



IPA Seminar on UN/NATO Relationship “Cooperation between the UN and NATO: *Quo Vadis?*”

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Preface

By Dr. David M. Malone

In mid-1998, two valued members of the International Peace Academy (IPA) Board of Directors, H.E. Dr. Nicolaas H. Biegun and H.E. Mr. Hans Jacob Børn Lian, identified the relationship between the United Nations (UN) and the North Atlantic Treaty Organisation (NATO) as a topic worthy of reflection. At several practical levels, including on the ground in Bosnia, the two organisations had been co-operating well, in part due to the excellent ties established by their two secretaries-general. Nevertheless, politically and operationally these institutions, each with an important role to play in Europe, seemed to represent two solitudes, in spite of significantly overlapping membership - particularly bearing in mind NATO's associates within the Partnership for Peace.

The IPA Board, at a meeting in November 1998, actively supported the idea of work on this topic. The IPA staff was enthusiastic because the key issues at play were important, sensitive and difficult. IPA seemed well placed to stimulate high-level consideration of them. Further to extensive consultations with Member States and some with the Secretariats of both organisations, IPA convened a seminar in New York on 11 June 1999, drawing together several NATO and UN Ambassadors, senior representatives of the two Secretariats and a number of expert and eminent individuals willing to contribute to the discussion. Fortunately, the UN Security Council had, the previous day, adopted resolution 1244 (1999) bringing the Kosovo conflict to an end and ushering in an era of joint management of the province by NATO and the UN, working closely with several regional organisations.

The exchanges, a summary of which is provided herein, were based on a thoughtful discussion paper (also appended) prepared by Mr. Derek Boothby, a distinguished former deputy head of the UN

Transitional Authority in Eastern Slavonia with considerable experience and knowledge of both the UN and NATO. The informal discussion proved friendly, frank and productive, with a large degree of agreement emerging on several points. A variety of difficult legal and political questions were addressed, with several clusters of issues, some of a political and legal, others of a more practical, nature identified as inviting further research and exchange in months and years ahead. These are detailed at the end of the summary report.

We are deeply grateful to the Governments of the Netherlands and Norway for urging us to undertake this work and for funding it, to our Board for agreeing to risk engaging IPA in these substantively and politically turbulent waters, and to participants, particularly those travelling from Brussels and other points far afield, for generating and shaping such a spirited and constructive debate. This task was greatly assisted by

the distinguished personalities who agreed to introduce the seminar's agenda items. I would like to pay tribute here to our colleagues at the United Nations Association of the United States of America (UNA-USA) who had earlier in the spring commissioned excellent papers and generated lively debates in New York and Washington on UN-NATO relations. Their excellent work, recalling their highly productive focus on USA and USSR approaches to multilateralism some years ago, contributed greatly to our own efforts, in which the UNA-USA's new Chairman and President, Ambassador William Luers, participated.

In partnership with several other research institutions, IPA hopes to follow up on those issues identified by participants as requiring further work, in a manner which we trust both organisations and their memberships will find useful.



H.E. Mr. Hans Jacob Biørn Lian, *co-chair*



left to right: H.E. Mr. Kamallesh Sharma; H.E. Mr. Kishore Mahbubani; H.E. Dr. Nicolaas H. Biegan, *co-chair*; Dr. David M. Malone, *co-chair*; Rita E. Hauser, Esq.

I. Background Paper

By Mr. Derek G. Boothby

In the light of events in recent months, this may seem to some to be a particularly inauspicious time to consider aspects of cooperation between the United Nations (UN) and the North Atlantic Treaty Organization (NATO). On the contrary, however, this paper will argue that the longer view should not be blinded by the dramatic events of the moment. Not only is it timely to re-assess the benefits to be gained from improved cooperation but the experiences of Kosovo and the advent of the new NATO Strategic Concept clearly point to the need for the two institutions to re-engage more constructively. The United Nations and NATO have to live with each other in somewhat overlapping geo-political space; that being so, whither goest their relationship?

Developing a sustained relationship

That the two can develop a sustained relationship at all is still a comparatively recent concept. Throughout the Cold War the responsibilities and functions of NATO and the UN were like oil and water: not only were they significantly different but they certainly did not mix. As one of the two rival military alliances, NATO was perceived by many in UN circles as being part of the problem of high arms expenditures and confrontational policies rather than a guarantor of peace and security. At NATO Headquarters, the UN was seen as being politically ineffective owing to the stalemate in the Security Council and militarily irrelevant to the collective defense arrangements of the Euro-Atlantic area.

The dramatic events of the early 1990s changed all that. Both institutions found themselves confronted with challenges for which they were totally unprepared. NATO suddenly found itself without an enemy - while the UN was faced with a horizon of opportunities that made it almost dizzy with ambition. From demanding too little of the UN during the Cold War years, the international community quickly came to expect too much.

All might have been well if there had been time to take stock and adjust but Fate's cruel sense of humour did not permit such luxury: major events such as Iraq/Kuwait, Cambodia, Somalia, the break-up of

Yugoslavia, Burundi, and Rwanda tumbled after each other in rapid succession. These and other international developments demanded critical analysis and careful judgement in order to determine the best and most practical responses, but all too often necessity and availability were the parents of invention. In Bosnia, UN peacekeepers were the wrong tool in the wrong place at the wrong time - but in 1992 they were the only tool available and so, given confused mandates and hopelessly inadequate means, they had to struggle on with their unenviable tasks in a war environment until 1995 when they were replaced by over 50,000 heavily armed, combat troops to police the newly-declared peace - a role reversal if ever there was one.

In 1996, the then US Permanent Representative to the UN, Madeleine Albright, spoke on 'The United Nations, NATO and crisis management'.¹ After pointing out that NATO's attention was being directed to a wider agenda of security threats than collective defense, she remarked: "Despite all this, NATO cannot be the answer to every problem. It is, after all, a continental - not a global - alliance. It cannot and should not police the world. In responding to crises, then, both the UN and NATO can contribute much, but neither is without its limitations. When an emergency has many dimensions - and most today do - a division of labor will be required."

In practice, the experiences of cooperation between the UN and NATO in former Yugoslavia have been valuable, more often than not productive and at times even indispensable. Trial and error have often pointed the way to arrangements to develop further, such as coordinated actions for rendering humanitarian assistance, or to avoid in future, such as dual-key authorization. But in both institutions there are two very separate areas of responsibility: the political bodies that decide policy and authorize action, and the executive bodies that implement the action in accordance with the agreed policy. Before considering the areas where practical measures of cooperation might be improved, it is useful to review the institutional aspects of the relationship between the two organizations.

Aspects of the institutional relationship

The two institutions were born within a few years of each other. When the strains between East and West in

¹ US Department of State Dispatch, 29 April 1996, v7 n18 p219(4)

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Europe in the late 1940s led directly to the founding of NATO, and subsequently the Warsaw Pact, the authors of the North Atlantic Treaty displayed no doubt about their recognition of the primacy of the Charter of the United Nations. For the members of NATO, all of whom are members of the United Nations, this is acknowledged in Articles 1 and 7 of the North Atlantic Treaty.² Beyond the commitment of the States Members of the United Nations to Article 2(4) of the Charter,³ there is the provision in Article 51 for the exercise of collective defense that provides a basis for NATO: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense 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."

Nevertheless, with different aims and purposes, for most of the fifty years of their existence, the two organizations have found little need for political interaction. The UN, with its global responsibilities and its ever growing membership as many countries gained independence, has a much wider political, social and economic agenda. NATO, with its more sharply defined purpose and mission in the Euro-Atlantic area, has concentrated on providing a framework for security and collective defense and common rules, procedures and training for the use of its military assets. It is only comparatively recently that the two institutions have found it useful and necessary to work together. It is still less than four years ago that NATO provided most of the additional military capability that brought an end to the war in Bosnia and the parties to the conflict to the negotiating table in Dayton. It is therefore perhaps understandable that the political relationship between the UN and NATO is still at a formative stage.

