

NATO and the United Nations During UNPROFOR (Abstract) - Jane Boulden

The conflict in Bosnia in the early 1990s was the source of a number of firsts for the international community. For NATO it marked the first time that its troops were involved in military action. For both the United Nations and NATO it was the first time that the two organizations worked together in dealing with a situation of conflict. And for both organizations, this experience occurred at a time of transition. NATO was seeking to redefine itself in the post-Cold War era and was debating the possibility of enlargement. The United Nations was riding a post-Cold War wave of optimism about its ability to deal with international peace and security issues. For both organizations the experience was a harsh one, almost bringing both to the breaking point. A number of lessons flow from this, for the organizations individually and together, as well as for the international community as a whole.

This paper examines the NATO-UN relationship as it developed and evolved during the UNPROFOR operation in Bosnia. It does so by first exploring the origins of both organizations and how they each envisaged their relationship with the other. The specific experience in Bosnia is then examined with a special focus on the debate and decision-making surrounding the use of air power and air strikes. A number of conclusions and questions flow from the analysis. First, NATO survived a very severe test of its unity and capabilities. Its involvement in the Bosnian crisis and the various problems that this created for the alliance occurred precisely at the time when the alliance itself was in the midst of a major political transition. NATO's survival, therefore, speaks a great deal about the value alliance members place on its continued existence and strength. It also speaks to the extent to which a regional conflict in which alliance members have different levels of commitment to involvement can create serious internal divisions.

Second, the involvement of NATO as the implementer of Security Council resolutions meant the addition of more than just NATO's military assets to the United Nations decision-making process. NATO's military involvement brought with it an added layer of political decision-making. And with that added layer came a number of complications, the most problematic of which was the impact on the UN's own political position in the conflict. In a situation such as that presented by the Bosnian conflict it is unlikely that an organization such as NATO will provide military assets for implementation of UN resolutions without becoming involved in the political decision-making process. This conclusion raises a critical question for the international community – is it possible for the United Nations to maintain its impartiality in these situations when a regional organization is involved in the operation? The UNPROFOR experience demonstrates that the maintenance of impartiality should not be assumed when regional organizations become involved in such situations. This is a difficult example, however, from which to make a judgement on that question. The problems that arose with respect to impartiality in this case may be as much an indication that a policy of impartiality was ill-suited to the situation as it is an indication of a problem connected to NATO-United Nations cooperation.

Final Report: NATO Fellowship 1999-2001

NATO and the United Nations During UNPROFOR

By Jane Boulden

Introduction

The conflict in Bosnia in the early 1990s was the source of a number of firsts for the international community. For NATO it marked the first time that its troops were involved in military action. For both the United Nations and NATO it was the first time that the two organizations worked together in dealing with a situation of conflict. And for both organizations, this experience occurred at a time of transition. NATO was seeking to redefine itself in the post-Cold War era and was debating the possibility of enlargement. The United Nations was riding a post-Cold War wave of optimism about its ability to deal with international peace and security issues. For both organizations the experience was a harsh one, almost bringing both to the breaking point. A number of lessons flow from this, for the organizations individually and together, as well as for the international community as a whole.

The purpose of this paper is to examine the NATO-UN relationship as it developed and evolved during the UNPROFOR operation in Bosnia. The first section of the paper examines how the relationship between the United Nations and regional organizations was originally envisaged and how it came to be articulated in the United Nations Charter. The second section provides a brief overview of the origins of NATO and how its creation related to the United Nations. The third section picks up after the end of the Cold War when the idea of greater cooperation between the United Nations and regional organizations is advocated by the UN Secretary-General, and when NATO begins to contemplate taking on military tasks in support of UN missions. Against this background, the fourth section provides a detailed overview of the events and decisions that led to NATO taking on close air support and later air strikes in support of the UNPROFOR mission. The debate within NATO as to the extent and desirability of its involvement, the UN's decisions on how to respond to events on the ground, and how the two organizations chose to deal with one another are examined along with the events and decisions themselves. Drawing together the theory and the practice - the ideas about the relationship between the two organizations, as originally envisaged by both, and the actual dynamics of the UNPROFOR experience - the conclusions outline the lessons of the experience and highlight problems and issues that need to be addressed for successful interaction in the future.

I. Origins of the Regional Organization and Self Defence Provisions in the Charter

Like much of the content of the United Nations Charter, the provisions relating to regional arrangements were the product of two inter-related recent experiences: the failure of the League of Nations and World War II. In this context, the Charter drafters were keenly aware of the impact of a lack of universality in any international security

organization, and the consequences of inaction when conflict is left unchecked in its early stages. The question of how and even if regional organizations had a role to play in dealing with issues of peace and security related to both of these critical issues. In the first instance, the United States was concerned that nothing in the proposed Charter should detract from the primacy of the Security Council on international peace and security questions. Other countries, however, particularly those in Europe and Latin America, wanted an ability to respond to conflict within their regions, in the event that the Security Council was unable or unwilling to do so.

No one disputed the idea that regional organizations had a role to play and a right to exist within the context of an overarching international organization. The question was how to fit the two together so that regional organizations could fulfill their own peace and security objectives without detracting from the goals of the international organization. Determining the exact nature of that fit raised a number of difficult questions for those negotiating the terms of the Charter. How should a regional organization or arrangement be defined? Should the Security Council have a role in deciding whether or not an organization was suited to deal with peace and security issues? What kind of freedom of action should these regional groups have in dealing with conflict situations?¹ These questions went to the heart of the concept of the international organization being negotiated, prompting two quite different responses. For some the overwhelming need was to ensure the universality of the new organization and the primacy of the Security Council's role in dealing with conflict, in order to guard against the possibility that decentralization of responsibility for action would eventually undermine the organization. Others believed that the possibility for inaction by the Security Council meant that provision should be made for action to be taken by others so that conflict was not left unchecked, possibly leading to major war.

Pressure for greater freedom of movement for regional arrangements came from Latin American countries and some European countries. The former were determined that the new international organization not infringe on the existing inter-American agreements among Latin American states.² European countries, especially Britain, France and the Soviet Union, wanted to ensure that their existing defensive arrangements, established to deal with the possibility of renewed German aggression, would not be affected, and argued that these treaties be specifically exempted from the proposed charter's provisions.³

This issue directly affected the extent to which the new international organization would be the primary and universal tool for dealing with international peace and security issues,

¹ For a good overview of how these questions featured in the early stages of the debate and negotiations on the formation of the United Nations Charter, see Ruth B. Russell, *A History of the United Nations Charter, The Role of the United States 1940-1945*, Washington D.C., Brookings, 1958, pp. 107-108, 398-399, 472-474.

² For example, the Act of Chapultepec, 3 March 1945. The Act included provisions for dealing with conflict within the region.

³ See Russell, pp. 691-692.

and as such it had the potential to be a "deal breaker".⁴ As a result, the question of how much leeway to give to regional arrangements generated considerable debate within and among delegations, and occupied a great deal of the negotiators' time and effort during the negotiating conference on the terms of the Charter. The breakthrough in the discussions came when negotiators realized that the driving force behind the concerns being raised by countries was a fear that in the event of a conflict they would be legally constrained from reacting, either because they were forced to wait for a Security Council response or because the Security Council chose not to respond. The negotiators realized that this concern was not about trying to take power away from the international organization but was really about a right to self-defence. With this realization, the Charter framers found that the issues they were dealing with fell into two distinct categories. The first set of issues concerned the question of self defence and the second related to more functional issues such as how (not whether) regional arrangements should relate to the Security Council.

Self Defence

The self defence question was dealt with by language proposed by the US delegation. Using language that eventually became the basis for Article 51 of the Charter, the proposed article affirmed an "inherent" right of self defence but retained the link to the Security Council by requiring that all such measures be immediately reported to the Security Council. The proposed language read:

Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense. The right to take such measures for self-defense ...shall also apply to understandings or arrangements like those embodied in the Act of Chapultepec... The taking of such measures shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council ...to take at any time such action as it may deem necessary in order to maintain or restore international peace and security.⁵

Language stating that member states were only able to act in self defence "until the Security Council has taken the measures necessary to maintain international peace and security" was added to reaffirm the primacy of the Security Council and to make clear that while a self defence was "inherent" it was only tenable as an interim measures until the Security Council itself responded. In order to indicate that this provision was intended to take in the actions of regional arrangements, the term self defence was qualified with the addition of the phrase "individual or collective".

⁴ At the close of the negotiations on this issue, US Senator Vandenberg, who had played a critical role in ensuring that the issue did not undermine the Charter negotiations, noted that the issue confronted the committee with "an insuperable crisis threatening the life of the Conference". United Nations Conference on International Organization (UNCIO), Commission III, Security Council Committee 4, Regional Arrangements, Document 916, III/4/15, 12 June 1945, p. 4.

