

## **Introduction**

Cooperation between the North Atlantic Treaty Organisation (NATO) and the United Nations (UN) began to intensify in the early 1990s and has been controversial ever since. As the 1999 air-strikes in Yugoslavia have shown, there are obvious pitfalls in the coexistence and collaboration between the major agent for peacekeeping (UN) and the most significant provider of military power (NATO). This article focuses on future prospects that could result from NATO - UN cooperation and the resulting obstacles that have to be overcome. How can the central advantages of NATO - UN cooperation be defined?

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

NATO was created for defensive purposes. Its collective enemy - the Soviet bloc - has vanished and therefore NATO's "life expectancy" has, by many, been expected to be limited as well. However, the Atlantic partnership has proven to be more adaptable to the changing international environment than anticipated. Its anachronistic appeal put NATO on the spot in justifying its continual existence. NATO experienced a transition towards a global security agency with worldwide reach and influence.<sup>1</sup>

The NATO Treaty makes no specific reference to Chapter VIII of the UN Charter, and explicitly does not qualify NATO as a Chapter VIII regional organisation, but is solely to be seen in reference to Article 51 of the UN Charter. Subjecting NATO's enforcement measures to the veto in the Security Council would have rendered its existence as a military alliance - opposing the Soviet bloc - absurd. Hence, mandating or sub-contracting NATO within the framework of UN peace operations - as recently the case in the Balkans and currently in Afghanistan - clearly shows NATO's evolution beyond its original alliance character towards a "security manager" in Europe and beyond. NATO's global reach and its global definition of threats to its member states' security, on the other hand disqualifies it as a regional organisation in the traditional sense, leaving it at a hybrid stage.<sup>2</sup>

## **Cold War Period**

UN peacekeeping has evolved since its beginnings in 1945. Initially, peacekeeping was limited to observer missions. The first four operations, occurring between 1947 and 1949, involved tasks similar to those undertaken by the League of Nations. In two of the missions, the UN Secretariat directly controlled employment of military personnel provided to it by contributing nations. In the other two missions national authorities retained control of their personnel while operating under a UN mandate.<sup>3</sup>

The Charter of the UN gives regional organisations a role within the arrangements for maintaining international peace and security.<sup>4</sup> The primacy of the UN is made clear in the Charter by Article 53 which lays down that no enforcement action - no use of military forces without the consent of the states concerned - shall be taken by a regional organisation without the authorisation of the Security Council. On the other hand, Article 52 states that members of the UN "shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council". There is therefore a clear distinction between actions taken with the consent of the states concerned (where the Charter encourages regional bodies to try to solve problems in their regions) and those where action, including military action, is imposed upon states without their consent i.e. where the Security Council has the sole right to authorise action.

Although the Charter is not explicit, regional bodies have traditionally been seen as having a role in solving problems among their own members.<sup>5</sup> They were seen as providing a measure of regional collective security. In the Cold War period in Europe another kind of regional organisation developed explicitly for collective self-defence against an outside attack. Western European Union and NATO were organisations of this sort. They based themselves not on Article 52 or Article 53 of the Charter (Chapter VIII) but on Article 51 which makes clear that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence, if an armed attack occurs against a member of the UN, until the Security Council has taken measures necessary to maintain international peace and security."

In both, the 1948 Brussels Treaty that created Western European Union and the 1949 Washington Treaty that created NATO, the key articles which provide the security guarantees on which these military alliances are based make explicit reference to this provision of the UN Charter and accept the obligation to report any action taken in collective self-defence to the Security Council and terminate it as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.<sup>6</sup>

Chapter VIII of the UN Charter refers to regional organisations, such as NATO, in the context of appropriate regional action in the maintenance of international peace and security. It is in this area that a relationship exists between the two organisations, with ultimate authority centred in the UN. Excepting the area of international peace and security, however, the relationship between the UN and NATO is not hierarchical.

When the NATO Charter was established in 1949 by the Treaty of Washington,<sup>7</sup> it made no mention of any relationship to the Security Council as a "regional arrangement," nor did it contain any provision providing for action

only upon the authorisation of the Security Council, or for reporting activities ‘in contemplation.’ Instead, the Treaty of Washington expressed the obligation of NATO’s member states to be that of ‘collective self-defence’ under Article 51 of the UN Charter and, correspondingly, embodied only the obligation to report ‘measures taken’ to the Security Council.<sup>8</sup> This formulation was adopted by the United States and its NATO allies because subordination of NATO actions as a regional arrangement to Security Council review in advance during the Cold War would have subjected all actions to Soviet veto. By characterising NATO’s military actions as “collective self-defence” under Article 51, would not constitute a ‘regional arrangement’ under Chapter VIII of the UN Charter; hence, no prior Security Council review would be required.

