

ALLIANCES AND COALITIONS OF THE WILLING: U.S. LEGITIMACY IN FUTURE CONFLICT

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USAWC STRATEGY RESEARCH PROJECT

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CONFLICT**

by

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The United States and other nations in addition to working through standing alliances have increasingly used ad hoc coalitions to effectively counter threats and ultimately protect their vital national interests. They do so to confront substantially different threats than those posed by nation states in the past century. Emerging from rogue nations, failed states, ungoverned spaces, and trans-national terrorist organizations, these threats are potentially more dangerous than old foes because they defy deterrence norms and other elements of statecraft.

International organizations have been increasingly challenged in addressing these threats. A lack of political will amongst their members, ineffective enforcement mechanisms, and insufficient capacity to act have raised questions about the utility and relevance of these organizations. Are these organizations still relevant? If so, then how is legitimacy conferred and how does the United States determine the legitimacy of its actions in future conflict?

This SRP considers the path the United States should pursue in seeking international legitimacy for unilateral intervention or when forming ad hoc coalitions to defend its national interests.

ALLIANCES AND COALITIONS OF THE WILLING: U.S. LEGITIMACY IN FUTURE CONFLICT

The world is not static, and the status quo is not sacred.

—Harry S. Truman¹

In the current era of globalization, the United States finds itself in a situation where its security interests are inextricably tied to the broader security of the international system.² It seems unlikely this situation is one that the United States would have chosen as a just reward for victory in the Cold War. Even so, President Barack Obama realizes that threats, challenges, and opportunities are not typically of one's own choosing; he has observed that this situation calls upon the United States to provide visionary leadership.³ Moreover, the events of the past decade have demonstrated truly that "the world remains a dangerous place - in some respects, more so now than when the superpowers glared at each other across the Elbe."⁴ This new era is not only characterized by a lone super power with tremendous leadership responsibilities but also by a meteoric rise of nationalism amongst ethnic and religious groups within countries that were previously suppressed under the bipolar environment of the Cold War.

And while "nuclear Armageddon is far less likely today, the actual use of weapons of mass destruction (WMD) – nuclear, chemical, and biological – has become a very real and immediate threat."⁵ Non-state actors such as Al Qaeda are the most dangerous of these threats. These violent extremist organizations (VEO) have rightly been judged to be beyond deterrence, since their members are willing to die for their cause rather than be captured and submit to the political systems that they oppose.⁶

When confronted with these threats that jeopardize U.S. vital national interests, U.S. citizens expect their government to employ all elements of national power to intervene on their behalf to defend the nation's interests, both at home and abroad. Indeed, some Americans expect our leaders to intervene abroad in situations that do not involve national security; rather they believe that such interventions are warranted because our national values require such actions.⁷ Each of these situations presents unique challenges to an international system that is designed to protect the sovereignty of all nations and condones armed action only when it is used for self-defense, not to satisfy morality and value systems issues. How should the United States respond to acts of aggression or assist in maintaining order in the international community when any action beyond self defense is widely perceived as not being legitimate? This Strategy Research Project (SRP) explores this issue by examining the current strategic environment, by considering the relevance and effectiveness of current alliances and coalitions, and by analyzing recent U.S. policies regarding legitimacy of its use of force. It concludes with recommendations for dealing with this problem.

Strategic Environment

The strategic environment challenging the U.S. today and for the foreseeable future is defined by “a global struggle against a violent extremist ideology that seeks to overturn the international state system.” This environment has been described by Secretary of Defense Robert Gates in the 2008 National Defense Strategy (NDS) and in the recent 2010 Quadrennial Defense Review (QDR). In these strategic documents, Gates cites a “variety of irregular challenges, the quest by rogue states for nuclear weapons, and the rising military power of other states.”^{8,9}

This violent extremist ideology presents irregular challenges and a threat that is distinctly different from the terrorist threats of the past. The current threat is posed largely by a radical Islamist movement that is substantially different from terroristic threats in Western Europe thirty years ago. The noted scholar of terrorism Bruce Hoffman observed that these religiously oriented terrorists are unconstrained by the standards that have controlled the acts of previous generations of secular terrorists. This is particularly true of apocalyptic groups like Al Qaeda and its ideological allies: "No longer can we assume, as was said some years ago, that terrorists want 'a few people dead and a lot of people watching.' In addition, the fruits of globalization have enabled terrorists to achieve a lot of people dead and to do so almost anywhere in the world."¹⁰ Terrorists' penchant for destruction, coupled with the interrelated vulnerabilities created by globalization, "has transformed the process of technological innovation while lowering entry barriers for a wider range of actors to acquire advanced technologies."¹¹ In short, terrorists have acquired a remarkable capability to project power in the manner demonstrated by Al Qaeda on September 11, 2001.¹²

