

# ***Toward “Regional Security Communities”: NATO, the UN, and the 1948 Vandenberg Resolution***

**By  
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The relationship between the UN and NATO is presently like that between a mother and her long lost son. Roughly fifty years of separation during the Cold War have paid a heavy psychological and political toll. Only since 1989 have the two really begun to rediscover and redefine their relationship; yet despite new geopolitical circumstances, which have largely impelled the two regimes to move toward a *modus vivendi*, neither organization has completely comprehended the respective mission of the other.

A mother and son reunion has consequently been taking place in the attempt to reconcile relations, but the process is not an easy one. Both organizations had largely grown fat from non-action during the Cold War in which the two regimes generally appeared to work at cross-purposes. Both organizations now need to engage in self-critical analysis; both need to adjust to radically new circumstances in the effort to re-define their respective missions. Both are consequently in desperate need of re-vitalization, particularly after wars in Bosnia, Kosovo, as well as their post-September 11 mission in Afghanistan.

Yet it is still not clear that the two can transcend past and present misunderstandings and begin to work more closely together in a process of mutually supportive engagement and in the effort to tackle the looming global crises confronting Europe and beyond. The peace of the 21<sup>st</sup> century in many ways depends upon the ability of NATO and the UN to go beyond a *modus vivendi* and work more cooperatively together in their complex relationship to achieve a new global equilibrium and a modicum of social justice.

It is my essential thesis that “real security” is multi-dimensional; strategic and military aspects of security are obviously important, but not entirely sufficient to guarantee real political, economic, ecological and social (or “human”) security in the long term. NATO needs additional support from international regimes and NGOs to cope with complex problems arising from actual and potential ethnic, territorial, religious disputes as well as human rights abuses, ecological destruction, drug trafficking, and the smuggling of arms and nuclear materiel, among other vital security concerns.

Given the real risks of “overstretch,” particularly in Afghanistan, NATO will only be able to provide the multi-dimensional aspects of security for central and eastern Europe (and elsewhere) by working in close cooperation with the UN and other international regimes and NGOs, as well as with Russia through

the NATO-Russia Council. Such cooperation was built into the UN Charter, but the necessity of NATO-UN cooperation has not yet been fully actualized by either the UN or NATO.

### **The Vandenberg Resolution**

As we are living through a very tumultuous time, a “dangerous crossroads,”<sup>1</sup> we need to look at the major institutions of the Cold War and see where they can be adapted, if possible, to meet the new threats and challenges of the future. In addition to the UN, one of those key institutions is NATO, which, in effect, represents an offspring of its UN mother, given birth by Caesarean.<sup>2</sup> My essential argument is that NATO of the Cold War strayed far away from its original purpose as outlined by the 1948 Vandenberg Resolution which not only sought to establish NATO, but through the development of what can be called “regional security communities” which could be backed by UN Security Council members.

In his speech before the Senate in July 1949 Senator Vandenberg had given a most prescient defense for the creation of NATO. As the Senator put it, “There is not one aggressive syllable in the entire contract. There is nothing but peace in its aspirations which give it being and in the self-help and mutual aid which give it life. It is not built to stop a war after it starts- although its potentialities in this regard are infinite. It is built to stop wars before they start.”<sup>3</sup> Although not commonly seen as such, NATO, at least in 1949, was accordingly intended as a “conflict prevention organization.”

Here, Senator Vandenberg clearly stated that NATO was built to stop wars before they start, that it was primarily a conflict or war *prevention* organization, that its primary duty was *defensive*. His comment that “NATO was not built to stop a war *after* it starts- although its potentialities in this regard are infinite” is very interesting in light of the fact that NATO’s force capabilities were never actually used during the Cold War. It was only *after* the Cold War that NATO has undertaken a new, and largely unexpected, role of peacemaking, peacekeeping and peace enforcement.

NATO, as it evolved after the 1950 Korean war, thus moved a long way from its original purpose as outlined in the June 1948 Vandenberg Resolution (S. Res. 239, 90th Cong., 2d Session, June 11, 1948), and which was intended to “strengthen” the UN. The Vandenberg Resolution explicitly stated that “peace with justice” and “the defense of human rights and fundamental freedoms *require international cooperation through more effective use of the United Nations*” (italics mine). The Resolution likewise asserted, “the US Senate should reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be

used except in the common interest.” To strengthen the effectiveness of the UN (and, in part, to counter Soviet utilization of its veto power), the Vandenberg Resolution further stated that the US should “press for the voluntary removal the veto from all questions involving pacific settlements of international disputes and situations, and from the admission of new members.”

In terms of developing regional systems of security, or what I call “regional security communities,”<sup>4</sup> the Vandenberg Resolution stated that the US should likewise support the progressive development of regional and other collective arrangements (in the plural) for individual and collective self-defense in accordance with the purposes, principles, and provisions of the UN Charter; that the US should associate, by constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security; that the US should contribute to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under UN article 51 should any armed attack occur affecting its national security.

