NATO as a UN Peacekeeper

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INTRODUCTION

Peace operations in their broadest definition\(^1\) and mandate appeared after 1945, and were an important new tool and innovation in the mechanism of safeguarding international security and peace. They underwent a significant transformation in the post-Cold War era, which was a direct product of the changing international security environment. This transformation presented a serious challenge to the United Nations (UN), to the North Atlantic Treaty Organization

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\(^1\) Some experts point out differences in English language sources – in the USA such operations are named ‘peace operations’, while other NATO sources use the term ‘peace support operation’. See Demurenko, Andrei and Alexander Nikitin, “Basic Terminology and Concepts in International Peacekeeping Operations: An Analytical Review”, *Low Intensity Conflict & Law Enforcement*, Volume 6, Number 1, Summer 1997.
(NATO) and to all those organisations and structures involved in the preservation of world peace.

During the Cold War years, peace operations had a different role, because superpower tensions made it impossible for the United Nations Security Council (UNSC) to reach unanimous decisions on the use of force in conflict resolution. In view of that trend, the practice of the Cold War included a larger emphasis on bilateral and regional security treaties, rather than on the UN’s role in international security arrangements.² Most of these arrangements were based on the principles of the UN Charter and emphasised defence as the main legitimate use of force. Examples worth mentioning include the establishment of the League of Arab States (March 1945 with the Treaty of Cairo), the Organization of American States (it’s Charter, approved in 1948 after the signing in 1947 of the Inter-American Treaty of Reciprocal Assistance, known as the Rio Treaty), the Organization of African Unity (1963) and the Organization of South East Asian Nations (1967).

One similar arrangement that was to become a key element in the peace-keeping operations in the 1990’s was NATO. The Washington Treaty of April 1949 established NATO deliberately³ as an organisation that provided self-defence to its member-states under Article 51 of the UN Charter, rather than as a regional arrangement under Chapter VIII. It acted effectively due to the external threat (the Warsaw Pact and the Soviet Union), the common democratic values of its members, and the lack of outside-of-Europe engagements.

NATO as a UN Peacekeeper

The Allied handling of conflicts outside the North Atlantic area has been a controversial issue since the creation of NATO. However, in spite of pressure from different members, a policy of non-involvement was finely established during the Cold War. NATO, as such, chose to limit itself to the collective defence of its own territory, as formal or informal co-operation between two or several members in other parts of the world was kept off the NATO agenda. Conflicts resulting from the colonial interests of some European countries and the American global anti-communist engagement were handled in accordance with this intra-Alliance understanding.

With the end of the Cold War however, the international community explored different approaches to peace operations in the 1990’s, thus making them an important element in the functioning of the overall international system. Those changes had a serious impact on the theoretical definitions of peace operations, reflecting issues of conflict prevention and various types of peace operations – peace-keeping, peace enforcement, peace-making, peace-building, etc. The very evolution of the concept had its own practical implications for the activities of the international organizations involved.

The term ‘out-of-area’ had a fairly clear and precise meaning in NATO vocabulary during the Cold War, referring primarily to events taking place outside the territory of NATO’s members. The only exception to this ground rule was events taking place in the Soviet Union and the Warsaw Pact countries, which could have a direct bearing on the Alliance. The difference between the NATO area and the rest of the world was embodied in the security guarantee formulated in NATO’s Article 5, requiring all members to consider attack on one state as an attack on all. At NATO’s 50th anniversary, this distinction seemed to have lost some of its relevance, as many argued that the term ‘out-of-area’ no longer conceptualised
any clearly defined area. It could, for instance, be argued that NATO had, in fact, guaranteed the safety of the new state of Bosnia-Herzegovina just as finely as if it had been covered by Article 5. Nevertheless, in this study, the distinction between the territory covered by NATO’s Article 5 and ‘out-of-area’ territory will be maintained, with a claim to its continued relevance.

**ORIGINAL CONCEPT OF NATO**

In 1945, Europe had been systematically destroyed by six years of brutal war, which would take decades to heal. Amidst the ruins of Europe stood the Allied forces; victorious against the forces of Nazism, yet wary of a new potential conflict between the United States and the Soviet Union. Representative of two diametrically opposed ideologies, these two countries began an almost immediate struggle for the future of Europe.

During the Second World War, fear of growing Soviet expansionism began to increase dramatically. It was clear that Russia would come out of the war as the most powerful nation in Europe, and the comportment of Russia in Eastern Europe hinted at an alternative agenda to the destruction of Nazi Germany. Reporting on relations with Russia, Ambassador W. Averell Harriman wrote: “We must clearly recognize that the Soviet program is the establishment of totalitarianism [in Eastern Europe], ending personal liberty and democracy as we know and respect it.”

After the end of the Second World War, though the Soviet Union was significantly damaged, it chose to act from a position of power and repeatedly demanded the ability to have a virtual free rein in Eastern Europe. As the expansionist goals of the Soviet Union became more obvious, the distrust and fear

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among the allies grew, and unity of opinion also grew against the Soviet Union.

The threat of the Soviet Union was growing, and the inability of Europe to protect itself was more apparent than ever. As Russia moved in to take over Eastern Europe, there was little the allies could do. The development of the Truman Doctrine and the Marshall Plan were clear balancing actions by the United States against the threat of the Soviet Union.

The Brussels Treaty of 1948 is another example of balancing against a common threat. With the fall of Czechoslovakia, the rest of Europe started fearing uprisings in their own nations as well. It was obvious to the Western European nations that they could not stand against the threat of the Soviet Union independently, but unified, would be much more powerful. Through this Treaty, they could ensure that the Soviet Union would be less likely to invade any one of them, due to the increased possibility of retaliation.

In a similar fashion, the North Atlantic Treaty came together. The growing aggressiveness of the Soviet Union and the weakness of Western Europe made it essential for the United States to get involved. The major impetus for United States’ involvement, was to halt the expansion of Soviet ideology, and strengthen Europe. This argument is supported by the North Atlantic Treaty itself. The centrally important Article 5 is directly in line with the balancing of threat theory, for it requires military action to protect any nation within the Alliance.

The NATO alliance consequently emerged directly from the end of the Second World War. Politically and ideologically, the alliance drew on the pre-war US-UK Alliance Charter for

its basic principles, as well as on the 1948 Brussels Treaty, which founded the Western European Union (WEU) and the subsequent 1948 WEU defence arrangement. The military alliance was formed with the signing of the North Atlantic Treaty of April 4, 1949, committing each member state to consider an armed attack against one state to be an attack against all states. Its original membership of 12 has since grown to 26 (with over one-third of these members added after end of the Cold War).

The threat of Soviet invasion of Western Europe was judged to be real, if not imminent, for much of the Cold War period, to the extent that nuclear weapons were incorporated into the alliance plans as well as its integrated structure (although the latter only after a very real crisis of confidence). In a sense, there was not only a strategic rationale for NATO checking potential Soviet aggression, but also a palpable operational and even tactical imperative to ensure that the alliance had the robust structure to enable it to function both politically and militarily.

In this context, the Korean War is often cited as the galvanizing event for the alliance, as the allies saw the communist intervention as a signal that a more robust and integrated civilian and military structure was required if the alliance was to function. The North Atlantic Council (NAC)’s 1952 Lisbon Conference, which examined events in Korea, was the political and bureaucratic turning point as it provided

for much of what exists today in terms of civilian and military structure and decision making processes of the alliance.9

The US Allied Command Operations (ACO), led by the Supreme Allied Commander Europe (SACEUR), is the sole command with responsibility for NATO operations. The current structure of ACO is the result of combining several geographical commands after the Prague Summit of 2002 that focused on setting the alliance on a new path.10 ACO is responsible for the overall command of NATO military operations.

The UN and NATO both emerged within the context of the post-World War II international order. The UN was set up to focus on collective security mechanisms, whereas NATO arose as a collective defence alliance, in response to the emerging Soviet threat. NATO and UN subsist in an ambivalent coexistence – according to the UN Charter, the Security Council (SC) is the sole authority with the ability to legitimise the use of force. However, the ‘inherent right’ to self-defence remains unaffected ‘if an armed attack occurs’ and until the Security Council takes the ‘necessary measures to maintain international peace and security’ (Art. 51 UN Charter). Referring to Article 51 of the UN Charter, the NATO Treaty Article 5 constitutes the legal basis for military action of the collective defence alliance.