It has taken a decade for the U.S. to begin to understand the immediacy of this new threat. Today's terrorist organizations seek to use weapons of mass destruction not as weapons of last resort, but as weapons of first choice. Ultimately, the threat posed by a state-sponsored or a non-state, trans-national terrorist organization is the wanton destruction of its enemies. These organizations do not have a risk-averse mentality like that of our Cold War enemies. Rather, they have proven to be immune to the traditional protocols of statecraft and the associated concepts of deterrence.^{13,14}

Gates contends that to address this challenge, the U.S. must also react to the difficulties posed by “ungoverned, undergoverned, misgoverned, and contested areas [that] offer fertile ground for such groups [trans-national terrorist organizations] to exploit the gaps in governance capacity of local regimes to undermine local stability and regional security.” Indeed, the “inability of many states to police themselves effectively or to work with their neighbors to ensure regional security” effectively creates a situation ripe for “insurgent groups and other non-state actors [that] frequently exploit local geographical, political, or social conditions to establish safe havens from which they can operate with impunity.”¹⁵

This new, emergent, and evolving threat from VEO's poses a long-term challenge that is further complicated by the “instability or [potential] collapse of a WMD-armed state, [in which] such an occurrence could lead to rapid proliferation of WMD material, weapons, and technology, and could quickly become a global crisis posing a direct physical threat to the United States and all other nations.”¹⁶

As it prepares to counter these new threats, the U.S. must recognize the growing number of weak or failing states around the globe. Nations that are failing or have failed have already provided safe haven for non-state actors. Ultimately, they create or expand seams between states, further complicating sovereignty issues and enforcement of societal and international norms. But as states are further challenged to deal with this dynamic environment, the international community is no better equipped to deal with the situation. This realization led then-candidate Obama to assert that “these threats demand a new vision of leadership in the 21st century – a vision that draws from the past but is not bound by outdated thinking.”¹⁷

As the United States and other nations realize the complexity and challenges of the trans-national threat environment, there is a growing acknowledgement that no single nation can effectively counter the actions of would be aggressors. President George W. Bush expressed this through a commitment to work with international alliances in his 2002 National Security Strategy (NSS). His administrations recognized that no single nation could create a safer and better world. But Bush also understood that this commitment was tempered by the reality that most alliances lack the capacity to lead, the ability to muster consensus amongst their members, and the capability to act quickly and effectively. As a result, these organizations must often be augmented by a coalition of the willing.¹⁸ In much the same vein, and after carefully studying several national security challenges, President Barack Obama has come to realize, much as his predecessors did, that when current alliances or international organizations cannot effectively respond to new situations, the nation must be prepared to act unilaterally to defend its national interests. But, when it does, it must do so in accordance with international standards.¹⁹ As the United States moves forward in this environment, strategists must carefully scrutinize existing international alliances with respect to their effectiveness and continued relevance.

International Alliances: Failure of Promise and Purpose?

Regarding the utility of international organizations and the stability they provide, Henry Kissinger observed that it “depends on the degree to which they reconcile what makes the constituent societies feel secure with what they consider just.”²⁰ Throughout history, nations have sought strategic alliances and partnerships not because of some altruistic vision of international order and the desire to subjugate one’s nation to a collective system, but rather out of national self interest in order to achieve a modicum

of security and stability in an uncertain world. In her confirmation testimony to become the U.S. Ambassador to the United Nations (UN), Susan Rice commented that the United States has been no different in this regard. She noted that it was “in the aftermath of the destruction and devastation of World War II [that] the United States provided the leadership and vision that led to the founding of the United Nations.”²¹

In addition to the UN, the U.S. and its European allies, in the wake of World War II, also formed another key strategic partnership, the North Atlantic Treaty Organization (NATO). Conceived primarily as a collective political organization, NATO proved to be an effective security alliance during the Cold War. The capabilities and actions of these two specific alliances, along with the occasional need for augmentation by ad hoc coalitions, will be further explored in the context of the strategic environment.