In this respect, the US should support the effort to forge other regional collective security organizations, but that these regional organizations would interlock with the UN, and be based upon UN purposes and principles. Regional security communities were consequently not intended to form into *antagonistic* regional blocs—as unfortunately became the case once the Warsaw Pact was formed to counter the incorporation of West Germany into NATO membership. Rather these “regional security communities” were to interact cooperatively with each other and *through* the UN. According to Senator Vandenberg himself, NATO, as a collective defense organization, was to be based upon the principles of the UN Charter --- but NATO was also to be in a position to act *outside* the UN Security Council veto as a regional organization under UN chapter VII article 51, but only the in case of collective self-defense.<sup>5</sup> *While collective defense decisions did not need to go through the UN Security Council, NATO enforcement actions did. In this respect, in the case of peacekeeping and peace enforcement measures, NATO was to act under a UN mandate and report back to the UN after hostilities began.*

In addition to urging the formation of regional security and collective defense regimes, such as NATO and the Organization of American States (OAS), the Vandenberg Resolution explicitly stated that the US should also engage in “Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the UN Charter, and to obtain

agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation.” In this respect, the Vandenberg resolution saw NATO *as an adjunct to the UN* and pressed the US to provide the UN with whatever peacekeeping forces might be necessary to *prevent* or *manage* various crises throughout the world.

It is these latter clauses of the Vandenberg Resolution dealing with UN peacekeeping that were largely overlooked during the heat of the Cold War and which now need to be revitalized in post-Cold War post-September 11 circumstances. This is particularly true as the UN was not at all prepared for major post-Cold War peacekeeping missions in that it was not at all provided adequate forces and political support by the US and other member states during the Cold War. In this regard, greater support for the 2004 UN Global Peace Operations Initiative would go a step further in truly implementing the 1948 Vandenberg Resolution that established NATO—and once again, was originally intended to “strengthen” the UN.

The Vandenberg Resolution also foresaw the need to revamp the UN, and change its Charter if deemed necessary. The Resolution consequently stated, that “if necessary,” the US could engage, “after adequate effort toward strengthening the United Nations, in a “review of the Charter at an appropriate time by a General Conference called under article 109 or by the General Assembly.” In contemporary circumstances, given the difficulties the UN has had in reforming itself in the past several years, a more radical approach may prove necessary if the UN is to survive as an effective organization.

While it is beyond the scope of this article, I believe an alternative approach to UN reform can be taken that seeks to replace the non-permanent members of the UN Security Council with “regional councils,” that seeks to streamline the General Assembly in such a way as to make it act more like a true legislative body, and that seeks to insert a “World Citizen’s Assembly”<sup>6</sup> (along side the General Assembly)—so that states have the opportunity to hear the voice of differing popular movements and interest groups in the world community. (Here, civil society groups would act as consultants in terms of “supplemental democracy” in the transition period.)<sup>7</sup>

### **Eclectic Aspects of the NATO-UN Relationship**

At its origin NATO was designed to play a supportive role for UN goals, but with a significant measure of independence; at the same time, however, NATO had to construct its very legitimacy from out of the UN Charter. NATO’s primary mission was to build the security framework for European reconstruction and indirectly work to support UN organizations; NATO’s

mission was essentially preventative, providing collective defense in the extreme case of rupture within the UNSC, or in case of any other potential direct threat to NATO membership. Yet despite their differing purposes and goals, NATO and the UN have, in fact, interacted much more closely during the Cold War than has generally been acknowledged. Their complex interrelationship has involved rather eclectic, if not metaphysical, interpretations of the UN Charter, but it has also involved very pragmatic concerns largely forced by geopolitical circumstances.

It is not generally not recognized that both NATO's former—and once again enlarged—"community of interest" has needed UN assistance in the process of NATO enlargement. Here, Germany's entrance into NATO was conditioned, in part, by the UN principles (Article 2), while the first major enlargement of NATO to Greece and Turkey brought the UN into a crisis directly affecting those NATO members, a crisis which clearly affected the interests of NATO members Greece and Turkey and indirectly, the collective interests of NATO as a whole. (Interestingly, both Turkey and Greece entered NATO in 1952 to the opposition of critics such as journalist Walter Lippmann, whose views perhaps foreshadowed critics of NATO enlargement during the Clinton administration.)

As NATO had, in effect, been plucked by Caesarian out of the womb of a United Nations paralyzed by Soviet veto, the UN-NATO relationship is first affected—if not inflicted—by the rather eclectic relationship between the North Atlantic Treaty and the UN Charter, as well as the decision to base German membership in NATO on the Article 2 of the UN Charter. In terms of the post-Cold War era, the eclectic nature of the UN-NATO legal relationship has raised fundamental questions as to legal framework for UN-NATO cooperation and precisely how the two regimes are, in practice, to cooperate with each other. Immediate issues have involved the complex—and not always in a "synergistic"—interaction between the UN and NATO in Bosnia and then in regard to the war "over" Kosovo. Additional concerns have arisen as NATO began to expand its membership to central and eastern Europe, and then to incorporate new members, possibly Ukraine, if not Russia, the fourth member of the UNSC. (Here, both Ukraine and Russia should come in simultaneously.)

It cannot be overemphasized that throughout the Cold War the UN Security Council helped keep the door open to dialogue with the Soviet Union in response to NATO activities. The UN continues to do so in regard to Russia (and the People's Republic of China) in the post-Cold War era—even if discussions within the UNSC have often resulted in a tacit, if not, overt "agreement to disagree." The key difference between the UN now and then, however, is that interests of NATO member countries (the US, France and UK) were generally

confronted with only one major veto threat from the Soviet Union during the Cold War. In the post-Cold War era, the key interests of NATO member countries have increasingly been threatened with two (or more) potential vetoes, by either the Russian Federation or the People's Republic of China—if by not France.

