

*Peace-Keeping Operations:
Requirements and effectiveness;
NATO's role¹.*

by

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Final Report³

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Introduction

In the past decade an upsurge in the number and intensity of international conflicts, marked by massive displacements of people and extensive inter-ethnic violence, represented the new challenges of the post-Cold War period. International security organisations have been tasked with the responsibility of helping all parties to a conflict, reach a peaceful settlement, diffuse crises and prevent further belligerent entanglement. Consequently, United Nations peace-keeping operations have grown rapidly in number and complexity. While 13 operations were established in the first 40 years of United Nations peace-keeping history, 28 new operations have been launched since 1988⁴.

These new conflict-related challenges made the traditional form of peacekeeping⁵ seem outdated, obsolete. Complex emergencies⁶ have demolished the old distinction between natural and man-made crisis, and have rendered the substance of peacekeeping action more labyrinthine and muddled. Thus, a new form of peacekeeping has emerged, which has further been seen as a means to enhance political stability, in the absence of long-term policies, intertwining thus with conflict prevention, conflict management and conflict resolution. If previously the term peace-keeping applied largely to the ultimate rationale of the operation, it now relates more to the type of activity with which it is conspicuously associated throughout the operation⁷.

Consequently, these peace-keeping operations, the milestone in the activities and objectives of the security architecture, have been loudly criticised for doing too little, too late, without

⁴ United Nations Peace-keeping, www.un.org/Depts/DPKO/intro.

⁵ See definition for "traditional peace-keeping" p. 4.

⁶ John Mackinlay and Randolph Kent, "International Responses to complex emergencies; why a new approach is needed", *NATO Review*, Web-edition, No.3 May-June 1997, Vol.45, p.27-29.

⁷ Adam Roberts, "Humanitarian War: military intervention and human rights", *International Affairs*, Vol.69, No.3, July 1993, p.445.

succeeding in discouraging genocide and ethnic cleansing. Authors⁸ have gone to the extent of arguing that the genocides (Rwanda, Srebrenica), witnessed in the 90s were acceptable if the alternative was to harm the United Nation's future. Others have alleged that the bureaucratisation of the peace-keeping operation contributed to the suffering of the very people it was mandated to assist.

Several of these operations have manifested the fact that peace-keeping is not a panacea for every case of international disorder; it can potentially solve certain kinds of problems but not always. However, the United Nations Security Council fervently believed that it needed "to do something" in a number of crises during the 90s, and found in peace-keeping the "something" the UN supposedly could do. This "something" led to the proliferation of mandates, which were neither well defined nor easily implemented, if at all.

In this context of confusion and indiscriminate loss of civilian lives, the tasks of peace-keeping operations which once seemed to belong exclusively to the United Nations, became a growth area of interest for regional security organisations in the 90s. This interest derived both from a larger demand for mechanisms of conflict resolution and conflict prevention, other than in its traditional form and from the will to revitalise international or regional organisations to the post-cold war security environment.

And since the UN had long lost its credibility, with civilians being the preferred target of the belligerent parties, both in Bosnia and then in Kosovo, NATO decided to intervene in order to halt repression and play the role of peacemaker and occasionally that of a policeman. Since NATO had a strong institutional interest in preserving its credibility and saving its reputation as the main military guardian of security and stability in Europe, it could not afford to be jeopardised by non-involvement in strategically important areas. However, in this broad security context with trans-national threats, international co-operation, role-sharing and operational co-habitation were necessary to meet the new challenges.

The above scenario, namely the involvement of regional organisations, or "other international arrangements", as prescribed in Chapter VIII of the United Nations Charter⁹, is not a novelty.

⁸Michael N. Barnett, "The Politics of Indifference at the United Nations and Genocide in Rwanda and Bosnia", in the book "This time we Know; Western Responses to Genocide in Bosnia; Thomas Cushman and Stjepan G. Mestrovic (eds), New York University Press 1996.

⁹ Art. 52. 1 "Nothing in the present Charter the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance to the international peace and security as are appropriate for regional

They have conceded a role in the maintenance of peace and security in the UN from the outset. However, this formula, which had never been operated before, highlighted a number of issues, among others a need for a qualified definition of the UN's relation with the "other arrangements", the need of flexibility in interpreting international instruments, the use of force, when necessary, as well as the levels of authority, the deficiencies of which were demonstrated in the theatre of operations both in Bosnia and Kosovo.

Initially, the conceptual discrepancies, stemming from the organisations doctrinal inheritance rendered these missions illusionary. The UN's concern to conduct traditional peace-keeping, maintaining neutrality and utilising force only in self-defence, prevented it from developing a credible deterrence policy to contain the conflicting parties that violated Security Council resolutions. On the other hand, NATO's doctrine emphasised the need to ensure that the use of force for both deterrence and coercion be part of an overall strategy of effective and credible intervention, in order not to undermine the viability of the operation, endanger its personnel, halt atrocities and limit the disaster¹⁰.

In spite of these potential stumbling blocks, there was no doubt that the UN would continue to need partners to face new challenges. Regionalism has always been an option for the way forward, the delegation of measures to suitable organisations if available, in order to carry out peace-keeping operations to avert atrocities.

In this context, the United Nations never displayed an intention on monopolising collective security efforts, for which Chapter VIII was deliberately included. But issues such as legality, levels of authority, co-ordination, co-habitation, division of tasks, flexibility and more specific to operational command and control, availability of troops, equipment and mandates, need to be addressed if the overall declared objective is to maintain and/or restore international peace and security.

These issues emerging from the experience on the ground led to the search of alternatives and effective modes of operations forms, re-orientating post cold-war peace support policies and practices as necessary. As Secretary-General Kofi Annan mentioned:

action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations."

¹⁰ NATO Handbook, 50th Anniversary Edition, Office of Information Press, 1998-1999, Chapter 2 "The transformation of the Alliance", or www.nato.int/docu/handbook/2001/index.htm#CH2

“Peace-keeping is not to become a rivalry between UN and NATO, in the European context. There is plenty of work for both organisations. Both work better when they respect each other's competence and avoid in getting in each other's way. In fact UN Charter explicitly encourages regional arrangements and agencies, like NATO to deal with regional problems, provided they do so in a manner consistent with the purposes and principles of UN. In recent years the Security Council has been reluctant to authorise new United Nations peace-keeping operations and has often left regional or sub-regional organisations to struggle with local conflicts on their own”¹¹.

This paper will look into the two recent peace-keeping operations in Bosnia and in Kosovo¹² with the aim of illustrating the need for more robust support operations through possible "franchising" of adequate "regional arrangements", in situations where peace cannot be achieved in any other way. Both operations represented by far the largest peace-keeping operations in the history of the United Nations as well as the first full-scale operation in NATO's history. Furthermore, both helped to propel changes in the characteristics of peace-keeping operations in Europe as well as in certain aspects of the UN and NATO doctrines¹³.

The first part of the paper will concentrate on the requirements for an effective peace operation. What are the elements necessary to render an operation successful and what shortcomings need to be avoided, what efforts need to be made in order to narrow the gap between aspiration and accomplishment. This is exemplified by a success story in Eastern Slavonija.

The second and third parts of this paper will look into peace-keeping operations undertaken by UN and NATO in the former Yugoslavia, (Bosnia and Kosovo) and their pitfalls. This co-operation within the framework of international response to the Yugoslav conflict was the first interaction between the UN and NATO. There was no past experience from which one could draw lessons or infer a model of co-operation. Thus the embryonic character for such endeavours accounted for many of its shortcomings, setbacks and difficulties on the ground.

¹¹ Address of Secretary-General Kofi Annan, "The future of United Nations Peace-keeping", at the Georgetown University, Washington D.C., 23 February 1999.

¹² Due to the high number of UN operations carried out the last 20 years, it is practically impossible to undertake thorough analysis of each one of them in order to assess the inter-operability and the efficiency of the collective measures undertaken for the prevention and removal of threats to the international peace and security.

¹³ NATO Handbook, 50th Anniversary Edition, Office of Information Press, 1998-1999.

The fourth part of the paper will present the emergence of a trend, the regionalism for peace-keeping operations, a provision already endowed to the United Nations by its founding fathers. The steady evolution of security, away from the predictable threats and challenges of the past, emphasise the need for international co-operation and clear role sharing to ensure that as far as possible the challenges will be met.

The fifth part of the paper focuses on the role of NATO in the regionalisation context, illustrating the necessary steps undertaken in order to adjust and accommodate the new challenges.

Concluding, out of the last crises occurring in Europe after the Cold War, regionalism, based on a UN legitimisation and the local/regional "muscle" has been seen as a credible option, as a practical way for the international community to stop atrocities it no longer seemed able to stomach. This option could further lead us towards a new principle, the principle of "subsidiarity", where the authority of decision is given to the most appropriate body to address the issue. What is a daring vision, or a dangerous illusion for some traditionalists, could gradually become an irresistible reality.

Part I

A. Requirements for a Peace-keeping Operation.

United Nations peace-keeping operations during the Cold War meant that peacekeeping forces and military observer missions were designed with an eye to the politics of territorial restraint and juridical sovereignty¹⁴. The United Nations peace-keeping operations did not concern issues of human security, the protection of human rights or the goal of humanitarian intervention reflecting the general insistence of the newly emerging states that state sovereignty be duly protected.

Throughout this 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-state wars, to incorporate a complex model of many elements, military and civilian, working

¹⁴ *Ibid* pp.135.

together to build peace in the dangerous aftermath of civil wars. In other words peace-keeping has become a general term, entailing different kinds of operations in order to maintain peace within states and peace among states.

"Traditional peace-keeping"¹⁵, according to United Nations is defined as a:

"United nations presence in the field (normally including military and civilian personnel) with the consent of the parties, to implement or monitor the implementation of arrangements relating to the control of conflicts (cease-fires, separation of forces etc.) and their resolution (partial or comprehensive settlements), and/or to protect the delivery of humanitarian relief".¹⁶

A more qualitative depiction of traditional peace-keeping operations has been given by Martin Smith:

"The essence of... international peace-keeping lies in the fact that enforcement plays no part in it. It is a concept of peaceful action, not of persuasion by force, where the fundamental principles are those of objectivity and non-alignment with the parties to the dispute, ideally to the extent of total detachment from the controversial issues at stake. The "weapons" of the peacekeeper in achieving his objectives are those of negotiation, mediation, quiet diplomacy and reasoning, tact and the patience of a Job - not the self-loading rifle"¹⁷.

This definition stresses three main characteristics for peace-keeping: the impartiality of the peace-keeping forces vis-à-vis the disputants; at least implicit consent from all relevant parties to the insertion and conduct of a peace-keeping operation and a non-use of force (except, most would allow, in self-defence). Thus, the concept of peace enforcement in its traditional UN definition has been widely understood to denote offensive military operations.

¹⁵ On definitions of peace-keeping and Peacekeeping Operations, see Boutros Boutros-Ghali, "An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peacekeeping", Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992 (New York: United Nations 1992); Mats Berdal, "Wither UN Peace-keeping", Adelphi Paper 281, October 1993, p.3; and Michael C. Williams "Civil-Military Relations and Peace-keeping" Adelphi Paper 321, August 1998, p.84.

¹⁶ "Improving the Capacity of the United Nations for Peacekeeping: Report of the Secretary General", A/48/403, para 4.c New York: United Nations, 1994.

Taking into consideration the conflicts in the 90s, this "traditional peace-keeping" represented an imperfect and insufficient formula for the emerging peace-keeping operations. The numerous difficult and complicated operations have rendered the use of force indispensable as part of the peace-keeping equation in order for the efforts not to fall short of their objectives. Hence, the efficacy of traditional criteria of consent and minimal use of force have been called into question by the international community including the former Secretary-General Boutros Boutros-Ghali in his report "Supplement for the Agenda for Peace". The experience of the 90s demonstrated a need for more robust and less consensual approaches in many volatile situations:

“Nothing is more dangerous for a peace-keeping operation than to ask it to use force when its existing composition [and military resources] ... deny it the capacity to do so. The logic of peace-keeping flows from political and military premises that are quite distinct from those of enforcement... To blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel... Peace-keeping and the use of force ...should be seen as alternative techniques and not as adjacent points on a continuum, permitting easy transition from one to another.”¹⁸

Using the generation evolution scheme to describe the different steps peace-keeping operations have undergone, today we have reached the "third generation"¹⁹ or "second generation" for other scholars, both representing primarily enforcement operations taken under Chapter VII of the United Nations Charter to cope with the new commitments. The characteristics of these "third generation" operations comprise involvement in internal conflicts (as opposed to deployment on international borders and truce lines) and being multi-functional (as opposed to monitoring missions).