First, consider the differences between alliances and coalitions: "An alliance is a relationship that results from a formal agreement (e.g., treaty) between two or more nations for broad, long-term objectives that further the common interests of the members." On the other hand, "a coalition is an ad hoc arrangement between two or more nations for common action. Coalitions are formed by different nations with different objectives, usually for a single occasion or for longer cooperation in a narrow sector of common interest."²² Also, as the term coalition has taken on broader meanings with regard to unity of action in specific operations, the use of the phrase “ad hoc” with coalition is not necessarily redundant. “Ad hoc” provides a distinction between coalitions provided by permanent organizations (alliances) and those made up of temporary organizations formed for specific action – coalitions of the willing.

As the current preeminent international organization, the UN espouses values that many nations endorse and perhaps share. As a collective, it declares all nations to be sovereign equals; it pursues peaceful resolution of disputes and pledges a non-interventionist posture as it seeks to build a stronger global security environment.²³ The UN also serves as a level playing field: It provides equal representation and a voice to many nations that otherwise would not be able to provide meaningful input to regional or international issues affecting them.

During the initial Cold War years of the organization, the bipolar security environment of the two great super powers (U.S. and USSR) provided a sort of “bleak stability:[in which] alignments, fidelities, and rivalries were sharply defined.”²⁴ But the end of the Cold War did not put an end to this diplomatic maneuvering and wrangling within the alliance. Even today, the collective venue of the UN Security Council (UNSC) specifically allows China, who is staunchly non-interventionist, and France, who is largely pacifist, to keep burgeoning U.S. power in check. But a similar strategy has also allowed the U.S. to effectively quell the interventionist aspirations of the other members of the UNSC—specifically with regard to actions against Israel. The resulting situation has often been judged by the U.S. and other nations as proof that the UN is unable to solve both simple and intractable problems. But it could also be argued that the organization has been relatively effective because it deterred the United States from impulsively imposing its will on other nations, just as others have been unable to impose their will on Israel.

A further historical view of UN challenges reveals the organization’s struggle to be decisive and relevant when it matters the most: in response to armed aggression of

member nations. This relative ineffectiveness or failure to act in curbing the aggressions of great powers was evident in the case of the Cuban Missile Crisis and in Soviet interventions in Eastern Europe and Afghanistan. In each instance, the UN missed critical opportunities to assert its leadership. In another noteworthy case, in response to North Korean aggression in the 1950s, the UN was only able to invoke its authority when the Soviet representatives boycotted the Security Council and General Assembly. But rather than actually representing effective international consensus building, this instance demonstrated that Western European nations were more likely to endorse U.S. actions in return for U.S. support to protect their own vital national interests. This quid pro quo support essentially served as the counterweight to Soviet aggression in Eastern Europe. Because of this organizational flexibility, the UN often appeared to be a place, that provides an important forum for diplomats from all nations and a venue in which nations can hash out technical agreements. But as Henry Kissinger has noted, the UN has ultimately “failed to fulfill the underlying premise of collective security – the prevention of war and collective resistance to aggression.”²⁵

In each of two major periods of UN history - the post-World War II (Cold War) and post-Cold War -, the organization has arguably not lived up to the promise of its Charter, but none-the-less has provided some semblance of order. During the Cold War, this order was manifest in the relative stability provided by a bipolar environment. And while the bipolar world posed its own uncertainties, in retrospect it appears to have been substantially more stable than the pervasive uncertainty that characterizes the post-Cold War security environment. This current environment, with its vast array of threats and rapid rises in nationalism from previously suppressed groups, has provided

new challenges to the UN, which it seems largely unable to address. Ironically, the current volatile environment has caused many people to overlook the relative ineffectiveness of the UN during the Cold War period.

Since the end of the Cold War, the UN's credibility has continued to suffer. There is no greater evidence of this than the UN mission to Rwanda that failed to quell a genocide. So notable was this failure that even the UN Secretary General (UNSG) Kofi Annan remarkably admitted that, despite the presence of UN forces in the country at the time, they were not equipped to and they did not have the mandate to use force to stop the genocide. Even though the UN did not intervene in a timely fashion in Rwanda, it was the U.S. and other hemispheric powers in Europe that were heavily criticized for not intervening to stop that humanitarian crisis. Though the U.S. determined that the events in Rwanda were not sufficiently in its vital national interests to intervene, it is arguable that certain regional European nations or other African nations should have intervened on the behalf of the Tutsi people to restore regional stability and stop the genocide. Beyond the criticism of individual nations, this situation shows that, if powers in the UN like the U.S. are not willing to intervene, then the organization is essentially powerless to intervene effectively because its leading nations are unwilling to act and because it lacks the autonomous capacity to act itself.