Separately, the nature of the challenges to peace and security have become more complex as humanitarian issues have grown in importance. Without entering into extensive debate over the recent

NATO action in Kosovo,⁴ the fact that in all its history NATO's first extended military action was mounted not against a state that threatened an armed attack against a NATO country, but against one that was carrying out widespread repression and ethnic cleansing of a section of its own national minority population, is itself a remarkable reflection of the major shift in international attitudes towards issues of human rights. This is a development in thinking that is far from complete and will continue to present moral and political predicaments to governments in the future. It is also a dilemma that will particularly face members of the Security Council in New York who seem likely to find themselves increasingly confronted with the question of whether or not to act in such situations - and what to do if action may be blocked by the negative vote of a permanent member.

One of several commentators on this thorny issue has been Laurence Freedman who has perceptively written that "it soon becomes evident that core principles are often in tension and do not always point in one policy direction, as in the tensions between the traditional rights of states and human and minority rights."⁵ He continued, "a principled security policy can soon appear problematic... By and large, engagement - provided nations achieve it in good company and agree to share its burdens - has been the easiest choice. This development has led to the growing importance of those institutions through which multilateral actions can be organized."

In the case of Kosovo, the institution of choice for multilateral action was NATO but that option would not have been open if Kosovo had been geographically situated outside the Euro-Atlantic area. In that event, the matter would have been firmly on the Security Council's plate and its members would have had to wrestle with the knotty issue of whether, and how, to take action - or to risk the repetition of yet another Burundi or Rwanda. Such matters can never be

² *The North Atlantic Treaty*, Art.1: "The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations." Art. 7: "This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security."

³ *The Charter of the United Nations*, Art. 2(4): "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."

⁴ The debate has been spirited, both within the UN Security Council and without. Among others, UNA/USA held two Policy Roundtables under the title 'NATO, the UN, and the Use of Force' on 11 March 1999 in New York and on 12 March 1999 in Washington. Two thoughtful papers by Bruno Simma and Ivo Daalder, together with an introductory paper by Jeff Laurenti and the two Rapporteurs' Reports are available at www.unausa.org/issues/sc.

⁵ *International Security: Changing Targets*, Foreign Policy, Spring 1998, p.58

determined in advance as they always present unique circumstances, but it seems obvious that in the event of military action on such occasions countries in NATO with suitable resources will be among those called upon individually or in a coalition for appropriate assistance. Rather than waiting for these situations to arise, as they inevitably will, and then hastily deciding on ad hoc action (or inaction), perhaps some informal and cooperative discussions would be useful with a view to filling the policy vacuum that at present exists.

Another aspect of the political relationship between the two institutions concerns what in NATO parlance are referred to as 'non-Article 5 operations'.⁶ Since the end of the Cold War there has been an evolution of NATO thinking from the traditional posture of collective defense towards the broader scope of collective security. This concept embraces crisis management and peace operations under UN auspices, whether or not under NATO command. NATO willingness to contribute to peacekeeping has been expressed for several years and on several occasions, as in 1994 "to support, on a case by case basis in accordance with our own procedures, peacekeeping and other operations under the authority of the UN Security Council or the responsibility of the CSCE."⁷

Putting these words into action, however, has been problematic. First, the NATO interpretation of what peacekeeping entails has not been altogether in accord with UN practice: the latter has traditionally applied the approach of the velvet glove, whereas NATO has preferred to show a capability for the mailed fist. It is, perhaps, too much to expect such a militarily-capable organization as NATO to accept Brian Urquhart's long standing dictum that "the effectiveness of UN peacekeeping is inversely proportionate to the amount of force used." Within the UN itself, this interpretation of peacekeeping has had to be revisited in the 1990s as UN soldiers have found themselves more and more faced with humanitarian operations in which the combatants have been warlords, undisciplined armed groups or others who have viewed the denial of humanitarian aid as one of their war aims.

Separately, as David Yost has pointed out,

peace operations "may require capabilities, equipment, training, rules of engagement and command structures distinct from those designed and optimized for collective defense and high-intensity combat."⁸ The different and sometimes conflicting demands of maintaining SFOR in Bosnia, training for peace operations and conducting exercises with Partnership for Peace (PfP) partners have diverted resources from combat readiness and collective defense.

The further that NATO thinking has gone down this track, the more challenging the issues have become. "One of the Alliance's rationales for undertaking non-Article 5 tasks such as crisis management and peace operations has been to lessen the risk that Article 5 contingencies might arise: lower-risk and lower-cost collective security missions may help the Allies avoid mounting higher-risk and higher-cost collective defense operations."⁹ But David Yost goes on to speculate on the risk of a non-Article 5 operation escalating to an Article 5 crisis, or a peace operation outside the NATO area escalating into a war. These questions lead, in turn, to yet more hypotheses - all of which raise doubts in the minds of some NATO analysts about the wisdom of possibly extending NATO's military reach beyond its grasp. These internal NATO concerns and constraints are not well understood in UN circles and an effort to explain them to a UN audience might do much to allay some unfounded misapprehensions.

The Alliance's Strategic Concept

During the weeks leading up to the gathering of Heads of State and Government in Washington for the meeting of the North Atlantic Council on 23 and 24 April, it appeared that the scope among some of the non-NATO Member States of the UN for misunderstanding NATO's capacities, attitudes and positions seemed likely to expand yet further. Various press reports and comments hinted that NATO might turn its attention outwards, to situations in other parts of the world. Notwithstanding Strobe Talbott's assurances that NATO would not "act in splendid isolation from - or high-handed defiance of - the United Nations or the OSCE,"¹⁰ his remarks that

⁶ For the non-NATO reader, Article 5 of the North Atlantic Treaty states that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all" and covers the undertaking of collective defence. The term 'non-Article 5 operations' is used to describe those activities, including crisis management and peace operations, not covered by this Article.

⁷ Declaration of the Heads of State and Government of the North Atlantic Council, Brussels, 10-11 January, 1994, para.7

⁸ *NATO Transformed - The Alliance's New Roles in International Security*, p.260, David S. Yost, United States Institute of Peace Press, 1998. In this comprehensive study, the author exposes and reviews the unfolding challenges facing NATO as it expands its membership, its Partnership for Peace relationships and its activities

⁹ Op.cit. p.262

¹⁰ US Deputy Secretary of State Strobe Talbott, Remarks to the German Society for Foreign Policy, Bonn, 4 February 1999

NATO needed “forces, doctrines and communications assets that will allow us, when necessary, to address the challenges of ethnic strife and regional conflict that directly affect our security but that lie beyond NATO territory” aroused a certain unease among some of the UN Missions in New York.

In the event, however, the language of the Alliance’s Strategic Concept¹¹ that emerged from the meeting was more reassuring. The section subtitled ‘Security Challenges and Risks’ focused on the challenges and risks to the security of the Euro-Atlantic area, noting that there remains a “wide variety of military and non-military risks which are multi-directional and often difficult to predict,” including “the possibility of regional crises at the periphery of the Alliance” (para. 20). Subsequent paragraphs made reference to the challenges of the proliferation of nuclear, biological and chemical weapons, the global spread of technology for weapons use and “risks of a wider nature, including acts of terrorism, sabotage and organized crime” (paras. 23 and 24). But, beyond recognizing these aspects, the language contained no implication that NATO would automatically consider itself entitled to take unilateral action outside the Euro-Atlantic area.

