



**T.C.
YEDİTEPE UNIVERSITY
GRADUATE INSTITUTE OF SOCIAL SCIENCES**

**AFTER COLD WAR ERA NATO ALLIANCE'S MILITARY INTERVENTIONS;
COMPARATIVE PROBE OF BOSNIA-KOSOVO-AFGHANISTAN-LIBYA CASES**

By

Rüştü Salim Savaş BİÇER

**Submitted to the Graduate Institute of Social Sciences
In partial fulfillment of the requirements for the degree of
Doctorate of
Political Science and International Relations**

İSTANBUL, 2014



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Özet :

Bu tezde öne sürülen iddia, dünyada değişen güvenlik ortamı ve NATO ittifakının bu bağlamda değişen rolü dikkate alınarak, NATO anlaşmasının 12nci maddesinin işletilmesi, böylece anlaşmanın tekrar gözden geçirilmesi ve ittifakın uluslararası güvenliğin sağlanmasındaki görev alanını genişletecek şekilde 5nci maddenin yeniden ifade edilmesinin gerektiğidir. Çalışmada, NATO'nun soğuk savaş sonrası askeri müdahalelerinin, ülkelerin egemenlik hakları da gözönünde bulundurulup, hangi koşullara ve hangi haklı gerekçelere dayandırılarak icra edilmiş olduğu 1995 Bosna Hersek, 1999 Kosova, 2001 Afganistan ve 2010 Libya örnekleri üzerinden incelenmiştir. NATO Stratejik Konseptlerinin ittifakın genel maksadına mı, ittifak içerisindeki birkaç ülkenin çıkarlarına mı hizmet etmekte olduğu, NATO'nun geçirdiği değişimin yeni tehditleri karşılayabilecek bir yapılanma sağlayıp sağlamadığı sorularının cevaplarına da, tez kapsamında yapılan araştırmada ulaşılmıştır.

Abstract:

This thesis aims to prove that since the changing security conditions and the new role of the alliance, NATO treaty is subject to be reviewed. The methodology is, to analyze the theory of military intervention through the case study of the Post-Cold War NATO interventions in Bosnia 1995, in Kosovo 1999, in Afghanistan 2001 and in Libya 2010. Key research questions include: As far as post-Cold War conditions concerned, to what extent can military force be an appropriate and effective instrument for solving or averting crises and ensuring respect for sovereignty rights? Are the issued NATO concepts, as some critics argue, too easily abused by powerful states seeking to justify wars fought for self-interested reasons? When we look at the various NATO strategic concepts, whether security conditions changed or not? If yes, how NATO treaty still serves for new challenges? Is there any possibility to revise NATO treaty and how? The thesis will assess the arguments of both proponents and opponents of the concept of international military interventions. The cases were chosen as recent interventions that have often been cited as a good example of variously aimed coalition campaigns, and one which most proponents of the concept supported, at least in principle.

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1. INTRODUCTION

This research focuses on how the research findings were arrived at. It has to be based on interpretation of the results and not on the quantification thereof. Since it is usually done when the task of the researcher is to uncover and understand a phenomenon in its natural setting¹, it is called qualitative research. This research is also able to find out new knowledge in a field where very little is known. Unlike some others such as Hunter², who limits qualitative research to an interpretive approach only, Olivier³ acknowledges that it can also be positivist, interpretive or critical research. After a brief description of the background on which this thesis is based, the following explanations are dedicated to the modality of Grounded Theory Method which I used the logic of it mostly in the study as a qualitative research method. Since the grounded theory method allows the researcher to formulate meaningful hypotheses. It uses the research participants as a source of knowledge. After all, they are experts on the phenomenon being studied because they are experiencing it directly. This methodology questions the research participants about their subjective experience and generates hypotheses from their answers⁴. For example, my hypotheses about the justification and ratification of NATO interventions were developed from my own field experiences. As a matter of fact, grounded theory derives its name from the fact that theoretical coding, which is a method uses a data analysis procedure, allows researchers to ground their hypotheses in what their own experiences or research participants say. I used the sort of modality that it is not able to limit this research's generation capability, rather encourages enlarging the scope of investigation on theoretical findings particularly.

Although in the thesis "Content Analysis" is going to be a mainly accepted way of analyzing texts, primarily NATO documents, in order to identify the formal structure of the message, while at the same time it is considered that using the Comparative and Historical

¹ A. Strauss and J. Corbin, *"Basics of Qualitative Research: a Grounded Theory Procedures and Techniques"*, SAGE, London, 1990.

² G. Hunter, *"Excellent" Systems Analysis: A grounded Theory Approach to Qualitative Research*, In the Handbook of Information Systems Research (Whitman ME and Woszczyński AB 2003), Idea Group Publishing, Canada, 2000.

³ S. Olivier, *Information Technology Research: a Practical Guide for Computer Science and Informatics*, 2nd ed. Van Schaik, Pretoria, South Africa, 2004.

⁴ Introducing Qualitative Hypothesis-Generating Research, the Yeshiva University, Fatherhood Project, p 8. Available online at; <http://www.nyupress.org/webchapters/0814706940chapt1.pdf>

Research⁵ method provides more common understanding since the fundamental security tasks of the Alliance when created and the cases related to NATO military interventions after Cold War also need to be analysed properly. In this context, content analysis, comparative and historical research methodologies were used jointly. In this qualitative study, since the Grounded Theory Method is used, I preferred to defer the literature study until they have collected and analyzed the first group of the research data.⁶ Meanwhile, it is important to note that some scholars like Strauss and Corbin do not completely dissuade researchers from reading literature in the substantive area before starting data gathering, since it is a very delicate process that needs to be managed. In reality, the quality of research results is directly dependent on the data-gathering process used. In this thesis, because of the Grounded Theory Method purposes, it is important to give more weight to field experiences, interviews, documents and reports. The method requires that all field experiences and notes that are collected at the beginning of the research be transcribed for analysis. As I used mainly my own field experience to categorise the data which I gathered, and to manage my collecting effort in order to refrain from useless effort, the requirements of the method I intensively apply in the thesis, is fulfilled by the way.

Since in the field of international relations, it is recently accepted that the comparative analyses are more comprehensive, more complex and more realistic than the traditional IR analyses, in this study I partly used this technique when I compare the cases. The comparative method is a broad-gauge, general method, not a narrow, specialized technique. In this vein, the method or the procedure of comparison, moreover the term comparative approach, were preferred in this study by some scholars because it lacks the preciseness to call it a method. The comparative method which I preferred may also be thought of as a basic research strategy, in contrast with a mere tactical aid to research.⁷ When we turn to a discussion of specific ways and means of minimizing the many variables problem of the comparative method, one of the proposals that I accepted for this research is; focus the comparative analysis on "comparable" cases. In this context, "comparable" means: similar in a large number of important variables or characteristics

⁵ Earl Babbie, *The Practice of Social Research*, USA, 2007, pp. 340-343

⁶ B. Glaser, A. Strauss, *the Discovery of Grounded Theory: Strategies for Qualitative Research*, Aldine De Gruyter, New York, 1967.

⁷ Arend Lijphart, "Comparative Politics and the Comparative Method", *the American Political Science Review*, Vol. 65 No. 3, USA, 1971, pp. 682-693.

which I want to treat as constants, but dissimilar as far as those variables are concerned which I want to relate to each other. I thought, if such comparable cases can be found, they offer particularly good opportunities for the application of the comparative method because they allow me to establish relationships among a few variables while many other variables are controlled. As I accepted the way that the movement from hypothesis to research conclusion is contingent upon analysis of the total range of NATO alliance's military interventions, but it is also often more practical to accord priority to the focus on a limited number of comparable cases and the discovery of partial generalizations. In this regard, I used the comparison technique by the way of variables which they differ the cases from the each other.

In sum, as far as research methodology is concerned, generally Grounded Theory Method is taken into the consideration for overall research approach. The methodology I abided by in different chapters of the study could be considered variant and be elucidated in following departmentalization. It is practised upon the "Content Analyses" method whenever the documentation is the tool to reflect the thought of mine about the particular contentions need to be clarified as a part of the methodology.⁸ Meanwhile, when I started to aim to reach the dissimilarities of the NATO's military interventions addition to their sameness of the samples at the end, it is mainly adhered to the comparison method during the related parts of the third chapter of the thesis.

2. THEORETICAL & CONCEPTUAL FRAMEWORK

2.1. Introduction to the Contemporary Art of War

"History, if viewed as a repository for more than anecdote or chronology, could produce a decisive transformation in the image of science by which we are now possessed. Thomas S. KHUN, the Structure of Scientific Revolutions, 1962"

⁸ Ole R. Holsti, Content Analysis, *University of British Columbia*, pp. 596-692, available online at: <http://www.educ.ttu.edu/uploadedFiles/personnel-folder/lee-duemer/epsy-6304/documents/Content%20analysis.pdf>

In order to well explain the foreign military intervention to regional or domestic conflicts, in this thesis, I used several steps in advance. Firstly, I studied on the contemporary implementation of the war, so the aim of this part of the thesis is to explain the changing character of the war in the international system, particularly for last quarter of the twentieth century. War is often explained in terms of international systems, but what is an international system? Since the system is a set of interrelated units, the *international system* is not just the states or international organisations like United Nations. However, the distribution of power among states in an international system helps us make predictions about certain aspects of states' behaviour⁹, most importantly war. In “ Man, the State and War ”, Kenneth Waltz distinguishes three levels of causation for war, which he calls “*images*”, the individual, the state and the international system. Explanations at the level of individual are rarely sufficient because the very nature of international politics implies states rather than individuals. Since the two world wars and failure of collective security in the interwar period discredited liberal theories, most scholars, particularly in United States, flavoured realist discourses loudly again. As Sun Tzu said 2500 years ago “*The Art of War*” *vital importance to the state and it is matter of life or death, a road either to safety or to ruin*. Hence it is a subject to inquiry which can on no account be neglected.¹⁰ War is thus act of force to compel our enemy to do our will. Two different motives make men fight one another; hostile feelings and hostile intentions. It is understandable that the nature of war is complex and changeable so the object of any war can vary just as much as its political purpose and its actual circumstances. These aims are broadly; the armed forces, the country and the enemy's will.¹¹ Furthermore, war known as battle in a field between men and machinery furthermore as a massive event in a dispute in international affairs.¹² In another saying, it is also industrial war of industrialized states.

In spite of the fact that war no longer exists as it was described above, confrontation, conflict and combat undoubtedly exist all around the world and states still have armed

⁹ Joseph S Nye, Jr., *Understanding International Conflicts*, fifth edition, Harvard University Press, 2005, pp 33-34

¹⁰ Sun Tzu, *The Art of War*, translated from Chinese with an introduction and critical notes by Lionel GILES, *British Museum*, 1910, p. 35.

¹¹ Carl Von Clausewitz, *On War*, edited and translated by Michael Howard and Peter Paret, *Princeton University Press*, 1989, pp. 75-89.

¹² Ruppert Smith, *the Utility of Force; the Art of War in the Modern World*, New York, 2007, p. 38.

forces which they use as a symbol of power.¹³ The relative orderliness of the post-war structure was a function of both the deterrent effect of nuclear weapons and, throughout much of the period, the determination of two superpowers to maintain order within their respective spheres of influence. Where neither superpower had much of a political or economic stake, by contrast, conflict was a much more common occurrence.¹⁴ It is seen that the sudden collapse of the Cold War system of relations did not cause to confrontations in large scale. Since both history and international relations theory tells us that when a single state dominates world politics, the level of violence within the system goes down. Surprisingly peaceful conclusion of the Cold War after 1989 heralded a safer new order. However, some unrests showed up such as; breakup of Yugoslavia, the rise of aggressive nationalist China and the conflicts and disasters in Africa, immediately after the long peace period of Cold War.

By 1991, when the Cold War ended, this does not mean that a large scale fight of massive forces and weapons is no longer possible, but it means that, either intent or implementation, industrial type of war no longer exists. When it is left by military planners as an outdated concept of interstate industrial war, rapid and light forces are more accepted by military strategists thus the entire concept of war has changed and shifted into a new paradigm or model which it may be called as *war amongst the people* particularly since the events of 11 September 2001. At this point it is necessary to define the differences between the two common terms. In the war amongst the people there is no isolated battlefield upon which armies engage, moreover no separated armies on the sides as warring factions. Meanwhile, in asymmetric warfare, conventional states, which were threatened by unconventional powers, would be capable of both deterring the threat and responding to it by the way of their conventional military power in some formulation. In an era of asymmetry;

¹³ International Centre for the Study of the Prevention and Restoration of Cultural Property ICCROM Conservation Studies No.6, "Cultural Heritage in Post-war Recovery", papers from ICCROM Forum held on October 4-6 2005, p.3.

¹⁴ US Intervention Policy for the Post-Cold War World: New Challenges and New Responses, edited by Arnold Kanter and Linton F. Brooks, An American Assembly Book, New York, 1994, p .46

“(1) Doctrine must create flexibility of thought and action by stressing the creative application of force. (2) Doctrine must be predicated on uncertainty and not tied to prescriptive solutions to problems. (3) Doctrine must be constantly reviewed at all levels to ensure we retain the useful concepts and throw out those rendered useless by opponents. (4) Doctrine must capitalize on our asymmetric advantages.”¹⁵

War amongst the people is different that it is the reality in which the people in the streets and houses and fields are the battlefield, thus military engagements can take place anywhere, Furthermore, civilians are the targets, objectives to be won, as much as an opposing force. It is also a classic example of disinterest in the change of paradigms. Asymmetric warfare is best understood as a strategy, a tactic, or a method of warfare and conflict.¹⁶ These low- intensity conflicts have no quick-fix solutions. They have complex cultural, religious, and historical origins where criminality, population coercion, and extremist politics abound. Asymmetric tactics, usually conducted out of necessity by our adversaries, are an economy of force and a weapon of choice. As Liddell Hart explained, *“Campaigns of this kind are more likely to continue because it is the only kind of war that fits the conditions of the modern age, while being at the same time suited to take advantage of social discontent, racial ferment, and nationalist fervours.”¹⁷*

Three prominent examples of asymmetric actions that counterbalanced established force are: the *“sturmrupp”* assault tactics that broke the trench-line stalemate and three-dimensional warfare as a result of the airplane during World War I¹⁸, the panzer

¹⁵ Military Review, July -August 2003, available online at; <http://www.au.af.mil/au/awc/awcgate/milreview/ancker.pdf>

¹⁶ David L., Grange “Asymmetric Warfare: Old Method, New Concern”, *National Strategy Forum Review*, winter 2000, p. 1.

¹⁷ Liddell Hart, *Low-Intensity Operations*, 1971, p. 16.

¹⁸ *Sturmtruppen*, or *Stormtroopers* (also known as shock troops) were first employed by General Oskar von Hutier, on the eastern front in September of 1917. The strategy involved bringing the *sturmruppen* up to the front under cover of darkness, launching a fast and powerful artillery bombardment consisting of conventional explosives and gas. This replaced the prolonged bombardments that, in effect, warned the enemy of the coming offensive. Waves of *sturmruppen* armed with the latest in weapons such as; flame throwers, grenade launchers, light machine guns, would then assault weak points in the enemy line suddenly. The key to success was surprise and speed. This tactic accounted for large German gains during the late years of the war and would

“*blitzkrieg*” through France in World War II¹⁹ and the “*Strategic Defence Initiative*”²⁰ that helped end the nuclear arms race between the two hostile blocs of Cold War. The kind of asymmetric strategy and tactics seen in the Vietnam War were termed guerrilla warfare. These asymmetric actions, however, did not produce the dramatic, day-to-day effects on operations that we have seen since the fall of the Berlin Wall.

The practice of war is to achieve an asymmetry over the opponent. This is the art part of the war. Classification wars as asymmetric are something to avoid acknowledging that my opponent is not playing to my strengths and I am not winning. Since the paradigm has changed, the model of war rather than its name is no longer relevant.

Nation-states, especially Western ones and Russia but others too, all send in their armies, their conventionally formulated military forces, in these battlefields, and they all failed. Indeed, throughout the past two decades both the Western allies and the Russians have entered into a series of military engagements that have in one way or another dramatically failed to achieve the results intended. Namely, a decisive military victory is usually political. Of course the politics must continue. War is a continuation of politics, as Clausewitz classically framed it, but many leaders have been fooled by the power of

evolve into the *blitzkrieg* (lightning war) tactic of World War II. For further information see; <http://modern.edublogs.org/files/2009/10/War-on-the-Western-Front.pdf>

¹⁹ *Blitzkrieg* means "lightening war". *Blitzkrieg* was first used by the Germans in World War Two and was a tactic based on speed and surprise and needed a military force to be based around light tank units supported by planes and infantry (foot soldiers). The tactic was developed in Germany by an army officer called Hans Guderian. He had written a military pamphlet called "Achtung Panzer" which got into the hands of Hitler. As a tactic it was used to devastating effect in the first years of World War Two and resulted in the British and French armies being pushed back in just a few weeks to the beaches of Dunkirk and the Russian army being devastated in the attack on Russia in June 1941. Online at; <http://www.historylearningsite.co.uk/blitzkrieg.htm>

²⁰ Bruno Tertrais, "US Missile Defence, Strategically Sound, Politically Questionable", *PIR Reports Series 23*, Centre for Policy Studies, Moscow, September 2000, p.5

The *Strategic Defence Initiative* (SDI), commonly called *Star Wars* was a system proposed by U.S. President Ronald Reagan on March 23, 1983 to use ground-based and space-based systems to protect the United States from attack by strategic nuclear ballistic missiles. The initiative focused on strategic defence rather than the previous strategic offense doctrine of mutual assured destruction. Though it was never fully implemented, the research and technologies of SDI paved the way for the Anti-ballistic missile systems of today. According to Bruno Tertrais, US Missile Defence, Strategically sound, politically questionable. See: "Canada in the Post-War World: Vocabulary List", *Counterpoints* Chp.6, pp130-158

simple adage to identify military victory with political success. However “*a war is only good, as the peace that follows it.*”²¹

Meanwhile, that is not to say that the role of the military power is over. The international community needs more than it has ever done skilful fighters who are ready to put themselves at the service of its political and democratic authority. Such soldiers must properly be seen as the protectors of civilisation, not its enemies. The style in which they fight for civilisation against ethnic cleanings, regional warlords, ideological intransigents common pillagers and organised international criminals cannot derive from the western model of war-making alone. So it should be considered that the future peacekeepers and peacemakers have much to learn from alternative military cultures not only that of the orient but of the primitive world also. There is wisdom in the principles of intellectual restraint and even of symbolic ritual that needs to be rediscovered. “*There is an even greater wisdom in the denial that politics and war belong within the same continuum. Unless we insist on denying it, our future may belong to the men with bloodied hands.*”²² This hesitation of the politicians is basically due to a deep and abiding confusion between deploying a force and employing force. In many cases forces have been deployed and then force has not been employed. The UN in the Balkans is an example: by 1995 and 1996, there were tens of thousands of UN troops based mostly in Croatia and Bosnia, but they were barred by the Security Council resolutions that placed them there from using any actual military force. As an Operation Officer of UNPROFOR in Bosnia in 1996, I spent a lot of time trying to explain to senior Headquarters at the UN periodical meetings and briefings the desperate situation we often faced. It was obvious, that keeping lightly armed troops in the middle of the warring parties is not only useless for our mission, but also hopeless for the people we initially promised to protect. On other occasions, force has been applied in such a way that the method and its purpose is difficult to explain to allies and the public at large.

As another example, during the Kosovo Crises in 1999, this complication is experienced when a bombing campaign anticipated to last a week or so stretched over

²¹ Ken Booth, *Theory of World Security*, Cambridge University Press, 2007, p.305.

²² Keegan John, *a History of Warfare*, New York, 1994, pp. 392-393.

seventy-eight days and eventually involved hitting civilian infrastructure in Serbia proper rather than Kosovo in order to attain the retreat of the Milosevic forces.

In all these cases military force may have achieved a local even limited military success, but frequently this success failed to produce its political promise. This endemic problem is the result of the shift in the paradigm of war and the continued resistance to it. Whilst the enemy and the battle have changed, politicians and military planners are still thinking in terms of the old paradigm and trying to use their conventionally configured forces to that old fashioned end. In this way, the force may be massive and impressive, but it is not always reach the required results. *“As with the difference between deploying and employing a force, this reflects a lack of understanding of the utility of force”.*²³ More broadly, the nation-state is losing its monopoly on war, and its hold on its citizens' loyalty, in a growing portion of the world. The two are closely related. One of the most important roles of the state is to protect its people. When it loses the ability or perceived ability to do that, it will lose the loyalty of the people. *“People's loyalties will transfer to whatever organizations can protect them.”*²⁴

Now we may focus on the “Art of War” shortly. As it was noted by Clausewitz; *Kind-hearted people might of course think there was some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of the art of war.*²⁵ It is widely accepted that knowledge and ability are different things, furthermore art was strongly searched under the knowledge since as it was indicated by Clausewitz, *“We have become used to summarizing the knowledge required for the practice of art by the term theory of art or simply art.”* Clausewitz also argues that *“Art of War or Science of War usage is still unsettled ability and knowledge, since the object of science is knowledge and the object of art is creative ability.”* He insists;

“Of course all thought is art, the point where the logician draws the line, where the premises resulting from perceptions end and where judgement starts, is the point where art begins. To repeat, creation and

²³ Smith, 22.

²⁴ Lind, William S, Maj. John F. Schmitt and Col. Gary I. Wilson. “Fourth-Generation Warfare: Another Look”, *Marine Corps Gazette*, December 1994.

²⁵ Clausewitz, 75.

production lie in the realm of art, the term “art of war” is more suitable than “science of war”.²⁶

Also Sun Tzu mentions primarily about “Art of War” in his book with the same name that; *“the art of war is of vital importance to the State”²⁷*. It is a matter of life and death, a road either to safety or to ruin. Hence it is a subject of inquiry which can on no account be neglected.

Tzu says;

“The art of war, then, is governed by five constant factors, to be taken into account in one’s deliberations, when seeking to determine the conditions obtaining in the field. These are: The Moral Law, Heaven, the Earth, the Commander, Method and discipline. The Moral Law causes the people to be in complete accord with their ruler, so that they will follow him regardless of their lives, undismayed by any danger. Heaven signifies night and day, cold and heat, times and seasons. Earth comprises distances, great and small; danger and security; open ground and narrow passes; the chances of life and death. The Commander stands for the virtues of wisdom, sincerely, benevolence, courage and strictness. By method and discipline are to be understood the marshalling of the army in its proper subdivisions, the graduations of rank among the officers, the maintenance of roads by which supplies may reach the army, and the control of military expenditure. These five heads should be familiar to every general: he who knows them will be victorious; he who knows them not will fail. Therefore, in your deliberations, when seeking to determine the military conditions, let them be made the basis of a comparison, in this wise”.²⁸

²⁶ Clausewitz, 148-149.

²⁷ Tzu, 3

²⁸ Tzu, 3

The nature of warfare remains unchanged. War is a violent, difficult, physical, and psychological struggle between two conflicting organizations. According to Tu Mu²⁹ who is one of the main commentators of Sun Tzu³⁰ “*War is a punishment, which is one of the functions of government.*” And he also adds;

*“Nowadays, the holding of trials and hearing of litigation, the imprisonment of offenders, and their execution by flogging in the market-place, are all done by officials. But the wielding of huge armies, the throwing down of fortified cities, the hauling of women and children into captivity, and the be-heading of traitors also work which is done by officials. The objects of the rack and the military weapons are essentially the same. There is no intrinsic difference between the punishment of flogging and cutting off heads in war. For the lesser infractions of war, which are easily dealt with, only a small amount of force need to be employed: hence the use of military weapons and wholesale decapitation. In both cases, however, the end in view is to get rid of wicked people, and to give comfort and relief to the good.”*³¹

According to the late military understanding and the implementations parallel to them, Military Campaign’s goal must be identified by Civilian leaders, who they are guided by a well-defined long-term national grand strategy, furthermore, this goal must be measurable, easy to understand, and achievable within the nation’s or the coalition’s resource constraints. Once the campaign goal is defined and subsequently given to the military, military professionals must devote considerable intellectual rigor defining and

²⁹ Tu Mu (803-852) is perhaps best known as a poet during the period of T’ang dynasty in China. Although he had no practical experience of war, he was extremely fond of discussing the subject and was moreover well read the military history of the previous eras. His notes, therefore, are well worth attention. The gist of Sun Tzu’s work is thus summarized by him; “Practice benevolence and justice, but on the other hand make full use of artifice and measures of expediency”. For further information see; *On the Art of War the Oldest Military Treatise in the World*, Translated from the Chinese with Introduction and Critical Notes by Dr. Lionel GILES, M.A. Assistant in the Department of Oriental Printed Books and MSS in the British Museum First Published in 1910.

³⁰ Sun Tzu (BC.544-BC.496) who is known also as Sun Wu or Sunzi, was an ancient Chinese military general, strategist and philosopher to have authored “*The Art of War*”, an influential book on military strategy. See; Giles’s “*The Art of War the Oldest Military Treatise in the World*”.

³¹ Lionel Gilles, *The Art of War: The Oldest Military Treatise in the World*, British Museum, 1910, p.26

understanding the problem, the enemy, his Centre of Gravities (COGs)³², and their corresponding vulnerabilities. The idea that an irregular warfare opponent has no moral or physical COG depends entirely on one's definition of COG. If an enemy's moral COG is understood to be a leader who provides long-range vision upon which the organization bases its actions, whose physical presence is not required to motivate the organization, and whose reputation leads to recruitment of new members and tacit support by non-members, these organizations have moral COGs. Once that COG is identified and rigorously studied, vulnerabilities may be revealed. These vulnerabilities are the key to taking the enemy apart, rendering him incapable of organized action.³³ An irregular warfare organization might be lucky enough to happen upon a leader who has the intellect, the charisma, the energy, the vision, and the industry to become a moral COG as defined above. It was luck that some nations had their own such a kind of heroic leaders when they needed them, such as; Atatürk, Lincoln, Winston Churchill or Charles de Gaulle. The character of irregular warfare does not preclude moral COGs. Only then can they prepare an operation plan in order to achieve the designated goals. A new definition of warfare ignores these basic, simple truths about war.

Highly organized international criminal organizations could be found when current irregular warfare opponents are dissolved. They conspire to kill people and to destroy property in order to develop or to secure their own benefits. *"It must be changed that the world's view of these organizations by classifying them in their most elemental, easy to understand terms."*³⁴ Rather than reinventing the wheel, military thinkers are best spent focused on understanding the enemy and developing a way to defeat. This is very required investigation since all military campaigns are based on these goals. Since it is common to all paradigms of war, it is better to begin this analysis with a discussion of military force.

As it is going to be discussed in coming part under the title of "The Utility of Force in the Modern World" in details, force is the basis of any military activity, whether in a

³² Centre of Gravity; The main source of an enemies' power and strength, see; Richard Bowyer, Dictionary of Military Terms, London, 2004.

³³ Strange Dr. Joseph, and R. Iron, Understanding Centres of Gravity and Critical Vulnerabilities, Part 1 -2, available at www.au.af.mil/au/awc/awcgate/usmc/cog1.doc , accessed on 14 January 2012.

³⁴ Mark W. Elfers, *Fifth Generation Warfare: Warfare versus the non-state*, MCG, January, 2009.

theatre of operations or in a skirmish between two soldiers. Actually, the essence of force and its military uses are identical now to that described in the Sun Tzu's Art of War, Clausewitz's On War and the Greek myths, and just about any historical book on battle and warfare.

The understanding of the context of a particular operation is, as important as understanding the superior commander's intentions. However, in our modern circumstances, most fights do not go to the strategic level. War amongst the people is mostly a tactical event, while in the world of industrial war the military action was the deciding factor in order to reach absolute peace. In contrast, the new paradigm of war amongst the people is based on the concept of a continuous fluctuation between confrontation and conflict. Conflicts might be resolved, but not confrontations. For example, the bombing and military action against Serbia following its attack to the Albanians in Kosovo ended in 1999, but the problem about the final status of Kosovo and the confrontation between Serbia and the international community remained for a long time. Same is valid for Afghanistan. According to Ruppert Smith, in order to comprehend broadly, the six basic trends that make up the paradigm of war amongst the people listed below:

- *"The ends for which fought for are changing from the hard objectives that decide a political outcome to those of establishing conditions in which the outcome may be decided"*
- *"The expected fight would be amongst the people, not on the battlefield,"*
- *"Possible conflicts tend to be timeless, even unending,"*
- *"The fight will be done to preserve the force rather than risking all to gain the objective,"*
- *"On each occasion new uses are found for old weapons and organizations which are the products of industrial war,"*

- *“The sides are mostly non-state, comprising some form of multinational grouping against some non-state party or parties. It is now time to examine these trends more thoroughly.”*³⁵

It is assumed that the vast majority of conflicts and potential conflicts in the future will be internal conflicts, most often in states undergoing major political, social and economic transition and dislocation. Although no conflicts are the same, certain general factors that can create conditions conducive to deadly conflict include: (1) Political factors; repression, particularly of diverse ethnic, racial, religious or cultural groups, the absence of democratic practises and institutions that provide a way for citizens to mediate conflict without resort to deadly violence, alienation of a major sector of the community from the political life of a country. (2) Economic and social factors; gross economic imbalances, disputes over resources, too rapid development leading to inequality and destruction of social values. (3) Psychological factors; deep-rooted fears, suspicions and historical grievances.

These factors do not always lead to conflict. There must be a trigger that sets them off. The most common trigger is exploitation by a leader or elite group with charisma, organisational skills and political self-interest necessary to fan the flames that initiate and sustain conflict. In short, internal conflicts are usually leader-led.³⁶ Thus, asymmetrical targeting requires initiative, momentum, out-of-the-box thinking, flexibility, and a winning mindset. Crimes against humanity, small wars, and probable mega-terrorist (biological, chemical, nuclear, information) disasters are threats worthy of our attention. We must turn the tide on these fourth generation warriors using asymmetric actions with a pre-emptive strategy. *“It’s a matter of being the hunter or the prey.”*³⁷

Industrial war, not to mention total war, was impossible in today’s circumstances. But the threat remained. That was the story of the Cold War, and the early post-Cold War period as well. On the whole, war in the twentieth century coincided with the paradigm

³⁵ Smith, 73

³⁶ *“Conflict Prevention: Strategies to sustain Peace in the Post- Cold War World”*, Report of Aspen Institute Conference, Colorado, July 30- August 03, 1996, p.3.

³⁷ Grange, 6

that “*the war ought to be a rational instrument of national policy.*”³⁸ The overriding priorities of the new security debate should be dealing with the causes and consequences of war, including international poverty and inequity, environmental degradation and climate change, overpopulation, resource allocation and the global challenges of famine, food shortages, and scarce resources of water and energy. These are all security threats in their own right. They also contribute to some of the most intractable political and regional conflicts. It is likely that if environmental conditions and global poverty worsen in the next two to five decades, they may precipitate sensitive shortages, civil unrest and various small regional wars, with a risk of international escalation. New threat assessments that highlight the rise of nationalism and religious and ethnic intolerance and conflict may be correct, but it also has to be recognized that territorial claims, unemployment and the fight for scarce resources are generally linked with such identity conflicts. Regional problems, if left unmanaged and unresolved, could pose serious security risks, with political chaos, migration, refugees, economic disruption and the risk of the conflict spreading. “*Globalization and the fragmentation of cultural and group identities are interlinked aspects of the same security threat, in which economic inequity is both a cause and effect.*”³⁹

As it was stated by Jean Jacques Rousseau, “*War is a relation not between man and man, but between State and State, and individuals are enemies only accidentally, not as men, nor as citizens, but as soldiers; not as members of their country, but as its defenders.*”⁴⁰ This important democratic realist phrase and the slogan, was sustained as the identification of national interest for a long while⁴¹. Henceforward a new interpretation appears in parallel with the most recent contemporary perceptions about war end of the hitherto analyzes as; War amongst the people, is not only a relation between man to man, but also between man to State, and individuals are enemies not occasionally but intentionally, either as men or citizens, as well as soldiers.

³⁸ Booth, 306-307.

³⁹ Rebecca Johnson, Post-Cold War Security; The Lost Opportunities, *Disarmament Forum, the New Security Debate*, 1999, p.10.

⁴⁰ J.J. Rousseau, *Social Contract*, Book I, trans. H. Cole, New York, p.10

⁴¹ Doyle, Michael W., *Way of War and Peace*, London, 1997, p.137.

As a conclusion, it is obvious that since the end of cold war, conflicts between communal groups and states have been recognized as the major challenges to domestic and international security in most parts of the world. Non-combatant civilians also are now the principal victims of gross human rights violations. In 1993 more than 25 million refugees were fleeing from communal conflicts. *“Communal conflict has devastated the former Yugoslavia and East Central Africa, and threatens the stability of most of the former republics of the Soviet Union.”*⁴²

2.2. The Utility of Force in the Modern World

“Simply put, power is the ability to effect the outcomes you want, and if necessary, to change the behavior of others to make this happen.”
Joseph S. Nye Jr., 2002

Under this title, it is aimed to analyze and define the new role and manifestation of force in the world community. There is no doubt that the utility of force in the modern world is dependent upon political and other non-legal factors as well as upon the current state of the law, but *“the law must seek to provide mechanisms to restrain and punish the resort to violence.”*⁴³ The main purpose of this analysis is to consider the significance of military power today as well as for tomorrow.

Hence peaceful international relations ultimately depend upon guiding principles, for a policy of collective security and constructive peace. First, eliminate where possible situations which constitute threats to lives of free democratic communities and their values, to prevent the deeding of discrepancies and interests of the states without “use of force” option in democratic methodologies. Secondly, where elimination of the threat is impossible or deterrence the aggressor against further step will become to shape a war chaos, *“all nations reflect contribute to collective security model effective “use of force” to guard and preserve for stable and secure environment.”*⁴⁴

⁴² Ted Robert Gurr, “Communal Conflicts and Global Security”, *World Politics* 96/97, United States Naval Academy, 1992, p. 13

⁴³ Malcolm N. Shaw, *International Law*, 6th edition, Cambridge University Press, 2008, p 1118

⁴⁴ M. Hakki Casin, “New Horizons NATO’s Collective Security Strategies at the Prague-Kabul-Baghdad Crossroad”, *Releases of the Thirteenth International Antalya Conference on Security and Cooperation*, 8-10 December 2003, p.2

According to past considerations, normally military force when employed has only two immediate effects: it kills people and destroys things. Whether or not this death and destruction serve to achieve the overarching or political purpose the force was intended to achieve depends on the choice of targets or objectives, all within the broader context of the operation. That is the true measure of its utility. It follows that “*to apply force with utility implies an understanding of the context in which one is acting, a clear definition of the result to be achieved, an identification of the point or target to which the force is being applied and, as important as all the others, an understanding of the nature of the force being applied.*”⁴⁵ Military force is composed of men, equipment and their logistic support. The capability of these armed forces to act is never purely an inventory of the three but rather a function of their organization. Configuration of the composed force is also always in relation to the opposing forces, the circumstances of the time and the specific battle. Without fully comprehending this, most military activity, at every level, will never be clear to the external observers. Two ambiguities in the nature of military power work to complicate the distinction between aggressive and defensive behaviour. Because military means are ambiguous, “*the measures that states take to make themselves secure result in all becoming less secure*”⁴⁶. It is called as “*security dilemma.*”⁴⁷

An armed force is essential to any independent geopolitical entity that is part of the international system, yet it must always be made legal converted into a regular military force. A force draws its members from people, and exists in order to serve it, also defend the general will as it was indicated by Rousseau⁴⁸. Since to keep its identity alive, military force functions with its own codes in accordance with the society but on the other hand

⁴⁵ Smith, 24

⁴⁶ Barry Buzan, *People, States & Fear: an Agenda for International Security Studies in the Post-Cold War Era*, 2nd edition, European Consortium for Political Research (ECPR) Press, 2009, p. 246

⁴⁷ Security Dilemma: the defence measures that states take to defend themselves are seen by others as potentially aggressive, and responded to accordingly. Those responses raise threats, and so trigger further rounds of responsive armaments. Yannis A. Stivachtis, *Living with Dilemmas: Greek-Turkish Relations at the Rise of the 21st Century*, available online at; http://www.oebh.com/pdf_pool/publikationen/03_jb00_25.pdf, accessed on 23.09.2013 23.00.

⁴⁸ J.J. Rousseau in *Social Contract* (Book II, Chapter III), distinguished between the *will of all* and the *general will* and tells us that the people don't always decide in a way that coincides with the common good. Rousseau attributes such failures mainly to factors such as social inequality, and a low sense of collective membership. The lawgiver, by designing good social institutions and instilling a sense of collective purpose and virtue is meant to help overcome this.

entirely separate from the society. By this way, the military sector possesses an independent dynamic that functions regardless of ups and downs in political tensions.

In the war of old; the maximum use of force is in no way incompatible with the simultaneous use of the intellect. If one side uses force without any regret while other side refrain, the first will gain the advantage. If you want to overcome your enemy you must match your effort against his power of resistance, which can be expressed as the product of two inseparable factors; the total means at his disposal and the strength of his will.⁴⁹ If war is taken as a whole, not every war need be fought until one side collapses, in some cases defeat might be enough to cause one side to yield. The organization of the state, and in particular its claim to a monopoly of violence for the maintenance of external and internal order, has a direct impact on the normative regimes that govern its use of force. As it was indicated by Kenneth Watkin as; *War was carried on in the name of the sovereign and individual members of the armed forces and those by whose agency the sovereign makes war are only instruments in his hands.*⁵⁰

While the military has a role to play in domestic law enforcement, in many states it does not normally represent the most effective means of countering the threat. This limitation does not mean there will be no need for a military response. As was evidenced in Post-Cold War era, the violence inflicted by domestic unrests, either sourced from ethnic segmentation, religious schism or international terrorism, can quickly reach the level of an armed attack as contemplated in Article 51 of the United Nations Charter.⁵¹ However, in practical terms, the training and type of operations law enforcement personnel would be involved in to counter the asymmetric threat or war amongst people, would usually bring the governance of the use of force comfortably within the human-rights-based structure.

⁴⁹ Clausewitz, 75-78

⁵⁰ Kenneth Watkin, Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict, *The American Journal of International Law* Vol. 98 No. 1, January 2004, p. 12.

⁵¹ UN Charter, Chapter VII, Article 51; “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

At this point, the conversion of an irregular force into a regular force is equally important from the public perspective. This lethal body could be tolerated within society because it is under the control of elected leaders and so operates within the law. In conflict zones around the world, from the Balkans to the Afghanistan, it is sometimes difficult to see when a regular military force has lost its legitimacy and reverted to being an armed irregular force. In some cases, an irregular force is transiting towards legitimacy and becoming a regular military force. It is easy enough to see that a warlord in Afghanistan heads an irregular force, or when elements of the old Yugoslav army, a regular force known as the JNA⁵², became the BSA⁵³ in Bosnia in 1991. Did this formation become an irregular force or was it another regular force? The international community did not recognize the Bosnian Serbs as a separate entity, which is why it was difficult to define the legitimacy of the Bosnian Serb Army. *Since the end of the Cold War, public discourse on matters military has mostly been reduced to debates on defence budgets and the legality and morality of the use of force. Discussion of the actual meaning of force, and its utility, has become nearly obsolete.*⁵⁴ This problem of identifying the regularity of a force applies to any armed independence movement and to the vast majority of our conflicts today, and it is one the international community has yet to fight with comprehensibly, as we shall see in the latter parts of this thesis under the title of legitimacy of intervention.