In another example of ineffective UNSC action, during a period that spanned the waning years of the Cold War (1976-1991), the organization issued numerous resolutions regarding aggression and intervention by Indonesian forces in East Timor. Despite these edicts, UN inaction and the lack of will amongst the international community allowed an estimated 230,000 out of 630,000 people to perish due to

disease, famine, or military action against the East Timorese.²⁶ Eventually, the Australian government did successfully lead a coalition of the willing in an armed intervention that stopped the loss of life and ultimately relieved the suffering in East Timor. This Australian-led ad hoc coalition, had no clear mandate from the Security Council. Instead, Australia's regional leadership and assessment that its national interests were in fact dependent on regional security led to this successful intervention. In effect, Australia's perception of its national interests led to a long-delayed peace enforcement and humanitarian operation.

While heralding the successes of the Australian's in East Timor, UNSG Annan has advocated for increased capability and capacity for UN peacekeepers in the form of standing forces and dedicated assets. But the Secretary General's advocacy has drawn the wrong lesson from this regional intervention.²⁷ Such dedicated military capacity in the hands of the UN would effectively subjugate the national will of contributing nations to the UN, rather than enabling member nations with the option to lead, participate, and/or support armed interventions. Individual nations should determine what is in their national interests. If they decide to intervene, then they must amass the will to lead a coalition, mobilize their elements of national power, and persuade others to act with them because of mutually beneficial needs and common security interests. This is consistent with the maxim articulated by former Secretary of Defense Donald Rumsfeld that "the mission determines the coalition. The coalition does not determine the mission."²⁸

As the U.S. and other like minded nations ultimately appreciate the utility of alliances and acknowledge that multilateral institutions can multiply their strength, they

also realize their inherent limitations. In order for the actual capability of an alliance to be realized, it must be augmented by coalitions of the willing.²⁹ Australian leadership and subsequent action in East Timor demonstrated this. The successful intervention represented the political initiative that must be performed by nations when their specific national interests are not readily apparent.³⁰ Ultimately, the decision to participate in multinational operations is a calculated political decision that reflects participants' differing degrees of national interests, which then results in varying levels of commitment by coalition members.³¹

But, beyond noting the failures of the UN, it is important to highlight the occasions where it has successfully overseen interventions. The complete picture of the organization's actions ultimately illuminates the difficulty in determining the appropriateness of interventions. The UN has led many important and successful interventions throughout the history of the organization. The United States did not participate in many early UN interventions. These largely humanitarian crises did meet the criteria to garner U.S. support within the UNSC. But most importantly, when all things are considered, the U.S. did not directly support many of these UN humanitarian actions because they did not pass the vital national interest litmus test. Even so, the first several decades of the Cold War witnessed UN humanitarian intervention in a number of high-profile instances: in the Democratic Republic of the Congo (1964), the Dominican Republic (1965), Cambodia (1978), and Tanzania (1979). Since the end of the Cold War, there have been many more interventions in a period of less than two decades: Operation Provide Comfort (Iraq, 1991), Unified Task Force (Somalia, 1992), Haiti (1994), the United Nations Transitional Administration in East Timor (UNTAET,

1999), and the NATO bombing of Yugoslavia (1999).³² Many of these operations were deemed to be in U.S. national interests, vital or otherwise. Consequently, various levels of direct involvement by American military forces were determined to be appropriate.