⁵ As quoted in Russell, p. 698.

In the end, the two elements of the debate came to form two separate sets of provisions that were divided between two chapters of the Charter. The self defence provision became Article 51 and because of its relationship to the enforcement question, was placed in Chapter VII of the Charter while the remaining provisions for regional arrangements, including the requirement for reporting to the Security Council, were given their own chapter, Chapter VIII.

The term "collective" self defence is one that has generated considerable debate since its inclusion in the Charter.⁶ But it is clear that the negotiators intended this to cover self defence responses by regional organizations. A report on the decisions of the committee tasked with dealing with the regional organization question explained it as follows:

In the case of the American states, an aggression against one American state constitutes an aggression against all the American states, and all of them exercise their right of legitimate defense by giving support to the state attacked, in order to repel such aggression. This is what is meant by the right of collective self-defense.⁷

Chapter VIII

Chapter VIII of the Charter, titled Regional Arrangements, comprises three articles. The provisions do not define what constitutes a regional arrangement. In the committee deliberations on these provisions, the Charter framers determined that attempting a definition would create more problems than it would resolve, thus the broad, though undefined phrases "regional arrangements" and "regional agencies" are used.⁸ Article 52, the first of the three articles, notes that the Charter's provisions do not preclude the existence of regional arrangements provided those arrangements are consistent with the Charter. Paragraph 2 of the article calls on states who are members of such arrangements to attempt to settle disputes through those arrangements before submitting them to the Security Council and the third paragraph indicates that the Security Council will encourage the pacific settlements of disputes through regional arrangements.

In Article 53, the Charter provides that the Security Council will use these regional arrangements for enforcement action it authorizes "where appropriate" but makes clear that "no enforcement action shall be taken under regional arrangements ... without the authorization of the Security Council". The third and final article of the chapter requires

⁶ See Leland M. Goodrich, Edvard Hambro, Anne Patricia Simons, *Charter of the United Nations Commentary and Documents*, New York, Columbia University Press, 1969, pp. 348-351; John F. Murphy, "Force and Arms" in Oscar Schacter, Christopher Joyner, eds., *United Nations Legal Order*, vol. 1, Cambridge University Press, 1995, pp. 247-317; Derek Bowett, *Self Defence in International Law*, Manchester, Manchester University Press, 1958, pp. 200-248; Charlotte White, ...

⁷ UNCIO, Commission III, Security Council Committee 4, Regional Arrangements, Document 576, III/4/9, 25 May 1945, p. 9. Underline in original.

⁸ UNCIO, Commission III, Security Council, Committee 4, Regional Arrangements, Document 533, III/4/A/9, 23 May 1945, pp. 3-4.

that regional arrangements keep the Security Council fully informed of activities "undertaken or in contemplation" relating to international peace and security.

Together these articles suggest quite an active and cooperative relationship between regional arrangements and the UN. In practice, however, until the end of the Cold War, virtually no formal activity took place under Chapter VIII auspices.

II. The Creation of NATO

Very soon after the creation of the United Nations the effects of the US-Soviet rivalry began to take hold. With both countries holding a veto in the Security Council the likelihood of the Security Council agreeing to significant action diminished considerably. At the same time, Soviet activities in Eastern Europe generated considerable concern in the West. These two trends came together to prompt discussion and negotiation of a defensive alliance including Western European countries, Canada and the United States. The impetus for the development of the North Atlantic Treaty had, therefore, as much to do about concern about the inability of the UN to carry out its assigned tasks as it was a response to fears about Soviet activities in Europe.⁹

The terms of the Washington Treaty reflect this. Article 1 of the treaty makes immediate reference to the UN, indicating that the parties undertake "as set forth in the Charter of the United Nations" to resolve disputes peacefully and to refrain from "the threat or use of force in any manner inconsistent with the purposes of the United Nations". Similarly, the key collective defence provision of the treaty, Article 5, is framed within the context of the Charter and its wording echoes that of the Charter.

The Parties agree that an armed attack against one or more of them... shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the party or Parties so attacked... 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.

Although the creators of the treaty sought to ensure that the treaty reflected the fact that the intention of the new arrangement was to support and augment the United Nations, not replace or undermine it, the question of whether the new arrangement was or should be a regional arrangement as described in Chapter VIII of the Charter dogged the announcement of the treaty and its ratification by the US Senate. If the new collective defence arrangement was meant to support the UN then, logically, it should be a regional arrangement according to Chapter VIII of the Charter. But for all that the signatories to the North Atlantic Treaty wanted the new arrangement to be a supportive one, what they did not want was for the alliance to be subject to the regional arrangement requirements

⁹ For more on the creation of NATO see, Nicholas Henderson, *The Birth of NATO*, London, Weidenfel & Nicholson, 1982; Joseph Smith, ed. *The Origins of NATO*, Exeter, University of Exeter Press, 1990.

of Chapter VIII as this would subject them to the reporting requirements of Article 54¹⁰ and, more to the point, would subject their activities to the Soviet veto in the Security Council. As one set of analysts stated, "the Treaty thus operates *inside* the Charter but *outside* the veto."¹¹

To avoid the implications of Chapter VIII, the treaty is reliant on making its link to the Charter through the Article 51 provision on self defence, although never completely excluding the possibility that the alliance could play the role of a regional arrangement as defined in Chapter VIII. So, although the linkage between the North Atlantic Treaty and the Charter was definite, it was not clear-cut. This characterization - connected but not linked - effectively summarizes the nature of the relationship as it has continued since NATO's creation.

UN-NATO Relations during the Cold War

The possibility that NATO might be used in support of the UN arose, albeit fleetingly, on two occasions during the Cold War. The first occurred in the context of the various efforts that arose from the Korean War experience and the Uniting for Peace resolution. One of the products of the Uniting for Peace Resolution was the creation of the Collective Measures Committee. The Committee was charged with developing ways of strengthening the UN's ability to deal with international peace and security issues. Within the Committee the United States argued that NATO should be given a role in aiding the UN in carrying out its enforcement measures. The proposal did not result in any action on the issue, at least in part due to a lack of enthusiasm from other NATO members.¹²

The second instance occurred during the early stages of the Cyprus crisis in 1964. In response to the deteriorating situation on the island, Britain proposed that a NATO force be used as a peacekeeping force to ensure peace while political efforts to resolve the dispute could occur. The US supported the proposal, as did Greece and Turkey. The Greek Cypriot leader refused to agree, however, even after a revised plan was created. The proposal was dropped and the issue went to the Security Council. It is not evident that the force would have been used even had agreement been achieved. The Soviet Union was very against the idea and other NATO states were not particularly enthusiastic.¹³

III. The Idea of Greater Cooperation with Regional Organizations

Prior to the end of the Cold War the idea of making greater use of regional arrangements to supplement or take on UN missions received very little attention. After the successful

¹⁰ Remember that Article 54 requires reporting not just actions taken but also those "in contemplation".

¹¹ Richard H. Heindel, Thorsten V. Kalijarvi, Francis O. Wilcox, "The North Atlantic Treaty in the United States Senate," *American Journal of International Law*, vol. 43, no. 4, October 1949, p. 638. Emphasis in original.

¹² Martin A. Smith, "At Arm's Length: NATO and the United Nations in the Cold War Era," *International Peacekeeping*, vol. 2, no. 1, Spring 1995, pp. 56-73.

¹³ Rosalyn Higgins, *United Nations Peacekeeping, Documents and Commentary, IV*, Oxford, Oxford University Press, 1981, pp. 91-92.

UN-authorized operation to liberate Kuwait, the Security Council met at the level of heads of government for the first time. Full of a sense that the end of the Cold War had opened up the possibility of a new era in the UN's ability to deal with issues of international peace and security the Council asked the Secretary-General to prepare a report on how the UN might address international peace and security issues in the new era.

The Secretary-General's report, *An Agenda for Peace*, placed emphasis on the idea that regional organizations might be used to support UN peace efforts across the spectrum of operations from preventive diplomacy to post-conflict peace-building. The Secretary-General indicated that using regional organizations would not take away from the Council's "primary" responsibility in dealing with international peace and security,

but regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs.¹⁴

In the Secretary-General's view, such efforts would have a compounding effect on UN efforts.

