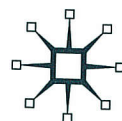50ème ANNIVERSAIRE - 50th ANNIVERSARY

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A HISTORY OF NATO

The First Fifty Years

Volume 1

Edited by Gustav Schmidt

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Edited by

Gustav Schmidt
Professor in International Politics
Ruhr-Universität Bochum
Germany

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NATO and the UN:
The Contemporary Relevance of the 1949 North Atlantic Treaty

Hall Gardner

Fifty years ago in April 1949, a debate took place in the UN General Assembly. On the floor were two resolutions, one proposed by the Ad Hoc Political Committee and backed by Washington; the second proposed by Moscow. The first hoped to reform UN Security Council voting procedures in such a way as to limit the damage caused by Soviet abuse of its veto power (but not abolish the veto altogether).[1] The Soviet draft sought to safeguard the veto granted by the UN Charter - and the "sovereignty" of the state.

Yet the debate revolved more around the ratification of the North Atlantic Treaty (NAT) - an issue that had not formally been placed on the agenda for discussion - than it did the substance of the two resolutions at hand. The Soviet delegate, Andrei Gromyko, propagandized belligerently that the NAT had been forged by Washington and London to circumvent the "principle of unanimity" or the right to veto. As he put it: "The struggle against the principle of unanimity in the Security Council ... was aimed at building up the military and political groups to be used in the new war which [the USA and UK] were planning."[2] The April 1949 General Assembly debate is a classic Cold War text; many of the issues raised continue to haunt the post-Cold War NATO-UN relationship, in spite of the profound geopolitical differences between the two eras.[3]

NATO-UN Dialogue

Despite the evident tensions, NATO has possessed a closer inter-relationship with the UN than generally acknowledged. Although Congressional

pressure, the need to obtain domestic American support, plus the effort to offset the sting of international and Soviet criticism, were certainly significant factors in giving the UN such a central place in the formulation of the NAT,[4] these factors were really of secondary consideration and do not entirely explain the complex NATO-UN inter-relationship.

In addition to Senator Arthur H. Vandenberg's effort to forge a compromise among competing options, complex legal, geopolitical, as well as ideological, factors were also involved in the formulation of the NAT. The UN, for example, helped keep the door open to NATO dialogue with the Soviet Union (much as George C. Marshall repeated to critics of the UN throughout the years 1948-50) - and has continued to do so in regard to post-Cold War Russia. The complex UN-NATO inter-relationship helped to reassure France - and tacitly the USSR - that German power capabilities would remain "double contained." Often overlooked is the fact that NATO's former - and once again enlarged -"community of interest" has needed UN assistance to prevent conflict among NATO's own members. From an ideological standpoint, NATO needed UN principles to help construct its very legitimacy.

Needless to say, the State Department was not entirely happy with the UN as a basis to frame US policy. As the Policy Planning Staff put it on 24 February 1948: "The initial build-up of the UN in the US public opinion was so tremendous that it is possibly true ... that we have no choice but to make it our cornerstone of our policy in this post-hostilities period. Occasionally it has served a useful purpose. But by and large, it has created more problems than it has solved and has led to a considerable dispersal of our diplomatic effort."[5]

By March 1948, in a statement to the House Foreign Affairs Committee that foreshadowed the formulation of the NAT, Secretary of State George C. Marshall attempted to bridge the gap between the universalistic expectations raised by the UN and the fact that "world conditions" were "far different than those contemplated by the Charter." At fault was not the machinery of the UN itself, but the fact that at San Francisco "none of the major powers was prepared to grant (the UN) the right of enforcement against a major power." Following the failure to achieve "concerted action" as anticipated, Washington then opted for a new strategy: "A fundamental task of the UN and of our foreign policy is ... to bring about a more realistic view of what is possible and what is impossible in the relationship between the Soviet Union and the world at large. In this way there can be restored to international society the equilibrium necessary to permit the UN to function as contemplated at San Francisco."[6]

To achieve such an equilibrium would require significant economic and military assistance to Western Europe for purposes of self-help and mutual assistance. Steps toward self-protection against aggression could be taken

under Article 51 of the UN Charter. From this perspective, the Marshall Plan, the Western Union, followed by the formation of NATO, were all inter-related aspects of US strategy intended to restore a modicum of the global equilibrium necessary for the UN to ultimately function as originally conceived.

In effect, NATO was to be prepared to engage in "enforcement measures" against a fellow UNSC member (or any other possible threat) - if such action proved necessary. By counter-balancing a potential threat from a fellow UNSC member, NATO was consequently intended to deter the possibility of conflict among the UNSC members themselves, and, if possible, to ultimately bring UNSC members into cooperation in case of conflict among regional powers, in accord with the original purpose of the UN Charter. While NATO was primarily forged against the threat of any potential aggression, including that posed by UNSC members, it was secondarily formed for the pursuit of general UN goals.