As previously stated, NATO derived its legitimacy and legality from the UN Charter. The North Atlantic Treaty (NAT) explicitly emphasized the role of the United Nations 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 importance, if not primacy, of the UN Charter and UN Security Council (UNSC) in making key NATO decisions. Each of these Articles describes a slightly different aspect the NATO's relationship with the UN.

Close examination reveals that the reference to the UN is purposely vague, however. The NAT is based upon a rather eclectic reading of the UN Charter: 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, the NAT does not specifically mention Articles 52, 53, and 54, which govern "regional arrangements."<sup>8</sup> At the same time, according to the North Atlantic Treaty itself, NATO enforcement actions that do not go through the UNSC must be carefully justified, otherwise they could potentially undermine Allied consensus.

Moreover, the fact that NATO was based upon UN Article 51 and not Articles 52, 53, and 54, is related, in part, to the fact that NATO was mandated by the U.S. Senate as a "collective defense" organization and not as a "collective security" organization—an issue that may become problematic if NATO continues to expand its membership in regard to an "open door" policy that may one day include Russia as a full member. On the other hand, I believe it is possible, and may prove ultimately necessary, for NATO-Russian Council and the Euro-Atlantic Partnership Council to link themselves more closely to the UN as a first step in the effort to reconcile NATO and the UN.

### **Germany and UN Article 2**

An interesting aspect of the rather eclectic legal relationship between NATO and the UN is the fact that Germany based its membership in NATO upon Article 2 of the UN Charter. As a step toward joining the WEU and then NATO in 1954-55, and *as a means to reassure both Paris and Moscow*, Germany, as a former "enemy" state, made a formal declaration which is clearly marked in its Protocol of Accession. Bonn accepted the very broad obligations of Article 2 of the UN Charter, which, under Article 2(4), for example, urges states to refrain "from the threat or use of force against the territorial integrity or political

independence of any state, or in any other manner inconsistent with purposes of the United Nations."<sup>9</sup>

This phraseology raised questions as to Germany's political willingness to even threaten the use of nuclear or conventional force during the Cold War against the Soviet Union, particularly as Bonn came into NATO as a former UN-designated "enemy state" which was not permitted to possess nuclear, chemical, or biological weapons. In fact, one of the key roles of NATO was to "double contain" German power capabilities and to reassure both the French and the Soviets in particular that Germany would never again rise as a threat. In the post-Cold War era, Article 2 raised questions in regard to Germany's policy positions in regard to NATO activities in Bosnia and Kosovo and crisis management in general.

The even more obscure, if not contradictory, phraseology of Article 2(7) of the UN Charter has raised additional questions. Article 2(7) of the UN Charter states that "Nothing in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter." But then it adds, "but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Interestingly, while it has generally been understood that Article 2(7) was intended to exclude all discussion or resolutions dealing with interference in internal affairs under either UN Chapter VI or Chapter VII, the original intent of the UN delegates to the San Francisco conference was, on the contrary, to provide an *exception* to the general rule of non-interference in domestic affairs. The phrasing "but this principle shall not prejudice the application of enforcement measures under Chapter VII" thus represented a rather awkward formulation on the part of the Australian delegation to permit the option that it would, in some exceptional cases, be proper to interfere in the internal affairs of UN member states in the defense of peace, justice and human rights.

In fact, the French delegation (largely in response to German actions against France's civilian population during World War II) had proposed an *exception* to the general rule of non-intervention in internal affairs in the following terms: "unless the clear violation of essential liberties and human rights constitutes itself a threat capable of compromising peace." The latter phrasing was not accepted in the final document; and the Australian compromise was placed as a poor substitute.<sup>10</sup>

The issues at least, in part, raised by Article 2(4) and Article 2(7) accordingly became relevant in the post-Cold War constitutional debate as to

whether Germany could legally deploy combat forces for "defensive" or humanitarian purposes outside German territory. By 12 July 1994, the German Federal Constitutional Court ruled that German armed forces could participate in activities of "collective security" organizations (such as the UN, NATO or the EU-WEU) as long as their participation was approved by a simple majority vote of the *Bundestag*. The court ruling did not, however, distinguish between "peacekeeping" and "peacemaking". This led German Foreign Minister Klaus Kinkel to assure the international community that "Germany will never pursue and interventionist policy."

The issue of possible exceptions to the non-intervention in domestic affairs became very important in regard to finding legal justification and legitimization for NATO's "humanitarian intervention" in Kosovo. The original intent of Article 2(7) could have helped provide such as justification, of course, had NATO thought it possible to work through the UN Security Council to provide international legitimacy for its military intervention.<sup>11</sup> Here, as Henry Kissinger pointed out, the Clinton administration refused to work through multilateral regimes (at the Rambouillet summit) to find a way to resolve the crisis.<sup>12</sup>