In fact, there is much in the new Strategic Concept that can be seen in a positive light at the UN. In the section entitled ‘Conflict Prevention and Crisis Management,’ NATO expressed its readiness to “seek, in cooperation with other organizations, to prevent conflict, or, should a crisis arise, to contribute to its effective management, consistent with international law, including through the possibility of conducting non-Article 5 crisis response operations” (para.31). In the same paragraph NATO repeated its readiness “to support on a case-by-case basis in accordance with its own procedures, peacekeeping and other operations under the authority of the UN Security Council or the responsibility of the OSCE, including by making available Alliance resources and expertise.” NATO also undertook to “make full use of partnership, cooperation and dialogue and its links to other organizations to contribute to preventing crises and, should they arise, defusing them at an early stage” (para. 32).

In an earlier section of the document, it is stated that “mutually reinforcing organizations have

become a central feature of the security environment” (para.14). The thinking behind this phrase may have emanated from work being carried out within the European Union in the domain of its Common Foreign and Security Policy to bring together the efforts of organizations dealing with the same conflict or crisis, in the interests of more effective cooperation and use of resources. The aim is that organizations addressing similar issues should be mutually reinforcing rather than mutually weakening.¹² This is entirely in accord with the spirit of Chapter VIII of the Charter of the United Nations.

Rather than NATO’s Strategic Concept being perceived as a muted threat of out of area operations, these statements offer opportunities for cooperation. The best and most practical way of testing them is to enter into constructive dialogue with a view to identifying practical ways of achieving useful cooperation.

UN, NATO and the United States

Another aspect of the UN/NATO institutional relationship revolves around the role and stature of the United States. Many years ago a commentator wryly remarked that the United States dislikes international organizations that it cannot control. Thus, in its early years the UN was given strong support by the US but, as the membership increased, developing nations became the majority in the General Assembly and began to voice a different agenda. US support began to falter and Congressional action to bring the organization to heel by tightening the purse-strings began in the 1980s. Although US criticism of the UN eased temporarily during the early 1990s, the American view of the experiences of Somalia and Bosnia soured the US Congress even further. The financial constrictions are now acute and they are being compounded by indications that in some ways the US is clearly stepping away from using the UN as a multilateral instrument. On the other side of the coin, as a reflection of the fact that the US is not paying its bills, it is noteworthy that the US voice is no longer being listened to at the UN with the same attention as in the past.¹³ These are harmful trends that cannot in the long term serve the interests of either party.

Within NATO, the situation is different. The US

¹¹ *The Alliance’s Strategic Concept*, published as NATO Press Release NAC-S(99)65 of 24 April 1999

¹² This is the thrust of a document noted by the Council of the European Union on 6 July 1998 and circulated to the Heads of relevant organisations on 5 August 1998.

¹³ As an example, when the USA attempted in 1998 to regain a seat on the influential financial watchdog committee, the Advisory Committee on Administrative and Budgetary Questions, the US candidate came at the bottom of the poll with a vote of less than a third of the UN membership.

continues to be, by far, the senior partner, and the credibility and effectiveness of the Alliance depend heavily on US participation and leadership. But, despite the public unanimity displayed at the Washington meeting on the occasion of NATO's 50th anniversary, differences of view exist among its members, particularly about the role of the organization in the future, about the extent and pace of further enlargement of the membership, about the relative weights to be given to collective defense and collective security, and about the legitimacy of peace operations where a Security Council or OSCE mandate is absent. Separately, ever present in US public opinion are questions such as: why don't Europeans look after their own security problems without depending so much on us? - if Europeans can't agree among themselves on what they want, why should USA give them so much attention? - why don't we just let them fight their own wars? Such questions will undoubtedly multiply in the early decades of the 21st century, as the demographics of the US change and the proportion of the population that has European ancestry continues to decline.

Despite the fact that at the end of the 20th century the US stands as the sole superpower and thereby has options for action available to no other country, it cannot and does not wish to carry alone the burdens of ensuring a modicum of international order. This has become the mantra of every US Administration and Congress. The bargain is that while very little of real significance in international peace and security can be done without American agreement, the United States cannot and does not wish to take major actions without the support of multilateral partners, many of whom are members of NATO and all are members of the UN. As the world moves into a new century which seems likely to see more stresses and strains, and a continued need for peace operations of various kinds, it would seem valuable to open a meaningful dialogue between the UN, as the world's pre-eminent global institution, and NATO, as the world's most effective military alliance. That dialogue, sensibly and pragmatically conducted, could usefully serve the interests of both organizations - and the US.

The ongoing evolution of peacekeeping

It is now well recognized that there is a world of differ-

ence between peacekeeping and peace enforcement. In the welter of words that have been written on the subject, there have also arisen differing definitions of these terms and variations on the theme. To complicate matters still further, in recent years additional concepts have been introduced such as peacemaking and peacebuilding.

Although there are many links and intersections between these activities, it is useful to recall the cautions of Boutros Boutros-Ghali, Secretary-General of the United Nations in January 1995:

In reality, nothing is more dangerous for a peacekeeping operation than to ask it to use force when its existing composition, armament and logistic support and deployment deny it the capacity to do so. The logic of peacekeeping flows from political and military premises that are quite distinct from those of enforcement; and the dynamics of the latter are incompatible with the political process that peacekeeping is intended to facilitate... Peacekeeping and the use of force (other than in self-defense) should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to the other.¹⁴

In the event these remarks were a dark prophecy, written as they were at the outset of a year that was later to see the quagmire that resulted from UNPROFOR being asked to do what it was not capable of doing, the tragedy of Srebrenica, the acrimonious exchange over 'dual key' authorization of air support, the NATO air attacks of September that led to Dayton and the replacement of UNPROFOR by IFOR. One may add that, in addition to peacekeeping and peace-enforcement not being a continuum, the step from the former to the latter is usually a one-way journey: it cannot easily be reversed. Once impartiality is surrendered by engaging in combat against one side or the other, it is exceedingly difficult to step back into the role of even-handed peacekeeper and be accepted as such by the recipient of the mailed fist.¹⁵

In the post-mortem assessments that followed the demise of UNPROFOR, many commentators concluded that peace-enforcement actions were beyond the capacity of the UN and that military actions approved by the Security Council under Chapter VII of the Charter should in future be sub-contracted to

¹⁴ Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, paras. 35 and 36, United Nations document A/50/60 -S/1995/1, 3 January 1995

¹⁵ The act of becoming a combatant, as happened in Somalia, became known as 'crossing the Mogadishu line'. In Bosnia it occurred in late May 1995 when NATO air strikes were called in against major Serb military targets and, in reprisal, the Serbs took UN peacekeepers as hostages, declared all Security Council resolutions as 'null and void' and withdrew their recognition of UN agreements.

coalitions of willing states with the appropriate military capabilities. Operations of a more traditional peacekeeping nature, authorized under Chapter VI and with the consent of the parties, could however continue to be carried out by the UN.

Since the beginning of 1996, there has been a marked reluctance within the Security Council to launch new peacekeeping missions, and there have been none of significant size and with a Chapter VII mandate. At the same time, however, there was the UN mission in Eastern Slavonia, UNTAES, which was approved by the Security Council under what became known colloquially as 'Chinese Chapter VII': in order to gain the acceptance of China to the use of force in certain circumstances, the reference to Chapter VII had to be subtly drafted.¹⁶ Robustly armed and vigorously led, its 5000 troops included soldiers from only one NATO country, Belgium, which also provided the Force Commander. As the operation developed, Russia provided the welcome addition of a Major-General as Deputy Force Commander. NATO support was in the form of 'over the horizon,' in that IFOR air ground support and extraction was available if needed, and intelligence links were established.