During this same period for the NATO security alliance, there was rarely a question regarding the relevance or performance of that organization. But more recently, the end of the Cold War and the collapse of the Soviet Union have given rise to questions regarding the actual need for or relevance of the security alliance. Even during the height of the Cold War, NATO never invoked its responsibilities for collective defense under Article V of its Charter. This may have been proof that deterrence worked. Followed by the demise of the Soviet threat, it was even less likely that NATO would invoke its collective defense rights. Predicated on the events of September 11, 2001, after determining the attacks on the U.S. originated from abroad, NATO invoked the first use of Article V in its 52-year history.³³

The appropriateness and ability for NATO to intervene has been confirmed in the past two decades. But while the alliance demonstrated its resolve during the Yugoslavia/Balkan war, as Joseph Nye observed, in order to keep the NATO alliance viable, it had to go “out of area or out of business.”³⁴ Even so, in many cases it was evident that the alliance had ostensibly been an action arm for UN-sanctioned interventions. Indeed, NATO mobilizes and deploys forces while the UN remains in its consensus-building mode. And while UNSC Resolution 1386³⁵ established the International Security Assistance Force (ISAF), it has been NATO’s willingness to participate as part of that coalition in ongoing combat operations in Afghanistan that

provides a current counter to criticism of the UN's inability to act and of NATO's ability to deploy beyond Europe.

Despite apparent successes, important questions remain regarding the capacity of member nations to act and the viability of an organization providing a collective defense, especially when national interests are not always apparent to the populace of member nations. The ongoing commitment required to sustain coalition warfare was never more apparent than during the winter 2010, the United States sought to bolster NATO troop commitments to ISAF. U.S. and NATO were at direct odds with the promise by Dutch leaders to bring home most of the country's troops by year end. The Dutch national debate led to the collapse of the government in the Netherlands and perhaps signaled greater fissures in the NATO alliance. The question now becomes whether the exodus of Dutch forces by the end of 2010 portends the departure of other member nations from this obviously fragile coalition of the willing.³⁶

Notwithstanding these challenges, U.S. Presidents have realized the utility of these alliances and multilateral institutions and have reaffirmed national commitments "to lasting institutions like the United Nations, the World Trade Organization, the Organization of American States, NATO, ... [and] other long-standing alliances,"³⁷ there is a realization that "a decade into a new century, this old architecture is buckling under the weight of new threats."³⁸ Furthermore, along with the military capacity which NATO provides to certain UN actions, coalitions of the willing are often needed to augment these permanent institutions.³⁹

Finally, as these blows to the credibility of the UN have illustrated, nations will not act merely on the basis of UNSC resolutions because these edicts have no real ability

to compel or direct the actions of its member nations. Instead it is acceptable and desirable that nations continue to respond to the UNSC by acting out of national self-interest, not from some ideology that justifies direct intervention in the affairs of other nations in order to change behavior or actions. In addition to exercising the leadership needed to build a coalition, nations must also anticipate the challenges of organizing and coordinating the efforts of other nations in order to achieve common goals—especially when specific national interests are not widely shared. Otherwise, when vital national interests are at stake and nations must act or react in a timely fashion, the iterative process of coalition-building may not provide a sufficient response. In these instances, as President George W. Bush’s administration reasoned: According to what James Mann called “the follower hypothesis.... The theory was that if America led, its friends and allies would inevitably follow.” Paul Wolfowitz elaborates, “A willingness to act unilaterally can be the most effective way of securing collective action.”⁴⁰

Ultimately, the demonstrated incongruence between the espoused and enacted values of the UN has caused many nations to question the utility and relevance of international organizations as a whole—and the effectiveness of their enforcement mechanisms in particular. Skeptics also point to the UN’s relative inability since the end of the Cold War to uphold the basic tenets of the UN Charter to maintain international peace and security and to enforce collective prevention and removal of threats to peace.⁴¹

Moreover while the will to lead and the capacity to ultimately act, while important prerequisites, are only part of a complex decision to intervene in the affairs of other sovereign nations or in response to the actions of armed groups. Another key

consideration in this decision is the issue of legitimacy. In the context of the current security environment, how should the United States ensure that its vital national interests are maintained when responding to the actions of other nations or hostile groups? If this response is in the form of armed intervention, how does the U.S. legitimize its actions in the international community? And more importantly, who confers this legitimacy?

Legitimate Intervention

Recognized as a defining principle of interstate relations and the foundation of world order, state sovereignty is deeply rooted in customary law and the UN Charter. Therefore, interference in the internal affairs of sovereign states defies the non-intervention principles and fundamental norms of state sovereignty. And because it cuts to the heart of the international system, the decision to use force or conduct an armed intervention is typically denounced in international law and is directly prohibited by the UN Charter.⁴²

Given this situation, what provisions are there for the use of force or for conducting armed intervention to change the behavior of other sovereign nations? The legal principles that bind nation-states and govern their actions have already been mentioned: customary international law and treaties. Although they are closely related, there are clear distinctions between the two: specifically, the rules stipulated in customary law are generally binding on all nation-states, except to those who make their objections known during the development of said law. On the other hand, treaties are only binding on those nation-states that are signatories to the treaty.⁴³ However, nations that agree to a treaty with reservations during the ratification process or those that withdraw from a treaty with proper notification are not strictly bound by the treaty.