This peace-keeping generation, a generation with muscles or "peace-keeping with teeth" as referred to on several occasions by Secretary-General Kofi Annan, was carried out by "regional arrangements" (their role affirmed in Chapter VIII) in Bosnia and later in Kosovo

¹⁷ Martin Smith "On Rocky Foundations: NATO, the UN and Peace Operations in the Post-Cold War Era", University of Bradford, September 1997, p.56.

¹⁸ "Supplement to an agenda for peace: position paper of the Secretary General on the occasion of the 50th anniversary of the United Nations", A/50/60 – S/1995/1, 3 January 1995.

¹⁹ Michele Griffin, "Retrenchment, Reform and Regionalism: Trends in UN Peace Support Operations", International Peace-keeping, Vol.6, No.1, Spring 1999, p.1-31. On this topic see also Yasushi Akashi, "The Limits of UN Diplomacy and the future of conflict mediation", Survival, Vol.37, no.4, Winter 1995-96, p.83-98;

since peace-keeping missions were deployed when armed conflicts were still ongoing and there was no realistic expectation of an early solution. The United Nations was trying to deal with issues it was not equipped to deal with, since it had neither the men nor the money nor the institutional structure for the optimistic tasks it was asked to carry out. And faced with these challenges it became clear that for a peace-keeping operation to accomplish its mission, no amount of good intentions can substitute for the fundamental ability to project credible force, which subsequently creates a space in which peace can be built. Political blandishments, economic and commercial sweeteners and security diplomacy simply did not work, unless accompanied by military muscle. But, these increased demands placed upon it seriously over-stressed its capacities.

But what constitutes a successful peace-keeping operation? What are the "magic potions" the "elixir of peace-keeping" to ensure success in such missions?

The United Nations Brahimi Report²⁰ groups the "key conditions" for the success of future complex operations in the political support, rapid deployment with a robust force posture, and a sound peace-building strategy.

Other practitioners and commentators, in the wake of the failures of the UN in Bosnia, have also striven to identify the "key ingredients". Many have stressed the three basic principles, namely consent, impartiality and the limited use of force²¹ - the pitfalls of all three have been clearly demonstrated in Bosnia. Others, in addition to the maintenance of the three traditional principles, have placed emphasis on the consent and co-operation of the parties, the existence of a comprehensive settlement agreement, the political support of the P5²² for the operation, the logistical, financial and political support of the United States for the operation and the support of regional organisations.

However, it is very difficult to set objective standards in order to gauge success in peace-keeping operations. At first glance in Bosnia, all above-mentioned key-elements were absent, giving way to a dearth of confidence for UN peace-keeping capabilities. In the case of

Gordon Wilson, "Arm in Arm after the Cold War? The Uneasy NATO-UN Relationship", International Peace-Keeping, Vol.2, No.1, Spring 1995, p.74-92.

²⁰ Brahimi Report, Report of the Panel on United Nations Peace Operations, A/55/305, S/2000/809.

²¹ Duane Bratt, "Explaining Peace-keeping Performance: the UN in internal conflicts", International Peace-keeping, Vol. 4, No.3, Autumn 1997, p.45-70.

²² China, France, Russia, UK, US.

Kosovo however, another peace-keeping operation, these elements were present, but not under the auspices of UN; rather, under those of a “regional arrangement”.

There are many variable factors for successful peace support operations, which consequently preclude any simple or singular solutions. It is necessary that any assessment deals with the regions and their potential in terms of local conditions and institutional infrastructures prevailing in each instance. Therefore, any attempts to extrapolate lessons from the case in the former Yugoslavia or apply the experience to other situations can present a general model extremely superfluous and doubtful. A more pragmatic and ad hoc approach to each problem needs to be adopted that clearly affirms the potential solution to the new challenges.

The paradox for the key elements, identified by the different commentators, mentioned above, is that although all the international participants to the peace-keeping operations under the auspices of the United Nations have recognised them, have indicated their support to further develop them, have developed plans and highly political reports to demonstrate them, the fact remains that at this point of history, the political and financial support is lacking and the world is unlikely to be able to respond quickly and effectively to any crisis in the foreseeable future.

A major problem has been the member countries’ unwillingness to provide sufficient resources. This critical discrepancy between mandates and resources, whereby financial support and political will did not match the complexity of the operations, shattered United Nations credibility. Peace-keepers had been handed daunting tasks by the Security Council but had not been given the means to carry them out. For example, in 1994, the Secretary-General informed the Security Council that peace-keeping commanders would need 35,000 troops to deter attacks on the "safe areas" in Bosnia and Herzegovina created by the Security Council. Member countries authorised 7,600 troops and took them a year to provide them²³.

Furthermore, in UN missions, when military contingents are under the operational control of a non-national commander, strategic command remains with the national government, and this determines a national accountability. Indeed, the more powerful western military

²³ Even the number was not really deployed. "UN Peace-keeping: Some Questions and Answers", www.un.org/news/facts/peacefct.html, Report of the Secretary General pursuant to the Security Council Resolution 836(93), 14 June 1993, S/25939 para.5-6, Security Council Resolution 844, 18 June 1993 authorised 7600 additional personnel all ranks of which only 5200 were actually deployed. See e.g. "Report of the Secretary General pursuant to the Security Council Resolution 900 (1994), 11 May 1994, S/1994/291, para.9.

establishments avoid being answerable to international civil servants, especially for enforcement operations. When states deploy forces under the UN, national military forces establish parallel reporting and control structures with their home base. Even in a well-integrated inter-governmental military institution such as NATO, the member states, directly determine crisis management and their contributions to it.

As a general rule, the effectiveness of any operation bears a strong relation to its capacity to deploy swiftly the resources necessary to fulfil a given mandate. If an operation arrives in the field without the necessary capacity, this not only limits its practical effectiveness, but also undermines its political viability. A mission that is perceived as strong from the beginning of its deployment is far less likely to be tested than one which is perceived as initially vulnerable or ineffective.

B. A success story

Before starting the litany of problems for the peace-keeping operation in Bosnia, a success story within the years of the Yugoslav conflict should not be overlooked. Although it is an operation rarely reflected in articles covering the Yugoslav conflict, I believe it is important to show accomplishments of UN forces, the effectiveness of which is not widely known.

United Nations Transitional Administration in Eastern Slavonia - UNTAES²⁴ was established after the United Nations had gone through traumatic experiences in its peace-keeping operations: the Somalia operation from whence it withdrew because the parties could not implement any agreements they signed; the genocide of Rwanda; the ethnic cleansing of the former Yugoslavia; and the experiences in Cambodia, Haiti and many other countries in conflict. By the time UNTAES was deployed, the United Nations had almost 50 years of peace-keeping experience behind it.

The UN experienced successful integration into Croatia the region of Eastern Slavonija, Baranja and Western Sirmium. At the time for negotiations for the Dayton Agreement, international focus was in Bosnia. The situation on the Croatian/FRY border in the Serb held

²⁴ "Lessons Learned; The United Nations Transitional Administration in Eastern Slavonija and Western Sirmium (UNTAES), January 1996 - January 1998", Lessons Learned Unit, Department of Peace-keeping Operations, United Nations New York.

region of Eastern Slavonija was a secondary and seemingly a minor issue, despite the fact that this was one border where full war between Croatia and FRY could have taken place.

President Tudjman would not have signed the Dayton Agreement without cast iron guarantees that Slavonija would be re-integrated into Croatia. However, NATO showed no interest in taking on this project as an adjunct to Dayton. Eastern Slavonia was in many senses an orphan mission, which was imposed on the UN.

Exceeding all expectations, UNTAES was a highly successful mission. The mission's mandate was peaceful reintegration. More specifically, UNTAES was charged with demilitarising the region, ensuring that the multiethnic character of the region was retained and promoting an atmosphere of confidence among local residents of all ethnic origins. UNTAES was also mandated to allow refugees to return safely to their homes, promote re-development and reconstruction of the region and to organise free and fair elections; a number of these aims were achieved.

Two factors were particularly significant in the success of UNTAES: a strong viable mandate and an extremely well organised mission with unity of command and control. Unlike other UN operations in the Balkans, which had complex and often disparate goals, the UNTAES mandate was specific and finite. It was supported with adequate resources and 5000 multinational peacekeepers.

Although a UN mission, UNTAES relied a lot on "regional arrangements" in meeting its mandate objectives.

In the "Agenda for Peace"²⁵ the former Secretary-General Boutros Boutros-Ghali stated:

"But in this new era of opportunity, regional arrangements or agencies can render a great service if their activities are undertaken in a manner consistent with the Purposes and Principles of the Charter, and if their relationship with the United Nations, and particularly the Security Council, is governed by Chapter VIII . . . Under the Charter, the Security Council has and will continue to have primary responsibility

²⁵ "An Agenda for Peace, Preventive Diplomacy, peace-making and peace-keeping", A/47/277-S/24111, 17 June 1992, Report of the Secretary General pursuant to the statement by the Summit meeting of the Security Council on 31 January 1992.

for maintaining international peace and security, but regional action as a matter of decentralization, delegation and co-operation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratisation in international affairs ... And should the Security Council choose specifically to authorize a regional arrangement or organisation 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 . . ."

In light of this statement NATO, OSCE, and the European Union, regional arrangements in the United Nations jargon, contributed immensely to the success of the peace-keeping operation in Eastern Slavonia. Co-operation between the United Nations and the regional organisations allowed each organisation to utilise its comparative advantages to complement the other. It enabled the United Nations to receive intelligence and information analysis beyond its own capacity and use the regional organisation's familiarity with the country in conflict, with the root causes of the conflict and with the parties and personalities to the conflict, knowledge gained solely through the co-operation, enhanced with extensive consultations between the parties.

Although UNTAES cannot be compared to the strenuous conditions of the following two operations, it demonstrated however the way the inter-actors of different regional arrangements operated under realistic and clear mandates in order to contain and end a war.

Part II

A. UN - NATO in Bosnia; mission impossible.

UN-NATO co-operation has been problematic from the very beginning due to differences in organisational cultures and mission perceptions, thus keeping each other at arm's length. Series of events manifested a slowness and discord on actions, to the extent of impeding effective action to the detriment of peace-keepers, humanitarian employees and last but not least the civilians on the ground.

The *modus vivendi* was not easy throughout all aspects of the co-operation. Misunderstandings, lack of flow of information, inadequate planning and military advice,

combined with the inherent disadvantages of attempting to maintain peace in the middle of an ongoing war, were just a fraction of the long list characterising the perplexity of the UN-NATO relation.

There are several striking examples reflecting the complexity and the changing nature of authority between UN and NATO on all the different sea, land and air operations carried out in common. Some of the most contentious issues in the uneasy UN-NATO relationship have been the calls for air strikes, disputes over their effectiveness when they had been forthcoming and the associated arguments as to which organisation is in control over them. On several occasions air strikes had been called by the United Nations forces on the ground, planned by NATO, but then vetoed by senior UN officials. On other occasions, NATO's proposed interdictions had been overruled, with the consequence that NATO forces had felt unreasonably restrained. Frequently the UN put its credibility in jeopardy, and thereby lost effectiveness in dealing with the Bosnian Serbs, by failing to enforce compliance with NATO ultimatums.

B. UN in Bosnia - Operational paralysis

Several scholars and commentators have written a plethora of articles on the UN's presence in Bosnia. The majority of the articles have charged that the United Nations is failing to operate successfully, a criticism stemming from the ambiguities and contradictions surrounding the organisation's role in the three-year conflict in Bosnia and its mere response to the cataclysmic events.