The Washington Treaty establishing the North Atlantic Alliance was signed on April, 4, 1949. Its purpose was to deter a Soviet military attack in Western Europe and to defend Europe from an attack should deterrence fail. However, the alliance differed from traditional mutual aid or guarantee pacts

in several respects important for understanding its institutional form during the Cold War. In addition to its external mission of deterrence and defence against the Soviet Union, the alliance was also intended to build peace and security among its members as democratic countries. In NATO parlance, the alliance was an Article 4 (peace and security) as well as an Article 5 (collective defence) treaty.

For NATO and the Japan-US Alliance, alliances formed during the Cold War, the main task was not to militarily intervene in conflicts that arise outside areas perceived to be covered by their respective treaties. This is because the missions and roles of Western alliances during the Cold War were directed toward securing territorial defence of member states against the military threat from the Soviet Union. Still, as a consequence of the disappearance of the military threat on the European front in the wake of the end of the Cold War and the collapse of the Soviet Union, NATO became proactively involved in extraterritorial conflicts. The so-called crisis response operations for extraterritorial issues have turned into the main task of the alliance. These changes can be explained by (1) the transformation of the tasks of the alliance, (2) the rise of the spirit of international cooperation and (3) the complex nature of conflicts.

**NATO During the Cold War**

United Nations peacekeeping evolved since its beginnings in 1945. Initially, peacekeeping was limited to observer missions. The first four operations, occurring between 1947 and 1949, involved tasks similar to those undertaken by the
League. In two of the missions, the UN Secretariat directly controlled employment of military personnel provided it by contributing nations. In the other two missions, national authorities retained control of their personnel while operating under a UN mandate.\(^{12}\)

The Charter of the United Nations gives regional organisations a role within the arrangements for maintaining international peace and security.\(^{13}\) The primacy of the United Nations is made clear in the Charter by Article 53, which lays down that no enforcement action – no use of military forces without the consent of the states concerned – shall be taken by a regional organisation without the authorisation of the Security Council. On the other hand, Article 52 states that members of the United Nations shall make every effort to attain pacific settlements of local disputes through such regional arrangements or by such regional agencies, before mentioning them to the Security Council. There is therefore a clear distinction between actions taken with the consent of the states concerned and those where action, including military action, is imposed upon states without their consent.

Although the Charter is not explicit, regional bodies have traditionally been seen as having a role in solving problems among their own members.\(^{14}\) They were seen as providing a measure of regional collective security. In the Cold War period in Europe another kind of regional organisation developed explicitly for collective self-defence against an outside attack. Western European Union and NATO were organisations of


\(^{14}\) Ibid.
this sort. They based themselves not on Article 52 or Article 53 of the Charter (Chapter VIII) but on Article 51 which makes clear that nothing in the present Charter shall weaken the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

In both, the 1948 Brussels Treaty that created the Western European Union and the 1949 Washington Treaty that created NATO, the key articles which provide the security guarantees on which these military alliances are based, make explicit reference to this provision of the UN Charter and accept the obligation to report any action taken in collective self-defence to the Security Council and terminate it as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.\footnote{15}

Chapter VIII of the UN Charter\footnote{16} refers to regional organizations, such as NATO, in the context of appropriate regional action in the maintenance of international peace and security.\footnote{17} It is in this area that a relationship exists between

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\footnote{15} Ibid.

\footnote{16} Chapter VIII, in Articles 52-54 of the UN Charter, specifically provides for “regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action. Article 53 provides, in pertinent part: The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional agencies without the authorization of the Security Council”.

the two organizations, with ultimate authority centered in the United Nations. Excepting the area of international peace and security, however, the relationship between the UN and NATO is not hierarchical.

When the NATO Charter was established in 1949 by the Treaty of Washington, it made no mention of any relationship to the Security Council as a ‘regional arrangement,’ nor did it contain any provision for action only upon the authorization of the Security Council, or for reporting activities ‘in contemplation.’ Instead, the Treaty expressed the obligation of NATO’s member states to be that of ‘collective self-defence’ under Article 51 of the UN Charter and, correspondingly, embodied only the obligation to report “measures taken” to the Security Council.\(^{18}\) This formulation was adopted by the United States and its NATO allies because subordination of NATO actions as a regional arrangement to Security Council review in advance during the Cold War would have subjected all actions to Soviet veto. By characterizing NATO’s military actions as ‘collective self-defence’ under Article 51, there would be no action of a ‘regional arrangement’ under Chapter VIII of the UN Charter and no prior Security Council review.

The unifying force in the beginning of NATO’s history was the Korean War. Initially, it activated many of the doubts that American behaviour had fed before June 25, 1950. Asia and the Pacific had been the traditional focus of American foreign policy. When the war broke out, NATO had made little progress in raising enough force to resist a Soviet attack – which, for the first time, seemed really possible. The Korean

\(^{18}\) Article 5 of the Treaty of Washington provides, in pertinent part: Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.
War build-up provided not only these troops, but also a larger strategic reserve from which Europe might be reinforced in an emergency. The NATO governments liked the idea. In December 1950, their ministers approved the creation of a unified command and asked that a US officer (they recommended General Eisenhower) be appointed as its chief, the Supreme Allied Commander Europe (SACEUR).

In another case, the Egyptian Dictator Gamal Abdel Nasser’s nationalisation of the Suez Canal was a more severe challenge to the Alliance. In a bid for leadership of the Arab world and as well as for the assertion of Egyptian nationalism, Nasser took over the operation that had been built and controlled for almost over a century by Britain and France. For the British, the canal was a vital link to what remained of their empire in Asia. The Eisenhower administration had appeared to share the concern of the allies but when it came down to possible military action against Egypt, the US Secretary of State, John Foster Dulles was evasive about the American position. He wanted to work within the framework of the UN charter to undo Nasser’s seizure of the canal.

In 1956, Dag Hammarskjöld created the first UN peacekeeping force in response to the Suez Crisis. The UN dispatched 6,000 soldiers but the use of force was limited to self-defence. This type of involvement in a peacekeeping situation characterised the missions up through 1978 and is often referred to as ‘traditional peacekeeping.’ These ‘traditional peacekeeping’ missions had several distinguishing features:19

1. Consent and cooperation of parties to the conflict;
2. International support, as well as support of the UN Security Council;
3. UN command and control;
4. Multinational composition of operations;
5. No use of force, except in self-defence;
6. Neutrality of the UN military between rival armies;
7. Political impartiality of the UN in relationships with rival states.

Though the term ‘peacekeeping’ is not found in the United Nations Charter, the authorisation is generally considered to lie in (or between) Chapter 6 and Chapter 7. Chapter 6 describes the Security Council’s power to investigate and mediate disputes, while Chapter 7 discusses the power to authorize economic, diplomatic, and military sanctions, as well as the use of military force, to resolve disputes.

The failure of the UN during the Cold War caused states to move away from a system of collective security and toward a system of collective defence through alliances such as the North Atlantic Treaty Organization (NATO) and the Warsaw pact. For a period after the Cold War, peacekeeping missions were undertaken outside of the UN system. The Multinational Force and Observers (MFO) Group in Sinai and the Indian Peacekeeping Force (IPKF) in Sri Lanka are two examples of these types of missions.

**NATO After the Cold War**

NATO, a consensus-based alliance of 26 countries founded with the primary purpose of collective defence, is one

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20 Ibid.
organisation that has been adapting over the past two decades. Throughout much of the Alliance’s history, it functioned as a deterrent to possible Soviet aggression against Western Europe. In the past quarter-century, the collapse of the Soviet Union and the terrorist attacks that occurred on September 11, 2001, have forced NATO to evaluate its position in the modern dynamic global security environment. At the outset of the 21st century, the threat of conventional conflict between NATO and other states was deeply diminishing while the threat of terrorism was on the rise. This change in threat, from conventional, symmetrical war to unconventional, asymmetric terrorism, is the catalyst that forced NATO to institute fundamental changes to ensure its continued relevance. NATO and all of its members understand that it is irrational to extend Cold War thinking beyond that era. Knowing that nostalgia is seldom a solid foundation for current policy, NATO has come to embrace change, which is a principal reason for its longevity.