Put another way, behind-the-scenes NATO supports for the predominant powers in Western Europe, and for cooperation among these governments (including West Germany), would indirectly help to maintain stability and well-being throughout the globe in the process of re-equilibrating international society. Although only vaguely mandated to do so in its Article II, the NAT was intended to help supplement "overlapping" European and international regimes such as the Organization for European Economic Cooperation (OEEC) and then the European Coal and Steel Community (ECSC)[7] - in addition to UN-related organizations such as the World Bank and the International Monetary Fund. NATO was thus to be part of a larger interacting geopolitical and economic system involving mutually reinforcing European and international regimes with global influence.

By forestalling the possibility of conflict with Moscow and by helping to sustain peace in Europe - historically a region prone to spark global conflict-NATO could build its legitimacy by indirectly reinforcing the principles and goals of the UN - however those goals may be defined.

The Formulation of the NAT

The NAT was given birth by Cesarean, plucked directly from Article 51 of the UN Charter out of a UN paralyzed by Soviet veto. The subsequent relationship between UN mother and NATO progeny has been troubled and uneasy; a full reconciliation has yet to occur.

In the process of negotiating the NAT, the American and British elites were torn between conflicting visions for European security. The first option, initially supported by George Kennan, was to extend American security guarantees to the 1948 Western Union, in what was called the "dumb-

bell" approach designed to avoid American entanglement in European af-
fairs. The second option was a more formal treaty arrangement, an option
supported by British Foreign Minister Ernest Bevin (as well as US State
Department officials Robert A. Lovett, John Hickerson and Theodore
Achilles) in view of the situation in Germany, and in light of French con-
cerns.

A third approach was to strengthen the UN. UN Secretary General
Trygve Lie initially opposed (prior to the Korean War) the concept of a re-
gional defense pact as detracting from the UNSC's primary responsibility
for international peace and security. Influential opponent of the NAT,
Albert Einstein stated in May 1949 that he would have had no objections to
the NAT - if it had been organized within the framework of the UN.
Likewise, Senator Robert A. Taft, who voted against the NAT, argued that
NATO's presence would reinforce the division of Europe - and not
strengthen the UN.

In the tradition of Congressional compromise, Senator Vandenberg at-
tempted to bring these three conflicting options together, at the same time
that he wanted to stipulate that any American association with a European
security pact would be based upon reciprocity, mutual aid, and self-help. In
a concession to the "dumbbell" approach, Vandenberg sought to limit
American engagement by watering down the "automaticity" of Article V
security guarantees. In a concession to pro-UN advocates, he pressed for
pro-UN language and attempted to insert a clause in the NAT that promised
support for "strengthening" the UN. As the Senator put it: "The Vandenberg
Resolution was adapted to foster regional and other collective defense ar-
rangements inside the UN but outside the veto."[8]

The June 1948 Vandenberg Resolution ultimately provided the basis for
Senate support for the NAT under Article 51 of the UN Charter, but it also
sought "voluntary agreement to remove the veto from all questions involv-
ing pacific settlements of international disputes and situations." The resolu-
tion likewise called for "maximum efforts to obtain agreements to provide
the UN with armed forces as provided by the Charter and to obtain agree-
ment ... upon universal regulation and reduction of armaments under ade-
quate and dependable guarantees against violation." (Vandenberg's efforts
led to the April 1949 General Assembly debate, and then to the 1950 United
for Peace Resolution that proposed a UN "peace patrol.")

After intense negotiation, however, references to "strengthening the
UN" were not adopted in the final version of the NAT. Although it was
pointed out in State Department discussions in 1948 that some hesitancy
among the West Europeans to support the NAT might be resolved "by
stating explicitly on which articles of the UN Charter the security organiza-
tion would be based,"[9] this advice was not followed. The founders of
NATO sought near maximum freedom of political maneuver: In effect,

NAT supported UN principles, but not necessarily, UN practices. At the same time, it was left purposely vague as to which of the contradictory principles and goals NATO would support.