The unifying force in the beginning of NATO’s history was the Korean War. Initially, it activated many of the doubts that American behaviour had fed before 25 Jun 1950. Asia and the Pacific had been the traditional focus of the American foreign policy. When the war broke out, NATO had made little progress in raising enough force to resist a Soviet attack – which, for the first time, seemed really possible. To the Truman administration, European Defence Community or at least German participation in NATO forces was a prerequisite for any sort of successful European defence. To encourage the Europeans, it offered to station more troops in Germany and to form a unified European Defence Force under a US commander. The Korean War build-up provided not only these troops but also a larger strategic reserve from which Europe might be reinforced in an emergency. The NATO governments liked the idea. In December 1950, their ministers approved the creation of a Unified Command and asked for a US officer (they recommended General Eisenhower) to be appointed as its chief, SACEUR (Supreme Allied Commander Europe).

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

In 1956, Dag Hammarskjöld created the first UN peacekeeping force in response to the Suez Crisis. The UN dispatched 6000 soldiers but the use of force was limited to self-defence. This type of involvement in a peacekeeping situation characterised the missions up through 1978 and is often referred to as “traditional peacekeeping”. These “traditional peacekeeping” missions had several distinguishing features:<sup>9</sup>

- (a) Consent and cooperation of parties to the conflict;
- (b) International support, as well as support of the UN Security Council;
- (c) UN command and control;
- (d) Multinational composition of operations;
- (e) No use of force, except in self-defence;
- (f) Neutrality of UN military between rival armies;
- (g) Political impartiality of the UN in relationships with rival states.

Though the term ‘peacekeeping’ is not found in the UN Charter, the authorisation is generally considered to lie in (or between) Chapter 6 and Chapter 7. Chapter 6 describes the Security Council’s power to investigate and mediate disputes, while Chapter 7 discusses the power to authorise economic, diplomatic, and military sanctions, as well as the use of military force, to resolve disputes. The founders of the UN envisioned that the organisation would act to prevent conflicts between nations and make future wars impossible; however, the outbreak of the Cold War made peacekeeping agreements extremely difficult due to the division of the world into hostile camps.

The failure of the UN during the Cold War caused states to move away from a system of collective security and toward a system of collective defence through alliances such as the NATO and the Warsaw Pact.<sup>10</sup> For a period after the Cold War, peacekeeping missions were undertaken outside of the UN system. The Multinational Force and Observers (MFO) Group in Sinai and the Indian Peacekeeping Force (IPKF) in Sri Lanka are two examples of these types of missions.

The UN Peacekeeping Force in Cyprus (UNFICYP), begun in 1964, attempted to end the conflict between the ethnic Greeks and Turks on the island and prevent wider conflict between NATO members Turkey and Greece. NATO and the strategic interests of the West were threatened by a potential conflict between Greece and Turkey over the island of Cyprus. Peacekeeping thus acted as a mechanism to prevent this conflict. NATO did not want to interfere because of a treaty that gave Cyprus its independence. Many other UN units have been in position for decades in Congo, South Lebanon, in the Golan Heights – keeping a situation from exploding while desultory negotiations continue.

## **Post-Cold War Period**

Not only has NATO evolved past its original purpose, the UN likewise hardly resembles its 1945 founding structure. While NATO “struggled to redefine its purpose” and moved on to crisis-management activities, the UN focused on a variety of development issues as well as a new generation of peacemaking and peacekeeping operations.

The UN has legitimised various cases of collective use of military force to stabilise peace in many regions of the world, especially in the peace enforcement realm. However, it lacks adequate resources to do so on a more effective level and in the context of long-term engagements. NATO constitutes the most functional and effective military alliance in the world and can hardly be challenged in the technological and logistics realm of military missions.<sup>11</sup> This

constitutes NATO's major advantage and greatest asset for the UN in the context of a more institutionalised relationship. Additionally, the Alliance has excellent capabilities concerning relief efforts and security sector reforms as well as overall coordination of military missions.

Two forms of collaboration can be identified: a stand-by and a stand-alone model. In the first actual cooperation between the UN and NATO in Yugoslavia in the 1990s, a stand-by model was preferred. In a stand-by situation subcontracted organisations complement UN peacekeeping forces.<sup>12</sup> This can either be in the form of a general or sectorial backing for UN troops.