Even so, as previously referenced, these traditional means of maintaining international order have been challenged by the emergence of transnational threats posed by extremist organizations, coupled with the problems posed by an increasing number of failing or failed states and ungoverned spaces. This new strategic environment has greatly complicated the invariability of sovereign states and traditional restraints on uses of force to assure national security. According to the Montevideo Convention and subsequent judicial interpretations, in order to be considered sovereign an entity must have: (1) a defined territory; (2) a permanent population; (3) be under the control of its own government; and (4) have the capacity to engage in foreign relations.⁴⁴ By this standard, it is reasonable to assume that a sovereign entity may be held responsible for the actions of non-state actors operating inside their territory.

Additionally, the case for intervention in failing or failed states should be no less stringent than the justification for intervention in other nation-states. Though there is a clear distinction between the two entities, the rationale for interventions remains very similar: The intervention is in a nation-state's national interest; the actions are deemed just; and some international decree supports the action. Even when interventions are justified by protection of national interest, intervening nations should adhere to the Pottery Barn rule: This often quoted axiom has been attributed to then Secretary of State Colin Powell: If "you break it, you own it." He was specifically referring to the costs associated with the U.S. intervention in Iraq.⁴⁵

Providing further specificity, a spectrum of intervention indicates the degree of coercion sanctioned by international law. Let us consider only uses of force in the domestic affairs of another entity, issues of sovereignty notwithstanding. Additionally,

this use of force will be considered in a post *jus ad bellum* context, beyond the determination that the intervention has been initially justified. This distinction is made to facilitate a policy-making rather than a legal limitations of uses of force discussion.⁴⁶

In addition to the stipulations made in international law regarding the protections and responsibilities of sovereign entities, the preeminent rule that governs the use of force is found in a treaty—the UN Charter. Whether acting individually or in concert with other nations, the Charter provides the starting point for deciding on the use of force. In Article 2 (4), the Charter declares that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”⁴⁷

There are two exceptions to this prohibition on the use of force. The first can be found in the self-defense provision of Article 51. The second is found in the allowances in Chapter VII: Herein the Security Council is granted the authority to determine the extent of the use of force against any member state if it feels that other measures, short of the use of force, will not be adequate to maintain or restore international peace and security.⁴⁸ In acknowledgement of these parameters, when states are taking armed action against offending nations they are required to notify the UNSC under Article 51; basically invoking their right of self-defense. In practical terms, nations are only required to make a timely notification, not necessarily a notification prior to self-defense actions, but at least shortly after such actions are taken. Concerning the second form of sanctioned intervention, the Council may pass resolutions that stipulate specific

action(s)—all of which will be anchored in a Chapter VII, Article 42 justification for the use of force.

In recent practical application, each of these justifiable circumstances for armed intervention was demonstrated by UN and member-nation actions taken subsequent to the September 11, 2001, Al Qaeda attacks on the U.S. Within a few months, the Security Council's initial response was to pass the following resolutions: 1368, 1373, 1378, 1386, and 1390—several of which expressed support for eliminating terrorism and cited the right to self-defense.⁴⁹ Interestingly, while exercising its Article 42 authorities to impose these sanctions on the Taliban and Al Qaeda, the Council did not specifically authorize the use of force by the U.S. or coalition forces. It did, however, reiterate the U.S. right to self-defense. Also, Resolution 1386 specifically authorized the establishment of ISAF—the formation of a coalition of the willing with the explicit intent to respond to the attacks on the U.S. Concurrent with the UN's actions and as a result of the attacks, NATO invoked Article V of the North Atlantic Charter; thus ostensibly authorizing the use of force through the collective security mechanism of the alliance. NATO subsequently took responsibility for the ISAF mission in the fall of 2003. The second example of this international mechanism came with the United Kingdom's notification, in compliance with Article 51, to the UNSC following its initial armed actions in Afghanistan against the Taliban and Al Qaeda.