The NAT subsequently went out of its way to justify itself on the basis of the UN Charter despite the latter's own inconsistencies. It explicitly emphasized the role of the UN in its preamble, as well as in Article I and Article V, in addition to Article VII and Article XII. Each of these articles stated the primacy of the UN Charter and UNSC in making key NATO decisions; yet only Article V specifically mentions Article 51 of the UN Charter by name, which, in effect, gave the UNSC some say in actions taken in collective defense, but only after the hostilities had started. Significantly, however, the NAT does not specifically mention Articles 52, 53, and 54 which govern "regional arrangements."[10]

American claims to be in absolute conformity with the letter and spirit of the UN Charter led the Polish delegate at the April 1949 General Assembly Plenum to exclaim: "The fact that so much justification was needed was in itself sufficient proof that something was wrong."[11] NATO's decision to bring in non-UN members, such as former Axis power Italy, for example, were denounced as counter to UN principles. Yet despite Soviet threats and letters of protest to the states that first signed the NAT, Moscow did not formally test NATO's right to exist in the General Assembly.

Complaints that NATO did not represent a "regional arrangement" under Article 51 were countered by the fact that the USSR, as a Eurasian power, straddled two continents and had engaged in its own series of twenty-three bilateral alliances by 1949, plus the formation of the Cominform. In addition, legal precedents to the NAT included the 1947 Rio Pact and the 1948 Treaty of Brussels. (These latter treaties, however, possessed elements that were not regarded as appropriate for the NAT).

Germany

Not generally acknowledged is the fact that the UN plays a key role in the heart of NATO's "community of interests": Germany. In many ways, the complex NATO-UN inter-relationship has served to re-assure UNSC members France and the USSR that German power capabilities would remain "double contained" by an American military presence, subsequently followed by the integration of West Germany into the Western Union and NATO.

In the April 1949 General Assembly debate, the Polish delegate propagandized that the NAT "was based on the rebuilding of the Ruhr and remilitarizing West Germany." Both Washington and Paris immediately replied that the unique aspect of the NAT was that it was directed at any pos-

sible aggression, whether it be from the USSR or a revisionist Germany. Hence the Treaty did not break any US, UK, or French treaties with Moscow. [12]

By 1950, Bonn's potential membership in NATO was linked to German membership in the European Coal and Steel Community, so as to reassure France - and indirectly the USSR - that Germany would not rise again as a military threat. By then incorporating Bonn as a member in 1954-55 (a possibility considered as early as 1948-50), NATO sought to "double contain" German power capabilities, coupled with constitutional restrictions upon Germany's possession of atomic, chemical and biological weaponry. [13] (At the same time, however, Bonn did not fully give up its claims to Polish and Czech territory until 1990.)

In joining NATO in 1954-55, and once again as a means to reassure Moscow, Germany made a declaration which is clearly marked in the Protocol of Accession. Bonn accepted the very broad obligations of Article 2 of the UN Charter, which urged states to refrain "from the threat or use of force against the territorial integrity or political independence of any state." Moreover, German accession to NATO was followed by the declarations of the Federal Republic of Germany (Annex A) and by the governments of the United States, the United Kingdom and France (Annex B). In Annex A, Bonn declared that the Federal Republic of Germany "will refrain from any action inconsistent with the strictly defensive character" of the NAT and the UN Charter. In Annex B, the United States, UK, and France likewise resolved: "in their relations with the Federal Government they will follow the principles set out in Article 2 of the UN Charter."

Following peaceful German unification through the "Final Settlement" on 12 September 1990, the UN continued to play a key role within the heart of NATO jurisdiction according to Article 3 of the 13 September 1990 German-Soviet Cooperation Treaty, which reads: "If one of the two states should become the target of aggression, then the other side will give the aggressor no military aid or other support and will take all measures to end the conflict using the principles and procedures of the United Nations." At the same time, Germany still reserved its right to "collective defense" in the German-Soviet treaty - or recourse to NATO - as likewise reserved in Article 6 of the Final Settlement. [14]

Yet despite clauses affirming its links to NATO, as well as statements in the Final Settlement that "a united Germany has no territorial claims whatsoever against any other state and shall not assert any in the future," the September 1990 German-Soviet cooperation treaty raised concerns that Germany could veer toward neutrality in case of NATO-Soviet confrontation or that Bonn could make a deal with Moscow at the expense of the eastern European states in-between. It is consequently arguable that the September 1990 German-Soviet treaty may have given extra impetus

(among other factors) to bring not only eastern Germany, but other former Warsaw Pact states, into NATO's jurisdiction as a means to "double contain" German influence in the region, and to prevent Bonn from aligning with Moscow. This argument appears credible given the fact that in February 1990 James Baker, Hans Dietrich Genscher and Helmut Kohl had initially assured Mikhail Gorbachev that NATO had no interest in extending its area of defense beyond eastern Germany.