The pursuit of both defence and security is hostile and derived from potential unrests. Confrontations between people with differing interests and priorities are common within all societies. When those societies confront one another because of any reason, and this cannot be resolved to the satisfaction of both parties, they may seek to resolve the matter by force of arms via conflicts. Over the past centuries states have developed laws, protocols and conventions, to manage these conflicts, together with military and governmental institutions to conduct them.

Military forces may be required to conduct a full scale of military actions, including peace support operations and humanitarian relief. These military activities will also take place amongst the people and the opponents will extend beyond traditional state actors to

⁵² JNA; Jena Nomina Anatomica; Yugoslav People's Army.

⁵³ BSA; Bosnian Serb Army.

⁵⁴ Smith, 34-38

include non-state ones. The operation continuum is also being redefined, as war is unlikely to be followed by victory and peace, but by continued conflict.⁵⁵ Military force does not have an absolute utility, other than its basic purposes of killing and destroying. Every confrontation or conflict is different, not only in location and sides but in nature. Particularly, in our era of humanitarian interventions or military operations, war amongst the people was seen in Bosnia 1995, Kosovo 2000, Afghanistan in 2002 and Libya in 2011.

*“Land, sea and air forces, Special Forces of various kinds, fighter and bomber aircraft, carriers and submarines, missiles and artillery, tanks and machine guns, and a variety of weapons systems and technological aids in our current era, are all important components, to be selected by a commander for a specific force.”*⁵⁶

And each force is specific, to a period, to a state, to a war, to a single theatre of war, possibly to a battle. Even a standing force is specific, a result of the factors of the time of its formation. Historically, in the formation of forces money has usually represented a balance of investment between the actual or anticipated purpose of the military force and the costs to society, immediately and over time.

The strategy derived from the political decision to go to conflict should provide the end to which it is to be applied, whilst the commander must devise the way. There are some critical factors when handling a force at the strategic and operational levels, regardless of whether it is for defence or security, big or small.

First of all, forming the physical creation of a force is the actual amassment of troops and materiel into a coherent structure. Even within standing forces, but especially in multinational endeavours, an actual force has to be created to serve the specific purpose of an operation. During the maintaining of NATO's Balkan operations, working with the EU was the key for success since NATO and the nations to produce a viable European capability, engaging each and every chief of defence in Europe in order to get a commitment for men and materiel.

⁵⁵ Colonel Lin Ong Yu, LTC Tan Cheng Kwee and MAJ Freddie Tan, “The Utility of Military Force Against Non-Traditional Threats”, *Pointer, Journal of Singapore Armed Forces*, Vol.36 No3-4, 2011, p.14

⁵⁶ Smith, 40

Secondly, deploying the ready for action force to the theatre of operations and directing the overall aspect, in other words, the ability to use the force to decide the political and military outcome of the campaign. As a negative example, it is quite clear that the UN may be able to do one of the elements, but it cannot direct a force at any level, which is why it cannot be considered a severe military alternative when needed.

Thirdly, sustaining is a simple and basic military concept that always been lectured at staff colleges which is; don't start a battle you can't supply. Fourthly, recovering reminds that the old saying which is; don't send out a force you can't get back. The ability to return a force is vital to its victorious use, even if all military objectives have been successfully reached. "And whilst it is the direct opposite of generating and employing a force, its recovery is no less important since it implies finishing a job and thereby either leaving at a successful end or else finding a replacement."⁵⁷

It also should be added that, besides the practices of diplomacy, the policy of prestige uses military demonstrations as means to achieve its purpose. Since military strength is the obvious measure of a nation's power, its demonstration serves to impress the others with that nation's power. "*Military representatives of foreign nations are invited to peacetime army and navy manoeuvres, not in order to let them in on military secrets, but to impress them and their governments with the military preparedness of the particular nation.*"⁵⁸

As a matter of fact, since the end of the Cold War, force has been misapplied. The political leaders have intended to achieve a decisive victory which would resolve the problem they faced, usually political. This is the final purpose of the detailed investigation about the utility of force in the beginning of this research. Military fights are brutal because force is applied by military forces armed with lethal weapons. The change is not about the means of war, or the men and materiel, but rather about the purpose and utility of their use. Armed conflict is a human condition, and there is no doubt that without totally removing, we will continue to reinvent it from generation to generation. As it was stated by Nye;

⁵⁷ Smith, 56

⁵⁸ Hans J. Morgenthau, *Politics among Nations: the Struggle for Power and Peace*, Brief edition revised by Kenneth W. Thompson, 1993, p. 90.

*“Along with the goals, the instruments of international politics are also changing. The realist view is that military force is the only instrument that really matters. Describing the world before 1914, the British historian A. J. P. Taylor defined a great power as one able to prevail in war. States obviously use military force today, but the past half century has seen changes in its role. Many states, particularly large ones, find it more costly to use military force to achieve their goals than was true in earlier times. As I have put it, the link between military strength and positive achievement has been loosened.”*⁵⁹

The reality is, in order to defend and secure ourselves better; we must improve the utility of our force. When we thought that the all types of war ceased after the collapse of Berlin Wall, an unusual type of unrests were faced at the same time. In the wake of the tragic events of post-Cold War, and a perceived threat from unstable countries, a new national security strategy was promulgated. One critical element of this strategy is the concept of pre-emption which is defined the use of military force in advance of a first use of force by the enemy. Long a contentious doctrine under international law, the claim to use pre-emptive force has been taken to an even more controversial by states and international organisations. Since traditional international law required there to be an imminent danger of attack before pre-emption, would be permissible, it is required to adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries. It contends that *“the greater the threat, the greater is the risk of inaction and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack.”*⁶⁰

As human rights organizations increasingly become involved in issues pertaining to international humanitarian law, two main areas may have to be addressed: firstly clarification of the roles performed by various mechanisms of accountability and secondly adjustment of accountability principles to reflect the nature of the armed conflict in question. The human rights framework does operate in accordance with certain traditional

⁵⁹Nye, p.12

⁶⁰ Anthony Clark Arend, “International Law and the Pre-emptive Use of Military Force”, *the Washington Quarterly*, spring 2003, pp. 89–103.

limits that may bear on the role it can play in governing armed conflict. Nowadays, non-state actors have enhanced ability to engage in conflict on an international level. This reintroduction of a form of private war challenges the state-based international regime for the maintenance of order in new and significant ways. To enable international humanitarian law to regulate contemporary armed conflict effectively, it must set forth realistic rules governing the use of deadly force that reflect the levels of violence and the nature of the threat posed to society. At the same time, armed conflict does not occur in isolation. Society will still have to be governed according to human rights norms.

The resulting interface between the two normative structures is most graphically represented in non-international armed conflict, situations of occupation, and the contemporary war on terrorism. Both areas of law have important and constructive contributions to make so as to establish a secure environment for the enjoyment of fundamental rights. No gaps in the effort to apply appropriate norms of humanity can be allowed.⁶¹ Is this more permissive approach to pre-emption acceptable under current international law? The answer to this question depends on how one understands the contours of contemporary international law. Under the United Nations Charter paradigm for the use of force, unilateral pre-emptive force without an imminent threat is clearly unlawful. But if the charter framework no longer accurately reflects existing international law, then “*the Bush doctrine of pre-emption may, in fact, be lawful even if it is politically unwise*”.⁶² This understanding will be examined in late chapters of this thesis.

The most radical form of the military type of the policy of prestige is partial or total mobilization. At that point, “*political policy and military policy tend to merge and become two different aspects of one and the same policy*”⁶³. We can notice also further occasion to point to the intimate relations between foreign and military policy in times of peace as well as of war. This occasion may be called as new paradigm of understanding of the war contemporarily. As it is going to be detailed in this thesis, the parallel conflicts of the Cold War began to exhibit the trends of the new paradigm, each to a greater or lesser degree.

⁶¹ Watkin, 30-35

⁶² Arend, 89

⁶³ Morgenthau, 91

Force plays a different role in domestic and international politics. In a well-ordered domestic political system, the government has a monopoly on the legitimate use of force. In international politics, no one has a monopoly on the use of force. Since international politics is the realm of self-help, and some states are stronger than others, there is always a danger that they may resort to force. When force cannot be ruled out, the result is mistrust and suspicion. The traditional view is that military force is the instrument that really matters. States obviously use military force today, but over the past half-century there have been changes in its role.

Many states, particularly big ones, find to use military force to achieve their goals more costly than was true in earlier times. Nowadays, we can say that the link between military strength and positive achievement has been loosened. Force is not obsolete, and terrorist non-state actors are less constrained than states by moral concerns, but force is more costly and more difficult for most states to use than in the past. *“While military force remains the ultimate instrument in international politics, changes in its cost and effectiveness make today's international politics more complex.”*⁶⁴ It is said that, in the modern world, a number of issues simply do not let any state to intend forceful solutions alone, rather than in a type of legitimized coalition operations.

It was only after 1991 that most conflicts reflected all the trends, for two major reasons. First, the end of the Cold War released the conflicts, which were depressed by the interests of the two main blocs. Once the two hostile pacts disappeared, these hidden conflicts began to appear in many parts of the world, but particularly in the Balkans and all over the Africa amongst the people. Moreover, in most cases they were intrastate, rather than interstate.

Secondly, the new paradigm became dominant in 1991 since the industrial army became effectively out of date as it was explained in previous chapter of thesis. The paradigm of interstate industrial war was the main theme of Cold War, together with the mutually assured destruction. Once it was over, the true empty space of the paradigm became evident the fact that the one of the two blocs had won without a single shot being

⁶⁴ Joseph S. Nye, *Understanding International Conflicts: An Introduction to Theory and History*, Fifth Edition, Harvard University Press, 2005, pp. 4-12

fired. The concept of just war has been debated for centuries, but in modern times it has focused upon these issues, which began to emerge with the Nuremberg trials, and indeed lay at the heart of the entire notion of the UN, and definitely the UN Charter's definitions on the use of force to resolve conflicts. During the Cold War these had largely lain dormant, but once the confrontation was over they came to the fore—and have indeed retained a dominant position in public international discourse. The terror attacks of 9/11 shook the perception of a peace dividend in Europe, but did perception of a peace dividend in Europe, but did not provide a clear idea of the threats or enemies demanding a military response, other than the amorphous and ever-present miasma of “terrorism.” Terrorism is not a formulated enemy but it is a threatening concept, occasionally implemented by individuals, some working together in loosely defined organizations. That the end of the cold war dramatically heightened and transformed UN involvement around the world is apparent from the rich mandates of UN missions, their number, and the demanding conditions under which UN forces operated. *“As impressive as the challenging and diverse nature of these numerous operations has been their reliance on democratic support.”*⁶⁵

Industrial war had clear-cut strategic goals. In war amongst the people, however, the ends to which we use military force are changing to something more complex and less strategic. As we have seen, the driving idea behind industrial war was that the political objective was attained by achieving a strategic military objective of such significance that the opponent conformed to our will, the intention being to decide the matter by military force. These strategic objectives tended to be expressed in terms such as; take, hold and destroy. In the two world wars both sides sought to achieve all of these on the battlefield, within the understanding that such an achievement would decide the political outcome. In contrast to these hard strategic ends we tend now to conduct operations for “softer,” more flexible, complex, sub-strategic objectives. We do not intervene in order to take or hold territory; in fact, once an intervention has occurred a main preoccupation is how to leave the territory rather than keep it. Instead, we intervene in, or even decide to escalate to, a conflict in order to establish a condition in which the political objective can be achieved by other means and in other ways. We seek to create a conceptual space for diplomacy,

⁶⁵ James H. Lebovic, “Uniting for Peace? Democracies and United Nations Peace Operations after the Cold War”, *The Journal of Conflict Resolution*, Vol. 48, No. 6, December 2004, p. 916

economic incentives, political pressure and other measures to create a desired political outcome of stability, and if possible democracy. As we shall see, the purpose of the international interventions in the Balkans in the 1990s was never to stop a war or destroy an offending side, but rather to use military force to create a condition in which humanitarian activity could take place, and negotiation or an international administration could lead to the desired political outcome. Therefore, establishing a condition may be accepted the characteristic of the new paradigm of war amongst the people. The interventions of forces under the UN and NATO flags have also been intended to establish or maintain conditions in which a strategic decision might be reached. During the Cold War the UN evolved a type of military operation called “peacekeeping” whose purpose was to maintain, not establish a condition. Typically this occurred when two warring parties agreed to stop fighting, but neither trusted the other and they therefore needed a third party to stand between them. Usually the UN was requested to provide the third party because such action came with the authority of its charter, and the force provided was composed of contingents from nations with no stake in the dispute. *“The UN force was not expected to use force except in self-defence”*.⁶⁶ and even then not to alter the situation as it stood between the two parties, which makes the use of the term “force” in the title somewhat misleading. However, this is more a case of misunderstanding the unfortunate conjunction of the words “force” and “peacekeeping” since all are known as peacekeeping forces, which has often created expectations of intervention and enforcement that could not be fulfilled, since the sole purpose of these missions was to maintain the condition of a cease-fire agreed by the parties.

The worst examples of this miscomprehension may be found in the UN interventions in the Balkans, which will be explained in the following chapter. This trend of changing ends of a forceful search for a condition highlights another aspect of our modern conflicts: we do not respect the enemy. As emphasized throughout the previous chapter, battle is an adversarial activity with an enemy who is waiting for us to attack him and falling in with our plan. Nonetheless, in our approach to modern conflicts we persist in the unspoken

⁶⁶ According to the “Non-use of force except in self-defence and defence of the mandate”, UN peacekeeping operations are not an enforcement tool. However, they may use force at the tactical level, with the authorization of the Security Council, if acting in self-defence and defence of the mandate. Mandate is available online at;
<https://www.un.org/en/peacekeeping/operations/principles.shtml#noforce>

assumption that our opponent, and in particular the people amongst whom he operates, will conform to our plan and share our idea of the future condition. In fighting amongst the people, the enemy is deliberately choosing to keep the level and nature of the conflict where our advantages of numbers and equipment are neutralized. In war amongst the people, the strategic objective is to capture the will of the people and their leaders, and thereby win the trial of strength. Fighting amongst the people is the main concern of the United Nations (UN) as well as the multinational coalitions who they apply the UN Security Council resolutions in order to maintain international peace and security. Thus the utility of force is seen in particularly and mostly during the implementation of the Peace Support Operations (PSOs) in the modern world more than the pre-emptive type of conflicts. Legitimacy, which will be searched in details in coming chapters, is one of the main concerns as far as intervention is concerned.

Before describing the “force” which is able to reach the objectives of the aforementioned modern world conflicts and particularly PSOs, it is better to define some common terms about the framework, which the “force” being used in it, with appropriate legitimacy firstly. The terms and definitions concerning PSOs are sometimes mixed up whether talking political or military language. This leads sometimes to misunderstandings.⁶⁷ In order to clarify this, listed below is how United Nations is defining the similar terms. Finally the difference between “Peacekeeping Operations” and “Peace Enforcement Operations” is explained.

Inter-related concepts used in UN PSOs: The end of superpower contention has led to a greater degree of consensus in the Security Council. This has enabled the United Nations to emphasise several concepts related to the maintenance of international peace and security. Collectively, these concepts present a coherent system for managing conflict at every level. Five concepts are identified. (1) Preventive Diplomacy; is actions to prevent disputes developing between parties, to prevent existing disputes from escalating into conflict and to limit the expansion of conflicts when they occur. (2) Peace-making; is diplomatic actions to bring hostile parties to a negotiated agreement through such peaceful means as those foreseen under UN Charter. (3) Peace-keeping; is a UN presence in the

⁶⁷ *United Nations Peacekeeping Operations Principles and Guidelines* United Nations Department of Peacekeeping Operations Department of Field Support, January 2010, pp. 17-20

field, with the consent of the conflicting parties, to implement or monitor the implementation of arrangements relating to the control of conflict or to insure the safe delivery of humanitarian relief. (4) Peace-enforcement may be needed when all other efforts fail. The authority for enforcement is provided UN Charter, and includes the use of armed forces to maintain or restore international peace and security in situation in which the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. (5) Peace-building is critical in the aftermath of conflict. Peace-building includes the identification and support of measures and structures, which will promote peace and build trust and interaction among former enemies, in order to avoid a relapse into conflict. *“Peace building may require military as well as civilian involvement.”*⁶⁸

The complexity of the international situation requires a combination of all instruments available to the UN to respond to various types of conflicts. Peace-keeping is one of the means that has proven feasible, but is only one of the essential components of the peace process. The fundamental principles of the UN peace-keeping are the same today as they were from its inception. Utility of the peacekeeping forces is to provide stability and conditions necessary to allow for diplomatic and political actions leading to the settlement of conflict in this context.

Definitions used in NATO/PfP⁶⁹ PSOs are more or less similar to UN definitions mentioned above; however, it is better to define the NATO PSOs understanding in general manner. PSOs are multifunctional operations conducted impartially in support of a UN/OSCE mandate involving military forces and diplomatic and humanitarian agencies and are designed to achieve a long term political settlement or other conditions specified in the mandate. They include peacekeeping and peace enforcement as well as conflict prevention, peacemaking peace building and humanitarian operations. All military operations are conducted with a degree of restraint, be that only an adherence to the Law of Armed Conflict. What distinguishes PSO from other military operations is the impartial

⁶⁸ Nordcaps (Nordic Coordinated Arrangement for Military Peace Support) PSO Tactical Manual, revised 3rd edition, 2002, pp. 40-45

⁶⁹ Partnership for Peace is an initiative aims interoperability between NATO and former Warsaw Pact countries. PfP and implementations will be searched further in this thesis under NATO organisational developments.

approach by the Peace Support Force (PSF). PSO are neither in support of, nor against a particular party, but rather is conducted in an impartial and even-handed manner. PSO are designed to create a secure environment in which civilian agencies can rebuild the infrastructure necessary to create a self-sustaining peace. PSF actions are based upon judgements of the degree of compliance and/or non-compliance of the parties with the agreement between the parties and not against any bias or pre-determined designation.

In PSO, success will generally be related to the achievement of a number of pre-determined strategic objectives which form elements of the overall political end state and should be defined in the overall political mandate and the North Atlantic Council, NAC⁷⁰ Initiating Directive. The nature of PSO is such that these objectives will normally relate to the establishment of a secure, stable and self-sustaining environment for the local population. The achievement of the political end state will be the defining criteria for the success of the entire operation, including the military mission. The achievement of security related military objectives will usually be a precursor, or milestone on the way to attaining the political end-state. In the conduct of PSO, military success will generally involve the enforcement of compliance and/or the building of consent such that there can be an incremental hand-over of responsibilities to military forces with lower combat capabilities, other security organisations and civilian agencies. As these circumstances are attained, military achievement may be obvious in a drawdown of the Peace Support Force (PSF) profile and an incremental withdrawal of military forces.

Success in PSO is highly dependent on the successful transition to other forces. Mission success first requires that the PSF must be adequately led, trained, organised, equipped and armed. This will give it credibility with the parties and thereby the ability to achieve its operational objectives. A second element for success is strict neutrality on the part of the PSF. Therefore a range of measures to counter the charges of partiality that will unavoidably be raised are required. Finally, the professional conduct of the PSF must reinforce all features of the carry out the mission.

⁷⁰ North Atlantic Council; has highest effective political authority and powers of decision, and consist of Permanent Representatives of all member countries meeting together at least once a week. See; The Universidade Federal do Rio Grande do Sul Brasil, UFRGS (Federal University of Rio Grande do Sul) publication about NAC, available online at; <http://www.ufrgs.br/ufrgsmun/2009/preparation/NAC.pdf>

*“Key behavioural aspects are; the correct attitude and conduct of the PSF personnel, their resolute and consistent responses, especially in cases of noncompliance, and a close and harmonious co-operation between national contingents”.*⁷¹ The utility of force in the modern world and turn to good purpose of using military force depend on how to fulfil the requirements of these forces not only in organisational manner, but also collective determination and legitimacy behind these units.

Three factors; (1) a new security environment, (2) a redefinition of sovereignty and (3) a redefinition of peacekeeping have put pressure on states to use force. But using force is not well enough since the liberal democracies are under pressure to regulate levels of force to the problem at hand. Three factors call for adaptability: *“(1) international law, (2) the presence of international organisations and (3) the need to win the hearts and minds of citizens in war-torn countries.”*⁷² When it came to actually using force, three key principles could be listed such as: *“(1) Credible threats of force can be as effective as force itself; (2) the “selective but substantial use of force is sometimes more appropriate than its massive use”; (3) Carefully defined exit strategies should accompany every foreign intervention”.*⁷³

As a conclusion of this chapter; *“although military force has less utility as an instrument of policy in the 21st century than it did in times past, even recent times past, it is and will long remain an essential instrument of policy.”*⁷⁴

2.3. Theoretical Construction of NATO security studies

In the background of the broad field of international security studies, NATO is usually analysed as a structure that allows the empirical assessment of various theoretical concepts of international relations. NATO studies in the academic literature can be identified with four main theoretical constructs; 1) security communities, (2) alliances, (3) collective security and (4) cooperative security. These theories suggest different

⁷¹ NATO Peace Support Operations, AJP-3.4.1, 2001, p.2-1

⁷² Cornelius Friesendorf, International Intervention and the Use of Force; Military and Police Roles, *The Geneva Centre for the Democratic Control of Armed Forces*, 2012, p.17

⁷³ Jim Mokhiber and Rick Young, Give War a Chance; The Uses of Military Force, *Frontline*, May 1999, available online at: <http://www.pbs.org/wgbh/pages/frontline/shows/military/force/>

⁷⁴ Colin S Gray, Hard Power and Soft Power: The Utility Of Military Force as an Instrument of Policy in the 21st Century, *US army War College Strategic Studies Institute (SSI)*, April 2011, p.47

interpretations of international relations, as well as specific explanations of NATO transformation.

(1) The concept of security community is mostly assumes that states are able to develop collective identity. In terms of NATO studies and practical application of constructivism-based concept of security community, the focus of analysis is concentrated on the identity and common values of the NATO member states and other international actors.

(2) The theory of alliances is mostly based on neo-realist explanation of international relations, assuming that international system, national interests and security policy are related by close causal relations. Furthermore, alliances are considered as directed against enemy or threat which is always needed to justify their existence.

(3) Collective security theory assumes that certain group of states, acting in the anarchic international environment and having common purposes and values, compose a collective structure, in which states keep their sovereignty but agree to follow certain principles and norms.

(4) The concept of cooperative security emerged after the Cold War; however, it did not have a proper conceptual background and was mostly used to describe a new international order, which is defined by consultations instead of confrontation, transparency instead of secrecy, reassurance instead of deterrence.

The cooperative security system also includes four concentric ring type dimensions;

“(1) Individual security; (2) collective security; (4) collective defence; (4) promoting stability”⁷⁵

The collective security is directed towards the internal dimension of the system in terms of ensuring security between sovereign states. It is focused on ensuring internal peace and the elimination of threats rising from other actors of the security system. The

⁷⁵ R. Cohen, “From Individual Security to International Stability“, in Cohen, R., Mihalka, M., *Cooperative Security: New Horizons for International Order*. Garmisch - Partenkirchen: The George C. Marshall European Centre for Security Studies, 2001, p. 5-10

collective security dimension includes various forms of cooperation between the members of the system in such areas as terrorism, organized crime, illegal immigration, natural disasters, NATO can be considered the most important institutional and political expression of the transatlantic link, thus eliminating the balance of power within the system and allowing a renewed focus on external security challenges. *“NATO has also various formats for practical cooperation in such fields as logistics, standardization, communications and information systems, civil emergency planning, scientific research, training and exercises, public diplomacy, meteorology, military oceanography and many other areas.”*⁷⁶

Collective defence is directed towards the external dimension of the system, focusing on defence from external aggression. Members of the system commit to ensure credible defence and effective response to external aggression or similar threats. In practice, it can be institutionalized as various mechanisms and interstate agreements of collective defence. NATO as a military organization ensures its efficiency by maintaining an integrated military structure, common defence planning mechanism, rapid response force, nuclear deterrence capability, integrated air defence system, common financing of various infrastructure projects, effective network of operational headquarters and other capabilities. *“In the light of the changing international security environment, NATO is now more focused on the ability to react and neutralize non-traditional security challenges such as; piracy, cyber attacks, terrorism, proliferation of WMD.”*⁷⁷

The dimension of promoting stability defines the prevention of instability outside the system. Potential sources of instability are eliminated by using various political, economic, diplomatic and military measures, establishing international cooperation mechanisms, etc. Article 2 of the North Atlantic Treaty highlights that member states will *“contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being.”* In practice, it can be realized as NATO out of area humanitarian

⁷⁶ NATO Handbook, Brussels: NATO Public Diplomacy Division, 2006, p. 273-349.

⁷⁷ Comprehensive Political Guidance Endorsed by NATO Heads of State and Government, 29 November 2006, available online at; http://www.nato.int/cps/en/natolive/topics_49176.htm accessed on; 26.10.10 12 20.00.

operations or enable various institutional cooperation/confidence building mechanisms such as PfP or EAPC.

NATO's engagement in crisis management and stabilization activities is well reflected in the famous phrase by NATO's Secretary General L. Robertson: "*if we don't go to Afghanistan, Afghanistan will come to us.*"⁷⁸ This expression was based on a postmodern concept of reacting to threats where they emerge. Thus, the NATO responds to various threats anywhere in the world, if it is needed for Alliance's security interests.

⁷⁸ "Speech by NATO Secretary General at the National Defence University", Washington D.C. USA, 29 January 2003, available online at; <http://www.nato.int/docu/speech/2004/s040129a.htm>, accessed on; 08 10 2011.

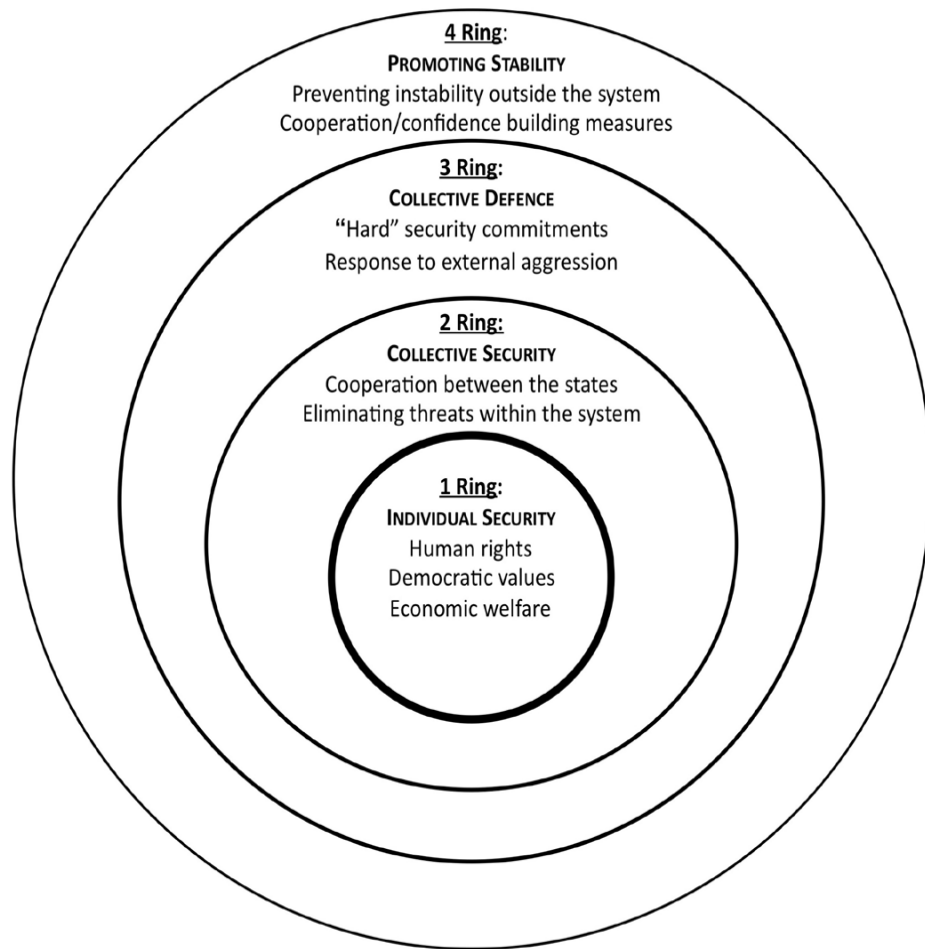


Figure 1: Theoretical model of cooperative security system⁷⁹

In order to guarantee the success of crisis management operations and effectively neutralize asymmetric threats beyond its territory⁸⁰, NATO has not only created a multifunctional rapid response force, but also transformed its military structures, adapting them to new security environment.⁸¹

⁷⁹ Adapted according to Cohen, R., “From Individual Security to International Stability“, in Cohen, R., Mihalka, M., *Cooperative Security: New Horizons for International Order*. Garmisch - Partenkirchen: The George C. Marshall European Centre for Security Studies, 2001, p. 5-10.

⁸⁰ Comprehensive Political Guidance Endorsed by NATO Heads of State and Government, 29 November 2006, available online at; http://www.nato.int/cps/en/natolive/topics_49176.htm accessed on; 26.10.10 12 24.00.

⁸¹ In Prague Summit, NATO decided to create the NATO Response Force which is mobile, interoperable, highly ready and technologically advanced multinational force made up of land, air,

Comprehensive Political Guidance endorsed in 2006 Riga summit state that NATO has to be able to conduct several different operations simultaneously outside NATO in unpredictable environment. Over the next 10 to 15 years, NATO's forces are required, inter alia, to be able to; (1) conduct and support multinational joint expeditionary operations far from home territory with little or no host nation support; (2) deter, disrupt, defend and protect against terrorism and various asymmetric threats, including weapons of mass destruction; (3) protect information systems of critical importance to the Alliance against cyber attacks; (4) bring military support to stabilisation operations and reconstruction efforts across all phases of a crisis; (5) conduct operations in demanding geographical and climatic environments; (6) conduct operations taking account of the threats posed by weapons of mass destruction and chemical, biological, radiological and nuclear hazards.

The process of changing capabilities well illustrates NATO transformation from regional alliance based on territorial defence to globally connected crisis response mechanism.⁸²

At this point it is necessary to add some further information to the above mentioned post-Cold War concept. The concept of "Cooperative Security" arise in the western countries, particularly in United States America, during the last phases of the cold war period as it became apparent that the Soviet Union was not tending to imperial aggression as had been earlier predicted. Although Soviet forces in East Central Europe were clearly constructed to occupy Western Europe in case of war, it was admitted that such an attitude could reflect a primary intention rather than initiate war. The main reason of this existence was simply to defend Soviet territory sourcing form the experience of World War II. In this point of view, it might be possible to stabilize the situation by negotiations. It was also

maritime and Special Forces components. It can be rapidly deployed to high intensity missions by the decision of the North Atlantic Council. See: Prague Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council. 21 November 2002, available online at; <http://www.nato.int/docu/pr/2002/p02127e.htm>, accessed on; 08 10 2011; "NATO after the Prague Summit", Speech by NATO Secretary General Lord Robertson at the *Konrad Adenauer Stiftung*, Berlin, Germany, 12 Dec. 2002, available online at; http://www.nato.int/cps/en/natolive/opinions_19600.htm, accessed on; 08 10 2011.

⁸² Martynas Zapolskis, "1999 and 2010 NATO Strategic Concepts: A Comparative Analysis", *Lithuanian Annual Strategic Review. Volume 10, Issue 1*, January 2012, p.45

assumed that some agreed measures can be designed in order to prevent any surprise attack.

These were officially termed *confidence-building measures*, but the expression *cooperative security* was used as an underlying principle. With the dissolution of the Soviet Union and its alliance system, the original focus of concern essentially disappeared.

In this regard, not only a combined arms assault was no longer possible on continental scale, but also the engagement of nuclear weapons in such an event was no longer the potential trigger for global tragedy.

Primary security concerns shifted to more localized forms of conflict to the process of weapons proliferation. The phrase indicated not just a stabilization of residual confrontation but a fundamental transformation of security relationships. In the academic literature, cooperative security was recognized as an exit from the self-styled realist perspective on security as it was explained in the previous chapters of this thesis. According to this understanding, national interests can only be guaranteed by superior military power. Realist theorists rejected the cooperative security idea since it is principally not applicable. In contrast, a rising globalist view holds that the process of globalization has changed the scale and character of primary threat as well as basic interest.⁸³

The significant forms of hostility are very unlikely to occur because no country has either the motivation or the capacity to undertake them. Instead, the primary source of threat is said to come from civil violence and associated terrorism, apparently arising from conditions of widespread economic severity. Those forms of violence, the argument holds, undermine basic legal order necessary to support global economic performance and thereby threaten the dominant common interest all countries have in assuring their own economic performance. Cooperation for mutual protection can be expected as mainly vital for security policy. It may take some time to judge the feasibility and endurance of the cooperative security idea consistently. Conceptual and practical standings appear to depend

⁸³ Jervis Robert, *Realism, Neo-liberalism, and Cooperation: Understanding the Debate, International Security, Vol. 24, No. 1*, Summer 1999, pp. 42–63

on the final fate of the realist and the globalist perspectives. It is still under discussion in NATO.⁸⁴

2.4. Changing International System in Balance of Power Theory;

“So long as an international order exists, or so long as we might desire one to exist, wars must come short of the last degree of irreconcilability and retain some of the characteristics of a conflict between potential allies, some trace of the fact that they are quarrels between friends.” Herbert Butterfield, (Christianity, diplomacy and war-1953)

This chapter arises from the need to highlight the Balance of Power policies of states and international organisations as an actor, in view of recent changes in world politics. Today, the behaviour of states, non-state actors, and even individuals appears to challenge traditional conceptions of balance of power theory. *“Supporters of globalization, democratic peace theory, and several forms of institutionalism suggest that deep forces are transforming international relations, pushing traditional power politics away from national agendas.”*⁸⁵ On the other hand, some of the scholars suggest that September 11 did not fundamentally change the rules governing global security; instead, *it exacerbated already existing tensions about the appropriate implementation of fledgling collective security rules.*⁸⁶ As all we know that, according to the realist idea, particularly to Morgenthau, human society is imperfect, and it is also certain that it will always remain so; and when political actors must make decisions in a political environment of "opposing interests and of conflict among them", they ought to endeavour for a balancing of interests and seek the ever unstable settlement of conflict, rather than their elimination. Realists reject the liberal premise that advances in education, culture, and technology enhances the prospects for peace and international stability. At the end of the Cold War, realist scholars

⁸⁴ International Encyclopaedia of Political Science, by CQ Press, a Division of SAGE. For information about the encyclopaedia, see; <http://www.cqpress.com/product/Encyclopedia-of-Political-Science.html>.

⁸⁵ T.V. Paul, *Balance of Power; Theory and Practice in the 21st Century*, Stanford university Press, 2004, p.1

⁸⁶ Brian Frederking, “Constructing Post-Cold War Collective Security”, *American Political Science Review* Vol. 97, No. 3, August 2003 pp. 365-378

predicted the alliance's demise, and “*during the 1990s, realist and institutionalist scholars sought to explain NATO's longevity.*”⁸⁷

Ongoing technological progress has in fact rendered the possibility for achieving these goals increasingly remote. Simply because modern science and technology know no national boundaries does not mean that the nations are becoming "One World" politically. In fact, politically they are less unified today than in earlier eras. Nor can man-kind rely upon the growth of "international understanding," modern communications media, cultural exchange programs, and the like, to create a more orderly and benign world. Realists are equally doubtful about the notion that progress in democratizing national domestic political systems will produce a more peaceful and stable environment globally. In spite of the fact that the state evolved in Europe as a universal form and the United Nations and European Union have become models for international organizations (IOs) everywhere, furthermore “*the historical data that inform the standard account are modern and Eurocentric too*”⁸⁸, continent of Europe suffered from unrest and instability even lately.

Cooperation among the major powers after the Cold War has also made possible numerous United Nations operations to bring peace to parties weary of conflict. Unfortunately, many of these operations have faced serious obstacles and some have not met their initial goals. Moreover,

*“these cases of traditional peacekeeping demonstrate that bringing peace to post-Cold War conflicts will require the international community to take a role in helping build nations and, in the process, carry out such additional activities as monitoring human rights, demobilizing armies, providing administrative services and setting up democratic institutions.”*⁸⁹

⁸⁷ John J. Mearsheimer, "Back to the Future: Instability in Europe after the Cold War," *International Security*, Vol. 15, No. 1, Summer 1990, pp. 5-56;

⁸⁸ Robert E. Kelly, "Security Theory in the New Regionalism", *International Studies Review* (2007) 9, 197–229

⁸⁹ E. Davis Lynn, "Peacekeeping and Peacemaking after the Cold War", *RAND Summer Institute*, 1993, p. 11

The idea of the law of nations supposes the mutual independence of several neighbouring and separate states; although “*this situation is in itself a state of war, if a federative union prevents not hostilities, reason yet prefers this co-existence of states to their union under one superior power to the rest, which would at length end in a universal monarchy.*”⁹⁰

It is an accepted view by Ernest Haas that⁹¹ “*internationalism and multilateralism are connected to each other*”, however totally different as well by means of implementation and coverage area of responsibility. Internationalism claims the presence of global community which meets under the umbrella of functional organizations such as United Nations, while multilateral mechanisms appears mostly as regional organizations such as NATO, EU and OAS⁹² which its aims do not fit internationalism’s general ones⁹³. Nowadays in this context, NATO meets the requirements of UNSC resolutions even some of them asks military intervention and ratifies the decision of NAC⁹⁴ for out of area operations. In the post-Cold War, in order to understand the way of NATO’s existing strategies, we can look neo-realist theory about the changing and disappearing structures of threats. Without classic structures, we must focus on its behavioural dynamics and organisation. Though Neo-realism provides an uncomplicated explanation of when states form alliances and when they dissolve; state alignment is explained by imbalances of power or threat.

The question is simple and commonly recognized in the international relations literature that “*can international institutions prevent war by changing state behaviour*”⁹⁵? Specifically, can institutions push states away from war by getting them to avoid from balance of power logic? Realist answer is no. They believe that institutions cannot get states to stop behaving as short-term power maximizers. For realists, institutions reflect state calculations of self-interest based primarily on concerns about relative power. As a

⁹⁰ Immanuel Kant, *Perpetual Peace*, Columbia University Press, New York 1939, pp.35

⁹¹ Robert Boardman, Review of Ernst B. Haas, “When Knowledge is Power: Three Models of Change in International Organizations”, *Canadian Journal of Political Science* 23, 1990, pp.632-633

⁹² OAS; “Organisation of American States”

⁹³ İşyar Göksel, *Karşılaştırmalı Dış Politikalar*, Bursa 2009, p 330

⁹⁴ North Atlantic Council, highest decision making organ of NATO.