Looking into United Nations documentation on operations carried out during the war in the former Yugoslavia one can allege that the United Nations in Bosnia failed. The United Nations peace-keeping initiatives revealed several fundamental deficiencies that NATO's wider involvement was regarded as the only possible way for the actual implementation of the various UNPROFOR mandates. The United Nations Security Council entrusted the UN force with the task of performing newer and more demanding functions while upholding the same old rules and procedures. Additionally, the constant modifications in the mandate illustrated that there were mainly reactions to the development on the ground rather than a proactive peace planning with clear objectives and goals.

The - inevitable - successive expansion of the UN mandate, which shifted towards peace enforcement, maintained again the original traditional "peace-keeping" goals. Thus, the Security Council continued characterising the mission in terms of traditional peace-keeping, while clearly the basic requirement of the consent of all parties involved was absent. There was no peace plan to which all sides had signed up. Additionally, it was earmarked as a humanitarian mission, while it was several times proved that the conflicting parties were manipulating the UN humanitarian action in order to advance their political and military goals. The Serbs had proved a point to the UN soldiers "you are here on our sufferance, you are not here to fight, we can stop you when we wish, there is no real freedom, you have no power"²⁶.

The final decision of the Security Council to authorise UNPROFOR to employ increasing force in implementing its mandate was still perceived within the framework of the traditional peace-keeping doctrines, granting to UNPROFOR the use of force as "self-defence" as prescribed in the United Nations Charter under Chapter VII (art.51). And while in some cases this was used with a strict reference to the physical security of the blue-helmets, in other cases it clearly served the purpose of authorising enforcement. The most striking example was the UN Security Council Resolution 824²⁷ (May 1993) concerning the protection of "safe areas" whereby the UNPROFOR was authorised to use force

"in reply to bombardments against the safe areas ... or to armed incursion into them... or in the event of any deliberate obstruction.. to the freedom of movement of UNPROFOR or of protected humanitarian convoys" but only "acting in self-defence".

A masterpiece of diplomatic drafting but largely non-implementable as an operational directive. And as it became clear, that only force could meaningfully protect territory in the midst of an ongoing war, the United Nations peace-keepers found themselves in the position of having to call in air strikes, an action that put an end to the co-operation with the authorities whose permission and consent gave "oxygen" to the "safe areas", the protection of which was their task, their mandate, their *raison d'être*.

²⁶ William Shawcross "Deliver us from evil, warlords and peace-keepers in a world of endless conflict", Bloomsbury, Great Britain 2000.

²⁷ Security Council S/RES/824 (1993), www.un.org/Docs/sres/1993.

And while measures involving force could have been authorised under article 42²⁸, after the Security Council determined that article 41²⁹ measures “*would be inadequate or have proved to be inadequate*”, this system never worked in practice. The Council contended itself with a general formula “*acting under Chapter VII of the Charter*”³⁰ to convey the message. Article 42 has become so sensitive that it has very rarely been directly referred to, the normal practice being to refer to “*measures under Chapter VII*”, while carefully avoiding reference to specific articles. Thus, the Council was continuously deadlocked, not at the level of inaction, but at the level of inadequate action. It was incapable of taking measures to restore peace while at the same time it prevented actions in collective self-defence by states willing to assist.³¹

Taking the events in chronological order, in 1992 the Security Council was not ready to heed warnings from the then Secretary-General Boutros Boutros-Ghali and others on the situation. Resolution 752³² (15 May 1992), enlarged UNPROFOR's role into Bosnia; it required UNPROFOR to provide armed escorts for humanitarian convoys in Bosnia and demanded that “*all irregular forces ... be disbanded and disarmed*”³³ and co-operate with the United Nations. This was totally unrealistic, and within a fortnight the fighting had got so fierce that the Secretary-General Boutros Boutros-Ghali had to order the evacuation of United Nations officials in Bosnia. He reported to the Security Council that the disarming called for in Resolution 752 could not happen without a political settlement in Bosnia. Resolution 752 was the first of more than 150 Security Council resolutions and statements on Bosnia as the demand for action dragged the United Nations further and further into the conflict without the means to limit, let alone stop it. The whirling banner of international concern did not lead towards any kind of peace³⁴.

²⁸ Article 42 “*Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.*”

²⁹ Article 41 “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

³⁰ Security Council S/RES/824 (1993) page 2, para.5, www.un.org/Docs/sres/1993, and Security Council S/RES/836 (1993) www.un.org/Docs/sres/1993, page 2 para. 10

³¹ Jerzy Ciecchanski, “Enforcement measures under Chapter VII of the UN Charter: UN Practice after the Cold War”, *International Peace-keeping*, Vol.3, No.4, Winter 1996, p.83-104.

³² Security Council S/RES/752 (1992) www.un.org/Docs/sres/1992

³³ Security Council S/RES/752 (1992) www.un.org/Docs/sres/1992 para.5

³⁴ William Shawcross “Deliver us from evil, warlords and peace-keepers in a world of endless conflict”, Bloomsbury, Great Britain 2000, pg 51.

Resolution 761³⁵ of 29 June 1992, had underlined the urgency of quick delivery of humanitarian assistance to Sarajevo and its environs. In September 1992³⁶, the Secretary General recommended to the Security Council the expansion of UNPROFOR's mandate and strength, *“including the protection of convoys of released detainees if requested by the International Committee of the Red Cross”*.

In October 1992, resolution 781³⁷ imposed a No-Fly Zone and UNPROFOR was requested to monitor compliance with the ban, an almost impossible task. (NATO was authorised to impose the ban only six months later). In November 1992, in Resolution 787³⁸, the Secretary General *“considered the observers should be deployed on the borders of Bosnia, to enforce compliance of the arms embargo on Bosnia and the sanctions on Serbia”*. The Secretary-General told the Security Council that this would require another 10,000 troops. None were provided, so this mandate was never implemented. Then in 1993 came the “safe areas” Resolution 824 (May 1993), 836(June 1993)³⁹.

Following this Resolution, UNPROFOR's personality was split. There was a fundamental clash between UNPROFOR's two principle missions, support for humanitarian assistance and the “safe area” concept. To succeed in humanitarian operations, the UN had to be seen as impartial. This was made almost impossible by the parallel mandate to deter attacks against the "safe areas". The "safe areas" resolution was essentially anti-Serb. That may have been proper, given the human rights abuses, but the new mandate of 1993 had changed UNPROFOR's role radically, in effect making the United Nations the apparent protector of elements of one side in the war⁴⁰.

In short, UNPROFOR's task was virtually "mission impossible". The UN's commander in Bosnia General Francis Briquemont, complained about the *“fantastic gap between the resolution of the Security Council, the will to execute these resolutions, and the means available to commanders in the field”*⁴¹.

³⁵ Security Council S/RES/761 (1992) www.un.org/Docs/sres/1992, para.3 and para 4, No1.

³⁶ Security Council S/RES/776 (1992) www.un.org/Docs/sres/1992 para.2

³⁷ Security Council S/RES/781 (1992) www.un.org/Docs/sres/1992 para.1 & 2

³⁸ Security Council S/RES/787 (1992) www.un.org/Docs/sres/1992 para.16

³⁹ Security Council S/RES/824 (1993) www.un.org/Docs/sres/1993 & Security Council S/RES/836 (1993) www.un.org/Docs/sres/1993

⁴⁰ William Shawcross *“Deliver us from evil, warlords and peace-keepers in a world of endless conflict”*, Bloomsbury, Great Britain 2000, pg. 128.

The basic dilemma remained with Security Council Resolution 836, which set up the “safe areas”. The mandate was ambiguous if not deceptive. The areas would never be safe. The resolution had been designed not to defend the “safe areas” but to deter attacks against them. And the Security Council never provided UNPROFOR with the number of troops needed to achieve even this lesser mission. The UN Secretariat had asked for 35,000 to defend the “safe areas”. The Security Council agreed to provide only 7,600⁴². Even these were hard to assemble and were deployed slowly; many of them, like the Bangladeshi battalion in Bihac, were very poorly armed⁴³.

To supplement the handful of troops scattered through the “safe areas”, the threat of NATO air power was used. It was not always a very effective threat. UN and NATO attempts to use force were neutralised by Bosnian Serb threats against the peace-keepers. They used asymmetric responses such as hostage-taking and disrupting the distribution of humanitarian aid. In terms of a cost-benefit perspective, this was very effective for the Serbs. They managed to paralyse UN and NATO by exploiting the major weaknesses of the international operation - the vulnerability of the men on the ground. If the UN had any hope of effective action, it had to reduce that vulnerability⁴⁴.

The notion of “safe areas” although it might have proven successful in other missions⁴⁵ from the outset seemed an unrealistic task for UN. It protected and supported civilians on all sides, which was regarded as hostile act by the disadvantaged faction of the conflict. And because of their vulnerable position they offered themselves often as targets.

Symbolic gestures, “moral deterrence” or token deployments were highly unlikely to yield any results or deter further fighting or targeting. There was never any chance that the very vulnerable blue-helmets in the so-called “safe-areas” would be able to deter attacks. Deterrence, by definition, is about discouraging an enemy from attempting specified actions

⁴¹ *Ibid* p.129

⁴² *Ibid* footnote no.22

⁴³ They were sent in at very short notice after the French government withdrew their soldiers almost overnight because of fears of casualties, hence the reason why they were badly equipped. View of Andy Burrige (Chief of Staff for Regional Centre Vukovar, OSCE Mission to Croatia) , following exchange of opinions.

⁴⁴ *Ibid* p. 133.

⁴⁵ John Gerard Ruggie, “The UN and the collective use of force; whither or whether?” International Peace-keeping, Vol. 3, Winter 1996, No.4, pg. 1-20.

before they are taken, essentially by manipulating its calculation of the cost and benefits of proceeding, exactly the opposite of what happened in Bosnia⁴⁶.

One could conclude that the symbolic deployment of force was designed not to defend the “safe areas” but rather to protect peace-keepers and to rescue the reputation of United Nations and NATO. The impetus for the use of force was frequently the need to protect peace-keepers not the residents of the "safe areas". For instance the Serb assault of the “safe area” in Gorazde in the spring of 1994 unleashed a storm of controversy over the United Nations rejection of NATO's request for air strikes. In defending the United Nations decision Kofi Annan argued that:

"the rationale of the air strikes is to protect lives - not just of the handful of United Nations soldiers who might be threatened by a given attack but for the thousand of lightly armed peace-keepers and hundreds of unarmed relief workers, military observers and police monitors whose lives could be threatened by precipitous military action" ⁴⁷

Yet, what was missing from Annan's list of groups to be protected were the residents of the “safe areas”, for the protection of which peace-keepers were in this hostile environment.

From the UN point of view, in this perplex situation, peace-keeping was most appropriate and most effective when it operated with the consent of the parties and the United Nations maintained neutrality and impartiality. Enforcement actions were considered counterproductive and were not what the UN represented.

In practice though, this led to an ongoing saga of the United Nations mission to provide humanitarian relief, which required obtaining the consent of the very forces that had caused this humanitarian crisis. United Nations officials had to constantly obtain permission by the Serb authorities to use Sarajevo airport and the roads to the "safe areas" and quite often found their way blocked or were forced to endure numerous hardships and humiliations because of Serb intransigence. Although United Nations was authorised to use force through provisions

⁴⁶ John Gerard Ruggie, "The United Nations and the Collective Use of force: Whither or whether?" International Peace-keeping Vol.3, Winter 1996, No.4, p.12, www.rand.org/publications/MR/MR1161/MR1161.chap4.pdf
James M. Skelly, "Defence, deterrence and cultural lag", UNIDIR, Geneva, "Does deterrence have a future?" Arms Control Today, October 2000, www.armscontrol.org/ACT/oct00/detoc00.html

⁴⁷ Kofi Annan, "The UN Power in Bosnia", Washington Post, March 28, 1994, 21.

of the Security Council Resolutions, since article 42 prescribes such action when "*acting under Chapter VII*"⁴⁸, on few occasions did UNPROFOR elect that option, preferring instead negotiation and consent. United Nations officials defended their decision to use persuasion rather coercion with the argument that they could operate effectively only with the consent of the parties. The UN insistence on avoiding force derived not only from the negative lessons from Somalia and Rwanda but from the positive lessons from Cambodia.

