreign mercenaries which were hired in neighboring countries.

The Libyan Armed Forces numbered approximately 116,000 active duty personnel and were composed by the Libyan Army, the Libyan Air Force, and the Libyan Navy. During the previous years, the armed forces have not been directly involved in internal security. Some brigades (*Kataeb*) were increasingly involved in internal security. Due to the peculiarities of Libyan culture, already debated in the first section of this chapter, membership in those brigades was mainly based on loyalty, family, and tribal ties. Each individual brigade (*Katiba*) had a distinguished political importance. Probably the most infamous was the 32nd Reinforced Brigade, known as the Khamis Brigade after its leader, a son of Muammar Gaddafi. The 32nd Brigade had the most advanced weapons, normally not available to other units (UNITED NATIONS, 2012c, p.41-42).

The Revolutionary (or Republican) Guard was a political and paramilitary apparatus mainly tasked of ensuring loyalty and suppressing opposition. The Revolutionary Guard was essentially composed of volunteers, who after an initial training program attended annual refresher courses. The Guard was composed of six brigades, which had access to weapons, such as battle tanks and attack helicopters, and were deployed in the outskirts of Tripoli (p.43).

Foreign mercenaries came allegedly mainly from Chad and Niger (GARLAND, 2012, p.11). Resolution 1973 actually issued a travel ban on two Libyan officials (the Libyan Ambassador to Chad and a South Libya Governor), who were supposedly involved in recruiting mercenaries (UNITED NATIONS, 2011e, p.7). Later, the United Nations Human Rights Council Report of the International Commission of Inquiry on Libya (UNITED NATIONS, 2012c) concluded that “an organised group of Sudanese fighters were brought in by the Qadhafi government specifically to fight the *thuwar*” (p.18) and that some foreign soldiers fought within Gaddafi forces. Nevertheless, the same Commission, under the legal framework of the United Nations Convention against Mercenaries, found no evidence of the use of mercenaries (p.18).

During the intervention, NATO forces continuously targeted Gaddafi forces and especially their command and control structures until the end of the confrontation. The motives resided partially in the fact that many of these forces were engaged in the human rights violations and abuses which had sparked the intervention. Actually, the United Nations Human Rights Council, in its Report of the International Commission of Inquiry on Libya, concluded that “international crimes, specifically crimes against humanity and war crimes, were committed by Qadhafi forces in Libya” (p.1).

Nevertheless, other reasons certainly for continuously targeting regime forces resided in the fact that the intervention was deliberately pursuing regime change, as demonstrated in the last section. Those forces were considered the most essential part of Gaddafi’s regime sustaining basis.

b) Thuwar (anti-Gaddafi forces)

The vast majority of *thuwar* who took up arms against the Qadhafi Government were civilian volunteers, who joined their neighbourhood militia. (UNITED NATIONS, 2012c, p.44).

The *thuwar* (anti-Gaddafi forces) consisted of many groups, from distinct cities and with distinct backgrounds, who rebelled against Gaddafi. Some of them had old rivalries with one another. The formation and composition of those groups certainly reflect the origins of the country, including tribal traditions and the major geographic and ethnic differences among the three main regions - Tripolitania, Cyrenaica, and Fezzan – presented in the beginning of the present chapter. Nevertheless, for the purposes of this analysis, it will suffice to congregate those groups under the general umbrella of *thuwar*.

Most of those groups were formed autonomously during the conflict. Initially, there was no formal chain of command or even coordination ties among them. During the conflict, *thuwar* forces also received training, weapons, and equipment from foreign countries such as France and Qatar. Actually, as already mentioned, many countries (Figure 7.4 presented some of them) deployed Special Forces units in support of *thuwar* groups. Overall, NATO forces overtly supported those groups in different ways. As already mentioned, *thuwar* groups received fire

support, weapons, training, and advice from special operations experts on the ground.

There were many attempts to ensure, at least, unity of effort among the many *thuwar* groups. Benghazi, for instance, saw the creation of a Libyan National Army, mainly composed of Gaddafi's deserters. The NTC also established a Military Council in order to attempt to coordinate the operations. Nevertheless, independent initiatives and groups continued to play a prominent role during the whole intervention. Actually, some of those groups, such as the Zintan, the Misrata, and the Martyrs brigades played a much more relevant role in the conflict than the nascent Libyan National Army.

Furthermore, since the end of the intervention, in October 2011, most of those armed groups remained independent and resilient to central control, constantly physically fighting each other for power and prestige. Conflicts between independent military militias and lack of control of a central government remain nowadays as two of the most important characteristics of post-intervention Libya.

Also, according to the United Nations Human Rights Council Report of the International Commission of Inquiry on Libya, many of those groups perpetrated human rights violations and abuses against the civilian population. According to the mentioned Report, "the *thuwar* (anti-Qadhafi forces) committed serious violations, including war crimes and breaches of international human rights law" (UNITED NATIONS, 2012c, p.1).

After briefly examining the just mentioned two armed groups (regime forces and *thuwar*), one may confirm that, in resolution 1973, the international community did not directly identify any "enemy". Nevertheless, by acknowledging that Gaddafi's regime was perpetrating human rights abuses and by authorizing all necessary measures to stop those abuses, the mentioned resolution created the conditions of possibility to the identification of regime forces, while perpetrating those abuses, as "enemies".

Alan J. Kuperman, a Professor at Harvard Kennedy School, in a recent Policy Brief, "Lessons from Libya: How Not to Intervene" (2013), contended that "intervening states, when justifying their use of force to domestic and international audiences, demonize the regime of the country they are targeting" (p.3). This demonization contributes to expand the objective of interventions initially motivated by humanitarian intent, to include regime change (p.3). NATO

leadership, for different reasons, promptly identified Gaddafi and its regime as the main enemy. According to Pakistani historian Dilip Hiro, “Western powers abused the UN resolution which aimed to save civilian lives in Libya. They overtly engaged in the civil war against Muammar Khadafi” (TURRET, 2012, p.1).

Consequently, the use of force was not limited to the tactical level and included indeed command and control structures and other strategic facilities. One may argue that the use of the R2P framework instead of just protection of civilians (PoC) may make such a conclusion predictable. Nevertheless, such a prompt and clear identification of the enemy, as occurred in the Libyan case, is also fully compatible with Clausewitzian war and may also lead to the disputed understanding that resolution 1973 and, most importantly, NATO interpretation and use of the resolution indirectly created the conditions of possibility for a “war” of NATO against Libya.