German relations with NATO and the Soviet Union accordingly played in the background in the constitutional debate as to whether Germany could legally deploy peacekeeping or combat forces for "defensive" purposes *outside* German territory - under either UN, WEU or NATO auspices. By 12 July 1994, the Federal Constitutional Court ruled that German armed forces could participate in activities of "collective security" organizations (such as the UN, NATO or the WEU) as long as their participation was approved by a simple-majority vote of the *Bundestag. (*The ruling interestingly did not distinguish between "peacekeeping" and "peacemaking").

From this perspective, drawing German forces into UN peacekeeping in Somalia, followed by NATO activities in the Adriatic and Bosnia (under UN mandates), and then into enforcement action "over" Kosovo (without a clear UN mandate), have represented steps taken to assure German alignment with essentially Western/NATO interests and to forestall German steps toward neutrality, or else a separate German-Russian rapprochement over former Yugoslavia, if not much of eastern Europe - but ostensibly in such a way so as to not alienate Moscow.

Cyprus

As a regional security organization, NATO generally worked to relegate the UN's Cold War role to areas of crisis outside of the "North Atlantic" area. Yet, as the NATO area suddenly expanded with the entry of Greece and Turkey in 1952, the essentially "in-area" conflict over Cyprus erupted in 1958 and 1963. NATO Secretary-General Paul-Henri Spaak attempted to resolve the first crisis under NATO political auspices - prior to going through the UN. The more significant conflict in 1963 involved troops of NATO members, Britain, Greece and Turkey, yet had the effect of dragging the UN into action within NATO's own "community of interests." In the effort to re-establish order on the island, Washington and London (in support of Turkish interests) sought the deployment of a NATO force. French leader, Charles de Gaulle, however opposed the Anglo-American initiative; and the Cypriot Archbishop Makarios (supported by Greece) sought instead the deployment of forces led by a more "impartial" UN.[15] Although NATO subsequently worked to prevent conflict, it has been the presence of the

UNFIYP that is most visible on Cyprus. In essence, this decision set the precedent that NATO devote its resources to collective defense; the UN should focus on collective security and peacekeeping.

In contemporary circumstances, the removal of UN peacekeepers on Cyprus (if not replaced by a force of another kind) could result in the outbreak of internecine conflict between the two NATO members. In February 1999, the Cypriot Foreign Ministry proposed the withdrawal of foreign troops and deployment of an international peacekeeping force (possibly organized by NATO) but under a general UN mandate.

Former Yugoslavia

In September 1991, US Secretary of State, James Baker was reluctant to bring the UN into former Yugoslavia. He feared that the People's Republic of China (PRC) might veto any UN involvement in what Beijing might consider a question of internal sovereignty. Baker believed that the crisis should be handled by the European Community (EC) exclusively despite the fact that the conflict involved the interests of both Moscow and Washington. The Bush administration then ruled out NATO involvement in November 1991.[16]

Yet the EC, its attention on Maastricht, was incapable of a unified policy. Presumed EC solidarity was broken by German recognition of Slovenian and Croatian independence without formulating the means to protect Serb, Moslem, and Croatian minorities in Bosnia. James Baker then decided to recognize the former Yugoslav republics but only after UNPROFOR had arrived in February 1992. Ultimately, however, it was not the UN, but the formation of the ad hoc Contact Group 1994 (the key players in the OSCE grouping) that would prove the most effective international regime to deal with the crisis.

Despite their efforts at "interlocking" cooperation in former Yugoslavia, the two organizations continued to diverge. First, UN blue helmets (NATO members France and the United Kingdom provided the largest contingents) that were ultimately deployed had originally been intended to safeguard a Croatian-Serbian cease fire, as a peacekeeping operation. They were not prepared for, or granted a mandate for, enforcement operations. At the same time, NATO was unprepared (or really unwilling) to engage significant numbers of troops on the ground and "out of area."

At a deeper level, the roots of that divergence stemmed from the differing goals and tactics urged by NATO and the UNSC, which continued to display differing organizational visions and mandates. The two regimes disputed the question as to who had the ultimate authority to order, and to discontinue, air strikes (particularly when UN blue helmets were at risk),

and to define and enforce "exclusion zones" (as in Gorazde in April 1993) in addition to conflicts over the assessment of intelligence.[17]

In August 1993, the UN and NATO were able to establish "dual key" power-sharing arrangements.[18] Looking weak-kneed, however, the UN was reluctant to lose its ostensible "impartiality"; it was accused of "appeasing" Bosnian Serb interests in an effort to keep Serbia at the negotiating table. NATO, for its part, acted at a distance by air and by sea; it sought to draw clear lines of exclusion, and to contain the Serbian "aggressor."[19] The main objective was to limit the spread of the conflict through the judicious use of force - not stop the fighting.