Search for Identity

With the dissolution of the Soviet Union and Warsaw Pact in 1991, NATO’s originating threat ceased to exist. NATO could have been in the twilight of its existence. Of further significance, the loss of NATO’s originating threat also marked the loss of its only major threat. Consequently, the probability of an attack on a NATO nation’s sovereign territory effectively vanished, and the core purpose for the Alliance, collective defence, disappeared with it. But is the threat really gone? NATO’s Baltic and Central European members believe a belligerent Russia is replacing the Soviet threat.²¹ In particular,

the former Soviet states like Estonia, Lithuania, Poland and others view Russia’s aggressive behaviour as motivated by her desire to reclaim ‘great power’ status – which includes political dominance of former Soviet rim nations.22

In addition to the Russian threat, the Alliance leadership has identified other emerging threats to the security of the Alliance. At NATO’s 1999 Washington Summit, heads of state and governments acknowledged that the dangers of the Cold War gave way to new risks.23 These risks included instability in the Balkans, weapons of mass destruction (WMD) proliferation, oppression, ethnic conflict, economic distress, and the collapse of political order.

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US experience with the United Nations suggests that there are a limited number of States with the experience required to lead peace enforcement operations effectively. This creates difficulties in two ways. While the UN must rely upon those states with experienced leadership and highly trained forces for its more difficult operations to succeed, it must also provide some opportunity for participation to each of its 188 member States. This suggests that the UN must be encouraged to increase its capability to conduct Chapter VI peacekeeping operations24 where a cease-fire exists and enforcement issues

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22 Ibid.
24 Chapter VI of the UN Charter includes Articles 32-38 and addresses “peaceful settlement of disputes.” Although peacekeeping is nowhere mentioned in Chapter VI or elsewhere in the Charter, these articles (32-38) are interpreted to authorize the presence of an international interposition force only after a peace agreement has been signed and the consent of the parties to the force presence and its mandate has been obtained.
are minimal, and that Chapter VII enforcement operations²⁵ might be better left to regional organizations such as NATO under Chapter VIII of the UN Charter.

NATO was conceived and functioning during the Cold War as a collective defence organisation. The centrepiece of the Allied mission was to deter an attack and to prepare for the emergencies of Article 5 – defending the territory of the member-states against an attack by the Warsaw Pact. Although the ultimate test never came, it is fair to say that the Alliance acquitted itself well in this area.

The end of the Cold War brought the so-called ‘peace dividend.’ Many argued that NATO should be dismantled. The Alliance was no longer needed, it was said, because the common threat to Western Europe and North America had disappeared under an umbrella of global security. Such ‘peace problems’ as ethnic conflicts, separatism, international crime, drug trafficking and the like were seen as essentially internal matters. To the extent that they needed international action, they could and should be dealt with by Europeans working through a European organisation, such as the European Community itself, the Organization for Security and Cooperation in Europe (OSCE), or an effective Western European Union (WEU).²⁶

If the Alliance was to continue, it needed to engage in a fundamental review of its objectives. A number of ideas

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²⁵ Chapter VII of the UN Charter includes Articles 39-51 and addresses “breaches of the peace.” Because sovereignty claims under Article 2 of the Charter are subordinate to the international interest in redressing aggression, Chapter VII authorizes “enforcement” actions to restore the peace and maintain the international “status quo” without the requirement to obtain the approval of the disputing parties.

involving radical change emerged in public discussions early on, including the elimination of the Alliance and the assumption of its military responsibilities by a European security organization such as the Organisation for Security and Cooperation in Europe (OSCE). However, within the Alliance, the focus of discussion was more restricted, with the central issue being how best to match the existing and potential capabilities of NATO to the evolving security requirements of Europe. There was a debate between those who preferred observance to NATO’s traditional role as a collective defence organisation, and those who wanted an expanded role including pan-European security.

The adaptation of NATO to a role as a Regional Organization under Chapter VIII with a peace enforcement charter must be viewed as part of a broad, long-term US and Allied strategy that supports the evolution of a peaceful and democratic Europe. The US and its NATO allies have pursued a number of initiatives since the end of the Cold War to advance this strategy. These include negotiation and implementation of the 1990 Conventional Armed Forces in Europe Treaty (CFE), support for the unification of Germany, bilateral assistance to support reforms in former Soviet states, negotiation and ratification of the START II strategic arms control treaty, programs to dismantle nuclear stockpiles in Russia, the elimination of intermediate nuclear forces (INF), including a 90 percent overall reduction in NATO’s nuclear weapons in Europe, active US diplomacy and the deployment of its troops as part of a NATO-led force to help stop the war and secure the peace in former Yugoslavia.

The definition of NATO’s post-Cold War missions has been a piecemeal process; it has not stemmed from a grand design drawn out as a blueprint. In fact, NATO’s new missions
developed out of practice rather than a pre-conceived plan of agreement by its members. That practice came with the emerging necessity for an organisation in the international system to undertake effective, co-ordinated multinational military operations for collective security missions. However, NATO’s missions did not develop entirely by practice of this nature either, since there were also some preliminary sketches on the political and military direction of NATO in the post-Cold War era. The first of those was the London Declaration of 1990. The London Declaration started the first Strategy Review Process in NATO since the strategy of Flexible Response was adopted in 1967. By the end of 1991, not only had NATO officially outlined its core functions in the post-Cold War era, but also it had a new Strategic Concept replacing that of Flexible Response. The core functions were emphasised as:

1. Providing a “stable security environment in Europe, based on the growth of democratic institutions and commitment to peaceful resolution of disputes”.
2. Maintaining the transatlantic link between the United States, Canada and Europe in issues affecting their ‘vital interests’.
3. Performing the classical NATO function of collective defence by deterring and defending “against any threat of aggression against the territory of any NATO state.”
4. Preserving the strategic balance in Europe.

They also declared that the Alliance no longer considered Russia an adversary. These efforts were reaffirmed by the Alliance’s declaration in Copenhagen in June 1991, which stated that NATO’s objective was to help create a Europe

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27 NATO’s core functions as outlined in the Ministerial Meeting of the North Atlantic Council, Copenhagen, Denmark, 6-7 June 1991, final communiqué, paragraph 6.
whole and free. Later, at NATO’s Rome Summit in November 1991, the Alliance adopted a new strategic concept, which reaffirmed the continuing importance of Collective Defense, while orienting NATO toward new security challenges, such as out-of-area missions, crisis management and peacekeeping operations.

I. Yugoslavian Crisis

With the fall of the Berlin Wall, the geopolitical situation changed drastically. So did the response of the international community to the newly emerging conflicts in the world arena. The evolution in the post-Cold War era brought about new elements (both military and civilian) of working together in order to bring peace in the aftermath of civil wars. Or, as an expert put it, “peace-keeping has become a general term, entailing different kinds of operations to maintain peace within states and peace among states.”

NATO became involved in the Bosnian war for various reasons. At that moment NATO was the only organization which was able and willing to provide the military support requested by the UN in a relatively quick period of time. For NATO, on the other hand, it was an ultimate opportunity to assume new responsibilities alongside its traditional collective defence task. The 50-minute documentary cites retired CIA veterans and surviving Tibetan fighters to shed light on how Washington funded and trained the resistance until it suddenly decided that wooing Communist China made better sense.

But at the same time NATO’s first involvement in a peacekeeping operation revealed all elements of experimentalism. NATO operated essentially in support of

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the UN in general and of United Nations Protection Force (UNPROFOR) specifically. No ground forces were deployed by NATO, just NATO vessels and aircrafts were involved. The problem was however that the NATO/UN relationship constantly evolved without creating a clear conceptual framework of cooperation and command. However, after the fall of Srebrenica and Zepa, two so-called UN Safe Areas, the actual authority to launch air strikes to protect these areas and to repel the Bosnian Serbs, was progressively detached from the UN and resulted in a sustained air campaign of NATO against the Bosnian Serbs, bringing an end to the Bosnian war.