7.4.3 The Intervention in Libya and the dialectic between absolute peacekeeping and absolute war

Chapter 5 proposed the concept of absolute peacekeeping as part of the theoretical framework of the use of on behalf of the international community. The concept of absolute peacekeeping was then defined as a model of abstract, ideal, and perfect intervention of the international community – an “*Idealtypus*” in Weberian language - in the form of a military operation in which the three aforementioned underlying principles of peacekeeping operations (impartiality, consent, and non-use of force) are fully observed, leaving the levels of the use of force at absolute zero. At this point, in order to avoid confusion, it is important to reiterate, once again, that absolute peacekeeping simply represents an unachievable abstraction, a theoretical point of reference. Even the very first traditional peacekeeping missions, although trying to adhere as much as possible to those three principles as discussed in chapter 4, were not capable of fully and absolutely observing them. After all, real-world military operations are human endeavors and, hence, behave differently from absolute and ideal models. Absolute peacekeeping is, by definition, the binary opposite to Clausewitz’s absolute war.

From the considerations presented in the last section, one may promptly recognize that the intervention in Libya, when compared to the '*Idealtypus*' of absolute peacekeeping, ought to be positioned much closer to the opposite side:

- 1) Use of force - The vast available military evidence, as presented in the beginning of this section, corroborate the conclusion that, during the intervention in Libya, force was used in very high levels, in both strategic and tactical levels, with some of the most sophisticated weapons systems;
- 2) Consent - The intervention in Libya was obviously executed without the consent of the Libyan government. Actually, according to Paul Bellamy, the intervention represented an especially important precedent, since "it was the first time that the Security Council authorized the use of military force for humanitarian purposes against the wishes of a functioning state" (2011, p.1). Although the issue of consent may not be legally important, since the intervention was authorized under Chapter VII of the UN Charter (CHESTERMAN, 2011, p.280; HEHIR, 2013, p.144), it is crucial for the purposes of analyzing the intervention in Libya through the lenses of this research's proposed theoretical framework; and
- 3) Impartiality - From the very beginning of the crisis, the intervening military forces and respective governments positioned themselves against the regime forces and in support of the rebels. Not only the discourses of the key leaders emphasized such a position, as presented in the previous sections, but also their military forces deliberately targeted, from the very beginning until the ending of the intervention, Gaddafi military forces and strategic facilities. The rebel's NTC was also promptly recognized as the representative of the Libyan people by distinct members of the coalition and received political and military support and advice.

In short, the intervention in Libya presented: very high levels of the use of force (both in strategic and tactical levels); no consent from the established sovereign government; and lack of impartiality (the position was, from the outset, against the Libyan government). Actually, in the spectrum of the use of force presented in chapter 5 (Figure 5.1), one may argue that the intervention in Libya may be positioned much closer to the absolute war side than to the absolute peacekeeping side. When analyzing the other characteristics of the spectrum, one may verify that, as already mentioned the operation in Libya ended up involving political objectives, which could hardly be clearer in Schmittian understanding of the political: the polarization between the NATO coalition and Gaddafi. According

to Florence Gaub of the NATO Defense College (NDC): “For the first time in its history, NATO was at war with an Arab country” (2013, p.2).

Furthermore, since the political objectives of such a war were not limited to stopping abuses against the population, actually including the destruction of Gaddafi’s regime, as discussed in the beginning of this section, one may more ambitiously argue that NATO conducted a war against Libya which had, in Clausewitzian terms, many of the characteristics of an unlimited war. At this point, one should remember that, according to Clausewitz, as exposed in chapter 2, the difference between limited and unlimited war is not expressed in terms of means, but is expressed rather in terms of the objective of destroying the enemy or not. From all already presented in this chapter, one must acknowledge that the main (sometimes even textually declared) objective was, in Clausewitzian terms, “to overthrow the enemy” (CLAUSEWITZ, 2007, p.7), considering that “the defeat of the enemy, assuming it to be at all possible, to be the true, the essential aim of military activity” (p.248). As discussed in the beginning of this section, Gaddafi’s regime had already been unable to threaten the population for a long time, since “the regime’s security forces had virtually imploded” (GAUB, 2013, p. ix). Nevertheless, NATO only decided to terminate the operation and cease the use of force just the day after Gaddafi was killed, naturally representing the ultimate destruction of the enemy and its regime.

Figure 7.5 illustrates the position of the 2011 intervention in Libya, according to the proposed theoretical framework: somewhere between Clausewitz’s notions of limited and unlimited war. From this author’s perspective, the intervention in Libya would actually be positioned much closer to the later.

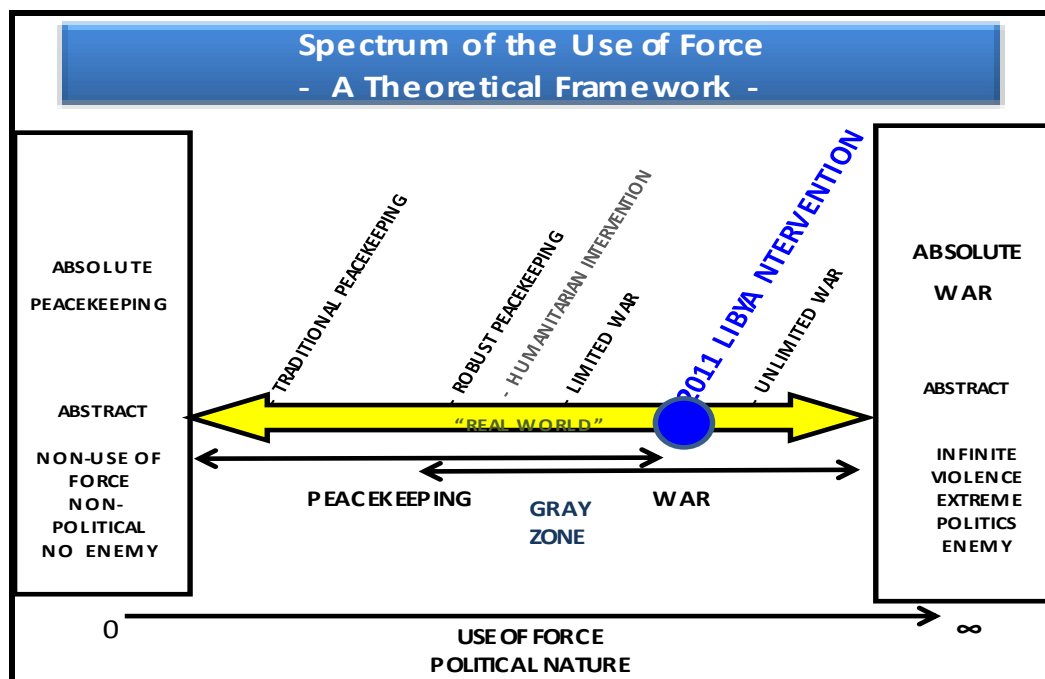


Figure 7.5 – 2011 intervention in Libya in the “peacekeeping x war spectrum”
(Source: the author)