In exploring these provisions and exceptions, former George W. Bush administration Justice Department official, John Yoo observed that “the UN Charter system classifies all uses of force into three categories: legal use of force authorized by the Security Council; legal use of force in self-defense; and illegal use of force, which

includes everything else.”⁵⁰ Given this clear distinction of what is considered legitimate in the international community in the context of the new and emerging threat environment, the remaining part of the equation pertains to the capacity of the existing alliances to act on behalf of its members to resolve grievances.

Ad Hoc Coalitions – “Coalitions of the Willing”

The modern coalition was arguably born during the first Gulf War in 1991—Desert Shield/Desert Storm. Saddam Hussein’s army posed a traditional threat to neighboring Kuwait, but the static alliances that were formed as collective defense entities were not designed to deploy out of area and defend a third party country. And beyond the challenges of organizational construct, it was apparent that the existing alliance structure lacked the ability to address this unique challenge. However, nations that participated in the coalition recognized that Saddam Hussein’s aggression towards his neighbor could not continue unchecked. But beyond standard state-on-state aggression that is forbidden by the UN Charter, there was no formal alliance language that addressed the method for intervening. So without an official UNSC resolution to act, “this coalition of the willing formed to fill a policy gap inherent in existing traditional multiparty alliances to conduct forced intervention.”⁵¹

Addressing today’s global security environment and the challenges posed by its most dangerous actors, VEOs, “the emergent trend, ... has been the reliance on ad hoc coalitions to achieve foreign policy objectives.” The reality driving the use of coalitions of the willing is that all nations, regardless of alliances to which they belong, will have to decide if their national interests, vital or otherwise, are at stake as they determine their level of participation in armed interventions in response to actions by state and non-state actors. Participation in or contributions to these ad hoc arrangements may well

vary (or disappear) through the lifecycle of coalition operations. Because ad hoc arrangements do not provide the stability afforded by long standing relationships in legacy alliances, maintenance of these coalitions will be tenuous. This was clearly evident in the earlier example regarding Dutch participation in the current ISAF Afghanistan mission.

The question of capacity and the ability to lead and maintain ad hoc coalitions are the principal strategic issues. With the greatest capacity to act and to project power, the US is naturally called upon to lead efforts in the international community—or at least to provide key enablers so that others may act. So, regardless of the threat, the ability of the UN to act is limited to the capacity and will of its member nations. If nations with considerable capacity, like U.S., determine that intervention in the internal affairs of another nation is not in its national interest, then, it is unlikely that they will be compelled to lead or participate in UN-sanctioned actions.

And while this may seem to be a major obstacle in mounting international efforts to remedy international threats, U.S. citizens must understand that not all interventions require U.S. leadership or participation. Other nations may be better suited for specific operations, either because of regional security objectives or because their interests are directly involved. This was illustrated by the Australian-led intervention East Timor. Ultimately, given its lack of capacity and the great variance in national interests of key nations, the UN has realized that it can more effectively sanction interventions by coalitions of the willing (again, the Australian example) or by regional security alliances (the formation of ISAF by UNSC Resolution; ultimately exercised by NATO).

Recommendations / Conclusion

The early history of the UN and NATO and recent post-9/11 actions have demonstrated that these institutions formed in the wake of World War II have not always been responsive and effective. The debate will continue regarding the existing alliance structure of the UN and NATO and their relevance for addressing emerging threats outside of the state system. Although, these organizations may seem outdated and unresponsive to some, they continue to provide a useful framework for the resolution of traditional international system-state problems as well as global problems that transcend the state system and sometimes call national sovereignty into question.

In order to protect and preserve its vital national interests, the United States should continue to work through the existing alliance structure to address the threats posed in the current complex and dynamic security environment. Furthermore, the nation's policy tools and legal instruments will remain the key means for achieving legitimacy in responding to non-state aggressors or when intervention in the internal matters of other nations is deemed appropriate. But working through the existing alliance methods to avert conflict or in responding to the actions of other nations is essential to ensure legitimacy of action.

Accordingly, as nations continue to use the assembly and methods of the UN to pursue their national interests, they should rely more on coalitions of the willing to ensure legitimacy of action. These ad hoc arrangements will further ensure that the coalition obtains the appropriate leadership, durable contributions, and participation from nations with common, though varying, security interests.

Endnotes

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