On 23 February 1999, the Secretary-General of the United Nations spoke at Georgetown University, Washington DC, on the subject of 'The Future of United Nations Peacekeeping:'

Peacekeeping has evolved over time, and has taken different forms as it adapted to different circumstances. Since the end of the Cold War, our operations have become more ambitious and complex. Almost without exception, the new conflicts which have erupted since 1991 have been civil ones. Although, often, there is outside interference, the main battle is between people who are, or were, citizens of the same State. This has obliged the United Nations to redefine the tasks that peacekeeping involves... such activities as collecting weapons, disarming and demobilizing militias, supervising elections, and monitoring - sometimes even training - police forces.

The (IFOR and SFOR) have to my mind been model peacekeeping forces. Heavily armed, and authorized to use their arms if challenged, they have, in practice, hardly used them at all because their authority has not been challenged. Although authorized by the Security Council, they are not UN peacekeeping forces... they are under NATO leader-

ship... Another success was the parallel operation in Eastern Slavonia. There too, a force was deployed strong enough to intimidate the local parties. [It was] a UN operation in the full sense of the term. It brought together a broad range of international responses - military, political, and humanitarian - under the authority of a Special Representative of the Secretary-General.

But peacekeeping is not, and must not become, an arena of rivalry between the United Nations and NATO. There is plenty of work for us both to do. We work best when we respect each other's competence and avoid getting in each other's way.

Increasingly, we find that peacekeeping cannot be treated as a distinct task, complete in itself. It has to be seen as a part of a continuum, stretching from prevention to conflict resolution and peace-building... More than ever, the distinctions between political and military aspects of our work are becoming blurred.¹⁷

It is in this area of differing comparative advantage that there is much room for UN and NATO cooperation. In this context, it should be noted that the two organizations often seem to approach peacekeeping from diametrically opposite directions. In the early days of IFOR, its commanders seemed determined to avoid at all costs 'mission creep' - that is, incremental acceptance of tasks outside the specific military role. In current UN peacekeeping, however, mission creep is often what the operation is about: indeed, to avoid the multifarious tasks of civil law and order, promoting public confidence in a properly trained police and judiciary, humanitarian relief, social and economic assistance, organizing and monitoring of elections, and so on, would often be to defeat the aims of the mandate. In spite of much hand-wringing in the US over UN 'nation-building,' this is very much what most mandates approved in the past several years by the UN Security Council (with US government support) have envisaged.

Gradually, as certain expansions of the mission proved essential, IFOR's abhorrence of mission creep has subsided but concerns have remained that the diversion of resources and skills might dilute NATO's capabilities to achieve its core tasks. Achieving the right balance in future operations, according to the demands of the circumstances, will continue to be a challenge to NATO planners, logisticians and force commanders. Understandably, NATO will often be

¹⁶ The tenth preambular paragraph of Security Council resolution S1037(1996) of 15 January 1996 was worded as follows: "Determined to ensure the security and freedom of movement of personnel of the United Nations peacekeeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations".

¹⁷ *The Future of United Nations Peacekeeping*, Kofi Annan, Georgetown University, 23 February 1999, UN Press Release SG/SM/6901 - PKO/80, available at www.un.org/News/Press/docs/1999.

reluctant to take on tasks that will carry continuing commitments outside its primary combat role, and yet NATO may often be the best source of emergency response. A recent illustration of this capability was in providing tents, food, cooking facilities, medical support and sanitation facilities for the hundreds of thousands of Kosovar refugees when the task overwhelmed the emergency capacity of UNHCR and World Food Programme. But having established such emergency facilities, NATO had no wish to continue the responsibility of operating them and was only too willing to hand that role over to the humanitarian agencies.

For the UN, however, the wide range of tasks will continue. This will be particularly the case outside the Euro-Atlantic area where the UN's experience and capabilities will continue to be needed, either in support of efforts by regional organizations or in UN 'blue helmet' operations mandated by the Security Council. As the UN depends on the political support and resources of its Member States, it follows that it will frequently call on those that are also members of NATO. The availability of NATO airlift, communications, logistic arrangements, technical skills and perhaps other capabilities will be a valuable asset. NATO has also developed civil-military arrangements that it might, in appropriate circumstances, be prepared to place at the disposal of the UN.

The best way forward, therefore, would seem to be closer cooperation to determine, in advance, what each organization can do best. Efforts to this end should not wait until the crisis occurs - one does not wait until the storms of winter to cut and stack the firewood - but should be pursued by establishing more regular high-level contacts, exchanges of planning staffs, shared training courses and exchange visits. In so doing, there can also be built up those valuable inter-personal and cooperative links on which success often depends when the need for prompt and effective action is needed.

Peace operations in practice

In the conduct of peace operations themselves, as time has passed and the two organizations have become more accustomed to each other, the experience of the

day-to-day interaction has steadily improved. Indeed, at the worker level on the ground, cooperation usually works well.

At first, the portents were not good. In the confused weeks and months of July to December 1995, with UNPROFOR's lightly armed, exposed and vulnerable troops being brushed aside by the ongoing conflict in Bosnia and the UN mission perceived as a failure, the international community at last took the decision that should have been taken much earlier - the use of overwhelming force to stop the war. The stream of bewildering and sometimes contradictory instructions emanating from the Security Council in the form of resolutions and presidential statements was stemmed by the NATO bombing, followed by negotiations in Dayton. There, the intention was that the UN should play no role in the implementation of any agreement: no representative of the UN was invited to attend other than Thorvald Stoltenberg who was present primarily for the side negotiations that led to an agreement on Eastern Slavonia.

As the Dayton process developed, it was recognized that there were some operational activities that the newly created IFOR would not be able to undertake. One related to refugees and displaced persons, for whom the obvious lead agency responsibility should remain with UNHCR. The other was the civil police function to monitor law enforcement by local police in Bosnia, which was subsequently given, late in the day, to an International Police Task Force (IPTF) operating under the UN.¹⁸ Designated as part of the UN Mission in Bosnia and Herzegovina (UNMIBH), the IPTF was established by Security Council resolution 1035 (1995) as an unarmed, monitoring force with an authorized complement of 1,721 international police monitors.

Acting in a traditional peacekeeping role, it was not given powers to enforce civil law and order, nor to arrest war criminals. It was faced with its first problems immediately, while it was still in the early stages of assembly and organization. In February and March 1996, as Bosnian Serbs left parts of Sarajevo in accordance with the Dayton Peace agreement, there was widespread lawlessness and arson. The local police and fire brigade arrangements did little to control the situation while the IPTF, which by that time had

¹⁸ In subsequently discussing the weaknesses of Dayton, Richard Holbrooke made the following comment: "The creation of a weak International Police Task Force had especially serious consequences. This was the result of several factors, including European objections to a strong international police force, and Washington's refusal, during a huge budget confrontation with the new Republican Congress, to ask for sufficient American funds for the police. We had identified the problem before Dayton but could not overcome our internal difficulties." *To End a War*, p. 362, Richard Holbrooke, Random House, New York, 1998.

received from contributing countries only between 150 and 350 civil police monitors of its assigned complement, was not in a position to take charge of the situation. Although this operational incapacity was not within the control of the UN, in the eyes of those always ready to criticize the UN's performance, this was a poor start that served to confirm their judgement.¹⁹

There has continued to be a difference of opinion over whether or not international civil police monitors should be armed in such circumstances. On the one hand, it is argued that when police have to operate in regions of the world where armed police are the norm and weapons are freely circulating among the civil population, it is not only sensible for police monitors to be armed but seriously damaging to their image for them to be unarmed. The counter view is that if they are present as monitors, with no enforcement powers, then they have no need for arms and the wearing of them would be more likely to make them targets of attack. Moreover, the possible use of sidearms by international police with varying standards of training and operational procedures would present major problems of rules of engagement and other issues.

This debate will continue as occasions arise in the future that will require close interaction between authorities responsible for civil law and order and the military. Whether and in what circumstances international police should be unarmed or an armed gendarmerie, and how best police should operate in the presence of credible military force, would seem to be issues worthy of detailed and continuing discussion between the UN, NATO, police representatives and others involved.