The fact that the coalition relied mostly on air power does not affect the position defended by this doctoral dissertation that NATO was actually conducting a war operation. Since Giulio Douhet wrote, in 1921, the air strategy masterpiece *The Command of the Air*, the notion that wars may be fought and won, exclusively or preponderantly, by the use of air power has been defended by many strategists. Nevertheless, one should also not neglect the key role played by rebel ground forces, which “benefitted from special-forces training provided by outside countries, the inflow of equipment, crucial air support” (JOHNSON; MUEEN, 2012, p.1).

The crucial fact, however, was arguably the combination of internal opposition and outside support. Without this, the enforced regime change in Tripoli in October 2011 would have been unlikely. (MATHEWS, 2013, p.115)

Finally, from this researcher’s perspective, the conclusion that the 2011 intervention in Libya may be depicted as a war conducted by NATO does not carry any moral position, whether it may be considered a just war or not. The moral argument is certainly not included among the objectives of this research, which are simply related to a theoretical construction. As already repeatedly mentioned, this research does not entail any Manichean position.

7.4.4 The Intervention in Libya and the tertiary trinity

The analysis of the tertiary trinity during the intervention in Libya may prove complex, interesting, and enlightening, as this subsection will discuss. The tertiary trinity, as proposed in chapter 5, also departs from the same basic components of the primary one: passion, reason, and chance. Nevertheless, while the secondary trinity, referring to the modern state, translates those components into the people, the government, and the army; the proposed tertiary trinity refers to the international community, therefore translating those three primary components into world populations, governance, and military/paramilitary/non-military forces.

As already pointed out in chapter 6, while discussing MINUSTAH, the tertiary trinity is often much more complex than the secondary one, due to a great variety of possible perspectives and interpretations. This assertive is especially true in regard to the Libyan intervention. The simple fact that one may identify the intervention as a war of the coalition led by NATO against Libya points out to a significant unbalance in the tertiary trinity.

Some key ingredients already presented in this chapter have contributed to such an unbalance. First of all, the lack of consensus within the UN Security Council presents a compelling evidence of how divided the international community was regarding the intervention in Libya. Even though resolution 1973 was eventually approved, many countries within and outside the Security Council, as discussed in section 7.3, were not very comfortable with such a decision. Actually those countries represented more than half of the world population. This situation shall not be underestimated in terms of the tertiary trinity, since it represents an important impact on its “world populations” component. Furthermore, regarding the actual implementation of resolution 1973, many countries have consistently argued that it extrapolated its mandate of protecting civilians and deliberately pursued regime change in Libya. According to Jennifer Welsh, “ambiguities about whether civilian protection is really the ultimate aim help to explain the tension that exists within the wider community of states that were originally supportive of resolution 1973” (2011, p.5-6). Nevertheless, in spite of the lack of consensus, one must acknowledge that the intervention in Libya, as already discussed, was conducted on behalf of the international community.

Furthermore, in peacekeeping operations, the United Nations normally not only authorizes the use of military forces, but also exercises command and control of those forces. However, in interventions such as the case of Libya, the United Nations often authorizes the use of military forces, but does not exercise any command and control over those forces. Actually, one of the key criticisms of the intervention in Libya, as already discussed, was the complete lack of UN Security Council supervision, once the decision to authorize the use of military forces was approved.

The fact that the operation was authorized by the United Nations but not run by the organization presented its own peculiarities. NATO, the leading military organization during the intervention in Libya, obviously did not represent the international community, but essentially represented the member countries of the organization. One may argue, therefore, that the link between granting authority (international community) and military component was fragile at least. Clearly, NATO, differently from a blue helmet force, is not a military component representative of the international community, unless one considers a very loose approach of such community. Furthermore, most of the peoples represented by the international community, which hardly agreed to the intervention, did not have any linkage with the military forces which conducted the operation.

Even inside NATO countries, one may argue that the population support for the operation was tenuous enough to avoid the use of ground troops which would be subject to higher risks of casualties and, therefore, jeopardize the internal support in those countries. This factor certainly represents an important point in the decision to rely, almost exclusively, on aviation bombardments and on very minor Special Forces component. A high number of coalition casualties would certainly jeopardize the acquiescence for the operation inside those countries.

This author agrees with Jennifer Welsh and Simon Chesterman when they both identify a major disconnect between stated political objectives and the available military assets (WELSH; 2011, p.5; CHESTERMAN, 2011, p.283). Such a disjunction, Chesterman adds, “would have Clausewitz turning in his grave” (2011, p.283). Especially inside the US command which was initially tasked to coordinate all operations (USAFRICOM), there was major confusion regarding the military objectives.

Guidance from the White House and DOD [Department of Defense] was confusing. Many people at USAFRICOM were unsure as to whether “regime change” was an intended option, as stated by the President, or whether operations were to be focused solely on protecting civilian life and providing humanitarian assistance to the refugees, as implied by the Defense Secretary’s warning orders. (QUARTARARO; ROVENOLT; WHITE, 2012, p.150).

From all presented in this subsection, one may swiftly understand how unbalanced the tertiary trinity was during the 2011 intervention in Libya. Actually, it was so unbalanced that one could even argue whether a tertiary trinity existed or not during the intervention. Since, as mentioned in the last section, the intervention in Libya had many of the characteristics of a Clausewitzian war; a discussion based on the secondary trinity could prove more appropriate. The point of departure would be the notion already defended in this research that, although resolution 1973 aimed only in civilian protection, it actually created the conditions of possibility for a coalition war, led by NATO, against Libya, under Gaddafi regime. Therefore, one may also think of a secondary trinity, composed by NATO countries leadership, population, and armed forces, which would prove perfectly compatible with Clausewitzian war.