The idea of peace-keeping was always subject to the principle of the minimum use of force, but now the conflict in Bosnia fundamentally altered the parameters. Secretary-General Kofi Annan once claimed that:

*"the international community want the United Nations to demarcate boundaries, control and eliminate heavy weapons, quell anarchy, and guarantee the delivery of humanitarian aid in war zones: tasks that call for teeth and muscle in addition to the less tangible qualities usually expected in the past."*⁴⁹

The three provisions of the United Nations Charter on military enforcement represent a departure from consent. Articles 43, 45 and 47, all under Chapter VII, offer mechanisms of an enforcement system, to be used in order to overcome problems that afflict the peace-keeping operations. Despite these provisions, the traditional peace-keeping modalities prevailed with lamentable repercussions.

The UN peacekeeping ethos claimed impartiality and neutrality. These principles inform of the United Nations unwillingness to militarily defend the "safe areas". In this view, the United Nations power derived from persuasion rather than coercion, which in turn was dependent on its oral authority. All parties had to be treated equally and not shown favouritism or partiality. To protect civilians might very well require taking sides, an act that would compromise the organisation's neutrality and future effectiveness.

⁴⁸ SC Resolution 824 (1993), para. 7: "*Declares its readiness in the event of the failure by any party to comply with the present resolution, to consider immediately the adoption of any additional measures necessary with the view to its full implementation, including to ensure respect for the safety of United Nations Personnel*", also SC Resolution 836 (1993), para. 9 "*... to take the necessary measures including the use of force, in reply to bombardments against the safe areas...*".

⁴⁹ Kofi Annan, "UN Peace-keeping operations and co-operation with NATO", *NATO Review*, Oct. 1993.

The UNPROFOR'S difficulties experienced can be regrouped in the inherent limitations of a peace-keeping operation acting in an environment in which there is no peace to keep, where the parties have mutually incompatible goals, and where important member-states have different views on how to resolve the conflict. This list, impaired with disproportionate tasks but insufficient resources, can only lead to complete failure.

C. NATO in Bosnia – The armoured knights.

As for NATO, although many observers and reputable scholars have repeatedly argued that NATO and peace-keeping (in its traditional form) were incompatible, recent examples of NATO's involvement in peace-keeping operation have proven the opposite. Since the fall of the Berlin Wall the North Atlantic Treaty Organisation has undergone profound transformation that has, for all intents and purposes, become a new organisation.

The Alliance's New Strategic Concept, approved in April 1999 at the Washington Summit meeting of the North Atlantic Council⁵⁰ states that in order to enhance the security and stability of the Euro-Atlantic area, the Alliance would stand ready case by case and by consensus to contribute to effective conflict prevention and to engage actively in crisis management including crisis response operations.

The possibility of NATO becoming involved specifically with peacekeeping or other activities alongside or in support of the UN, was certainly not on the agenda in 1991. This can be seen by the absence of any reference to peacekeeping or associated activities in the new Strategic Concept, which NATO Heads of Government adopted at a summit meeting in Rome in November 1991⁵¹.

However, already in 1992⁵², about a year after the beginning of the war in former Yugoslavia, NATO had declared its willingness and readiness to participate on a case-by-case basis in peace support operations, by placing its aspects and expertise at the disposal of the then CSCE, presently OSCE. Thus, the alliance's willingness and ability to undertake non-article V

⁵⁰ North Atlantic Council Summit, Washington D.C, 24 April 1999, Final Communiqué, "The Alliance Strategic Concept" www.nato.org/docu/pr/1999/p99-065e.htm or *Chaillot Papers*, No. 47, "From St Malo to Nice: European Defence; core documents", Institute for Security Studies, Western European Union, Paris May 2001, p. 20–24.

⁵¹ "The Alliance's New Strategic Concept", NAC, Rome, 7-8 November 1991, www.nato.int/docu/comm/49-95/c911107a.htm

(NATO Charter) missions constitutes the basis for NATO to remain an active military alliance. As the NATO foreign ministers announced:

“we are prepared to support on a case by case basis in accordance with our own procedures, peace-keeping activities under the responsibility of CSCE, including by making available Alliance resources and expertise”⁵³.

In line with this spirit and with its operational might NATO got involved in Bosnia. Its assistance to the UN in Bosnia took two main forms. Firstly there had been the utilisation and deployment of jointly owned or jointly operated alliance military assets and resources. Secondly, contingency planning support work had been undertaken by NATO and SHAPE military planners. NATO's involvement developed throughout the years starting in 1992 with sea and then air operations and culminating in 1995 with the deployment of the Rapid Reaction Force ending the three years siege of Sarajevo, a seminal moment that changed the course of the war, and finally in 1996 with the deployment of the NATO led peace-implementation force IFOR. Throughout this involvement NATO also moved from being sub-contracted to defining its own mission and mandate.

First kind of support was offered initially from the summer 1992 to 1993 with air and sea forces monitoring of the United Nations arms embargo and economic sanctions on the Adriatic Sea, *Operation Maritime Guard*⁵⁴ which in the course of the years developed in the *Operation Sharp Guard*, catching violators not only in the international waters of the Adriatic Sea but also extending it to the territorial waters of the Federal Republic of Yugoslavia in order to prevent coastal smuggling⁵⁵.

A month after the maritime operation started, *Operation Sky Monitor* was initiated⁵⁶ to monitor the No-Fly Zone which became *Operation Deny Fly* in March 1993⁵⁷ banning all

⁵² Press Communiqué, M-NAC-1-(92) 51, NATO Brussels, June 1992, p.4

⁵³ Press Communiqué, M-NAC-1(92)51, NATO, Brussels, June 1992, pg.2.

⁵⁴ United Nations Security Council Resolution 787, 16 November 1992, which changed monitoring to enforcement, giving NATO forces the right not only to register and report ships possibly violating the UN embargoes, but stop, inspect and divert them as required. Security Council S/RES/787 (1992) www.un.org/Docs/sres/1992.

⁵⁵ NATO Fact sheet No.4, 3 - NATO forces in co-operation with WEU inspected and diverted up to 74,000 ships before the embargo was lifted. According to NATO data, “no ship” was able to break the embargo.

⁵⁶ Security Council S/RES/781 (1993) www.un.org/Docs/sres/1993

⁵⁷ Security Council S/RES/816 (1993) www.un.org/Docs/sres/1993

flights by fixed-wing and rotary-wing aircraft. The immediate deployment of fighter and other aircraft for this operation was a testament to the flexibility of the allied air-power.

However, this operation was complicated by the limited mandate the Security Council Resolution 816 gave it, not providing authority for alliance air-power to attack systems on the ground, unless it demonstrated a direct threat to NATO aircraft. This limitation affected the effectiveness of the No-Fly Zone enforcement.

In May 1993, under Security Council Resolution 824 and 836, the legendary “safe areas” resolutions, UNPROFOR was given the task of protecting them, requiring thus a closer co-operation between the two organisations. For this operation, air-support seemed insufficient from the NATO military point of view. For the protection of “safe areas”, aside from the air-support, an additional element like air strikes, which would play the role of a larger deterrent, was deemed necessary. This expansion of NATO’s role to include air strikes became a bone of contention between the two organisations, for fear that it would undermine the humanitarian aspect of the operation, putting at risk the lives of the UNPROFOR soldiers. Although the original missions assigned by the Security Council to NATO were clearly distinct from the work of the troops on the ground, from this moment onwards complications started.

This contentious issue resulted in the so-called “dual-key”⁵⁸ policy ensuring that UN approval was necessary for the final decision. The “dual-key” operation was impracticable when applied in action. This procedure meant that tactical decisions were made by the UN Secretary-General’s Representative, an illogical formula, given the fact that he has no military staff. He had the power to decide whether or when to call in NATO strikes and which targets should be the focus of the attack. When either NATO or UN was initiating and activating the "dual-key" system, the response was very slow (as in Bihac in November 1994) or non-existent (as in the Sarajevo shelling in May 1995).

⁵⁸ According to this arrangement, the UN Commander and the Commander in Chief of NATO’s Southern Command were to decide jointly on targeting and execution once they had received the necessary political authorisation from their respective organisations. Gordon Wilson, “Arm in Arm after the Cold War: the uneasy NATO-UN relationship”, *International Peace-keeping*, Vol.2, No., Spring 1995, pp.84, George Shulte, “Former Yugoslavia and the New NATO”, *Survival*, Vol.39, no.1, Spring 1997, pp.22, Martin A. Smith “On Rocky Foundations: UN, NATO and Peace-Operations in the Post-Cold War Era”, University of Bradford, Peace Research Report No.37, September 1996, p.41.

The deterrent effect of NATO's support started eroding as the warring factions realised that the "dual-key" arrangements prevented an immediate and effective response to violations of the exclusion zones. The threat of air strikes was neutralised as a result of UNPROFOR's vulnerability and its reluctance to compromise its mission, which depended on goodwill and co-operation. The mismatch of mission and capabilities between the UN on the ground and NATO in the air made it difficult to pursue a concerted approach to protecting the "safe areas".

However, the turning point, with regard to the role of the UNPROFOR came when in May 1995 Bosnia Serbs took 370 UN hostages following a NATO air strike near Pale, reinforcing the UNPROFOR with a rapid reaction capability.

In the spring of 1995, the Serbs assaulted the safe areas and Sarajevo and kidnapped peace-keepers. These developments left many openly asking how to secure United Nations and NATO's future rather than how to safeguard Sarajevo. Commentators began clamouring that if NATO did not draw a line in the sand and stand firm, then NATO would unequivocally demonstrate its irrelevance in the post cold war order. After a lengthy debate, the UN authorised the deployment of the Rapid Reaction Forces of 10,000 in June 1995. Yet the intention of the force became painfully obvious as its mission was downgraded from opening the airport and delivering humanitarian relief to protecting peacekeepers dramatising that the growing involvement of NATO and the UN was designed to rescue their reputation and not to protect civilians.⁵⁹

In July 1995, following the continual assaults on civilians and peace-keepers, crucial decisions were taken, to unlock the mechanics of the "dual-key" NATO bombing strikes. From then on the two air-strike launch keys would be held by military men - one would be the commander of UN forces (Solana rather than Akashi) the other remained in the hands of the NATO Southern Region Command. From then bombing could begin if the two commanders agreed that a "safe area" was under serious threat. It could be suspended temporarily by either NATO or UN if necessary for the safety of the troops. Once the "dual-keys" were turned, the UN's force commander would be required to continue the bombing until he and NATO commander agreed that attacks on or threats to safety had ceased. The international community started slowly to abandon the previous policy of containment.

⁵⁹ John Pomfret, "Reaction Force for Bosnia is Fading Away" *Washington Post*, July 1, 1995, A1.

Although UN Security Council Resolutions referred to NATO "acting in support of UNPROFOR in the performance of its mandate"⁶⁰, NATO made it clear that it was not a "sub-contractor of the United Nations" and that it had its own credibility to be concerned about. As NATO Secretary General emphasised:

*"let me emphasise that...actions in support of the UN do to mean that NATO now sees its role mainly as that of a sub-contractor for international peacekeeping duties. The Alliance, in the security interests of its own members, is prepared to assist the UN. But it cannot commit itself to supporting globally every peacekeeping operation; especially where the conditions for success are absent, where it believes that the mandate and rules of engagement are inadequate, and where it cannot exercise unity of command."*⁶¹

NATO has repeatedly stressed that relations with UN should not curtail NATO's institutional sovereignty. Secretary General Willy Claes, made this argument in a speech:

*"I should like to clarify that NATO is not a sub-contractor to the United Nations. We are a sovereign organisation and we have duty to discuss the conditions for our support ... we cannot and we will not allow the credibility of this organisation to be squandered"*⁶².