In Bosnia, the cooperation between UNMIBH and SFOR is now working well, not because it was designed that way but because there is a commonality of purpose and, perhaps just as important, because the human personalities of the individuals involved make it work. Nevertheless, as pointed out by the then Secretary-General of the United Nations in 1996: "It is unrealistic to envisage a civilian police operation continuing its work without the framework of security provided by the presence of a credible international

military force."²⁰

The civil-military interface

Another major aspect of peacekeeping is the civil-military interface. The UN has had extensive experience of working in the field with civilian actors of all shapes and descriptions, engaged in political and legal affairs, human rights, humanitarian aid, assistance to refugees and displaced persons, social and economic assistance, mine clearance, food, health, children, education, media, etc.. In these activities, the UN has often had to determine the extent to which military involvement is necessary or appropriate.

NATO, too, has recognized the complexities of the modern task of what it refers to as CIMIC (Civil-Military Cooperation), as is evident for example in various articles in NATO Review. David Lightburn, of NATO's Division of Defense Planning and Policy, has written:

There are two fundamental characteristics of a multifunctional peacekeeping situation: security conditions that are complex, unpredictable and dangerous combined with a serious humanitarian situation of some description (for example, starvation, terror, ethnic cleansing, mass refugee movement, genocide). These demand an organized, multifunctional and multinational response from the international community. It is also appreciated that in the 1990s, in addition to dealing with the more immediate security and humanitarian dimensions of such crises, considerable attention has to be paid to addressing root causes of conflicts and to promoting peace-building/nation-building.

The UN remains the principal organization with responsibility for international peacekeeping... The emerging new multifunctional peacekeeping is, however, an area where NATO can perhaps make particular contributions... [It] can bring to bear a proven structure, procedures, capabilities and experience to bear to complex security and humanitarian situations in a timely fashion. [It] has a number of strategic resources and capabilities... [It] can provide a range of military forces on a scale and degree of readiness not available elsewhere... [It] can provide international agencies with an extensive and experienced multidimensional planning

¹⁹ The situation brought forth the following measured riposte from Boutros Boutros-Ghali in his report to the Security Council, S/1996/210 of 29 March 1996, para. 42: "It is in the midst of these tensions that UNMIBH and its principal component, the International Police Task Force, are operating. I must stress that annex 11 to the Peace Agreement envisages the Task Force as an unarmed, monitoring and advisory force. It is on this basis that the Security Council authorized its deployment and contributing Governments have provided personnel. It is not feasible to assign to this unarmed force the task of enforcing law and order in a country awash with weapons, all the more so when it has no legal authority to do so."

²⁰ Op.cit. para.43

capability... [It] can develop and contribute an essential core political consensus on difficult issues.²¹

This is not to suggest that NATO should take over these functions, or even become the primary source of advice and expertise. NATO probably would not wish to see itself taking on such a role, nor does the organization have the breadth of expertise that the UN has acquired over the years. But in operations in the Euro-Atlantic area NATO cannot avoid becoming involved in such activities in one way or another. In circumstances that arise elsewhere in the world, there can be little doubt that NATO has valuable capabilities and staff assets that could be put to good cooperative use for the benefit of the international community.

One of the problems to be overcome is the apprehension - indeed, the dislike - on the part of some non-NATO countries that the UN might somehow become the agent of NATO. This sensitivity is very real and needs to be addressed with care and political deftness. Another hurdle is institutional obstruction: the 'not-invented-here' syndrome of turf protection that all too often arises in the UN community. This attitude is perhaps understandable, given the different but often overlapping mandates, functions and responsibilities of the members of the UN family, but much of it can be overcome by direction from visionary leadership.

The UN has used a variety of mechanisms in its peacekeeping operations in its efforts to resolve the difficulties of coordinating military, police and civil activities on the ground. Although each operation is different, lessons have been learnt and applied, but all too often, as new personnel participate in the operations, mistakes are repeated and lessons have to be re-learned. This is particularly true of working with non-governmental organizations (NGOs), some of which are cooperative and well-run while others work with missionary zeal but not much sense of self-discipline or organization.

NATO's experience with CIMIC has stemmed from its application in Bosnia and its activities have been described by Colonel William R. Phillips, former Chief, Civil-Military Cooperation at SHAPE.²² This experience should be more widely shared with UN counterparts, not that it would then necessarily be imported unchanged into a UN context, but so that the

ideas, methods and procedures may be looked at, discussed and applied in the forms that may be appropriate. How many UN persons, for instance, who have to deal with civil-military matters are aware of the existence within SFOR of a "theatre-wide oriented Civil-Military Task Force (CMTF)," currently composed of over 300 personnel? According to Col. Phillips, the "CMTF contained specialists with a wide range of civilian skills ranging from agronomists to economists to civil infrastructure engineers. Prudently applied to support civil efforts, CMTF civilian skills, commercial experience and military organizational expertise enhanced reconstruction, encouraged repatriation and advanced democratization within the theatre."

By a similar token, how many NATO people are aware of the work of UNDP in development and good governance, or the project services of UNOPS, or the efforts of the World Bank, or the work of various UN humanitarian agencies?

In a different direction lie the planning for and provision of emergency response on the occasion of a natural disaster. Within the UN, disaster assistance is coordinated by the Office for the Coordination of Humanitarian Affairs (OCHA). There are already links with NATO's Civil Emergency Planning Directorate and the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) in Brussels.²³ These arrangements, aimed at harnessing the resources and capabilities of the two institutions, the major donor nations and the NGO community are a good example of how the organization of cooperation can be put to good effect.

The weaving together of civil, police and military operations in ways so as to maximize results, reduce overlap and minimize waste of effort and resources demands professional skills, imagination, patience, common sense, tact and a readiness to compromise in the interests of achieving the objective. These qualities cannot be left to develop on their own. Mechanisms for sharing experiences, methodologies and ideas are needed. Before these can happen, there must be policy decisions to take such steps and senior management energy to implement them.

The concept of cooperation and coordination on these matters is not unique to the UN nor to NATO. Efforts to make progress are in hand in other international organizations, in national governments and

²¹ *NATO and the challenge of multifunctional peacekeeping*, David Lightburn, NATO Review, Vol.44, No.2 - March 1996, pp.10-14. All the NATO Review references quoted in this paper are available at www.nato.int/docu/review.

²² *Civil-Military Cooperation: Vital to peace Implementation in Bosnia*, William R. Phillips, NATO Review, Vol.46, No.1, Spring 1998, pp. 22-25.

²³ *A Euro-Atlantic disaster response capability*, Francesco Palmeri, NATO Review, Vol.46, No.3, Autumn 1998, pp. 24-28.

among private and voluntary groups. But if these are to be successful, they need to have a higher political wind behind their backs. Dick Zandee, of the Netherlands Institute of International Relations, 'Clingendael', makes this point in his book, *Building Blocks for Peace. Civil-Military Interaction in Restoring Fractured Societies*. Drawing on his experience on NATO staff, he has written: "The Alliance could contribute to the further improvement of peace implementation processes by developing a framework for civil-military interaction at this higher level. Such a framework could provide the context for a network of mutually-reinforcing relations between NATO and other international organizations involved in peace operations."²⁴

Zandee suggests that routine links should be used to share practical information, to help bridge the gap of cultural differences and misconceptions and contribute to rationalizing tasks and more efficient use of resources. He further suggests that coordinated contingency planning could reduce the time needed to prepare for peace implementation or other operations, and that there could also be integrated training programmes, seminars and exercises.