The formation of the ad hoc Contact Group in April 1994 finally helped to create greater political consensus, as key members of the UNSC participated (minus the PRC) and as Germany, one of the principal major actors concerned with the crisis, was also included. Yet even this grouping of states was difficult to manage from the American perspective. Assistant Secretary of State Richard Holbrooke characterized the ambiguous nature of the Contact Group, "we can't live without it; we can't live with it."[20]

By November 1994, the US Congress pressed for a "lift and strike" strategy - a policy seen as counter to the interests of UN (primarily British and French) troops on the ground. Serbia came to the bargaining table only once it began to lose territory versus the Croat-Bosniac "federation." NATO then entered Yugoslavia on the ground following the Dayton peace agreement. The experience in ex-Yugoslavia led NATO to support OSCE and UN peacekeeping efforts, to establish and strengthen the PfP and the NACC. NATO also sought closer contact with Russia - and ultimately established the May 1997 NATO-Russian Founding Act. After the deployment of IFOR/SFOR, NATO continued to back-up UNTAES forces deployed in eastern Slavonia. The Bosnian experience additionally led to greater NATO consideration for Civil Military Cooperation, as well as for cooperation with UNHCR. The International Police Task Force was established under the UN, although Washington initially did not intend to let the UN play a role in the implementation process. The OSCE, rather than the UN, was later chosen to monitor Bosnian elections.[21]

Speaking of NATO's interaction with all international and non-governmental organizations in Bosnia, NATO Secretary General Javier Solana subsequently put it: "the key word here is synergy, not hierarchy."[22] At the same time, efforts to achieve such a synergy should not overlook continuing tensions among various international regimes with differing mandates competing for scarce resources and political backing.

War-Preventive Deployments

The 1991 Strategic Concept stated that NATO's purpose was "to safeguard the freedom and security of all its members ... in accordance with the principles of the UN Charter." In December 1991, NATO announced the formation of the North Atlantic Cooperation Council (NACC) - a joint US-German initiative intended to reassure Russia and former East bloc states. By June 1992, NATO offered to consider peacekeeping operations "out of area" upon the request of the UN or OSCE, upon a case by case basis. NATO called for more extensive preventive measures by the UN and supported deployment of UN war-preventive forces not only in the Former Yugoslav Republic of Macedonia (FYROM), but Kosovo as well.

In December 1992, the UNSC for its part opted to more thoroughly engage in peace-enforcement (the latter term is really an oxymoron), peacekeeping, and war-prevention. Deployed in FYROM, UNPREDEP was praised as the first UN war-preventive force intended to forestall conflict in former Yugoslavia from spreading. (These preventive steps were taken, in part, to make up for the fact that the UN had not been prepared to deploy at least 1000 UN blue helmets in Bosnia - as demanded in December 1991 by the Bosniac leadership at the time.) Moreover, the deployment of UNPREDEP (under an American command) largely coincided with a private letter sent by President George Bush warning Serbian President Slobodan Milosovic that "in the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbs in Kosovo and in Serbia proper."[23] Efforts to deploy similar UN preventive war forces in Kosovo and Vojvodina province, however, were either blocked by Russia in the UNSC in the interests of Serbian "sovereignty" - or not pursued vigorously enough by Washington.[24]

By February 1999, just prior to the outbreak of war over Kosovo, China vetoed the renewal of the mandate of UNPREDEP; Russia abstained.[25] Officially, China argued that UNPREDEP had met its goals; the UN should consider using its limited resources in other regions, such as Africa. (Had the US Congress paid its peacekeeping bills, this argument might have possessed less relevance!) The most likely reason for Beijing's veto was the fact that FYROM had extended diplomatic recognition to Taiwan, regarded as a province of the mainland. Whatever the primary rationale, the retraction of UNPREDEP appeared to eliminate the political and geographic "buffer" between FYROM and Greece - raising the security concerns of the latter.

"Out-of-Area" Issues

One of the central debates in regard to interpreting the NAT in post-Cold War circumstances lies in the distinction between a "collective defense of territory" (Articles V and VI) and a "collective defense of interests" (which are considered non-Article V actions).

Throughout the Cold War, NATO essentially defined itself as a "collective defense" organization designed to prevent or anticipate the possibility of conflict. In essence, defensive actions (which involved largely abstract considerations of nuclear and conventional war at the time) did not require UNSC approval; but enforcement actions definitely required UNSC approval.[26] The fact, however, that the NAT tended to stretch the term "regional arrangements" to mean an "association of nations linked to a community of interests"[27] helps to explain the key dilemma for the NATO-UN relationship in the post-Cold war crisis.