The war in Bosnia and Herzegovina (1992-1995) was a great challenge to the world community and its capacity for crisis management and preventive actions in the new post-Cold War international security environment.\textsuperscript{29} For NATO as an European regional arrangement for safeguarding peace and defending its member states from outside aggression, the unfolding crisis in Bosnia and Herzegovina made it very clear that NATO had to change the way it did business. The UNSC agreed to send UNPROFOR peacekeepers and asked NATO to insure the delivery of this aid to Sarajevo. This first non-Article Five peace-keeping mission was also defining for the Alliance, as it had to work closely with other international organisations – the United Nations and the Western European Union.\textsuperscript{30}

NATO’s involvement in the peace efforts in the area began in the second half of 1992 with the assistance given, in coordination with the West European Union (WEU) to the enforcement of the UN embargo against Yugoslavia and the equipment and staff, given to the UNPROFOR headquarters


\textsuperscript{30} Ibid.
in Bosnia. In its Communique of 17 December 1992, the North Atlantic Council (NAC) declared its “preparedness… to support, on a case-by-case basis and in accordance with our own procedures, peacekeeping operations under the authority of the UN Security Council, which has the primary responsibility for international peace and security.” Moreover, it stated very strongly that “for the first time in its history, the Alliance is taking part in UN peacekeeping and sanctions enforcement operations.”  

It is evident here that the initial NATO position regarding peacekeeping was one of support to the UN, while remaining autonomous in terms of decision-making. As a result of the decision to support the UN sanctions NATO secured some ships and airplanes for the conduct of maritime and air-surveillance to Operation Sharp Guard.

A new phase in NATO’s involvement in the Bosnian crisis came in February 1994 with the shelling of the Sarajevo marketplace that killed 68 people and wounded over 200. This happened at a time when NATO (under pressure from Britain and France) was reconsidering options about using military force in Bosnia in support of UNPROFOR’s humanitarian actions in the Srebrenica and Tuzla safe areas. The Sarajevo event prompted a strong international reaction and forwarded the idea of establishing a heavy-weapons exclusion zone around the Bosnian capital as an effort to end its siege. In the days that followed, the UN Secretary General asked NATO for

support in initiating air-strikes for attacks against the heavy-weapons positions. The North Atlantic Council gave a green light to that request but only if it was to be accompanied by the creation of an exclusion zone. Furthermore, NATO gave a ten-day ultimatum to both the Bosnian Serbs and the Bosnian government for the withdrawal of the weapons and compliance with the exclusion zone. It warned that otherwise in ten days’ time “heavy weapons of any of the parties found within the Sarajevo exclusion zone, unless controlled by UNPROFOR, will, along with their direct and essential military support facilities, be subject to NATO air strike.”

Russia opposed the idea but was not capable of getting a new Security Council resolution about the exclusion zone. However, Russia’s role in the February crisis was very important in view of the overall international intervention in the area. The Russian decision (taken just days before the expiration of the ultimatum’s deadline) to move its UNPROFOR troops from Croatia to Sarajevo was the turning point, that made the Bosnian Serbs agree to the placement of the weapons under UN control.

In those weeks of tensions, the UN also tried to intervene. Most active there was UNPROFOR’s Commander Michael Rose. He negotiated with the Bosnian Serbs an immediate cease-fire, as well as the placement of heavy weapons under UNPROFOR’s control. Thus his efforts got in line with those of NATO, although the prevailing opinion was that the settlement of the crisis was an outcome of NATO’s ultimatum – the first such ultimatum in NATO’s history.

The implications of NATO’s involvement in the February 1994 crisis were quite important. In the first place it was the first case of such an ultimatum about the use of military force in the history of the North Atlantic alliance. Secondly, it was a direct warning that NATO was determined to use air-strikes if presumed necessary after the expiration of the ultimatum. Thirdly, it was the NAC as an institution that alone took the decision about the establishment of the exclusion zone, although it cited some UN Security Council resolutions about it (in vague reference to the safe areas concept, which had a UN mandate). Fourthly, the issue of air-strikes demonstrated alliance unity on the surface, although significant differences of opinions occurred within NATO while discussing the issue. And lastly, the crisis brought as power-brokers and mediators in the field, both Moscow and Washington, while the UN and European diplomacy remaining a bit isolated in the final count. Even NATO had to refrain from the use of force as a result of the Russian intervention.

NATO’s involvement in Bosnia following the civil war there, confirmed the horizontal evolution of peace-keeping and increasing needs for new ‘hard’ and ‘soft’ power capabilities in the mid and late 1990s. After the initial failure of the diplomatic efforts to halt hostilities and implement a cease-fire, the UN passed a resolution in April 1993, declaring Srebrenica and several other enclaves controlled by the Bosnian Muslims and surrounded by Serbian forces ‘safe areas.’

The Dayton’s Peace Accords of November 1995 made the deployment of UN peacekeepers with the support of NATO a crucial element in the restoration of peace in the area.36 After

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being negotiated in Dayton, Ohio, the General Framework Agreement for Peace (GFAP) was signed in Paris on December 14, 1995, by representatives from the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.  

NATO’s biggest challenge after Dayton was providing a military presence that would ensure the implementation of the peace accords. Under the UN Resolution 1031, the Alliance was the backbone for the formation of the International Force (IFOR) for multinational peace-keeping operations. IFOR’s primary tasks were to ensure compliance with the cease-fire and troop withdrawal to their respective territories, and to control air space over Bosnia and Herzegovina. IFOR was, in essence, a peacekeeping mission deployed with a one-year mandate and limited peace support functions. Soon after its inception, however, the force became involved in additional activities beyond simple peacekeeping, such as road and bridge repair, gas restoration, water and electric connections and telecommunications.

As the situation on the ground remained potentially unstable, when IFOR’s one-year term was completed, the international community agreed that a new Stabilisation Force (SFOR) would be introduced. SFOR held a very similar peacekeeping mandate as IFOR – its primary focus was the establishment of a safe and secure environment to facilitate civil and political reconstruction. In addition to deterring the resumption of hostilities, NATO peacekeepers held responsibilities of supervising de-mining operations, arresting individuals indicted for war crimes, assisting with the return of

38 Ivan D. Ivanov, op. cit., p.84.
39 Ibid.
displaced refugees, and even implementing defence reforms in Bosnia.

The Dayton Accords and their implementation in Bosnia and Herzegovina through the active peace-enforcement engagement of the UN, NATO and all the other international organisations and actors, brought peace to that country but fell short of making peace in the former Yugoslavia area a lasting success. In the late-1990’s the international community and especially the US proved incapable of finding a practical political solution to the increasing problems in yet another troublesome region of former Yugoslavia – the Kosovo province. The conflict in Kosovo between the ethnic Albanians and the ethnic Serbs, quite soon brought to the surface some fundamental questions based on the aims and values of the international community and its organizations, as well as on their capabilities for reactions in such conflict situations.

The Kosovo province of Serbia had long been a cause and a subject for political, religious and ethnic controversies within Yugoslavia.40 Because of the historic memory about the defeat of the Serbian army at Kosovo Polje by the Ottoman Turks in 1389, most Serbs considered Kosovo (with its shrines, cathedrals, and monasteries) as the ‘cradle’ of the Serbian nation. In the 1990’s, due to various demographic, economic and political factors the majority of the population there was, however, Albanian by ethnic origin and Muslim by religion. The Serbs desired the region to remain within Serbia, but the Albanian-Muslim majority looked forward to a sustained and real autonomy and even independence. The region enjoyed,

until 1989, a high degree of autonomy within the Socialist Federal Republic of Yugoslavia, but then the Serbian leader Slobodan Milosevic altered the status of the region. In 1989 the autonomy of Kosovo was abolished and it was brought under Belgrade’s direct control.\(^{41}\)

In the early 1990’s, the international community regarded Kosovo as an internal Serbian problem. However, in December 1992, the US informed Serbia that it would not tolerate a violent solution to the situation in Kosovo.\(^{42}\) Serbia’s reaction was to suppress the independence movement, and the Serbian actions gradually became more intense. The internationalisation of the Kosovo problem and the engagement of the UN there, began with UNSC Resolution 855, which referred to the Yugoslav authorities’ refusal to allow the establishment of the Conference on Security and Cooperation in Europe (CSCE) special missions (later changed to the Organisation for Security and Cooperation in Europe [OSCE]) in Kosovo, Sandjak and Vojvodina.\(^{43}\)

At the end of 1991 and the beginning of 1992, the expansion of war and of violence in the former Yugoslavia, along with the change that had taken place in Europe’s political situation, caused the participating States of the CSCE to abandon their initial support of Yugoslavia’s integrity and start siding with the breakaway republics:

The political position of the CSCE had to adapt itself as quickly as possible to the new situation created by

war, especially when it became clear that the principles of the Helsinki Final Act were not adequate for facing post-cold-war conflicts based on nationalist disputes.”