In Yugoslavia, NATO air-strikes (due to the 'dual key' arrangement, which provided the Special Representative of the UN Secretary General (SRSG) with a veto option) were partially delayed by the SRSG until the mid-1990s. The British and French Governments respectively were likewise reluctant to utilise NATO air-strikes, as favoured by the US administration, as they provided most of the UN peacekeeping troops on the ground and were hesitant to endanger their well-being by collateral damage or in hostage situations.<sup>13</sup> Yost 2007: 48, the legally questionable intervention, which consisted of massive NATO bombings to prevent a humanitarian catastrophe in Kosovo in 1999, revealed the difficult balancing act in the collaboration of NATO as a military alliance - endangering its credibility as a military power by uttering idle threats - and the neutrality of the UN within a conflict situation. It also gave rise to ongoing discussions about humanitarian interventions devoid of SC mandates.

In Afghanistan, a stand-alone model was used in NATO - UN Cooperation. The 9/11 terrorist attacks on the US soil marked a turning point in the security perceptions of various states and altered the parameters of the global world order. For the first time in NATO history, action was taken under Article 5 of the NATO Treaty, which in reference to Article 51 of the UN Charter states that: "(...) an armed attack against one or more of them [NATO member states] in Europe or North America shall be considered an attack against them all (...) if such an armed attack occurs, each of them, (...) will assist the Party or Parties so attacked by taking forthwith, (...) such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."

The Security Council also responded in an unusual manner, by declaring a situation under Article 51 (S/RES/1368) as well as Article 39 (S/RES/1373). This was the first time the Council had ever recognised a terrorist attack constituting a matter of self-defence. It can be argued, that by simultaneously declaring the situation as a threat to international peace and security thereby invoking Chapter VII measures, it left the US with an unlimited number of options - a practical *carte blanche* - to react. However, the US initially preferred a loose coalition to NATO engagement, as core security aspects were touched and, immediate and unquestioned action without respect for the Alliance's consensual structures deemed necessary to the US administration.<sup>14</sup>

It was in the Alliance's bureaucratic interest to be involved in the fight against terrorism and it, therefore, does not seem surprising that NATO Secretary General Lord Robertson actively campaigned for the premiere declaration of a situation under Article 5 of the NATO treaty. In August 2003, the Alliance formally took over the International Security Assistance Force (ISAF), a UN-mandated force, originally tasked with helping to provide security in and around Kabul. ISAF constituted the "first NATO-led peace-support operation, far away from its own territory and far outside the Euro-Atlantic area".<sup>15</sup> Not only is ISAF established alongside the American-led Operation Enduring Freedom (OEF), but also side-by-side with UNAMA, the UN Assistance Mission in Afghanistan, a peacekeeping mission focusing on recovery and reconstruction. Still ISAF's stand-alone character is apparent, as it is established under its own mandate with its own command structure. Stand-alone missions are characterised by a higher degree of autonomy and freedom of action, and therefore an increased degree of efficiency. Nevertheless, the presence of multiple missions with different mandates and various international organisations, as well as states, on the ground require an exceptional degree of cooperation and consultation between the various actors. UN and NATO representatives meet on a regular basis, discussing a wide range of topics, including drug trafficking, terrorism, civil-military cooperation, disarmament as well as reintegration.

Outlook: Institutionalised versus Selective Cooperation?

Since NATO - UN cooperation has started to intensify fairly recently, an improvement of inter-organisational dialogue can be anticipated. Successful cooperation on case-by-case basis does not necessarily militate against a more institutionalised framework between NATO and the UN. NATO still serves as the predominant security provider in the western hemisphere, with projection capabilities and a worldwide outreach. Its experience and military structures and especially the close involvement of the United States can serve as a valuable asset to UN peace operations as well as humanitarian relief efforts and security sector reform. NATO and the UN have already worked side-by-side on various occasions. If NATO is operating under UN mandate, it is provided with maximum political legitimacy for military actions especially in 'out-of-area' theatres. The question remains, whether NATO can and will provide its unique capabilities for regions of less obvious interest to the Alliance.

## Endnotes

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5 Ibid.

6 Ibid, p.6.

7 Treaty of Washington (North Atlantic Treaty), 63 Stat. 2241, T.I.A.S. 1964 (entered into force August 24, 1949).

8 Article 5 of the Treaty of Washington provides, in pertinent part: Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

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Journal of the United Service Institution of India, Vol. CXLV, No. 599, January-March 2015.