Consultations between the United Nations and regional arrangements or agencies could do much to build international consensus on the nature of a problem and the measures required to address it. Regional organizations participating in complementary efforts with the United Nations in joint undertakings would encourage States outside the region to act supportively. And should the Security Council choose specifically to authorize a regional arrangement or organization to take the lead in addressing a crisis within its region, it could serve to lend the weight of the United Nations to the validity of the regional effort. Carried forward in the spirit of the Charter, and as envisioned in Chapter VIII, the approach outlined here could strengthen a general sense that democratization is being encouraged at all levels in the task of maintaining international peace and security, it being essential to continue to recognize that the primary responsibility will continue to reside in the Security Council.¹⁵

In his *Supplement to An Agenda for Peace*, Secretary-General Boutros Boutros-Ghali expanded on these ideas, outlining five areas of possible cooperation between the United Nations and regional organizations.¹⁶ The Secretary-General noted, however, the varying capacities of regional organizations and indicated that this meant that it was not desirable to develop a universal model for cooperation but that the UN was willing to aid in developing such capacity "when requested to do so and when resources permit."¹⁷

¹⁴ *An Agenda for Peace*, para. 64.

¹⁵ *Ibid.*, para. 65.

¹⁶ These are: cooperation, diplomatic support, operational support, co-deployment, and joint operations. *Supplement to An Agenda for Peace*, A/50/60-S/1995/1, 3 January 1995, para. 86.

¹⁷ *Ibid.*, para. 87.

NATO Views

From the point of view of NATO, the idea of involvement in UN peacekeeping missions arose quite quickly in 1992. Between the time of the Oslo Ministerial meeting in June 1992 and the end of the year, NATO participation in UN missions went from being a non-issue to being a fact of life. In the June 1992 Ministerial Communiqué the UN rated only a one-paragraph mention in support of the participation of Allied states in UN peacekeeping missions.¹⁸ Within six months, NATO, in coordination with the Western European Union (WEU) was involved in enforcing the UN embargo against Yugoslavia, and was supplying the UNPROFOR operation with staff and equipment to support the UNPROFOR headquarters in Bosnia. The alliance not only took on these roles with ease and alacrity but declared itself ready for more. In its Communiqué of 17 December 1992, the North Atlantic Council stated:

We confirm today the preparedness of our Alliance 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. We are ready to respond positively to initiatives that the UN Secretary-General might take to seek Alliance assistance in the implementation of UN Security Council Resolutions. For the first time in its history, the Alliance is taking part in UN peacekeeping and sanctions enforcement operations.¹⁹

Two points are of interest in this statement in the context of the original debate about the relationship between NATO and the United Nations. The first is the point the NAC makes about making decisions in accordance with their "own procedures" and the second is the firm statement about the Security Council being the body with "primary responsibility" on issues of international peace and security. Both of these points demonstrate the continuation of NATO's determination to be supportive of the UN while also firmly independent in terms of accountability and decision-making.

Events came fast and furious over the next two years, drawing NATO more deeply into the Balkan conflict and into the world of UN peacekeeping. During that time NATO also struggled to come to terms conceptually with the arrival of peacekeeping. In 1993, NATO military worked on developing a peacekeeping doctrine. And during the 1990s, a Political-Military Steering Committee/Ad Hoc Group on Cooperation in Peacekeeping (PMSC/AHG) worked on a variety of peacekeeping related issues.²⁰

¹⁸ NATO, "Ministerial Meeting of the North Atlantic Council," Press Communiqué M-NAC-1(92)51, 4 June 1992. Paragraph 13 read, in part, "We reiterate our commitment to strengthening [the UN's] ability to carry out its larger endeavours for world peace. We welcome the fact that Allies participate in and contribute to United Nations peacekeeping and other efforts."

¹⁹ NATO, Ministerial Meeting of the North Atlantic Council, Final Communiqué M-NAC-2(92)106, 17 December 1992.

²⁰ See, for example, "Progress Report to Ministers by the Political-Military Steering Committee/Ad Hoc Group on Cooperation in Peacekeeping," *Press Communiqué*, M-NACC-2 (96)169, 11 December 1996.

But events on the ground outran these efforts. By the time the parties to the Bosnian conflict signed a peace agreement in Dayton, NATO's involvement with the UN had gone from virtually non-existent to having been the source of NATO's first military actions since its creation.

IV. NATO and the UN in Practice

Maritime and Air Monitoring

NATO's involvement with the UN in the Balkans began with a July 1992 decision to assist in monitoring the sanctions imposed against Yugoslavia by the Security Council.²¹ NATO provided ships and airplanes to the operation known as Operation Sharp Guard.

A few months later, the Security Council passed Resolution 781, which imposed a ban on all military flights over Bosnia.²² However, the resolution did not include any provisions for enforcing the ban. This was the result of a compromise between pressure from the US to take stronger action in Bosnia, and fear on the part of states with troops on the ground that such stronger measures would prompt retaliation against their troops. In anticipation of the ban, NATO had already decided to provide the UN with technical monitoring assistance.²³ The ban was consistently and repeatedly violated, a fact which kept the prospect of moving to enforcement a topic of discussion. It was not until 31 March 1993, however, that the Security Council moved to authorize enforcement of the ban.²⁴ On 2 April, the North Atlantic Council approved Operation Deny Flight to help implement Security Council Resolution 816. The contingency plans for the operation had long been in place since enforcement of the ban had been a possibility from the beginning. The operation began on 12 April 1993.²⁵ The rules of engagement for NATO aircraft were quite circumscribed, again in recognition of the concerns of troop-contributing countries that any serious enforcement action would result in retaliation against their troops. NATO planes were prohibited from attacking civilian aircraft or ground installations, even if fired upon. Military aircraft were to be engaged and told to leave the zone. If they did not comply a warning shot could be fired. Only then, if the military aircraft continued to refuse to comply could the NATO aircraft shoot down the plane.²⁶

A number of events and trends in the Bosnian conflict came together in the spring and summer of 1993. At the United Nations, the Security Council created a safe area around Srebrenica and then gave five other cities safe area status, but made no provision for enforcing the concept. Within the US government, policy on Bosnia, having been through a number of incarnations, was focusing on the concept of lift and strike. Under the auspices of negotiators Cyrus Vance and David Owen, a peace plan was agreed, and then

²¹ North Atlantic Council, Statement on NATO Maritime Operations, 10 July 1992.

²² Security Council Resolution 781, 9 October 1992.

²³ Dick A. Leurdijk, *The United Nations and NATO in the Former Yugoslavia, 1991-1996, Limits to Diplomacy and Force*, The Hague, Clingendael, 1996, p. 29.

²⁴ Security Council Resolution 816, 31 March 1993.

²⁵ NATO, "NATO Starts Operation of No-Fly Zone Enforcement," *Press Release* (93) 29, 12 April 1993.

²⁶ Leurdijk, p. 31.

destroyed when the Bosnian Serb parliament voted not to accept its terms. And in the midst of all of these changes the conflict within Bosnia continued to deepen and worsen. Together, these events created a situation that pushed NATO members towards an internal crisis over the use of force in Bosnia.

Safe Areas

The safe area idea first came about in response to the siege at Srebrenica in mid-March 1993, and the inability of the UN to get humanitarian aid past the Bosnian Serb troops surrounding the area. On 16 April 1993, the Security Council unanimously passed Resolution 819 establishing Srebrenica as a safe area. The idea of safe area was to create a zone free from armed attack. The resolution required the Bosnian Serb troops in the area to withdraw and the Yugoslav government to cease supplying Bosnian Serb troops with arms. It also authorized a Security Council mission to go to the area to investigate the situation. When the Security Council mission returned, it recommended considering an expansion of the safe area concept to other cities, though on very conditioned terms, including an expanded UNPROFOR presence and clear determination on the part of the Security Council to enforce and defend the safe areas if necessary.²⁷ The Security Council responded on 6 May 1993, by passing Resolution 824, which extended the safe area concept to the cities of Bihac, Gorazde, Sarajevo, Tuzla and Zepa. But the Council did not follow the Security Council mission's other recommendations and provide for any enforcement of the safe areas. It may have been counting on the Vance-Owen negotiations to bring about a peace agreement. However, in mid-May the Bosnian Serbs overwhelmingly rejected the plan. Two weeks later, the Security Council took further action on the safe areas, this time expanding the mandate. Now UNPROFOR troops were required to deter attacks on the safe areas, to monitor the withdrawal of military and paramilitary from the area and to assist in the delivery of humanitarian aid.²⁸

In the Secretary-General's plan for implementation of the safe area resolution the Secretary-General estimated that 34,000 additional troops would be necessary if UNPROFOR was to ensure full respect for the safe areas.²⁹ In recognition of the fact that that level of troop contributions was extremely unlikely, the Secretary-General also proposed a "light option" involving 7,600 troops, indicating that this option would rely "on the threat of air action against any belligerents"³⁰ to ensure defence of the safe areas. Inevitably the Security Council chose to endorse the light option and it was a full year before even that lesser number of troops was provided to the operation.

After the passage of the safe areas resolution, NATO undertook a series of meetings to determine the implications of the safe area policy and how and if NATO should respond to the formal request from the UN for NATO to undertake the coordination of the air cover task for the safe areas. Meeting in Athens on 10 June 1993, the NAC announced its willingness to undertake this task.