### **The Cyprus Crisis**

The Cyprus crisis represented NATO's first confrontation with "ethnic cleansing" and mass expulsion of refugees. Cyprus, much like Kosovo today, was not directly within the NATO member area, but the Cyprus crisis directly affected the NATO "community of interests." This is significant as most UN peacekeeping operations lie outside the collective interests of NATO members (that is until eruption of conflict in Bosnia and "over" Kosovo). Much like the post-Cold war Bosnian and Kosovo crises, the Cyprus crisis threatened the cohesion of the Alliance itself despite NATO's efforts to relegate the UN's Cold War role to areas of crisis outside of the "North Atlantic" area. NATO Secretary-General Paul-Henri Spaak attempted to resolve the first crisis of 1958 within NATO's political auspices—prior to going through the UN, but failed. Concurrently, much as would prove to be the case in Bosnia, the UN was accused of not being capable of protecting Greek and Turkish Cypriot civilians. The more significant 1963 conflict then involved mass deportation and "ethnic cleansing" as well as the troops of three NATO members, Britain, Greece, and Turkey. It likewise 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, the United States and UK (in support of Turkish interests) sought the deployment of a NATO force. French President, 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.<sup>13</sup> Although NATO subsequently continued to work to prevent conflict between Greece and Turkey, it has been the presence of the UNFIYP that is most visible on Cyprus. In essence, the Cyprus crisis helped set the Cold War precedent that NATO would devote its resources to collective defense, the UN would focus on peacekeeping (in addition to the Suez Crisis that established the UN Emergency Force in an effort to limit the damage caused by the European Allies).<sup>14</sup>

In contemporary circumstances, tensions between Greece and Turkey have not yet been ameliorated. There is a risk that 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 Turkish troops and deployment of an international force (possibly organized by NATO) under a general UN mandate.<sup>15</sup> Then, in April 2004, despite its previous support for unification, the Greek Cypriot community rejected the UN-sponsored “Annan Plan”, which had advocated reunification of Cyprus upon a bicomunal and bizonal basis. At the same time, the Turkish Cypriot community backed reunification, despite previous its demands for secession. The Greek side was still admitted to membership in the European Union, but the situation appears stalemated despite general European and international support for something approximating UN’s Annan Plan.<sup>16</sup>

### **UN, NATO, and former Yugoslavia/ Bosnia**

As the Cold War came to an end, the “lessons” of the Cyprus crisis for the NATO-UN relationship were largely forgotten. While NATO transformed after the Korea War into an integrated defense community for purposes of collective defense, NATO was largely ill-prepared to engage in collective security involving international “out of area” peacekeeping, peacemaking and peace-enforcement once the Cold War was over. NATO ironically began to engage in forceful “out of area” peacemaking, as well as peacekeeping, in Bosnia (under a clear UN mandate) and then in Kosovo (intervening unilaterally without a UN mandate in “exceptional” circumstances).<sup>17</sup> The crisis in Bosnia additionally revealed the rise of the tensions between the United States and the UN Security Council members Russia and China, but also a growing rift between the United States and the UNSC/NATO members UK and France.

In the first phase of the conflict in Bosnia (1990-93), U.S. Secretary of

State, James Baker was reluctant, in September 1991, to bring in the UN as he feared, in part, that the People's Republic of China might veto any involvement in what Beijing might consider an "internal" affair. He argued that the crisis should be handled by the then European Community (EC) exclusively. The Bush administration had ruled out NATO involvement in November 1991.<sup>18</sup> Yet the EC, with its attention on Maastricht, appeared incapable of implementing a unified policy. Not only would presumed EC solidarity be broken by German (and Vatican) recognition of Slovenian and Croatian independence, but the very nature of the conflict involved the interests of the Soviet Union/Russia as well as the United States and NATO. This latter fact necessitated either OSCE, UN or some form of multilateral "Contact group" involvement.

Despite their efforts at "interlocking" cooperation in former Yugoslavia, the policies of NATO and the UN continued to diverge. The roots of that divergence largely stemmed from the differing goals and tactics urged by NATO and the UN Security Council, 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" in addition to conflicts over the assessment of intelligence. At the April 1993 debacle at Goradze, both the UN and NATO were criticized for not defending the Bosniak population versus Bosnian Serb shelling.

By August 1993, the UN and NATO were able to establish "dual key" power-sharing arrangements.<sup>19</sup> Looking weak-kneed, however, the UN was reluctant to lose its ostensible "impartiality" in the conflict and hence 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."<sup>20</sup> 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, however, as key members of the UN Security Council participated (minus China) and as Germany, one of the principle major actors concerned with the crisis, was also included. Yet even this grouping of states was difficult to manage from the American perspective. Richard Holbrooke characterized the ambiguous nature of the Contact Group, "we can't live without it; we can't live with it."<sup>21</sup> By November 1994, the United States pressed for a "lift and strike" strategy—a policy which was 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-Bosnian "federation." NATO would only enter Yugoslavia *on the ground*

following the Dayton peace agreement.

As the testing ground of “cooperative-collective” security, the experience in ex-Yugoslavia pointed to the need for NATO to support OSCE and UN peacekeeping efforts, to establish and strengthen the Partnership for Peace and the North Atlantic Cooperation Council. NATO also sought closer contact with Russia—and ultimately established the NATO-Russian Founding Act and NATO-Russian Permanent Joint Council in 1997.<sup>22</sup>

After the deployment of IFOR/SFOR, NATO continued to back 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 OSCE, rather than the UN, was later chosen to monitor Bosnian elections.<sup>23</sup> The International Police Task Force was established under the UN, although the United States initially did not intend to let the UN play a role in implementation process. (Neither the UN nor IFOR wanted to play “street cop” as Madeleine Albright put it at the time.) NATO and the UN likewise quarrelled over the apprehension of individuals accused of committing crimes against humanity.

### **NATO, the UN and Kosovo**

Following the Dayton Accords (which provided both NATO and the UN a role in the peace settlement), the Kosovo crisis, at least initially, appeared to open the door to unilateral NATO actions in the internal affairs of a sovereign state without UN approval. The aftermath of the crisis then mandated a NATO presence, but under a general UN mandate, and in which the UN would play a key role in social, and political reconstruction. Although more directly involving the entire Alliance than was the case for the Cyprus crisis, the Kosovo crisis ended (contrary to the terms of the Rambouillet summit) with a significant role for both the UN and NATO.