According to North Atlantic Treaty⁶³, NATO was constituted under the authority of article 51⁶⁴ of the UN Charter. This article recognises the right of states to make arrangements for individual and collective self-defence against armed attack. By deciding to place the new alliance under article 51 and not Chapter VIII therefore, the signatories to the NATO treaty opted to avoid giving the UN any legal basis for exerting influence over it. However, this

⁶⁰ Security Council Resolution 836, para. 10.

⁶¹ Speech by Secretary General to the International Press Institute, Venice, NATO, Brussels, 10th May 1993, p.7.

⁶² The 40th General Assembly of the Atlantic Treaty Association. Address by Secretary General Willy Claes, NATO, Brussels, 28th October 1994, p.4.

⁶³ The North Atlantic Treaty, Washington D.C. 4 April 1949, www.nato.int/docu/basic/txt/treaty.htm

⁶⁴ United Nations Charter Art. 51 "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. Measures taken by members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security".

specificity of NATO presented difficulties regarding the lines of communication and the levels of authority between the UN and NATO while in Bosnia.

The transformation of a fragile cease-fire into a lasting political settlement in Bosnia exposed the international community to particular strains and challenges, and required well-defined policies and effective co-ordination.

NATO clearly emerged as the winner of the game at a time where the "defence club" has been literally fighting for its life. NATO's moral and international prestige soared sky-high after the alliance ended three years of fighting in Bosnia. The firmness of NATO's approach was widely contrasted with the muddle and indecision of the UN's efforts to mitigate the fighting in Bosnia.

The relationship was soured by disputes over questions of command and control and authority to initiate air-strikes. Some less enthusiastic commentators with regard to NATO's involvement came to the conclusion that NATO was impairing rather than supporting UN operations, endangering the unity of command under UN.

NATO, a military structure de facto supports a unity of command. The difference however stems from the fact that such unity should be exercised under the NATO structures, when involved and not under an organisation with non-military structures and thus no military experience.

Whereas Boutros Boutros-Ghali was concluding that UN operations in Bosnia were already straying too far from basic peacekeeping norms, and should be brought under firmer UN control, if UN was to stay involved, the NATO agenda favoured much looser real UN operational control and, it seemed, a stronger mandate which would take the operation beyond peacekeeping and into the realms of peace enforcement was desired in order to halt an ongoing war.

NATO as an alliance has its own consultative and decision making system. Efforts to achieve common approach with UN was rather complicated, for NATO commanders must receive instructions from their own superiors, formulated through NATO's decision-making bodies, remaining yet compatible with the objectives of the Security Council.

The UN lacks the structure to cope effectively with a crisis. NATO has the will and the resources to promote or keep the peace. In comparison with the UN system NATO has crisp and clear lines of command and control, flexible rules of engagement and powerful well-tailored, readily available forces. Military establishments boast a hierarchical structure, relative regular funding, logistic capabilities, a pool of labour and a backing of the state that sends them. This is not to say that UN would not like such luxuries, but these are unachievable without permanently assigned forces controlled by a comprehensive infrastructure.

A particularly important and sensitive area, in which NATO resources were of value to the UNPROFOR in Bosnia, was in the field of intelligence gathering and processing. This has been an area of which the UN has traditionally been wary. In part for fear of compromising its reputation for impartiality in peacekeeping operations by getting involved itself in secretive or covert intelligence-gathering activity.

UN-NATO co-operation remained reticent on the grounds that the different cultures within the two organisations did not fit naturally or easily together. While the tasks and priorities differ from one institution to the other the greater principle remains the same: avert humanitarian catastrophes and maintain international peace and security.

Part III

A. NATO in Kosovo; go it alone

Unlike the mission in Bosnia and all the indecisiveness characterising it, the Kosovo operation claimed a uniqueness and demonstrated the effects of a more muscle-bound operation.

The Kosovo operation was the first sustainable use of force by NATO in its 50-year history. The first time force was used to implement a Security Council Resolution without specific authorisation from the Security Council. The first time a major bombing campaign was launched against a sovereign state to bring a halt to crimes against humanity within that

country. And the first time that a bombing campaign alone, without the assistance of ground troops appeared to succeed in its aims.

The bombing campaign marked significant changes in NATO practices. It committed its forces to a major exercise in strategic coercion, seeking to influence the outcome of a civil war within a Balkan state, and this without an explicit UN Security Council Resolution.

A sense of shame of what happened in the former Yugoslavia, and the continuous lack of respect for the international organisations on the ground (OSCE KVM Mission, ECMM) coupled with repeated diplomatic failed efforts, united NATO states. NATO acted in support of demands made repeatedly by the international community to bring an end to repression in Kosovo. As the situation deteriorated, NATO could not afford another massacre on its doorstep. The essential goals of the Alliance's campaign remained within the military scope namely to disrupt the violent attacks of Serb forces and to weaken their ability to continue repression.

NATO intervened in Kosovo to halt a humanitarian catastrophe and restore stability in a region lying between alliance's member states. Despite strains, the Alliance held together during 78 days of air-strikes in which more than 38,000 sorties – 10,000 of them strike sorties - were flown⁶⁵. *Operation Allied Force*⁶⁶ launched a systematic air-campaign to attack, disrupt and deter further actions.

NATO was determined to act and therefore not to seek a Security Council resolution because it would certainly would have been vetoed by China or Russia. It would have actually been more difficult to get public support for a military action which had been vetoed in the UN.

UN and its interface the Secretary General Kofi Annan was in a dilemma. He could not be seen to support Milosevic by insisting on the need for Security Council authorisation of the use of force or that he disregarded the uncontested evidence of committed atrocities. Nor could he encourage the apparent disregard of international law by allowing NATO to act without such authorisation. In other words, Annan had to balance two moralities - the assault on the civilians against the demands of the UN Charter.

⁶⁵ "NATO's role in Kosovo", Operation Allied Force, www.nato.int/kosovo/kosovo.htm

The 24 March NATO decision to intervene came as a shock to the international community. In the face of the *Operation Allied Force*, the prevailing attitude was contradictory, whilst the intervention was not legal according to the existing rules of international law; it was obviously justified because of the impending humanitarian catastrophe, and the risk of regional destabilisation.

Strictly speaking, the use of force by NATO could not be justified as self-defence under article 51 and would contravene article 53⁶⁷ on the need for the Security Council to authorise the use of force. But the US and other NATO powers could and did argue that NATO already had a Security Council authority to act under Security Council Resolution 1199 of 1998, in which the Security Council had affirmed that the deterioration of the situation in Kosovo, constituted a threat to peace and security in the region, and demanded that all parties cease hostilities and maintain a cease-fire there⁶⁸. The Security Council Resolution 1303 had reaffirmed the analysis and the demands. Such decision of the Security Council were binding and Yugoslavia's failure to comply placed it in violation of its obligations under the Charter.

Indeed in the legal context, NATO may be seen as being at fault. Some people argue that the use of force without Security Council approval was the greatest threat to the imperfect but resilient security system created after World War II. But no legal text could give an answer to the crimes. The UN Secretary General showed awareness to that at the beginning of the bombing campaign when he issued a statement, which recognised that there were occasions where force might be necessary, however under the Security Council's mandate⁶⁹.

The meaning of NATO's victory was inevitably disputed. Its costs were high. More Kosovo Albanians were killed and driven out of their homes than had ever happened before the bombing campaign started. The manner in which NATO had chosen to fight, only from 15,000 feet, had saved NATO lives - not one soldier had died in combat - but had cost lives of

⁶⁶ *Ibid*

⁶⁷ Article 53 "The Security Council shall where appropriate utilise such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council, with the exception of measures against any enemy state, as defined in para.2 of this article, provided for pursuant to article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organisation may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state."

⁶⁸ Simmo Bruno, "NATO, the UN and the Use of force: legal aspects", European Journal of International Law, Vol. 10, 1999, pp.8

⁶⁹ Adam Roberts, "NATO's Humanitarian War over Kosovo", Survival, Vol.41, no.3, Autumn 1999, p.102-123.

those whom the war was supposed to save, the Kosovo Albanians. Both Kosovo and Serbia had been devastated, albeit in different ways and for different reasons.

The operation indeed revealed serious limitations about the extent to which NATO was able to perform the military tasks effectively and minimise damage to civilians. In particular the use of smart weapons, exposing problems of collateral damage, errors in identifying and attacking targets, pressure to attack targets whose destruction had significant effect on the civilians, shadowed NATO's claim of victory. The undoubted evidence, once KFOR entered Kosovo⁷⁰, that the Serbian Army was much less damaged than previously believed, revealed that the campaign's most effective aspect involved hurting Serb civilians rather than directly affecting Serb forces in Kosovo and protecting Kosovo Albanians since Serbia "*clearly suffered enormous damage, particularly to its roads, bridges and industry after 11 weeks of increasingly intensive bombing*".⁷¹ Furthermore, the illustrative reliance by 65% on US power to operate the campaign effectively, notably unveiled another default of the organisation, namely the lack of interoperable, flexible capabilities to carry out in a coherent and balanced way such demanding missions⁷².

Notwithstanding the above mentioned setbacks, the zero-victim obsession of the participating states and a tail wagging operation, placed the campaign and NATO's performance on the winners side.

In starting their operation the NATO powers largely cut the UN out of the process. The international community, which had ignored the UN during the war, however, turned to it to enforce the peace. One UN official said, " it was a NATO war, it will be a UN peace"⁷³.

The difference between Bosnia and Kosovo is that NATO used its military structure to carry out an operation, without delays over deployment, equipment and other necessary "components" to carry out an operation. Managing a military operation successfully required clear political objectives, a unified command structure and firm political control of the

⁷⁰ June 1999

⁷¹ Steven Lee Myers, "NATO Air War May Have Done Less Damage Than Alliance Thought", International Herald Tribune, 29 June 1999, p.4.

⁷² Rachel Anne Lutz "Military Capabilities for a European Defence", Danish Institute of International Affairs, DUPI, Copenhagen 2001, p.49, Rob De Wijk "Convergence Criteria: Measuring Input or Output?", European Foreign Affairs Review, No.5, 2000, p.401.

⁷³ William Shawcross "Deliver us from evil, warlords and peace-keepers in a world of endless conflict", Bloomsbury, Great Britain 2000, p.348.

military all of which exist in the Alliance's structures. Military action required an extremely close relation between intelligence gathering and operations, a smoothly functioning decision-making machine and force with some experience of working together to perform dangerous and complex tasks. These things were more likely to be achieved through existing national armed forces, alliance and military relationships than they are within the structure of a United Nations command.

Moreover, this mission marked a new thinking over the international instruments, where they were perceived, or at least wanted to be perceived, as flexible texts, as living documents, to be applied in structures of international relations, which are subject to unpredictable and radical changes.

Part IV

A. Regional peacekeeping

Risks and costs for operations that must function in complex circumstances are much greater than for traditional peacekeeping. The complexity of the tasks assigned to these missions and the volatility of the situation on the ground tend to increase together. Since the end of the cold war, such complex and risky mandates have been the rule rather than the exception.

It should have come as no surprise to anyone that these missions were hard to accomplish. Initially, the 90s offered more positive prospects: operations implementing peace accords were time-limited, rather than of indefinite duration, and successful conduct of national elections seemed to offer a ready exit strategy. However, United Nations operations since then have tended to deploy where conflict has not resulted in victory for any side but in events where the conflict was unfinished.

The UN concurs that consent of the local parties, impartiality and use of force only in self-defence should remain the bedrock principles of peacekeeping. Experience showed, however, that in the context of modern peace operations dealing with intra-state/trans-national conflicts, consent may be manipulated in many ways by the local parties. A party may give its consent to United Nations presence merely to gain time to retool its fighting forces and withdraw consent when the peacekeeping operation no longer serves its interests. A party may seek to

limit an operation's freedom of movement, adopt a policy of persistent non-compliance with the provisions of an agreement or withdraw its consent altogether. Moreover, regardless of faction leader's commitment to the peace, fighting forces may simply be under much looser control than conventional armies with which traditional peacekeepers work, and such forces may split into factions whose existence and implications were not contemplated in the peace agreement under the colour of which the United Nations mission operates.