²⁷ S/25700, 30 April 1993.

²⁸ Security Council Resolution 836, 4 June 1993.

²⁹ S/25939, 14 June 1993.

³⁰ Ibid.

In response to UNSC Resolution 836 and the expanded UNPROFOR mandate related to safe areas, we offer our protective airpower in case of attack against UNPROFOR in the performance of its overall mandate, if it so requests. We have asked the NATO Military Authorities, who have already undertaken preliminary work, to proceed rapidly with detailed planning for the air support that we are ready to provide, in coordination with UNPROFOR and other participating states.³¹

One of the most notable aspects of this decision is that the offer of protective airpower applies to UNPROFOR with respect to its "overall mandate" not just with respect to the safe areas. In effect, NATO was not only acceding to the UN request but going one step further. This point received almost no recognition at the time. Equally, the fact that what NATO was offering was protective air support "in case of attack" was also a distinction that was often lost. Air cover did not equal air strikes and was very specifically a self defence, not an offensive role.³²

US Policy

During the first half of 1993, the Clinton administration struggled to develop a policy on the Bosnian conflict.³³ Initially, they settled on advocating a policy called "lift and strike", a policy that proposed lifting the arms embargo against the Bosnian Muslims, and using limited air strikes against the heavy weapons sites the Bosnian Serbs were using to bomb places like Sarajevo, as a way of leveling the playing field between the parties. When the US ran this idea by NATO allies it was not met with an enthusiastic response. The US Secretary of State, Warren Christopher, traveled to Europe in April in order to discuss the US ideas with NATO allies. Those NATO member-states with troops on the ground remained unhappy about anything that might put their troops at risk of retaliation from Bosnian Serb troops.³⁴ In combination with the very clear US unwillingness to consider putting their own troops on the ground, the advocacy of air strikes by the Clinton Administration served to deepen an already serious divide between the US and other NATO members. After its unsuccessful consultations with the NATO allies, the Clinton Administration let the "lift and strike" policy fade. But events, in particular the bombing of Sarajevo and the humanitarian crisis it created, soon prompted Clinton, at least, to push for some form of action.

³¹ Ministerial Meeting of the North Atlantic Council, *Final Communiqué*, M-NAC-1 (93)38, 10 June 1993.

³² An inter-office UNPROFOR memo explains this distinction. "Close Air Support is clearly the use of air power in self-defense, not offensively. The authority to employ Close Air Support equals the authority to protect UNPROFOR and associate forces.... In [Bosnia, Air Strike] has been used to refer to NATO preplanned missions such as bombing Serbian artillery sites around Sarajevo...". UNPROFOR, Inter-office memo, 29 January 1994.

³³ For good descriptions of this process see, Elizabeth Drew, *On the Edge, The Clinton Presidency*, New York, Simon & Schuster, 1994; and Ivo Daalder, *Getting to Dayton, the Making of America's Bosnia Policy*, Washington D.C., Brookings, 2000.

³⁴ Both British and French diplomats had made this clear in advance. Drew quotes one British diplomat as saying "We told them that until we were blue in the face." Drew, p. 155.

The Shift to Air Strikes

It was against this backdrop – the failure of the Vance-Owen peace plan, the desire of the US to do something without risking its own involvement in a potential quagmire, as well as the establishment of the safe areas with no effective augmentation of the UNPROFOR force on the ground– that the idea of air strikes made a resurgence. Again it was the US who took the lead on the issue.³⁵ In contrast to the first round on air strikes, this time the US was determined about the idea. In late July, two US officials traveled to Britain and France to discuss the shift in US policy. The US officials put the new US policy in strong terms, with one official making clear “that the future of the alliance was on the line.”³⁶ The consultations, which continued after the officials returned home, appeared to give the US sufficient impetus to decide to take the issue to an alliance meeting.

The North Atlantic Council held a special meeting in Brussels on 2 August 1993 to discuss the issue. In a lengthy, deeply contentious, highly-charged debate alliance members debated the air strike idea. As it had been all along, the divide was between the US, advocating a more forceful approach to the conflict in the form of air strikes, and member states with troops on the ground in Bosnia who were unhappy and unwilling to consider action that might put those troops at risk of Bosnian Serb retaliation. After considerable discussion and machinations the NAC agreed to a conditioned use of air strikes.³⁷ The NAC Communiqué stated:

The Alliance has now decided to make immediate preparations for undertaking, in the event that the strangulation of Sarajevo and other areas continues, including wide-scale interference with humanitarian assistance, stronger measures including air strikes against those responsible, Bosnian Serbs and others, in Bosnia and Herzegovina. These measures will be under the authority of the United Nations Security Council and within the framework of relevant UN Security Council resolutions, and in support of UNPROFOR in the performance of its overall mandate. For that purpose, full co-ordination will be carried out with the United Nations, including appropriate arrangements between the NATO Military Authorities and UNPROFOR and consultation with UNHCR.³⁸

The compromise was a partial victory for both sides. The US had gained alliance agreement to stronger measures in the form of air strikes. Troop-contributing countries, however, had ensured that those stronger measures were subject to UNPROFOR approval and had, therefore, bought a form of protection for their troops. In announcing the subsequent agreement on command and control and operational arrangements between NATO and the UN, the North Atlantic Council emphasized that the decision to use air strikes was one that was in support of the UN operation. “The Council underlines again that the air strikes foreseen by the Council decisions of August 2 are limited to the

³⁵ For the first time, the Clinton Administration considered the possibility of using ground troops in Bosnia, as a way of ending the siege of Sarajevo. Daalder, pp. 19-20.

³⁶ The official was Antony Lake, the US National Security Advisor. Daalder, p. 21.

³⁷ For descriptions see, Owen, p. 221.

³⁸ North Atlantic Council, Press Statement by the Secretary-General, 2 August 1993.

support of humanitarian relief, and must not be interpreted as a decision to intervene militarily in the conflict.”³⁹ Inevitably, perhaps, the compromise, known as the dual-key because any use of air strikes required a positive decision from both NATO and the UN, created more problems than it resolved.

Sarajevo Weapons Exclusion Zone

Once agreed, air strikes did not occur in the first months after the contentious decision. The deteriorating situation in two safe areas - Srebrenica and Tuzla - however, prompted Britain and France to push for consideration of military measures to deal with them. At the January meeting of the North Atlantic Council, the NAC included in their communiqué a statement about the two safe areas. "We urge the UNPROFOR authorities to draw up urgently plans to ensure that the blocked rotation of the UNPROFOR contingent in Srebrenica can take place and to examine how the airport at Tuzla can be opened for humanitarian relief purposes."⁴⁰ Britain and France forwarded the NATO declaration to the UN secretary-general, accompanying the declaration with proposals "about exceptional command-and-control arrangements which they thought would be appropriate for military operations specifically related to the current situation in those two safe areas."⁴¹ The British and French efforts and NATO's reiteration of its willingness to use air power in Bosnia prompted a response from the Russians who were now very concerned about the balance of decision-making power shifting too far in favour of NATO. In their démarches to the secretary-general on the subject they re-stated their position that "any use of force . . . should be subject to prior consultations by the Secretary-General with the members of the Security Council and that only after such consultations should a decision be made to seek enforcement assistance from any source, including NATO."⁴²

Through the winter attention increasingly turned to the worsening situation in Sarajevo. Then, as often happened in the Bosnian war, a single event changed the equation. On 5 February 1994, an artillery shell hit the Sarajevo marketplace. Sixty-eight people were killed and 200 wounded.⁴³ The event galvanized the international community into a response. Interest focused on the idea of establishing a weapons exclusion zone around Sarajevo in order to end the siege, a proposal that had previously been put forward by the French.

The story of establishing the weapons exclusion zone around Sarajevo remains complex and disputed. NATO and the UN proceeded along parallel but generally unlinked tracks. The day after the bombing of the marketplace, the Secretary-General issued a request to NATO asking for assistance in preparing for air strikes against the weapons that were being used against Sarajevo [get document]. Three days later, the North Atlantic Council

³⁹ North Atlantic Council, Decisions Taken at the Meeting of the North Atlantic Council on 9th August 1993, *Press Release* (93) 52, 9 August 1993.

⁴⁰ North Atlantic Council, Ministerial Meeting of the North Atlantic Council/North Atlantic Cooperation Council, 10-11 January 1994.

⁴¹ S/1994/50, 18 January 1994.