7.4.5 Friction during the intervention in Libya

Chapter 2 discussed how the Clausewitzian notion of friction contributes to distinguish real-world war from the war on paper, turning things, which may apparently look very simple, extremely difficult. According to Clausewitz, ordinary efforts do not produce the desired effects, so that war demands disproportional efforts to achieve the most uncomplicated tasks. The theoretical scheme proposed in chapter 5 expanded the notion of friction to the use of force during the interventions of the international community with the same reasoning and incorporating other new aspects. Such an expansion allowed a better understanding of the reasons why those interventions normally end up so differently from what was originally intended and planned.

One may argue that, like in any intervention case, friction was omnipresent during the intervention in Libya. During each analytical phase, friction presented distinct peculiarities, as this subsection will discuss. Furthermore, the fact that the intervention in Libya had, as largely debated in this chapter, many of the characteristics of war was also reflected in terms of friction. Especially during the

first (pre-intervention) and second (intervention) phases, the key aspects which contributed to friction related directly to the very nature of war. Nevertheless, one may also identify the presence of new aspects typical of the expanded notion of friction which affect the interventions of the international community. During the third phase, however, given that most of the use of force on behalf of the international community was terminated, one may argue that the preponderant aspects related to the expanded notion of friction.

During the pre-intervention phase, military forces from the states willing to intervene, using force on behalf of the international under resolution 1973, started their preparations and coordination. From the very beginning, coordination among the prospective intervening countries was, nonetheless, very complicated. As Brigadier General James Luckerman, Deputy Director for Plans and Programs in US AFRICOM, noted,

Building a coalition: We didn't know who to call and contact to make this happen. We sent LNOs [liaison officers] to the [United Kingdom] and France to facilitate, and later sent an LNO to SHAPE [Supreme Headquarters Allied Powers Europe]. . . . 'Who do you talk to in order to find out who's going to play and how much they are going to bring to the fight?' (LUCKERMAN, In QUARTARARO; ROVENOLT; WHITE, 2012, p.144-145)

Communication among different members of the coalition added another key ingredient to friction. Different countries had different communications systems (which many times were not interoperable) and had distinct requirements in terms of sharing classified information. All these limitations obviously contributed for delays and were present, not only during the pre-intervention phase, but also during the whole intervention phase. Both USAFRICOM headquarters, which coordinated Odyssey Dawn, and NATO headquarters, which ran Unified Protectors suffered from the same limitations (KOMETER; WRIGHT, 2013, p.12).

Another interesting source of friction, during the pre-intervention and intervention phases, relates exactly to the decisions of not using ground troops. The lack of a ground perspective and the limitations of Intelligence, Surveillance, and Reconnaissance (ISR) contributed to create major challenges regarding the protection of civilians, which was the main task assigned by resolution 1973 (KOMETER; WRIGHT, 2013, p.12).

From all of the very briefly presented above, one may argue that the major majority of challenges presented in terms of friction during the pre-intervention and

intervention phases were pretty much the same ones that normally affect wars. A more detailed discussion may certainly identify numerous other examples of Clausewitzian friction during the intervention in Libya. Nonetheless, such a more detailed discussion of Clausewitzian friction, not only has already been object of many different studies, but would also extrapolate the objectives of the present research.

The third phase (post-intervention), however, brought new aspects in terms of the expanded approach to friction in relation to the international community. One may argue that some of those aspects are actually direct consequence of the way force was used in Libya. They ranged from the “enduring state of lawlessness” in Libya to other destabilizing collateral consequences in the whole region, including rebel and transnational terrorist groups (PARIS, 2014, p.585). The contrasts between the global expectations and the local realities, as correctly pointed out, in chapter 5, by Millar, Van der Lijn, and Verkoren (2013), represent indeed a key ingredient of the interventions of the international community. In the case of the intervention in Libya, the contrasts between the global (or Western) aspirations for democratic liberal state with the local intestine conflicts and divisions have decisively contributed to Libya’s present quasi-chaotic scenario, as described in the previous sections.

7.5 Conclusions

The intervention in Libya effectively began on 19 March 2011. It was conducted on behalf of the international community. United Security Council resolution 1973 approved the use of force on behalf of the international community “to ensure the protection of civilians and civilian populated areas” (UNITED NATIONS, 2011e, p.1). The intervention in Libya occurred under the spirit the R2P norm, more specifically, under its third pillar. The concept is explicitly cited in the fourth preambulatory paragraph of the resolution. By deliberately using force, inside a certain country, against its will, the intervention in Libya also met the criteria for a humanitarian intervention.

The main purpose of this chapter was to discuss the use of force on behalf of the international community during the intervention in Libya, using the theoretical framework proposed in chapter 5. In order to achieve its purpose, this study dealt

with the role of the international community and with the key aspects of: the use of force as a function of the political objectives of the international community; the question of the enemy; the dialectic between absolute peacekeeping and absolute war; the tertiary trinity; and the notion of friction.

The international community performed a central role in the decision to intervene in Libya. UN Security Council resolution 1973 materialized such a role creating the conditions of possibility for the use of force. Nonetheless, the voting (with a high level of abstention) for the approval of resolution 1973 clearly reflected how divided the international community was in regard to the Libyan situation. It is also worth emphasizing the marginal and ambiguous role performed by the African Union, which was intended to be a main regional actor, during the whole process. Furthermore, once the Security Council passed the resolution, one may argue that the international community (in the narrow sense proposed by this dissertation in chapter 3) performed only a very marginal role in the execution of the intervention. A coalition of nations, under NATO leadership, executed the intervention. Once resolution 1973 was passed, there was no supervision or control by the UN Security Council of the intervention process. The intervention actually began and terminated at the sole discretion of the intervening coalition.

The contradictory role performed by the international community, as described in the previous paragraph, contributed to create a major ambiguity regarding the political objectives of the intervention. If on the one hand, the political objectives of the international community, as plainly stated in resolution 1973, consisted in the protection of civilians; on the other hand, the intervening coalition, on establishing its objectives, extrapolated those objectives, ending up having regime change as a primordial political objective, as clearly demonstrated in this chapter. The coalition's political choice of pursuing regime change, besides generating protests from different nations, actually resulted in a war with Gaddafi's regime. This war, under Clausewitz's terms, instead of having limited objectives, such as the protection of civilians, ended up having unlimited objectives such as regime change, which would ultimately be accomplished by the destruction of the enemy. The choice to add R2P to the protection of civilians may have arguably contributed to move the action from the tactical to the strategic and political levels.