⁹⁵ John J Mearsheimer, A Realist Reply, *International Security*, Vol.20, No.1, Summer 1995, p. 80

result, institutions outcomes invariably reflect the balance of power. Institutions, realist maintain, do not have significant independent effects on state behaviour. However, realists recognize that great powers sometimes find alliances useful for maintaining or even increasing their share of world power. For example, *“it was more efficient for United States and its allies to balance against Soviets through NATO than through a less formal and more ad hoc alliance. But NATO did not force its member states to behave contrary to balance of power logic.”*⁹⁶

Whether one applies balance-of-power theory or balance-of-threat theory, the expected conclusion is that the Cold War alliances will weaken or disappear. Since neither the power nor the intentions of Russia seem to credibly threaten NATO or USA, structural realists should expect NATO to wither away with the end of Cold War. By contrast, *“liberals saw in the end of the Cold War an opportunity to create a new international order on principles of collective security.”*⁹⁷ Critics of realism believe that Balance of Power theory has become irrelevant in the face of growing social forces. However, *“realists contend that Balance of Power dynamics still operate in the world politics in varying forms and intensities.”*⁹⁸

Another critique of neo-realism is provided by social constructivism. Social constructivists argue that states usually see other states as separate units, but if they see others as a part of the same community, their interests may converge. As a result, states that share a close or collective identity can form a long-lasting alliance even when there is a major change in the international structure like the end of the Cold War. What kinds of processes do states need to go through in order to attain a collective identity? Interdependence caused by trade and capital flows and the emergence of a common threat, *“the transnational convergence of domestic values can be examples include cultural values such as the rise of global consumerism and political values such as the spread of democratic governance, welfare statism, and concern with human rights”.*⁹⁹ Close

⁹⁶ Mearsheimer, 82

⁹⁷ M.Hakki Casin, “Re-Mapping Euro-Atlantic Collective Security Strategy Routes Beyond the September 11 Terrorist attack”, *Report; Atlantic Pivaty Executions Association General Assembly Meeting*, October 2002, pp.2-6

⁹⁸ Paul, 2

⁹⁹ Alexander Wendt, “Constructing International Politics”, *International Security*, 1996, pp 54-59

interactions caused by these factors may only affect the behaviour of actors, but constructivists argue that sometimes these interactions can also change the identities and interests of actors, and help to shape a collective identity. Proponents of the collective identity argument suggest that most of the NATO member-states seem to share a collective identity as democratic countries. Furthermore, members respect the norms of democratic decision-making based on compromise, persuasion and the non-use of force or coercion. Alexander Wendt also argues that “*NATO can be considered as a collective security system, in which member-states share a collective identity.*”¹⁰⁰ In such a system, when one of the states in NATO is attacked, other members are obligated to come and defend the victim. The key point here is that the members of NATO will defend each other even if they are not themselves individually threatened. As such, the interests of individual NATO member-states and other member-states are difficult to distinguish. NATO’s collective identity may initially have been shaped by the emergence of the Soviet threat. Nevertheless, growing interdependence and continued interactions among NATO’s democratic members during the Cold War further reinforced such an identity. The disappearance of the Soviet threat, therefore, will not necessarily lead to the collapse of NATO. “*Because NATO members do not make a clear distinction between their particular and collective identities, NATO is likely to endure in a changing international structure.*”¹⁰¹

Balance of Power theory is predicated on the idea that states seek to survive as independent entities. They also seek power in the anarchical global system; without power, states can become subservient to will of others or lose their security and prosperity. Anarchy thus compels states to increase their power, because security and physical survival cannot be divorced from power maximisation. As a result, “*the competition of power becomes a natural state of affairs in international politics.*”¹⁰² Of course Balance of Power dynamics are supposed to operate at different levels and different areas of state interaction. Balance of Power is not only deemed to operate most prominently in the

¹⁰⁰ Ibid. 53

¹⁰¹ Takafumi Ohtomo, “Bandwagoning to dampen suspicion: NATO and the US–Japan Alliance after the Cold War”, *International Relations of the Asia-Pacific Volume 3*, 2003, pp.29–55

¹⁰² Paul, 4

military, political and economic relations¹⁰³ but also it has global and regional dimensions as well. These dimensions lead the theorists to re-evaluate application of Balance of Power to foreign policy behaviour in order to offer a long-term solution to security dilemma. Since according to liberals, democracies rarely fight to each other, in this content, liberal states view international politics not as a zero-sum game among themselves but as a positive or negative- sum game. They can win or lose together.¹⁰⁴ We will back to this collective approach in NATO sample during next parts of the research in detail. One other manifestation of the ambiguity of balance of power theory is its application to contemporary world. It is clearly asked by some scholars that “*why other great powers have not responded in a way anticipated by balance of power theory?*”¹⁰⁵ Characterizing the absence of balancing against the United States a puzzle constitutes an erroneous interpretation of balance of power theory. Since there is no single Balance of Power theory, while it is accepted by Morgenthau that multi-polar systems are more stable than bi-polar systems, Waltz neo-realistically makes opposite argument.¹⁰⁶

It is speculatively possible to sketch the main features of the new pattern of global security relations which is emerging after great transformations of 1989-90 and the first post Cold War crises in the Gulf. *The term “Third World” has lost nearly all its content.*¹⁰⁷ In the absence of Second World now that the communist system has largely disintegrated, how can there be a Third? Actually, the term “South” is a better than the term “Third World” when consider the relationships of 1990s comes from the centre-periphery approach, elaborated in the dependency literature of the 1960s and 1970s.

“Centre here implies a globally dominant core of developed economies periphery a set of industrially financially and politically weaker states operating within a set of relationships largely constructed by the centre. The more robust and developed states in the periphery form a semi-

¹⁰³ Ernest B. Haas, “The Balance of Power; Prescription, Concept or Propaganda”, *World Politics* 5, July 1953, pp.442-477

¹⁰⁴ Michael W. Doyle, *Ways of War and Peace*, New York, 1997, pp. 166-167

¹⁰⁵ Fareed Zakaria, America’s New Balancing Act, *Newsweek*, August 6, 2001

¹⁰⁶ S. Jack Levy, Balance of Power ; What do great powers balance against and when?, *Stanford University Press*, 2004, p.29

¹⁰⁷ John Ravenhill, “The North South Balance of Power”, *International Affairs Volume 66 issue 4*, 1990, p.745

periphery, whose aspiration is membership of the core. This approach captures the key elements of hierarchy that now shape international relations, without necessitating recourse to misleading geographical images."¹⁰⁸

Thus, today's intrastate conflicts, which centre on ethnic and religious groups or civil commotions and rarely contained within existing state boundaries, make traditional peacekeeping activities problematic yet impossible to avoid.

The violence surround the Balkans demonstrates the current problems with peacekeeping and peacemaking. The conflicts grew out of the demands of ethnic and religious groups for autonomy and independence. No reasonable political settlement has emerged, and the warring factions have been unwilling to stop fighting short of victory as it was seen at Iraq or Afghanistan samples. Traditional peacekeeping operations have proved inadequate so coalition type formations were constructed. Primarily because of public anger at the human suffering and also out of fear of expanding the violence, and moreover mainly the interests of their own states, the major powers in the Centre have not been able to ignore the fighting. Meanwhile, if their pre-gained privileges or future interests are not in real danger, Centre States have rejected the alternative of using coalition military forces to enforce a peace accordingly the requests of the states at semi-periphery and periphery. And so far, the various United Nations and European Commission¹⁰⁹ mediation efforts have failed to end the violence.¹¹⁰ It is expected that in conjunction with the shift to multi-polarity, this further reduces political and military incentives for competitive intervention into the periphery. Meanwhile, centre periphery relations went worst then ever nowadays. Past gradually small scale regional conflicts, turn to the wider and large scale coalition campaigns. According to Buzan;

¹⁰⁸ Berry Buzan, "New patterns of global security in the twenty first century", *International Affairs Volume 67 issue 3*, 1991, pp.431-451

¹⁰⁹ The European Commission represents the interests of the European Union (EU) as a whole. It proposes new legislation to the European Parliament and the Council of the European Union, and it ensures that EU law is correctly applied by member countries. The term "Commission" refers to both the 27 Commissioners and the wider institution itself. For further information see; <http://www.international.ac.uk/media/2291021/briefing-eu-institutions.pdf>

¹¹⁰ E. Davis Lynn, *Peacekeeping and Peacemaking after the Cold War*, RAND Summer Institute, 1993, p. 12

“The declining salience of military threats among the great powers makes it unlikely that this void will be filled by new alliances. Indeed, the main military structure of the new era requires the viewer to put on different lenses for it to come clearly into focus, for it is inverse form to traditional alliance structures.”¹¹¹

Since neo-realism is the main theoretical opponent for most constructivists, let us begin with a neorealist critique of the constructivist approach. First of all, neo-realists are sceptical about the importance that constructivists attach to norms, in particular international norms. Such norms surely exist, but they are routinely disregarded if that is in the interest of powerful states. Ever since the Peace of Westphalia in 1648, writes Stephen Krasner:

“Powerful states have violated the autonomy and the integrity of weak ones. The Peace of Westphalia included elaborate provisions concerning religious practices within Germany . . . and specified electoral procedures for the selection of the Holy Roman Emperor. Hardly a testimony to respect for sovereign autonomy. Every other major post-war settlement since 1648 has attempted to restructure domestic political institutions in defeated states . . . If there is an international society out there it has not had much more impact on the behaviour of states than conventional norms about sex, family, and marriage now have on the behaviour of individuals in North America and Europe.”¹¹²

At the same time, neo-realists are not ready to accept that states can easily become friends due to their social interaction. Such a goal may be desirable in principle, but not realizable in practice, because the structure of the international system forces states to behave as egoists. Anarchy, offensive capabilities, and uncertain intentions combine to leave states with little choice but to compete aggressively with each other. For realists, trying to infuse states with communitarian norms is a hopeless cause. In spite of the fact that neo-liberal theory traditionally posits that states share an interest in establishing

¹¹¹ Buzan, p.436

¹¹² Stephen D. Krasner, International Political Economy: Abiding discord, *Review of International Political Economy* 1:1, Spring 1994, pp.16-17

principles and norms to facilitate cooperation and provide clarity from international anarchy, in fact, principles and rules of institutions help states to address the uncertainty of the shadow of the future and for fear of establishing counterproductive precedents.¹¹³

Rule-oriented constructivism helps provide practical insight into issues of global security. “*The constructivist analysis indicates that a new post-9/11 world necessitates more aggressive, unilateral, and even pre-emptive U.S. policies.*”¹¹⁴ Instead, the war on terrorism is embedded within a larger post-cold war construction of global security rules. Tensions about the appropriate implementation of collective security rules to punish the global criminals who violate international rules existed before and after September 11. That the United States is now a direct victim of criminal acts does not change this larger context; instead it exacerbates already existing tensions because the United States is now that much more determined to enforce community rules against terrorism and non-proliferation. It is also possible that the international community will minimize the tensions, strengthen the post-cold war construction of collective security rules, and continue the “war” on terrorism through cooperative multilateral action. The other possibility is that U.S. use of force in Iraq, together with other likely uses of force in its “war” on terrorism, will breakdown the post-cold war construction of collective security rules and institutionalize some form of a war social arrangement.¹¹⁵

NATO and its extensive post-Cold War adaptation has been a primary case study for applying neo-liberal theory to security institutions. By the late 1990s, NATO had been transformed by its members away from its core alliance functions. NATO served as a tool for organizing collective diplomacy toward the post-communist countries of Eastern Europe and its institutional functions were adapted so non-members could engage in its cooperative mechanisms. New institutional structures including a North Atlantic Cooperation Council, Euro-Atlantic Partnership Council, and Partnership for Peace (PfP)¹¹⁶, and membership enlargement were evidence that “*NATO was adaptable to a new*

¹¹³ Robert Axelrod and Robert O. Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions,” in Baldwin, ed. *Neo-realism and Neo-liberalism*, p. 94.

¹¹⁴ Frederking, 373

¹¹⁵ Frederking, 376

¹¹⁶ Partnership for Peace initiative will be explained in detail in further chapters of this thesis.

security environment.”¹¹⁷ Through this study, the research seeks to enlighten the conditions under which international institutions are more or less likely to contribute to security provision. Although neo-liberal assumptions about NATO would predict that the institution can lower the transaction costs of security cooperation, the decision to fight a war through NATO’s rules and procedures actually increased the transaction costs of security provision. As the war progressed, states found that the best way to lower transaction costs of security outcomes was to skirt NATO’s rules and procedures.

*“The case for collective security today rests on three basic pillars. Today’s threats recognize no national boundaries, are connected, and must be addressed at the global and regional as well as the national levels. No State, no matter how powerful, can by its own efforts alone make itself invulnerable to today’s threats. And it cannot be assumed that every State will always be able, or willing, to meet its responsibility to protect its own peoples and not to harm its neighbours.”*¹¹⁸

As it was noticed along the above explanations, firstly, latest changes of the world order have created new IR theory adaptations accordingly.

Now when UNSC resolutions allow, under the leadership of the dominant powers of the centre, international coalitions are able to intervene, even pre-emptively, to the states which they potentially can unbalance the current world order and endanger international peace. In other words, still it is needed to prevent international order and stability for “collective security” by the way of using necessary power of legitimized international coalitions. And secondly, it is important to point out that the theoretical approaches are often affected and influenced by other theoretical approaches, which it makes it hard to distinguish an approach as purely power, interest, or knowledge based, since it is often a combination of two or all three theories. There is also a variation between the classical theories and the neo-ism that has developed to fill claimed shortcomings in the original

¹¹⁷ Sean Kay, *NATO, The Kosovo war, and Neoliberal Theory*, 2003, p.2

¹¹⁸ UN Report of the High-level Panel on Threats, Challenges and Change, p.1

theory, shortly, “the neo-liberal and neo-realist theories are increasingly compatible and alike.”¹¹⁹

2.5. Conflict Management Theory:

*“Worldwide developments which affect our security interests are legitimate matters for consultation and, where appropriate, co-ordination among us. Our security is to be seen in a context broader than the protection from war alone.”North Atlantic Council (NAC) May 1989.*¹²⁰

The end of the Cold War brought a new momentum to the study of conflict management. One of the main reasons for this was the proliferation of violent conflicts in regions such as Eastern Europe and Middle East. The level of domestic ethnic conflicts, as well as of ethnic conflicts between communities and neighbouring states, new dimension of the terror and religious extremism, attracted much interest among researchers. The momentum stimulated the development of the theoretical framework of conflict studies and, in particular, the conceptual framework. Criticism has been growing regarding the methods used in handling conflict. Assertions have been made that many of the researchers and consultants who advise the decision-makers on handling conflict lack the background of theoretical and scientific methodology.¹²¹

In the beginning it is better to clarify the differences between the conflict management and conflict prevention, furthermore among some other conflict related definitions. Both are argued as being different sides of the same coin, and without some conflict management it would not be possible to initiate preventive or other measures aiming at resolving the dispute. It is argued by some scholars that the difference is a mere theoretical discussion and in practical implementation both are intertwined. Conflict management, typically focuses on the armed aspects of conflict: bringing the fighting to an end, limiting the spread of the conflict and, thus, containing it. However, “*conflict resolution is more ambitious, as it expects the parties to face jointly their incompatibility*

¹¹⁹ Swanström Niklas L.P., “Regional Cooperation and Conflict Management: Lessons from the Pacific Rim” ,Uppsala: Department of Peace and Conflict Research, 2002, p.27

¹²⁰ North Atlantic Treaty Organisation, Facts and Figures, NATO Information Service, NATO, 1989. p. 449

¹²¹ Ahmad Azem Hamad, “The Reconceptualisation of Conflict Management”, Peace, Conflict and Development, *An Interdisciplinary Journal*, Vol. 7, July 2005, p.3

and find a way to live with or dissolve it.”¹²² Conflict management also, as a concept, has been conventionally associated with conflict containment. Conflict management theorists “see violent conflicts as an ineradicable consequence of differences of values and interests within and between communities.” These theorists regard “*resolving such conflicts as unrealistic: the best that can be done is to manage and contain them, and occasionally to reach a historic compromise in which violence may be laid aside and normal politics resumed.*”¹²³ This definition assumes that conflicts are irresolvable and that handling is limited to containing them and ending the violence. However, other theorists believe that it is possible to eliminate conflicts. Therefore, they see conflict management as a stage in the handling of conflicts, which could be followed by later stages. For instance, some other scholars have divided what they call “ethnic conflict regulations” into two main sections: conflict management and conflict termination. “*This distinction is based on the idea that the former is concerned with the handling of the consequences of differences between adversaries, whereas the latter is concerned with terminating them.*”¹²⁴

Conflict management has been also defined as the limitation, mitigation and/or containment of a conflict without necessarily solving it.¹²⁵ It is later added to this definition and argued that conflict management should imply a change, from destructive to constructive, in the mode of interaction.¹²⁶ It is argued time to time by some of the politicians that the conflict management refers to eliminating violent and violence-related actions and leaving the conflict to be dealt with on the political level, however this argument has been somewhat criticized as NGOs, academic institutions have emerged as important actors and now influence the conflict management process. It could be concluded, therefore, that the main trend in conflict studies is to define conflict management as being on the same level as conflict settlement or containment. In other words, the general view of conflict management is that it is less advanced or that it covers

¹²² Peter Wallensteen, “Understanding Conflict Resolution: War, Peace and the Global System”, London; Thousand Oaks, CA; & New Delhi: Sage Publications, 2002, p.53.

¹²³ Hugh Miall, “Conflict Transformation: A Multi-Dimensional Task”, *Berghof Handbook of Conflict Transformation*, www.berghof-center.org

¹²⁴ John McGarry and Brendan O’Leary, “The Politics of Ethnic Conflict Regulation”, London: Routledge, 1993, p.4.

¹²⁵ Fred Tanner, “Conflict Prevention and Conflict Resolution: Limits of Multilateralism”, *International Review of the Red Cross*, September 2000, p.7

¹²⁶ Niklas L.P. Swanström, “Regional Cooperation and Conflict Management: Lessons from the Pacific Rim” ,Uppsala: Department of Peace and Conflict Research, 2002, pp.20-26

a narrower range of treatment of conflict in comparison with other, more ambitious or advanced methods of dealing with this problem. The term conflict management is itself rather unfortunate, as it may well include approaches such as conflict transformation that go far beyond the logic of management. However, in the lack of a better alternative, it was accepted that “*the use of conflict management as an umbrella term, while cautioning against its definitional and conceptual pitfalls.*”¹²⁷

The Cold War era saw situations where the great powers sought to handle conflicts by accepting a certain status quo. In the view of these governments, conflict management meant preventing widespread violence, though not necessarily resolving the conflicts. Moreover, preserving the *status quo* that serves the interests of certain governments by declaring a concern for peace and non-violent means of solving problems is common practice in the world of politics. The fact is that the end of the Cold War era also meant the end of many *status quo* situations, resulting in the eruption of violent ethnic conflict in the Balkans and elsewhere. This helped to partly weaken the conventional interpretation of conflict management as conflict containment without dealing with the cause of the problems.¹²⁸ In conclusion, conflict management was mostly defined as measures that are used to handle differences in issue positions, without necessarily solving the conflict but aiming at changing the mode of interaction from destructive to constructive behaviour.

Although in theory, it has been regarded necessary to make a distinction between the resolution, management and prevention of conflicts, as a way of simplifying reality to enable the construction of a theoretical model, this separation is not only artificial, but also incoherent as different scholars use their own definition of the respective concepts. A more coherent definition of prevention and management is thus needed, a definition that can be integrated with other mechanisms for handling conflicts.¹²⁹ In addition, a theory that differentiates between conflict prevention, conflict management and conflict resolution

¹²⁷ Cordula Reimann, “Assessing the State-of-the-Art in Conflict Management: Reflections from a Theoretical Perspective”, *Berghof Handbook*, p.1, available online at; http://www.berghof-handbook.net/articles/reimann_handbook.pdf

¹²⁸ Hamad, 23

¹²⁹ L.P.Niklas Swanström, Mikhael S. Weissmann, “Conflict, Conflict Prevention, Conflict Management and beyond: A Conceptual Exploration”, *Central Asia-Caucasus Institute & Silk Road Studies Program, A Joint Transatlantic Research and Policy Centre Concept Paper*, Summer 2005, p.29

also risks being counterproductive when applied to a reality in which these concepts in fact are indistinguishable. In practice these measures can be seen as working side by side at different levels and within different issues in a larger conflict. It is thus possible, as happened in reality to resolve certain issues in a conflict, while at the same time managing or preventing other issues from taking a violent form. What I personally observed when I took part in the international organisations and involved conflicts in the Balkans and Asia is, this does not imply that the conflict has been resolved, or even that tension has been reduced since new issues were brought always into the conflict at any time. Disseminating a conflict into several subgroups and core issues increases the possibility to act even in conflicts that seem difficult to act in. Prevention, management, and resolution measures need to be applied in a coordinated and integrated fashion that leaves nothing open to minimize lost opportunities to act. It is also widely accepted that the international organisations have been put into the different phases of the conflict, according to the role they have been seen to undertake. Importantly, they do not play the same role within the same phases, nor do they have the same amount of resources. However, to some extent, they all have the potential to play an active part within most of the conflict phases. It is important to point out that the theoretical approaches are often affected and influenced by other theoretical approaches, which it makes it hard to distinguish an approach as purely power, interest, or knowledge based, since it is often a combination of two or all three theories.

There is also a variation between the classical theories and the neo-ism that has developed to fill claimed shortcomings in the original theory. Waever has pointed out what he calls the neo-neo synthesis where the neo-liberal and neo-realist theories are increasingly compatible and alike.¹³⁰

A large proportion of the conceptual problems in conflict theory are contextual. The context of theorisation affects the construction of theories and their generalisations. For instance, it is believed that the idea of “containment” as a goal for conflict management is connected with the politics of the Cold War. During the Cold War era, it was important to prevent conflicts and disputes between the allies of the superpowers from going beyond a certain point and thus erupting into open and violent direct confrontation between the

¹³⁰ Swanström, 27

superpowers themselves. Therefore, it became the common practice in many parts of the world to preserve the status quo by containing conflicts and disputes, but not resolving them.¹³¹

There are many ways of looking at international organisations and their role in the international system. Those with a distinct state-centric view of the world would argue that international organisations only are as strong as states allow them to be, while others would argue that states are not the only important actors, and that international organisations indeed have an important role in international relations. Nonetheless most scholars and politicians would agree that international organisations have increasingly become important within the areas of peace and security. Today international organisations such as the United Nations (UN), North Atlantic Treaty Organisation (NATO) and the European Union (EU) have developed an increasing arsenal of political, military, economic and civilian instruments to act within these areas, and their role is only becoming bigger. Of the 43 recorded conflicts between 2000 and 2005, five were terminated with one party victorious, while 17 or 40% ended as a result of a negotiated settlement. This development, which began in the 1990s, should be seen in light of the sharp increase in international efforts and interests in confining and ending conflicts on the negotiating table rather than on the battlefield. Many of these negotiated settlements are being facilitated by international organisations.¹³²

The contemporary dimensions of conflict have been described in the first chapter of this thesis, so it is possible to clearly show the implementations of conflict resolution and conflict management, as well as the role of international organisations, particularly NATO, within the areas of peace and security in next chapter. Consequently, what we understand from this part of the thesis is, if any conflict treats the international security, peace or basic human rights, international organisations ought to take responsibility in order to either manage or resolve it.

¹³¹ Hamad, 19

¹³² Peter Dahl Thruelsen, "International Organisations: Their Role in Conflict Management", *Royal danish College*, 2009, p, 13

2.6. Legitimacy of Intervention:

“In sum, as we enter the 21st century, the Euro-Atlantic community - North America and Europe together - has to face some tough challenges when it comes to improving our capability. Lord Robertson, NATO’s 10th Secretary General 1999-2003”

The Meanings of intervention are usually constructed with an eye to legal or moral legitimacy and authoritative appeals to international practice. Representations of intervention have changed in accordance with developments in the historical and geographical context of world politics. Since the end of the Cold War, greater emphasis has been placed on appeals to the United Nations Charter to permit international intervention in states where domestic jurisdiction has broken down, and particularly where human security is abused and denied. Analysts have commonly cited this as new challenge to sovereignty based on a cosmopolitan approach to individual rights. On the other hand there has been little sign of a universally accepted normative shift in the underlying political determinants of military intervention. Governments continue to act on the basis of perceived state power and interests, while adapting their representations of interventions to the discourse of ethics and justice. The concept of intervention is inextricably linked to the concept of sovereignty. Foundational theories of international relations contend that in a formal, legal sense states possess jurisdictional sovereignty recognized by other states. The phenomenon of intervention is certainly not new, and sovereignty has never been an absolute, unchanging concept. However, it has been noted that the international system has entered an “age of intervention”¹³³, marked by an increased incidence and legitimacy of forcible interference in the internal affairs of states. Does this indicate a normative shift in inter-state behaviour, and if so what the rules that govern it?

In order to do make the intervention definitions less complicated, it is better to categorize in the beginning and focus on the main area of intervention which will be considered in this thesis. Thus, this thesis assumes that the meanings of intervention are usually constructed with an eye to legal or moral legitimacy and authoritative appeals to

¹³³ Michael C Pugh, International Intervention, *UNESCO Encyclopaedia of Life Support Systems (EOLSS) International Relations*, Volume II, 2000, pp.1-9

international practice. One of the important characteristics of intervention which cannot be disregarded is the distinction between armed intervention and war. The difference between armed intervention and war seems to depend on the State in whose affairs the intervention takes place. If the intervening State despite its armed action, intends and in fact continues uninterrupted peaceful relations, and if the State intervened acquiesces in that attitude by failing to declare war, then belligerency does not prevail and intervention ensues.¹³⁴

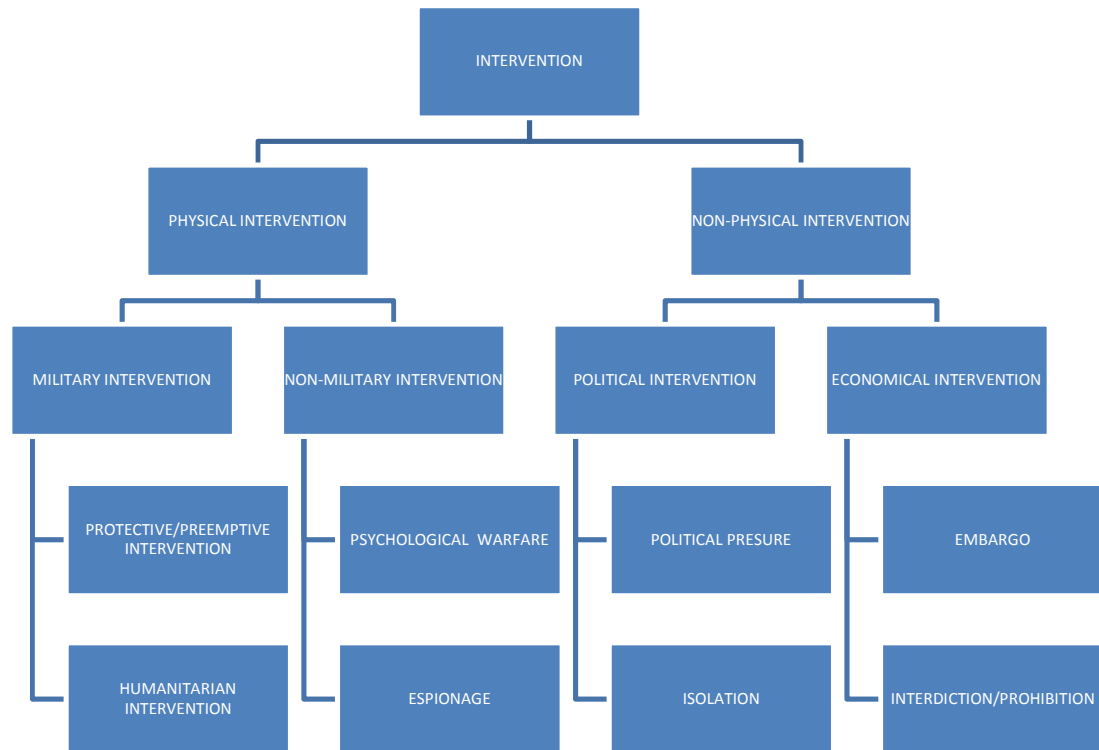
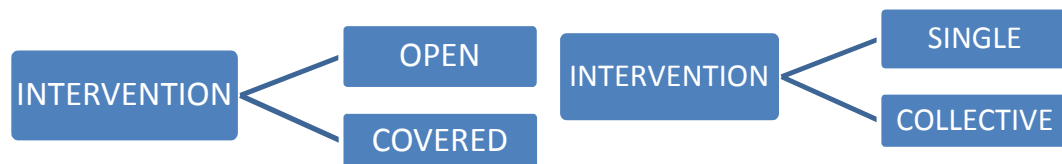


Figure 2 Types of Interventions according to their arming situation

According to implementation technique, interventions might be separated open or covered, direct or indirect and single or collective.



¹³⁴ F. X De Lima, "Intervention in international Law: With a reference to the organisation of American States", *Uitgeverij Pax Nederland, Den Haag*, 1971, pp. 15-19

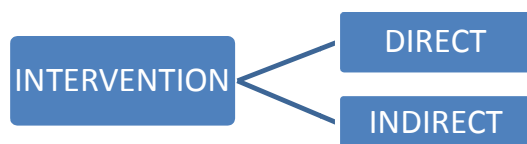


Figure 3:Types of Interventions according to implementation technique

The subject of this thesis limited to; Open, direct, military and collective interventions, particularly, NATO operations at Bosnia, Kosovo, Afghanistan and Libya.

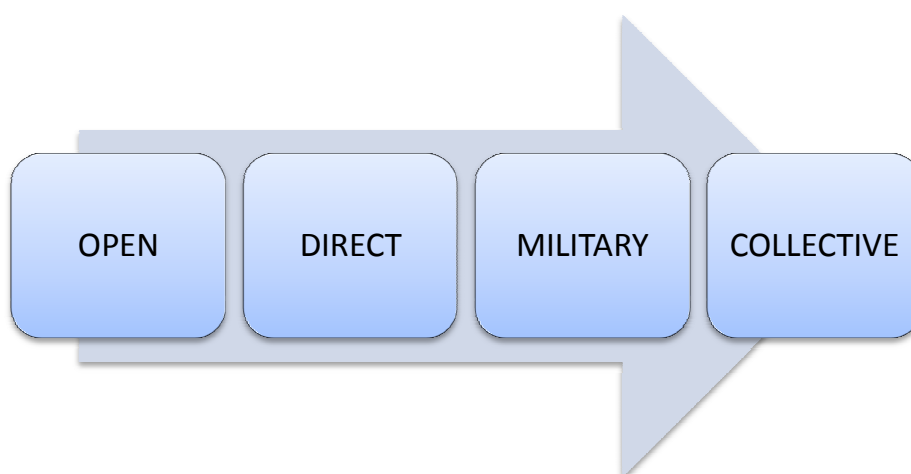


Figure 4 : Thesis implementation technique

A theoretical and practically sound centralized system of collective intervention, designed to replace the mode of intervention which reserved for the individual State the right to be the *judex in causa sua*¹³⁵, is the best means conceivable today to establish international relations on the basis of law and justice.¹³⁶

To analyse the legitimacy of military interventions, it is possible to introduce a list of cases that have generally been regarded as legitimate since simply affirm that some interventions were legitimate because any assessment of legitimacy must be based on

¹³⁵ *Judex in causa sua* means; “no man may be a judge in his own cause”. This means that any decision, however fair it may seem, is invalid if made by a person with any financial or other interest in the outcome or any known bias that might have affected his impartiality.

¹³⁶ Lima, p. 218

rational grounds. For that reason, an approximate definition of legitimacy is presented, and the sources that have contributed to this concept are discussed: (1) *the academic community*; (2) *public opinion, the media and Non Governmental Organisations (NGOs)*; (3) *states considered individually*; (4) *international organisations*. A number of recent military interventions having a strong humanitarian element have been widely accepted. Using a preliminary and purely intuitive approach for the time being, NATO interventions can be considered as having been legitimate. Nevertheless, it must be recognised that the legitimacy of the NATO interventions has been assessed thus far on purely intuitive basis, being based on references to a range of various sources, authors, state declarations, UNSC decisions and so on. This raises the central question that has yet to be tackled: what is legitimacy? Why do the NATO interventions represent legitimate interventions while some others may be qualified as illegitimate? In this thesis, legitimacy of NATO interventions is defined as the general conviction among a distinct majority of the international community that the use of armed force is correct and acceptable. The approach employed is thus approximate and consensual. The legitimacy of a given military intervention cannot be defined by any high tribunal organisation. General acceptance implies rather the confluence of positive assessments from various international actors. Therefore, as understood here legitimacy should be distinguished from the morality of a particular use of force, which is an assessment made by moral philosophers employing the just war theory, utilitarianism and other moral theories. Legitimacy is thus the approximate aggregation of the acceptance by various international actors, which may be considered the foundation or building blocks of legitimacy. These building blocks that listed above must therefore be identified and considered separately. However, the idea that legitimacy rests on a number of building blocks obviously does not suggest a magic mathematical formula. Rather, by offering a critical checklist, it contributes to a rational and exhaustive analysis of various elements that help define legitimacy.¹³⁷

Of course there are many ways of categorizing intervention rather than which is indicated above, according to motivations (declared and undeclared), authorizing organization (whether UN or non-UN); level of participation (whether unilateral or multinational) legitimacy (by law or custom). To facilitate assessments about legality and

¹³⁷ Martin Ortega, "Military Intervention and the European Union", *Institute for Security Studies Western European Union Chaillot Paper 45*, Paris March 2001, pp. 30-37.

legitimacy, and to determine whether new norms are in vogue, one can highlight those categories that states have deemed to be permissible intervention by customary or international law. These permissive principles are of course open to manipulation to serve the interests of interveners.¹³⁸

Evolving scholarly opinion in the fields of international law, international relations and moral and political science is an influential source of legitimacy firstly and secondly, the media and Non Governmental Organisations that have also reinforced the acceptability of some interventions. Thirdly, political parties may hold different points of view concerning potential interventions, and the exchanges between them, notably in the parliaments of democratic states, are a good opportunity to state various arguments and thus consider the perceived legitimacy of interventions. Fourthly, the declared points of view of states, which normally take into account the academic debate, public opinion, media and the internal political debate, make up the most important source for the legitimacy of military interventions. Generally speaking, despite wide agreement about collective interventions authorized by the UNSC, states have been very cautious about the possibility of intervening without a UNSC mandate. This being the case, there were few public declarations on this issues before the Kosovo crisis which will be examined in details in coming parts of this thesis. Fifthly, reactions by international organisations were indicative of the basic legitimacy of state-led military interventions, particularly during the years of 1990-2000. Obviously, the UNSC reaction towards a particular instance of the use of force is the most significant indicator, since the UNSC has decided; the resolution does not represent the will of the states that voted affirmatively, but rather constitutes an expression of the will of the international community as a whole. Pronouncements by other UN bodies or other international organisations are also relevant. Indeed, if the target state is part of a regional organisation or alliance, it will normally enjoy the solidarity of the other member states.¹³⁹

The evolving concepts of international intervention, particularly in the form of peace-keeping operations, went through a major transformation in the post-Cold War era. This transformation was a direct product of the changing international security

¹³⁸ Pugh, p.8

¹³⁹ Ortega, pp. 37-59

environment and thus presented a serious challenge to the UN, to NATO and to all international organisations and structures involved in the preservation of world peace. In the last fifteen years, *“the international community has explored different approaches to intervention, making it an important element in the functioning of the overall international system.”*¹⁴⁰

3. TRANSFORMATION of NATO IN THE POST-COLD WAR ERA

NATO's transformation has been characterised by a series of imaginative initiatives, which represent actual, highly practical responses to the new security challenges and opportunities of the post-Cold War environment.¹⁴¹

3.1. Alliance's Transformation Process, Milestones of NATO

3.1.1 Out of Area Concept of Alliance

*“NATO either goes out-of-area or out of business.”
Richard Lugar, US Republican Senator*

It is necessary to start this chapter by an explanation of *Cold War and Out of Area hypothesis*. The term “Out of Area” had a fairly clear and precise meaning in NATO vocabulary during the Cold War, referring primarily to events taking place outside the territory of NATO's members. Out of Area issues have impacted on NATO since the inception of the Treaty, either as a threat to the security interests of one or more members of the Alliance, a source of diversion of security assets earmarked for NATO, or as an indication of the intentions of communist adversaries.¹⁴² The articles of the NATO Treaty provide the foundation for evolution of policy within the Alliance. Although, Article V has been referred to as the “all for one and one for all” Article and does provide for each member nation to come to the aid of any Alliance member(s) subjected to military attack, it

¹⁴⁰ Nadia Boyadjieva and Kostadin Grozev, “Diplomacy, International Intervention and Post-war Reconstruction: Interactions Between States, International Organisations And Local Authorities in the Implementation of the Dayton Accords for Bosnia And Herzegovina”, *Intercultural Communication and Diplomacy*, p.331

¹⁴¹ NATO Transformed, Public Diplomacy Division, Belgium 2004.

¹⁴² Colonel Daniel A Doherty, NATO “Out-of-Area”: An historical perspective and post-Cold War potential , *NATO Defence College*, February 1991, pp.15-20

also contains a clause that "... *such action as it deems necessary*".¹⁴³ Article VI draws the geographical boundaries of the NATO Alliance. The geographic area of NATO fixed by Article VI was initially interpreted by the United States as a limitation on NATO activities and included in the treaty at America's insistence. Revisions have been made to Article VI to reflect the accession of Greece, Turkey, the Federal Republic of Germany, and Spain; and the elimination of the Algerian departments of France. Although it clearly defines the NATO boundaries, it is the interpretation of Article VI, not its wording, which has provided member nations' rationale for non-involvement in out-of area issues. In fact, there have been some problems about the interpretation of Article VI, it just the United States having moved toward a liberal interpretation so encouraging consideration of issues outside the borders, while many European members aligning with a more conservative position. Nevertheless, "*Article VI remains pivotal with the out-of-area question.*"¹⁴⁴

A review of NATO actions in response to Out of Area problems provides an understanding of the formation of the "architecture of the Alliance" as it relates to security issues outside the NATO boundaries. Member nations' non-involvement or limited support

¹⁴³ Article 5 of the Washington Treaty:

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." Available online at: http://www.nato.int/cps/en/natolive/official_texts_17120.htm

¹⁴⁴ Article 6 of Washington Treaty (The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951); For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack: on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France (On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962), on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer; on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Available online at: http://www.nato.int/cps/en/natolive/official_texts_17120.htm

with Allies in out-of-area issues has historically been grounded on one or more of the following:

“A hesitation to become involved in an American initiative with the potential to escalate into an East-West confrontation; a concern for diminished security within NATO if forces are diverted outside the defensive perimeter of Europe; an inability to agree upon the severity of a threat, or even if common interests are involved; and finally, diversity of national history or interests relative to certain geographical regions of the world.”¹⁴⁵

As far as Out of Area is concerned, the rifts among the NATO members started with US Korean War in 1950, proceeded French Indochina war during 1945-1950, and finally deepened between France, Great Britain, and the United States over the Suez Crisis in 1956. These serious differences caused recognition within NATO that the objectives of the Alliance could best be served by improved unity among the Allies. In May 1956, the NAC appointed three Ministers: Lester B. Pearson of Canada, Geatano Martino of Italy, and Halvard Lange of Norway; to recommend ways in which the Council could better perform its task as a forum for consultation. The following excerpt from the Report of the *Committee of Three* on Non-Military Cooperation in NATO, published in December 1956, demonstrates the concern for unity and recognition of the impact out-of-area issues have on the Alliance:

“NATO should not forget that the influence and interest of its members are not confined to the area covered by the Treaty and that common interest of the Atlantic Community can be seriously affected by developments outside the Treaty area. Therefore, while striving to improve their relations with each other, and to strengthen and deepen their own unity, they should also be concerned with harmonizing their policies in relation to other areas, taking into account the broader interests of the whole international community; particularly in working

¹⁴⁵ Daniel A. Doherty, NATO “Out-of-Area” an Historical Perspective and Post-Cold War Potential, *US Army War College*, Feb 1991, pp.75-83

through the United Nations and elsewhere and for the maintenance of international peace and security and for solutions that now divide the world.”¹⁴⁶

With regard to the geographical area to be covered by the Treaty, there is a distinction to be made between the geographical reach of its membership and the geographical area of responsibility guaranteed by the Treaty. The former was extremely controversial and is treated in a separate heading. The latter is less contentious, but touched on sensitive issues which were fundamental in defining the role of the organisation and its evaluation. It must be noted that the definition of NATO’s area of action was eventually treated in Article 6 and, to certain extend in Article 4.¹⁴⁷

As it is noticed at the Treaty preamble, NATO always dealt with the worldwide peace and security insomuch as its foundation. Meanwhile, at this point, it is necessary to indicate as well that, if out of area going to be concerned by alliance, centre states must play key role for general consideration.