The United Nations has often found itself unable to respond effectively to such challenges. Partly because the political will is not present, partly because necessary forces for complex operations are not sized and configured so as to leave no doubt of their deterrent role.

Since the end of the Cold War, as part of the revival of the interest in the UN's unrealised potential as a security institution, attention has focused increasingly on the fact that there is a middle ground between peacekeeping and peace-enforcement - a more muscular peacekeeping. United Nations does not and cannot wage war. Among the possible approaches a much increased reliance upon regional organisations and defence alliances was emphasised.⁷⁴ Where enforcement action is required, it has consistently been entrusted to coalitions of willing states, with the authorization of the Security Council, "*acting under Chapter VII of the Charter*".

The Charter clearly encourages co-operation with regional and sub-regional organisations to resolve conflict and establish and maintain peace and security. The United Nations is actively and successfully engaged in many such co-operation programmes. Where peacekeeping operations are concerned, however, caution seems appropriate, because military resources and capability are unevenly distributed around the world, and troops in the most crisis-prone areas are often less prepared for the demands of modern peacekeeping than is the case elsewhere.

Peace-keeping today is not only the UN blue-helmets. Today, the forces keep the peace also under the banner of the North Atlantic Treaty Organisation, or the Commonwealth of Independent States (CIS), or the Economic Community of West African States (ECOWAS) in partnership with the United Nations.

⁷⁴ Eric Berman "The Security Council's increasing reliance on burden-sharing: collaboration or abrogation?" *International Peace-keeping*, Vol.5, No.1, Spring 1998, pp.1-20.

The Security Council has favoured increasingly “franchising” in places where the domestic situation is unstable; in these cases, a peace-keeping force is provided by a regional or sub-regional arrangement, or an ad hoc group of states, while the United Nations deploys a smaller and usually unarmed, operation to carry out monitoring and/or capacity-building functions. This kind of co-operation can help United Nations missions operate in difficult situations, and can bring the world organisation’s expertise to more places.

Franchising undertaken with a force that is based around a local organisation can also pair the motivation and knowledge of local actors with the legitimacy, expertise, and resources of the world organisation. The potential for close working relationships with regional organisations is, therefore, obvious, but experience can also demonstrate certain limitations. Many regional organisations do not have the capacity to conduct peacekeeping operations, though they may be able to deploy small observer missions. The successful deployment of regional or sub-regional operations from developing countries often requires major logistical, financial, and political support from developed countries. Political problems may arise as a result of the concerns of the host government. There is always a risk that a regional organisation may perpetrate or promote a new regional hegemony, whereas the United Nations traditionally deploys troops from member states half a world away from the conflict in which the governments of the UN peace-keepers have no direct stake. Franchising may also result in the UN being associated with and held responsible for activities over which it has no control. There is thus both promise and peril in reliance on the ability of regional organisations. But since the United Nations force, mandated adequately and equipped, has not yet occurred in complex emergencies, more effective solutions should be immediately sought rather than circling around a rhetoric which takes time to be materialised.

It is true that peacekeeping is often best done by people from outside the region who are more easily accepted as truly detached and impartial. Whereas in the past many regional players took advantage of their geopolitical position, exploiting weaknesses of their neighbours at war, with their national economies becoming increasingly regionalist, few governments now want to risk the economic dislocation and refugee flows that are the major by-products of nearby conflicts. Hence the growing strength of regional organisations across the globe, from the Regional Forum of the Association of the South East Asia Nations (ASEAN) to the Organisation of American States (OAS). Many of these groups began as economic bodies but have since developed security arms.

The Secretary-General Kofi Annan appealed to the United Nations for serious consideration to the idea of a rapid reaction force. However, in view of the differences between United Nations member countries involved in efforts to settle the conflicts in former Yugoslavia (Bosnia and Kosovo), and in particular on the respective roles of peace-keeping units and NATO forces in that conflict, there were and still are poor chances that member countries will follow the recommendations of the United Nations Secretary General, beyond paying lip service to his suggestions.

Ideas and proposals regarding the necessary reforms of the United Nations in order to adapt its Charter and its capabilities to the new challenges are not lacking. Among several proposals is that:

*"the United Nations must devolve certain responsibilities to regional organisations that exist or are to be created. Fire-fighting is all right, fire-prevention is better and neighbours are the best placed for that"*⁷⁵.

In a more general context, there are increasing problems among member countries in making troops and equipment available. As the Supplementary Report of the Secretary General on the occasion of the 50th anniversary of the United Nations clearly pointed out⁷⁶ the availability has considerably declined as measured against United Nations requirements.

"A considerable effort has been made to expand and refine stand-by arrangements, but these provide no guarantee that troops will be provided for a specific operation".

Furthermore, it has been said by several leading defence politicians, that there is on the contrary a tendency to request that military operations authorised by the Security Council should be executed under the exclusive responsibility of relevant military organisations such as NATO.

There is still much work to be done to elaborate a comprehensive approach for using the different possibilities for further enhancing peace-keeping. The division of labour between the United Nations and regional organisations in the sense of Chapter VIII of the United Nations

⁷⁵ Gerard Fuchs, Secretary of the French Socialist Party, *Le Monde*, 28 September 1994.

Charter and between the United Nations and groups of states in the sense of Chapter VII of the United Nations Charter should be worked out.

Intervention will continue. But if we stick to the present system, this intervention is doomed to remain amateurish, late and under-resourced. Without a force or a coalition of forces representing regional military muscle, a perpetual cash-strapped United Nations is certain to continue to lose credibility.

However, nowhere has the new regional approach to peace-keeping been better demonstrated than in Kosovo. After the failures of Bosnia, as argued in the previous chapter, the international community went into Kosovo with a bone in its teeth, determined to run the campaign through NATO alone. The UN was not given a role at all at the beginning.

Regionalism of peace-keeping is not a new solution, since affirmed in the United Nations Charter Chapter VIII, a Chapter usually ignored. The problem that lies with this Chapter is that it has to treat the regional organisations as a fully operational partners rather than a subservient element of its own organisation. Particularly when this partner is NATO, a proven guarantor for international security and peace, and the only organisation the UN can count upon to lend substance to its aims. Chapter VIII however fails to prescribe a specific division of labour between the UN and other regional organisations with the result that the division of competences has developed in a mostly ad hoc and crisis driven manner.

Both Boutros Boutros-Ghali and later reinforced by Kofi Annan, they supported that enforcement mandates should be delegated to regional organisations.

"The United nations does not have at this point in history, the institutional capacity to conduct military enforcement measures under Chapter VII. Under present conditions, ad hoc member states' coalitions of the willing offer the most effective deterrent to aggression or to the escalation or spread of an ongoing conflict. As in the past, a mandate from the Security Council authorising such a course of action is essential if the enforcement operation is to have broad international support and legitimacy"⁷⁷.

⁷⁶ Document A/50/60/S/1995/1, 3rd January 1995.

⁷⁷ "Supplement to An Agenda for Peace; Position Paper of the Secretary-General on the Occasion of the 50th Anniversary of the United Nations", UN Doc., A/50/60-S/1995/1, 3 January 1995, paras. 33, 80, 85-7. "Renewing the United Nations: A Programme for Reform. Secretary General's Report" UN doc., A/51/950, 14 July 1997, para.107.

This trend raises the question as to whether we might not be witnessing the beginning of a "Fourth Generation" of peace operations⁷⁸, a generation in which "subsidiarity" becomes a new principle of peace-keeping, where the authority of policy-making resides at the level most appropriate to the problem being addressed. Or even of a "Fifth Generation" where a subsidised "one organisation" with military and civilian component under "one hammer" enters the theatre. Where, within one headquarters, the different units contribute to the development and carrying out of the operations⁷⁹.

Part V

A. NATO's role as regional "peace-keeper"

NATO's emergence as a peace-keeping contributor is an evolving phenomenon. However, its muscular contributions in both Bosnia and Kosovo suggest that the alliance's support is necessary in complex situations. Annan's support to NATO involvement:

"With its existing military structure, resources and political weight, NATO has a lot to contribute to the concept of peacekeeping, particularly in its more muscular form... As the Security Council makes increasing use of its enforcement powers under the Charter, UN operations have to be equipped with military and protective means that go far beyond the traditional white painted soft-skinned vehicles and small arms... In this context, NATO's willingness to participate in UN operations... holds the promise of a vast qualitative as well as quantitative expansion of the means for collective action that are at the disposal of the UN".⁸⁰

In the multifunctional peacekeeping NATO can make significant contributions in light of the potential scale of complexity of such operations, the possible requirement to use coercive measures, the need for multi-nationality, and the requirement for sophisticated communications and command, control and co-ordination mechanisms and procedures. The

⁷⁸ Michele Griffin, "Retrenchment, Reform and regionalism; Trends in UN Peace Support Operations", *International Peace-keeping*, Vol.6, No.1, Spring 1999, p.1-31.

⁷⁹ Idea stemming from exchange of Opinions with Col. Ivar Viddal, who served as a Chief Civil Military Co-operation in Kosovo from March 2000-March 2001 and Chief of Personnel branch in MFO Sinai from January 1996 to January 1997.

Alliance by applying capabilities developed over the years, and by co-operating with other nations and organisations, is in a position to contribute effectively to meeting these emerging challenges.

As former Supreme Allied Commander Shalikashvili argued:

"the days of pristine peacekeeping as we understood it for years are probably over. Prudence dictates that in our planning we take that aspect of combat into account".⁸¹

Manfred Woerner developed a similar theme:

"The Yugoslav crisis is inevitably changing the way we think about Peace-keeping and Peacemaking. ... The old approach of sending a few hundreds blue helmets whose authority is based more on what they represent than on their military prowess is no longer sufficient... We see more clearly that Peace-keeping covers the entire spectrum of operations from humanitarian and police tasks in a non-hostile environment right up to major enforcement actions under Chapter VII of the UN Charter. This requires troops that are trained not only for classical Peace-keeping missions, but who have professional expertise in a variety of missions, the agreed procedures and the standardised equipment necessary to cope with dangerous and deteriorating situations".⁸²

NATO's collective capabilities bring a proven structure and experience to bear complex security and humanitarian situations in a timely manner. By means of a functioning multinational security organisation NATO allies have developed common operating procedures, command and control systems and logistic systems and capabilities. Particularly the intelligence-sharing capability, the standing naval force and the rapidly deployable air assets, can provide the necessary support in the complex operations. NATO finally can provide a range of military forces on a scale and degree of readiness not available elsewhere and finally an extensive and experienced multi-dimensional planning capability.

⁸⁰ Kofi Annan, "UN Peace-keeping Operations an C-operation with NATO", NATO Review, Vol. 41, No.5, October 1993, pp.5-5.

⁸¹ Martin Smith "On Rocky Foundations: NATO, the UN and Peace Operations in the Post-Cold War Era", University of Bradford, September 1997, p.60

⁸² Speech by the Secretary General to the International Press Institute, Venice, NATO, Brussels, 10th May 1993, p.3.

While advanced weapon systems, with extraordinary accuracy were used, they gave rise to serious questions about their effectiveness against armed forces and their impact on civilians. The reluctance of NATO governments to risk the lives of their forces, the difficulty in developing a credible threat of land operations and above all the narrowness of the line between success and failure, suggest that there are still many lessons to be drawn from these events. Yet, in view of all room of improvement within the NATO context, no other regional organisation possesses such characteristics for the foreseeable future, or the EU with its new steps, which seek to take her towards creating a credible unified military force.

However, even this optimistic picture with regard to NATO's role can become grim if one considers the prospect of a downsized NATO, which creates a manning problem for the future, and thus for the peace-keeping operations it can be called to undertake, an issue that has never been the case in the NATO context. However, countries tend to concentrate their troops for they cannot afford to be all over the world. This, coupled with the perspective of professional armies, can constitute a major challenge for the regional peace-keeper and may have to consider sub-contracting alternatives for its own use.