The more that NATO's "community of interests" enlarges from the "North Atlantic" to the "Euro-Atlantic," the greater the potential number and nature of security threats. The potential threats posed by weapons of mass destruction, ethnic violence, and regional conflict, for example, mean that early preventive or preclusive enforcement may need to be taken, as "non-Article V threats can become Article V threats if they are not addressed early."[28]

A legal problem also arises in that neither "out of area" peacekeeping measures (such as deployment of war-prevention forces), nor even forceful preclusive, if not pre-emptive measures, were foreseen by the UN Charter or by NATO itself. Moreover, NATO is mandated by the US Senate as a collective defense organization (under Article 51), and not a collective security organization (under Article 53).

Additionally, the term "community of interests" appears to transcend any specific geographic considerations. This has become particularly problematic once NATO moved toward actions of "collective security" and "collective enforcement" in Bosnia and Kosovo. The question then arises: Where do the actual geographic limits of NATO's "community of interests" ultimately lie? Which regions are part of NATO jurisdiction? Which regions are part of UN or OSCE jurisdiction? At what point, if any, should NATO, as a "regional arrangement," involve the UNSC in its planning, operations, and its decision-making processes?

A World-Wide NATO?

The United States, UK, and Canada did discuss a world-wide UN Charter Article 51 "pact of free nations" in March 1948, but the concept was "aban-

doned" as too "cumbersome."[29] By 1949, Washington did not want to get involved in European "out of area" or colonial affairs (even though the NAT reluctantly conceded French Algeria as part of the Treaty area). Washington, under Article II of the NAT, thus approved a formal collective defense of Europe with informal discussion of issues beyond the "North Atlantic" region. Then, with the outbreak of the Korean War, the US did lobby for NATO to be given a greater role in facilitating UN-sponsored enforcement measures in 1951-52. NATO members, however, resisted committing themselves in part due to their involvement in colonial conflicts, and in part as the Korean War was seen as a possible flanking maneuver on the part of Moscow to attack Europe (or perhaps Yugoslavia). A NATO presence in Korea could also have been interpreted by Moscow as "encirclement."

The Korean War was subsequently fought under a UN flag but under an American command and then overseen by the General Assembly - and not the UNSC - once the Kremlin ended its boycott of the latter. In such a way, the then pro-American General Assembly was able to bypass any Soviet veto. It is not surprising that the 1950 "United for Peace" resolution was denounced as "preventive aggression" by Communist critics and as opening the door to world-wide US/UN interventionism.

The 1956 Suez war dragged NATO and the UN into a very different crisis: Washington and Moscow voted together in the UN for the immediate withdrawal of Anglo-French forces from Egyptian territory. While Paris and London voluntarily agreed to work first with NATO (rather than the UN), NATO did not actually possess the formal responsibility for policing disputes - even among its own members. Moreover, the crisis impelled the UN to create an Emergency Force in an effort to limit the damage caused by the European Allies.[30] As peacekeeping was not originally part of the UN Charter, UN peacekeeping was subsequently referred to under "Chapter V and one-half" - as "implied powers." By the 1960s and 1970s, it was the Europeans who did not want to get involved in US "out of area" concerns, i.e. Vietnam.

To a certain extent like the Korean War, the 1990 Persian Gulf war was fought utilizing NATO assets under a general UNSC mandate and under an American command - but with the support of Moscow (Beijing abstained). The Persian Gulf war also helped to set a precedent "for Alliance support of the UN under its Chapter VII authority."[31] NATO supports were intended to secure NATO's southern flank and deter possible aggression against Turkey. By going through the UNSC, the latter conflict possessed a general legitimacy that helped to build a strong international coalition, which included Arab states, against Iraq.

Kosovo

Whereas its "out of area" intervention in Bosnia was backed by clear UNSC mandates, NATO did not seek a UNSC mandate for Operation Allied Force in March 1999. NATO believed that both Russia and China would veto NATO actions - in defense of Serbian "sovereignty." NATO based its aerial intervention upon UN Resolution 1160, which provided Kosovo with meaningful self-administration, and UN Resolution 1199, which envisioned immediate measures to prevent the imminent danger of a humanitarian disaster; but neither UN resolution authorized the use of force.