3.1.2 Routes of the Changes

When the Berlin wall came down in November 1989, democratic revolutions spread across Central Europe and later Warsaw Pact dissolved, many wondered if NATO, too, should be the part of these fundamental changes. The roots of the changes which have transformed the political map of Europe can be traced to a number of developments during the 1960s and 1970s which were to have far-reaching implications. While there were many aspects to these developments, three events stand out in particular, namely: the adoption by the Alliance, in December 1967, of the Harmel¹⁴⁸ doctrine; the introduction by the

¹⁴⁶ North Atlantic Treaty Organization, Facts and Figures, NATO Information Service, NATO, pp.47-388

¹⁴⁷ Article 4 of the Washington Treaty, available online at;
http://www.nato.int/cps/en/natolive/official_texts_17120.htm

¹⁴⁸ As Belgian Minister of Foreign Affairs, he played a crucial role in shaping NATO, and Euro-Atlantic security relations more broadly, he prepared a report titled *"Future Tasks of the Alliance"*, which was adopted by Alliance leaders in December 1967. The *"Harmel Doctrine"* advocated a strong defence combined with good diplomatic relations with the countries of the Warsaw Pact, and helped to pave the way for the East-West détente of the early 1970s and based on the parallel policies of maintaining adequate defence while seeking a relaxation of tensions in East-West relations. While the international security situation has changed dramatically since then, the

Government of the Federal Republic of Germany in 1969 of Chancellor Willy Brandt's "Ostpolitik"¹⁴⁹, and the adoption of the CSCE¹⁵⁰ Helsinki Final Act¹⁵¹ in August 1975¹⁵². A series of similarly important events marked the course of East-West relations during the 1980s. These included NATO's deployment of intermediate range nuclear forces in Europe following the December 1979 double-track decision on nuclear modernisation and arms control so Washington Treaty signed in December 1987. Treaty brought about the elimination of US and Soviet land-based INF missiles on a global basis; early signs of change in Eastern Europe.¹⁵³ This also associated with the emergence and recognition of the independent trade union movement "Solidarity"¹⁵⁴ in Poland in August 1980; the

"Harmel process" remains an example and inspiration to the Alliance as we prepare a new Strategic Concept. Available online at;

http://www.nato.int/cps/en/SID-7A4FFBC1-2E9328D6/natolive/news_59164.htm?mode=news

¹⁴⁹ Ostpolitik was Brandt's particular form of détente, or de-escalation of Cold War tension. As West Germany's new chancellor in 1969, he advocated dialogue with the Soviet bloc. It is designed to bring about a more positive relationship with Eastern European countries and the Soviet Union within the constraints imposed by their governments' domestic policies and actions abroad; His so-called "opening to the East" would ease two decades of intensifying rhetoric between Moscow and Washington. Fear of nuclear war was so keen in those days that the controversial stance earned Brandt a Nobel Peace Prize in 1971. For further information see; American De'tente and German Ostpolitik: 1969–1972, German Historical Institute, Washington DC Bulletin Supplement 1, 2004, available online at;

http://www.ghi-dc.org/files/publications/bu_supp/supp1/supp_01_comp.pdf

¹⁵⁰ The Conference on Security and Cooperation in Europe (CSCE) was renamed the Organisation on Security and Cooperation in Europe (OSCE) in January 1995.

¹⁵¹ The Conference on Security and Co-operation in Europe, which opened at Helsinki on 3 July 1973 and continued at Geneva from 18 September 1973 to 21 July 1975, was concluded at Helsinki on 1 August 1975 by the High Representatives of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia.

¹⁵² The Act established new standards for the discussion of human rights issues and introduced measures to increase mutual confidence between East and West.

¹⁵³ The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, commonly referred to as the INF (*Intermediate-Range Nuclear Forces*) Treaty, requires destruction of the Parties' ground-launched ballistic and cruise missiles with ranges of between 500 and 5,500 kilometres, their launchers and associated support structures and support equipment within three years after the Treaty enters into force. Available online at; <http://dosfan.lib.uic.edu/acda/treaties/inf1.htm>

¹⁵⁴ The formation in 1980 of the Polish trade union-cum-political movement, *Solidarity*, and the strike actions it organized throughout Poland profoundly disturbed Soviet authorities. It was, after all, acutely embarrassing for Marxist-Leninists to be confronted with a movement that so obviously enjoyed widespread support from among workers, the very class in whose interests the Polish and Soviet Communist parties claimed to rule. The ability of Solidarity to survive, despite coordinated

consequences of the December 1979 Soviet invasion of Afghanistan and the ultimate withdrawal of Soviet forces from Afghanistan in February 1989; and the March 1985 nomination of Mikhail Gorbachev as General Secretary of the Soviet Communist Party.

In March 1989, in the framework of the CSCE, promising new arms control negotiations opened in Vienna, between the 23 countries of NATO and the Warsaw Treaty Organisation, on reductions in conventional forces in Europe (CFE). The NATO Summit Meeting held in Brussels at the end of May 1989 against this background was of particular significance. Two major statements of Alliance policy were published, namely a declaration marking the fortieth anniversary of the Alliance, setting out goals and policies to guide the NATO Allies during the fifth decade of their cooperation; and a Comprehensive Concept of Arms Control and Disarmament.

From time to time, at determining moments in NATO's history, the Alliance meets at summit level with the participation of Heads of State and Government. The presence of Prime Ministers and Presidents, and their direct participation in the process of taking decisions by consensus, raises the public profile of such meetings and bestows on them increased historical significance. The 1989 Summit Declaration contained many extremely important elements. It recognised the changes that were underway in the Soviet Union as well as in other Eastern European countries and outlined the Alliance's approach to overcoming the division of Europe and achieving its long-standing objective of shaping a just and peaceful European order. It reiterated the continuing need for credible and effective deterrent forces and an adequate defence, and endorsed US President Bush's three part arms control initiative calling for *1) an acceleration of the CFE negotiations in Vienna; 2) significant reductions in additional categories of conventional forces, and 3) major reductions in United States and Soviet military personnel stationed outside their national territory.* The Summit Declaration set forth a broad agenda for expanded East-West cooperation in other areas, for action on significant global challenges and for measures designed to meet the Alliance's longer-term objectives.

attempts to repress it, demonstrated the weakness of the ruling Communist party in Poland, eventually leading to the demoralization of its leadership, and contributing to the collapse of ruling Communist parties throughout Eastern Europe and the Soviet Union itself. Available online at: <http://www.soviethistory.org/index.php?page=subject&SubjectID=1980solidarity&Year=1980>

After the dissolution of the Soviet Union in December 1991, North Atlantic Treaty Organization conducted 13 summits, in order to evaluate the developments and provide strategic direction for Alliance activities. By 1991, the major transformation of the international security environment marking the end of the 1980's was dictating the shape of the new NATO which was to emerge over the next few years. The first of a series of four Summit Meetings which were to plot the course of the Alliance's adaptation during the coming decade, took place in Rome in November 1991. It was to be followed by a further Summit Meeting in Brussels in January 1994 and two further decisive meetings in Madrid in July 1997 and in Washington in April 1999. The momentum of change instigated by these meetings was maintained by frequent meetings of Foreign Ministers and Defence Ministers in the intervening periods. From the summit in Brussels in 1994 to Lisbon in 2010, the summits have dealt with the questions on "why and how we fight", moreover, how to match the two main questions with each other. Dealing with these issues in the post- Cold War era has constantly challenged the Alliance, since there is no longer a threat in its territory. In order to ensure its significance, NATO needs to adapt to new internal challenges, surroundings, and emerging security threats. This process of adaption is denominates "transformation", and focuses on changing the Alliance into a more relevant military organization in order to guarantee the significance by the way of aligning capabilities, organization, and way of thinking with the Alliance's objectives.¹⁵⁵ In short, "*transformation means equipping and adapting NATO for the 21st century.*"¹⁵⁶ This transformation is tough and long enough on state level. Purchasing of new equipment, changes in rigidly institutionalized military structures, adapting doctrines to new technology are all challenges, since the defence expenditures should be justified publicly.

The Strategic Concept outlined a broad approach to security based on dialogue, cooperation and the continuation of a collective defence capability when adopted by Alliance in Rome in November 1991. It brought together political and military elements of NATO's security policy into a rational complete, establishing cooperation with new partners in Central and Eastern Europe as an essential part of the Alliance's strategy. The

¹⁵⁵ Sean Lobo, NATO Transformation and Centres of Excellence Analyzing Rationale and Roles, *Master Thesis, Department of Political Science, Faculty of Social Sciences, University of Oslo*, May 2012, pp.01-06

¹⁵⁶ Lobo, 9

Concept provided for reduced dependence on nuclear weapons and major changes in NATO's integrated military forces. These changes of forces have consisted of considerable reductions in their size and readiness, improvements in their mobility, flexibility and adaptability to different contingencies and greater use of multinational formations. Measures were also taken to modernize NATO's military command structure and to adapt the Alliance's defence planning arrangements and procedures, particularly in the light of future requirements for crisis management and peacekeeping.

During this period of time, against the background of the crises in the former Yugoslavia and elsewhere, attention increasingly turned towards NATO's role in the field of crisis management and peacekeeping and particularly its support for UN peacekeeping activities relating to the former Yugoslavia. The main initiatives undertaken by NATO in this respect are described in coming part of the thesis. In general, not only wide-ranging consultations and cooperation but also in particular political and security-related matters, such as; peacekeeping, arms control and disarmament, defence planning issues and military matters, democratic concepts of civilian-military relations, the conversion of defence production to civilian purposes, defence expenditure and budgets, scientific cooperation and defence-related environmental issues, dissemination of information about NATO in the countries of Cooperation Partners, policy planning consultations and civil/military air traffic management were focused in the NACC.

At the Rome Summit Meeting, Allied leaders also issued a Declaration on Peace and Cooperation. The Declaration defined the future tasks and policies of NATO in relation to the overall institutional framework for Europe's future security furthermore in relation to the developing partnership and cooperation with the countries of Central and Eastern Europe. It underlined the Alliance's support for the steps being taken in the countries of Central and Eastern Europe towards reform; offered practical assistance to help them to succeed in this difficult transition; invited them to participate in appropriate Alliance forums; and extended to them the Alliance's experience and expertise in political, military, economic and scientific spheres. To this end, "*a North Atlantic Cooperation Council*

(NACC) was established to oversee the future development of this partnership.”¹⁵⁷

Following the publication of the Rome Declaration, additional measures were taken at Ministerial Meetings of Foreign and Defence Ministers and by the North Atlantic Council in Permanent Session to further the process of adaptation and transformation of the Alliance. Three activity areas were particularly mentioned as measures in further studies; the institutional one was the political framework created to develop the relationship between NATO and its Cooperation Partners in Central and Eastern Europe; the development of cooperation in the defence and military spheres; and NATO's role in the field of crisis management and peacekeeping.

Firstly, in the institutional context, the first significant event was the inaugural meeting of the North Atlantic Cooperation Council which took place on 20 December 1991, with the participation of the Foreign Ministers or representatives of NATO countries and of six Central and Eastern European countries as well as the three Baltic States. The role of the NACC was to facilitate cooperation on security and related issues between the participating countries at all levels and to oversee the process of developing closer institutional ties as well as informal links between them. The 11 states on the territory of the former Soviet Union forming the Commonwealth of Independent States (CIS)¹⁵⁸ became participants in this process in March 1992. Georgia and Albania joined the process in April and June 1992 respectively and, by 1997, when the NACC was replaced by the Euro-Atlantic Partnership Council (EAPC), there were 22 NACC Cooperation Partners.

¹⁵⁷ Corneliu Bjola, “NATO as a Factor of Security Community Building: Enlargement and Democratization in Central and Eastern Europe”, *EAPC-NATO Individual Fellowship Final Report 1999-2001*, p.15

¹⁵⁸ Free association of sovereign states formed in 1991, comprising Russia and 11 other republics that were formerly part of the Soviet Union. Members are; Russia, Ukraine, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Armenia, Azerbaijan, Georgia, and Moldova. Its administrative centre is in Minsk, Belarus. The Commonwealth's functions are to coordinate its members' policies regarding their economies, foreign relations, defence, immigration policies, environmental protection, and law enforcement. In February 2006, Georgia officially withdrew from the Council of Defence Ministers, with the statement that "Georgia has taken a course to join NATO and it cannot be part of two military structures simultaneously", but it remained a full member of the CIS until August 2009, one year after officially withdrawing in the immediate aftermath of the 2008 South Ossetia war. Also Ukraine and Turkmenistan did not ratify the CIS agreement so they are not official members of the CIS. For further information see K. Mihalisko, “Year in Review 1998: World-Affairs” at [<http://www.britannica.com/seo/c/commonwealth-of-independentstates: Commonwealth of independent States, United States. Central Intelligence Agency, Washington, D.C., 2000>], 14 March 2001.

NACC cooperation was implemented on the basis of Partnership Working Plans (PWPs), initially established annually but, from 1995 onwards, encompassing two-year periods. The Euro-Atlantic Partnership Council took this process a practical step further and developed an EAPC Action Plan (1998-2000) as the basis for its future work. Secondly, in the defence and military spheres, NATO Defence Ministers met with Cooperation Partners for the first time on 1 April 1992 to consider ways of deepening dialogue and promoting cooperation on issues falling within their competence. As a part of this process, regular meetings took place with Cooperation Partners both at the level of Defence Ministers and in the Military Committee forum. In parallel, with these multilateral meetings, bilateral contacts and cooperation developed between Ministries of Defence and at the military level.

3.1.3 Partnership for Peace

At the 1994 Summit in Brussels, NATO initiated a new programme to enhance stability and security all through Europe. An invitation was issued to the states to join in a new and extensive programme of cooperation with NATO, known as the Partnership for Peace (PfP).¹⁵⁹ The Partnership has since developed into a primary factor of security in the Euro-Atlantic area and occupies a central role in the NATO of today. The Partnership for Peace Invitation was addressed to all states participating in the North Atlantic Cooperation Council (NACC), and other states participating in the Conference of Security and Cooperation in Europe (CSCE), able and willing to contribute to the programme. The activities which each Partner undertakes are based on jointly elaborated Individual Partnership Programmes. The scope and objectives of the Partnership and its evolution and subsequent enhancement are described in appendix C. The Foreign Ministers' meeting in Sintra, Portugal, in May 1997, the NACC was succeeded by the Euro-Atlantic Partnership Council (EAPC), whose purpose was to launch a new stage of cooperation. The principles of the EAPC were developed in close cooperation between the Alliance and its Partner countries and were expressed in the EAPC Basic Document.¹⁶⁰

¹⁵⁹ NATO-PfP Framework Agreement at Appendix C.

¹⁶⁰ EAPC Basic Document is available online at;
<http://nato.md/uploads/site%20docs/EAPC.eng.pdf>

The adoption of the EAPC Basic Document signalled the determination of the then 44 participating countries to raise political and military cooperation between them to a qualitatively new level. The document reaffirmed the joint commitment of the member countries to strengthening and extending peace and stability in the Euro-Atlantic area. The shared values and the principles underlying this commitment are set out in the Framework Document of the Partnership for Peace (PfP). The EAPC in fact provides the overall framework for political and security-related consultations and for enhanced cooperation under the Partnership for Peace. In December 1997 the EAPC endorsed an Action Plan¹⁶¹ which reflected the desire of EAPC members to develop a stronger, more operational partnership between them. One of the underlying aims of the Action Plan was to give political and security-related consultations and cooperation in the EAPC framework even greater focus and depth and to increase transparency among the 44 participating states. EAPC Foreign Ministers also endorsed the principle of establishing a Euro-Atlantic Disaster Response Coordination Centre and Euro-Atlantic Disaster Response Unit. The EAPC provides opportunities for result-oriented multilateral consultations, enhanced practical cooperation, increased consultation and cooperation on regional matters, and increased transparency and confidence in security matters among all EAPC member states.

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Two important principles emphasize the success of cooperation between Allies and Partners in both the Partnership for Peace and the EAPC framework. Firstly inclusiveness: opportunities for political consultation and practical cooperation are open to all Allies and Partners equally; and secondly, mechanisms for self-differentiation: Partners are able to decide individually the level and areas of their cooperation with the Alliance. In line with these principles, the EAPC can meet in plenary session or in a limited format involving the member countries of the Alliance and open-ended groups of Partner countries to focus on functional matters or, on an ad hoc basis, on appropriate regional matters. The number of

¹⁶¹ MAP: Membership Action Plan

¹⁶² There were 44 EAPC members in the beginning, including all 16 NATO member countries plus: Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Czech Republic, Estonia, Finland, Georgia, Hungary, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, Uzbekistan.

cooperative activities undertaken under EAPC auspices also increased. Based on the principles of inclusiveness and self-differentiation, further activities took place on defence economic issues, science, defence-related environmental issues, cooperation in peacekeeping, and civil emergency preparedness.

PfP in its enhanced form remains a clearly identifiable element of practical cooperation in defence-related and military fields within the flexible framework of the EAPC. Most Partner countries have also established Diplomatic Missions at NATO, which contribute significantly to communications and contacts in all these spheres.

One another summit meeting held in Madrid in July 1997 as a milestone event which saw the accomplishment of main initiatives undertaken by the Alliance during the preceding five or six years. At the same time, it heralded the transition to a new and challenging phase in NATO's development, in which innovative structures and policies introduced to respond to new circumstances would be tried and tested in practice. The task of Alliance leaders at Madrid was therefore to pull together the central strands of future Alliance policy as a whole and to ensure their overall integrity and coherence.

At the Madrid Summit Meeting, the extent of the Alliance's commitment to internal and external transformation was fully demonstrated through further concrete and far-reaching measures in all the key areas of concern. Major points outlined as; the beginning of accession talks with the Czech Republic, Hungary and Poland and the endorsement of an "open door" policy on future accessions, enhancement of the Partnership for Peace and the establishment of a new forum in the shape of the EAPC to take cooperation forward, the opening of a brand new chapter in NATO-Russia relations, the formalisation of a growing partnership with Ukraine, the intensification of the dialogue with Mediterranean countries ¹⁶³, progress with respect to the European Security and Defence Identity within

¹⁶³ NATO's Mediterranean Dialogue was initiated in 1994 by the North Atlantic Council. It currently involves seven non-NATO countries of the Mediterranean region: Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia. The Dialogue reflects the Alliance's view that security in Europe is closely linked to security and stability in the Mediterranean. It is an integral part of NATO's adaptation to the post-Cold War security environment, as well as an important component of the Alliance's policy of outreach and cooperation. The Mediterranean Dialogue's overall aim is to contribute to regional security and stability, achieve better mutual understanding and dispel any misconceptions about NATO among Dialogue countries. Information is available online at: http://www.nato.int/cps/en/natolive/topics_60021.htm

NATO, and the definition of the Alliance's radically reformed military command structure. The relative success of the Mediterranean Dialogue is that it has of late become recognized as *"an integral part of the Alliance's cooperative approach to security and is based on the recognition that security in the whole of Europe is closely linked to security and stability in the Mediterranean region."*¹⁶⁴

This full agenda bore witness to a NATO able to take on new challenges without prejudice to its traditional tasks and to base its future role on its proven ability to adapt to evolving security requirements.

¹⁶⁴ NATO Fact Sheets "The Alliance's Mediterranean Dialogue" available online at: <http://www.nato.int/docu/facts/2000/med-dia.htm>

ITEM	MADRID 1997	WASHINGTON 1999
ENHANCEMENT	Czech Republic, Hungary and Poland were invited to begin accession talks and furthermore, it is also promised that the door would remain open to others.	The leaders of these three countries took their place for the first time at the Summit table, and the Alliance started an initiative for other interested countries about their possible membership in the future.
PARTNERSHIP FOR PEACE	NATO leaders had pledged to enhance the Partnership for Peace programme and full range of Alliance partnership activities.	Leaders noted the progress achieved in this regard and unveiled new initiatives designed to continue the work at Madrid.
STRATEGIC CONCEPT	Alliance leaders had requested a review of the Strategic Concept.	A new Strategic Concept is approved
UKRAINE	NATO and Ukraine had signed a Charter on a distinctive partnership which was reflecting the transformed Euro-Atlantic security landscape.	NATO leaders and the Ukrainian President held their first Summit meeting and acknowledged the importance of Ukraine to Euro-Atlantic security and stability.

Figure 5: Comparison of Madrid 1997 and Washington 1999 Summit results.

3.1.4 Accessions of new Member States

NATO held the 15th Summit in Washington, DC, from 23-25 April 1999. The Summit took place during an exceptional period in the Alliance's 50 year history, which is an extraordinary NATO air campaign aimed at bringing peace to Kosovo. Although much of the focus at the Summit was necessarily on the crisis in Kosovo, NATO leaders highly considered other programmes and accomplishments with long-term implications for the

Alliance. The decisions of Washington finalized the studies of the Madrid Summit conducted two years ago. At Madrid, Czech Republic, Hungary and Poland were invited to begin accession talks and furthermore, it is also promised that the door would remain open to others. In Washington, the leaders of these three countries took their place for the first time at the Summit table, and the Alliance started an initiative for other interested countries about their possible membership in the future. It was clearly stated in the Washington summit announcement by the alliance's leaders that "*The three new members will not be the last*".¹⁶⁵

At Madrid, NATO leaders had pledged to enhance the Partnership for Peace programme and the full range of Alliance partnership activities; in Washington, leaders noted the progress achieved in this regard and unveiled new initiatives designed to continue the work. At Madrid, Alliance leaders had requested a review of the Strategic Concept (in essence the roadmap of Alliance tasks and the means to achieve them); in Washington a new Strategic Concept was approved, reflecting the transformed Euro-Atlantic security landscape at the end of the 20th century. At Madrid, NATO and Ukraine had signed a Charter on a Distinctive Partnership; in Washington NATO leaders and the Ukrainian President held their first Summit meeting and acknowledged the importance of Ukraine to Euro-Atlantic security and stability.

The concrete accomplishments of the Summit - in the form of decisions and programmes - set the stage for the Alliance to enter the 21st century. While recognising that the Euro-Atlantic security climate had changed dramatically over the last ten years, the Strategic Concept also acknowledged "*the appearance of complex new risks to Euro-Atlantic peace and stability, including oppression, ethnic conflict, economic distress, the collapse of political order, and the proliferation of weapons of mass destruction.*" It set out the Alliance's purposes and tasks for the future and reflected the resolve of Alliance member countries to maintain the necessary military capabilities to accomplish the full range of Alliance missions.

¹⁶⁵ Washington Summit Communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 24th April 1999. Summit Communiqué is available online at; <http://www.nato.int/docu/pr/1999/p99-064e.htm>

An important feature of the transforming posture of NATO is the development of the European Security and Defence Identity (ESDI) within the Alliance.¹⁶⁶ At the Washington Summit, Alliance leaders welcomed the progress achieved so far and called for continuing work to make ESDI a reality. NATO also launched a Defence Capabilities Initiative, designed to help Alliance military forces become more mobile, interoperable, sustainable and effective. Similarly, the Alliance introduced changes in the integrated military command structure reflecting the transformed security environment. These changes are designed to enable NATO to carry out its operations more efficiently. The Washington Summit Communiqué outlined another new Alliance initiative, on Weapons of Mass Destruction (WMD)¹⁶⁷. NATO's principal aim with regard to these destructive weapons is to *“prevent proliferation from occurring, or, should it occur, to reverse it through diplomatic means.”* In order to respond more effectively to the challenges of proliferation, NATO has established a WMD Centre within the International Staff at NATO Headquarters. The Centre seeks to coordinate an integrated political-military approach by encouraging debate and understanding of WMD issues in NATO; enhancing existing programmes to increase military readiness to operate in a WMD environment; and increasing the exchange of information on WMD destruction assistance programmes among allied countries. Even as they welcomed three new members to their first Summit, NATO leaders emphasised that the door would remain open to others. As it was stated, Lessons were learned, and;

“After the lessons learned in the accession discussions with Poland, Hungary, and the Czech Republic, NATO's Washington Summit in April 1999, introduced the Membership Action Plan (MAP), in part to convince the remaining nine aspirants that Article 10 and the Open Door policy was not hollow and to assist the aspirants in developing forces and capabilities that could operate with NATO under its new Operational Capabilities

¹⁶⁶ The European Security and Defence Identity (ESDI) is the European Union's (EU) effort to acquire a military instrument of power commensurate with its economic and political instruments of power.

¹⁶⁷ NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending against Chemical, Biological, Radiological and Nuclear (CBRN) Threats 1999 document is available online at; http://www.nato.int/cps/en/natolive/official_texts_57218.htm

Concept (OCC). The MAP went further than the 1995 Study on NATO Enlargement in defining what the aspirants needed to accomplish on the "path" to membership."¹⁶⁸

A Membership Action Plan, the “*practical manifestation of the Open Door*,” was unveiled at the Summit.¹⁶⁹ The MAP is a programme of activities from which interested countries may choose, on the basis of national decisions and self-selection. The programme covers five areas: political and economic issues, defence/military issues, resources, security and legal issues. NATO stressed that the programme should not be considered a list of criteria for membership, and that active participation in PfP and EAPC remains essential for countries interested in possible future membership. However, any decision on membership would be made on a case-by-case basis in accordance with the Madrid Summit Declaration and the Washington Summit Declaration. After the Summit-level meeting of the North Atlantic Council, leaders or representatives from the member countries of the Euro-Atlantic Partnership Council also met in Washington. EAPC leaders discussed the situation in Kosovo and expressed their support for the demands of the international community, and their opposition of the policies of violence, repression and ethnic cleansing being carried out in Kosovo by the authorities of the Federal Republic of Yugoslavia. Leaders expressed their support for broad-based security and for economic and democracy-building efforts for the south-eastern Europe region. They also endorsed a report entitled “*Towards a Partnership for the 21st Century - the Enhanced and more Operational Partnership*”¹⁷⁰, aimed at improving the ability of the Alliance and Partner forces to operate together in the future. Although Russia declined to participate in the Washington Summit because of events in Yugoslavia, NATO leaders reiterated their commitment to partnership with Russia under the NATO-Russia Founding Act. They also underscored the fact that close relations between NATO and Russia are of mutual interest and of great importance to stability and security in the Euro-Atlantic area.

¹⁶⁸ Jeffrey Simon, “NATO's Membership Action Plan (MAP) and Prospects for the Next Round Of Enlargement” ,*East European Studies issue No: 58*, November 2000, pp. 3-23

¹⁶⁹ NATO Handbook 2001, p.67-69

¹⁷⁰ “Towards a Partnership for the 21st Century - the Enhanced and more Operational Partnership” report is available online at; http://www.nato.int/cps/en/natolive/official_texts_27434.htm

NATO leaders also held their first-ever summit with the President of Ukraine. Both sides welcomed the progress in their Distinctive Partnership and discussed a variety of Euro-Atlantic security issues. The Washington Summit Communiqué reiterated the importance of NATO's Mediterranean Dialogue as an integral part of the Alliance's cooperative approach to security. NATO leaders directed the Alliance to pursue early implementation of enhancements to the political and practical cooperation initiated under the Dialogue. The achievements of the Washington Summit were both practical and conceptual, the fruit of several years of work. They also reflected the immediate priorities of NATO member countries, in particular the urgency of bringing to an end the conflict in Kosovo and restoring the rights of the people of Kosovo.

In order to cease the conflicts in the heart of the Europe, on the evening of 9 June 1999, a Military Technical Agreement¹⁷¹ was concluded between NATO and the Federal Republic of Yugoslavia. Consistent with the agreement between the Yugoslav government and the special envoys of the European Union and of Russia reached on 3 June, the Military Technical Agreement provided in particular for the immediate withdrawal of Yugoslav security forces from Kosovo. On 10 June 1999, the NATO Secretary General, Javier Solana, was able to announce that the air operations against Yugoslavia had been suspended. On the same day, the United Nations Security Council passed Resolution 1244¹⁷², welcoming Yugoslav acceptance of the principles for a political solution, including an immediate end to violence and the rapid withdrawal of Yugoslav military, police and paramilitary forces. The Resolution also announced the establishment of "international civil and security presences in Kosovo" to operate under UN auspices. The NATO-led Kosovo Force (KFOR), created to fulfil the security part of this mandate, entered Kosovo on 12 June and completed its initial deployment by 20 June. Further details of these events are given in Chapter 5. In the aftermath of the Kosovo conflict, by far the most urgent items on the Alliance's agenda were the implementation of the agreement ending the conflict, the restoration of peace, the return of the refugees and the protection of the people of Kosovo, regardless of their ethnic origins. The coming together of forces from NATO countries, Russia, Ukraine and many other non-NATO countries to

¹⁷¹ Official text is available online at: <http://www.nato.int/kosovo/docu/a990609a.htm>

¹⁷² UNSC Resolution 1244 text is available online at;
<http://www.nato.int/kosovo/docu/u990610a.htm>

achieve these goals owed much to the experience gained from the continuing deployment of the Stabilisation Force (SFOR) in Bosnia and Herzegovina. Many of the countries involved were also active participants in NATO's Partnership for Peace, a factor which has contributed significantly to the role these multinational forces have been able to play in laying the basis for future stability in the region. In the ensuing months, the influence of the Kosovo conflict was also to be seen in the implementation of a number of the initiatives introduced at the Washington Summit in April 1999 and subsequent decisions taken by the Alliance. In particular, it gave added impetus to the move to establish a stronger European Security and Defence Identity and to build up European capabilities commensurate with the task of intervening in crisis management and peacekeeping roles in the event of future conflict in which the Alliance as a whole might not be involved.

In March 2000, a year after the Alliance's intervention in Kosovo, NATO's new Secretary General, Lord Robertson, issued a report summarising the achievements resulting from the military operation and the deployment of KFOR and outlining the challenges which remained. Lord Robertson, former Minister of Defence of the United Kingdom, took up his appointment as NATO Secretary General on 14 October 1999. On his first day in office, outlining the priorities he saw for the Alliance in the coming months, he gave particular emphasis to three areas of immediate concern and long-term significance for the Alliance. First, NATO must play its full role in the stabilisation of the Balkans in the wake of the Kosovo crisis and ensure that the NATO peacekeeping missions both in Bosnia and Herzegovina and in Kosovo create as rapidly as possible the conditions for a self-sustaining peace. Second, he underscored the need to reinforce the European role in NATO, characterising this as an urgent necessity if NATO is to be as strong in the future as it has been in the past. The Alliance must develop good, effective and efficient links with the European Union, as the latter develops its role in this area. Stating that "*more Europe in NATO does not mean less North America*"¹⁷³, Lord Robertson emphasised the fact that the transatlantic relationship remains the key to NATO's effectiveness and that without a strong transatlantic connection; there could be no real stability in Europe or

¹⁷³ Interview with Lord Robertson at the first day of his takeover NATO Secretary General Office: <http://www.apnewsarchive.com/1999/Lord-Robertson-Takes-Over-NATO/id-6d1bf746f7ccfd77794f35a0dad4ae33>

protection for its democratic values. Third, he focused on the immediate priority of establishing closer relations between NATO and Russia, pointing to the resumption of meetings of the NATO-Russia Permanent Joint Council as a highly positive development in this process. This edition of the NATO Handbook describes the evolution of NATO policies in these and other areas of Alliance activity. For ease of reference the book has been divided into two parts, the first detailing the cooperative work being undertaken in specific fields to further Alliance objectives and outlining the context in which policy is evolving; and the second, describing the relevant procedural and structural arrangements which have been put in place to facilitate the exchange of information, consultation, decision-making and operational tasks which are fundamental to the process.

3.2 NATO's changing security concepts:

“...the new strategic environment means that NATO not only has to do things differently, but that it also has to do new things. Responding to this reality and preparing the necessary changes in terms of the political and military transformation of the Alliance certainly would require a new reference framework or Strategic Concept to be drawn up. Rafael Bardaji.”¹⁷⁴

The Strategic Concept¹⁷⁵ is the Alliance's operational and dynamic view of its founding treaty.¹⁷⁶ In other words, the initial formulation of NATO strategy was known as “The Strategic Concept for the Defence of the North Atlantic Area”. It was developed between October 1949 and April 1950 in order to set out a strategy of large-scale operations for territorial defence. In the mid of 1950s, “massive retaliation”¹⁷⁷ was

¹⁷⁴ Rafael Bardaji, “Prospects for a New NATO Strategic Concept”, *Analysis 218* (Madrid: Grupo de Estudios Estratégicos, 2007); available online at;

<http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?lng=en&id=53876>, accessed on 12.10.2012

¹⁷⁵ The Strategic Concept is an official document that outlines NATO's enduring purpose and nature and its fundamental security tasks. It also identifies the central features of the new security environment, specifies the elements of the Alliance's approach to security and provides guidelines for the adaptation of its military forces. <http://www.nato.int/strategic-concept/strategic-concept-faq.html>

¹⁷⁶ NATO's NEW STRATEGIC CONCEPT: A Comprehensive Assessment, Edited by Jens Ringsmose and Sten Rynning, Danish Institute For International Studies (DIIS) Report 2011:02, P.8.

¹⁷⁷ Massive retaliation; in 1954, US President Eisenhower adopted a foreign policy of “massive retaliation.” This policy sought to counter the growing Soviet threat. It viewed nuclear weapons as a means of deterring war and as a first recourse should deterrence fail. The premise of the policy

developed as a strategy of Alliance. It emphasised deterrence based on the threat that NATO would respond to any aggression against its member countries by every means at its disposal, specifically including nuclear weapons.

Later on, according to changing policies within the Alliance, “massive retaliation” was replaced by the strategy of “flexible response” after discussions of possible changes in this strategic approach began later in the 1950s and continued until 1967. In the case of a threat to the sovereignty or independence of any single member country, this concept aimed to give NATO the advantages of flexibility and to create uncertainty in the minds of any potential aggressor about NATO’s response. The above strategies were put in classified MC and DC documents¹⁷⁸, which provided guidance to national governments and points of reference for military planning activities. They were not addressed to the general public. Although the underlying concepts were well known, little public discussion about their details was possible because their effectiveness depended greatly on secrecy. They reflected the realities of the Cold War, the political division of Europe and the confrontational ideological and military situation that characterised East-West relations for many years. As the Cold War continued, however, the Alliance also sought to reduce its dangers and to lay the grounds for progress towards a more positive relationship with the Soviet Union and other member countries of the Warsaw Pact. As it was slightly mentioned at previous chapter of the thesis, the Harmel Report, published in 1967¹⁷⁹, therefore defence and dialogue, including arms control were established, as the dual pillars of the Alliance’s approach to security. As it was mentioned before, the Harmel Report is consisting of 17 paragraphs. Although it was a quite a short document, it highlights two main tasks for the Alliance and several other key issues. According to the report, two essential task were outlined as; “...to maintain adequate military strength and political

was that if the Soviet Union attacked Europe, the United States would use tactical nuclear weapons to blunt the assault. In addition, Strategic Air Command would be used to destroy the Soviet heartland with strategic nuclear weapons. Because of its nuclear offensive capability, Strategic Air Command was seen as the prime force for fulfilling the mission of nuclear deterrence. The policy of massive retaliation completed the transition to a military strategy based on nuclear deterrence. Although political policy changed in the years after Eisenhower, strategic nuclear bombing continued to dominate airpower thinking at the expense of doctrine for the conventional employment of airpower as an integrated whole. “The Information Warfare Site” online course document is available at ; <http://www.iwar.org.uk/military/resources/aspc/pubs/narrate.pdf>

¹⁷⁸ MC; NATO Military Committee, DC; NATO Defence Committee

¹⁷⁹ Report is available online at ; http://www.nato.int/cps/en/natolive/topics_67927.htm

solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur”; and, “...to pursue the search for progress towards a more stable relationship in which the underlying political issues can be solved.”

The text also continues:

“Military security and a policy of détente are not contradictory. Collective defence is a stabilizing factor in world politics. It is the necessary condition for effective policies directed towards a greater relaxation of tensions. The way to peace and stability in Europe rests in particular on the use of the Alliance constructively in the interest of détente. The participation of the USSR and the USA will be necessary to achieve a settlement of the political problems in Europe.”

Key concerns were indicated at the report as; adaptability, stability, détente, German reunification, disarmament, and last exposed areas.

The Report concluded that *“the Alliance had a very important role to play in promoting détente and strengthening peace.”* The insertion of language on defence in the final report provided an opportunity to gain support for the Alliance’s new military strategy published the same year.

With the end of the Cold War era, the political situation in Europe and the overall military situation dramatically changed. The forty year threat that was the drive and motivation behind the creation of NATO had been defeated; the stage was set for either the dissolution of the Alliance or a radically new Strategic Concept. Thus a new Strategic Concept developed during the two years following the fall of the Berlin Wall. This was discussed within the Alliance and was completed in November 1991. In the midst of significant debate over the necessity of NATO continuance and discussions of alternative European security solutions, the July 1990 NATO summit meeting in London produced an agreement to *“transform the alliance to reflect the new, more promising era in Europe.”*

¹⁸⁰ The Alliance's New Strategic Concept was approved at the November 1991 Rome Summit as the first unclassified Strategic Concept¹⁸¹ since 1952.

In April 1999, NATO Allies approved a strategy to furnish the Alliance for the security challenges and opportunities of the 21st century, and to guide its future political and military development, at the Washington Summit meeting. The work of the Washington Summit is reflected comprehensively in the Washington Summit Communiqué and the Strategic Concept. The Communiqué describes the major themes of the Summit and of the Alliance at this key period in its history. The Strategic Concept equips the Alliance for the security challenges and opportunities of the 21st century and guides its future political and military development. This updated version of Strategic Concept¹⁸² was the overall guidance for the development of detailed policies and military plans to the Alliance's planners. It described the Purpose and Tasks of the Alliance and examines its Strategic Perspectives in the light of the evolving strategic environment and security challenges and risks of coming initial decades of the new century. The 1999 version, like previous ones, was the authoritative statement of the Alliance's objectives and provided the highest level guidance on the political and military means to be used in achieving them. Bearing little relation to previous concepts, it emphasised cooperation with former adversaries as opposed to confrontation. It maintained the security of its member nations as NATO's fundamental purpose but combined this with the specific obligation to work towards improved and expanded security for Europe as a whole. In other respects, too, the 1991 Strategic Concept differed dramatically from its predecessors. It was issued as a public document, open for discussion and comment by parliaments, security specialists, journalists and the wider public. In 1997, NATO leaders agreed that the Concept should be re-examined and updated to reflect the changes that had taken place in Europe since its adoption, while confirming the Allies' commitment to collective defence and the transatlantic link and ensuring that NATO strategy is fully adapted to the challenges of the 21st century. Intensive work was undertaken throughout the Alliance, to

¹⁸⁰ The official text is available online at:

http://www.nato.int/cps/en/natolive/official_texts_23847.htm

¹⁸¹ NATO Rome Declaration is available online at;

<http://www.nato.int/docu/comm/49-95/c911108a.htm>

¹⁸² NATO Washington Declaration is available online at;

http://www.nato.int/cps/en/natolive/official_texts_27445.htm?mode=pressrelease

conclude the revision by the time of the Washington Summit. In common with all other Alliance business, the approval of the Concept required consensus on both the substance and the language of the document by all the member countries of the Alliance.