Concluding Observations and Summary of Suggestions

Cooperation between the UN, which needs as much help and resources as it can get, and NATO, which has access to them and has declared its readiness to support peacekeeping and other operations in appropriate circumstances, seems so self-evident as not to require selling. The biggest problems to be overcome are institutional sensitivities and 'political correctness'.

There is a wide range of instruments and fora through which communication and cooperation could be improved. Some are already in use, but others established during the period of working together in Bosnia have been allowed to fall into disuse, and yet others need to be developed. As suggested in this paper, there are several actions ranging from the political to the practical that could contribute to improved cooperation:

- n with a view to clarifying policy and perhaps establishing some broad guidelines, informal discussions at high political level to explore the circumstances in which multilateral actions might be taken, both inside and outside the Euro-Atlantic area, that might involve the UN and NATO;
- n in the light of NATO's new Strategic Concept, an

expanded effort by NATO to explain to a UN audience some of NATO's interests, concerns and constraints regarding out-of-area operations, in order to allay doubts and misapprehensions that exist among some non-NATO members of the UN;

- n increased high-level contacts, exchanges of planning staffs, shared training courses and exchange visits, with the overall aims of determining with more clarity the comparative advantages of each organization and improving awareness of each other's concerns and capabilities;
- n intensified discussions on specific practical and professional issues, such as the role and responsibilities of civil police and their relationship with the military;
- n significantly increased interaction on civil-military issues in order to improve coordination, accelerate response times in the event of emergencies, maximize results, reduce overlap and minimize waste of effort and resources.

In addition, a possibility of a different nature might be a visit to New York by the Secretary-General of NATO at an appropriate time. There are sound contacts between the two Secretaries-General and Secretary-General Annan has already visited Brussels; a visit by the Secretary-General of NATO to New York could be of significant value to the institutional relationship between the two organizations. During the course of such a visit, an informal briefing of members of the Security Council, using the Arria formula, would allow an all too rare opportunity for exchange between NATO and representatives of States that are outside Europe or do not belong to NATO.



H.E. Mr. David Wright and Amb. Richard Gardner

²⁴ See Civil-military interaction in peace operations, Dick Zandee, *NATO Review*, Vol.47 No.1, Spring 1999, pp.10-13.

Although the Cold War is now almost a decade in the past, it often appears that relations at the political level (though not the practical level) are still rather akin to two tarantula spiders in a jar - each largely immobile and eyeing the other with great wariness. This has not been helped by the Kosovo crisis: to some at NATO, the absence of consensus on the Security Council hindered the duty of concerned nations in the Atlantic Alliance to address a human tragedy of larger proportion than any since 1945 and thereby fatally weakened the effectiveness of the Council; to some non-NATO nations at the UN, NATO took matters into its own hands and thereby seriously weakened the effectiveness of the Charter.

In these circumstances, there can be a strong temptation to disengage and move apart. This is not the

direction in which the relationship should go. It is the thrust of this paper that such a development would be a grave error. In the longer term, the world will remain a dangerous place and there will be much to be done to maintain international peace and security. The bar of success has to be set at a considerably higher level for NATO than for the UN: NATO can never afford to fail whereas the UN, which has a far wider and deeper range of tasks to perform, need not expend its energies and resources in trying to jump so high. The UN and NATO should therefore be working together when appropriate, each in its own area of comparative advantage and pooling their skills to mutual benefit when there is value to be gained but without compromising their respective principles and core tasks. This is the meaning of cooperation.

II. Seminar Report

The United Nations and the North Atlantic Treaty Organization were born within a few years of each other, in the wake of World War II. But, with different aims and purposes, for most of the fifty years of their common existence, the two organizations have found little need for political interaction. The UN, with its global responsibilities and its ever growing membership as many countries gained independence, has a much wider political, social and economic agenda. NATO, with its more sharply defined purpose and mission in the Euro-Atlantic area, has concentrated on providing a framework for security and collective defense and common rules, procedures and training for the use of its military assets.

By 1998, the rather distant relationship between the UN and NATO had evolved little, notwithstanding their closer interaction and deployment of troops and civil police side by side in Bosnia following the 1995 Dayton Agreement. International Peace Academy (IPA) Board members from Norway and the Netherlands (both of whom serve as Permanent Representatives of their countries to the North Atlantic Council and are former Ambassadors to the UN) suggested in mid-1998 that the relationship deserved a closer look, particularly as the UN and NATO were fated to share space in Europe, politically and operationally, in the foreseeable future. The Governments of the Netherlands and Norway generously offered to underwrite such an effort financially.

Thus the idea that it would be useful to explore the issue of cooperation between the United Nations and NATO arose well before the simmering pot of Kosovo boiled over. Following the failure at Rambouillet to find agreement on future arrangements for Kosovo, NATO military action began on 24 March 1999 without any specific resolution by the Security Council authorizing such action. In these circumstances, to some observers the idea of exploring closer cooperation between the two organizations seemed to be inappropriate. To the International Peace Academy, however, the concept had increased merit - in part, because the differences of opinion being expressed in New York and Brussels indicated an even greater need for understanding between the members of the two institutions, and also because both organizations will continue to have important, albeit very different, roles to play in the maintenance of international security.

In the event, a seminar gathering together a number of NATO and UN Ambassadors along with senior representatives of both the NATO and UN Secretariats and several academics and other experts took place under IPA auspices in New York on 11 June 1999. Fortuitously, the meeting, long planned for that date, thus unfolded the day after the adoption by the Security Council of resolution 1244(1999) that marked the end of the conflict, with the agreement of the Federal Republic of Yugoslavia to a verifiable withdrawal of its forces from Kosovo and their replacement by an international security presence. In the same resolution, the Security Council authorized the UN Secretary-General to establish, with the assistance of relevant international organizations, an international civil presence in order to provide an interim administration for Kosovo.

Thus, by the date of the seminar the scene was freshly set for the two organizations to be thrust into a far more intensive cooperation than ever before. Inevitably, therefore, although the seminar was aimed at longer term arrangements, the recent events and future developments of the Kosovo crisis featured highly in much of the day's discussions. It remains to be seen, however, whether the Kosovo crisis will set valid precedents for the future or whether it is an aberrant situation.

This report endeavors to capture the main themes of the exchanges. Attached as an annex to this report are the seminar program and the list of participants.

Legitimacy

The presenter at the first session laid the foundation for the seminar, proposing that there is a tendency to downplay the problematic sides of the relationship. In support of his thesis, he offered views on several clusters of fundamental issues.

The first cluster of issues addressed the matter of legitimacy. In taking action in Kosovo without first obtaining Security Council approval, NATO had ignored the hierarchy of the UN Charter: the dilemma had been either to defer to the Charter at the cost of effectiveness, or to proceed directly with regional action at the cost of legitimacy. The question that remained unanswered was how could constitutional requirements be reconciled with the need for effectiveness in a post-Cold War world.

A number of speakers disagreed with this view.

The importance of legitimacy was underlined, but several speakers were of the opinion that the NATO action in Kosovo was legitimate. One recalled the adoption by the Security Council of resolution 1199 (1998) on 23 September 1998 under Chapter VII of the Charter and another said that the Security Council had been paralyzed and unable to take action and so NATO's action had been legitimate. A third speaker pointed out that when Russia had submitted a draft resolution in March 1999 calling for the NATO bombing to be halted it had been defeated by 12 votes to 3, thereby clearly signalling the views of the large majority of the Council.

A number of speakers drew attention to the humanitarian challenge presented by the situation in Kosovo, in the face of which the alternatives were either to take action in the absence of a specifically worded Security Council resolution, or to do nothing. The legal maxim "hard cases make bad law" was quoted, with the comment that it was widely recognized that the issue should have been put before the Security Council. However, the fact remained that the prospect of Russian and Chinese vetoes meant that another course of action had to be adopted. One participant argued that a vetoed Security Council resolution would have constituted a serious bar to action in several NATO countries and thus could not be risked given NATO's consensus-based decision-making model. Separately, it was suggested that it might have been useful for the issue to have been vetoed in the Security Council, as it would then have been subsequently easier to take robust military action, but others believed that such a procedure would have done great damage to the veto system.