Among the principles that the Yugoslav crisis put to the test are, particularly, the inviolability of frontiers, territorial integrity, non-use of force and self-determination, as well as the principles of respect for human rights and the humanitarian complex as a whole.

The period of CSCE’s institutionalization and transformation into the OSCE, which began with the Paris Charter for a New Europe and was essentially concluded at the Summit held in Budapest in 1994, coincided with the crisis and armed conflicts in former Yugoslavia. The experience gained during the Yugoslav crisis, the Soviet Union’s disintegration and the changes in Eastern Europe, affected the direction of the CSCE’s transformation, its mission today and its institutional framework. In the opinion of Yugoslav authors, the CSCE/OSCE has been altered to such a degree during this period that the Federal Republic of Yugoslavia’s reactivation in the Organization would resemble the admission into a new and unknown structure, rather than a return to recognizable surroundings.

An opinion prevails that the OSCE is actually a completely new regional organization in Europe, both in substance and in form, differing from the previous (Helsinki) CSCE, within

46 Cf. Oskar Kovac/Branko Milinkovic/Predrag Simic, Komponente evropske orijentacije Jugoslavije [Components of the European Orientation of Yugoslavia], Belgrade 1997 (mimeo)
whose framework and under whose auspices the Paris Summit was held in 1990. The OSCE is, furthermore, still trying to find its identity, its place and role in contemporary international relations. Thirdly, the OSCE is basically a product of the West for it reflects the West’s views and ensures its interests – and, accordingly, the interests of all its other participating States – for security and co-operation. All three of these points are important not only for an evaluation of the CSCE’s current evolution and its activities, but also for the projection of its further development and its role in European relations in the years ahead.

The attempt in Rambouillet to find a political solution to the crisis by making the parties agree to the Interim Agreement for Peace and Self-Government in Kosovo, failed. Both sides objected to the agreement – the Serbs, because of the international military presence in Kosovo; the Kosovar Albanians to some other aspects regarding the status of the province. The proposed accords mandated the withdrawal of Yugoslav forces and the establishment of a three-year interim period during which Kosovo was to enjoy democratic constitutional self-government. An international meeting was proposed to be convened after three years to determine the final status of Kosovo. NATO was the structure to provide the security forces necessary to ensure compliance with the accords and would have been authorized to use force if necessary.

47 Ljubivoje Acimovic, OEBS u posthladnoratovskoj Evropi [OSCE in Post-Cold War Europe], in: Brana Markovic (Ed.), 50 godina Instituta za medunarodnu politiku i privredu [The 50 Years of the Institute of International Politics and Economics], Belgrade 1997, p. 336
49 During the negotiations many Western experts made comparisons between the Dayton Accords and the on-going Kosovo negotiations – e.g. see Friedman T., “Redo Dayton on Bosnia, and Do a Deal on Kosovo”, International Herald Tribune, February 8, 1999.
During the 78-day air-campaign against Serbia\textsuperscript{50} (March 23 – June 9, 1999) NATO’s objectives in relation to the ongoing conflict were specifically expressed on two important occasions – in the Statement issued at the Extraordinary Meeting of the North Atlantic Council held at NATO headquarters on 12 April 1999, and reaffirmed by NATO’s Heads of State and Government when they met in Washington on 23 April 1999 at the EAPC Summit.\textsuperscript{51} Those objectives included a verifiable stop to all military action and the immediate ending of violence and repression; the withdrawal from Kosovo of the military, police and paramilitary forces; the stationing in Kosovo of an international military presence; the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organisations; among others. Thus, in the spring of 1999 the achievement of these objectives, accompanied by measures to ensure their full implementation, was regarded by NATO as the factors and conditions that would end the violent conflict in the province.

The framework of the peacekeeping operation in Kosovo was given by UNSC Resolution 1244.\textsuperscript{52} The entire text of the resolution was within the framework of Chapter VII of the UN Charter. It delegated to the international community\textsuperscript{53} a broad and challenging mandate to establish democratic self-


\textsuperscript{53} Ibid.
governing institutions and to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.

According to Lord George Robertson, the NATO Secretary General, the conflicts in Bosnia and Herzegovina, and in Kosovo, made it clear that Europe was “still subject to the political, economic and military pressures that can and do lead to open conflict...Accordingly, all our institutions must prepare themselves to face these new challenges.”\textsuperscript{54} He said that that NATO political and military reforms begun long before Kosovo paid off during the campaign. “This Alliance has adapted its political and military tools... And we changed our strategy and force structures to better respond to the challenge of peace support operations... In the Kosovo campaign, all these reforms paid off.”\textsuperscript{55}

The Yugoslav crisis of the 1990’s was evidence of the need to implement the new doctrine of peace-keeping and the recently formulated \textit{New Strategic Concept of NATO}. Both in Bosnia and Herzegovina, and in Kosovo, the UN had lost some of its credibility, and as the threats there to civilians as targets of warring factions increased, NATO decided to intervene in order to halt the repression. It was interesting that in Bosnia and Herzegovina the key elements were almost absent, which led to deteriorating confidence in UN peacekeeping capabilities, while in Kosovo they were present but not under the auspices of UN but under that of a ‘regional organisation’ (NATO).

\textbf{II. Afghanistan}

When it comes to illustrating the need for a comprehensive approach to crisis management, Afghanistan provides for an


\textsuperscript{55} Ibid.
interesting case study. The conflict in Afghanistan has been an on-going venue for NATO forces since the US led invasion in the winter of 2001/2002. Under the auspices of UNSC Resolution 1386\textsuperscript{56}, renewed annually since 2002, NATO led an International Security Assistance Force (ISAF), in Afghanistan. The conflict in Afghanistan has been a long and difficult one, which has seen many problems, including the diversion of funds and forces towards the Iraq war. It remains one of NATO’s biggest challenges, and thus is a worthy example to use in the analysis of NATO’s strategic concept and the way forward in peacekeeping and crisis management.

Afghanistan provides a unique problem, as it is a geographically complex country in terms of its combat environment. It is landlocked, bordering China, Iran, Tajikistan, Turkmenistan, Uzbekistan and Pakistan. It is mostly mountainous, which creates a strategic problem. The mountains of Afghanistan provide ample cover for local insurgents, who are more used to the terrain, as compared to foreign forces who often have difficulty with the landscape due to its unfamiliarity.

At the beginning of the Afghanistan conflict, there were two main camps. The first one included those who felt a substantial peacekeeping force was necessary to ensure security in Afghanistan. Within the US State Department, there was a tendency to favour such a force in order to stabilise key urban areas. The then Secretary of State Colin Powell argued that a US strategy had to take “charge of the whole country by military force, police, or other means.”\textsuperscript{57} James Dobbins, who was the


Bush administration’s special envoy to the Afghan opposition, stated that it was “naïve and irresponsible” to believe that “Afghanistan could be adequately secured by Afghans in the immediate aftermath of a twenty-three year civil war.”58 This camp felt that a small NATO presence in Kabul would help in establishing security and allowing Afghan leaders to return to Kabul. However, they also felt that international forces would be needed in key cities in order to provide security across all of Afghanistan.