Against the background of the accession of three new member countries, representatives of the Czech Republic, Hungary and Poland were present from the beginning of the discussions. The Strategic Concept was the solid statement of NATO's purposes and tasks and the highest level guidance on the political and military resources to be used in achieving its objectives. The 1999 Concept confirmed that the Alliance's essential and eternal purpose was to safeguard the freedom and security of its members by political and military means. It also affirmed the values of democracy, human rights, and the rule of law and repeated the commitment of the Allies not only to common defence but to the peace and stability of the Euro-Atlantic area. The strategy also defined the Alliance's fundamental security tasks, both in terms of collective defence and the new activities in the fields of crisis management and partnership in order to enhance the security and stability of the Euro-Atlantic area. The Concept described the strategic environment and assessed the predictable security challenges and risks. It noted that in recent years the environment has been marked by continuing and generally positive change and that the Alliance has played an essential part in strengthening Euro-Atlantic security since the end of the Cold War. With respect to risks, the document reaffirmed the conclusion in the 1991 Strategic Concept that the threat of general war in Europe has almost disappeared but that there are other risks and uncertainties facing the members of the Alliance and other states in the Euro-Atlantic region, such as ethnic conflict, the abuse of human rights, political instability, economic fragility, and the spread of nuclear, biological, and chemical weapons and their means of delivery.

Main characteristic features of the Alliance's 1991 strategy were its definition of a broad approach to security, encompassing complementary political and military means and emphasising cooperation with other states that share the Alliance's objectives. This complete approach remained a central aspect of the new Strategic Concept and covered the following essential elements such as:

The preservation of the transatlantic link: Concept boldly underlined the inseparability of European and North American security and therefore the importance of a strong and active partnership between Europe and North America.

The maintenance of effective military capabilities: The strategy called for military capabilities that will be effective under the full range of probable circumstances, from deterrence and collective defence to crisis response operations. The Strategic Concept also provided specific guidance on the necessary capabilities.

The development of the European Security and Defence Identity within the Alliance: The Strategic Concept confirmed that the European Security and Defence Identity will continue to be developed within the Alliance on the basis of decisions taken by Alliance Foreign Ministers in Berlin in 1996 and afterwards. It also stated that this process will require close cooperation between NATO, the Western European Union and, if and when appropriate, the European Union. The Concept affirmed that this process will enable all European Allies to make a more coherent and effective contribution to the missions and activities of the Alliance.¹⁸³

Conflict prevention and crisis management: The Concept described a significant role for the Alliance with respect to conflict prevention and crisis management, since crisis response operations like those in Bosnia and in Kosovo was likely to remain a key aspect of NATO's contribution to Euro-Atlantic peace and security.

Partnership, cooperation, and dialogue: The Concept emphasised the Alliance's determination to pursue its long-standing policy of partnership, cooperation and dialogue with all democratic Euro-Atlantic countries, in order to preserve peace, promote democracy and contribute to prosperity and progress. It pointed out that this approach aims at enhancing the security of all, excludes nobody, and helps to overcome divisions that could lead to conflict. It also described the principal instruments of this policy - the Euro-Atlantic Partnership Council, the Partnership for Peace, the special relationships with Russia and Ukraine, and the Mediterranean Dialogue.

¹⁸³ NATO Handbook 2001, p.46

Enlargement: The Concept confirmed the openness of the Alliance to new members under Article 10 of the Washington Treaty and restated NATO's expectation that it will extend further invitations in coming years.

Arms Control, Disarmament, and Non-Proliferation: Finally, the Strategic Concept set out the Alliance's policy of support for Arms Control, Disarmament, and Non-Proliferation. It underlined the Alliance's intention to keep this aspect of its approach to security in harmony with its approach to defence; and also affirmed that it will seek to enhance security and stability at the lowest possible level of forces consistent with its ability to fulfil the full range of its missions. The final part of the Strategic Concept established guidelines for the Alliance's forces, and instructions for NATO force and operational planners. The strategy highlighted the development of the military capabilities which are needed for the full range of the Alliance's missions, particularly collective defence, peace support and other crisis response operations. Predominantly important capabilities were listed as; rapid deployment ability and mobility, survivability of forces and infrastructure, sustainability, and interoperability with the forces of Partner countries.¹⁸⁴

The specific tasks of the Alliance¹⁸⁵ were described in the 1999 Strategic Concept as follows: To provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the growth of democratic institutions and commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force. To serve as provided for in Article 4 of the Washington Treaty, as an essential transatlantic forum for Allied consultations on any issues that affect their vital interests, including possible developments posing risks for members' security, and for appropriate coordination of their efforts in fields of common concern. To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty. And in order to enhance the security and stability of the Euro-Atlantic area: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis

¹⁸⁴ Ibid, p.47

¹⁸⁵ See "Comparison Table of the NATO Strategic Concepts" at Appendix f.

response operations. To promote wide-ranging partnership, cooperation, and dialogue with other countries in the Euro-Atlantic area, with the aim of increasing transparency, mutual confidence and the capacity for joint action with the Alliance.

September 11 attacks on the United States caused the priority changing and more attention has been given to the better sharing of intelligence relating to the threat from terrorism, strengthening cooperation and partnership with other countries outside the Alliance. Furthermore, coordination with other organisations and in addressing the threat from terrorism, reinforcing the role of NATO and its contribution to military preparedness to counter Weapons of Mass Destruction (WMD) threats and to the ability to operate in a WMD environment, adapting forces structures, and improving military capabilities in other relevant areas.

At the Munich Conference on Security Policy at 2008, NATO Secretary General Jaap de Hoop Scheffer announced that a new Strategic Concept requirement of the Alliance. He declared the changes to the entire security environment since the issuing of 1999 Strategic Concept. Additionally, Secretary General strongly recommended that lessons learned from NATO “out-of-area” operations must be included into NATO strategy and defence planning. *“He also explained NATO’s enlargement and its engagement with global partners and that the Alliance should be better integrated into the emerging network of international institutions.”*¹⁸⁶ This speech reiterated comments that he made at the 2007 Munich Conference.¹⁸⁷ Finally, on 19 November 2010 NATO formally agreed to adopt a New Strategic Concept. After quite a long but very transparent process, the NATO members approved an updated understanding of what the core purpose of the Atlantic Alliance is at the Lisbon Summit.

Because of the several reasons NATO revised 1999 Concept and replaced with 2010 model one. First the global security environment has fundamentally changed so there

¹⁸⁶ Jaap de Hoop Scheffer, “Four Key Tasks for NATO,” 44th Munich Conference on Security Policy, Munich, Germany, February 9, 2008, online at: http://www.securityconference.de/konferenzen/rede.php?menu_2008=&menu_konferenzen=&sprache=en&id=204&, Internet; accessed on 21 October 2012.

¹⁸⁷ Jaap de Hoop Scheffer, Thoughts on a 21st Century NATO, Hampton Roads International Security Quarterly, summer 2007, pp. 23-25, <http://www.proquest.umi.com>; Internet; accessed 21 October 2012.

were new and emerging threats that require adaptive structures and a global, comprehensive approach with a broader range of international actors. Second, the 21st century international order is dynamic and the Alliance needs to adapt its strategy in consideration of the new challenges and actors in the “global governance” of security. Three, the 1999 Strategic Concept and the various Summit Declarations issued since do not sufficiently encapsulate the entirety of NATO’s transformation in the 21st century. NATO has conducted a broad spectrum of non-traditional “out-of-area” operations in the US, the Mediterranean Sea, Afghanistan, Iraq, Pakistan, and Sudan. It has effectively assumed a global area of operations that extends well beyond the Alliance’s area of responsibility as defined in the North Atlantic Treaty. *“Explaining this scope to the public is no trivial task”*.¹⁸⁸

The Strategic Concept adopted by NATO in November 2010 is the Alliance’s third post Cold War Strategic Concept, although in some ways it is number three and a half. NATO’s first such concept was published at the Rome Summit in November 1991. The Rome Strategic Concept changed four decades of security thinking within NATO, by affirming *“that security and stability do not lie solely in the military dimension, and we intend to enhance the political component of our Alliance as provided for in Article 2 in our Treaty.”*¹⁸⁹ This was then updated and revised in time for the Washington Summit – and the Alliance’s fiftieth anniversary – in April 1999. This, the second post Cold War Concept, stood until the Lisbon Summit. However, by 2004–2005, following the terrorist attacks of 11 September 2001 and NATO’s growing engagement in Afghanistan, the issue of whether the second Concept was in need of revision or maybe even replacement was being raised. Given the lack of political agreement within the Alliance, symbolised, of course, in the disputes over the Iraq war, a decision was made to upgrade only that part of the Strategic Concept that dealt with military implications. The result was the approval of the so-called Comprehensive Political Guidance (CPG) at the Riga Summit in November 2006. *“The post Cold War track record thus consists of three New Strategic Concepts and one Comprehensive Political Guidance.”*¹⁹⁰

¹⁸⁸ LCol. M.J. Gilmore., “Exercise New Horizons/Exercice Nouveaux Horizons”, NATO POST-9/11: A New Strategic Concept, *Canadian Forces College CSJP* 34,p.26

¹⁸⁹ NATO Final Report 2000-2002, p.5

¹⁹⁰ DIIS Report 2011, p.11

The New Strategic Concept contained both continuity and change. Many of the basic themes characterising earlier Strategic Concepts were clearly placed to the document. Particularly, Article 5 was once more stressed as the core of transatlantic security cooperation. The new text also put great emphasis on NATO's role in the "Crisis Management". It could be clearly seen in the introduction that with the New Strategic Concept NATO is becoming more political and global. In spite of the fact that the Concept affirms Article 5, globalises the thinking behind it as well. NATO must, as always, "*protect and defend*" but now "*against*" threats such as terrorism, weapons proliferation and cyber wars that know no conventional boundaries. The swing might be most noticeable in the document's declaration of NATO's "three essential core tasks". In contrast to the 1991 and the 1999 Concepts, the 2010 Strategic Concept lists "*crisis management*" and "*cooperative security*" as tasks almost at the same level with "*collective defence*". Crisis management and cooperative security are registered on a equality with collective defence as essential core tasks that the Alliance "must and will" continue fulfilling effectively. Article 5 of the Washington Treaty and the defence of NATO territory were still given priority at the document.

Although, since the establishment of NATO, Allied forces primary role was guaranteeing the security and territorial integrity of member states, the peacekeeping and crises management roles of NATO forces have taken on increasing importance in parallel with the development of the Alliance's overall role in this field. According to main thoughts of the defence experts of the Alliance, wherever the hazardous environment is, will be in the area of interest of the NATO as well. Conventional military aggression against the Alliance or its members is unlikely but the possibility cannot be ignored. The most probable threats to Allies in the coming decade are unconventional. Three in particular stand out: (1) *an attack by ballistic missile (whether or not nuclear-armed)*; (2) *strikes by international terrorist groups*; and (3) *cyber assaults of varying degrees of severity*. A host of other threats also pose a risk, including disruptions to energy and maritime supply lines, the harmful consequences of global climate change, and financial crisis. The danger posed by unconventional threats has obvious implications for NATO preparedness, including its definition of security, its conception of what constitutes an Article 5 attack, its strategy for deterrence, its need for military transformation, its ability

to make decisions rapidly, and its reliance for help on countries and organisations from outside the Alliance.¹⁹¹

As a conclusion of this chapter, transformation in the broad sense of the term is a permanent feature of the Organization. Since its inception, NATO has regularly reviewed its tasks and objectives in view of the evolution of the strategic environment. Preparations for the very first Strategic Concept started in October 1949. In the course of more than half a century, both the Alliance and the wider world have developed in ways that NATO's founders could not have envisaged. Such changes have been in each and every strategic document that NATO has produced since then.¹⁹² The threats, risks and challenges now faced by the Allies are very different from those of the Cold War. NATO no longer perceives large-scale conventional military threats to Alliance territory. Instead, today's security threats include instability, ethnic and religious-based rivalries, competition for natural resources, the proliferation of weapons of mass destruction, failed states, genocide, mass migration, organized crime, cyber attacks and terrorism.

The challenge is to cope with an ever-increasing set of demands and with new types of operations. That is why Allies are committed to pursuing the transformation of their forces: current and future operations will continue to require agile and interoperable, well-trained and well-led military forces – forces that are modern, deployable, sustainable and available to undertake demanding operations far from home bases. This also places a premium on close coordination and cooperation among international organizations and of particular importance to NATO is its relationship with the United Nations and the European Union.¹⁹³

The primary aim of the present chapter is to define the latest position of NATO with respect to the most important issues that are inserted in the new strategic concept. These include issues such as the hierarchy of NATO's tasks and the future importance of threats and challenges of a non-military nature to its activities, the extent and nature of military and internal transformations, the issue of further NATO enlargement, and questions having

¹⁹¹ NATO 2020: Assured security; dynamic engagement, Analysis and Recommendations of the Group of Experts on a New Strategic Concept for NATO, 17 May 2010, p.18

¹⁹² See Appendix e: "Evolution of NATO Strategy 1949-1999 and beyond"

¹⁹³ "An evolving strategic context", available online at:
http://www.nato.int/cps/en/SID-FD4D95AA-708BB88D/natolive/topics_49176.htm

to do with the Alliance's relations with partners and states outside the organization as well as with the most important international organizations. It is also possible that the issues include NATO's role in arms control and disarmament, its activities in the Arctic or questions of public information policy are the topics which only a part of the members see as worth discussing and taking into account in the Alliance's future strategic concept will prove truly important.

It is recommended in this research that to begin by discussing the purpose and challenges encountered by past strategic concepts as well as those likely to be faced by the latest repetition of the 2010 document. It also might be argued that while NATO was able to execute effectively early post-Cold War grand strategy, in the aftermath of 9/11¹⁹⁴ the shift from collective security to collective defence had presented a challenge to the alliance. It is noticeable as one of the main challenges to implementing the latest concept is interoperability among member states. Furthermore, it is better to consider that, NATO must clarify the guidelines governing NATO's out-of-area engagement, make better use of Article 4 and focus on public diplomacy in order to ensure strong public support for alliance endeavours.

3.3 NATO's role in the international security:

3.3.1 Relations between the international organizations and NATO regarding to the security matters;

NATO adapted cooperative security to suit its military and political characteristics and new emerging roles, such as its eastward enlargement. In the NATO context, cooperative security acquired the form of:

“(1) political dialogue, which aims at confidence-building through information sharing/exchange exercises; (2) practical cooperation, which targets the military and defence-related fields, as well as security related to political and economic issues and promotes transparency in national defence planning and military budgeting as well as democratic control of the armed forces; and (3) closer ties with other international organizations and regional institutions, such as the EU, UN, and the Organization for Security and Co-operation in Europe (OSCE), with the

¹⁹⁴ 9/11 is the abbreviation of the event of terrorist attacks to United States of America on 9 September 2001.

*aim of developing a network of interlocking cooperative security institutions.”*¹⁹⁵

3.3.1.1. UN & NATO;

“We can, and should do much more together. We should, for example, talk about terrorism, and how to fight it most effectively. And we should have strategic discussions, on a regular basis, on the future of our shared missions, such as in Afghanistan.” NATO Secretary General Jaap De Hoop Scheffer, on NATO-UN relations at Columbia University.

Cooperation between NATO and the United Nations began to intensify in the early 1990s and has been controversial ever since. As the 1999 air-strikes in Yugoslavia¹⁹⁶ have shown, there are obvious difficulties in the coexistence and collaboration between the major agent for peacekeeping UN and the most significant provider of military power NATO. The chapter focuses on past prospects that resulted from NATO-UN cooperation and the future prospects resulting obstacles that have to be overcome. The chapter also searches that how can the central advantages of NATO-UN cooperation be defined, furthermore, argues a more institutionalized cooperation, in the political even more so than in the military realm, could result in a mutually beneficial situation for these two independent international organizations with global reach and perceived or projected global responsibility.

After a brief historic overview of NATO-UN relations, one of the predominant aspects in the area of new threats to security, such as transnational terrorism, will be analyzed in the aforementioned relation context. It is argued that in tackling non-traditional security issues, inter-organizational cooperation is essential for enlarging the possibility of satisfying outcomes. The paper comes to the conclusion that while a more institutionalized cooperation would be desirable a more selective collaboration on a case-by-case basis seems so far more likely.

¹⁹⁵ Elizabeth Johansson, “NATO and Sub-regional Security Construction in Europe’s Periphery: Dialogues in the Mediterranean and the Baltic Sea”, *NATO Final Report 2000–2002*, pp 14-15

¹⁹⁶ NATO member states conducted a bombing campaign referred to as Operation Allied Force against the Federal Republic of Yugoslavia (FRY) from 14 March to 9 June 1999.

The Charter of the United Nations¹⁹⁷ was signed in San Francisco on 26 June 1945 by 50 nations. On 24 October 1945, the United Nations formally came into being. Article 51 of the UN Charter establishes the inherent right of individual or collective self-defence of all UN member countries. It sanctions measures they might take in the exercise of this right until such time as the UN Security Council has taken the steps necessary to maintain international peace and security. In spite of the fact that, in recent years, some alliance organizations as NATO have undertaken peacekeeping operations beyond their mandated areas, UN welcomes this so long as these operations are authorized by and accountable to the Security Council. In the case of particularly NATO, there may also be a constructive role for it to play in assisting in the training and equipping of less well resourced regional organizations and States. According to the UN Charter, that measures taken by member countries under the terms of Article 51, must be immediately reported to the UN Security Council and do not in any way affect the authority and responsibility of the Security Council to take what actions it deems necessary to maintain or restore international peace and security. World order and peace always takes privilege, particularly in order to prevent non-combatant civilians thus;

*“Once the violence has abated, stabilization operations have been undertaken in a variety of settings, including tightly-coupled operations such as NATO-led SFOR in Bosnia (1996), the KFOR, which supported UNMIK in Kosovo in the aftermath of Operation Allied Force (1999), and the more loosely-coupled ISAF in Afghanistan, which paralleled the UN's own 'light footprint' political mission.”*¹⁹⁸

The relevance of the UN Charter to the North Atlantic Alliance is therefore twofold. First, it provides the juridical basis for the creation of the Alliance; and second, it establishes the overall responsibility of the UN Security Council for international peace and security. These two fundamental principles are enshrined in the North Atlantic Treaty signed in Washington on 4 April 1949. The preamble to the Treaty makes it clear from the outset that the UN Charter is the framework within which the Alliance operates. In its opening phrases, the members of the Alliance reaffirm their faith in the purposes and

¹⁹⁷ See Appendix b : United Nations Charter

¹⁹⁸ Bellamy and Williams, p.49

principles of the Charter. In Article 1 they also commit themselves both to settling international disputes by peaceful means in accordance with the goals of the Charter and to refraining from the threat or use of force in any manner inconsistent with the purposes of the UN. Article 5 of the Treaty makes clear reference to Article 51 of the Charter in asserting the right of the members to take, individually or collectively, such action as they deem necessary for their self-defence, including the use of armed force. Moreover, Article 5 also commits the member countries to terminating the use of armed force in restoring and maintaining the security of the North Atlantic area when the UN Security Council has itself taken the measures necessary to restore and maintain international peace and security. Further reference to the UN Charter is to be found in Article 7 of the North Atlantic Treaty. Article 7 reminds signatories of their rights and obligations under the Charter and reaffirms the primary responsibility of the UN Security Council for the maintenance of peace and security. And finally, in Article 12, which is the main argument of this thesis, a clause was included in the Treaty providing for it to be reviewed after ten years, if any of the Parties to it so requested. It stipulated that the review would take place in the light of new developments affecting peace and security in the North Atlantic area, including the development of universal and regional arrangements under the UN Charter. “*The North Atlantic Treaty came into force on 24 August 1949*”.¹⁹⁹ None of the Parties to it have requested a review of the Treaty under Article 12 so far, although at each stage of its development the Alliance has kept the implementation of the Treaty under continuous review for the purpose of securing its objectives.

The direct relationship between the Treaty and the Charter of the United Nations is and will remain a fundamental principle of the Alliance. From 1949 to the present day, the formal link between the United Nations and the North Atlantic Alliance has remained stable and has manifested itself first and foremost in the juridical relationship between their respective founding documents. “*The two organisations have been cooperating since the early 1990s, and over the years this coordination has broadened to include consultations between NATO and UN specialised bodies on issues such as crisis management, civil-*

¹⁹⁹ European Court Of Human Rights Grand Chamber Decision as to the Admissibility of Application No. 52207/99, 1999, p.4

military cooperation and the fight against terrorism”²⁰⁰. Furthermore, the close cooperation between the two organisations is important in developing an international “Comprehensive Approach” to crisis management. Contacts between the institutions of the United Nations and those of the Alliance were, for most of this period, extremely limited, both in scope and in content. In 1992, in the context of the conflict in the former Yugoslavia, the situation changed. In July 1992, against the background of growing conflict, NATO ships belonging to the Alliance’s Standing Naval Force Mediterranean, assisted by NATO Maritime Patrol Aircraft, began monitoring operations in the Adriatic in support of a United Nations arms embargo against all republics of the former Yugoslavia²⁰¹. In November 1992, NATO and the Western European Union (WEU) began enforcement operations in support of UN Security Council resolutions aimed at preventing the escalation of the conflict by movements of additional arms into the area. The readiness of the Alliance to support peacekeeping operations under the authority of the UN Security Council was formally stated by NATO Foreign Ministers in December 1992. The measures already being taken by NATO countries, individually and as an Alliance, were reviewed and the Alliance indicated that it was ready to respond positively to further initiatives that the UN Secretary General might take in seeking Alliance assistance in this field. A number of measures were subsequently taken, including joint maritime operations under the authority of the NATO and WEU Councils; NATO air operations; close air support for the United Nations Protection Force (UNPROFOR); air strikes to protect UN “Safe Areas”; and contingency planning for other options which the UN might take.

These measures and the basis on which they were undertaken are described in Chapter 5. In December 1995, following the signature of the Bosnian Peace Agreement in Paris on 14 December, NATO was given a mandate by the UN, on the basis of Security Council Resolution 1031, to implement the military aspects of the Peace Agreement. A NATO-led Implementation Force (IFOR) began operations to fulfil this mandate on 16

²⁰⁰ Peter Dahl Thruelsen, *International Organisations: Their Role in Conflict Management*, Royal Danish College, 2009, p.104

²⁰¹ The joint NATO-WEU Operation SHARP GUARD began on 15 June 1993 to replace the separate NATO and WEU operations MARITIME GUARD and SHARP FENCE; the operation was suspended on 19 June 1996 and terminated following a United Nations Security Council resolution adopted on 1 October 1996. <http://www.nato.int/ifor/general/shrp-grd.htm>

December. Details of the work of IFOR and its subsequent replacement by a NATO-led Stabilisation Force (SFOR) in December 1996 are also described in Chapter 5.

North Atlantic Council announced that, subject to the necessary mandate from the UN Security Council, NATO was prepared to organise and lead a multinational force to continue the work in Bosnia and Herzegovina following the end of SFOR's mandate in June 1998. The new force retains the name "SFOR", reflecting the continuing need for stabilisation of the Bosnian situation and for laying the foundations for permanent peace in the region. From the onset of the conflict in Kosovo in 1998 and throughout the crisis, close contacts were maintained between the Secretary General of the United Nations and the Secretary General of NATO. Actions taken by the Alliance in support of UN Security Council resolutions both during and after the conflict and the role of the Kosovo Force (KFOR) established on the basis of UN Security Council resolution 1244 of 12 June 1999, are described in Chapter 5. Outside the context of the former Yugoslavia, in the face of other threats to world peace, NATO countries, while not directly involved as an Alliance, have lent their support and their voice to the efforts of the UN Security Council and the UN Secretary General to avert conflict and restore the rule of international law. In the early part of 1998, in the context of the implementation of UN Security Council resolutions relating to Iraq and of the international inspection regime established to ensure the identification and elimination of weapons of mass destruction and the capacity to produce such weapons, the Alliance called for full compliance by Iraq. On 25 February 1998, the NATO Secretary General issued a statement welcoming the agreement between the Secretary General of the United Nations and Iraq on a diplomatic solution to the Iraq crisis. He paid tribute to the diplomatic efforts and determined stance of the international community, including the NATO Allies, and insisted on the need for full compliance with all the relevant UN Security Council Resolutions.

When the North Atlantic Council discussed the situation in Iraq again, on 4 March 1998, it welcomed the unanimous adoption of UN Security Council Resolution 1154, relating to the implementation of the agreement between the UN Secretary General and Iraq.²⁰² The Council expressed its support for the relevant UN decisions and emphasised

²⁰² Jessica van der Kamp, "International Model United Nations of Alkmaar", *North Atlantic Council Fact Sheet on NATO*, pp.1-24

the importance of stability in the Gulf region to the security of the Euro-Atlantic area. On 20 March 2003 when a US-led coalition invaded Iraq and successfully completed its major combat operations on 1 May 2003, on 8 June 2004 the UN Security Council requested that member states and regional organisations such as NATO contribute assistance to meet the needs of the Iraqi people for security and stability plus humanitarian and reconstruction assistance. On 20 June 2004 the Iraqi Prime Minister asked the NATO Secretary General for NATO help in training, equipping and providing other technical assistance to the Iraqi security forces. NATO Heads of State and Government responded favourably to this request at the Istanbul Summit on 28 June 2004, and on 30 July 2004 the NAC agreed to establish a NATO Training Implementation Mission in Iraq (NTIM-I). A small advance party left for Iraq on 7 August 2004, followed by the main party of 45 personnel in mid-August. Further political discussion in the NAC led to the decision to create a larger training mission to be known as the NATO Training Mission-Iraq (NTM-I). It replaced the initial NTIM-I on 9 October 2004²⁰³. Thus, it is clearly noticeable that not only practical links exist between the UN Charter and the North Atlantic Treaty are exist, but institutions of the UN and the Alliance as well.

At the NATO Chicago Summit in May 2012, NATO Heads of State and Government welcomed the strengthened cooperation and enhanced liaison between NATO and the UN in the main areas such as; to prevent crises, manage conflicts and stabilize post-conflict situations, including by working more closely with NATO's international partners, most importantly the UN and the European Union. The UN is at the core of the framework of international organizations within which the Alliance operates, a principle that is preserved in North Atlantic Treaty.

UN Security Council resolutions provided the mandate for NATO's operations in the Western Balkans and in Afghanistan, and the framework for NATO's training mission in Iraq. More recently, NATO's operation to protect civilians and civilian-populated areas under threat of attack in Libya in 2011 was carried out in support of UN Security Council Resolution 1973. NATO has also provided logistical assistance to the African Union's UN endorsed peacekeeping operations in Darfur, Sudan, in Somalia and support for UN

²⁰³ Available online at; <http://www.aco.nato.int/resources/21/NATO%20Operations,%201949-Present.pdf>

disaster relief operations after the 2005 earthquake in Pakistan. Close cooperation between NATO and the UN is an important tool in the development of a mutual understanding to implement crisis management and operations. The complexity of today's security threats has required a more close cooperation between NATO and the UN. In 2010, in addition to a Military Liaison Officer, established in 1999, NATO strengthened its liaison arrangements by NATO Civilian Liaison Officer to the United Nations. This is a part of NATO's contribution to a as indicated at the Bucharest Summit in 2008²⁰⁴.

As far as the framework for cooperation is concerned, Secretary General of NATO reports regularly to the UN Secretary General on progress in NATO-led operations and on other key decisions of the North Atlantic Council in the area of crisis management and in the fight against terrorism. In recent years, staff-level meetings and high-level visits have become more frequent. The UN is invited to attend NATO ministerial meetings. In September 2008, building on the experience of over a decade of working together, the Secretaries General of the two organizations agreed to establish a framework for expanded consultation and cooperation.²⁰⁵ Including regular exchanges and dialogue at senior and working levels on political and operational issues, that all cover increasing cooperation

²⁰⁴ Bucharest Summit Declaration issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008;

"We welcome over a decade of cooperation between the United Nations and NATO in support of the work of the United Nations in maintaining international peace and security. We have developed operational cooperation in peacekeeping through the UN-mandated NATO-led operations in the Balkans and Afghanistan. These shared experiences have demonstrated the value of effective and efficient coordination between the two organisations. Further cooperation will significantly contribute to addressing the threats and challenges to which the international community is called upon to respond. NATO reaffirms its faith in the purposes and principles of the Charter of the United Nations including the exercise of the inherent right of individual or collective self-defence recognised by Article 51 of the UN Charter, as stated in the Washington Treaty. The primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council.

Available online at; http://www.nato.int/cps/en/natolive/official_texts_8443.htm

²⁰⁵ Frans A.M. Alting von Geusau, *Footprints of The Twentieth Century*, first edition , January 2002, p.233-235, available online at: <http://www.fransamaltingvongeusau.com/docs.php>

will significantly contribute to addressing the threats and challenges that the international community faces.²⁰⁶

Within this general understanding, cooperation between NATO and the UN on issues of common interest, including in communication and information-sharing; capacity-building, training and exercises; lessons learned, planning and support for contingencies; and operational coordination and support is aimed. It is also aimed that the cooperation must continue to develop in a practical way, taking into account each organization's specific mandate, expertise, procedures and capabilities. Staff level meetings are planned to place on an annual basis between the Secretariats of NATO and the UN. Similar meetings also are going to take place with other UN organizations and NATO officials participate in events organized by other UN bodies when required. However, this mutually accepted synergy did not work in the past as far as some special cases were concerned.

“In addition, although the use of regional mechanisms does not necessarily undermine the primacy and authority of the UN, there are notable examples of coalitions of Western states acting without UN authorization and explicitly calling the UN's authority into question. In 1999, for example, some NATO members claimed Operation Allied Force was upholding past Security Council resolutions while some key figures associated with the Clinton administration argued that NATO did not need UN authorization, thereby direct challenging UN authority.”²⁰⁷

Meanwhile, as detailed below, in general, NATO contributes to the work of a number of UN committees and bodies, so these specialised bodies resume cooperation and consultation on issues such as; crisis assessment and management, civil-military cooperation, training and education, logistics, combating human trafficking, mine action, civilian capabilities, women and peace and security, arms control and non-proliferation, and the fight against terrorism.

²⁰⁶ Available online at; http://www.nato.int/summit2009/topics_en/20-nato-un_relations.html

²⁰⁷ Alex J. Bellamy and Paul D. Williams, “The West and Contemporary Peace Operations”, *Journal of Peace Research*, Vol. 46, No. 1 ,Jan., 2009, p. 42

In counter-terrorism matters, NATO actively participates in the work of the UN Counter-Terrorism Committee (UN CTC)²⁰⁸ and joins special meetings of the Committee. NATO is also committed to supporting the UN Global Counter-Terrorism Strategy and contributes the non-proliferation efforts. This work is done by the UN Security Council Committee established in 2004 in order to run UNSCR 1540²⁰⁹, and addresses the threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery. One of the most significant points made by Boutros Boutros-Ghali in his discussion of the potential role of regional actors for establishing “perpetual peace and lasting order” via peace support and enforcement operations was that,

“The capacity of regional organizations for peacemaking and peace-keeping varies considerably....Given their varied capacity, the differences in their structures, mandates and decision-making processes and the variety of forms that cooperation with the United Nations is already taking, it would not be appropriate to try to establish a universal model for their relationship with the United Nations.”²¹⁰

NATO also remains committed to the full implementation of UNSCR 1325²¹¹ which is aimed at protecting and promoting women’s rights, role and participation in preventing and ending conflict. In parallel with the NATO/Euro-Atlantic Partnership Council Policy, NATO has approved a Strategic Progress Report²¹² on mainstreaming UNSCR 1325 and related Resolutions into NATO-led Operations and Missions. Furthermore, in August 2012, NATO Secretary General appointed a NATO Special Representative for these important issues. In this framework North Atlantic Council was tasked to continue implementing the Policy and the Action Plan, furthermore, undertake a review of the

²⁰⁸ UN Counter-Terrorism Committee (UN CTC) is established in accordance with UN Security Council Resolution (UNSCR) 1373 in the aftermath of the 11 September 2001 terrorist attacks on the United States.

²⁰⁹ Available online at; <http://www.un.org/News/Press/docs/2004/sc8076.doc.htm>

²¹⁰ Boutros Boutros-Ghali, Supplement to Agenda for Peace (Position Paper of the Secretary-General on the Occasion of the 50th Anniversary of the United Nations, 3 January 1995), paragraph 86-87.

²¹¹ Available online at; http://www.un.org/events/res_1325e.pdf

²¹² Available online at; http://www.nato.int/issues/women_nato/meeting-records/2012/pdf/UNSCR1325-NCGP-May2012.pdf

practical implications of UNSCR 1325 for the conduct of NATO operations and missions. This review was also subject to further integrate gender perspectives into Alliance activities. NAC mission also covers submitting a report on the above mentioned issues for the next NATO Summit.

NATO also remains committed to the implementation of UNSCR 1612 and related Resolutions on the protection of children affected by armed conflict. At the NATO Summit in Chicago, NATO leaders expressed their concern at the growing range of threats to children in armed conflict and strongly condemned that they are increasingly subject to recruitment, sexual violence and targeted attacks. NATO-led operations, such as the International Security Assistance Force (ISAF) in Afghanistan, are taking an active role in preventing, monitoring and responding to violations against children, including through pre-deployment training and a violations alert mechanism. This approach, based on practical field-oriented measures, demonstrates NATO's firm commitment on this issue, as does the recent appointment of a NATO Focal Point for Children and Armed Conflict in charge of maintaining a close dialogue with the UN. NATO-UN cooperation in this field is creating a set of good practices to be integrated in NATO training modules and taken into account in possible future operations.

In the context of small arms and light weapons, NATO contributes also at the UN Programme of action to prevent, combat and eradicate the illegal trade in Small Arms and Light Weapons (SALW) in all its phases. Programme²¹³ was approved in July 2001 by almost 150 states, together with all NATO member states.²¹⁴ Every two years, the UN holds the Biennial Meeting of States to Consider the Implementation of the Programme of Action. Through the Ad Hoc Working Group on SALW, established in 1999 within the framework of the Euro-Atlantic Partnership Council, NATO supports the implementation

²¹³ Programme contains the measures at the national, regional and global levels in the areas of legislation, destruction of weapons that have been confiscated, seized or collected, as well as international cooperation and assistance to strengthen the ability of states in identifying and tracing illicit arms and light weapons. See; Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001. Available online at: <http://www.un.org/events/smallarms2006/pdf/N0150720.pdf>

²¹⁴ Elli Kytömäki and Valerie Yankey-Wayne, "Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons", *Regional Analysis of National Reports*, United Nations Publication, 2006.

of the Programme of Action with outreach activities, including at regional and sub-regional level.

NATO co-operates with the UN in support of disaster relief operations through the Euro-Atlantic Disaster Response Coordination Centre (EADRCC)²¹⁵. NATO also coordinates consequence-management efforts with UN and other bodies and shares information on disaster assistance via EADRCC. All the tasks of the Centre in the coordination of international disaster relief operations are performed in close cooperation with the primary role-player United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA).

Currently, NATO is engaged in training and assistance efforts in Iraq and in Sudan. Training efforts in Iraq (NTM-I) are to be regarded as a compromise between the US administration and the Alliance. NATO is not engaged in the US-led military enforcement in Iraq, as the Alliance could not come to a consensual agreement on engagement. NATO Engagement in Iraq followed after request by the Iraqi government in 2004. The UN's engagement in the country is based on SC Resolution 1500 and 1511 (2003) and manifests itself in the establishment of the UN Assistance Mission for Iraq (UNAMI)²¹⁶. NATO is training Iraqi military personnel and assists in security sector reform. It is also coordinating delivery of equipment for the Iraqi military. The mission is regarded by NATO as well as the Iraqi government as a successful cooperation and beneficial to Iraq's stabilization process.

²¹⁵ The EADRCC is a regional coordination mechanism, supporting and complementing the UN efforts. In the case of a disaster requiring international assistance, it is up to individual NATO member states and partner countries to decide whether to provide assistance, based on information received from EADRCC. Further information about EADRCC is available online at: https://docs.google.com/viewer?url=http://www.aidmatrix.org/relief-programs/CS_NATO_EADRCC.pdf

²¹⁶ The UN support role in Iraq was established by Security Council resolution 1546 (2004) and expanded under resolution 1770 (2007). It has since been extended under resolutions 1830 (2008), 1883 (2009) and 1936 (2010). These resolutions are implemented by UNAMI and the United Nations Country Team, which includes UN agencies, programmes and funds. UNAMI works to promote national dialogue and reconciliation, and carries out its responsibilities in contact with the Government of Iraq and leaders from all segments of Iraqi society, as well as with representatives of countries around the region and the wider international community. Further information is available online at: http://www.un.org/wcm/content/site/undpa/main/activities_by_region/middle_east/iraq

Assistance in Sudan was delivered within the framework of AMIS, the African Union's (AU) Assistance mission in Sudan, which was installed to end violence and improve the humanitarian situation in the region. The Alliance terminated its support, when the UN-AU hybrid-mission UNAMID was installed. Nevertheless, NATO has expressed its readiness to consider any requests for support to the new peacekeeping force. NATO-UN cooperation in the training and assistance sector could be intensified to create synergies. NATO's capabilities can effectively be utilized for stabilization processes in countries under stress. The examples of previous NATO-UN cooperation show, that successful collaboration can be mutually beneficial to the organizations. As soon as ambiguous mandates and responsibilities are concerned, as being the case in Yugoslavia, cooperation becomes more difficult and does not always result in positive outcomes. The current efforts nevertheless show that NATO-UN cooperation is intensifying in various sectors. The cultivation of inter-institutional contacts coinciding with an increase in mutual trust and understanding can lead to a more evident and prompt collaboration in the planning process of future missions, particularly against international terrorism.

The transnational nature and dimension of the threat of terrorism has forced International Organizations toward the idea of enhanced inter-institutional cooperation and also obliged them to demonstrate their relevance. It serves as a useful example for potential NATO-UN cooperation as it incorporates the full range of responses, from social and economic to political and security and engages every level of government²¹⁷. Like the fundamental changes within the context of the post-Cold War world order, the fight against terrorism had a significant impact on NATO and its meaning for the US administration as well as for the United Nations. It is obvious that neither the US nor the UN can gain considerable ground by combating transnational terrorism on their own. A close cooperation between regional and global organizations as well as states seems the more promising route to take. Regarding the disunity about the definition of the actual phenomenon within the UN and NATO, effective cooperation strategies are limited by the security environment and diverging threat perceptions. Even within NATO differences in risk perceptions lead to disunity about measures to properly address the problem.

²¹⁷ Janka Oertel, "The United Nations and NATO", *ACUNS (The Academic Council on the United Nations System) 21st Annual Meeting*, Bonn, Germany, 5-7 June 2008, p.6

Europeans feel significantly less threatened than their transatlantic partners.²¹⁸ Therefore, up until now, united against terrorism largely remains in the rhetoric rather than in the operational realm.

In summarizing the previous assumptions NATO-UN cooperation has so far been characterized by selective *case-by-case* collaboration and rather rhetorical than actual commitment to collaboration. Since NATO-UN cooperation has started to intensify fairly recent, an improvement of inter-organizational dialogue can be anticipated. Successful cooperation on case-by-case basis does not necessarily militate against a more institutionalized framework between NATO and the United Nations. Potential steps to a more institutionalized cooperation between the two organizations could consist of a more frequent interpersonal exchange as well as regular high-level consultations. Also a permanent observer status for NATO within the UN General Assembly could link the organizations more closely together. The final introduction of the proposed framework declaration could make the relations more predictable and improve the inter-organizational dialogue.

NATO still serves as the predominant security provider in the western hemisphere, with projection capabilities and a worldwide outreach. Its experience and military structures and especially the close involvement of the United States can serve as a valuable asset to UN peace operations as well as humanitarian relief efforts and security sector reform. NATO and the UN have already worked side-by-side on various occasions. If NATO is operating under UN mandate, it is provided with maximum political legitimacy for military actions especially in “out-of-area” theatres. The question remains, whether NATO can and will provide its unique capabilities for regions of less obvious interest to the Alliance. Recent developments such as assisting other regional organizations like the African Union with training and support measures or providing training for Iraqi forces offer a promising response to new challenges. Within the UN framework, NATO seems so far to be associated closely with US Foreign Policy, which explains some of the reluctance for a stronger and more institutionalized cooperation. This holds especially true for the bureaucratic Secretariat structures as well as the General Assembly, dominated by developing countries, largely suspicious of the former Cold War Western military alliance.