The point was made that if NATO had addressed the war in Bosnia assertively from the outset, the issue of legitimacy of NATO military action in Kosovo would not be in question today. It was also observed that the cost of inaction in Kosovo would have been immoral and unacceptable. One participant doubted that legitimacy was relevant when genocide was involved. Another noted that for Europeans there might be an emerging dilemma for the future: how to retain the availability of US military power, and at the same time continue to attach due importance to the key role of UN legitimacy and function in legitimizing intervention.

Regarding legitimacy versus effectiveness, one speaker said that if there was no effectiveness, there would be no legitimacy. The UN should certainly be

more effective, and to achieve that the General Assembly should be given a greater voice.

Humanitarian intervention

The pressure on NATO to act in the light of the humanitarian crisis in Kosovo touched on another cluster of issues highlighted in the clash of principles pertaining to human rights and sovereignty respectively. The background paper had noted that, on these questions, attitudes among governments are evolving with no common position yet having emerged. At the seminar, it was noted that the trend of opinion is certainly towards giving increased attention to human rights over sovereign rights, but it was also observed that the composition of the Security Council reflected the distribution of power in the world. The Council was unlikely to agree in principle to the subordination of sovereignty to individual rights, although in practice it has been and would continue to be prepared to do so in certain circumstances. It was difficult to see how pressure for humanitarian intervention could be developed in the UN into a viable doctrine for the use of force; the only way forward was for the UN to deal with such situations on a case by case basis.

Institutional Differences

A third set of issues concerned the status of NATO itself. NATO does not regard itself as a regional arrangement under the terms of Chapter VIII of the UN Charter. Rather, it is a defense alliance designed to deal with threats from outside its own members. Several participants commented on NATO's new Strategic Concept and the concern in some circles at the UN that NATO might seek to be more active in out-of-area operations. One NATO participant felt that this concern was much over emphasized, as he did not see that there would ever be consensus within the NATO Council for intervention outside the Euro-Atlantic area. Moreover, NATO possessed unique strengths in the form of its military assets and its command structure and thus NATO had capacities that the world and the UN needed. Supporting this latter view, another speaker believed that it would be useful for the international community to support further cooperation between the two organizations.

For the future, there were two very big gaps: one concerned policing and the other the handling of refugees. Regarding police, arrangements were always

last-minute and there were never enough resources. Civil police work was assuming growing importance in peace operations and the UN was the right place for that role and capability to be developed. Regarding refugees, it was necessary to ensure that UNHCR and other agencies had enough resources, which had not been the case in Kosovo where UNHCR had been swamped and NATO had had to provide emergency assistance and facilities.

Participants flagged an urgent requirement to give the UN a greater capacity to deal with situations in which rapid deployment was needed, and argued that NATO should assist in contributing to that rapid response. Perhaps NATO's Partnership for Peace arrangements should be set on a global footing. However, a counter view was that before the Kosovo crisis there had been virtually no political will among governments to look further abroad, and with the demands of a NATO security presence in Kosovo for the next few years there would be even fewer NATO resources available to contemplate out-of-area operations.

In assessing what made NATO special, one speaker listed its power which was significantly greater than any other European organization, its unmistakable US leadership, and the fact that it was a democratic organization composed wholly of democratic countries. Non-NATO participants responded that enumeration of these factors highlighted differences of perception between the NATO and UN communities. In fact, there were tremendous differences in philosophies: recalling President Havel's view, NATO by definition had to be an exclusive organization, whereas the UN by definition had to be inclusive. According to this view, this difference alone between the two organizations constituted a source of persistent tension. Indeed, it was useful to ask whether Article 51 of the UN Charter would have been drafted in the same way if NATO had existed at that time.¹

Another speaker asserted that the UN and NATO currently did not really cooperate at the political level. What was needed was a strategic dialogue to address such questions as the purposes of each organization in a post-Cold War world; their respective responsibilities; and the prevailing attitudes of their members. For example, a broader dialogue was needed

on Chapter VI of the UN Charter, on economic sanctions and on military cooperation.

The Global Dimension

One participant commented that there were many questions about NATO from States that were not members of the alliance. The global perspective was insufficiently reflected in the day's discussions. This gave rise to a question of double standards: is it morally acceptable for national resources to be used only to help certain countries but not others? The image of NATO being willing to go to such lengths to deal with the Kosovo crisis, but do so little to assist in other situations, was very disturbing. Indeed, for that participant, the question was not how the UN should have a practical relationship with NATO, but whether there should be cooperation between the two organizations. Without broader participation in the seminar from other parts of the world it was difficult to answer the question. The global population was 6 billion, of whom only 600 million were in the NATO area. The remaining 5.4 billion look at Kosovo and wonder whether they will be side-lined, or treated as second-class citizens. For this reason if for no other, if matters turned sour in Kosovo, it was important that the UN should not be held responsible for failure.

The inequality of the relationship between NATO and the rest of the world was noted. The 19 countries of NATO were responsible for 90% of global



H.E. Mr. Karel Kovanda

¹ Article 51 of the UN Charter states that 'Nothing in the present Charter shall impair 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.' This article is specifically referred to in Article 5 of the 1949 North Atlantic Treaty which, in turn, has provided the basis for the NATO collective defence undertaking that an attack against one is an attack against all. Over the years, some have held the view that Article 51 of the UN Charter would have been drafted more strongly if the NATO interpretation of collective defence had been available in 1945.

arms expenditure and represented the most powerful economic membership in the world. This was de facto reducing the UN Security Council to a body of convenience rather than the pre-eminent body with primary responsibility for international peace and security.

Challenges for the Future

In the discussion, it was recognized that the immediate challenges would be the tasks of effective cooperation in Kosovo between NATO, the UN system and regional organizations, such as the European Union and the OSCE. One of the lessons learned from Bosnia was that there would be a need for a clear delineation of responsibilities between the various actors. The OSCE, for example, had been effective in a number of ways, such as organizing and monitoring elections, institution-building and other aspects of developing human society, and should not be overlooked.

Looking further ahead, the UN should not allow its priorities to be distorted unnecessarily by the requirements of Kosovo. Perhaps the UN should be present mainly in the comparative short-term and there should be a broader longer-term arrangement aimed at achieving Balkan stability as a whole conceived and managed elsewhere. From the point of view of national capitals it would be the costs, the availability of resources and the risks that would be of the greatest importance in shaping long-term approaches to Kosovo. Inter alia, this was why capitals wanted to see institutions working together rather than competing with each other.

Regarding the present state of cooperation between the two organizations and ways to improve it, it was pointed out that in the field in Bosnia there was a very healthy relationship and the operational arrangements were working well. But there was certainly a need to identify practical measures of cooperation at headquarters level to improve ties and performance in such areas as police and civil-military coordination. There should also be a closer relationship in early warning and prevention.

In commenting on these and other proposals, it was suggested that in addition to a military liaison between the two Secretariats, consideration might be given to establishing a more political NATO presence at the UN in the form of an Observer Mission, (akin to those of the OAU and the EU). However, while attractive at first sight, some participants pointed out that this idea would probably not receive the necessary

support from capitals of NATO or other UN Member States.

Reference was frequently made from all quarters during the meeting to the need for greater financial support of the UN. Participants all accepted that it was up to national governments to provide the resources for capacity-building both at and through the UN. The decline of the UN and the withering away of its ability to carry out Chapter VI and VII activities was very worrying to all participants, from the Brussels, New York and broader perspectives.