Monopoly cannot be NATO's choice, even for its capability supremacy. While at least some UN operational control may be considered for peace-keeping operations, for peace enforcement missions (defined as operations likely to involve combat) command and control will invariably be exercised by national or other reliable authorities, such as NATO command structures. Division of labour is a more appropriate approach for muscled operations.

NATO's intervention in both missions, but especially in Kosovo, confirmed the Alliance's new role as guarantor of peace and stability in the region. NATO's regional role has been widely perceived as legitimate and in accordance with the purposes and principles of the UN Charter, and was later implicitly recognised by the Security Council. Therefore, NATO's role is a regional contribution to global international peace and security, just as self-defence is an individual contribution to the same end. Being an inherent right of the state, self-defence is enshrined in article 51 of the UN Charter. However, the new role of regional organisations with regard to international peace and security, particularly the relationship between the UN and NATO, will have to be worked out on the basis of relevant practice.

This development is so novel that it is for the present hard to draw definitive lessons. Nevertheless, it is clear that NATO's regional role is in conformity with the UN Charter. The Alliance's April 1999 New Strategic Concept presented NATO as a body that is ready to contribute actively to crisis management in the Euro-Atlantic area, along with other organisations. This does not mean that NATO is supplanting the UN Security Council in this area, since NATO underscores that the Security Council has the primary responsibility for the maintenance of international peace and security. Indeed, NATO's Strategic Concept suggests that there is a panoply of organisations that can contribute to the same end, each one with its specific capabilities. It is true that the Strategic Concept refers to risks that may affect members' security and therefore require action, possibly out-of-area action. But those risks are not just a threat to NATO members; they also threaten other states in the area, and international peace and security in broader terms.

Paragraph 20 of the Concept states that:

"The security of the Alliance remains subject to a wide variety of military and non-military risks which are multi-directional and often difficult to predict . . . The resulting tensions could lead to crises affecting Euro-Atlantic stability, to human suffering, and to armed conflicts. Such conflicts could affect the security of the Alliance by spilling over into neighbouring countries, including NATO countries, or in other ways, and could also affect the security of other states."

NATO is therefore ready to act for crisis management not only to assure its member's security but also in order to increase other state's security. According to its Strategic Concept, NATO defends the purposes and principles of the UN Charter with means that are not always at the disposal of the Security Council or other regional organisations. This is good news for the region but also for the international community, since there is a regional organisation willing and capable to act according to the UN's purposes and principles. However, the fact that NATO member states are applying the purposes and principles of the UN to a particular regional situation implies, of course, that those principles will be interpreted by NATO members and not by the Security Council. This makes all the more important the obligation of NATO members to interpret and apply those principles correctly.

Conclusions

The evolution of UN peacekeeping from the traditional patrolling of buffer zones and cease-fire lines to the modern, more complex manifestations in the former Yugoslavia and elsewhere was neither smooth nor preordained. The early 90s, which witnessed an explosion in the number of peacekeeping missions, were indeed a period of constant experimentation. When global opinion called for the world to “do something” about a crisis, UN became the “doers,” whether or not it was given the tools. Indeed, the task of managing peacekeeping in those days, as it expanded rapidly in both size and complexity was a mission impossible. The result was conceptual confusions and inflated expectations, betrayed hopes and blemished reputations.

The more complex missions absolutely require extensive and professional support. Gone are the days when the UN could maintain peacekeeping missions on its own, without at least a functioning operations centre to support them. Words like “intelligence” are no longer taboo and peace-keeping missions must make use of the most potent instrument for waging an operation. There is the crucial importance of coherent, comprehensive strategies to address the multiple facets of the conflicts. The mere deployment of peacekeeping troops without parallel action to lay the foundation of a durable peace, will lead, at best, to long drawn out missions where the presence of troops only serves to freeze the situation on the ground. At worst, it may embroil peacekeepers in fresh outbreaks of fighting.

Until the end of the cold war, United Nations peacekeeping operations mostly had traditional ceasefire-monitoring mandates and no direct peace-building responsibilities. The “entry strategy” or sequence of events and decisions leading to United Nations deployment was straightforward: war, ceasefire, invitation to monitor ceasefire compliance and deployment of military observers or units to do so, while efforts continued for a political settlement. Intelligence requirements were also fairly straightforward and risks to troops were relatively low. But traditional peacekeeping, which treats the symptoms rather than the sources of conflict, has no built-in exit strategy and associated peacemaking was often slow to make progress. As a result, traditional peacekeepers have remained in place for 10, 20, 30 or even 50 years (as in Cyprus, the Middle East and India/Pakistan). By the standards of more complex operations, they are relatively low cost and politically easier to maintain than to remove. However, they are also difficult to justify unless accompanied by serious and

sustained peacemaking efforts that seek to transform a ceasefire accord into a durable and lasting peace settlement.

The geopolitical challenges still surrounding the European continent have rendered clear that such peace-keeping is insufficient and that there is need for new forms of co-operation, which will withhold any threat to the international security. So far the models of co-operation have not been devoid of defaults. In every conflict, the actors intervening perform a wide variety of tasks operating with different perspectives and different agendas, and often overlapping or contradictory activities. Conflicting policies struggle for predominance within a single international mission, producing more than vague and ambiguous compromise as to the scope and purpose of the intervention.

Furthermore, the international community wants low-cost fixes, and seems to lack the patience and persistence to assure that a conflict will be unlike to recur. Lack of funding is a major problem, particularly as new crises emerge, and drain funds from "old wars". Trained manpower is in short supply. Unwelcome danger to civilian and military personnel adversely affects domestic political constituencies.

Accommodating all these adverse issues lead to missions impossible. However, one way to accomplish this is by developing a division of labour within a system - both by clarifying currently ambiguous responsibilities, and by improving coordination among different but equally valuable actors. The actors ought to remember that enlarged operation is not an end in itself, but an instrument to help the victims of war. In order to use that instrument flawlessly, the actors must know where they stand in the international arena; what their relations are to the states, to the combatants, to other actors; and finally, to their stated principles. Certainly it is not an easy task to find oneself between the devil and the deep blue sea - and still effectively ease suffering.

In the case of conflicts that have predictable outcomes and where the level of violence is low, traditional peace-keeping operation does not present a problem. However, if limited peacekeeping measures are to be applied to dynamic conflicts, as in Bosnia, mandates will tend to be more restricted as the risk of conflicts getting out of control increases. At the same time, as the requirement to protect peacekeepers, preserve their mandate and enforce

humanitarian measures becomes more demanding, the less limited and restrictive the mandate will be in regard to roles and equipment.

The events of 1989 created an atmosphere of optimism about multilateral security co-operation. This atmosphere however eroded in the course of the 90s, but despite declining optimism the advocacy for action became more adamant than ever before. It was planted very firmly in the military mind that the UN involvement in the former Yugoslavia had been a failure, and that the white steed of NATO was galloping to the rescue.

The changing nature of military conflicts against which NATO is meant to provide some form of protection has already changed the role of the organisation. And it is not only the fact of the increasing number of conflicts in the post cold-war era, nor the lack of the effective approach that is critical. It is, rather, the nature of current and future challenges, which is different from what the Alliance had to deal with during the Cold War era and the necessity to adjust accordingly.

The experience of the past years has introduced new dimensions on co-operation. NATO assets and infrastructure have been made available. Out of area missions in support of non-members have become accepted practice. NATO has agreed to the possibility of military strikes outside the traditional NATO area. NATO has agreed in principle to provide close air support for peacekeeping forces in emergency. It has been accepted that NATO air strikes can be used to contain conflict in specified areas. Major NATO missions to protect the withdrawal of peacekeeping forces in a hostile environment are being planned. These measures are important, not merely in terms of their actual impact, but they constitute precedents which reflect modified rules of engagement and which will facilitate future actions and indeed the development of more effective concepts.

The experience in Bosnia has painfully brought two lessons: no institution will be able to resolve a major crisis on its own, and co-operation between institutions requires concepts and arrangements that tend to affect the *modus operandi* of all the institutions involved. Bosnia therefore does not disprove the potential usefulness of existing institutions, but rather reinforces the need to develop them further.

A fundamental lesson to be learned from Bosnia and from Kosovo is the continuing need for the Alliance in Europe. These experiences have shown that the UN depends on collective defence organisations like NATO. NATO is needed to help consolidate the peace in Bosnia and in Kosovo and it will be required to promote stability in the region over the longer term.

Experience has also shown that half way missions can only increase casualties. Vague or ambiguous mandates that appeared to promise more than was actually intended (clearly the case for the safe areas of Bosnia) damaged gravely the credibility of both actors in the theatre of operation.

The world is doing better in Kosovo than it did in Bosnia. However, the reason why Bosnia was a mission impossible was because it was the first classroom of modern peace-keeping operations. And if it had not been for Bosnia, we may have been faced with a mission impossible in Kosovo. It seems we had to go through the painful first classroom before we moved on ready to work in Kosovo.

In conclusion, the flexible responses which have been demanded of regional arrangements and defensive alliances in volatile and rapidly evolving situations mean that new pragmatic patterns of co-operations need to be developed, in order to suit the complexities of the new threats. And this represents the fundamental imperative of action and not reaction for the future.

Bibliography:

Books:

Carl Bildt "Peace Journey: The Struggle for Peace in Bosnia", Weidenfeld and Nicolson, Great Britain 1998.

Danish Institute for International Affairs, "Humanitarian Intervention; Legal and Political Aspects", DUPI, Copenhagen 1999.

David Rohde "A Safe Area; Srebrenica: Europe's Worst Massacre Since the Second World War", Pocket Books, Great Britain 1997.

David Yost, "NATO Transformed: the Alliance's new roles in International Security" Washington DC: US Institute of Peace Press, 1998.

Jan Willem Honig & Norbert Both, "Srebrenica; Record of a War Crime", Penguin Books, London, 1996.

Lawrence Martin and John Roper (eds.) "Towards a Common European Defence Policy", A study by the European Strategy Group and the Institute for Security Studies of the Western European Union, Paris 1995.

Martin A. Smith, "On Rocky Foundations: NATO, the UN and Peace Operations in the Post-Cold War Era", Peace Research Report No.37, September 1996, University of Bradford, Department of Peace Studies, UK.

Michael Ignatief, "Virtual War: Kosovo and Beyond", Chatto & Windus, London 2000.

Mortern Kelstrup and Michael Williams (eds.), "International Relations Theory and Politics of the European Integration: Power, Security and Community", Routledge, 2000.

NATO Handbook, 50th Anniversary Edition, Office of information Press, 1998-1999.

Noel Malcolm, "Bosnia: A Short History", Papermac, London 1994.

Peter Viggo Jakobsen (ed.) "CIMIC; Civil-Military Co-operation; Lessons Learned and Models for the Future", Danish Institute for International Affairs, Copenhagen 2000.

Rachel Anne Lutz, "Military Capabilities for European Defence", DUPI, Danish Institute for International Affairs, Copenhagen 2001.

Richard Holbrooke "To End A War", Random House, New York 1998.

Robert B. Oackley, Michael J. Dziedzic and Elliot M. Goldberg eds., "Policing the New World Order: Peace Operations and Public Security", Washington, National Defence University Press 1998.

Thomas Cushman and Stjepan G. Mestrovic (eds.), "This Time we knew; Western Responses to Genocide in Bosnia", York University Press, New York 1996.

Tim Judah "The Serbs; History, Myth and the Destruction of Yugoslavia", Yale University Press, 1997.

Tom Woodhouse, Robert Bruce and Malcolm Dando (eds.), "Peacekeeping and Peacemaking: towards effective intervention in the post cold-war conflicts", New York, St Martin's Press 1998.

United Nations, "Lessons Learned; The United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES); January 1996-January 1998", Department of Peacekeeping Operations, United Nations July 1998.

William Shawcross, "Deliver us from Evil, Warlords & Peacekeepers in a world of endless conflict", Bloomsbury, 2000, Great Britain.

Wolfgang Biermann and Martin Vadser (eds): "UN Peacekeeping in trouble: Lessons Learned from the former Yugoslavia", Aldershot: Ashgate, 1999.