²¹⁸ *ibid*, p.8

Additionally the permanent members of the Security Council are usually weary of endangering their prominent position within the UN system for collective security. According to some scholars, a framework cooperation agreement, creating alleged automatisms for NATO action would be counter-productive rather than helpful²¹⁹. However, NATO's main advantage, its professional and well-trained military command structure, will be used selectively.

NATO is nevertheless aware of the fact; that it cannot get rid of the global responsibilities without risking its current significance, although it will predominately remain a military alliance with regional focus. UN security efforts can benefit from NATO's commitments given before, but while the brief analysis of past collaboration has shown that a more institutionalized cooperation can be mutually beneficial, as long as the introduction of the framework agreement between the world organization and the Atlantic alliance is pending, a case-by-case cooperation seems so far more likely.

Despite the mutual needs of NATO and the UN, questions of autonomy in the use of force and its legitimate basis will probably continue to complicate the relationship. The Allies have often repeated the reference in Article 7 of the North Atlantic Treaty to "the primary responsibility of the Security Council for the maintenance of international peace and security." However, the Alliance has retained a right to decide autonomously on the use of force, without a formal authorization by the UN Security Council, given its character as a collective defence organization. It is also argued that the Allies have asserted this right not only with reference to the Alliance's status as a collective defence organization, but also in light of the Alliance's self-perception as a contributor to collective security and as a community of values.

3.3.1.2 EU&NATO:

"France thinks NATO should not be a forum for global security issues, and therefore it is inappropriate to discuss these issues at EU-NATO meetings...French officials sometimes say that close EU-NATO co-operation could lead to the US gaining excessive influence over EU foreign and defence policy. They also say that the US may use

²¹⁹ David S. Yost, "NATO and International Organizations", Cees M. Koops (ed.): NATO Defence College, Research Division, *Forum Paper Series, Rome, 2007*, p. 59, online available at: http://www.ndc.nato.int/download/publications/fp_03.pdf

NATO missions as a means for getting European troops to serve American strategic interests.” Daniel Keohane, Irish scholar.²²⁰

European nations’ interest in collective security and defence dates back to the end of the Second World War. The establishment of the Western European Union (WEU) in 1948, the European Defence Community (EDC) initiative of 1954, the Fouchet Plan of 1961²²¹, and the European Political Cooperation which began in 1970 all represent efforts in that direction. However, the Cold War and the establishment of the North Atlantic Treaty Organization (NATO) with the United States delayed plans for a more active European role in security initiatives until the 1990s.²²² Progress of NATO and the European Union (EU), after the collapse of the Soviet Union in 1991 has brought with it some friction between the United States and several of its allies over the security responsibilities of the two organizations. These differences centre on; (1) *threat assessment*, (2) *defence institutions*, and (3) *military capabilities*.²²³

Most of the EU member states support close NATO-EU links, but also view European Security and Defence Policy (ESDP) as a means to give themselves more options for dealing with future crises, especially in cases in which the United States may be reluctant to become involved. A minority of EU countries, leaded by France, continue to support a more autonomous EU defence identity. This aspiration has been fuelled further recently by disputes with the United States over how or whether to engage international

²²⁰ Daniel Keohane, Unblocking EU-NATO Cooperation, *CER (Centre for European Reform) Bulletin Issue 48*, London, June/July 2006, p.23

²²¹ Fouchet Plan; The Fouchet Plan was a plan written by Christian Fouchet, France's ambassador to Denmark and proposed by President Charles de Gaulle of France in 1961. The idea was to form a new Union of States, an intergovernmental alternative to the European Communities. De Gaulle feared a loss of French national influence in the European Communities, which at the time was becoming more and more supranational, so the Plan was an attempt to keep the balance of power in France’s favour. Due to the success of the European Communities and the lack of enthusiasm of other states for this idea, the Fouchet Plan was never implemented.

Anthony Teasdale and Timothy Bainbridge, *The Fouchet Plan: De Gaulle’s Intergovernmental Design for Europe*, the Penguin Companion to European Union, fourth edition, Penguin Books, London, 2012.

²²² Can Buharalı, “Better NATO-EU Relations Require More Sincerity”, *EDAM (Centre for Economics and Foreign Policy Studies) Discussion Paper series-2010/1*, January 2010, p.2

²²³ Kristin Archick, Paul Gallis, NATO and the European Union, CRS (Congressional Research Service) *Report for Congress, the Library of Congress*, 6 April 2004, p.44

institutions, such as the United Nations, on security matters and over the weight given to political versus military instruments in resolving international crises.

EU has formally been pursuing ESDP since the European Council meeting at Cologne in June 1999. The key step that made this possible, the abandonment by the United Kingdom of its longstanding opposition to EU involvement in military security and defence matters, took place in late 1998²²⁴. Since all members of the Western European Union (WEU) are members of the Alliance, it was possible to regard the effort to construct what was called a European Security and Defence Identity (ESDI) during most of the 1990s as essentially a project within the Alliance. During the WEU-centred phase of this effort, from 1991 to 1998, the focus was on strengthening the WEU, as the European pillar of the Alliance and the defence component of the European Union.

In January 1994, for example, the NATO Allies declared that they support strengthening the European pillar of the Alliance through the Western European Union, which is being developed as the defence component of the European Union. Also they welcome the close and growing cooperation between NATO and the WEU that has been achieved on the basis of agreed principles of complementarities and transparency, therefore stand ready to make collective assets of the Alliance available, on the basis of consultations in the North Atlantic Council, for WEU operations undertaken by the European Allies in pursuit of their Common Foreign and Security Policy. WEU supported the development of separable but not separate capabilities which could respond to European requirements and contribute to Alliance security. The Alliance devised arrangements, notably those approved at a June 1996 Berlin ministerial meeting, to make its collective assets available for WEU-led operations. One of the key principles was to make arrangements for the use of separable but not separate military capabilities in

²²⁴ From the beginning of the EU's Common Foreign and Security Policy (CFSP) in December 1991, with the framing of the Maastricht version of the Treaty on European Union, until October 1998, the United Kingdom held that the Western European Union (WEU), an organization based on the 1948 Brussels Treaty, as modified in 1954, should be responsible for implementing EU decisions with defence implications. It was mainly owing to British policy that in the Maastricht and Amsterdam versions of the Treaty on European Union EU members committed themselves to relying on the Western European Union to elaborate and implement decisions and actions of the European Union which have defence implications. See; David S. YOST, "NATO and International Organizations", *Forum Papers Series, Edited by Cees M. Coops*, Rome, September 2007, pp.158-170.

operations led by the WEU.²²⁵ Until 1998, however, two conceptions of the WEU's role clashed within the EU: (1) *The British/Dutch view linking the WEU as closely as possible to NATO*, (2) *The French/German objective of binding the WEU as tightly as possible to the EU, with the ultimate aim of merging key elements of the WEU into the EU.*²²⁶

The latter approach carried the day with the pivotal change in British policy in late 1998. The victory of the latter approach spelled the end of the “separable but not separate” approach, because the EU would increasingly pursue ESDP decision making and command structures as well as capabilities distinct from those of the Alliance. After the shift in British policy in late 1998, European Union members decided to pursue an ESDP under EU auspices and turned away from the previous WEU-centred focus. WEU member governments who are all members of the EU, transferred most of the WEU's assets to the EU, including the WEU's military staff, situation centre, satellite data interpretation centre, and security studies institute, as well as all WEU bodies involved in promoting European armaments cooperation. Since some EU members are not Alliance members,²²⁷ the challenge at hand was no longer constructing a WEU-based ESDI within the Alliance but working out arrangements for the EU to pursue an ESDP in cooperation with the Alliance. Michael Rühle has rightly summed up the magnitude of this challenge: “A *European Union with a distinct military dimension constitutes the most profound institutional change within the transatlantic security community since its creation almost six decades ago.*”²²⁸ This means that 21 of the 26 NATO Allies now organize themselves in a framework that also covers security and conducts its own dialogue with Washington.

The Alliance took an important step with a view to effective NATO-EU teamwork at the Washington Summit in April 1999. The Allies approved principles for cooperation

²²⁵ For further information about the “Military Operations led by WEU” see the “Interview with Willem van Eekelen”, Secretary-General of Western European Union (WEU) from 1989 to 1994, on the subject of the military operations led by WEU (The Hague, 1 October 2009). Interview is available online at; http://www.cvce.eu/obj/interview_with_willem_van_eekelen_the_military_operations_led_by_weu_the_hague_1_october_2009-en-682e3209-7214-4108-a688-5d55e0543d94.html

²²⁶ Yost, 73

²²⁷ The EU members that are not members of NATO are Austria, Cyprus, Finland, Ireland, Malta, and Sweden. The NATO members that are not members of the EU are Canada, Iceland, Norway, Turkey, and the United States.

²²⁸ Michael Rühle, “A More Political NATO”, *NATO Review*, Winter 2005, pp. 4-6

with the EU known as “Berlin Plus,” to signify that they would build on the June 1996 agreements in Berlin. The Allies declared that they were ready to define and adopt the necessary arrangements for ready access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily as an Alliance, and added that these arrangements would address:

*“(1) Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations; (2) The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations; (3) Identification of a range of European command options for EU-led operations, further developing the role of DSACEUR²²⁹ in order for him to assume fully and effectively his European responsibilities; (4) The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations”.*²³⁰

It took the NATO Allies and the EU member states from April 1999 to December 2002 to determine how to formalize this agreement. At the December 2002 European Council meeting in Copenhagen took note of one of the key decisions relating to NATO-EU cooperation and accepted that *“As things stand at present, the Berlin Plus arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the Partnership for Peace, and which have consequently concluded bilateral security agreements with NATO.”*²³¹ This

²²⁹ DSACEUR; Deputy Supreme Allied Commander Europe.

²³⁰ North Atlantic Council, Washington Summit Communiqué, 24 April 1999, par. 10. The statements in the 1999 Strategic Concept about NATO-EU cooperation, adopted the same day as the Washington Summit Communiqué, are less precise and not entirely consistent with the political reality of an emerging ESDP, perhaps owing to a residual wish on the part of some NATO Allies to retain the previous concept of an ESDI within the Alliance. For example, the Strategic Concept states that “the European Security and Defence Identity will continue to be developed within NATO” and adds that “This process will require close cooperation between NATO, the WEU and, if and when appropriate, the European Union.” The call in the Strategic Concept for “the full participation of all European Allies if they were so to choose” may have reflected the concerns of Turkey and other non-EU European Allies. See; North Atlantic Council, *Strategic Concept*, 24 April 1999, paragraph 30.

²³¹ Copenhagen European Council 12 and 13 December 2002 Presidency Conclusions, European Council - DOC/02/15 14/12/2002. Available online at: http://europa.eu/rapid/press-release_DOC-02-15_en.htm

framework was based on a mutual understanding defined by the US Secretary of State Madeleine Albright in 1999 as the *3Ds*. That is, the purpose was not to *duplicate* NATO assets, not to *discriminate* against non-EU NATO members, and not to *decouple* the EU from the transatlantic security architecture.²³² As such, the primacy of NATO was guaranteed, while the Europeans were allowed to assume more responsibilities. Since the Bosnian crisis of the 1990s had demonstrated the difficulties in mounting a concerted and institutionalized European response, furthermore, the US was reluctant to remain the primary actor in the European security scene after the fall of the Berlin Wall and dissolution of the Warsaw Pact, it was time for the European Allies to reorganize themselves.

2003 was a critical year in terms of NATO-EU relations. Based on the agreed framework, the EU took over the responsibilities of the NATO-led Operation in Macedonia in March 2003²³³, first Berlin plus operation with NATO assets made available to the EU. Also the NATO-EU Capability Group was established in May 2003 to ensure the coherence and mutual reinforcement of NATO and EU capability development efforts and the first joint crisis management exercise of NATO and the EU were held in December of the same year. As such, although it took almost three years to finalize, the NATO-EU cooperation was launched to a quick start in 2003, raising expectations. However, despite the achievements of NATO-EU cooperation and the substantial shared tasks facing these organizations, there are serious difficulties in their relations. The difficulties include institutional and national rivalries, the participation problem, and disagreements about the proper scope and purpose of NATO-EU cooperation.²³⁴

As a matter of fact, EU decision-making in the security and defence sector is by consensus; this means that each nation retains its sovereign right not to participate in particular ESDP operations. There is no qualified majority voting in ESDP decision-making; and a consensus rule applies, as in NATO. Because ESDP actions may involve

²³² Buharalı, p.3

²³³ OPERATION ALLIED HARMONY :(16 December 2002 – 31 March 2003) NATO, after the 15th of December 2002, had a dual presence, in the framework of operation “Allied Harmony”. The operational Units provided support to International Observers and the Advisory Units supported the government of FYROM to maintain the security of the country. See; Igor Novaković, Multilateral Operations – NATO, Western Balkan Security Observer (WBSO) No.16, January-March 2010.

²³⁴ Yost, p. 81

military operations and entail the use of force, EU members have been unwilling to make transfers of sovereignty regarding such matters. The European Union has a leaner military and political/military staff, in part because it can call upon NATO, if it chooses, for planning and other staff functions. The European Union, like the United Nations, can draw upon a wide array of civil assets essential in any nation-building operation. EU, like NATO soldiers are vastly more expensive than UN troops on a man-for-man basis. EU mechanisms, like those of NATO and unlike those of the United Nations, offer troop-contributing governments' greater possibility of influencing the operational use of their contingents. As far as differences are concerned, the EU's multiple functions and capacities mean that it has economic, police, justice, social and other instruments to support reconstruction, reform, and democratization far beyond what NATO has historically been able to offer. The EU's civilian assets outside NATO's scope of activity include tools essential to state capacity-building.²³⁵ Moreover, in dealing with some situations the EU can handle an incentive to promote cooperation, the prospect of EU membership, that may be in some cases more strong than NATO's capacity to offer partnership or membership.

For nearly a decade, attention has been focused upon elaborating modalities for NATO to help the European Union plan for and conduct military operations. Yet in the field of nation-building the European Union has at least as much to offer NATO as NATO has to the European Union. The time has come; therefore, to ask not what NATO can do for the European Union, but what the European Union can do for NATO. It is possible to predict military contingencies in which the European Union might be involved, but not NATO. It is not possible to conceive of the reverse. In any NATO-led military mission, all essential civil functions will inevitably have to be devolved to the European Union, its member states, Canada and the United States and other international organisations, as has already been the case in Afghanistan, Bosnia and Herzegovina, and Kosovo. In theory, NATO might develop its own capabilities for civil implementation. However, in practice, after having poured so much effort into building up the European Union's capacities in this sphere, the European Allies are unlikely to invest in a similar effort to build up NATO's. If, therefore, NATO is not to develop its own capacity to deploy and train police, promote

²³⁵ Yost, p.90

the development of civil society, stimulate economic development and undertake any number of other mission-essential civil tasks, it needs to develop more reliable arrangements with the European Union, the Organization for Security and Cooperation in Europe, the United States and the United Nations to ensure that other states and organisations will contribute these assets in support of future NATO-led military operations. This line of development also offers a framework in which EU-US collaboration in the defence and security field can expand in a manner that does not detract from NATO. Where better for an EU-US defence dialogue to start than on issues of security sector reform, police training, the deployment of gendarmerie, the building of civil society, election support and economic reconstruction, with the objective of working together to render more effective support to both NATO and UN-led military operations of common interest.

For a variety of reasons, the United Nations should remain the West's nation-builder of first resort. The United Nations is cheaper; it is more experienced; it is more widely acceptable in most circumstances; and the risks and burdens of UN-led operations are shared among a much broader base of countries. Western governments can strengthen UN capabilities through a variety of means.²³⁶ However, the EU is the only major organization with which NATO has formally structured cooperation, but this cooperation has been far from optimal. The key problems derive from firmly maintained national policies. Only nations can choose to change their policies; and fundamental changes appear improbable, at least in the near term. Each nation has a sovereign right to its own policies concerning the extent to which flexibility is in order regarding the interpretation of particular agreements. Similarly, each nation has a sovereign right to its own views as to whether certain types of activities fall within the appropriate sphere of competence of specific international organizations. Prevailing political factors offer little ground to expect NATO-EU relations to become more than marginally more productive in the near term. It is therefore doubtful whether many of the ideas under the heading of room for improvement, will win support in current circumstances.

²³⁶ James Dobbins, "NATO's role in nation-building", *NATO Review Special issue*, Winter 2005, p.27

As far as the theme of this thesis is considered, the harmony of NATO-EU capabilities planning and coordination is vital because the military resources of all the NATO Allies and EU members are limited. Important concepts in this domain include harmonizing plans for NATO Response Force²³⁷ rotations and EU Battle²³⁸ group commitments and integrating EU requirements in NATO's defence review and force planning process. Some observers have called for joint NATO-EU defence planning, but this goal remains remote in foreseeable political circumstances. EU priorities have, however, been integrated in NATO planning for several years. In this manner, EU Military Staff members, European Defence Agency staff members, and representatives of non-NATO EU member states have attended NATO meetings to discuss NATO planning, including the responses of NATO Allies to Defence Planning Questionnaires. On the contrary, the EU has evidently not welcomed NATO staff members or representatives of non-EU NATO European Allies to its meetings to a commensurate extent, reportedly owing to concerns about protecting its institutional autonomy.²³⁹

NATO and the EU have nonetheless not yet found an effective way to express the political reality of the EU's ESDP within the Alliance. If NATO-EU cooperation is to move forward, the states in these organizations must find a means to reflect the fact that 21 of the 26 NATO Allies are EU members, or conversely, the fact that 21 of the 27 EU members are NATO Allies. The solutions might include addressing unresolved questions

²³⁷ The NATO Response Force (NRF) is a highly ready and technologically advanced multinational force made up of land, air, maritime and Special Forces components that the Alliance can deploy quickly to wherever it is needed. It is comprised of three parts: a command and control element from the NATO Command Structure; the Immediate Response Force, a joint force of about 13 000 high-readiness troops provided by Allies; and a Response Forces Pool, which can supplement the Immediate Response Force when necessary. For further information, see; Jeffrey P. Bialos and Stuart L. Koehl, *The NATO Response Force Facilitating Coalition Warfare through Technology Transfer and Information Sharing*, Centre for Technology and National Security Policy National Defence University, September 2005.

²³⁸ The EU Battle group (BG) is a specific form of the EU's rapid response elements and is one possible answer to the timely provision of the necessary capabilities for an EU rapid response operation. In this context a BG, is the minimum militarily effective, credible, rapidly deployable, coherent force package, capable of stand-alone operations, or for the initial phase of larger operations; is based on a combined arms, battalion sized force and reinforced with Combat Support and Combat Service Support elements; will be based on the principle of multi-nationality and can be formed by a Framework Nation or a multinational coalition of Member States. In any case, interoperability and military effectiveness have to be the key criteria; must be associated with a (F) HQ and pre-identified operational and strategic enablers, such as strategic lift and logistics.

²³⁹ Yost, p.96

and ensuring satisfactory implementation of agreed arrangements for consultations and participation by non-EU NATO European Allies in ESDP operations. If the NATO Allies cannot find a way to take the ESDP into account within Alliance structures and make cooperation with NATO attractive, the tendency for several EU members to give increased attention to autonomous ESDP structures and capabilities outside the Alliance framework will persist. This will remain a key policy issue for the Alliance in the coming years.

3.3.1.3 OSCE&NATO:

“..The risks and challenges we face today cannot be met by a single State or organization”. OSCE²⁴⁰

..The challenges facing the new Europe cannot be comprehensively addressed by one institution alone.”NATO²⁴¹

During the Cold War years, the main role of the CSCE, Conference on Security and Cooperation in Europe, as the OSCE was called prior to 1995, was to promote discussion and negotiation between East and West. This role was questioned by some in the West, but ultimately supported as a vehicle for promoting Western political views in Warsaw Pact states. At that point, CSCE was considered a potentially useful but not essential complement to NATO, which was charged with the main responsibility for defending Europe.

With the end of the Cold War, this to some extent stressed but productive relationship rapidly changed for the worse. American political leaders, concerned over the possibility of isolationist resurgence in American political opinion, urgently wanted to maintain the pre-eminent influence in Europe that they had exercised through NATO during the Cold War. These fears of isolationism proved somewhat misdirected.²⁴² Traditional American isolationism did not show major increases, but instead appeared transmuted into a modern post-Cold War version, American unilateralism. Nevertheless,

²⁴⁰ Organisation on Security and Cooperation in Europe (OSCE) Charter for European Security, Istanbul OSCE Summit, November 1999, p.12

²⁴¹ The Strategic Concept of the Alliance, NATO Handbook 1998.

²⁴² Jonathan Dean, “OSCE and NATO: Complementary or Competitive Security Providers for Europe”, *CORE (Centre for OSCE Research) Yearbook 1999*, p.430, available online at:<http://www.core-hamburg.de/documents/yearbook/english/99/dean.pdf>

the concerns of the U.S. administration about NATO were justified. In the years before the United States' reluctant 1995 decision to become directly involved in peacekeeping in Bosnia, NATO had only a residual function of insuring against the distant possibility of a revived Russian threat. It was being vigorously criticized for failure to play a more constructive role in the conflicts in Croatia and Bosnia, and more and more considered an expensive and useless relic of a past confrontation. The ultimate result was the energetic campaign for NATO enlargement.

The NATO is, basically, an organization of collective security. It means that it faces the danger of an attack from outside against a member state of the organization. NATO would act only if one of its members is victim of an aggression. It is based on the Washington Treaty Article 5²⁴³. The OSCE is an organization of co-operative security, which means that its objective is to cope with the danger of internal conflicts within the participant states. The OSCE member States declared that their approach is; *one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. It excludes any quest for domination. It implies mutual confidence and the peaceful settlement of disputes.*²⁴⁴

As far as security is concerned, NATO and the OSCE have complementary roles and functions in promoting peace and stability in the Euro-Atlantic region, particularly in areas such as conflict prevention and crisis management. The NATO-OSCE relationship in this context is clearly declared at both the political and the operational level. The OSCE is to play a more effective role in conflict prevention and resolution, complemented, when necessary, by peacekeeping operations. The perspective that the OSCE plays a more active role in peacekeeping operations has been reinforced at Istanbul at the end of 1999.²⁴⁵ But the OSCE has no army, or armed capacity. NATO is therefore ready to fulfil this vacuum

²⁴³ “The right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations”, This article sanctions “the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”

²⁴⁴ Lisbon declaration on a common and comprehensive security model for Europe for the 21st century, p.3, in Lisbon 1996 Document, DOC.S/1/96, 3 December 1996

²⁴⁵ “we have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping”, Istanbul 1999 Document, P.46

by making available Allied resources and expertise.²⁴⁶ What is the goal of this future new involvement in peacekeeping operations? It could be a means to increase the participation of east-European countries, and especially the Russia, in these operations. All the members of NATO are participants to the OSCE, so the latter is a wonderful forum in order to set up operations in common with the Russia, which could participate to peacekeeping operations in the future, as it has already been involved in the Kosovo post-crisis reconstruction.

Relations between the OSCE and the North Atlantic Treaty Organization (NATO) have been crucial in developing the security architecture of post-Cold War Europe. Since the beginning of the Helsinki process, NATO has significantly contributed to the debate within the CSCE/OSCE on developing the OSCE Security Model. NATO's important role in promoting security in Europe is emphasized in a number of OSCE documents.

In the context of the political basis for cooperation between the NATO-OSCE, relationship reflects the Alliance's commitment to a broad approach to security and the desire of NATO member countries, expressed in the Alliance's 1999 Strategic Concept²⁴⁷, to establish cooperative relationships with other complementary and mutually reinforcing organisations. Political relations between the two organisations are governed by the "Platform for Cooperative Security" launched at the OSCE Istanbul Summit in 1999. The Platform calls for reinforced cooperation between international organisations, drawing on the resources of the international community to drive for democracy, prosperity and stability in Europe and beyond. It provides for meetings between the organisations to discuss operational and political issues of common interest. At the Prague Summit in November 2002, NATO leaders expressed their desire to extend cooperation with the Organization for Security and Cooperation in Europe in the areas of conflict prevention,

²⁴⁶ Alliance interaction with the OSCE, NATO Handbook 1998.

²⁴⁷ The document stated that the Alliance's fundamental tasks were security, consultation, and deterrence and defence, adding that crisis management and partnership were also essential to enhancing security and stability in the Euro-Atlantic area. It noted that NATO had managed to adapt and play an important role in the post-Cold War environment, and established guidelines for the Alliance's forces, translating the purposes and tasks of the preceding sections into practical instructions for NATO force and operational planners. The strategy called for the continued development of the military capabilities needed for the full range of the Alliance's missions, from collective defence to peace support and other crisis-response operations. It also stipulated that the Alliance would maintain for the foreseeable future an appropriate mix of nuclear and conventional forces. For further information see; *NATO's New Strategic Concept: A Comprehensive Assessment*, Edited by Jens Ringsmose and Sten Rynning, DIIS REPORT 2011:02

crisis management and post-conflict rehabilitation operations. They also highlighted the need to exploit the complementarities of international efforts aimed at reinforcing stability in the Mediterranean region. Following this statement, the two organisations began developing closer contacts affecting their respective dialogues with countries in the region. In light of changes in the security environment, both organisations have also extended their dialogue to other areas of common interest, including terrorism.

After September 11 particularly, relations have continued to expand, reflecting the new focus on agendas set by the OSCE participating States at the recent meetings of the OSCE Ministerial Council and by the NATO Member States at the NATO Istanbul Summit. The Istanbul Summit Communiqué states that "NATO and the OSCE have largely complementary responsibilities and common interests, both functionally and geographically. NATO will continue to further develop co-operation with the OSCE in areas such as conflict prevention, crisis management and post-conflict rehabilitation. Co-operation addresses issues, such as: combating terrorism, border management and security, disarmament, small arms and light weapons, confidence- and security-building measures, regional issues, exchange of experience on the respective Mediterranean Dimensions. Co-operation between the OSCE and NATO also was framed and relations are maintained through; regular addresses by the OSCE Chairman-in-Office to the North Atlantic Council and the Euro-Atlantic Partnership Council, regular addresses by the NATO Secretary General to the OSCE Permanent Council, regular contacts between the Secretaries General of both organizations, quarterly working level meetings between representatives of both organizations and participation by OSCE observers to NATO-led planning exercises. Moreover, in December 2003, the OSCE Ministerial Council, meeting at Maastricht, the Netherlands, adopted a new "Strategy to Address Threats to Security and Stability in the 21st Century". This document recalls the need, in a constantly changing security environment, to interact with other organisations and institutions cooperating in the context of the Platform for Cooperative Security, and to take advantage of the assets and strengths of each. With regard to the fight against terrorism, NATO's efforts, particularly within the framework of partnerships with non-member countries, complement those of the Organization for Security and Co-operation in Europe. A number of OSCE initiatives have been launched since the September 2001 terrorist attacks on the United States, including

the Charter on Preventing and Combating Terrorism adopted in Porto in 2002.²⁴⁸ The OSCE has recognized that security goes beyond politico-military issues and fully encompasses the security of the individual human being. According to the OSCE, its multi-dimensional approach to security does not call for the balancing of liberty and security, or suggests that liberty, or aspects of it, must be sacrificed to achieve security. On the contrary, the OSCE regards the respect for human rights and the rule of law as an integral element of security. Combating and ultimately overcoming terrorism will not succeed if the means to do so are not in conformity with human rights standards²⁴⁹. Also, in the field, since the deployment of the OSCE Mission in Kosovo in July 1999, the Mission has developed close links with the NATO-led Kosovo Force (KFOR) which provides a secure environment for the international community in the province. The NATO-led Stabilization Force (SFOR) in Bosnia and Herzegovina and the OSCE Mission to Bosnia and Herzegovina worked closely together to implement the Dayton Peace Agreement.

On regional issues, the combined efforts of the EU, NATO and the OSCE have been instrumental in preventing crises from escalating and in stabilizing the situations in both Southern Serbia in 2000-2001 and the Former Yugoslav Republic of Macedonia in 2001. For example, joint efforts facilitated the signing of the Ohrid Framework Agreement on 13 August 2001.²⁵⁰ NATO-OSCE cooperation has also contributed to promoting better management and securing of borders in the western Balkans by this agreement. At a high level conference held in Ohrid in May 2003, five Balkan countries endorsed a Common Platform developed by the European Union, NATO, the Organization for Security and Co-operation in Europe and the Stability Pact²⁵¹, aimed at enhancing border security in the

²⁴⁸ OSCE Charter on Preventing And Combating Terrorism text is available online at; <http://www.osce.org/odihr/16609>

²⁴⁹ OSCE, The Review of the United Nations Global Counter-Terrorism Strategy, New York, 28-29 June 2012,

²⁵⁰ In the wake of an armed uprising by the Albanian minority in Macedonia, in the spring and summer of 2001, the parties were convinced and forced by the international community into signing in Ohrid an agreement. The constitution was amended to reflect the role of the Albanians as a constituent ethnicity, affirmative action quotas were introduced in higher education and state employment, particularly in the security forces. Sam Vaknin, Why the Ohrid Framework Agreement in Macedonia will Fail, available online at; <http://samvak.tripod.com/nm101.html>

²⁵¹ The Stability Pact was initiated by the European Union in May 1999. It was subsequently formally adopted at an international conference held in Cologne on 10 June 1999 and placed under the auspices of the Organization for Security and Co-operation in Europe. The Stability Pact is designed to contribute to lasting peace, prosperity and stability in south-eastern Europe through

region. Each organisation supports the countries involved in the areas within its jurisdiction. Further Platforms based on this agreement are the specific examples of effective co-operation between the OSCE, the EU and NATO. In 2004 and 2005, the NATO-led International Security Assistance Force in Afghanistan provided substantial security assistance to the OSCE's Election Support Teams that were deployed to Afghanistan to monitor the Presidential and Parliamentary elections respectively.

As a final words it could be said that the NATO and the OSCE are working together to build security and promote stability in the Euro-Atlantic area. The two organizations cooperate at both the political and the operational level in areas such as conflict prevention, crisis management and addressing new security threats.²⁵² *“Whether favourably or not, these two halves of an ideal European security organization, NATO and OSCE, are not likely to come together anytime soon to form a single, com-prehensive institution.”*²⁵³

3.3.2 Alliance’s major security operations in Cold War Era;

3.3.2.1. Bosnia-Herzegovina (IFOR-SFOR)

The political dissolution of Eastern Europe at the end of 1980s exposed military disputes and caused long-term social, political, and economic upheaval. The greatest fallout is evidenced by the political collapse of the Socialist Federative Re-public of Yugoslavia (SFRY). Socialist Yugoslavia (1945-91) was a federation of six republics: Croatia, Bosnia-Herzegovina, Serbia, Slovenia, Macedonia, and Montenegro. In June 1991, after referendums in both republics, Croatia and Slovenia declared their independence; war broke out shortly thereafter. Bosnia-Herzegovina followed suit in March of 1992 and war broke out one month later. All three states were admitted to the United Nations (UN) in May 1992.

coherent, coordinated action, by bringing together the countries of the region and other interested countries and organisations with capabilities to contribute. It establishes specific mechanisms to coordinate joint actions. NATO Handbook, 2006, available online at;
<http://www.nato.int/docu/handbook/2006/hb-en-2006/Part9.pdf>

²⁵² NATO’s relations with the OSCE, NATO official webpage, available online at :
http://www.nato.int/cps/en/natolive/topics_49911.htm

²⁵³ Dean, 433



Figure 6: Former Yugoslavia²⁵⁴

Macedonia voted independence in September 1991, but was not admitted into the UN until April 1993. The remaining two republics, Serbia and Montenegro, formed a union and refer to themselves as the "Federal Republic of Yugoslavia," or simply "Yugoslavia."

Although the war "officially ended" in Croatia in 1992, the occupied Croatian territories (about one-fourth of the country) were under Serbian occupation and were liberated in May and August of 1995. After the Croatian offensive the international community decided to send International Forces (IFOR) troops into Bosnia.²⁵⁵

This came after over three years of NATO operations related to the war in Bosnia. Since July 92, NATO naval forces had monitored (and then enforced starting in

²⁵⁴ <http://www.cftech.com/BrainBank/GEOGRAPHY/FormerYugoslavia.html>

²⁵⁵ Maria B.Olujic, "Embodiment of Terror: Gendered Violence in Peacetime and Wartime in Croatia and Bosnia-Herzegovina", *Medical Anthropology Quarterly, New Series, Vol. 12, No. 1*, The Embodiment of Violence, March 1998, p. 32

November) the UN arms embargo which is Operation SHARP GUARD. Since October 92, NATO forces had monitored (and then enforced starting in April 1993) the UN-imposed no-fly zone over Bosnia (Operation DENY FLIGHT). In June 1993, NATO offered close air support to the United Nations Protection Force (UNPROFOR)²⁵⁶. Problems in the command and control arrangements for this close air support heavily influenced the structure for the international implementation of the Dayton Peace Agreement starting in December 1995. And later starting 30 August 1995, NATO executed operation DELIBERATE FORCE, a series of air strikes against Bosnian Serb military targets²⁵⁷. During UN and NATO missions through mid-1997, major military operations were rare. One of them took place in March 1996, when IFOR seized arms and ammunitions from the Bosniac government and I myself personally participated in the planning and operational phases of this effort as a SFOR staff. In order to understand the necessity of NATO intervention, at this point, it is better to mention the DPA implementation and some details of the Operation Joint Endeavour briefly.

On 20 December 1995, a NATO-led multinational force called the Implementation Force (IFOR) started Operation Joint Endeavour on 20 December 1995 after the Bosniac, Serb, and Croat factions (also called the Former Warring Factions, or FWF) agreed to a peace agreement that would end the four-year-long war and ethnic cleansing. Representatives from the Republic of Bosnia-Herzegovina (represented by Alija Izetbegovic), the Bosno-Croat Federation, and Republika Srpska (Bosno-Serbs), along with the Presidents of Croatia (Franjo Tudjman) and the Federal Republic of Yugoslavia (Slobodan Milosevic) referred to as the parties in the accord, negotiated the General Framework Agreement For Peace (GFAP) in Dayton, Ohio, and formally signed it in Paris on 14 December 1995.

The accord is commonly referred to as the Dayton Peace Agreement (DPA)²⁵⁸. It provided the structure and mandates for an international mission designed to end the

²⁵⁶ Schulte Gregory L., "Former Yugoslavia and New NATO," *Survival*, vol. 39, no 1, spring 1997, pp. 19-42.

²⁵⁷ Dick A. Leudijk, "Before and After Dayton: The UN and NATO in the former Yugoslavia," *Third World Quarterly*, vol. 18, no 3, 1997, pp. 457-470;

²⁵⁸ The General Framework Agreement for Peace in Bosnia and Herzegovina initialled in Dayton on 21 November 1995 and signed in Paris on 14 December 1995. For further information about the Agreement, see; <http://www.incore.ulst.ac.uk/services/cds/agreements/dayton.html>

fighting and help the FWF achieve reconciliation under a unified, democratic, and multi-ethnic Bosnia. In Operation Joint Guard, SFOR received an 18 month mandate to oversee and enforce the cease-fire²⁵⁹. Its primary mission was to implement Annex 1A (Military Aspects) of the Peace Agreement. It accomplished its principal military tasks by causing and maintaining the cessation of hostilities; separating the armed forces of the Bosniac - Bosnian Croat Entity (the Federation) and the Bosnian - Serb Entity (the Republika Srpska) by mid-January 1996; transferring areas between the two Entities by mid March; and, finally, moving the Parties' forces and heavy weapons into approved sites, which was realised by the end of June. For the remainder of the year IFOR continued to patrol along the 1,400 km long de-militarised Inter-Entity Boundary Line (IEBL) and regularly inspected over 800 sites containing heavy weapons and other equipment. In carrying out these tasks it opened 2,500 km of roads, repaired or replaced over 60 bridges, and freed up Sarajevo airport and key railway lines.

Due to IFOR's early success, a secure environment was established. This enabled the High Representative who is nominated at the London Peace Implementation Conference of 8-9 December 1995, and other organisations to start their work with regard to the implementation of the civil aspects of the peace agreement, and to create conditions in which the return to normal life could begin in Bosnia and Herzegovina. Within the limits of its mandate²⁶⁰ and available resources, IFOR provided substantial support to the High Representative and to the other organisations. One important element was the priority support given to the Organisation for Security and Co-operation in Europe (OSCE) in preparing and conducting the September 1996 elections²⁶¹.

²⁵⁹ Pascale Combelles Siegel, Target Bosnia: Integrating Information Activities in Peace Operations, NATO-Led Operations In Bosnia-Herzegovina December 1995-1997, *USA DoD Command and Control Research Program*, January 1998, p.2

²⁶⁰ Under UN Security Council Resolution 1088 of 12 December 1996, SFOR was authorised to implement the military aspects of the Peace Agreement as the legal successor to IFOR. Like IFOR, SFOR operates under Chapter VII of the UN Charter (peace enforcement). SFOR has the same robust rules of engagement for the use of force, should it be necessary to accomplish its mission and to protect itself. The primary mission of SFOR is to contribute to the safe and secure environment necessary for the consolidation of peace. Its specific tasks are: (1) *to deter or prevent a resumption of hostilities or new threats to peace.* (2) *To promote a climate in which the peace process can continue to move forward.* (3) *To provide selective support to civilian organisations within its capabilities.*

²⁶¹ Available online at; <http://www.nato.int/sfor/docu/d981116a.htm>, accessed on 27 April 2013.

In November and December 1996, in London under the auspices of the Peace Implementation Conference, NATO Foreign and Defence Ministers decided that a reduced military presence was needed to provide the stability necessary for consolidating the peace. They also agreed that NATO should organise a Stabilisation Force (SFOR), which was subsequently activated on 20 December 1996, the date the IFOR mandate expired. The role of IFOR (Operation Joint Endeavour) was to implement the peace. The role of SFOR (Operation Joint Guard / Operation Joint Forge) was to stabilise the peace. The difference between the tasks of IFOR and SFOR was reflected in their names.

Following the hand-over to SFOR in December 1996, the command structure, as directed by the North Atlantic Council (NAC), was broadened to include a deputy SFOR commander, a deputy operational commander and divisional commanders at the head of each MNTF (1,800 - 2,000 troops). This structure comprised 300 staff at HQSFOR at Camp Butmir in Sarajevo, led by the Commander of SFOR (COMSFOR) and three Multi-National Task Forces (MNTFs) working in different areas: *(1) MNTF-North (MNTF-N) based in Tuzla; (2) MNTF-Southeast (MNTF-SE) based in Mostar; and (3) MNTF-Northwest (MNTF-NW) based in Banja Luka.*

The Allied Forces Southern Command (AFSOUTH) Headquarters served as the operational-level headquarters for this operation, due in part to the recent success of *Operation Sharp Guard* (maritime control) and the need to use air bases on Italy's territory. AFSOUTH, located in Naples, Italy, is a 45-year-old peacetime NATO headquarters, which had the mission to watch over naval deployments in the Mediterranean Sea. AFSOUTH was neither staffed nor equipped to lead a land force into combat.