The background paper had contained the following suggestions for action and these received broad support:

- n with a view to clarifying policy and perhaps establishing some broad guidelines, informal discussions at high political level to explore the circumstances in which multilateral actions might be taken, both inside and outside the Euro-Atlantic area, that might involve the UN and NATO;
- n in light of NATO's new Strategic Concept, an expanded effort by NATO to explain to a UN audience some of NATO's interests, concerns and constraints regarding out-of-area operations, in order to allay doubts and misapprehensions that exist among some non-NATO members of the UN;
- n increased high-level contacts, exchanges of planning staffs, shared training courses and exchange visits, with the overall aims of determining with more clarity the comparative advantages of each organization and improving awareness of each other's concerns and capabilities;
- n intensified discussions on specific practical and professional issues, such as the role and responsibilities of civil police and their relationship with the military;
- n significantly increased interaction on civil-military issues in order to improve coordination, accelerate response times in the event of emergencies, maximize results, reduce overlap and minimize waste of effort and resources.

In addition, the idea of a visit to New York by the Secretary-General of NATO to exchange views not only with the UN Secretariat but with UN Member States was supported, building on the existing strong relationship between the two Secretaries-General and Mr. Annan's recent visit to Brussels. During the course of such a visit, an informal meeting with members of the Security Council, using the Arria formula, would

allow an all too rare opportunity for exchange between NATO and representatives of States that are outside Europe or do not belong to NATO.”

The Shotgun Marriage

It was clear from the seminar discussion that the issue was very timely. The seminar took place on the day after the adoption by the Security Council of resolution 1244 (1999), operative paragraph 5 of which launched “the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required.” The Security Council requested the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner.

By operative paragraph 7 of the same resolution, the Security Council authorized Member States and relevant international organizations to establish the international security presence in Kosovo with all necessary means to fulfill its responsibilities, as set out in the resolution.

Thus, the primary legitimacy of the Security Council was reasserted and the UN and NATO found themselves in something of a shotgun marriage. Whether or not their earlier somewhat distant, and at times cool, relationship has properly prepared them for the union, they will now be cooperating more closely than ever before. Success will be critical and in this regard the positive experience of cooperation in Bosnia since 1995 will be highly valuable.

Further work

All the more reason, therefore, that several of the themes that arose during the seminar warrant further exploration and development. These may be gathered under several headings for further work through research and discussion among policy-makers, experts and academics:

- n *The objectives of closer UN-NATO cooperation:* Cooperation cannot take place in a political vacuum: it has to have a broadly accepted base. The purposes and political implications of closer cooperation need to be identified, with a view to clarifying and promoting objectives on which wide political

agreement can be found. At present, misunderstandings and misreadings of declared purposes and political agendas abound. In some capitals suspicions have been heightened rather than lowered by some of the events and developments during the NATO air campaign conducted between March and June 1999. Separately, there are those who wish to see NATO acting outside the Euro-Atlantic area, either on behalf of the UN or in its place. Others see such actions as potentially threatening rather than helpful to the maintenance of international peace and security. A third group sees the availability of NATO resources as being highly valuable to the UN, on a case by case basis, in responding to crises outside Europe, while others believe that NATO's (and Europe's) resources will be so consumed by the Balkans that for several years there will be little interest or resources available for out-of-area operations.

- n *Practical ways of improving UN-NATO links:* The practical suggestions made in the background paper and repeated above were widely supported by participants at the seminar. Several improved links will doubtless be implemented in the course of the operation in Kosovo, such as high level contacts and exchange visits, but more consistent linkages should be considered such as exchanges of planning staffs in functions where that might be appropriate, shared training courses and significantly increased interaction on civil-military issues. On the latter, for example, it could be useful to make a comparative study of the civil (including police)-military experiences of UNPROFOR, UNTAES, IPTF-SFOR and the evolving UN Mission in Kosovo (UNMIK), to learn from those operations. Another aspect might be ways of achieving rapid deployment of military and civilian personnel and facilities in response to a crisis. At a political level, ideas that arose during the seminar - such as the suggestion that NATO should have observer status at the UN - could be given further consideration.
- n *Issues of comparative advantage for field operations:* The UN and NATO have acquired unique experience and developed specific capabilities in certain aspects of field operations. Some of these, such as combat operations and intelligence for NATO and civil police and humanitarian support for the UN, will continue to be primary roles for each organization. There are other areas where there are

overlaps, such as communications, logistics and transport, which are necessary for each organization. Separately, there are other institutions such as OSCE, EU and the Council of Europe, that have developed expertise and capacity in certain functions, e.g., OSCE has expertise in election organization and monitoring, and human rights monitoring, which are functions often carried out by the UN in other parts of the world. The UN will continue to be charged with handling situations that will arise outside the Euro-Atlantic area, often in cooperation with regional institutions. On such occasions, the practicability of calling upon the expertise and resources of other organizations that may have comparative advantages should not be overlooked. There would be value in exploring the extent to which one or more organizations may have comparative advantage in carrying out certain tasks, with a view to maintaining skills essential to each institution but reducing duplication and improving cooperation.

- n *Meeting civil police needs in peace operations:* The nature of peace operations in recent years has brought the importance of civil police functions ever more to the forefront. In almost all circumstances, civil police have to operate in close consultation with a military presence and a civil administration. Their roles are quite different from those of soldiers and military authorities are only too willing to hand over civil law and order tasks to police as soon as they can be deployed. But finding and deploying civil police of the necessary

quality from donor nations is difficult as countries usually budget only for sufficient police to meet local and national needs. These challenges, together with the often differing police tasks that have to be carried out according to the circumstances on the ground, and the frequent need to establish training programmes for local police forces, result in complex problems that require special planning and organization. Some of these problems are already being addressed, but in the light of the particular experiences of Bosnia and Kosovo, it would be useful to give closer consideration to these issues and to their resolution.

Conclusion

It is governments that establish inter-governmental institutions such as the UN and NATO, set their policies and provide their resources. Governments have a vested interest in seeing that such institutions work as effectively as possible and have a right to expect that cooperation and coordination will prevail to the extent that circumstances and differing national positions allow. The action of multilateral organizations addressing similar issues should be mutually reinforcing rather than competitive. While much has been achieved in the field by the UN and NATO working alongside each other, much also remains to be done to improve overall cooperation between the two organizations. Addressing the four clusters of issues identified above could significantly assist in meeting this objective.

Agenda

FRIDAY, 11 June 1999

Welcome and Introductory Remarks

H.E. Dr. Nicolaas H. Biegman

Permanent Representative of the Kingdom of the Netherlands to NATO

Rita E. Hauser, Esq.

President, The Hauser Foundation / Chair, IPA Board of Directors

Dr. David M. Malone

President, International Peace Academy

Session 1: Political, Legal and Military Setting for UN/NATO Cooperation

Chair: **H.E. Mr. Hans Jacob Biørn Lian**

Permanent Representative of Norway to NATO

Presenter: **Professor Richard Falk**

Center for International Studies, Princeton University

Commentators: **H.E. Dr. Danilo Türk**

Permanent Representative of the Republic of Slovenia to the United Nations

H.E. Mr. David Wright

Permanent Representative of Canada on the North Atlantic Council

Session 2: Present Nature of Cooperation and Challenges for the Future

Chair: **H.E. Mr. Kishore Mahbubani**

Permanent Representative of the Republic of Singapore to the United Nations

Presenter: **Mr. Edward C. Luck**

Center for the Study of International Organization, New York University School of Law

Commentators: **H.E. Mr. Kamallesh Sharma**

Permanent Representative of India to the United Nations

H.E. Mr. Karel Kovanda

Permanent Representative of the Czech Republic on the North Atlantic Council

Wrap-up Session

Chair: **Dr. David M. Malone**

President, International Peace Academy

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Chairman and President, UNA-USA

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