As an emergency and preclusive action, NATO argued that it could not wait for the UNSC to make a decision in light of Serbian acts of "ethnic cleansing" and repeated violations of the UNSC's own resolutions in a crisis which appeared to threaten the "community of interests" of NATO members Greece and Turkey. UN Secretary General, Kofi Annan, argued that "It is indeed tragic that diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace." But then he added, ". . . The Security Council has primary responsibility for maintaining international peace and security - and this is explicitly acknowledged in the North Atlantic Treaty. Therefore the Council should be involved in any decision to resort to the use of force."[32]

Since the responsibility for the maintenance of the peace was nevertheless incumbent upon the UNSC, the latter did work behind the scenes to find a compromise resolution. (Both Moscow and Beijing, however, strongly denounced NATO actions.) A partial NATO reconciliation with the UN took place in June 1999 as NATO agreed to a halt in the bombing timed with UN Resolution 1244 mandating the simultaneous deployment of KFOR peacekeepers and the withdrawal of Serbian forces from Kosovo. A general UN mandate thus gave NATO a post facto legitimization for its actions. KFOR was to work with the UN Interim Administration in Kosovo, cooperate with the OSCE, and provide supports for the EU Stabilization Pact for South Eastern Europe - in what will hopefully prove to be a concerted American-European-Russian strategy.

Preventing Future Kosovos

NATO enlargement poses yet another issue for the complex NATO-UN relationship. Article X of the NAT states that "each of the Parties may, by unanimous agreement, invite any other European State *in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty*." [emphasis mine] Yet in order "to further the principles" of the NAT, it would appear that NATO en-

largement should work to foster new European systems of peace and security - and to prevent, if possible, a new partition of Europe.

The dissolution of the Warsaw Pact (and eagerness of members of the latter to enter NATO) has pressed NATO to enter into a closer relationship with the CSCE/OSCE. US Secretary of State James Baker recognized that for Moscow to unilaterally disband the Warsaw Pact and accept NATO jurisdiction throughout a unified Germany, both NATO and the CSCE had to reform so as to reassure Moscow. This was particularly true as the Warsaw Treaty had emphasized its own provisional character, and had envisioned the formation of an all-European system of security once it disbanded. As the CSCE had initially been proposed by Moscow in 1954, it had generally been regarded by Washington until the 1990s as a ploy to undermine NATO. Granted legitimacy by the Helsinki Final Act in 1975, the CSCE in fact played a key role in undermining Soviet controls over the Warsaw Pact and in assisting European unification.

As long as it is perceived to be "impartial," the UN or OSCE helps provide a political, if not geographic, "intermediary" between states in conflict. For states that cannot belong to any bloc, the UN or OSCE may be the only hope to guarantee their security. These latter organizations can play a key role in preventing hostilities, or limiting hostilities if they do break out, and work to prevent a wider war.[33]

If NATO continues to enlarge (either formally or informally), it will need to more overtly interact with the OSCE and UN in the area of arms control and arms reduction. (The Conventional Force in Europe treaty, for example, is overseen by the OSCE). NATO or EAPC peacekeepers may be needed to work side-by-side the UN or OSCE, or even within areas of the NATO "community of interest." UN-EAPC peacekeepers may be needed to patrol disputed borders between NATO and non-NATO member states, for example.

On 4 May 1999, General Klaus Naumann stated that the EAPC Military Committee "has the biggest gross potential for crisis management and conflict prevention in Europe if we handle it properly. So this is something we should dwell on in the future."[34] An EAPC military committee would permit the establishment of a unified command structure, which could include Russia, and hence avoid the debilitating "dual veto" system that plagued the NATO-UN interrelationship during the Bosnian war. The prior formation of an EAPC command may have likewise eased negotiations with Russia over the nature of the command structure and the forces to be deployed under KFOR, so that Moscow would not have felt the need to rush troops to Pristina in July 1999. Due to lack of funding and low political priority, however, NATO has yet to integrate the EAPC, the PfP, and CJTF into a comprehensive strategy.

Euro-Atlantic war-preventive forces under a general UN mandate could be systematically deployed in potential areas of conflict throughout central and eastern Europe - before tensions escalate. By tacitly bringing Russia into NATO's command structure (through the EAPC military committee), such deployments could ultimately set the stage for bringing Russia into NATO and could lead to a closer NATO-UN reconciliation. (Soviet/Russian membership in NATO was not necessarily excluded by the NAT's founders.) While NATO would retain its role under Article 51 as a regional collective defense organization, the Euro-Atlantic Partnership Council (EAPC) could possibly be granted more formal status as a collective security organization under Article 53 - much as was originally proposed in the Vandenberg and United For Peace resolutions.

Mutually Reinforcing Regimes

The quarrel between NATO and the UN should not lead to the denigration of one regime at the expense of the other. The deeper the support for mutually reinforcing international regimes in preventive diplomacy and crisis prevention, the less the chance a major crisis will erupt. Impartial UN, OSCE or Contact Group mediation is absolutely necessary in situations where there are no clear enemies. As it is also not certain that perceived threats will necessarily become actual threats, many disputes may possess solutions which require more subtle or preventive diplomacy. The enhancement of the crisis prevention capabilities of the UN, the OSCE, or the Contact Group, could then permit NATO to develop a more effective equilibrium between its more traditional task of "collective defense" and its newer mission of "collective security."