Figure 7: NATO IFOR Multi National Division (MND) Sectors²⁶²

Had IFOR encountered more combat in this operation, the headquarters structure probably would have failed without much additional U.S./NATO staff support and equipment. There is a belief, in some minds, that Headquarters IFOR and the Allied Rapid Reaction Corps (ARRC) constituted a Joint Task Force. This was not the case in Bosnia.²⁶³ The transfer of authority from the commander of UN Peace Forces to the commander of IFOR took place on 20 December 1995, 96 hours after the NATO Council's approval of the main deployment. On that day, all NATO and non-NATO forces participating in the operation came under the command and/or control of the IFOR commander. IFOR secured conditions for the safe, orderly, and timely withdrawal of the remaining UN forces not coming under NATO command and control. By 19 January 1996, 30 days after the transfer of authority from UNPROFOR to IFOR (D+30), the parties to the Agreement had withdrawn their forces from the zone of separation (ZOS) on either side of the agreed cease-fire line. As of 3 February 1996 (D+45), all forces had been withdrawn from the

²⁶² Map shows boundaries as set in the Dayton Peace Agreement as well as the NATO zones of operation, available online at; <http://planken.org/balkans/sfor/operation-joint-guard>

²⁶³ Lessons from Bosnia: The IFOR Experience, contributing editor; Larry K. Wentz, US Department of Defence Command and Control Research Programme CCRP, January 1998, p.36

areas to be transferred. The transfer of territory between Bosnian entities was completed by 19 March 1996 (D+90), and a new zone of separation was established along the inter-entity boundary line (IEBL).

All heavy weapons and forces were to be in cantonments or demobilized by 18 April 1996 (D+120), which represented the last milestone in the military annex to the Peace Agreement. Due to technical problems, the parties to the Peace Agreement were not able to complete the withdrawal and demobilization or cantonment of heavy weapons and forces by the deadline, although the revised deadline set by SACEUR of 27 June 1996 (D+180) for the cantonment of heavy weapons was met. In some areas, compliance had fallen short of requirements under the Peace Agreement. The parties had released most prisoners of war but not all. Minefield clearance from the zones of separation and areas being transferred fell behind schedule. However, IFOR continued its efforts to monitor demining operations and to lend assistance to the parties in other areas. IFOR also continued its efforts to remove impediments to freedom of movement and to project a sense of security throughout the country. It played a key role in creating the conditions for peace, but ultimately peace depended on the parties themselves.

In accordance with the Peace Agreement, IFOR had the following primary military tasks (1) ensure continued compliance with the cease-fire, (2) ensure the withdrawal of forces from the agreed cease-fire zone of separation back to their respective territories, and ensure the separation of forces, (3) ensure the collection of heavy weapons into cantonment sites and barracks and the demobilization of remaining forces, (4) create conditions for the safe, orderly, and speedy withdrawal of UN forces that have not transferred to the NATO-led IFOR, and (5) maintain control of the airspace over Bosnia-Herzegovina.²⁶⁴ The role of IFOR (*Operation Joint Endeavour*) was to implement the peace. The role of SFOR (*Operation Joint Guard*) was to stabilize the peace. SFOR had the same rules of engagement as IFOR for the robust use of force, if it should be necessary to accomplish its mission and to protect itself.²⁶⁵ The NATO and 18 non-NATO nations that participated in IFOR also participated in SFOR. In addition, Egypt, Jordan, and Morocco participated in the Alliance's Mediterranean dialogue.

²⁶⁴ Lessons from Bosnia, p.26

²⁶⁵ Lessons from Bosnia, p.32

Slovenia and Ireland also joined SFOR, bringing the total of non-NATO participating nations to 20. In December 2004, SFOR ended its mission, was replaced by a NATO Headquarters Sarajevo and a European Union Force - EUFOR²⁶⁶.

Although it may be argued that UNPROFOR, essentially a peacekeeping force, was sent into Bosnia-Herzegovina at an inappropriate time when there was in fact no peace to keep,²⁶⁷ the further successes of the IFOR/SFOR mission have shown that the NATO Alliance can adapt its forces and policies to the requirements of the post-Cold War world. There is hope and determination that these efforts will help to create a just and lasting peace for all of the citizens of Bosnia and Herzegovina.

3.4.2.2 Kosovo (KFOR)

“[Kosovo] is probably the first war that has not been waged in the name of national interests, but rather in the name of principles and values. If one can say of any war that it is ethical, or that it is being waged for ethical reasons, then it is true of this war. Vaclav Havel, President of the Czech Republic”

By the end of the 1990s the SFRY²⁶⁸ was no more exist. The region had experienced wars in Slovenia, Croatia and Bosnia; ethnic nationalism was the dominant political force across the Balkans; war, criminality and corruption had severely damaged the region's economies; and a fourth conflict, with the potential to drag in neighbouring states, was

²⁶⁶ On 2 December 2004, 9 years after the war ended, the European Union launched a military operation in Bosnia and Herzegovina (BiH) entitled Operation ALTHEA. This followed the decision by NATO to hand over its own peacekeeping mission that had maintained security in the region since the war ended. The EU deployed a robust military force (EUFOR) at the same manpower levels as NATO's SFOR to ensure continued compliance with the Dayton/Paris Agreement and to contribute to a safe and secure environment in BiH. According to original force structure, EUFOR troops were principally located in three main areas of the country: (1) *Multi-National Task Force (North)* – approx 1,300 personnel based in Tuzla. (2) *Multi-National Task Force (North West)* – approx 1,000 personnel based in Banja Luka. (3) *Multi-National Task Force (South East)* – approx 1,400 personnel based in Mostar.

Available online at EUFOR web page:

http://www.euforbih.org/index.php?option=com_content&view=article&id=13&Itemid=133, accessed on 29 April 2013.

²⁶⁷ Hilaire McCoubrey, “Kosovo, NATO and International Law”, *SAGE Publications International Relations*, 1999, p.30

²⁶⁸ Socialist Federal Republic of Yugoslavia.

emerging in Kosovo²⁶⁹. As it was mentioned in the Dayton Agreement which had ended the war in Bosnia in 1995, the status of this region soon emerged as the new centre of gravity of Yugoslavia's violent dissolution. The reel into violence had multiple and complex roots, but its immediate impulse was the rise of Kosovar Albanian militancy in the shape of the Kosovo Liberation Army (KLA)²⁷⁰ coupled with brutal countermeasures on the part of the Yugoslav army and Special Forces of the Serbian Interior Ministry²⁷¹.

Actually, rape, the threat, the fear, the act have been political weapons in the Balkans long before the 1990s. It was in the context of such incidents that Milosevic made his famous speech in April, 1987, at the site of the battle of Kosovo Polje. "You shouldn't abandon your land just because it's difficult to live, because you are pressured by injustice and degradation." He told Serb demonstrators who were clashing with the mainly Albanian police that "No one should dare to beat you."²⁷² This remark propelled him to the leadership of Serbia. Later on incidents in Kosovo once more started at June 28, 1989, when Serbian leader Slobodan Milosevic marked the 600th anniversary of the Battle of Kosovo against the "Ottoman Empire" at Gazimestan by addressing more than one million Serbs, recounting the heroism of the Serbian nation and their Christian Orthodox faith in resisting the spread of Islam into Europe.

During his speech, he reassured his audience that the Autonomous Province of Kosovo would remain an integral part of Serbia and Yugoslavia, despite the then current

²⁶⁹ Andrew Cottey, "The Kosovo war in perspective", *International Affairs* volume 85 issue 3, 2009, p. 593

²⁷⁰ Also known as UCK (KLA in English acronym or UCK in the Albanian acronym), the Kosovo Liberation Army, first appeared in Macedonia in 1992. In 1995 the beginnings of armed resistance to the Serbs appeared, when the KLA carried out isolated attacks on Serbian police. The KLA appeared for the first time in public in June 1996, assuming responsibility for a series of acts of sabotage committed against the police stations and policemen in Kosovo. After these bombings, Serb authorities named it a terrorist organization. For further information, see; <http://webwm.com/kosovo/h/kla0.htm>

²⁷¹ Kosovo's position as an autonomous province of Serbia had been revoked in 1990. Serbia, along with Montenegro, made up the two constituent parts of the Federal Republic of Yugoslavia. For further information. "Independent International Commission on Kosovo: The Kosovo Report", available online at; http://sitemaker.umich.edu/drwcasebook/files/the_kosovo_report_and_update.pdf

²⁷² Bob Allen, "Why Kosovo? The Anatomy of a Needless War", *Canadian Centre for Policy Alternatives*, July 1999, p. 12

and often violent, problems of separatism demanded by the Muslim Albanian majority living in Kosovo²⁷³.

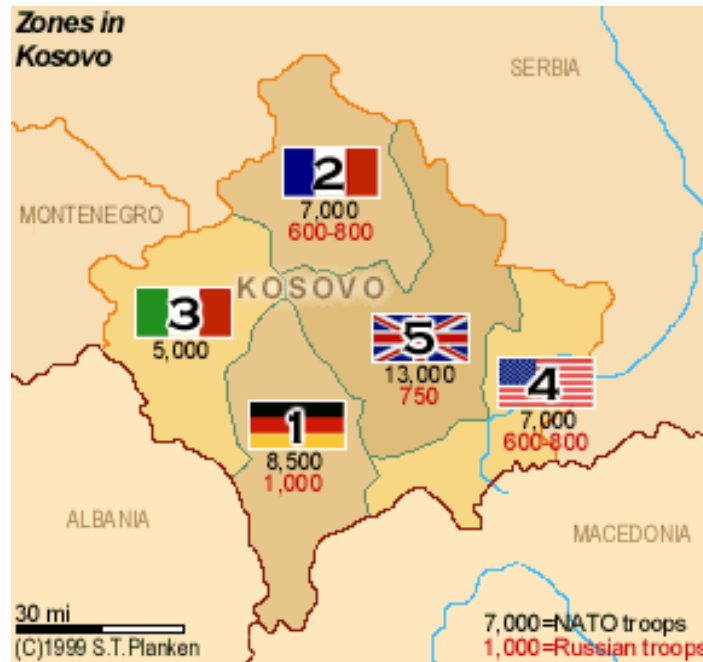


Figure 8: Kosovo map, KFOR sectors in Kosovo; the role of Russia was unclear at first.²⁷⁴

In the Serbian presidential election of November 12, 1989, Slobodan Milosevic won 65.3 percent of the vote, his nearest rival, Mr. Vuk Draskovic, polled only 16.4 of the votes cast. The end of Kosovo's autonomy was a great spur to the Albanian nationalist movement. In May, 1990, all of the Albanians resigned from the provincial government of Kosovo and in July proclaimed the province's independence. In September, 1990, they organized a semi-secret referendum in which close to one million people participated and which overwhelmingly supported independence. In 1992, Parliament was elected and it chose Ibrahim Rugova as president. It is impressive that this separatist activity was accomplished without any interference from the Serbian police. The Albanians have tried

²⁷³ Text of Milosevic's speech is available online at; <http://www.slobodan-milosevic.org/spch-kosovo1989.htm>

²⁷⁴ <http://planken.org/balkans/kfor/operation-joint-guardian>

to live their independence as well as asserting it. They have turned their backs on Serbia and Yugoslavia, boycotting both the 1991 census and elections.

While non-violence has not been characteristic of Albanian-Serb relations, it was given a chance in the early 1990s in the hope that Western countries would recognize Kosovo as they had the breakaway republics from Yugoslavia. The failure to achieve an immediate result, along with the deepening economic crisis, encouraged a return to violence in the form of the Kosovo Liberation Army-KLA, formed in 1993. It aimed to free Kosovo from Yugoslavia, expel the Serbs, and recreate the greater Albania of the Second World War. Kosovo Albanians bragged that the KLA was their equivalent of the Irish Republic Army-IRA. It recruited members from the unemployed youth of Kosovo. In 1997, one million guns disappeared in Albania, and Albanian weapons have been turning up in Kosovo. In 1996, the KLA embarked on an assassination campaign. Thirty-one Serb officials and Albanian “collaborators” were killed. The total increased to 55 in 1997. Eleven police stations were attacked in September, 1997. In the first two months of 1998, 66 people were killed as the KLA announced that the battle for unification with Albania had begun²⁷⁵. In March, 1998, the Serb police crackdown began with attacks on the KLA bases in the Drecina region. Fifteen hundred Albanians were killed and several villages supporting KLA fighters were destroyed. On 28 February 1998, the Serbian authorities launched the first in a series of large scale offensives against the ethnic Albanian population, which by mid-July had left some 400 dead and had forced tens of thousands more to flee their homes and villages. Kosovo's Serbs, in turn, have increasingly come under attack by Albanian irregular forces.²⁷⁶

These were the actions that were denounced as ethnic cleansing and genocide, and that triggered the present crisis. From the Yugoslav point of view, they were fighting terrorists so according to some independent reports²⁷⁷, the Serb response to the KLA assassinations was brutal and extreme. KLA attacks and Serbian reprisals continued throughout the winter of 1998-99, culminating on January 15 1999 with the mass killing of

²⁷⁵ Ibid, 16

²⁷⁶ Richard Caplan, “International Diplomacy and the Crisis in Kosovo”, *International Affairs Vol. 74 issue 4*, October 1998, p. 746

²⁷⁷ Crisis Group Kosovo Spring Report ,1998, the text is available online at; <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/032-kosovo-spring.aspx>

45 Albanians in the village of Racak²⁷⁸ during a joint operation by the Serbian police and Yugoslav army. The incident was immediately condemned as a massacre by the international community and the United Nations Security Council.²⁷⁹

The situation in Kosovo was tense, so a political settlement was desirable. The result was the Rambouillet negotiations, convened by the United States, United Kingdom, France, Germany, Italy, and Russia as the Contact Group in February 1999. The Albanians were delighted that at last there seemed to be Western support for their independence bid, while independence was the one thing the Serbs sought to prevent in view of the central position Kosovo holds in Serbian historical tradition.²⁸⁰ In March, after some hesitations, the Kosovo Albanians signed the Rambouillet accords, while the Yugoslavs refused. That refusal was the reason for the bombing campaign. The Rambouillet accords restore autonomy to Kosovo, require Serbian police and the Yugoslav military to leave the province, and replace them with NATO troops who will keep the peace.²⁸¹ The accords require that an international conference be held within three years to decide on the future status of Kosovo, including whether it should be independent, and furthermore, the views of the Kosovo population will be a decisive factor. Although the official title of the accords is an “Interim Agreement for Peace and Self-Government in Kosovo”, as an inevitable conclusion, they are Kosovo’s declaration of independence.

During March 1999, Yugoslav Army and paramilitary Ministry of Interior troops moved out of garrison in Kosovo in violation of the October agreement, and about 20,000 additional Serb troops massed at the northern Kosovo border. With violence against ethnic Albanian civilians escalating, on March 24, NATO began airstrikes against targets in Serbia and Kosovo. These airstrikes were the first military offensive action undertaken by

²⁷⁸ International Criminal Tribunal for the Former Yugoslavia Report on Racak incident is available online at ; <http://balkanwitness.glypx.com/RantaStatementToICTY.htm>

²⁷⁹ UNSC resolution 1160 on 31 March 1998 not only condemned the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, but also all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training as well. “Independent International Commission on Kosovo: The Kosovo Report”, available online at; http://sitemaker.umich.edu/drwcasebook/files/the_kosovo_report_and_update.pdf

²⁸⁰ Allen, 17

²⁸¹ Rambouillet Accords available online at;
http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html

NATO without specific U.N. endorsement. U.N. Security Council approval was not sought because both Russia and China, each with veto power on the Council, continue to oppose the use of force to resolve the Kosovo crisis. The September 23, 1998 U.N. Security Council resolution, which called for the immediate withdrawal of Serbian security forces from Kosovo, did, however, reference the U.N. Charter's Article VII, which permits military force to maintain international security.²⁸²

The bombing campaign was launched because Yugoslavia refused to sign the Rambouillet accords. Bombing has precipitated multiple disasters, among them the refugee crisis. Something like three-quarters of a million refugees was pushed out of Kosovo, and there were many displaced people within the province.²⁸³ NATO defined five conditions for ending its air campaign: (1) *Cessation of Serb operations against the Albanians in Kosovo*; (2) *Withdrawal of Serb forces from Kosovo*; (3) *Acceptance of Kosovar democratic self-government*; (4) *Acceptance of a NATO-led peacekeeping force*; and (5) *Return of Kosovar refugees*.²⁸⁴

Conducted largely by air strikes, the NATO campaign in pursuit of these demands involved 38,004 sorties (including 10,484 strike sorties) and the release of 28,236 air munitions. In addition, 218 UK and US Tomahawk sea-launched cruise missiles were expended. The campaign followed a trajectory of escalation. At its start, 344 allied aircraft were committed to Operation Allied Force (OAF); by its end in early June this had risen to 1,031. Strike sorties, which averaged 30–50 per day in the first week and 100 in the first month, were reaching up to 300 per day by the end of May.²⁸⁵

Although the bombing campaign has led some terrible outcomes, it forced the Yugoslavs to capitulate and accept an agreement for Kosovo. Some results of NATO air campaign are; (1) the anti-Milosevic, pro-democracy movement in Yugoslavia was over and replaced

²⁸² UNSC resolution 1199 on 23 September 1999 decides, should the concrete measures demanded in this resolution and resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region. Resolution available online at: <http://www.un.org/peace/kosovo/98sc1199.htm>

²⁸³ Allen, 19

²⁸⁴ Steve Bowman, "Kosovo and Macedonia: U.S. and Allied Military Operations", *Congressional Research Service. The Library of Congress*, updated 8 January 2002, p.2

²⁸⁵ Mark Webber, "The Kosovo War: A Recapitulation", *International Affairs volume 85 issue 3*, 2009, p.450

by patriotism, (2) the moderate Kosovo Albanian leader Rugova denounced the bombing and has been displaced by the KLA itself and (3) the good relations with the Russians, who feel threatened and who are marginalized despite being the only party able to negotiate with Yugoslavia. One another result from some scholars' point of view was about the international law and international organizations like the United Nations. The NATO bombing of Yugoslavia violated the UN charter and undermined the authority and role of international organizations²⁸⁶. NATO claims that the bombing was only directed against "military targets," but that term was used very broadly and included the industrial, transportation, and communication sectors of the Yugoslav economy. Thus, while some aircraft attacks were directed against Yugoslav troops and tanks, many raids blew up bridges, office buildings, factories, oil refineries, railroads, and television stations. This bombing necessarily entailed the deaths of many civilians. Intimidation of the Yugoslav population became an objective of the bombing campaign. There are two different aspects to the conventional wisdom surrounding the Kosovo case, one empirical, the other theoretical. Both are seriously flawed. Most of the debate on Kosovo focuses on competing conclusions about the extent, role, and importance of NATO's preparation for a ground war.

Milosevic's decision to concede after 78 days of bombing was a product of both air strikes and NATO's preparations for a ground war. Most analysts believe that the combination of these two pressures established a sufficiently clear, resolute, and capable threat that forced Milosevic to leave Kosovo.²⁸⁷

The clearest version of this accepted wisdom was: *"In assessing NATO air attacks on Serbia, analysts should focus not on the role air power played instead of a ground invasion, for example, but on the role it played in combination with the possibility of one."*²⁸⁸

Despite some differences in outlook among the member nations, NATO maintained a high degree of solidarity throughout the conflict, and it was this solidarity, along with the

²⁸⁶ Allen, 21

²⁸⁷ Harvey, p.140

²⁸⁸ D. L. Byman, and M. C. Waxman, Kosovo and the great air power debate, *International Security*, 2000, volume: 24(4), pp.5–38.

continuing pressure of the air campaign, that finally convinced President Milosevic to give in to the demands of the international community.²⁸⁹ In particular, the new agreement which is called Ahtisaari/Chernomyrdin agreement;

*(1) restricts NATO's occupation to Kosovo rather than all of Yugoslav, (2) makes no mention of future independence for Kosovo, (3) places the United Nations in command of the occupying forces forces, rather than NATO, (4) provides for Russian participation in the occupation, (5) provides for UN, rather than NATO, control over the return of refugees, (6) recognizes a Serbian national interest in Serbian historical and cultural sites, and (7) provides for the demilitarization of the KLA.*²⁹⁰

From theoretical point of view we see in this thesis the implementation of deterrence and diplomatic pressure in two separate options as far as Kosovo case is concerned. According to the Deterrence Theory which was applied to Kosovo by NATO in order to fulfil "Prerequisites for Successful Coercion", stipulate that retaliatory threats will succeed if

(1) Leaders of the deterring state clearly define the behaviour deemed to be unacceptable,

(2) Communicate to challengers a commitment to punish violations,

(3) Possess the means and capabilities to defend the commitment by punishing adversaries, who challenge it,

(4) Or by denying the challenger the specific objectives sought through its aggression, and demonstrate their resolve to carry out the retaliation if the challenger fails to comply. If these four prerequisites are satisfied, the expected net costs of the threatened sanction to the challenger should be greater than the expected net gains from

²⁸⁹ 1998-1999: NATO Enlarges and Faces Another Balkans Crisis, NATO Allied Command Operations website: <http://www.aco.nato.int/page14683036.aspx>

²⁹⁰ Agreement text is available online at;
http://www.essex.ac.uk/armedcon/world/europe/south_east_europe/kosovo/BelgradePeaceAgreement.pdf

noncompliance, because the punishment, if carried out, would prevent the challenger from achieving intended military, political or economic goals. If one or more of these conditions is absent, the theory predicts failure, in most cases.²⁹¹ As it is described, the coercion is the attempt to induce policy change in another entity through the issuance of threats.²⁹² And so in Kosovo, often ignores the complex interaction effects among these four core prerequisites and fails to appreciate the dynamic nature of coercive threats over time.

NATO Military Commander's particularly SACEUR's²⁹³ detailed account of the Kosovo campaign reveals an almost complete absence of any political or military consensus on the utility of a ground war. In fact, General Wesley Clark, SACEUR, admits to being frustrated throughout the campaign by his failure to get support from his superiors to begin "planning" for an invasion, let alone actually deploying a significant portion of the 175,000 troops he considered essential for the operation.

Senior military and political officials either in Washington or their European counter-parts, repeatedly and explicitly rejected the ground war option, for several straightforward reasons: (1) a ground war would unravel alliance cohesion, undermine international support for the air campaign, end diplomatic efforts by Russia to force Milosevic to concede, (2) jeopardize the capacity of the coalition to maintain some control over the war effort, and (3) significantly increase the number of military and civilian casualties. Most important, when compared with the risks of air strikes, there were no guarantees a ground operation could accomplish any of NATO's core strategic objectives with fewer casualties and in a shorter period of time. NATO's invading force would have to deal with about 50,000 Serb troops that "could be almost doubled in strength and backed with lots of artillery, tanks, and very intensive mortar fire. There were another 15,000 or so heavily armed police who could add to Serbian ground forces defences" An attack through

²⁹¹ F. P. Harvey, 1999. Practicing coercion: Revisiting success and failures using Boolean logic and comparative methods. *Journal of Conflict Resolution*, Volume 43(6), p. 841

²⁹² Daniel R. Lake, The Limits of Coercive Airpower: NATO's "Victory" in Kosovo Revisited, *International Security*, Vol. 34, No. 1, Summer 2009, p. 83

²⁹³ SACEUR: Supreme Allied Commander of Europe.

Albania would also unfold in the midst of a mass exodus of hundreds of thousands of Kosovar Albanians and a major offensive by the Kosovo Liberation Army (KLA).²⁹⁴

The below chart shows the milestones of the NATO intervention to Kosovo.

October 1998	12 After repeated threats of NATO air strikes, Milosevic agrees at the last minute to a truce calling for the removal of Serbian troops from Kosovo. Despite the agreement, fighting continues in the region.
January 1999	15 The killing of 45 ethnic Albanians by Serb forces in the town of Racak leads to international pleas for peace once again.
February 1999	Serb and ethnic Albanian representatives meet at Rambouillet, France to discuss options for peace. Both sides are reluctant to compromise, and the talks break up without a plan in place.
March 1999	15 Fighting continues in Kosovo, even as a second round of talks gets underway in Paris. 18 The ethnic Albanians finally take a step toward peace, signing a deal that calls for interim autonomy and a NATO force of 28,000 to monitor the region. Milosevic responds by reiterating Serbian disapproval and the talks are again suspended without an agreement. The Serbs return home under the threat of NATO airstrikes. 22 American diplomat Richard Holbrooke visits Belgrade in a final, unsuccessful attempt to convince Milosevic to agree to NATO's terms. 24 NATO begins launching air strikes in an attempt to force Serbia to cease hostilities and allow ethnic Albanian refugees to return to their homes in Kosovo. 31 Three U.S. soldiers are captured while patrolling the Serbia-Macedonia border.

²⁹⁴ Wesley. K. Clark, *Waging modern war: Bosnia, Kosovo, and the future of combat*, New York, Public Affairs 2001, p.184

**April
1999**

Serb troops force thousands of ethnic Albanians out of the town of Djakovica. At least 47 men, possibly dozens more, are believed to have been rounded up and shot. Serb forces are also accused of raping women and destroying many ethnic Albanians' citizenship papers.

3 Three relief workers —two Australians and one Yugoslav— are reported to be missing since March 31. It is later learned that they were captured by Serb forces on the Croatian border. On May 29, a Serbian military court convicts and jails the three for passing military secrets on to Canberra.

14 NATO bombs accidentally hit two convoys of ethnic Albanian refugees being escorted by Serb police. Yugoslav officials put the death toll from the incident at more than 60.

27 The UN and Human Rights Watch later report that Serbian troops committed one of their worst civilian massacres on this day. 200-300 men are believed to have been killed in the village of Meja. Witnesses tell of Serb troops systematically clearing and burning villages, then separating men ages 18 to 65 from their families and shooting them.

May 1999

2 On his fourth day in Belgrade, Rev. Jesse Jackson succeeds in winning the release of the three American hostages after negotiating with Milosevic.

5 An Apache helicopter crashes in Albania while on a training mission. Two U.S. pilots are killed, becoming the only NATO casualties during the air strikes.

6 The first group of ethnic Albanian refugees from Kosovo arrives in the U.S. Before and during the course of the air strikes, hundreds of thousands of Kosovars abandoned their homes—some forced by Serb troops, others by fear. The result was a massive refugee crisis that primarily affected neighbouring countries Albania and Macedonia. Western countries helped ease the burden by offering refuge to some of the 860,000 ethnic Albanians who left Kosovo between March and June.

7 Three Chinese journalists are killed in Belgrade when NATO accidentally bombs the Chinese Embassy. NATO attributes the mistake to outdated maps. Massive protests erupt in Beijing, where American ambassador James Sasser is trapped in the US embassy for more than 48 hours. The mistake puts an even greater strain on the delicate relationship between China and the United States.

13 More than 80 ethnic Albanians are killed and at least 100 are injured, by Yugoslav count, when NATO bombs a village believed to have been a Serb military post. NATO claims the victims were being used by Serb troops as human shields.

21 NATO again hits an unintended target—a KLA stronghold. One member of the rebel group is killed and at least 15 more are injured.

27 The UN's International War Crimes Tribunal formally indicts Milosevic and four other Yugoslav officials for crimes against humanity. They are accused of being responsible for the deportation of 740,000 ethnic Albanians from Kosovo this year as well as the murder of more than 340 identified victims. NATO fears that the indictment may complicate the process of negotiating a peace plan.

June 1999	3 Milosevic and the Serbian parliament accept a proposal drawn up by representatives from Russia, the EU, and the US. 9 Yugoslavia and Western nations sign a formal agreement calling for the withdrawal of Serb troops from Kosovo and a subsequent halting of NATO's air campaign. An international peacekeeping force headed by NATO is to monitor Kosovo and the return of the refugees. Russia's role in the operation remains ambiguous. 10 The UN Security Council approves a resolution that authorizes the plan for peace in Kosovo by a vote of 14-0. China abstains. 11 As peacekeeping forces prepare to enter Kosovo, an uninvited Russian convoy also heads to the region. The move creates heavy tensions as Western officials try to figure out how to maintain control over the peacekeeping efforts without stirring up further conflict with Russia.
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Figure 9: NATO in Kosovo 1998-1999²⁹⁵

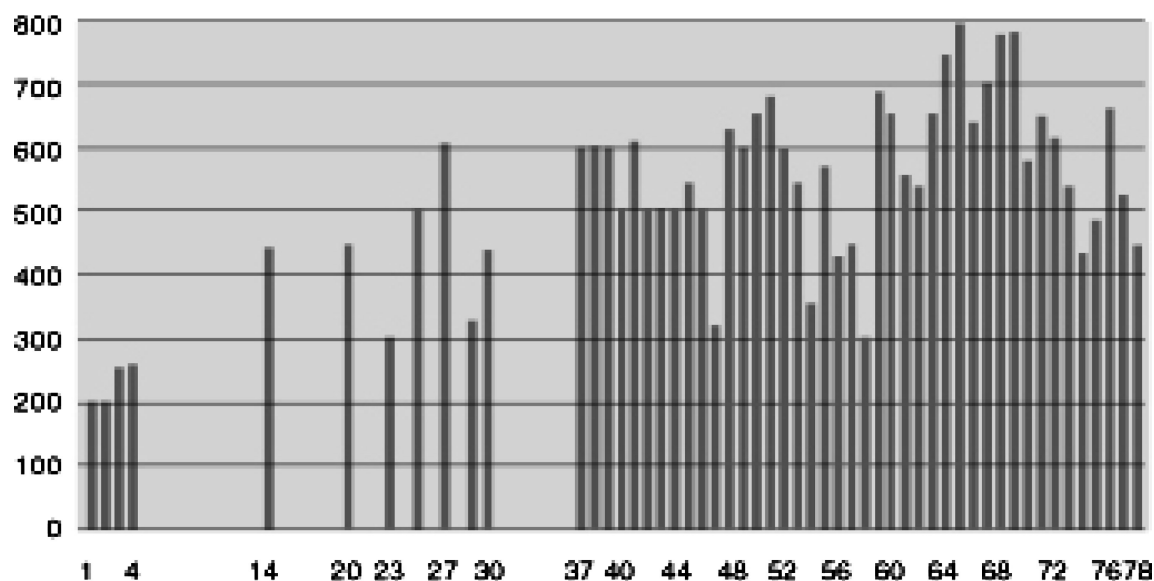


Figure 10: Total NATO sorties, March 24–June 9, by day.²⁹⁶

²⁹⁵ Available online at; <http://www.infoplease.com/spot/kosovo-timeline1.html>

²⁹⁶ Frank P. Harvey, "Getting NATO's Success in Kosovo Right: The Theory and Logic of Counter-Coercion", *Conflict Management and Peace Science*, 2006 Volume:23, pp. 139-156

The problem for NATO is that it is often very easy to undercut a coercive threat. *“Even a few contradictory signals can be enough to undo a broad diplomatic effort to generate a particular threat. This was certainly true in the Kosovo case when NATO publicly disavowed all ground options; it unwittingly set itself a high threshold for any later efforts to signal a credible ground threat.”*²⁹⁷ One powerful illustration of this point, among others, is the commentary by NATO spokesman Jamie Shea on 27 May, 1999;

*“As I have always made clear, NATO keeps all of the options on the table, we have plans for all eventualities and those plans have not been torn up and thrown away. But having said that, it is SACEUR’s view, and it is the view of all NATO governments, that the air campaign is working, it is increasingly effective, and provided it is maintained with the same intensity, with the same unity, it will produce the results that we want with the Yugoslav forces being forced to withdraw. And as I have said, the whole focus of our planning at the moment is not on an invasion force but on a Peace Implementation Force, and there we are moving ahead expeditiously. So nobody is asking for any change of strategy. The whole view of the Alliance is that the present strategy, providing we stick with it, is going to do the job. We haven’t gone into any other scenarios.”*²⁹⁸

The reasons for NATO to avoid ground war are the more obvious strategic rationale for Serbian political and military leaders. Like most NATO officials, Serbs also understood that an invasion through Albania which was the only option NATO seriously considered at the time would be exceedingly chaotic. An invasion force of anywhere between 50,000 and 175,000 troops in the middle of a humanitarian crisis would not have made it any easier for NATO troops to protect Kosovar Albanians, stop or reverse ethnic cleansing, or facilitate the return of some 300,000–350,000 Kosovars from Albanian refugee camps, and would very likely have created a more devastating humanitarian catastrophe than already exist one. These were the very same criticisms directed against air strikes. Consider the

²⁹⁷ A. Stigler, “A clear victory for air power: NATO’s empty threat to invade Kosovo”, *International Security* 27(3), 2002/2003, pp.124–157

²⁹⁸ Daily NATO briefing, 27 May 1999, available online at: <http://www.nato.int/kosovo/press/b990527a.htm>.

implications of hundreds of thousands of Kosovar civilians in the midst of a conventional war between NATO and Serb ground units, artillery, tanks, intense mortar fire, and minefields. In addition to gaining control of Serb strongholds such as Prestina, Dakovica, Srbica, and Decani, NATO troops would have to re-build control of villages held by the KLA, while both forces conflicted about 50,000–65,000 well-armed Serbian Army troops. NATO leaders would have been expected to accomplish all of this while maintaining alliance cohesion and public support. Yet no compelling answers have ever been provided by proponents of a ground war to help explain precisely how long it would have taken an invading force, in a non-permissive environment, to control all of Kosovo in preparation for invading Serbia and facing another hundred thousand Serb troops on that border. It is also not clear how this approach would have achieved *NATO's five objectives*²⁹⁹ or slows down Serbian Government's aims³⁰⁰. When consider how long it was taking 50,000 Serb troops to fight a few thousand poorly equipped and poorly trained KLA soldiers in the same mountainous region, it is clear that this kind of operation would have taken longer than expected. Even if we leave out all terrain-related difficulties, ground war would have taken significantly longer than 78 days to mobilize and would have produced significantly higher levels of casualties than air campaign.

The traditional typology used to describe strategic bombing includes three major ways to apply airpower: punishment, denial, and decapitation.³⁰¹ “Punishment” refers to the classic airpower strategy.³⁰² It emphasizes bombing civilian targets to induce the target government to change policy or be overthrown by the population.³⁰³ “Denial” aims to

²⁹⁹ NATO's Objectives in relation to the conflict in Kosovo were set out in the Statement issued at the Extraordinary Meeting of the North Atlantic Council held at NATO on 12 April 1999 and were reaffirmed by Heads of State and Government in Washington on 23Apr 1999

1. A verifiable stop to all military action and the immediate ending of violence and repression;
 2. the withdrawal from Kosovo of the military, police and paramilitary forces;
 3. The stationing in Kosovo of a United Nations.

Available online at NATO web site: <http://www.nato.int/kosovo/history.htm>

³⁰⁰ The Serbian government's strategy toward Kosovo contains three interrelated goals: (1) to retain Kosovo as a province of Serbia, (2) to eliminate the KLA as a threat, (3) and to alter the ethnic balance in Kosovo toward the Serbs.:

³⁰¹ Karl Mueller, “Strategies of Coercion: Denial, Punishment, and the Future of Air Power,” *Security Studies, Volume 7, No. 3*, spring 1998, p.189.

³⁰² Giulio Douhet, *The Command of the Air*, trans. Dino Ferrari, *New York: Coward-McCann*, 1942/1983, pp.22-39

³⁰³ Robert A. Pape, “Bombing to Win: Air Power and Coercion in War”, *Ithaca, N.Y.: Cornell University Press*, 1996, pp. 13-18

destroy the target military, rendering the adversary less able to achieve its objectives.³⁰⁴ “Decapitation” emphasizes attacking leadership targets to kill the adversary’s leaders (thus inducing strategic paralysis), disrupt their command and control (also resulting in strategic paralysis), or convince them to surrender by threatening their lives.³⁰⁵ Significantly, all three strategies emphasize specific targeting, not the mechanism according to which the application of airpower produces change in the adversary’s policy.³⁰⁶

Unlike the war on terror in Afghanistan or Iraq, the war in Kosovo, or Bosnia-Herzegovina from 1990–1995, was never seen by the NATO community as vital to Alliance’s security priorities, so Serbian political leadership would reasonably have expected a significant increase in counter-coercion power from a ground war in Kosovo. In this content, Serbian troops were reported in May 1999 to be digging in along expected NATO ground forces’ attack routes from Macedonia and Albania and fortifying the border, rather than their effort from push out ethnic Albanians before the possible fight with NATO on the ground. In particular, Serbian troops were observed laying mines and attempting to block potential ground attack routes from Skopje and Kumanovo in Macedonia, in an example of activity suggesting that the allied bombing campaign had not yet come close to breaking their consistency and fighting spirit.

In sum, the clear absence of a credible ground threat in conjunction with a clear, sustained, credible and costly escalation of air strikes combined to create sufficient conditions for NATO victory in Kosovo. Serbian leadership may have feared that an expansion of the war beyond Serbia’s borders would alienate the Russians. The Serbs probably calculated that direct attacks on NATO might improve rather than reduce NATO’s consistency. This end forced even the strongest critics of NATO’s strategy and the strongest supporters of using ground forces to concede defeat. The air campaign succeeded. NATO achieved its objectives without launching a ground invasion or changing its demands. About 50,000 NATO troops have entered in and all Serbian forces have left Kosovo, also more than 1 million refugees and displaced persons have returned home. *This*

³⁰⁴ Pape, pp.19-20

³⁰⁵ John A. Warden III, “Success in Modern War: A Response to Robert Pape’s Bombing to Win,” *Security Studies*, Vol. 7, No. 2, Winter 1997/98, pp. 172–190

³⁰⁶ Mueller, pp.186-187

*success is a testament to NATO's remarkable unity and perseverance, to the lethality of its military power, and to the prowess of American, European, and Russian diplomats.*³⁰⁷

Serbia's decision to end the war over Kosovo is seen by a lot as a capitulation. The peace deal was however, very different from the draft of Rambouillet accords. Even if the final agreement falls well short of Serbia's preferred outcome, it reflects real changes from the original Rambouillet accords that Yugoslavia rejected.

The official line in the big business media is that the Pentagon had no choice but to rain bombs and missiles down on Yugoslavia because the Milosevic government refused to negotiate over the issue of Kosovo. The reality was very different actually. The Rambouillet accord, in another definition the US/NATO "peace plan" for Kosovo, was presented to Yugoslavia as an ultimatum. It was a "take it if you can, or leave it" proposition and *there were, in fact, no negotiations at all and no sovereign, independent state could have signed the Rambouillet agreement.*³⁰⁸

Despite the terms of the Rambouillet accords, the Serbs gained five achievements. First, the UN rather than NATO is the political authority in Kosovo so Russia and China now two friendly great powers of Serbia have a right to intervene to Kosovo's political future. Second, the legitimate political consolidation of Kosovo's independence may prove impossible. In this content, Javier Solana declared in an interview that the Albanians of Kosovo would have to give up the goal of independence.³⁰⁹ Rambouillet's three-year timetable, which specified that "*an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people*", has disappeared. This phrase would surely have produced a strong inclination toward independence for Kosovo. Paragraph 19 of the Security Council resolution of June 10, 1999, declares that "*the international civil and security presences are established for an initial period of 12 months, to continue thereafter until the Security Council decides otherwise.*" This phrase means either the Chinese or the Russians choose to use their veto power, Security Council control over Kosovo will last forever. Third, the UN resolution is

³⁰⁷ Harvey, p.155

³⁰⁸ Richard Becker, The Rambouillet Accord: A Declaration of War Disguised as a Peace Agreement, *International Action Centre Document*, available online at: <http://www-personal.umich.edu/~lormand/agenda/9905/16.pdf>

³⁰⁹ "Dim Hope for Kosovo Independence", New York Times, September 24, 1999, p. A11.

slightly more respectful of the “sovereignty and territorial integrity of the Federal Republic of Yugoslavia” with reference to Kosovo than was the Rambouillet document. Fourth, the presence of Russian troops in Kosovo must be counted a Serb gain. Although Russian peacekeepers may well have been deployed had Serbia accepted the Rambouillet plan, this was not assured. In spite of the fact that the NATO was designated the military existence, once the UN became the overarching political authority in Kosovo, it would have been very difficult for NATO legitimately to block the presence of Russian troops. Fifth, the fixed capacity of the Rambouillet accords to lead to further NATO military interventions against Serbia has been eliminated. “*The strange clause of the Rambouillet accords*³¹⁰, *tacked on late in the negotiations, that would have given NATO troops the freedom to operate anywhere in Yugoslavia is over.*”³¹¹

In sum, a staggering 90 per cent of the Kosovar Albanian population fled their homes.³¹² This amounted to the largest flow of refugees in Europe since the Second World War. NATO’s eastward expansion in line with the decisions taken at the Madrid summit has given rise to considerable concern in Moscow and this may also have played a role in the Russian response to the Kosovo crisis.³¹³ Some 478,000 refugees congregated in Albania, and in response, NATO in mid-April deployed some 8,000 troops (known as AFOR) under Operation Allied Harbour, the first ever purely humanitarian mission in NATO’s history. Later on, UNSC 1244 endorsed the variety of measures previously agreed, added provision for “*a political process to determine Kosovo’s future status*” and demanded that “*all concerned*” cooperate with the ICTY. Initially drawing on units stationed in Macedonia, NATO’s Kosovo peacekeeping force (KFOR) took up positions on 12 June. KFOR has been the first implementation of the peacemaking cum peacekeeping multinational approach to peacekeeping since the 1999 Strategic Concept. In

³¹⁰ Rambouillet Accord, Appendix b, paragraph 8, full text of accord is available online at ; <http://jurist.law.pitt.edu/ramb.htm>

³¹¹ Barry R. Posen, *The War for Kosovo: Serbia’s Political-Military Strategy*, *International Security*, Vol. 24, No. 4, Spring 2000, p.79

³¹² Independent International Commission on Kosovo, *the Kosovo report*, p. 90 and annex I, ‘Documentation on human rights violations’.