Articles:

Adam Roberts, "From San Fransisco to Sarajevo: The UN and the use of force", Survival, vol. 37, no.4 , Winter 1995-96, p. 7-28.

Adam Roberts, "NATO's Humanitarian War over Kosovo", Survival, vol.41, no.3, Autumn 1999, pp.102-123.

Anthony Cragg, "A New Stregetic Concept for a new era", NATO Review, Web Edition, Vol. 47, No.2, Summer 1999, p.19-22.

Antonio Donini, "Asserting Humanitarianism in Peace maintenance", Global Governance, Vol.4, No.1, 1998, p. 82.

Boutros Boutros-Ghali, "An Agenda For Peace, Preventive Diplomacy, peacemaking and peace-keeping", United Nations Documetns, A/47/277 - S- 24111, 17 June 1992.

Boutros Boutros-Ghali, "Supplement to an Agenda For Peace: Position of the Secretary General on the Occasion of the 50th Anniversary of the United Nations", United Nations Documents, A/50/60 - S/1995/1, 3 January 1995.

Boutros Boutros-Ghali, Speech by the Secretary-General to the International Press Institute, Venice, NATO, Brussels 10th May 1993.

Brahimi Report, "Report of the Panel on United Nations Peace Operations", United Nations Documents, A/55/305 - S/2000/809.

Carl Kaysen and George W. Rathjens, "Send in the troops: a UN Foreign Legion", Washington Quarterly, Vol.20, No.1, Winter 1997.

Carlos Echeverria, "Cooperation in Peacekeeping among the Euro-Mediterranean Armed Forces", Chaillot Papers 35, February 1999, Institute for Security Studies, Western European Union, France.

Catherine Guicherd, "International Law and the War in Kosovo", Survival Vol.41, no.2, Summer 1999, p.19-34.

David Lightburn, "NATO's Division of Defence Planning and Policy", NATO Review, Web edition, No. 2 -March1996, Vol. 44, p.10-14.

Duane Bratt, "Explaining Peacekeeping Performance; The UN Internal Conflicts", International Peacekeeping, Vol.4, No.3, Autumn 1997, p. 45-70.

Eric Berman "The Security Council's increasing reliance on burden-sharing: collaboration or abrogation?" International Peace-keeping, Vol.5, No.1, Spring 1998, pp.1-20.

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

Gordon Wilson, "Arm in Arm After the Cold War? The uneasy NATO-UN Relationship", International Peacekeeping, Vol.2, No.1, Spring 1995, p. 74-92.

Gregory P. Giletti, "The UN's Capacities for Strategic Lift", International Peace-keeping, Vol. 5, No.3, Autumn 1998, p.42-57.

Geoffrey Hoon, MP, Secretary of State for Defence, "Lessons from the Crisis", UK Ministry of Defence, Presented to Parliament by Command of Her Majesty, June 2000, www.mod.uk/index.php3?

Gerard Fuchs, Secretary of the French Socialist Party, Le Monde, 28 September 1994.

"Improving the Capacity of the United Nations for Peacekeeping: Report of the Secretary General", A/48/403, para 4.c New York: United Nations, 1994.

J. Taylor Wentges, "Force, Function and Phase: Three Dimension of UN Peacekeeping", International Peace-keeping, Vol. 5, No.3, Autumn 1998, p.58-77.

James M. Skelly, "Defence, deterrence and cultural lag", UNIDIR - Geneva, "Does deterrence have a future?" Arms Control Today, October 2000, www.armscontrol.org/ACT/oct00/detoc00.html

Jean-Marc Sorel, 'L'ONU et les Règlement des crises", Problèmes Politiques et Sociaux, No.725, 8 April 1994.

Jerzy Ciecchanski, "Enforcement measures under Chapter VII of the UN Charter: UN Practice after the Cold War", International Peace-keeping, Vol.3, No.4, Winter 1996, p.83-104.

Jesse Helms, "Saving the UN; A challenge to the next Secretary General", Foreign Affairs, Sept./Oct. 1996, Vol. 75, No.5.

John Gerard Ruggie, "The United Nations and the Collective Use of force: Whither or whether?" International Peace-keeping Vol.3, Winter 1996, No.4, p. 1-20.

John Mackinlay and Randolph Kent, "International responses to complex emergencies: Why a new approach is needed", NATO Review, Web-edition, No.3, May-June 1997, Vol.45, p.27-29.

John Pomfret, "Reaction Force for Bosnia is Fading Away" Washington Post, July 1, 1995, A1.

Jolyon Howorth, "Britain, NATO and CESDP: Fixed Strategy, Changing Tactics", European Foreign Affairs Review, 5, 2000, p.377-396.

Jolyon Howorth, "European Integration and defence: the ultimate challenge", Chaillot Papers, No. 43, November 2000, Institute for Security Studies, Western European Union, France.

Justin Morris and Hilaire Mc. Coubrey "Regional Peace-keeping in the Post-Cold War Era", International Peace-keeping, Vol.6, No.2, Summer 1999, p.129-151.

Katarina West, "Humanitarian Intervention in a New Security Environment", WEU ISS - Occasional Paper, No.5, April 1998, WEU Institute for Security Studies.

Kofi Annan, "The Future of United Nations Peace-Keeping", George Town University, A Council For Livable World, Education Fund Project Publications, 23 February 1999, www.clw.org/pub/clw/un/annan2-23.html.

Kofi Annan, "Renewing the United Nations: A Programme for Reform. Secretary General's Report" UN doc., A/51/950, 14 July 1997, para.107.

Kofi Annan, "The UN Power in Bosnia", Washington Post, 28 March 1994, p. 21.

Kofi Annan, "UN Peace-keeping operations and co-operation with NATO", NATO Review, Oct. 1993.

Lawrence Freedman "Does Peace-Support make any sense?", NATO Review, Web Edition, No.6, Nov. 1995, Vol. 43, p. 19-23.

Maartje Rutten, "From St. Malo to Nice: European Defence: core documents", Chaillot Papers, No.47, May 2001, Institute for Security Studies, Western European Union, France.

M. Marshall (Rapporteur) "Europe and the establishment of a new world order for peace and security", submitted on behalf of the Political Committee, WEU Assembly Document 1456, 15 May 1995.

Marie-Janine Calic, Nicole Gnesotto, Jane Sharp and Susan Woodward, edited by Sophia Clement, "The issues raised by Bosnia and the transatlantic debate", Chaillot Papers No. 32, May 1998, Institute for Security Studies, Western European Union, France.

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, p.56-73.

Martin Ortega, "Military Intervention and the European Union", Chaillot Papers No. 45, March 2001, Institute for Security Studies, Western European Union, France.

Mats R. Berdal, "Wither UN Peace-keeping", Adelphi Papers, No.281, 1993.

Michael N. Barnett, "The Politics of Indifference at the United Nations and Genocide in Rwanda and Bosnia", in the book "This time we Know; Western Responses to Genocide in Bosnia; Thomas Cushman and Stjepan G. Mestrovic (eds), New York University Press 1996.

Michael C. Williams, "Civil-Military Relations and Peacekeeping", Adelphi Paper 321, 1998.

Michael Hirsch, "Calling All Regio-Cops; Peacekeeping's Hybrid Future", Foreign Affairs Nov./Dec.2000, Vol.79, No.6, p. 2-8.

Michael Mandelbaum, "A Perfect Failure; NATO's war against Yugoslavia", Foreign Affairs, Sept./Oct. 1999, Vol.78, No.5, p.2-8.

Michael Pugh ed., "Special Issue: The UN, Peace and Force", International Peacekeeping, Vol.3, Winter 1996, No.4.

Michael Pugh, "Civil-military relation in the Kosovo Crisis: an emerging Hegemony?", Security Dialogue, vol. 31, No. 2, June 2000, p. 229-242

Michael C. Williams, "Civil-military Co-operation and Peace-keeping", Adelphi Paper, No. 321, 1998.

Michele Griffin, "Retrenchment, Reform and Regionalisation; Trends in UN Peace Support Operations", International Peacekeeping, Vol.6, No.1, Spring 1999, p.1-31.

"NATO Role in Kosovo", Operation Allied Force, www.nato.int/kosovo/kosovo.htm

Nicole Gnesotto, "Lessons of Yugoslavia", Chaillot Papers, No.14, March 1994, Institute for Security Studies, Western European Union, France.

Partick McCarthy, "Building a Reliable Rapid-Reaction Capability for the United Nations", International Peace-keeping, Vol.7, No.2, Winter 2000.

Pauline Neville-Jones "Dayton, IFOR and Alliance Relations in Bosnia", Survival, Vol.38, No.4, Winter 1997-7, p. 45-65.

Philip H. Gordon, "Their own Army?", Foreign Affairs; Vol. 79, issue 4, New York; Jul./Aug. 2000, p. 12-17.

"Renewing the United Nations: A Programme for Reform. Secretary-Genera's Report", UN doc., A/51/950, 14 July 1997.

Richard Butler, "Bewitched, Bothered and Bewildered; Repairing the Security Ciubcul", Foreign Affairs, Sept./Oct. 1999, Vol.78, No.5, p.9-11.

Rob De Wijk, "Convergence Criteria: Measuring Input-Output", European Foreign Affairs Review, 5, 2000, p. 397-417.

Roland Paris, "Blue Helmet Blues: The end of the United Nations as a Security Organisation?" Washington Quarterly, vol.20. no.1, Winter 1997.

Shashi Tharoor, "Should Peacekeeping Go Back to Basics?", Survival, vol. 37, no.4, Winter 1995-96, p. 52-64.

Shashi Tharoor, "United Nations Peacekeeping in Europe", Survival, vol.37, no.2, Summer 1995, p.121-134.

Simmo Bruno, "NATO, the UN and the Use of Force: Legal Aspects", European Journal of International Law, Vol.10, 1999.

Stanley Hoffman, "The Politics and Ethics of Military Intervention", Survival, Vol.37, No.4, Winter 1995-6, p. 29-51.

Steven Lee Myers, "NATO Air War May Have Done Less Damage Than Alliance Thought", International Herald Tribune, 29 June 1999, p.4.

Survey on NATO, "Knights in Shining Armour", The Economist, April 24, 1999.

"The UN's Missions Impossible", The Economist, August 5th, 2000.

The 40th General Assembly of the Atlantic Treaty Association. Address by the Secretary General Willy Claes, NATO Brussels 28th October 1994.

Tim Judah, "Kosovo's Road War", Survival Vol.41, no.2, Summer 1999, pp. 5-18.

Tom Woodhouse, "The Gentle Hand of Peace? British Peace-keeping and Conflict Resolution in Complex Political Emergencies", International Peacekeeping, Vol. 6, No.2, Summer 1999, p.24-37.

'War of Intervention: Why and when to go in" The Economist, January 16, 2001 pp.3.

WEU, "Audit of Assets and Capabilities for European Crisis Management Operations - Recommendations for strengthening European capabilities for crisis management operation", WEU Council of Ministers, 22-23 November 1999.

Yasishi Akashi, "The limits of UN Diplomacy and the future of conflict mediation", Survival, vol.37, no.4, Winter 1995-96, p.83-98.

Other Resources:

Allied Joint Operations Doctrine, AJP-01 (A), September 1998.

Berlin Summit Communiqué, M-NAC-1(96)6, 3 June 1996.

NATO Fact Sheet, No. 4, 3

NATO Strategic Concept, NAC-S(99)65, Washington, 23-24 April 1999.

NATO Strategic Concept, North Atlantic Council, Rome, 7-8 November 1991.

NATO Press Communiqué, M-NAC-1-(92) 51, NATO Brussels, June 1992.

Washington Summit Communiqué, NAC-S-(99) 64, 24 April 1999.

Charter of the United Nations and Statute of the International Court of Justice, New York September 1993.

The North Atlantic Treaty, Washington D.C. 4 April 1949,
[www.nato.int/docu.basic/txt/treaty.htm](http://www.nato.int/docu/basic/txt/treaty.htm)

www.nato.int/ifor

www.nato.int/sfor

www.nato.int/kosovo

www.un.org