Whereas its “out of area” intervention in Bosnia was, at least initially, backed by a clear UN Security Council mandate, NATO did not seek a UN Security Council mandate for its intervention against Serbia by Operation Deliberate Force in March 1999 for fear of a Russian and Chinese veto. In effect, the United States opposed a diplomatic approach, which would possibly involve the option of “partition”—in the belief that the latter served as an act of “appeasement.” As mentioned earlier, the French original version of UN Charter 2(7) was not at NATO’s disposal to justify its intervention; nor NATO did not publicly consider the option of a “Uniting for Peace” resolution as did the United States during the Korean war.

NATO action was, in fact, based upon UN Resolutions 1160 and 1199,

which envisioned immediate measures to prevent the imminent danger of a humanitarian disaster, but which did not clearly advocate forceful measures. As an emergency and *preclusive* action, NATO argued that it could not wait for the UNSC to make a decision in light of Serbian leader Slobodan Milosevic's repeated violations of the UNSC's own resolutions. From NATO's perspective, the UN was not politically or militarily capable of dealing with the crisis posed by pan-Serb ethnic cleansing—a crisis which appeared to threaten the regional interests of NATO members Greece and Turkey, in addition to FYROM, Albania, if not Bulgaria, through a destabilizing escape of refugees.

The crisis ended with a greater role for the UN than had been foreseen at the Rambouillet summit. At the same time NATO and the UN continued to bicker, particularly over the issue of policing. In July 1999, for example, the Pentagon accused the UN of not moving fast enough in the creation of a new police force and civilian administration in Kosovo which lacked police officers, judges, prosecutors, as well as public servants, including garbage collectors. The UN counter-accused NATO of not providing a “secure environment” for the returning of refugees, public safety and civilians as required by Security Council resolutions.

The UN role, in effect, provided NATO with a *post facto* UN legitimacy. The fact that the war had been justified as an exceptional “humanitarian” intervention meant 1) that the war should have been fought in accord with the rules of international law; 2) that NATO must now assure a modicum of social justice in order to sustain the legitimacy of its actions. The first issue raised tensions between international legal and moral UN principles and NATO's military objectives; the second issue raised questions as to how to best implement the peace, particularly in regard to sustaining “meaningful autonomy” for Kosovo.

The latter issue has continued to plague UN efforts under Special envoy, former Finnish President Martti Ahtisaari, to reach a compromise between Serbs and Albanian Kosovars. The UN plan envisioned the establishment of a European Security and Defence Policy Mission that would monitor all areas related to the rule of law, and which would have the authority to assume responsibilities to ensure the maintenance and promotion of the rule of law, public order and security. NATO would provide a secure environment in support of Kosovo's institutions—until those institutions would be capable of assuming the full-range of security responsibilities.<sup>24</sup> In February 2007, however, the Serbian parliament rejected the UN Plan by a vote of 255 to 15. Both the Kosovar Serbs and Albanians protested the UN plan, with the real threat of continued violence in the background.

## **Preventive War Deployments**

In December 1991, NATO announced the formation of the North Atlantic Cooperation Council (which later became the NACC) a joint US-German initiative intended to reassure Russia and eastern European states. BY June 1992, NATO offered to consider peacekeeping missions upon the request of the UN or CSCE upon a case by case basis. NATO called for more extensive preventive measures by the UN and supported war-preventive forces not only in FYROM but in Kosovo as well. In Decemeber 1992, the UN opted to deploy war-prevention forces in FYROM, but refused a request by the Bosnian leadership for 1000 UN blue helmets in December 1991. Efforts to deploy UN preventive war forces in Kosovo or Vojvodina province, however, were either blocked by Moscow in the UNSC or else not pursued vigorously enough by Washington.

By February 1999, just prior to the outbreak of the “war over Kosovo,” China vetoed the renewal of UNPREDEP, ostensibly due to china’s concern that the UN should pay more attention to conflicts in Africa, but most likely due to Macedonia’s decision to recognize Taiwan.<sup>25</sup>

Here, the UN and NATO missed major opportunities to begin to establish zones of peace through the deployment of preventive war forces before conflict broke out in Bosnia and to assure that it would not break out Macedonia and elsewhere.

## **The UN and a “Global NATO”**

It was only after the attacks on the World Trade Center and Pentagon on September 11, 2001 that NATO (backed by the UN Security Council) became engaged in both peacekeeping and peacemaking in Afghanistan. For the first time in its history NATO invoked its collective defense clause, Article V, of the North Atlantic Treaty, for an attack that took place on American territory, and not European as generally expected. While NATO did not initially take the lead in fighting in Afghanistan, it engaged peacekeepers, who were eventually to become peace-enforcers due to the insurgence of the Taliban (and failure to eliminate the prime object, the leadership of Al Qaida). It was also only after the September 11 attacks that NATO forged the NATO-Russia Council in May 2002 that provided Russia with a more direct voice (but not a veto) than did the Permanent Joint Council in the NATO decision-making process. This new NATO peacemaking and peacekeeping role has come close to what Senator Vandenberg had envisioned, but once again with the emphasis that peacekeeping and peace enforcement actions were intended to be taken *only under a UN Security Council mandate*.