Resolution 1973 did not directly establish a clear relation of enmity, although one may argue that forces threatening the civilian population would

naturally meet the requirements for an enemy. The intervening coalition, from the outset, clearly established its relationship with the two main armed groups operating in Libya. The coalition appointed Gaddafi forces as enemies and *Thuwar* (anti-regime forces) as allies. Such a relationship persisted during the whole intervention. Consequently, the use of force was not limited to the tactical level and included indeed command and control structures and other strategic facilities. Furthermore, such a prompt and clear identification of the enemy is fully compatible with Clausewitzian war and may reinforce the disputed understanding that resolution 1973 and, most importantly, NATO interpretation and use of the resolution indirectly created the conditions of possibility for a war of NATO against Libya.

The dialectic between the abstract notions of absolute war and absolute peacekeeping permitted to situate the intervention in Libya in a spectrum between those two extremes, actually much closer to absolute war than absolute peacekeeping. The intervention in Libya presented very high levels of the use of force (both in strategic and tactical levels); no consent from the established sovereign government; and lack of impartiality (the position was, from the outset, against the Libyan government). The intervention would also be located somewhere between limited and unlimited war, much closer to the later. The analysis of such a dialectic also contributed to reinforce the conviction that the 2011 intervention in Libya may be depicted as a war conducted by NATO against Libya. At this point, it is important to reiterate that such a conclusion is simply a theoretical construction which does not entail any moral position.

The analysis of the tertiary trinity during the intervention in Libya proved very complex and enlightening. It pointed out how unbalanced the tertiary trinity was and illuminated the main contradictions of an intervention of the international community which ended up as a NATO coalition war against Libya. Such a situation also resulted in an unexpected interconnection between the secondary and the tertiary trinity, which assisted in identifying some of the main peculiarities, ambiguities, and contradictions of the intervention.

The discussion of the notion of friction during the intervention illuminated the major similarities with the Clausewitzian friction in war, especially during the first two phases (pre-intervention and intervention). In the third phase (post-intervention instability), the expanded approach to friction in relation to the

international community highlighted the contrasts between the global (or Western) aspirations for democratic liberal state in Libya with the local intestine conflicts and divisions, which decisively contributed to Libya's present quasi-chaotic scenario.

Unfortunately, Libya is virtually certain to emerge from the present turmoil even less prepared to qualify as a viable nation-state than was the case more than six decades previous. (LEWIS, 2011, p.52)

In short, the theoretical framework proposed in chapter 5 proved very useful in contributing to the understanding of the distinct aspects concerning the use of force on behalf of the international community during the 2011 intervention Libya. Departing from this application to Libya's case, one may argue that the framework may be applied to any humanitarian intervention. Finally, this chapter confirms that the use of such a theoretical scheme in the study of different interventions of the international community will contribute to a better understanding and would also permit interesting comparisons. This author also encourages its application in other intervention cases in future studies.

8 Conclusions

This doctoral dissertation deals primarily with the question of the use of force on behalf of the international community, which is a somewhat recent experience. Nevertheless, the topic is acquiring growing importance in the field of International Relations and, especially, in international security. Although it may occasionally bear some similarities with the phenomenon of war, the use of force on behalf of the international community is indeed essentially quite different. In fact, the origins of the contemporary notion of the international community and the use of force on its behalf are, paradoxically, intimately related to the creation of the United Nations (UN) and its aim of eliminating “the scourge of war”.

While Clausewitz’s theoretical proposal represented an important step, perhaps the most important one, in understanding of the phenomenon of war, it is not fully capable of dealing with the use of force on behalf of the international community. Actually, Clausewitz, while arguing that the fundamental nature of war is not subject to change, also acknowledged that “every age had its own kind of war, with its own limiting conditions, and its own peculiar preconceptions” and, consequently, that each age would have “its own theory of war” (2007, p.240). So, what are the main changes, the limiting conditions, and peculiar preconceptions, which would demand a specific theoretical framework?

The prohibition of the unilateral use of force by states, except in self-defense, determined by the Charter of the United Nations, represented one of the most formidable changes. Such a prohibition largely represented the birth of new legal construction, in which wars were supposed to be banned. One may argue that in this new construction legitimate war between states were, in a certain sense, replaced by the use of force on behalf of the international community. The focus on the individual represented the other major change from Clausewitz era to the present time. The valorization of human rights and the notion of human security also determined some legal and normative changes.

One may argue that those changes created the conditions of possibility for the solidification of the very notion of the international community and for the use of force on its behalf. Those changes may represent the “peculiar preconceptions”, which certainly did not exist during Clausewitz era.

From this author’s perspective, wars, either “old” or “new”, represent continuity with Clausewitz’s era and his theory is flawlessly capable of dealing with them. The use of force on behalf of the international community, on the other hand, represents a new paradigm, which demands a theoretical advance. Therefore, the theoretical framework proposed in this dissertation advanced beyond Clausewitz, addressing those issues which were not directly present in his work, and, most importantly, proposed new concepts. Acknowledging those considerations, the main purpose of this doctoral dissertation was exactly to propose a theoretical framework to understand the use of force on behalf of the international community.

The first step conducted in this search for such a theoretical framework was to revisit Clausewitz’s theory of war. Such a review highlighted the political nature of war; the centrality of the enemy in war; the abstract concept of *absolute war* as an “*Idealtypus*” of war; the dialect between the absolute concept and the “real world” war; the remarkable trinity of passion, reason, and chance; and the notion of friction, among many other interesting constructions. Those constructions would later serve as the basis for proposing a theoretical framework of the use of force on behalf of the international.

After acquiring a better comprehension of Clausewitz’s theory, the next step was to understand the role of the international community in the international system. With such a purpose in mind, this dissertation discussed the international system, which combines some of the characteristics of balance of power and some of the characteristics of collective security; contemporary international security, with special focus on the inclusion of populations as objects of reference, which is related to many instances of the use of force on behalf of the international community; and the notion of the political.

Although the notion of the political may frequently be essentially controversial and disputed, this study arrived at an understanding of the political as defined by the possibility of using force and, most importantly, by the distinction between friend and enemy. Such an understanding would be of major relevance for

the theoretical proposition. Regarding specifically the international community, after discussing different approaches, this study embraced a narrow notion, in which its main institution is represented by the United Nations, even considering the democratic deficit in the United Nations Security Council.

The final step, before arriving at the proposition of a theoretical framework, was to discuss how the foundation of the United Nations and its Charter have created the conditions of possibility for the use of force on behalf of the international community. It also discussed the evolution of the use of force on behalf of the international community in two of its main forms: peacekeeping operations and humanitarian interventions. Although those two forms may occasionally overlap and have blurred boundaries, especially with the advent of more robust peacekeeping, they are fundamentally different.