⁴² *Ibid.*

⁴³ NYT

approved the request but did so in the context of establishing a heavy weapons exclusion zone around Sarajevo and issuing an ultimatum to the parties requiring their compliance with the exclusion zone. The Council decisions required both the Bosnian Serbs and the Government of Bosnia to remove their heavy weapons within ten days, and required the Bosnian government “to refrain from attacks launched from within the current confrontation lines”. It also stated that within ten days “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 strikes.”⁴⁴ The NAC then accepted the UN Secretary-General's request for assistance with air strikes and authorized the Commander-in-Chief, Allied Forces Southern Europe:

to launch air strikes, at the request of the United Nations, against artillery or mortar positions in and around Sarajevo (including any outside the exclusion zone) which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city.⁴⁵

A couple of points are important here. First, there are two separate options relating to air strikes being authorized. The first was the threat to use air strikes to enforce the exclusion zone if the parties did not meet the requirements within ten days. The second was the positive response, effectively immediately, to the Secretary-General's request to use NATO assets to conduct air strikes against weapons around Sarajevo if they were being used against civilian targets. The second point is that while the NAC decisions make reference to UN Security Council resolutions, the establishment of the weapons exclusion zone is a NAC decision and is not directly related to any Security Council provision, though it arguably supported the enforcement of Sarajevo's safe area status. Russia argued forcefully but ultimately unsuccessfully for a new Security Council resolution.

The crisscrossing authority and decision-making was made further complicated by negotiations on the ground in Sarajevo between the UNPROFOR commander, British General Michael Rose and the Bosnian Serbs. While the NAC was meeting to reach its own decisions, General Rose reached an agreement with the Bosnian Serbs to an immediate cease-fire around Sarajevo and the placement of their heavy weapons under UNPROFOR control. The UN and NATO were thus proceeding along two different tracks. In the end, the two tracks were kept together by a direct connection between the UNPROFOR commander and British Lt.-Gen. Rupert Smith. According to General Rose, the latter was involved in the NATO discussions and was able to ensure that the NATO and UN language corresponded.⁴⁶ The heavy press coverage of NATO decision to establish a heavy weapons exclusion zone, however, made it seem as if the outcome was simply a product of NATO's “ultimatum”.

One of the often-overlooked aspects of this sequence of events is the involvement of Russia. The Russians were increasingly irritated and angry about the role of NATO and

⁴⁴ North Atlantic Council, Decisions taken at the Meeting of the North Atlantic Council in Permanent Session, 9 February 1994.

⁴⁵ Ibid.

⁴⁶ General Sir Michael Rose, *Fighting for Peace*, London, The Harvill Press, 1998, pp. 51-52.

the lack of consultation with Russia. Although Bosnian Serb forces did not comply entirely with the exclusion zone deadline, the UNPROFOR command determined that progress towards compliance was sufficient enough to that point to avoid the use of air strikes, and full compliance was achieved within a few days.⁴⁷ The general conclusion drawn from this is that the threat of air strikes forced Bosnian Serb compliance and brought about an end, although temporary, to the siege of Sarajevo. But the Bosnian Serb compliance came late in the game and only after the intervention of the Russians. The Russian decision, just days before the NATO deadline, to move their UNPROFOR troops from Croatia to Sarajevo was critical to the Bosnian Serb decision to comply. David Owen provides an interesting analysis of the situation.

The Russian initiative seemed to have been taken without informing the US and without the knowledge of [Britain]. The Russians had not hidden their intense irritation at the NATO decision, from which they felt excluded. They warned that [Bosnian Serb General Ratko] Mladic would be delighted if NATO air strikes took place, since it would unite all Serbs and give him the freedom he did not currently have. . . . [S]ome said [that Bosnian Serb compliance] was a vindication of the threat of air strikes and a sign that the Bosnian Serbs would crumble under threat. I felt that it was the Russians who had taken the threat of NATO air strikes seriously and that it was their decision to move their troops to Sarajevo which had forced Mladic to act over his heavy weapons.⁴⁸

Gorazde and Bihac

In early April 1994, Bosnian Serb shelling of the safe area Gorazde brought the issue of air strikes to the forefront again. In response to a request from UNPROFOR commander General Rose, approved by the UN Special Envoy, NATO launched attacks against Serb targets at Gorazde on 10 and 11 April. The long predicted retaliation from the Bosnian Serbs came quickly. They detained 155 UNPROFOR troops, closed the road to Sarajevo, and refused to communicate with UNPROFOR leaders. A few days later, on 15 April, they resumed their shelling of Gorazde. The renewed shelling generated two responses. Russia, who had previously condemned the NATO air strikes now shifted their position to condemn the Bosnian Serbs. At the UN, the Secretary-General sent a request to the NATO Secretary-General asking him to obtain authorization for air strikes to be carried out by NATO “at the request of the United Nations” for the five other safe areas.⁴⁹ As it had done with respect to Sarajevo, the NAC both acquiesced to the UN Secretary-General’s request and separately established a “military exclusion zone” around Gorazde. The NAC gave the Bosnian Serbs five days to meet the requirements of the exclusion zone, indicating that if the deadline was not met, NATO would use air strikes.⁵⁰ The

⁴⁷ “Press Statement on 21 February by NATO Secretary General Manfred Wörner following expiry of deadline for withdrawal of heavy weapons from in and around Sarajevo,” reprinted in *NATO Review*, April 1994, p. 22.

⁴⁸ Owen, *Balkan Odyssey*, pp. 287-288.

⁴⁹ S/1994/466, 19 April 1994.

⁵⁰ Decisions on the Protection of Safe Areas taken at the Meeting of the North Atlantic Council on 22nd April 1994, Press Release (94) 32, 22 April 1994. Decisions taken at the Meeting of the North Atlantic Council in Permanent Session, Communiqué, 22 April 1994.

question of whether the Bosnian Serbs complied with the deadline was subject to dispute. The UN representatives felt that there was sufficient compliance to avoid the use of air strikes. NATO was less convinced and the disagreement prompted consultation between the secretaries-general of the two organizations and a fine tuning of the air strike procedure. In a shift from previous policy it was now agreed that either side - NATO or the UN - could call for air strikes, though the decision to launch them still had to be a joint one.⁵¹

In late November 1994, another safe area, Bihac, became the focus of the conflict, prompting another round of tense decision-making about how to respond. The Bihac crisis brought together a number of the pressures and trends created by the shift to air strikes. Deep in western Bosnia, the Bihac fighting touched on vital interests of the Krajina-based Serbs, Croats in the same area, and the Croatian, Bosnian, and Yugoslav governments. For the same reasons that Bihac was important geographically to all of the parties, it was difficult militarily for the UN and NATO. Establishing another exclusion zone was problematic because of Bihac's proximity to the Croatian border. There were also significant Bosnian Serb military assets in the area that posed a threat to NATO aircraft and UNPROFOR troops in the area were poorly equipped and highly vulnerable to retaliation. All of this was also occurring in the context of the Clinton Administration's decision to stop enforcing the arms embargo against the Bosnian Muslims.⁵²

In response to the attacks on Bihac, on 19 November the Security Council passed Resolution 958, which extended the authority for the use of air power, authorized in Resolution 836, to Croatia.⁵³ Two days later NATO planes carried out air strikes against the Udbina airfield (though not planes based there) in Croatia, which was being used as a base for the some of the attacks against Bihac. This was followed by NATO attacks against a surface-to-air missile sites over the next few days.⁵⁴ The Bosnian Serbs retaliated by taking approximately 400 UNPROFOR personnel hostage.

This latest round in the crisis brought virtually every policy aspect of the international response to the boiling point. The taking of UNPROFOR troops hostages had the desired effect of bringing an end to air strikes. There was absolutely no question that the Bosnian Serbs were violating, even flaunting the UN Security Council resolutions. Without further action from the UN, the whole Security Council approach, already fragile, would be significantly undermined. On 25 November, the North Atlantic Council met to discuss a number of different proposals for action, including a US proposal for a much wider campaign of air strikes to be used to bring the conflict to an end. In spite of US pressure to continue with air strikes, troop-contributing allies were unmovable. This divide between the US and other alliance members had now reached crisis proportions within

⁵¹ Leurkjkik, p. 50.

⁵² This decision avoided a Congressional bill that would have formally unilaterally lifted the embargo. Michael R. Gordon, "President Orders End to Enforcing Bosnian Embargo," *New York Times*, 11 November 1994, pp. A1, A10.

⁵³ Security Council Resolution 958, 19 November 1994.

⁵⁴ NATO Aircraft Attack Udbina Airfield, Press Release (94) 110, 21 November 1994. NATO, *Press Release* (94) 111, 23 November 1994. NATO, *Press Release*, (94) 112, 23 November 1994.