Senator Vandenberg clearly saw the need for UN reform in 1948, but he also foresaw the need for international peacekeeping coupled with the “progressive development of regional or other collective arrangements.” In other words, NATO was to be *only one* of many “regional security communities.” It was accordingly possible for the UN, US and other UN Security Council members to implement other “regional security communities” and to bring other states into closer defense and security cooperation. In a word, not everything was to be integrated into NATO! Although NATO has certainly undergone significant reforms and re-structuration in the post-Cold War era, more still needs to be done in terms of finding the proper balance between NATO and European Union as both enlarge their membership into eastern Europe, and play roles in security in Afghanistan and begin to inter-act with the major powers, Russia, China and India, not to overlook regional states and the international community in general—if the formation of *antagonistic* regional blocs (as opposed to *cooperative regions*) is to be averted.

It was also only after the horrific events of September 11, 2001 that NATO began to engage Russia in a direct dialogue in the NATO-Russian Council, established in May 2002. As Russia is not permitted a veto in the NATO–Russian Council, it appears that even *closer* NATO-Russian (and European) cooperation will prove necessary if the formation of *antagonistic* regional blocs is ultimately to be prevented, and to prevent lesser state disputes and conflicts from sparking wider regional wars. The danger is that if NATO continues to expand its integrated command to Ukraine and Georgia (without also fully incorporating Russia as a member), the result could well be greater instability in Europe, confrontation with Moscow, coupled with the possible disaggregation of Ukraine, accompanied by the formation of rival political-military blocs. A truly irenic global strategy, however, could be implemented through the formation of overlapping “regional security communities”—which engage in cooperative/ collective security through US, European and Russian power sharing—overseen by the UN Security Council.

## Regional Security Communities

Such overlapping multilateral “regional security communities” can be established and supervised by those states (the U.S., UK, France, Russia and China) that are willing to provide security guarantees for other states in coordination or association with the other major states and regional powers. Such a regional security community had already been established for Ukraine after Kiev gave up its nuclear weapons capabilities in exchange for multilateral UN Security Council guarantees in 2004.<sup>26</sup>

In the future—assuming it is possible to transcend the present grave crises without mishap involving the threats to develop nuclear weaponry—it may be possible to draw North Korea and Iran, among other states, into multilateral regional security communities. From this perspective, the five permanent UN Security Council members, plus Germany, could establish mutual security accords with Iran, while the UN Security Council plus Japan could establish mutual security accords with North Korea. These security accords would likewise seek to assure that other regional actors do not engage in hostilities, in exchange for Iranian and North Korean promises not to engage in aggression. In addition, bilateral US-Iranian and US-North Korean security and defense accords, in which both sides promise not to engage in hostilities, may need to be forthcoming—if both North Korea and Iran will ultimately renounce their claims to nuclear weaponry. Surmounting these two crises may accordingly need direct US engagement and “real dialogue” with both Iran and North Korea. States in each regional security community could likewise pledge not to use nuclear weapons or other forms of Weapons of Mass Destruction first, assuming they cannot abolish these weapons altogether.

The implementation of regional security communities would also require the engagement of states that are willing to engage in *regionally integrated conflict prevention* deployments, in addition to peacekeeping, and possibly peacemaking, missions under separate or joint commands, and under UN or OSCE mandates. In addition to ongoing UN peacekeeping and observation missions, these groups already include the Contact Group for ex-Yugoslavia; NATO and/or European Union peacekeeping under UN mandates in Macedonia, Bosnia, Kosovo, and Afghanistan. Such a mission has been attempted with respect to the crisis in Darfur under the Organization of African Unity, but the situation in the Sudan still needs greater UN Security Council and NATO supports. The major difficulty is that bringing all members of UN Security Council together is not always easy and often requires political and economic trade-offs— if it is to work.

In the future it is possible to foresee the need to deploy international peacekeepers (either along side Russian forces or in replacing those forces under the NATO-Russian Council) in the so-called “frozen conflicts” (the Transnistria, Abkhazia, South Ossetia, and Nagorno-Karabakh) in the Black Sea region—particularly if the burgeoning crisis between Russia and Georgia is ultimately to be abated. While the deployment of UN blue helmets in southern Lebanon since the summer 2006 represents only a stop-gap measure *as long as there is no political settlement*, the possibility of international peacekeeping in Palestine, once a two-state (or what I prefer to call, a “confederal”) solution is found, should be kept open despite (or because of) growing intra-Palestinian tensions.

Peacekeeping in the Middle East could involve a joint NATO-European Union-Russian command under a general UN mandate that could include Partnership for Peace peacekeeping forces acceptable to both Israel and Palestine. This would assume that the summer 2006 war between Israel and Hizb’allah has helped lead Israel to the realization that the use of military force will not resolve its political-security dilemmas and that it needs to engage more earnestly in diplomacy and dialogue with the Palestinians and its neighbors (particularly given the upsurge of Iranian influence in the region). The possibility of international peacekeeping and police forces under a general UN mandate should likewise be kept open for Iraq—once, and if, American and Coalition forces begin to withdraw, so as to assist Iraqi national forces.

It is evident that peacekeeping missions will not succeed in sustaining a lasting peace if the fundamental political disputes that worked to initiate conflicts are not ultimately resolved, and if adequate financing is not available—or if such peacekeepers and their leadership are stretched too thin!<sup>27</sup> (Here, the international community would need to fulfill the belated 2004 Global Peace Operations Initiative for global peacekeeping to be truly effective!) Although it is often difficult to achieve a lasting peace without a clear and decisive “victory,” a relative peace can be achieved through a mix of pressures and incentives proffered by a number of interested states—and if power sharing arrangements can be established and accepted by both major and minor parties and actors.