Members of the Afghan government also supported this plan, along with other members of the international community. The Bonn Agreement of 2001 includes a paragraph, which allows for the expansion of an international security force outside of Kabul: “Conscious that some time may be required for the new Afghan security and armed forces to be fully constituted and functioning, the participants in the U.N. Talks on Afghanistan request the United Nations Security Council to consider authorising the early deployment to Afghanistan of a United Nations mandated force. This force will assist in the maintenance of security for Kabul and its surrounding areas.”59

The second group supported peacekeeping forces in Kabul but were generally opposed to extending the reach beyond that. Pentagon officials were especially adamant that there should be no peacekeeping force outside of Kabul. There were especially concerned over including US forces in such efforts, as the fear existed that if US forces were to be placed into ISAF, allied nations might begin to rely too heavily on the United States. The State Department preferred to expand ISAF and felt that

58 Interview with James Dobbins, former Special Envoy for Afghanistan and Pakistan, on June 22, 2018.
the stabilization process in Afghanistan should be mainly Afghanistan’s responsibility.\(^{60}\)

The primary US mission in Afghanistan was to combat Al Qaeda, and everything else was considered purely incidental.\(^{61}\) This led to a conflict of commitment. For example, US forces were told not to engage in counterinsurgency operations, but rather counter-terrorism operations.\(^{62}\) Nation-building was also no part of the US plan in Afghanistan. This, along with a rushed move to invade Iraq, helped to undermine the credibility of the Afghan operations and showed a lack of commitment on the part of the US government.

Security-building measures in Afghanistan were handled mainly by two types of international forces led by the US and NATO. These were *Operation Enduring Freedom* (OEF) which was the official name used by the US government for the ‘War on Terror’ in Afghanistan, and the ISAF, which was started as a peacekeeping force under the framework of the Bonn Conference, 2001. OEF was a joint US, UK and Afghan operation, and therefore was separate from ISAF, which consisted of troops from NATO and 37 other countries. The main purpose of OEF was to conduct warfare against the Taliban, Al Qaeda and like-minded warlords. Whereas ISAF, which was authorised by the UNSC, conducted operations in Afghanistan not only to reduce the capability and will of the insurgency, but also to support the Afghan National Security Forces (ANSF). Although ISAF initially operated only in Kabul, it was authorised to expand its mission throughout Afghanistan in October 2003. Many US forces originally deployed in OEF joined ISAF in 2005. ISAF, facing mounting


\(^{61}\) Ibid, p.118.

\(^{62}\) Ibid, p.142.
challenges from the insurgents, was involved in more intensive combat operations in southern Afghanistan after 2006.\textsuperscript{63}

Meanwhile, the UN was in charge of peace-building and reconstruction in Afghanistan, with a longer-term view than NATO. UNDP had carried out aid and development work in the country since the 1950s. Following the Bonn Conference, the United Nations Assistance Mission in Afghanistan (UNAMA) was also authorised by the UNSC to support the Afghan Government in its efforts to improve critical areas, including security, governance and economic development, and regional cooperation. The mandate also identified the importance of monitoring and coordination of efforts to protect civilians and support wider human rights, in particular, the rights of women and children.\textsuperscript{64} In this sense, enhancing the sectors of justice, the rule of law and the national police force were a significant task for UNAMA. The UN was also in charge of oversight of social recovery processes including disarmament, demobilisation and reintegration (DDR), and reconciliation in Afghanistan. Therefore, it can be generally accepted that peace-building in Afghanistan adopted the multiple framework model.

There have been several issues in terms of the strategies and tactics adopted by the US and NATO-led security policy in Afghanistan. The first and essential issue is troop numbers. For example, Adam Roberts pointed out that the size of troops for security operations was too small for the entire population of Afghanistan. He claimed that past exponents of counter-insurgency doctrine have generally placed heavy emphasis on achieving force ratios of about 20-25 counter-insurgents for every 1,000 residents in an area of operations. If the entire country with its 31 million inhabitants were to be viewed as

\textsuperscript{63} ISAF Home Page, http://www.isaf.nato.ont/history.html.
\textsuperscript{64} UNAMA Home Page, http://unama.unmission.org.
the area of operations, a staggering 775,000 counter-insurgents would be needed.\textsuperscript{65} The issue of a lack of personnel in ISAF was also significant when one compares them to peacekeeping forces in Bosnia and Kosovo.

In 2003, UN Security Council Resolution 1510 expanded ISAF’s mandate to cover the whole of Afghanistan ‘as resources permit,’ providing security support for ‘reconstruction and humanitarian efforts’ and ‘the performance of other tasks in support of the Bonn Agreement.’\textsuperscript{66} Over the next four years, the number of military personnel deployed by ISAF grew consistently, reaching around 9,000 in 2005. A year later, ISAF’s presence covered the whole country and the operation had over 30,000 troops on the ground.\textsuperscript{67} With the expansion of ISAF to the eastern and southern regions of Afghanistan, its troops became increasingly involved in fighting an insurgency. In response, ISAF launched a new counterinsurgency strategy in 2009 and US President Barack Obama ordered a ‘surge’ of some 30,000 additional US troops. ISAF troop numbers continued to grow during 2010, peaking at more than 130,000.\textsuperscript{68}

From 2012, NATO started the transition of security responsibilities to ANSF. This process culminated in the shutting down of ISAF at the end of 2014. At the beginning of 2015, at the invitation of the Afghan government and in accordance with UN Security Council Resolution 2189, NATO opened a follow-on operation to ISAF, the Resolute Support

\textsuperscript{65} Adam Roberts, “Doctrine and Reality in Afghanistan”, \textit{Survival}, Volume 51, Number 1, 2009, p. 36.


\textsuperscript{67} Ibid.

\textsuperscript{68} Ibid.
Mission (RSM). The objective of this non-combat operation was to train, advise and assist the Afghan security forces and institutions to develop their capacities. RSM deployments numbered around 15,000–17,000 military personnel until its drawdown started in 2020. The RSM started the final withdrawal of its troops in May 2021, and was terminated in early September 2021.69

The US and NATO troops executed American President Biden’s policy of a complete withdrawal of American troops and contractors supporting the Afghan National Defense and Security Forces (ANDSF) by September 11, 2021. The last American soldier left Afghanistan on August 30, 2021. The decision to withdraw without a cease-fire or a framework for a political agreement between the Taliban and the government at Kabul came a surprise to the Afghans and regional countries. The have capitalized on the moment to seize dozens of districts and project an air of confidence and victory.

Before the Doha talks started, the Taliban had maintained that they would hold direct talks only with the US and not with the Kabul government, which they did not recognise. The US effectively accepted this demand when they cut the Afghan government out of the process and entered into direct talks with the insurgents. The deal included four aspects of the conflict — violence, foreign troops, intra-Afghan peace talks and the use of Afghan soil by terrorist groups such as al-Qaeda and the Islamic State (the IS has an Afghan unit, the Islamic State Khorasan Province, or ISKP, which largely operates from Nangarhar in eastern Afghanistan). According to the agreement, the Taliban promised to reduce violence, join intra-Afghan peace talks and cut all ties with foreign terrorist groups, while the US pledged to withdraw all its troops, roughly

69 Ibid.
12,000 at the time of the signing of the agreement in February 2020, by May 1, 2021.

The insurgents pledged they would prevent international terrorist networks such as Al Qaeda from using Afghanistan as a base for attacks. And the US pledged it would work toward the gradual removal of Taliban leaders from both American and United Nations sanctions blacklists.

The irony of the withdrawal is that Afghanistan’s impact on American foreign policy is about to get bigger, not smaller. Biden’s hope was that leaving Afghanistan would allow the US to focus on more pressing matters, at home and abroad. The US would reap a strategic dividend, the thinking went, in the form of money, military power and attention freed up by retrenchment.

The Afghanistan crisis reveals several inconvenient truths for the trans-atlantic relationship. For the Europeans, it has exposed both their inability to change the decision calculus of the United States and their powerlessness to defend their own interests (e.g., evacuate their own citizens and allies) without the support of Washington DC. For the United States, it has demonstrated that, even as it looks to Europe to take on more responsibility for security and defence in its own neighbourhood, most European countries still lack the political will and capabilities to do so.