NATO. In the end, the North Atlantic Council made no decisions on new action.⁵⁵ There was no new policy direction save one important change in US policy. Reacting to the depth of the now very deep divide among NATO allies, the Clinton Administration, having considered pursuing air strikes unilaterally, determined that their first priority was alliance unity, rather than the immediate problems of the Bosnia crisis.⁵⁶

Instead of air strikes, the administration decided that henceforth the objective of US policy toward Bosnia would be, first, to mend the rift in the alliance; second, to contain the war in Bosnia and prevent its spread throughout the Balkans; and, only third, to help preserve the territorial integrity of Bosnia through negotiation.⁵⁷

For the UN, the Bihac crisis also marked a fundamental turning point. Its inability to enforce its mandate and the obvious vulnerability of its troops was having a severe effect on its credibility. For the first time, serious discussion of a possible withdrawal of the UNPROFOR operation took place.⁵⁸

A pause to regroup became possible on all fronts when former US President Jimmy Carter negotiated a four-month cease-fire with the parties to the conflict. The cease-fire was mostly observed, at least sufficiently so to avoid an immediate return to major conflict.

Back to Sarajevo

While the ceasefire provided some temporary respite, it also provided time for the parties to the conflict to rearm and prepare for the next round. At the political level little in the way of preparation for the next phase of the conflict occurred. But events on the ground soon forced all of the major actors – NATO, the UN, the US – to re-evaluate and fundamentally change their approach to the conflict.

After the four-month ceasefire ended, the Bosnian Serbs soon resumed shelling of Sarajevo. These actions, in conjunction with their withdrawal of heavy weapons from some of the UN weapons collection points, prompted UNPROFOR to issue another set of deadlines for the return of the weapons, and the removal of new weapons that had been brought in to the exclusion zone by both sides. When this deadline was not met, NATO forces used air strikes against the Bosnian Serbs. This time, the air strikes, which took place over two days, were launched against ammunition depots and other military sites

⁵⁵ NATO, "Decisions of the North Atlantic Council in Permanent Session," 24 November 1994.

⁵⁶ "Fighting Rages As NATO Debates How to Protect Bosnian Enclave," *New York Times*, 28 November 1994, pp. A1, A16; "U.S. Drops Talk of Using Force Against Serbs," *New York Times*, 29 November 1994, A1, A16; and "U.S. Policy Shift on Bosnia Creates a Muddle with Allies," *New York Times*, 30 November 1994, A1, A16.

⁵⁷ Daalder, p. 34.

⁵⁸ Leurdjik, p. 58. Roger Cohen, "U.N. to Withdraw Unless the Firing in Bosnia Ceases," *New York Times*, 30 November 1994, pp. A1, A16. Michael R. Gordon, "U.S. and Bosnia: How a Policy Changed," *New York Times*, 4 December 1994, pp. 1, 20. Also see the Secretary-General's report, S/1994/ 1389, 1 December 1994, in which the Secretary-General advocates reconsideration of the safe area concept.

near the Bosnian Serb headquarters at Pale, just outside Sarajevo. The strikes against the Pale targets marked the first time that force had been used against military targets other than those specifically linked to attacks in violation of the mandate and was a significant shift in UN and NATO strategy. The Bosnian Serb response was quick and forceful. They took a number of UNPROFOR troops hostage, placing them as highly visible “human shields” at possible air strike target locations. They closed down the access routes to Sarajevo and retrieved more heavy weapons from the UN collection points. On 26 May they bombed the safe area of Tuzla, in an attack that killed 71 people.⁵⁹ For the UN, the focus immediately shifted away from air strikes to negotiating the release of the UNPROFOR troops. The concept of Sarajevo as a safe area was effectively destroyed and the UN Secretary-General undertook a fundamental review of the situation. At NATO, contingency planning for assisting an UNPROFOR withdrawal, which had begun after Bihac was completed. The North Atlantic Council met to consider the situation and issued a strong statement condemning the Bosnian Serb actions. The statement read, in part:

The Alliance, with the full solidarity of its members, condemns in the strongest terms the outrageous behaviour of the Bosnian Serbs. The Alliance condemns the killing and detention of UN peacekeepers and the making of unacceptable threats against the lives of those who are being held hostage.NATO demands that the Bosnian Serbs release these UN peacekeepers immediately, and supports every effort of the UN to ensure their safety and bring about their release. The Alliance also condemns the barbaric shelling of the UN-designated safe areas, in particular the attacks on Tuzla, which has led to the slaughter of a large number of innocent civilians. We demand that the Bosnian Serbs stop these attacks on the safe areas and comply with the UNPROFOR ultimatum to remove all heavy weapons from the Sarajevo exclusion zone or place them under effective UN control. The Alliance remains ready to respond to requests from the United Nations for further action in support of these objectives.⁶⁰

During July, two safe areas fell victim to the Bosnian Serbs. On 12 July, in a sequence of events that continues to haunt the international community, Bosnian Serb forces took over Srebrenica and expelled and killed thousands of Muslims. Bihac, an ongoing source of conflict since the autumn, came under attack by Serbs in the Krajina region. Less than two weeks later, on 25 July, Zepa also fell. The Security Council responded to the fall of Srebrenica with a resolution condemning the Bosnian Serb actions and calling for the restoration of Srebrenica as a safe area.⁶¹ But the resolution was only declaratory; the Council made no provision and took no decisions to follow through on its terms.

⁵⁹ Roger Cohen, “After a 2d Strike From NATO, Serbs Detain U.N. Forces,” *New York Times*, 27 May 1995, pp. 1, 4. Roger Cohen, “Serbs Call and Raise,” *New York Times*, 27 May 1995, p. 4.

⁶⁰ North Atlantic Council, “Communiqué following the Meeting of the North Atlantic Council on the Situation in the Former Yugoslavia,” *Press Release* (95) 55, 27 May 1995.

⁶¹ Security Council Resolution 1004, 12 July 1995.

Much of the activity in response to the pressure on the safe areas occurred within NATO circles. UK Prime Minister John Major called a crisis meeting of foreign and defence ministers of NATO members as well as Russia. The meeting generated two decisions that changed the existing policies. The first was to draw “a line in the sand” around Gorazde.⁶² Should the Bosnian Serbs attempt to take that safe areas, there would be a “firm and rapid” NATO response.⁶³ The second was a decision to streamline the dual-key decision-making process. The North Atlantic Council met on 25 July and approved the decisions of the London meeting. Speaking after the NAC meeting, NATO’s Secretary-General stated:

The planning we have undertaken is built upon the Council's decisions of August 1993 and April 1994 and falls under the authority of existing UN Security Council resolutions. Over the past few days, I have had contacts with Secretary General Boutros Boutros-Ghali and after the Council tonight I made the first reports over the phone regarding the decisions and I have immediately sent to Secretary General Boutros Boutros-Ghali a detailed summary of our decisions so that he has the opportunity with his experts to study immediately the contents of the decisions made by the NAC. NATO will now be working urgently together with the UN to ensure the necessary coordination. ... NATO's planning is designed to ensure that military preparations by the Bosnian Serbs which are judged to present a direct threat to Gorazde, or direct Bosnian Serb attacks on Gorazde, will be met with the firm and rapid response of NATO's air power. The planning provides for NATO and the UN to take the necessary decisions to launch significant air strikes in the event of such actions. There is a strong feeling among Allies that such operations, once they are launched, will not lightly be discontinued. In the face of the inherent risks, the Alliance is determined.⁶⁴

The following week, the NAC met again and decided to extend the Gorazde arrangements to Bihac, Tuzla and Sarajevo.⁶⁵ As these events and decisions demonstrate, NATO was taking on an increasingly prominent role in the international response to the conflict. While NATO decisions consistently emphasized that they were made in support of Security Council resolutions, the decision-making balance was now shifting heavily towards NATO and away from the Security Council.

In response to the agreed streamlining of the dual-key system, at the United Nations, the Secretary-General announced that he was delegating his dual-key authority to the UNPROFOR commander in the field. This decision meant that the Secretary-General was bypassing his special envoy, who had been a controversial figure,⁶⁶ and giving the

⁶² According to Holbrooke, the use of this language was a deliberate evocation of President Bush’s phrase during the Persian Gulf conflict.

⁶³ Press Statement by the Secretary-General following North Atlantic Council Meeting on 25 July 1995, 25 July 1995. <http://www.nato.int/docu/speech/1995/s950725a.htm>

⁶⁴ Ibid.

⁶⁵ NATO, Press Statement by the Secretary General following the North Atlantic Council Meeting on 1st August 1995, 1 August 1995. <http://www.nato.int/docu/speech/1995/s950801a.htm>

⁶⁶ Yasushi Akashi was the Secretary-General’s Special Envoy. On a number of occasions he declined requests for air strikes making him the source of considerable attention and criticism.

authority to decide on air strikes to UNPROFOR military commanders who happened to be from NATO member states.