NATO was, in effect, created to prevent crisis; what is now needed is closer UN-NATO cooperation to prevent crises before they happen through the creation of interlocking systems of defense and regional security communities. Rather than only creating a “standing army” of traditional soldiers, the UN could create a “standing corps” of professionally-trained



civilian peacekeepers involving police, civil engineers and construction experts, doctors, civil servants, sociologists and psychologists trained in dealing with refugees and trauma, nutritionists, legal experts, translators and interpreters, negotiators, and other experts in crisis prevention, conflict management, and social reconstruction. Such a standing corps could be drawn from non-governmental organizations (NGOs) but key actors should be ready for immediate action and supported by UN member states. Such a standing corps would more clearly be regarded as “disinterested” and thus help gain greater support from all sides of a conflict. (But, here, as illustrated in the case of Kosovo, both sides might oppose the policies of an “honest broker.”)

Moreover, one means to fund such peacekeeping missions would be to involve the UN (perhaps through a strengthened International Seabed Authority) in negotiation in areas where governments continue to dispute legal rights to fishing, minerals, natural gas and oil. In other words, the UN could help mediate disputes in regions, such as the Spratly Islands, the Caspian Sea, the Black Sea and Persian Gulf, or other areas, where valuable resources are not being developed or being utilized precisely because development projects are being held up or delayed by long lasting political and legal disputes. The states involved could then share revenues with the UN to help meet the Millennium Development Goals. In such a way, the UN could set up “regional security communities” that would minimize the risk of conflict between the states in each region of dispute and consequently permit the appropriate exploitation of valuable resources for the purposes of regional and international development.

In summary, my argument is that the US needs to look back at the initial intent of the 1948 Vandenberg Resolution. The post-Cold War period has had a mixed record for both UN and NATO peacemaking and peacekeeping—particularly as neither the UN, nor NATO, was prepared for major post-Cold peacekeeping missions. Moreover, in the aftermath of the disastrous, essentially unilateral US-UK military intervention in Iraq, as well as the potential threats posed by North Korea and Iran to develop nuclear weaponry, the US will now need to engage more forthrightly with its NATO allies, as well as with its UN Security Council partners, Russia and China, in the consideration of a number of multilateral initiatives and in the implementation of “regional security communities” as outlined above—particularly if it is to prevent the eventual formation of rival *antagonistic* regional blocs. The implementation of regional security communities and overlapping security guarantees under UN (or OSCE) mandates is not utopian, but needs substantial US support and backing if it is to be successful—much as the 1948 Vandenberg Resolution had originally intended.

## *The Vandenberg Resolution (1948)*

### *Senate Resolution 239, Eightieth Congress*

Whereas peace with justice and the defense of human rights and fundamental freedoms require international cooperation through more effective use of the United Nations: Therefore be it

*Resolved*, That the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest, and that the President be advised of the sense of the Senate that this Government, by constitutional process, should particularly pursue the following objectives within the **United Nations Charter**:

- (1) Voluntary agreement to remove the veto from all questions involving pacific settlements of international disputes and situations, and from the admission of new members.
- (2) Progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the **Charter**.
- (3) Association of the United States, by constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and as affect its national security.
- (4) Contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under **article 51** should any armed attack occur affecting its national security.
- (5) Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the **Charter**, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation.
- (6) If necessary, after adequate effort toward strengthening the United Nations, review of the **Charter** at an appropriate time by a General Conference called under **article 109** or by the General Assembly.

(1) S. Res. 239, 90th Cong., 2d sess., June 11, 1948.



## Notes

<sup>1</sup> Hall Gardner, *Dangerous Crossroads* (Praeger, 1997). See Chapter 10, “Strengthening International Regimes.”

<sup>2</sup> Hall Gardner, “NATO and the UN: The Contemporary Relevance of the North Atlantic Treaty,” in *NATO: The First Fifty Years*, ed. Gustav Schmidt (Palgrave 2001).

<sup>3</sup> Arthur H. Vandenberg, op. cit., p. 495.

<sup>4</sup> For development of the concept of “security community,” see Karl Deutsch, *Political Community: North-Atlantic Area*. New York: Greenwood Press (1957).

<sup>5</sup> Arthur H. Vandenberg, *The Private Papers of Senator Vandenberg* (Boston: Houghton Mifflin, 1952) p. 419. Senator Arthur Vandenberg was initially a Republican isolationist during the interwar period who confessed against isolationism and supported the UN, the Truman Plan and Marshall Plan as well as NATO.

<sup>6</sup> David Held, “Democracy and Globalization” *MPIfG Working Paper* (May 1997). <http://www.mpi-fg-koeln.mpg.de/pu/workpap/wp97-5/wp97-5.html> See also Hall Gardner, *American Global Strategy and the “War on Terrorism”* (Ashgate, 2005), Chapters 7-8.

<sup>7</sup> On supplemental democracy, Allison Van Rooy, *The Global Legitimacy Game* (Palgrave, 2004), 133.