One likelihood is that this experience will accelerate NATO’s focus away from out-of-area crisis management and toward collective defence. Even prior to the Afghanistan crisis, the allies’ political will to participate in costly, open-ended missions outside of NATO’s area of responsibility was decreasing. Since 2014, NATO has refocused on collective defence, and several allies have simultaneously doubled down on national security priorities (e.g., France on terrorism and
Italy on managing the consequences of illegal migration). As a result, any future out-of-area missions may have a smaller footprint and be low intensity.

Allies are also likely to be more discerning about when and under what conditions they join operations, particularly when they would be dependent on US assets. They may seek more specifics on the duration, end-states, and exit plan of a mission; seek assurances in terms of support; or demand a greater say in shaping or leading the mission. A sense of obligation or loyalty to the United States will no longer be enough to generate forces. This is already perceptible in Iraq, where the Europeans are ready to take more responsibility in NATO’s training mission on the condition that Washington maintains some degree of military backing (e.g., force protection, airlift, and intelligence).

If the fall of Kabul is often described as a ‘Saigon moment’ for the Biden administration, it could also be seen as a new ‘Suez moment’ for the Europeans and NATO, as the crisis brings to light the limitations of Europe’s strategic ambitions and the need for adaptation in NATO. While this crisis is unlikely to jeopardize the trans-Atlantic alliance, it could serve as another cautionary tale for both Europeans and the United States, as they embark in a revision of NATO’s strategic concept.

III. Iraq

The stage was being set for the US to take unilateral military action against Saddam Hussein after the 9/11 tragedy, midway through the Afghan invasion.\(^70\) The US Defence Secretary Donald Rumsfeld alleged that fleeing Al Qaeda terrorists from Afghanistan had found refuge in Iraq, and implied that

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President Saddam Hussein was possibly aware of this. The US President George Bush Jr. in a televised address to his nation in March 2002 declared: “Saddam Hussein and his sons must leave Iraq within 48 hours. Their refusal to do so will result in military conflict commencing at a time of our choosing.” This ultimatum was the US response to its failure to get a United States-United Kingdom-Spanish draft resolution through the UNSC.

According to the United States and the United Kingdom, the previous Council resolutions on Iraq, including resolutions 661 and 678 (1990) and 687 (1991), already embodied adequate legal basis for any use of force against Iraq. Evidently, they did not want to give the Security Council an opportunity to specify what action it would take, as that could have deprived them of their so-called ‘right’ to unilateral military action. The Bush ultimatum specifically invoked resolutions 678 and 687.

The numerous statements emanating from the US government after late 2002 and in particular the first few weeks of 2003, as also the Bush ultimatum, threw up a wide range of justifications for unilateral use for force.⁷¹ They included the right of individual and collective self-defence, the right of individual self-defence, the right or the duty to enforce international sanctions, the right of action to prevent and punish international terrorism, and the right to ‘humanitarian’ intervention and the duty to liberate the people of Iraq from the clutches of a ruthless dictatorship.

And there was a cluster of justifications of a ‘humanitarian’ character. These were of two categories.⁷² One bore upon the oppressive nature of the Saddam Hussein regime and its

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⁷² Ibid, p.262.
excesses against the people of Iraq: that the regime had the worst record of protection of human rights, that the Kurds in the north of Iraq and the Shias in the south were oppressed and subjugated, that the Ba’ath party spread and sustained a reign of terror, and the mass graves unearthed after the US-UK invasion of Iraq proved this. The second sought to justify everything else on humanitarian grounds. The defence of the American people from certain future Weapons of Mass Destruction (WMD) and terrorist attacks – should America be a ‘sitting duck’ until such attacks occurred? The evil designs of Saddam Hussein against the people of Israel; the possible future use of Weapons of Mass Destruction against other peoples, and so on.

Key allies in NATO, such as the United Kingdom, agreed with the US actions, while France and Germany were critical of the plans to invade Iraq, arguing, instead, for continued diplomacy and weapons inspections. After considerable debate, the UN Security Council adopted a compromise resolution, UN Security Council Resolution 1441, which authorised the resumption of weapons inspections and promised ‘serious consequences’ for non-compliance. Security Council members France and Russia made clear that they did not consider these consequences to include the use of force to overthrow the Iraqi government. Both the US Ambassador to the UN, John Negroponte, and the UK Ambassador, Jeremy Greenstock, publicly confirmed this reading of the resolution, assuring that Resolution 1441 provided no “automaticity” or “hidden triggers” for an invasion without further consultation of the Security Council.

It became clear that the differences in outlook between the US and Europe, which had developed during the 1990’s, would mark the relationship during the first years of the George W.
NATO as a UN Peacekeeper

Bush Presidency. While Europeans increasingly tended to rely upon negotiations, diplomacy and international law, the US continued to stress the importance of a strong military. These differences did not change after 9/11; perhaps they were even intensified. Despite an outpouring of sympathy for American citizens, it soon became clear that European nations were not willing to provide unconditional support to the US. As German Chancellor Gerhard Schröder stated: “We are prepared for risks and also military risks, but not for any adventures.”

The political and military campaign against Saddam Hussein’s regime exposed to public view deep and seemingly unbridgeable divisions between the United States and some European allies, and within Europe. The United Nations and the European Union were both severely mauled in the process, while NATO came close to collapse.

With tensions escalating prior to events, in February 2003, Turkey requested NATO assistance under Article 4 of the North Atlantic Treaty. The Alliance undertook a number of precautionary defensive measures to ensure Turkey’s security in the event of a potential threat to its territory or population as a consequence of the crisis.

On May 21, 2003, the Alliance also agreed to support one of its members – Poland – in its leadership of a sector in the US-led Multinational Stabilization Force in Iraq.

Securing foreign contributions to the reconstruction and stabilization of Iraq later became a major priority for U.S. policymakers after the launch of Operation Iraqi Freedom in March 2003. International participation was sought to support peacekeeping operations, assist in efforts to train and equip

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Iraq’s new security forces, and provide financial support to reconstruction efforts. For many countries, the Security Council’s passage of Resolution 1511 on October 6, 2003, marked an important milestone in establishing the legitimacy of the post-war international presence in Iraq. Nevertheless, some countries remain wary of deploying or sustaining troops in Iraq.

IV. Libya

To put NATO’s war in Libya within the framework of historic analysis, one only needs to be reminded that the main thrust of the sudden physical European colonisation of Africa, called the ‘Scramble for Africa,’ started when an economic recession – originally called the ‘Great Depression’ but in retrospect renamed as the ‘Long Depression’ – hit much of Europe and North America from roughly 1873 to 1893. In this period the entire tempo of Western European contact with African nations transformed.74

Prior to this economic recession, Western European companies and enterprises were content dealing with African leaders and recognising their authority. Few Western European colonies in Africa had existed, besides a few coastal strips based on strategically-placed trading posts in Sierra Leone and Lagos in the possession of Britain; Mozambique and Angola in the possession of Portugal; and Senegal in the possession of France. At this time the biggest external force in Africa was the Ottoman Empire, which was beginning its long decline as a great power.75


75 Ibid.
Although appropriating Libya’s financial and material wealth were objectives of the NATO war in 2011, the broader objectives of the criminal war were part of the struggle to control the African continent and its vast wealth. The ‘Scramble for Africa’ was repeating itself. Just like the first time, recession and economic rivalries were tied to this new round of colonial conquest in the African continent.\(^\text{76}\)

The emergence of Asia as the new global centre of gravity, at the expense of the nations of the North Atlantic in North America and Western Europe, has also primed the United States and its allies to start an endeavour to close Africa off from the People’s Republic of China and the emerging centres of power in Russia, India, Brazil, and Iran.\(^\text{77}\)

Libya is a lucrative prize of massive economic value. It has immense oil and gas resources, vast amounts of underground water from the Nubian Sandstone Aquifer System, important trade routes, substantial foreign investments, and large amounts of liquid capital. Up until 2011, Libya was blessed with a rare gift in regard to its national revenue in that it saved a significant amount. In 2011, as the entire world watched the Arab Spring in amazement, the US and its allies, predominantly working under the banner of the NATO and the Gulf Cooperation Council (GCC), militarily overran the Libyan Arab Jamahiriya (official name of Libya).