In order to streamline decision-making within the United Nations chain of command when air strikes are deemed to be necessary, I have decided to delegate the necessary authority in this respect to the Force Commander ...As regards close air support ...my special representative has today delegated the necessary authority to the Force Commander (General Janvier) who is authorized to delegate it further to the commander of the United Nations Protection Force...when operational circumstances so require.⁶⁷

Operation Deliberate Force

Galvanized by the events of the summer, as well as the possibility of a UN withdrawal in which large numbers of US troops would be involved, the Clinton Administration focused new energy and people on developing a policy that would bring the war to an end. President Clinton appointed Richard Holbrooke to be the lead US negotiator on Bosnia, and Holbrooke became deeply involved in both the political and military decision-making that followed, bringing the two strands of international responses – the peace process and the military response – together for the first time.

Over the summer of 1995, the gradual shift towards acceptance of the idea of a greater use of force gained momentum. The decisions in NATO to establish parameters for action and to streamline the dual-key decision-making system established the foundation for a more directed, coherent response to events. NATO and the US were already primed to respond, therefore, when the Bosnian Serbs handed them an excuse for action by bombing the Markale marketplace in Sarajevo on 28 August. Thirty-seven people were killed and more than 80 were wounded. Under Holbrooke, the US had begun to make public statements indicating that it was willing to consider a wide use of air strikes if more progress was not made at the negotiating table. For them, the bombing of the marketplace that same day seemed a direct challenge. The United Nations established very quickly that the Bosnian Serbs had launched the mortar. In response, the UNPROFOR commander in Sarajevo initiated a request for air strikes. The NATO Commander agreed with the request for air strikes. Based on that dual-key authorization, on 30 August 1995, NATO launched Operation Deliberate Force.⁶⁸

NATO was now firmly in control of the military side of the equation, and through Holbrooke, the US negotiator, the parameters and possibility of a peace agreement were now also tied in to the military response. The bombing was halted from 1-4 September to provide an opportunity for negotiation and for the Bosnian Serbs to the conditions outlined by NATO and the UN about moving their heavy weapons from around Sarajevo.⁶⁹ A hint as to the extent of the shift in the balance of the decision-making from

⁶⁷ S/1995/623, 27 July 1995.

⁶⁸ NATO, "Statement by the Secretary General of NATO," *Press Release* (95) 73, 30 August 1995.

⁶⁹ As cited in Leudjik, p. 80.

the UN to NATO is given in a statement by the UN Secretary-General at the time. The statement reads:

I have been informed tonight by NATO Secretary-General Willy Claes of the reiteration by the North Atlantic Council of the international community's demand that the Bosnian Serbs take immediate steps to end the threat to the safe area of Sarajevo, in particular by withdrawing their heavy weapons from the 20 kilometre exclusion zone around the city. My staff and I have been in close contact with NATO throughout the day and I myself have spoken to Secretary-General Claes. I associate myself fully with the position of NATO and call upon the Bosnian Serbs to comply with the requirements communicated to them by the Force Commander.⁷⁰

When diplomatic efforts generated little in the way of a response, and the Bosnian Serb forces did not respond to the conditions relating to heavy weapons, the bombing began again on 5 September.⁷¹ Speaking at a press briefing, Admiral Leighton Smith stated: "The reason for the recommencement is that NATO and the United Nations have collectively agreed on certain conditions which must be met. Those conditions 1, were not met, and 2, certainly there was no indication that there was intent on the Bosnian Serbs' part to meet them."⁷²

Operation Deliberate Force continued until 14 September, when another pause was implemented in response to an agreement by the Bosnian Serbs to comply with the NATO-UN conditions. On 17 September the bombing pause was extended for 72 hours in light of Bosnian Serb efforts to meet those conditions.⁷³ At the conclusion of that time, NATO and the UN determined that the Bosnian Serbs had met their conditions and Operation Deliberate Force was suspended.⁷⁴

Conclusions

The idea that NATO would support and contribute to the provisions of the United Nations Charter, an idea so carefully included in the Washington Treaty, has stood the test of time, and the test of a major crisis. NATO undertook actions to assist the United

⁷⁰ United Nations, "Statement attributable to the Secretary-General of the United Nations," no document number, New York, 2 September 1995.

⁷¹ Statement by the Secretary General of NATO, *Press Release* (95) 79, 5 September 1995.

⁷² Transcript of Press Conference, Admiral Leighton W. Smith, Commander in Chief Allied Forces Southern Europe, NATO Club HZ. AFSOUTH, Naples, Italy, 9 AM, 6 September 1995. See also Roger Cohen, "A NATO Deadline Passes Without Attack," *New York Times*, 5 September 1995, pp. A1, A9. According to Holbrooke, the decision to restart the bombing campaign had to overcome tremendous resistance from within NATO as well as from U.S. military officials. The pro-resumption side won out after Bosnian Serb General Mladic sent a letter threatening to widen the conflict and attack other safe areas. Holbrooke, *To End a War*, pp. 118, 131–132.

⁷³ AFSOUTH, "Joint Statement by Adm Leighton W. Smith and Lt. Gen. Bernard Janvier, Extension of Suspension of NATO Air Strikes," Naples, Release Number: 95-42, 17 September 1995.

⁷⁴ The operation involved 3,515 sorties during which 1,026 bombs were dropped. AFSOUTH, Operation Deliberate Force, Fact Sheet, <http://www.afsouth.nato.int/factsheets/DeliberateForceFactSheet.htm>. Last visited 5 June 2001.

Nations in its efforts to maintain international peace and security, and did so as a regional organization, while maintaining its separateness from the provisions of Chapter VIII of the UN Charter. But this continuity is not a function of design or determination, and tells only a very small part of the story.

Both organizations operate on the assumption that political decision-making drives military action. Choices about courses of action are made at the political level and then implemented, if necessary, militarily. But the United Nations almost immediately lost its military implementation arm when the Military Staff Committee faltered and then stalemated into inaction in 1948. The creation of peacekeeping in the mid-1950s was an innovation that served to overcome that vacuum by providing the UN with the ability to implement its decisions militarily, in certain circumstances. The idea of greater cooperation with regional organizations was another way of giving the UN an ability to implement its decisions. As the experience during UNPROFOR indicates, that option comes with a number of implications that raise serious questions about the viability and desirability of operating that way in future.

Theoretically, in assisting the United Nations in implementing Security Council resolutions, NATO is acting as the military implementation arm for the political decision-making of the Security Council. But before this can happen, NATO itself must make a political decision to use its military assets to assist the United Nations. But NATO's political decision-making was not isolated simply to the decision to use its military assets in support of the United Nations. This should not be surprising. Even at the best of times and in the most straightforward of circumstances once their own military assets were engaged NATO's ability to leave the decision-making about how best to deal with the conflict entirely in the hands of the Security Council would be tested. These were not the best of times nor the most straightforward of circumstances. Key NATO member states already had significant numbers of troops on the ground as part of the UNPROFOR operation. The Security Council's resolutions were complicated and often contradictory. There was often little hope or even expectation that the resolutions would be fulfilled. For all of these reasons NATO's entry into the military realm of the UNPROFOR operation meant its entry into the political realm as well.

NATO's entry into the political realm made an already complicated situation extremely complex. This was a scene already replete with individual and institutional actors carrying multiple agendas and loyalties. Some NATO member states were on the Security Council. Some had troops on the ground. Some were also involved in the Western European Union's maritime operation in support of the embargo against the former Yugoslavia. European Union members also were involved in the peace negotiations through their representative at the peace talks, and some NATO members were part of the Contact Group established after Bihac. Depending on your point of view this was either a tenuously linked precariously balanced multi-layered web representing the scope and breadth of the international community's concern, or a scattered, incoherent and ineffectual collection of international responses. In either case, the weight and nature of NATO's involvement could easily have destroyed the existing structure, dispersing the existing units. Although there were moments when that result seemed the

most likely, instead of dissolving and dispersing the actors NATO's pursuit of its own policies served to consolidate and streamline the international response to the crisis.

This outcome was not a given. The shifts that occurred to bring NATO into the forefront of the international response were more a product of force of circumstance than planning or intent. Nowhere was the fact that there were now two organizations accompanied by two sets of decision-making processes more evident than in the infamous dual-key arrangement for using NATO's air assets. The frustration with the dual key arrangement, both because of its inefficiency and resulting ineffectualness, and because it was a source of political controversy, was, in the end, what prompted the consolidation of decision-making between NATO and the UN when it came to the implementation side of the equation. That consolidation was symbolic of a shift in decision-making that was already in progress. Well before the dual-key arrangement was effectively handed to NATO, NATO had begun to play a significant role at the political level. Once NATO military assets were engaged, and prompted by the continuing deterioration of the situation on the ground and the division among NATO members over the appropriate response, the North Atlantic Council met frequently on the Bosnia question. As time went on, the statements it issued after those meetings increasingly resembled Security Council resolutions in both tone and substance. While those statements always emphasized that NATO actions were taken in support of Security Council resolutions, they were evidence of the extent to which NATO was taking on a political role that closely equated that of the Security Council. While NATO was clear about its role as an implementer and supporter of Security Council resolutions, that support occasionally resembled competition. There was, however, one important difference in the NATO statements. By the time of its decisions about Bihac and Gorazde, the NAC statements were outspoken about their condemnation of Bosnian Serb actions in a way that simply did not and could not occur in the Security Council. NATO had neither a need nor a desire to maintain a position of impartiality with respect to the parties to the conflict. This need, which the Security Council imposed upon itself, constrained the UN's abilities and choices when the situation deteriorated and when the parties to the conflict chose to halt UN action.