<sup>8</sup> As Mr. Katz-Suchy put it: "Under a correct interpretation... of the UN Charter, a regional arrangement established under Article 52 was subject to the inspection of the Security Council, which might therefore authorize, confirm, or negate it, in accordance with the unanimity principle underlying that body. No provision for such inspection had been made in the NAT." Ibid, 138. Needless to say, neither the U.S. nor the USSR would tolerate exposing their military capabilities to the UNSC during the Cold War! See also 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, 61. France supported but UK opposed mention of Article ????

<sup>9</sup> Moreover, German accession to NATO was followed by the declarations of the Federal Republic of German (Annex A) and by the governments of the United States, the UK and France. In Annex A, Bonn declared that it had "undertaken upon its accession to the North Atlantic Treaty to refrain from any action inconsistent with the strictly *defensive* character of that Treaty." (emphasis mine). In Annex B, the United States, the 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."

<sup>10</sup> See N.D. White, *Keeping the Peace: The UN and the maintenance of international peace and security* (Manchester and New York: Manchester University, 1993) p. 58.

<sup>11</sup> Another option: NATO could have attempted the option to obtain UN support for its actions through the Uniting for Peace Resolution as was the case during the Korean War when the UNSC was blocked by Soviet veto, but then again, it was probably easier for NATO members the United States, France and UK to influence the General Assembly then than now.

<sup>12</sup> “... Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures. The transformation of the Alliance from a defensive military grouping into an institution prepared to impose its values by force occurred in the same months that three former Soviet satellites joined NATO. It undercut repeated American and allied assurances that Russia had nothing to fear from NATO expansion, since the Alliance’s own treaty proclaimed it to be a purely defensive institution.” Henry Kissinger, “New World Disorder,” *Newsweek*, US Edition (31 May 1999). Raising questions as to the necessity to go to war, it was not the war “over” Kosovo itself that overthrew Milosevic, but the \$41 million spent by the US on “democracy engineering” and media manipulation after the war. See Michael Dobbs, “U.S. Advice Guided Milosevic Opposition,” *Washington Post* (11 December 2000), A01.

<sup>13</sup> Arthur M. Cox, *Prospects for Peacekeeping* (Washington, DC: Brookings, 1967), 55.

In 1962, the International Court of Justice ruled on the legality of international peacekeeping.

<sup>14</sup> Cox, *Op. cit.*, 55.

<sup>15</sup> *International Herald Tribune*, 4 February 1999

<sup>16</sup> Crisis Group, *The Cyprus Stalemate: What Next?* Europe Report N°171 8 March 2006  
<http://www.crisisgroup.org/home/index.cfm?id=4003&CFID=5110489&CFTOKEN=43657993>

<sup>17</sup> See my analysis, Hall Gardner, “The Genesis of NATO Enlargement” in *Central and Southeastern Europe in Transition*, ed. Hall Gardner (Praeger, 2000). See also Hall Gardner, *American Global Strategy and the “War on Terrorism”* *op. cit.* Chapters 7-8.

<sup>18</sup> James Baker, *The Politics of Diplomacy*, 637-38.

<sup>19</sup> As Kofi A. Annan put the issue two months after NATO gave the green light to plans to establish the "dual key" formula: "Understandably, for NATO, it is critical to determine at what level of its own political and military hierarchy command and control should be submitted to the authority of the Security Council through the Secretary-General of the United Nations. Obviously, member states of NATO have an interest in retaining control over their troops; that may not be difficult to reconcile with the interest of the United Nations in staying on the top of an operation mandated by Security Council." Kofi A. Annan, UN Peacekeeping Operations and Cooperation with NATO" *NATO Review*, Web Edition, No. 5, Vol. 41, October 1993, 3-7.

<sup>20</sup> Prior to Dayton, Secretary of State Madeline Albright held the UN at bay in its quest for a larger role in Bosnia. This was in part due to American opposition to Boutros Ghali's quest for a second term; Holbrooke argues that the decision against a second mandate for Boutros Ghali "may well have saved America's role in the UN." Kofi Annan's "strength on the bombing" in Holbrooke's terms made him the preferred American candidate as UN Secretary General. Richard Holbrooke, *To End a War*, 202.

<sup>21</sup> Holbrooke, 84. "In the end, we must keep the Contact Group together, especially since we will need it later to endorse and legitimize any agreement." Holbrooke also recognized "if there is ever a settlement the EU, NATO, the UN, the Islamic Conference, the Russians, and the Greeks, will 'all' be needed."

<sup>22</sup> See Peter Barschdorff, "Can NATO Deliver?" *SAIS Review* Vol. XVIII, No 2, Summer-Fall 1998; Gregory L. Schulte, "Former Yugoslavia" *Survival* 39:1 (Spring 1997), 19-42.

<sup>23</sup> Holbrooke, 251; 290.

<sup>24</sup> <http://www.unmikonline.org/news.htm#0202>

<sup>25</sup> See UN documentation: <http://www.un.org/News/Press/docs/1999/19990225.sc6648.html>

<sup>26</sup> In 1994 Ukraine received security assurances from all five nuclear-weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as a non-nuclear weapon state party. The United States and the United Kingdom, together with Russia (and by France unilaterally) took the decision in Budapest to provide Ukraine with security assurances as a non-nuclear weapon state party to the NPT. Ukraine then renounced nuclear weapons and acceded to the NPT as a non-nuclear weapon state.

<sup>27</sup> In April 1996 Madeleine Albright, as permanent representative to the UN, had called for the creation of a “rapidly deployable UN headquarters unit” so as to better tailor UN peacekeeping operations to local conditions.