Peacekeeping operations are primarily “designed to preserve the peace, however fragile” (UNITED NATIONS, 2008c, p.18) and are oriented by three basic principles, “which have traditionally served and continue to set United Nations peacekeeping operations apart” (p.31): consent, impartiality, and non-use of force (except in self-defense and defense of the mandate). Humanitarian operations, on the other hand, involve, by definition, the use of force without the consent of the host nation. Chapter 4 also discussed some more recent normative propositions, such as the responsibility to protect (R2P) and its three-pillar approach, as well as the Brazilian responsibility while protecting (RwP) initiative.

Finally, a very brief analysis of international interventions through the lenses of some different worldviews in the field of the academic International Relations assisted this author in pointing out his own perspective regarding those interventions. Benefitting from the combination of realist and post-structuralist approaches, this author argues that, most of the times, the interests of the most powerful continue to dictate the destinies of armed military interventions in general and specially humanitarian ones. Those powers may construct their discourses according to the convenience of the occasion and those interventions may, in practice, turn political ones. Furthermore, the combination of realist and post-structuralist perspectives provided the key ingredients to the proposition of the theoretical framework for understanding the use of force on behalf of the international community.

8.1 The theoretical framework

The proposition of a theoretical framework of the use of force on behalf of the international community is naturally the most central part of this research. This doctoral dissertation proposes, benefiting from a Clausewitzian perspective, a theoretical framework for understanding the contemporary use of force on behalf of the international community.

In a first move, the theoretical proposal identifies the political nature of the use of force on behalf of the international community. In this regard, the concept of the enemy, which is basic and intuitive when dealing with war, emerges as key point. As largely discussed, the identification of the enemy, when dealing with the action of the international community, is neither trivial nor intuitive. It has, however, paramount importance. The notion of enmity may vary in degree, directly affecting the political objects and demanding, accordingly, different levels of the use of force.

In a second move, this dissertation proposes the concept of *absolute peacekeeping*, as an abstract and ideal intervention of the international community. It is ideal in the sense that it is supposed to be absolutely impartial, with absolute consent of the parties involved, and with an absolute zero level of the use of force, resulting in an absolute non-political nature. Furthermore, since the interventions of the international community were originally conceived to solve conflicts and avoid wars, *absolute peacekeeping* is essentially in binary opposition with Clausewitz *absolute war*. Those two abstract concepts are also located at completely opposite sides of the spectrum of the use of force. Since real war and real peacekeeping are never absolute, the actual use of force on behalf of the international community will always take place between those two poles. The dialectic between them provides one of the most important tools to understand the different stances of the interventions of the international community.

The next move deals with a number of factors which contribute to moderate or augment the levels of violence, during those interventions. Those factors are responsible for keeping actual interventions away from the absolute concepts. Clausewitz theory was again instrumental in providing the elements which contribute to moderate the levels of violence in war. It also contributed to the

identification of the elements which may tend to add or reduce violence in the interventions of the international community.

The Clausewitzian trinity, when applied to the use of force on behalf of the international community, reveals how complex and problematic is the linkage between global governance, the world distinct populations, and the military, paramilitary, and non-military forces operating on its behalf. This work proposes, therefore, a tertiary trinity. The tertiary trinity may assist in the understanding of postmodern contemporary dilemmas regarding the state sovereignty and interventions, citizenship and humanity, among others. It may also illuminate the difficulties of dealing with one community (local, state) inside another (international), especially when the subject is the use of force. It seems much more difficult to have a balanced (tertiary) trinity when dealing with the international community than when dealing with the modern state (secondary trinity). The interrelationship inside the tertiary trinity gains major complexity, making the linkage between the three elements more difficult. This may result, for instance, in armies operating in the field in complete disconnection with the aspirations of the populations, which, from their side, may also be disconnected from those who decide for the international.

In short the proposed theoretical advance identifies a framework with five key elements: 1) the use of force as a function of the political objectives of the international community; 2) the question of the enemy; 3) the dialectic between *absolute peacekeeping* and *absolute war*; 4) the tertiary trinity; and 5) the notion of friction in the interventions of the international community.

8.2 The use of force in MINUSTAH and Libya 2011 compared

In order to investigate the practical application of the proposed theoretical framework, this research presented and discussed two recent cases of interventions of the international community: MINUSTAH, a typical case of contemporary peacekeeping, and the 2011 intervention in Libya, a case of humanitarian intervention. The proposed framework proved very useful in illuminating the main aspects and characteristics of those two events, highlighting the key characteristics and differences regarding those two stances of the use of force on behalf of the international community.

Preliminarily, one must acknowledge that there are crucial differences between the use of force on behalf of the international community in Haiti, during MINUSTAH, and in Libya, during the 2011 intervention, beginning with the fact that MINUSTAH was planned and executed by the UN, while the intervention in Libya, although authorized by the UN, was mainly planned and executed by NATO. In terms of historical and geostrategic setting, both countries had a colonial past, although colonialism in Libya ended much more recently than in Haiti. Nevertheless, Haiti was the poorest and less developed country in the American continent, while Libya was one of the richest, if not the richest and most developed country in Africa. While Haitian economy was precarious at best, with no significant natural resource, Libyan economy was certainly strong, with significant oil reserves, which gives the country a high geostrategic importance.

Beginning with the role of the international community, both operations were sanctioned and authorized by the United Nations Security Council. Nevertheless, while resolution 1542 (2004), which created MINUSTAH, was unanimously approved, resolution 1973 (2011), which authorized the intervention in Libya, was not. Actually, five of the Security Council members decided to abstain. Furthermore, the whole process was heavily contested and the feeling that NATO countries, while aiming for regime change, would have extrapolated the mandate persists among many members of the international community.

In MINUSTAH's case, one may argue that probably the most important aspect regarding the role of the international community was the capacity of debating and achieving agreed positions. The UN Security Council unanimous approval of all 18 resolutions regarding Haiti, since the beginning of the crisis in February 2004, clearly reflected the level of compromise achieved. It also allowed for more than ten-year duration of the mission, without major uncertainties regarding its continuation. Regional actors also had, since the very beginning, a key role in Haiti. MINUSTAH's leadership, as well as the growing percentages of Latin American troops in the mission, reflects such a prominent role.