The conflict in Bosnia presented both NATO and the United Nations with a situation neither had envisaged, either in their founding documents or in the immediate post-Cold War when both considered the possibility of greater cooperation with other organizations. The crisis and their struggle to find an appropriate individual and joint response to events took both organizations dangerously close to the breaking point. For the UN, the Security Council's ongoing willingness to add tasks to the mandate when there was little hope of success or of resources to fulfill those tasks brought the UNPROFOR operation to the verge of collapse and seriously undermined the credibility of the United Nations. For NATO, even while it was taking on a strong role at the political level, its own internal politics were on shaky ground. The seriousness of the dispute between the United States and other NATO member states with troops participating in the UNPROFOR operation can not be underestimated. There is little doubt that the crisis brought the alliance near to the breaking point.

For NATO, therefore, the story of its involvement in the UNPROFOR operation is a story of alliance unity and success. The alliance overcame an internal rift that threatened its very existence, and did so at a time of internal transition and re-definition, and at a time when its troops were involved in military action for the first time in its history. But this fact does not mean that the experience provides a model of organizational policy-making.

NATO policy was US-driven, once the US decided to play a significant political role, and US policy was NATO-driven, as evidenced by the US decision to opt for a policy that would preserve alliance unity over one that was specifically geared to dealing with the conflict. As a consequence of this dynamic United Nations policy was overtaken. Overtaken but ultimately served in that the conflict ended and a peace agreement was concluded.

Did NATO save the United Nations? Perhaps. At least from the prospect of a complete failure of the UNPROFOR operation and a potentially dangerous and costly withdrawal from the region. Did the United Nations lose its role as the organization with "primary responsibility" for international peace and security issues? No. At least not in the sense that its overall objectives in the conflict - a peaceful settlement - were ultimately served. But the United Nations did lose its role as the leader of the international political efforts to end the conflict in the final stages of the war. In part this effect was a product of the Security Council's unwillingness to authorize a response that exceeded the level of peacekeeping. The Security Council's authorization of Chapter VII for various aspects of the UNPROFOR operation were add-ons to the basic peacekeeping mandate and did not take the UN into the realm of enforcement. As a consequence UNPROFOR troops were placed in an untenable situation, a fact later recognized in an internal UN report. They were constrained in their ability to deal with the situation not only by a lack of resources and support but the need to adhere to the peacekeeping doctrines of impartiality and consent, a constraint that NATO did not have in its responses.

Organizations, like any entity respond to changed circumstances and environments. Together and separately this happened to NATO and the United Nations as a result of the UNPROFOR experience. What are the lessons that each organization has taken from the experience? For the United Nations Security Council one of the lessons seems to have been to refrain from serious involvement in crises in which require a more strenuous response than classic peacekeeping. but, for any number of reasons (resources, political will etc.), the Security Council is unwilling to engage in the situation. For NATO, if its response to Kosovo is any indication, the primary lesson appears to be to steer clear of the constraints of UN decision-making when dealing with a conflict on its borders. NATO would argue that its actions in Kosovo served the United Nations Charter, as its own founding treaty requires it to do. But the sheer fact that NATO's air campaign in Kosovo occurred without specific Security Council authorization undermines that argument.

For both organizations, the most important and as yet unanswered question to arise from the experience is whether or not a regional arrangement can support the political goals and decision-making of the United Nations by the provision of military resources to

implement those decisions without becoming involved in the political side of the equation. For the UN, the answer to this question has tremendous implications for the question of impartiality in its peacekeeping operations as well as its ability to generate sufficient military resources to carry out such operations. For NATO the answer to this question is apparently no, or at least that it does not *desire* to remain separate from the political side of the equation when its military assets are being used. Such a determination is problematic. NATO is not seeking to replace the UN in its role as the primary decision-maker on issues relating to international peace and security and it is unlikely that NATO's desire to stay outside the constraints of UN decision-making would apply in any other region of the world. Its decision to do so, however, may ultimately serve to undermine and weaken the very organization that it is pledged to support.

Bibliography

Bildt, Carl, *Peace Journey, The Struggle for Peace in Bosnia*, London, Weidenfeld and Nicolson, 1998.

Boothby, Derek, "Cooperation between the UN and NATO: *Quo Vadis?*" unpublished paper, May 1999.

Bowett, Derek, *Self Defence in International Law*, Manchester, Manchester University Press, 1958.

Burg, Steven L., Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic conflict and international intervention*, Armonk NY, M.E. Sharpe, 1999.

Daalder, Ivo, *Getting to Dayton, the Making of America's Bosnia Policy*, Washington D.C., Brookings, 2000.

Drew, Elizabeth, *On the Edge, the Clinton Presidency*, New York, Simon & Schuster, 1994.

Durch, William J. and James A. Schear, "Faultlines: UN Operations in the Former Yugoslavia," in William J. Durch ed., *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*, New York, St. Martin's Press, 1996, pp. 193-274.

Goodrich, Leland M., Edvard Hambro, Anne Patricia Simons, *Charter of the United Nations Commentary and Documents*, New York, Columbia University Press, 1969.

Heindel, Richard H., Thorsten V. Kalijarvi, Francis O. Wilcox, "The North Atlantic Treaty in the United States Senate," *American Journal of International Law*, vol. 43, no. 4, October 1949, pp. 633-665.

Henderson, Nicholas, *The Birth of NATO*, London, Weidenfeld & Nicolson, 1982.

Henrikson, Alan K., "NATO and the United Nations: Toward a Nonallergic Relationship," in S. Victor Papacosma, Mary Ann Heiss, eds., *NATO in the Post-Cold War Era: Does it Have a Future?* New York, St. Martin's Press, 1995, pp. 95-112.

Higgins, Rosalyn, "Some Thoughts on the Evolving Relationship between the Security Council and NATO," in *Boutros Boutros-Ghali, Amicorum Discipulorumque Liber, Peace Development Democracy*, vol. 1, Bruylant, Bruxelles, 1998, pp. 511-530.

Higgins, Rosalyn, *United Nations Peacekeeping, Documents and Commentary, IV, Europe 1946-1979*, Oxford, Oxford University Press, 1981.

Holbrooke, Richard, *To End a War*, New York, Modern Library, 1999.

Kaplan, Lawrence S., "NATO and the UN: A Peculiar Relationship," *Contemporary European History*, vol. 7, no. 3, 1998, pp. 329-342.

Kaplan, Lawrence S., "Collective Security and the Case of NATO," in Joseph Smith ed., *the Origins of NATO*, Exeter, University of Exeter Press, 1990, pp. 95-109.

van Kleffens, E.N., "Regionalism and Political Pacts with Special Reference to the North Atlantic Treaty," *American Journal of International Law*, vol. 43, no. 4, October 1949, pp. 666-678.

Leurdijk, Dick A. *The United Nations and NATO in the Former Yugoslavia, 1991-1996, Limits to Diplomacy and Force*, The Hague, Clingendael, 1996,

Murphy, John F. "Force and Arms" in Oscar Schacter, Christopher Joyner, eds., *United Nations Legal Order*, vol. 1, Cambridge University Press, 1995, pp. 247-317.

Owen, David, *Balkan Odyssey*, London, Indigo, 1997?

Rivlin, Ben, "Regional Arrangements and the UN System for Collective Security," *International Relations*, August 1992.

Rose, Sir Michael, *fighting for Peace*, London, Harvill Press, 1998.

Russell, Ruth B. *A History of the United Nations Charter, The Role of the United States 1940-1945*, Washington D.C., Brookings, 1967?

Schulte, Gregory L., "Former Yugoslavia and the New NATO," *Survival*, vol. 39, no. 1, Spring 1997, pp. 19-42.

Smith, Martin A., "At Arm's Length: NATO and the United Nations in the Cold War Era," *International Peacekeeping*, vol. 2, no. 1, Spring 1995, pp. 56-73.

United Nations Conference on International Organization (UNCIO), Commission III, Security Council Committee 4, Regional Arrangements, III/4/15, 1945.

Woehrel, Steven, Bosnia-Hercegovina: Summary of the Debate on a Unilateral Lifting of the Arms Embargo, *CRS Report for Congress*, 95-477 F, 11 April 1995.

Woodward, Susan L., *Balkan Tragedy*, Washington, Brookings, 1995.