The peaceful civilian protesters they claimed to be intervening to protect were not really what the US and its cohorts presented to the world. Many of these so-called ‘protesters’ were armed, and when this became apparent, they eventually began to portray themselves as ‘rebel forces.’ These so-called ‘rebels’ in Libya were not a military force that

\(^\text{76}\) Ibid.
\(^\text{77}\) Ibid.
emerged spontaneously for the most part, but an insurgency movement cultivated and organised before any opposition activities were even reported in Libya.\footnote{Ibid.}

After Libya’s rapprochement with the US and the European Union, it was unthinkable to many that Washington and any of its allies could even have been preparing to topple the Libyan government. Business and trade ties between Libya and the US, Britain, Italy, France, Spain, and Turkey had boomed since 2003, after Colonel Muammar Gaddafi opted for cooperation with Washington. No one imagined that Gaddafi’s ‘New Libya’, with its neo-liberalism, could be on a collision course with NATO. Yet, the US and its EU partners for several years made preparations for taking over Libya. They had infiltrated the Jamahiriya’s government, security and intelligence sectors. Longstanding imperialist objectives existing since the Second World War, aimed at dividing Libya into three colonial territories, were taken out of government filing cabinets in Washington, London, Paris and Rome, and circulated at NATO Headquarters in Brussels.

In league with these colonial plans, the US and its allies had been cultivating ties with different members of the Libyan opposition and had always reserved the option of using these opposition figures for regime change in Tripoli. Putting together their colonial designs and mobilising their agents, the US and its allies began organising the stage for establishing the Transitional National Council (TNC) – simply called the Transitional Council – and similar bodies to govern Libya as its new puppet leadership. The British and French even held joint invasion exercises months before the Libyan conflict erupted with the Arab Spring in 2011, while various intelligence services and foreign military commandos from NATO and
Gulf Cooperation Council (GCC) countries were also on the ground in Libya, helping to prepare for the destabilisation of the North African country and the toppling of the Jamahiriya’s government and institutions.

But the Libyan operation also raised questions about NATO’s mission, its future role in such conflicts, and how it determines when to intervene. NATO Secretary-General Anders Fogh Rasmussen asserted that he saw the Libya operation as a template for future NATO missions, and proof that the United Nations could outsource its muscle to the Alliance.  

For nearly seven months in 2011, NATO planes, carried out a massive bombing campaign in Libya, intended to overthrow the government of Muammar Gaddafi.

The involvement of regional organisations in enforcement of the No-Fly Zone (NFZ) in Libya, purportedly in support of UNSC Resolution 1973, raises interesting questions about the role of regional organisations in collective security in general, and their relationship with the Security Council in particular. Libya was not the first case in which the UN has invited regional organisations to assist in implementing a Security Council resolution, or in which the body has collaborated, in whatever form, with regional organisations. Precedents include the UN/Economic Community of West African States (ECOWAS) operations in Liberia and Sierra Leone, and UN/Organization of American States (OAS) actions in Haiti, to mention but a few.

While there can be no doubt that great benefits are to be derived from the interaction of the UN and regional

organizations, the lack of clarity about their legal basis, an absence of policy precision, and trite rules of engagement, considerably undermine such collaboration and, at the extreme, threaten to compromise the integrity of operations. For this reason, it is important to examine how NATO’s involvement in Libya, while undoubtedly legitimate, was legally dubious under UN Charter rules. This article will argue that it is high time for the UN to develop clear policy guidelines for dealing with organizations that are not governed by Chapter VIII of the Charter, but which are, nonetheless, committed to assisting the UN in realizing its historical goal of maintaining international peace and security.\(^80\)

Chapter VIII of the UN Charter recognises that regional “arrangements or agencies” have a marked role to play in the maintenance of international peace and security; hence, these organisations are empowered to conduct pacific settlement of disputes among their members (Article 52) entirely on their own and without recourse to the Security Council.\(^81\) However, while regional organisations are generally forbidden to take enforcement actions (including, of course, military measures), they can do so with the authorization of the Security Council (Article 53). This is one of the three bases recognised by the Charter as constituting exceptions to the general prohibition of force under Article 2(4) of the Charter. [The other two being the Right of Individual or Collective Self-Defense (Article 51)], which accrues only after an armed attack has occurred

\(^{80}\) Ademola Abass, *Assessing NATO’s Involvement in Libya*, United Nations University, October 27, 2011.

against a UN member, and the now infructuous actions against former enemy States (Article 107). The treaties of most regional organisations contain provisions enabling them to defend themselves, once an attack occurs against their members.

After getting the UNSC to pass a resolution imposing an arms embargo on Libya and then another authorising a so-called ‘no-fly zone’ in which only their planes could fly, the imperialists succeeded in having Gaddafi captured and brutally killed, opening the way for the establishment of a new regime that they hoped would further their interests in that oil-rich North African country.

Following the Gaddafi regime’s targeting of civilians in February 2011, NATO answered the UN call to the international community to protect the Libyan people. In March 2011, a coalition of NATO allies and partners began enforcing an arms embargo, maintaining a no-fly zone and protecting civilians and civilian populated areas from attack or the threat of attack in Libya, under Operation Unified Protector (OUP). OUP successfully concluded on October 31, 2011.

Whenever States decide to use force against another State, whether individually or as a group, the first question that arises is whether such an action is pursuant to the right of self-defence (Article 51 UN Charter) or is one authorised by the Security Council. In the case of Libya, with regard to the former, Article 51 does not apply, as Libya had not attacked any of the NATO member States. It therefore follows that only an authorization by the Security Council could provide a sound legal basis for any military action against Libya and keep NATO action from being in violation of Article 2(4). The question is: Was NATO action in Libya authorised?

The creation of a No-Fly Zone over the whole of Libya by Security Council Resolution 1973 on March 11, 2011,
was done “in order to help protect civilians.”  The Security Council had called on “States that have notified the Secretary-General and the Secretary General of the League of Arab States, acting *nationally* or through *regional organizations or arrangements* to take all necessary means to enforce compliance with the ban on flights imposed by paragraph 6…”

The interaction between NATO and the UN in Libya highlights, once again, the need to sanctify relations between the UN and regional organizations. However, rather than approaching this problem generically, what needs to be done is to understand the specific dynamics of the issues involved in order to devise the most effective approach towards tackling them. In all probability, NATO will likely continue to respond to Security Council resolutions that call on regional organizations to assist in implementing such resolutions as Resolution 1973. It is highly unlikely that there will be an amendment of Chapter VIII of the UN Charter anytime soon, so that if NATO cannot go to the mountain, the mountain can go to NATO.

**Conclusion**

After the end of the Cold War, the Atlantic Alliance is beginning to resemble Oscar Wilde’s Dorian Gray, appearing youthful and robust as it grows older – but becoming ever more infirm. The Washington Treaty may remain in force, the various ministerial meetings may continue to issue earnest and upbeat communiques, and the Brussels bureaucracy may keep NATO’s web page up and running – all these superficial routines will go on, provided the Alliance isn’t asked to actually do anything else.

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83 Ibid.
The majority of regional organisations strive hard to continue to search for a stronger cohesiveness in the Charter order, and none should be permitted to cherry pick from the instrument. The era of ‘hop-in, hop-out of the Charter’ should be ended.

If NATO greatly desires to benefit from the collective security system of Chapter VIII, as its involvement in the Bosnia/Herzegovina and Libya crises demonstrate, then it must be ready to bear the burden of its adjunct legal obligations as well. After all, as the aphorism goes, the burden and benefit of a thing go together.

But looking back, one could underestimate NATO’s ability to rise from its sickbed. Specifically, it did manage to stagger through the Kosovo War in 1999 and even invoked Article V guarantees for the first time after 9/11. NATO members have sent mostly token forces to Afghanistan (though the United States, as usual, has done most of the heavy lifting). But even that rather modest effort has proved exhausting, and isn’t likely to be repeated. A continent that is shrinking, aging, and that faces no serious threat of foreign invasion, isn’t going to be an enthusiastic partner for future adventures in nation-building, and certainly isn’t likely to participate in any future US effort to build a balancing coalition against a rising China.
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February, 2022 (Sd) Ajai Sahni

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