In Libya's case, although the international community performed a central role in the decision to intervene, there were some major caveats in comparison with MINUSTAH. UN Security Council resolution 1973 materialized the initial role of the international community creating the conditions of possibility for the use of force. Nonetheless, the voting with a high level of abstention clearly reflected how

divided the international community was regarding the matter. It is also worth to notice the marginal and ambiguous role performed by the African Union, which was intended to be a main regional actor, during the whole process. Furthermore, once the Security Council passed the resolution, one may argue that the international community performed only a very secondary role in the execution of the intervention. A coalition of nations, under NATO leadership, planned and executed the intervention. Once resolution 1973 was passed, there was no supervision or control by the UN Security Council of the intervention process. The intervention actually began and terminated at the sole discretion of the intervening coalition.

The distinct roles played by the international community in both cases also influenced the political objectives. In MINUSTAH, on the one hand, resolution 1542 and the subsequent ones clearly reflected the political objectives and the political choices of the international community. The decision to establish the mission under the Chapter VII of the Charter of the United Nations, as well as the tasks and objectives assigned in the resolutions, all had a paramount influence in the use of force by MINUSTAH. In Libya, on the other hand, the contradictory role performed by the international community contributed to create a major ambiguity regarding the political objectives of the intervention. While the political objectives of the international community, as plainly stated in resolution 1973, consisted in the protection of civilians; NATO, on establishing its own objectives ended up having regime change as a primordial political one. NATO's political choice of pursuing regime change actually resulted in a war with Gaddafi's regime. Such a war, under Clausewitz's terms, instead of having limited objectives, such as the protection of civilians, ended up having unlimited objectives such as regime change, which would ultimately be accomplished by the destruction of the enemy. In conclusion, while the political objectives during MINUSTAH were somewhat limited, the political objectives during the intervention in Libya turned to be much more ambitious.

The discussion regarding the question of the enemy also contributed to illuminate interesting aspects of both cases, especially in the consequences regarding the levels of the use of force. In MINUSTAH, the political choices of the international community resulted in its military forces occasionally having to engage in ally or enemy relationships with distinct organizations. MINUSTAH's

uneasy ally relationship with the Haitian National Police (HNP) and undesired enmity relationship with the former members of *Forces Armées d'Haiti* (ex-FAD'H) represented important consequences of those choices. In MINUSTAH, the use of force was clearly limited to the tactical level, even during the confrontation phase.

In Libya, although one may argue that forces threatening the civilian population would naturally meet the requirements for an enemy, resolution 1973 did not directly establish a clear relation of enmity. In the implementation of the mandate, NATO, from the beginning, established its relationship with the two main armed groups operating in Libya: Gaddafi forces as enemies and *Thuwar* (anti-regime forces) as allies. Such a relationship persisted during the whole intervention. Consequently, the use of force was not limited to the tactical level and included indeed command and control structures and other strategic facilities. Furthermore, such a prompt and clear identification of the enemy is fully compatible with Clausewitzian war and may reinforce the disputed understanding that resolution 1973 and, most importantly, NATO interpretation and use of the resolution indirectly created the conditions of possibility for a “war” of NATO against Libya.

The dialectic between the abstract notions of *absolute war* and *absolute peacekeeping* permitted to situate both cases in a spectrum between those two extremes. It contributed to understand how the levels of force used by MINUSTAH, even during the confrontation phase, and the peculiarities of the mission's behavior reflect a position that is certainly closer to *absolute peacekeeping* than to *absolute war*. MINUSTAH, compared to other robust peacekeeping missions, presented relatively low levels of the use of force, even during the most acute moments and, although with some caveats, roughly met the requirements of consent and impartiality. A brief comparison with other robust peacekeeping missions, such as MONUSCO, reinforces such a position even further.

The intervention in Libya, on the other hand, should be placed much closer to *absolute war* than *absolute peacekeeping*. It presented very high levels of the use of force, no consent from the established sovereign government; and lack of impartiality. The intervention would also be located somewhere between limited and unlimited war. The analysis of such a dialectic also contributed to reinforce the

conviction that the 2011 intervention in Libya may be depicted as a war conducted by NATO against Libya.

In short, all those aspects have directly influenced in the levels of the use of force in both cases. One may promptly verify that those levels were disproportionately higher during the Libyan intervention than during MINUSTAH. While MINUSTAH only employed standard weapons of infantry battalions, NATO employed in Libya a full combination of some of the most sophisticated weapons (including cruise missiles and strike fighters), hitting targets at the strategic and operational levels.

The study of the tertiary trinity and its application to MINUSTAH and to the 2011 intervention in Libya contributed to understand how its three components influence and are influenced by the use of force. In MINUSTAH's case one may argue that the levels of the use of force were moderate and that such a moderation created the conditions for a balanced tertiary trinity. The analysis of the tertiary trinity during the intervention in Libya proved very complex and enlightening. It pointed out how unbalanced the tertiary trinity was and illuminated the many contradictions of an intervention of the international community which ended up as a NATO coalition war against Libya. Such a situation also resulted in an unexpected interconnection between the secondary and the tertiary trinity, which assisted in identifying some of the main peculiarities, ambiguities, and contradictions of the intervention. It is important to acknowledge that the balance inside the tertiary trinity is normally much more complex and difficult to obtain than inside the secondary trinity, since it deals with much more disparate actors than the national ones. Furthermore, due to representation, it seems even more difficult to achieve a balanced tertiary trinity in humanitarian interventions than in peacekeeping.

The application of the notion of friction in both cases also contributed to shed light in the respective peculiarities. The notion of friction, once applied to the interventions of the international community, assisted in understanding how the situation in the field was influenced by a vast array of factors which regularly lead to significant differences between the planned and the actual development of the operations. In MINUSTAH, friction clearly affected the behaviour of the mission, contributing to understanding how the peacekeeping model was constantly improvised at the field level. In Libya, the discussion of the notion of friction

during the intervention illuminated the major similarities with the Clausewitzian friction in war, especially during the first two phases (pre-intervention and intervention). In the third phase (post-intervention instability), the expanded approach to friction in relation to the international community highlighted the contrasts between the global (or Western) aspirations for democratic liberal state in Libya with the local intestine conflicts and divisions, which decisively contributed to Libya's present quasi-chaotic scenario.

In conclusion, from all presented in this section, it seems evident that the theoretical framework proposed in this work proved very useful in contributing to illuminating the distinct aspects concerning the use of force in both MINUSTAH and the 2011 intervention in Libya, contributing, therefore, to a better understanding of those two interventions.