In general, with the possible exception of emergency situations, NATO actions should be taken with as broad an international mandate as possible. As it can draw greater attention to a crisis, a UN or OSCE enforcement action is more likely to obtain broad international political, ideological, financial, and military supports for an Allied cause. Working within a UNSC context, however, often requires that the UNSC members engage in complicated political trade-offs and deals in order to gain majority UNSC member support to enforce a particular action. A state that refuses to engage in such bargaining risks alienating other UNSC members, including UNSC members of NATO itself, and risks possible counter-actions. It also risks losing UNSC support for actions that could be in the national interest of that country.

If, however, NATO cannot work with the UN (in the case of Chinese veto, for example), it should work with the OSCE in the effort to work more closely with Russia. The latter implies the need to strengthen the

OSCE as a regional regime, which can perhaps more fully complement and reinforce NATO, than can the UN, as a means to coordinate political, economic, and military issues for the entire Euro-Atlantic region. The OSCE can not supplant NATO; but neither can the OSCE entirely supplant the UN. At the same time, the more partners NATO brings into its fold through the EAPC, and ultimately into membership (most importantly Russia), the more NATO can complement OSCE activities.

If NATO, for whatever reason, cannot work with either the UNSC or OSCE, it will need to take a calculated risk that its actions will not further destabilize the post-Cold War disequilibrium and consequently encourage trends toward unilateral military intervention by other UNSC members. NATO actions in Kosovo took the calculated risk that Russia would not obstruct Operation Allied Force, but it is not certain how this action may ultimately affect Russian perceptions once President Boris Yeltsin leaves office. As Chinese hardliners assert that NATO did not bomb the PRC's embassy in Belgrade "by accident" on 7-8 May 1999, NATO actions may have inadvertently led Beijing to negatively re-assess its defense relations with Washington. If no clear UNSC guidelines for "humanitarian intervention" can be established, Moscow or Beijing could, for example, justify intervention upon the pretext of protecting the humanitarian rights of ethnic Russian or Chinese "diasporas."

"Re-centering" the UNSC

Despite American reluctance to support the UN, the fact of the matter is that the UN continues to play a central role in areas that affect vital American and NATO interests. The Congress has been almost equally supportive of NATO today as it was in 1949, but it has been far less supportive of the UN now than then. Although American opposition to UN activities is more often based upon specific ideological concerns than opposition to UN peacekeeping per se, the US Congress has still been recalcitrant in paying its regular and peacekeeping UN dues. The UN - in dire need of bureaucratic liposuction - has begun to reform itself in response to Congressional criticism.

A more fundamental problem, however, is the nature of the UNSC. American and NATO interests are now confronted with not just one potential UNSC veto as in 1949, but two - Russia and China. At the same time, the viewpoints of "double-hatted" NATO and UNSC members, the United Kingdom, France, and the United States, often diverge. Moreover, the UN General Assembly has not always been supportive of the American position - unlike its position during the Korean War.

The problem of "reforming" and "strengthening" the UN is really that of re-centering the UNSC in regard to the international community. From this perspective, the membership of the UNSC should be re-adjusted to find the proper re-equilibration between its major political, financial and military actors and its less powerful regional actors. At present, the UNSC appears unrepresentative without the permanent membership of the key political-economic actors of Germany and Japan (the former enemy states), and without some formula for permanent representation (not necessarily geographic) for developing countries of Africa, South America, and Asia. Concurrently, bringing new members onto the UNSC, if plausible, will necessitate a thorough review of the voting procedures and the veto system of the UNSC - the general theme of the April 1949 General Assembly debate. Steps toward qualified majority voting, with a veto limited to "supreme national emergencies" (however defined), may represent one possible option.

Much as George C. Marshall argued in March 1948, NATO's primary mission in the post-Cold war period should be to help re-forge a new global equilibrium and global concert capable of permitting the UNSC function as it was originally intended. Policymakers need to sustain a "synergistic" and not "hierarchical" interaction between NATO, the UN, the EU, the OSCE, and the Contact Group, among other international regimes. While retaining its primary function and capabilities of collective defense, NATO will concurrently need to thoroughly strengthen its partnership with Russia, but without alienating China (as a UNSC member), or other significant non-NATO powers. Working to strengthen the security of the entire Euro-Atlantic region should indirectly help to sustain global peace and security as a whole.