Departing from the application to MINUSTAH's case, one may argue that the proposed framework may be applied to any peacekeeping operation. The use of such a theoretical scheme in the study of different peacekeeping operations will contribute to a better understanding of the peculiarities involved in each case and will also permit interesting comparisons.

Departing from this application to Libya's case, one may also expand the application of the proposed framework to any intervention of the international community. The theoretical scheme proved especially useful in understanding the consequences of the political objectives in the nature of the intervention. Therefore, the study of different interventions of the international community, through the lenses of the proposed theoretical framework, will contribute to a better understanding of the distinct and disputed aspects of most interventions.

This author encourages the application of this theoretical framework of the use of force on behalf of the international community to other cases, since its application will certainly contribute to improve and to solidify the proposed framework even further.

8.3 Final remarks

The theoretical framework for the use of force proposed in this dissertation not only proved very useful in assisting in the understanding of the nature of the two case studies analyzed, but may also be easily applied to other instances of the

use of force on behalf of the international community. It has a strong potential to theoretically illuminate an area which, up to the present, lacks adequate theorization.

Most importantly, such theoretical advance may effectively contribute to the practice of the international community in different ways. Clausewitz and other distinguished authors, once studying war, identified the vital importance of understanding the kind of the conflict in which one is involved. In the quote below (repeated from chapter 2 due to its paramount importance), Clausewitz could hardly be more emphatic:

The first, the supreme, the most far-reaching act of judgment that the statesman and commander have to make is to establish by that test the kind of war on which they are embarking; neither mistaking it for, nor trying to turn it into, something that is alien to its nature. (CLAUSEWITZ, 2007, p.30)

This author argues that, presently, this Clausewitz's passage remains more valid than ever and is particularly applicable to the interventions in which force is used on behalf of the international community. Therefore, the theoretical framework proposed by this dissertation will be especially useful for international community decision-makers and practitioners during the evaluation of processes which may lead to prospective interventions.

Before establishing the political objectives for a certain intervention, the international community (herein represented by the UN Security Council), benefiting from the proposed framework, may be able to better assess the implications of such decision. Given that the use of force is a direct function of those political objectives, the international community may have, up front, an evaluation of the levels of the use of force which will be necessary in the attempt to achieve those objectives.

Furthermore, by correctly understanding the question of the enemy and, consequently, the enmity relations generated by the decisions regarding political objectives, one may anticipate, more soundly, the stances and levels of confrontation expected with the different actors. The political objectives normally affect distinct actors in very different ways, generating enmity relations. Some of those relations may be promptly recognized during the beginning or even before an intervention. Others will only surface later during the intervention. An adequate appraisal is, therefore, crucial.

A comprehensive and detailed analysis of the tertiary trinity, in each potential intervention, may contribute to better evaluate the prospect of achieving success, especially in the long term. A balanced relationship between the three elements of the tertiary trinity has a paramount importance for the enduring success of any intervention in which force is used on behalf of the international community. The analysis of the secondary trinity is already intricate and achieving balance is often very difficult. The analysis of the tertiary trinity is even more complex, involving multifaceted elements. Achieving a balanced tertiary trinity, especially in situations with high levels of the use of force, presents a major challenge and, nevertheless, remains essential in order to achieve success.

An adequate understanding of the notion of friction and its implications also has major importance and may prevent decision-makers from drafting unrealistic plans. Unrealistic plans normally risk not resisting the first skirmishes. Otherwise, they may also fail in the long run for ignoring or underestimating local peculiarities, for instance. Acknowledging and coping with the omnipresence of friction remains as important during the interventions of the international community as they are in relation to war.

By understanding and applying the dialect between *absolute peacekeeping* and *absolute war* to a certain prospective intervention, one may correctly situate it in a continuum of the use of force. Decision-makers may, therefore, acquire a much better appreciation of the nature of the intervention they are embarking on, “neither mistaking it for, nor trying to turn it into, something that is alien to its nature”.

Finally, as mentioned in the very beginning of the introductory chapter of this dissertation, the Charter of the United Nations, while emphasizing the determination to save future generations from the scourge of war, also established a clear dichotomy between good, represented by peace, and evil, represented by war. The attempt to avoid wars between states and to protect populations ended up creating the conditions of possibility for the use of force on the behalf of the international community. The use of force, therefore, is not necessarily good or evil. Actually, it represents an important tool of the international community and may, for that reason, be used by the United Nations. Nonetheless, because it always brings along very important consequences and affects the lives of populations, the decision on the use force on behalf of the international community must always be thoroughly evaluated and judiciously taken.

9

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Annex A

Extract of UN Security Council resolution 1542 (30 April 2004) – MINUSTAH's Mandate

[.....]

7. Acting under Chapter VII of the Charter of the United Nations with regard to Section I below, decides that MINUSTAH shall have the following mandate:

I. Secure and Stable Environment:

- (a) in support of the Transitional Government, to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place;
- (b) to assist the Transitional Government in monitoring, restructuring and reforming the Haitian National Police, consistent with democratic policing standards, including through the vetting and certification of its personnel, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police;
- (c) to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable Disarmament, Demobilization and Reintegration (DDR) programmes for all armed groups, including women and children associated with such groups, as well as weapons control and public security measures;
- (d) to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti through the provision inter alia of operational support to the Haitian National Police and the Haitian Coast Guard, as well as with their institutional strengthening, including the re-establishment of the corrections system;
- (e) to protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its personnel, taking into account the primary responsibility of the Transitional Government in that regard;
- (f) to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, without prejudice to the responsibilities of the Transitional Government and of police authorities;

II. Political Process:

- (a) to support the constitutional and political process under way in Haiti, including through good offices, and foster principles and democratic governance and institutional development;
- (b) to assist the Transitional Government in its efforts to bring about a process of national dialogue and reconciliation;
- (c) to assist the Transitional Government in its efforts to organize, monitor, and carry out free and fair municipal, parliamentary and presidential elections at the earliest possible date, in particular through the provision of

technical, logistical, and administrative assistance and continued security, with appropriate support to an electoral process with voter participation that is representative of the national demographics, including women;

(d) to assist the Transitional Government in extending State authority throughout Haiti and support good governance at local levels;

III. Human Rights:

(a) to support the Transitional Government as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights, particularly of women and children, in order to ensure individual accountability for human rights abuses and redress for victims;

(b) to monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights, including on the situation of returned refugees and displaced persons;

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