³¹³ Marshal I. Sergeev, “We are not adversaries, we are partners”, *NATO Review*, spring 1998, pp. 15-18.

addition to the 19 allies, KFOR includes PfP members and other nations. Notwithstanding the multinational approach, however, it is still first and foremost a NATO operation.³¹⁴

American motives are less clear-cut. While no doubt there was a concern to “prevent another Bosnia,” presidential and great power objectives are at play, as well. The presidential objectives include Bill Clinton’s need to end his term on a high note, perhaps by doing what no man has done before: resolving the Albanian Question³¹⁵. My personal opinion, which is based on my experience I myself gained during my KFOR mission as Head of Combined Joint Operation KFOR Main Headquarters in Pristina, is Clinton was the most popular foreign statesman for Albanians in Kosovo. Moreover, the great power objectives were almost achieved, include, first, the extension of American power into Eastern Europe, accomplished in the North by adding Poland, Hungary, and the Czech Republic to NATO, and accomplished in the Balkans with the war against Yugoslavia; second, undermining the authority of international organizations like the UN that have thwarted U.S. objectives in the past; third, justifying continued military spending and finding a new role for NATO; and fourth, sending a threatening message to any world leader who might challenge American directives. If international organizations have the right to intervene in a country to protect the population from the depredations of its government, then they also have the right to protect the civilian population of one country from sustained bombardment by another. “Humanitarian interventionism” becomes a contradiction in terms when it is carried out by a posse of great power vigilantes to serve great power interests.³¹⁶

³¹⁴ Andrew Michta, “NATO After the Kosovo Campaign and the KFOR Peacekeeping Operations: What Has Changed?”, *Woodrow Wilson International Center for Scholars, East European Studies* “Nato Enlargement and Peacekeeping: Journeys to Where?”, 2001, p.37

³¹⁵ Allen, 22

³¹⁶ Allen, 24

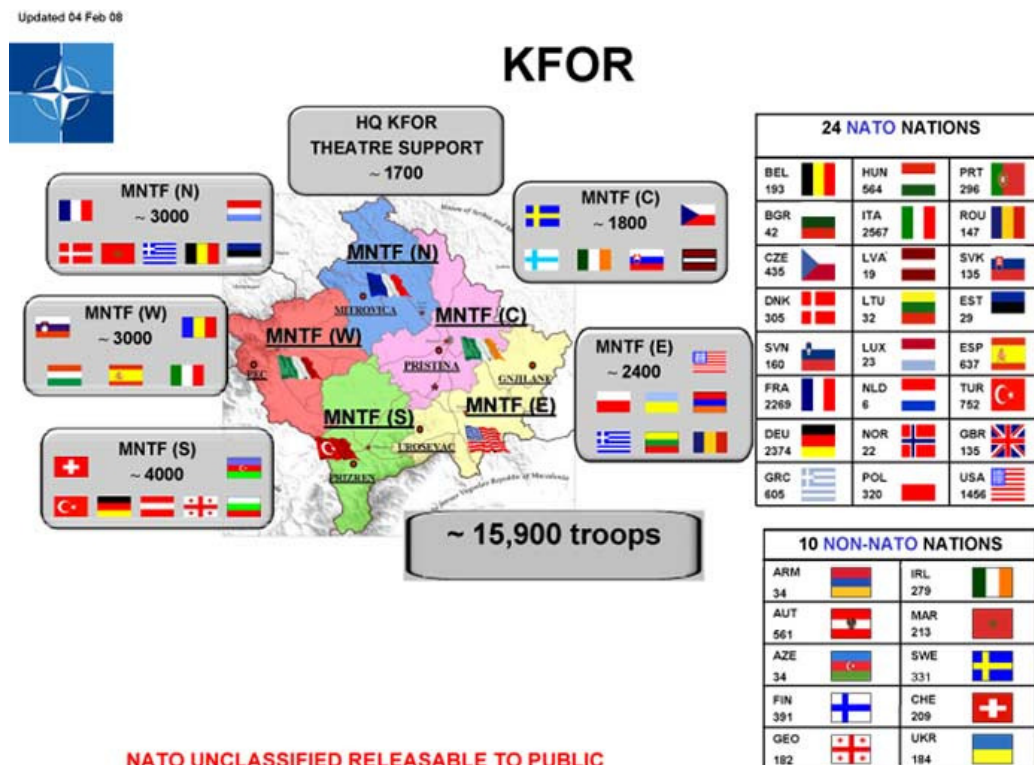


Figure 11: KFOR Sectors and unit figures³¹⁷

The intervention was less about the promotion of values than the assertion of the strategic and economic interests of the US and the other western powers.³¹⁸

Although US Secretary of State Madeleine Albright claimed that Kosovo was “simply the most important thing US have done in the world”, NATO’s intervention was not, however, without controversy. The alliance itself was divided. A consensus was maintained on the principle of the air campaign, but bombing targets and the question of a ground campaign resulted in open divisions except between the UK and the US.³¹⁹

The Kosovo war and the follow-up peacekeeping operations are the first post-Cold War fulfilment of the Article 4 mandate that combined both peacemaking and

³¹⁷ Source available online at; <http://www.aco.nato.int/kfor/library/maps.aspx>

³¹⁸ Alex Callinicos, *The ideology of humanitarian intervention*, in Tariq Ali, ed., *Masters of the universe? NATO’s Balkan crusade*, London and New York: Verso, 2000, p. 176.

³¹⁹ Webber, 453

peacekeeping. It would be argued that it went substantially beyond the original mandate of Article 4, but it is debatable whether it has established a new, broader mandate for action. It also raised the question about the nature of those operations: was Kosovo a peace operation, or in fact a theatre war? At this point the new question is; “if it is a case for the latter, would NATO be prepared to do “other Kosovos” in the future?”

3.4.2.3 Afghanistan (ISAF);

*“As the September 11 terrorist attacks on New York and Washington in 2001 (9/11) illustrated, technology is putting into the hands of non-state actors destructive powers that once were reserved solely for governments. As the effects of distance shrink, conditions in remote, poor countries such as Afghanistan suddenly become highly relevant to America and Europe.”*³²⁰

The violent history of modern Afghanistan is well documented, though not always well understood.³²¹ The modern Afghan state gained sovereign independence in 1919, after three Anglo-Afghan wars in 1838, 1878 and 1919.

Uncomfortable borders, with ethnic populations divided across state lines, were the main legacy of British colonial enterprises in South Asia; to this day, Afghanistan disputes the Durand line³²², the border it shares with Pakistan that cleaved the territory of the Pashtun tribes and remains a source of serious contention between the two countries. In

³²⁰ Joseph S. Nye, *Understanding Global Conflict and Cooperation: An Introduction to Theory and History*, Eighth Edition, 2010, Chapter 1, p.2

³²¹ Fatima Ayub and Sari Kouvo, “Righting the course? Humanitarian intervention, the war on terror and the future of Afghanistan”, *International Affairs Volume:84 issue: 4*, 2008, p. 642

³²² The present border between Pakistan and Afghanistan – Durand Line was officially demarcated on November 12, 1893 between the Amir of Afghanistan and the government of the British India. It was named after the name of Sir Henry Mortimer Durand Foreign Secretary to the Government of India who is considered as the architect of this demarcation process. The length of the border between Afghanistan and Pakistan is about 2200 km but its demarcation has remained a controversial issue, which both sides have their respective stands on it. Durand Line Agreement was and is still valid international border agreement for there is no evidence or any provision available in the original document to show for how long the agreement will be valid. For further information see; Frank Winfield Winters IV, *Gentlemen’s Diplomacy: The Foreign Policy of Lord Lansdowne 1845-1927*, December 2006.

spite of the fact that the country remains ethnically diverse, a general identity as Afghans nonetheless prevails at some level. It is the fact that the no formal census has been conducted for decades, but a reasonable estimate is that the 25 million Afghans are made up from 42 per cent Pashtuns, 27 per cent Tajiks, 9 per cent Hazaras and 9 per cent Uzbeks 4 per cent Aimak , 3 per cent Turkmen, 2 per cent Baloch and 4 per cent other.³²³



Figure 12: Afghanistan and the region³²⁴

³²³ These are significantly revised figures; the previous estimate was extrapolated from the last Afghan census held in 1979, which was never completed because of the Soviet invasion.

³²⁴ Source; http://afghanistan101.blogspot.com/2011_10_01_archive.html

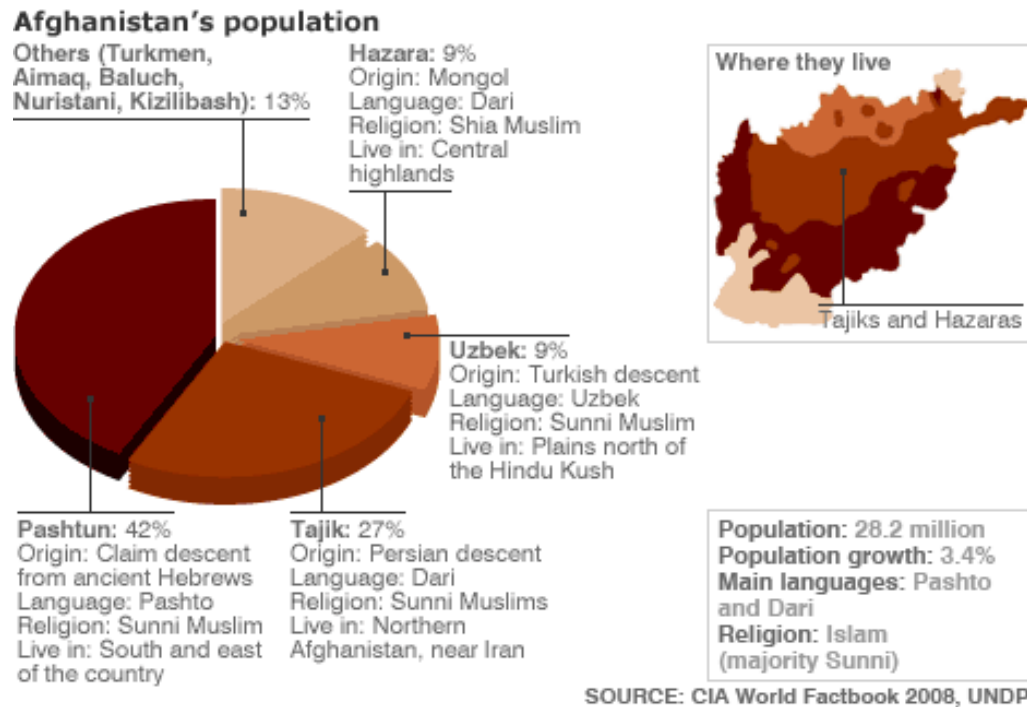


Figure 13: Population and ethnic structure

Culturally, Afghanistan retains a strongly tribal system and virtually all its inhabitants are Muslim, with a Sunni majority and a significant Shi'i minority. The country is sparsely populated, with the majority living in rural communities.³²⁵ Contrasts between rural populations and the urban poor on the one hand, and urban elites on the other, are bleak, with the insecurity, illiteracy and lack of health care exacerbating the division between the former two groups and the latter.³²⁶

The communist coup in 1978 and the following Soviet invasion in 1979, both have triggered the anti-Soviet war of resistance in the 1980s. The Soviet intervention in Afghanistan was a costly and, ultimately, pointless war. Historical hindsight has made this evident. However, *“exactly why the Red Army wound up in direct military conflict,*

³²⁵ Fatima and Kouvo, 242

³²⁶ http://hdrstats.undp.org/countries/data_sheets/cty_ds_AFG.html, accessed 10 December 2012

embroiled in a bitter and complicated civil war, some 3,000 kilometres away from Moscow, is a point of historiographical uncertainty.”³²⁷

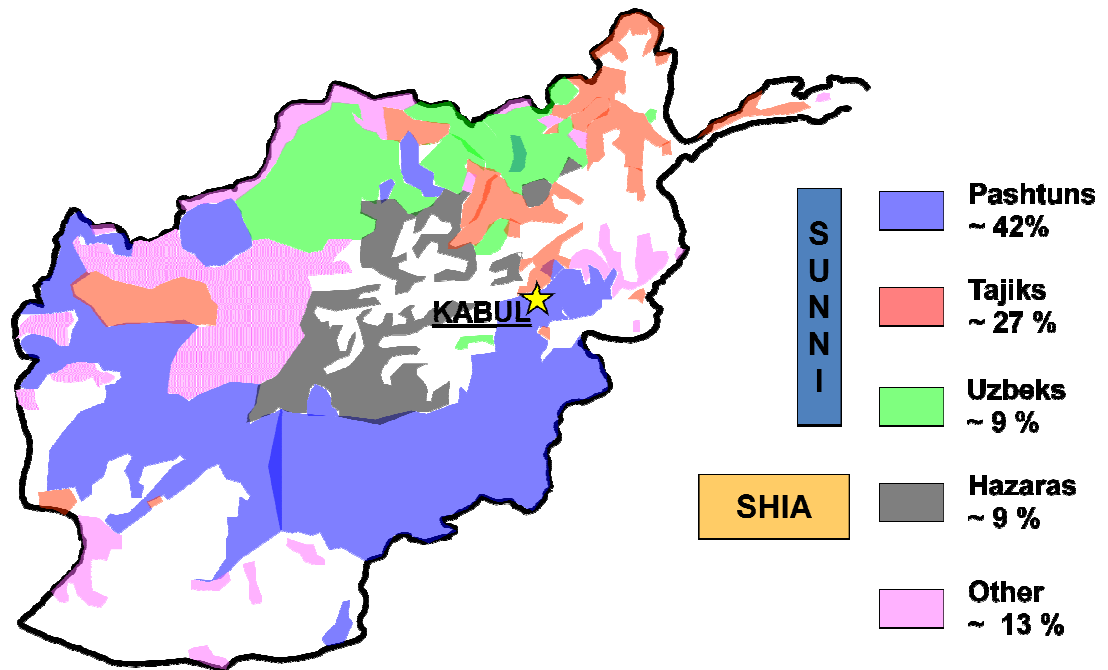


Figure 14: Religious segregation among ethnic groups and their locations in the country³²⁸

The Soviets took immediate steps to cement the new communist regime. Teams of Soviet political and military advisors were dispatched to Afghanistan, and Moscow signed a new agreement for \$250 million in military assistance.³²⁹ All these chaotic and unfortunate incidents have also most sharply defined Afghanistan as it is today. In what is considered the first of four major cycles of violence, the war with the Soviet Union devastated much of the countryside, spurred enormous refugee outflows and decimated the

³²⁷ Daryl Morini ,” Why did the Soviet Union invade Afghanistan?”, 3 January, 2010, available online at: <http://www.e-ir.info/2010/01/03/the-soviet-union%e2%80%99s-last-war>, accessed 12 March 2013

³²⁸ Source; ISAF Headquarters Briefing notes 2005.

³²⁹ Discourse, Dissent, and Strategic Surprise: Formulating American Security in an Age of Uncertainty”, The Soviet Invasion of Afghanistan in 1979: Failure of Intelligence or of the Policy Process?”, Institute for the Study of Diplomacy Edmund A. Walsh School of Foreign Service Georgetown University, Working Group Report, No. 111, September 26, 2005, p.3, available online at; http://isd.georgetown.edu/files/Afghan_1_WR_group.pdf, accessed 01 March 2013

country's elite and intelligentsia. With incalculable loss of life and property, Afghanistan guerrilla forces defeated the Soviet Union with aid from the United States, channelled to *mujahedin* forces through Pakistan and Saudi Arabia in the form of arms and money. The defeat of the Soviet Union, and the subsequent end of the Cold War, translated into a near-total withdrawal of western interest from Afghanistan, at a time when the population needed it more than ever to rebuild and recover from a decade of violence. Instability and civil war in Afghanistan in the 1990s jeopardized the security of the entire region. If the war in Afghanistan had been supplied and aided differently, and with different neighbours, perhaps the aftermath would only have been the continuation of endemic migration flows driven by poverty. However, very few policy-makers stopped to gauge the potential consequences of so rapid a dismissal of Afghanistan from their agendas. The post-war government held until 1992, at which point it collapsed under irreconcilable political disagreements and repeated attacks from paramilitary factions vying for leadership. The former rebels flush with resources from their US, Pakistani and Saudi patrons, turned their arms upon each other in a second wave of murder and pillage that produced tens of thousands more dead and fractured the country along geographical and ethnic lines.

The United Nations Security Council adopts Resolution 1267, creating the so-called al-Qaeda and Taliban Sanctions Committee, which links the two groups as terrorist entities and imposes sanctions on their funding, travel, and arms shipments. The UN move follows a period of ascendancy for al-Qaeda and its leader, Osama bin Laden, who guided the terror group from Afghanistan and Peshawar, Pakistan, in the late 1980s, to Sudan in 1991, and back to Afghanistan in the mid-1990s. The Taliban, which rose from the ashes of Afghanistan's post-Soviet civil war, provides al-Qaeda sanctuary for operations.

ISAF was created in accordance with the Bonn Conference³³⁰ in December 2001. Afghan opposition leaders attending the conference began the process of reconstructing

³³⁰ The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, more commonly known as the Bonn Agreement, was the first of a series of agreements designed to re-build the state of Afghanistan following the U.S. invasion in response to the 9/11 terrorist attacks. In December 2001, a group of prominent Afghans and world leaders met in Bonn, Germany under United Nation auspices to design an ambitious agenda that would guide Afghanistan towards "national reconciliation, a lasting peace, stability, and respect for human rights", culminating in the establishment of a fully representative government. The Bonn Agreement has provided the basis for the foundation of many political and

their country by setting up a new government structure, namely the Afghan Transitional Authority. The concept of an UN-mandated international force to assist the newly established Afghan Transitional Authority was also launched at this occasion to create a secure environment in and around Kabul and support the reconstruction of Afghanistan. These agreements paved the way for the creation of a three-way partnership between the Afghan Transitional Authority, the United Nations Assistance Mission in Afghanistan (UNAMA) and ISAF.

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These agreements paved the way for the creation of a three-way partnership between the Afghan Transitional Authority, the United Nations Assistance Mission in Afghanistan (UNAMA) and ISAF. Security Sector Reform is the way International Community (IC) intends to implement the BONN agreement it is lead by the so called group of principals that encompasses the five nations which had taken over a responsibility in one of the five pillars of the security sector reform. Commander of ISAF Forces (COMISAF), Commander of Coalition Forces (COM CFC- A) , NATO Senior Civil Representative and UN Secretary General Special Representative are of course associated to this project. Therefore ISAF is totally involved as part of the project.

civil institutions in Afghanistan through commissions such as the Constitutional Commission – which was established to draft a new constitution in consultation with the public. Other important commissions include the Afghan Independent Human Rights Commission, the Counter-Narcotics Directorate, and of course the Judicial Commission – which provided the framework for the establishment of the legal system of Afghanistan. See; *War in Afghanistan: Strategy, Military Operations, and Issues for Congress*, Steve Bowman Specialist in National Security Catherine Dale Specialist in International Security, December 3, 2009.

³³¹ On 5 December some 90 delegations from across the globe met in Bonn, Germany, to discuss Afghanistan. The conference took place exactly ten years after the first Bonn Conference which set the framework for the recreation of the Afghan state in 2001.

According to the United Nations Security Council Resolution 1386, initially International Security Assistance Force (ISAF) mission was limited to Kabul. The United Nations, at the request of Afghan President Hamid Karzai, then asked for NATO's participation. In August 2003 NATO took over command of International Security Assistance Force -ISAF in Afghanistan. Like its predecessors, it calls upon NATO to disarm militias, reform the justice system, train a national police force and army, provide security for elections, and fight against the narcotics industry and smuggling. The resolution does not provide details of how NATO should accomplish these tasks; rather, the allies among themselves, in consultation with the Afghan government, have refined the resolution's provisions into active policy.

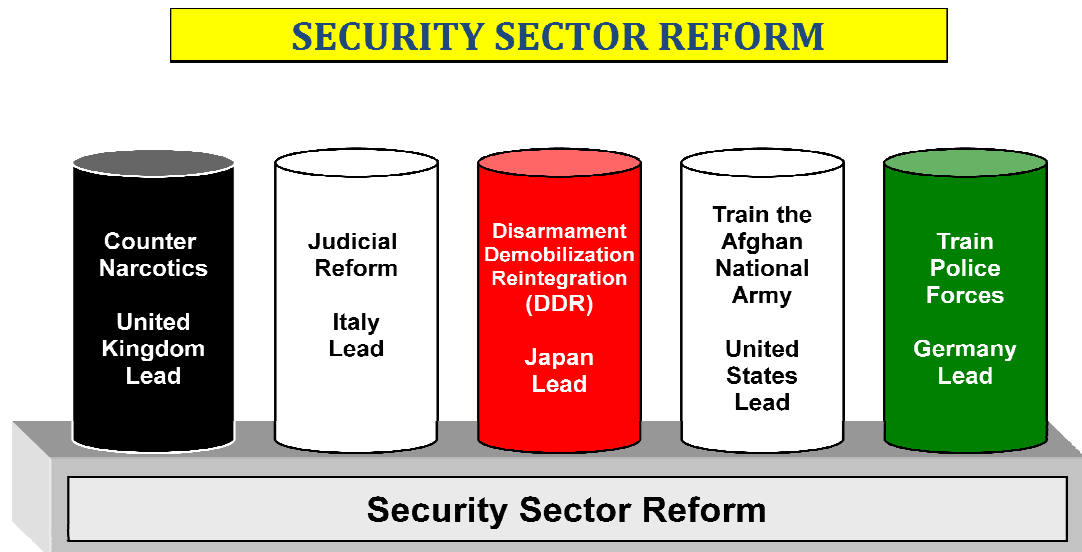


Figure 25: NATO Security Sector Reform and lead nations³³²

The International Security Assistance Force was consisted of troops from all 28 member states of the NATO alliance and from several non-NATO nations, such as

³³² The SSR agenda was set at two G8 donor meetings held in Geneva in the spring of 2002. Source; ISAF Headquarters Briefing notes 2005.

Australia, New Zealand, Sweden, Jordan, and Azerbaijan. In this new and unique formation, the Alliance became responsible for the command, control and coordination also planning of the force, including the provision of a force commander and headquarters on the ground in Afghanistan. Also this new leadership overcame the problem of a continual search to find new nations to lead the mission and the difficulties of setting up a new headquarters every six months in a complex environment. A continuing NATO headquarters enables small countries, less likely to take over leadership responsibility, to play a strong role within a multinational headquarters as well as other countries. In October 2003, the United Nations extended ISAF's mandate with UNSCR 1510³³³ to cover the whole of Afghanistan, allowing the alliance for an expansion of the mission across the country. Through a four-step strategy, NATO completed its expansion by November 2006 across the country and particularly at south part of the country going to war with the Taliban and al-Qaeda practically.

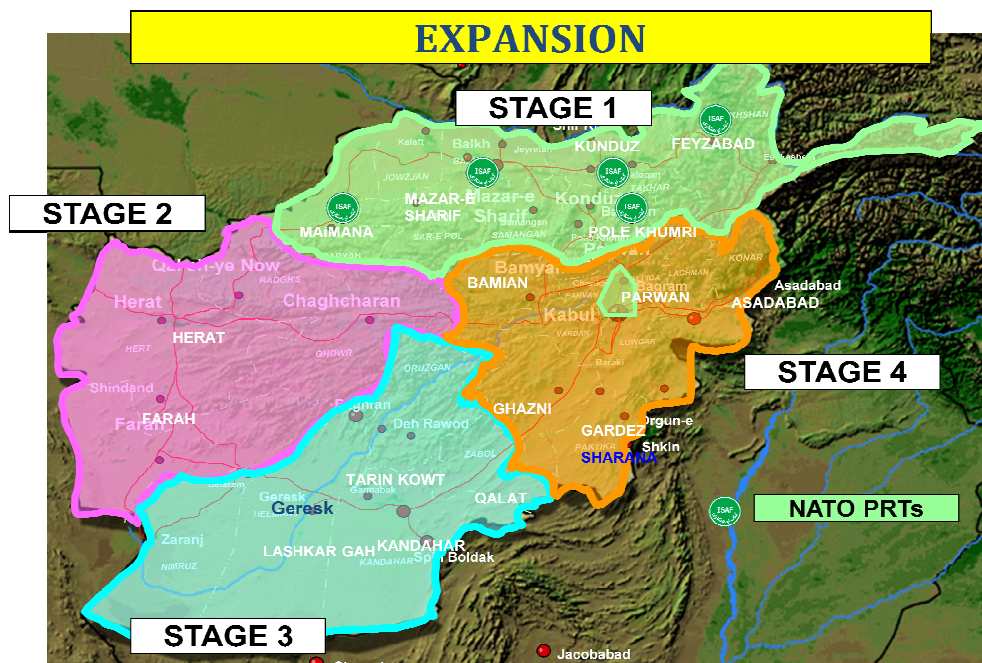


Figure 36: NATO expansion stages³³⁴

³³³ The Security Council reaffirmed its previous resolutions on Afghanistan, in particular its resolutions 1386 (2001) of 20 December 2001, 1413 (2002) of 23 May 2002 and 1444 (2002) of 27 November 2002.

³³⁴ ISAF Briefing notes 2005

Stage 1: to the north

In December 2003, the Supreme Allied Commander, General James Jones, was authorised to initiate the expansion of ISAF by taking over command of the German-led Provincial Reconstruction Team (PRT)³³⁵ in Kunduz by North Atlantic Council. The other eight PRTs operating in Afghanistan in 2003 remained under the command of Operation Enduring Freedom, the continuing US-led military operation in Afghanistan. On 31 December 2003, the military component of the Kunduz PRT was placed under ISAF command as a pilot project and first step in the expansion of the mission. Six months later, on 28 June 2004, at the Summit meeting of the NATO Heads of State and Government in Istanbul, NATO announced that it would establish provincial reconstruction teams in Mazar-e-Sharif, Meymana, Feyzabad and Baghlan, all in northern Afghanistan. This process was completed on 1 October 2004, marking the completion of the first phase of ISAF's expansion. ISAF's area of operations then covered some 3,600 square kilometres in the north and the mission was able to influence security in country's nine Northern provinces.

Stage 2: to the west

On 10 February 2005, NATO announced that ISAF would expand into the west of Afghanistan. When ISAF took command of two additional PRTs in the provinces of Herat and Farah and of a forward support base (a logistic base) in Herat on 31 May 2006, this stage began. ISAF's westward expansion was completed at the beginning of September and two further ISAF-led PRTs in the west became operational, one in Chaghcharan, capital of Ghor province, and one in Qala-e-Naw, capital of Baghdis province.

After this expansion of ISAF's mission, the command led a total of nine PRTs in the north and the west, providing security assistance in half of Afghanistan's territory. The Alliance continued to make preparations to further expand to the Afghan south.

³³⁵ PRT: "Provincial Reconstruction Teams" are small teams of military and civilian personnel working in Afghanistan's provinces to provide security for aid works and help humanitarian assistance or reconstruction tasks in areas with ongoing conflict or high levels of insecurity. There are already 28 spread across many parts of Afghanistan. See NATO Review Bucharest Summit results. Available online at; <http://scoalanato.files.wordpress.com/2010/03/nato-review-bucharest-summit.pdf>

In order to support the 18 September provincial and parliamentary elections, in September 2005, the Alliance also temporarily deployed 2,000 additional troops to Afghanistan.

Stage 3: to the south

On 8 December 2005, the Allied Foreign Ministers endorsed a plan that paved the way for an expanded ISAF role and presence in Afghanistan. The first element of this plan, known as Stage3, was the expansion of ISAF to the south in 2006. This was implemented on 31 July 2006, when ISAF assumed command of the southern region of Afghanistan from US led Coalition forces, expanding its area of operations to cover an additional six provinces, also taking command of four additional PRTs.



Figure 47: ISAF provincial Reconstruction Teams³³⁶

³³⁶ Source; http://www.globalsecurity.org/military/ops/oef_orbat_isaf.htm

The expanded ISAF led a total of 13 PRTs in the north, west and south covering some three-quarters of Afghanistan's territory. The number of ISAF forces in the country also increased significantly, from about 10,000 prior to the expansion to about 20,000 after.

Stage 4: ISAF expands to the east, takes responsibility for entire country

On 5 October 2006, ISAF implemented the final stage of its expansion, by taking on command of the international military forces in eastern Afghanistan from the US-led Coalition. In addition to expanding the Alliance's area of operations, the revised operational plan also paved the way for a greater ISAF role in the country. This includes the deployment of ISAF OMLTs to Afghan National Army units at various levels of command.³³⁷



Figure 58: ISAF Regional Commands and Major Units

³³⁷ Available on ISAF official site: www.isaf.nato.int/history.html , accessed on 25.12.2012

The December 2008 NATO foreign ministers' meeting approved ISAF's 'Strategic vision'. This document and the communiqué issued after the meeting revealed strains within the alliance beyond persistent American efforts to draft ISAF into counter-terrorism operations³³⁸. NATO's effort in Afghanistan is the alliance's first "out-of-area" mission beyond Europe. The purpose of the mission was the stabilization and reconstruction of Afghanistan. Although NATO has undertaken stabilization and reconstruction missions before, for example in Kosovo, the scope of the undertaking in Afghanistan is considerably more difficult. Taliban and al Qaeda insurgents are providing stiff resistance to the operation; Afghanistan has never had a well-functioning central government, the distance from Europe, and the country's terrain present daunting obstacles to both NATO manpower and equipment. Stabilization and reconstruction must take place while combat operations, continue. And, although the allies agree upon the general political objective of the ISAF mission, some have had differing interpretations of how to achieve it.³³⁹ ISAF reached in 2012 to 50 Troop Contributing Nations and 129,895 total strength addition to 28 Provincial Reconstruction Teams (PRTs).³⁴⁰

Disagreements over what the alliance was collectively trying to achieve have led to big differences in levels of engagement in the operation. This is most visible in the relative size of individual troop contributions, but perhaps most stark in the restrictions placed by individual nations on how their forces will be used.³⁴¹ This has meant that a small number of NATO nations have borne the financial and human cost of the operation;³⁴² and the disparity is becoming more pronounced as NATO begins the handover of responsibility to the Afghan national government and starts the withdrawal of its combat forces. At its most recent defence ministers meeting in February 2012, differences of view over the alliance's exit strategy emerged, with the various NATO members—all of which had previously

³³⁸ James Sperling and Mark Webber, "NATO: from Kosovo to Kabul", *International Affairs Volume 85 issue 3*, 2009, p. 502

³³⁹ Vincent Morelli and Paul Belkin, "NATO in Afghanistan: A Test of the Transatlantic Alliance", *CRS (Congressional research service) Report for Congress*, December 2009, p.1

³⁴⁰ Available on ISAF official site: www.isaf.nato.int/history.html , (accessed on 18.03.2013)

³⁴¹ Stephen Saideman M. and David P. Auerswald, "Comparing caveats: understanding the sources of national restrictions upon NATO's mission in Afghanistan", *International Studies Quarterly Vol. 56, No. 1*, March 2012, pp. 67-84

³⁴² See <http://icasualties.org/oef/>, accessed 16 Feb. 2013

agreed 2014 as the target date—announcing different times for the withdrawal of combat forces from Afghanistan.

As a conclusion, although some scholars claim that the US-led invasion in Afghanistan was not constructed as a humanitarian intervention, but conceived as an act of self defence in response to the attacks on New York and Washington DC in September 2001³⁴³, politically, the mission in Afghanistan is likely to remain important for NATO's future. Several key NATO members, above all the United States, view the Afghanistan mission as a test case for the allies' ability to generate the political will to counter significant threats to their security.³⁴⁴ There is still the question of purpose: why is NATO fighting the war? Academic analysis of American public opinion and the use of force clearly show that public support for war is directly related to its purpose. As we have noted, NATO lacks a credible strategic narrative to explain the purpose to home audiences³⁴⁵. Internally, the alliance has been beset by fundamental disagreements over Afghanistan: over the security interests at stake there and over key aspects of the operation itself. In many ways, NATO's involvement has crystallized persistent and deeply held disagreements about key aspects of NATO operations in general, past, present or future.³⁴⁶

NATO's "war on terror" in Afghanistan, prolonged annually by a United Nations Security Council (UNSC) resolution, is its major mission outside Europe. Nevertheless, developments since 9/11 have not brought a real or profound change in the policy of countries in the region towards Afghanistan. NATO's ISAF mission in Afghanistan directly contributes to the U.S. goal of denying terrorists sanctuary there. ISAF troops are in essence conducting counterterrorism as well as counterinsurgency operations, and this is NATO's first combat mission since its creation. The lead role in counterterrorism in Afghanistan continues to be played by U.S. special forces, however, not NATO; and U.S. troops are the largest contingent in ISAF. Although in the Mediterranean NATO is conducting a defensive mission in response to the terrorist threat, and it has adopted strategies ranging from new technology development to consequence management to

³⁴³ Ayub and Kouvo, 641

³⁴⁴ Morelli and Belkin, 2

³⁴⁵ Rudra Chaudhuri and Theo Farrell, "Campaign Disconnect: Operational Progress and Strategic Obstacles in Afghanistan", 2009–2011, *International Affairs Volume 87 issue 2*, 2011, p. 294

³⁴⁶ Sperling and Webber, 501

prevent or mitigate terrorist attacks, in the Afghanistan, the alliance has assumed a frontline role in seeking to deny terrorist groups a foothold there, making this NATO's first de facto combat operation ever. But many of the essential elements of the fight against terrorism, such as intelligence sharing, occur outside NATO. Afghanistan aside, NATO members participate in offensive efforts to respond to terrorism outside NATO through bilateral activities or loose coalitions of the willing³⁴⁷. By extending its operations to places not only “out of area” but out of Europe, NATO took an historic step in its security mission.³⁴⁸

3.4.2.4. Libya

“It's very, very positive that NATO is able to support the United Nations Security Council and help implement its decisions. That adds to the credibility of the U.N., and I'm very pleased to see NATO in that role”.
NATO Secretary-General Anders Fogh Rasmussen on NATO's role in Libya.

NATO's operation in Libya has truly been summoned as a model intervention. The alliance responded rapidly to the situation that threatened hundreds of thousands of civilians rebelling against an oppressive regime. It succeeded in protecting those civilians and, eventually, in providing the time and space necessary for local forces to overthrow Muammar al-Qaddafi. And it did so by involving partners in the region and sharing the burden among the alliance's members.³⁴⁹ When the people of Libya rose up against Qaddafi in February 2011, many hoped that the nonviolent protests would follow the successful path of similar uprisings in Tunisia and Egypt. But rather than give up, Qaddafi launched a brutal struggle against his own people. It is astonishing when compared with other incidents occurred in the region that the international community responded rapidly. In late February, the UN Security Council placed sanctions, an arms embargo, and an asset freeze on Libya and referred Qaddafi's crimes against humanity to the International

³⁴⁷ Renée de Nevers, “NATO's International Security Role in the Terrorist Era”, *International Security*, Vol. 31, No. 4, Spring 2007, p. 35

³⁴⁸ Neil Bhatiya, “NATO's Third Era?”, *Union of the West-Global NATO-League of Democracies*, *Freedom & Union Journal of the Strait Council for a Union of democracies, Series II Volume III No 2*, Winter 2008-9, p.249

³⁴⁹ Ivo H. Daalder and James G. Stavridis, “NATO's Victory in Libya: The Right Way to Run an Intervention”, *Foreign Affairs*, Volume 91 number 2, March-April 2012, p.2

Criminal Court in The Hague³⁵⁰. Shortly thereafter, the Arab League suspended Libya from its sessions and then called on the international community to impose a no-fly zone. On March 17, the Security Council granted that request, mandating “all necessary measures” to protect civilians.³⁵¹ UNSC resolution 1973;

“Authorizes member states that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council.”

This was the essential paragraph in the resolution. It "authorises member states to take all necessary means" to protect civilians. This gives wide latitude for operations, for example, against ground units attacking Libyan towns. It specifically mentions the city of Benghazi, the pro-Gaddafi forces objective, and the centre of gravity of the rebel resistance. Crucially it excludes any "foreign occupation force" in sweeping terms. This was also a message to the Arab world that this will not be planned as another Iraq. This is an operation with a clear limit. It is clear that no desire for ground operations in any of the countries backing this resolution.

The United States facilitated this rapid international reaction. In late February, Washington was the first country to cut off Qaddafi's funding, freezing in Libyan assets and encouraging other countries to follow the same way. Washington also led the charge for the UN resolution that authorized the intervention, justifying the action as consistent

³⁵⁰ United Nations Security Council (UNSC) Resolution 1970 (2011) available online at, www.un.org/News/Press/docs/2011/sc10187.doc.htm

³⁵¹ United Nations Security Council (UNSC) Resolution 1973 (2011) available online at, www.un.org/News/Press/docs/2011/sc10200.doc.htm

with “the responsibility to protect,” the norm that calls on the international community to intervene when governments fail to safeguard their own civilians.

In support of broader international community efforts, the Alliance’s decision to undertake military action was based on three clear principles: *a sound legal basis; strong regional support; and a demonstrable need*. The particular context of events in Libya in March 2011 met these criteria. With the adoption of UNSCR 1973, several UN member states took immediate military action. NATO followed by enforcing the no-fly zone only six days later.

NATO took over sole command and control of all military operations for Libya on 31 March. It acted in full accordance with the UN mandate and consulted closely throughout with the UN, the EU, the League of Arab States and other international partners. The NATO-led “Operation Unified Protector”³⁵² had three distinct components:

(1) The enforcement of an arms embargo on the high seas of the Mediterranean to prevent the transfer of arms, related material and mercenaries to Libya;

(2) The enforcement of a no-fly zone in order to prevent any aircraft from bombing civilian targets; and

*(3) Air and naval strikes against those military forces involved in attacks or threats to attack Libyan civilians and civilian-populated areas.*³⁵³

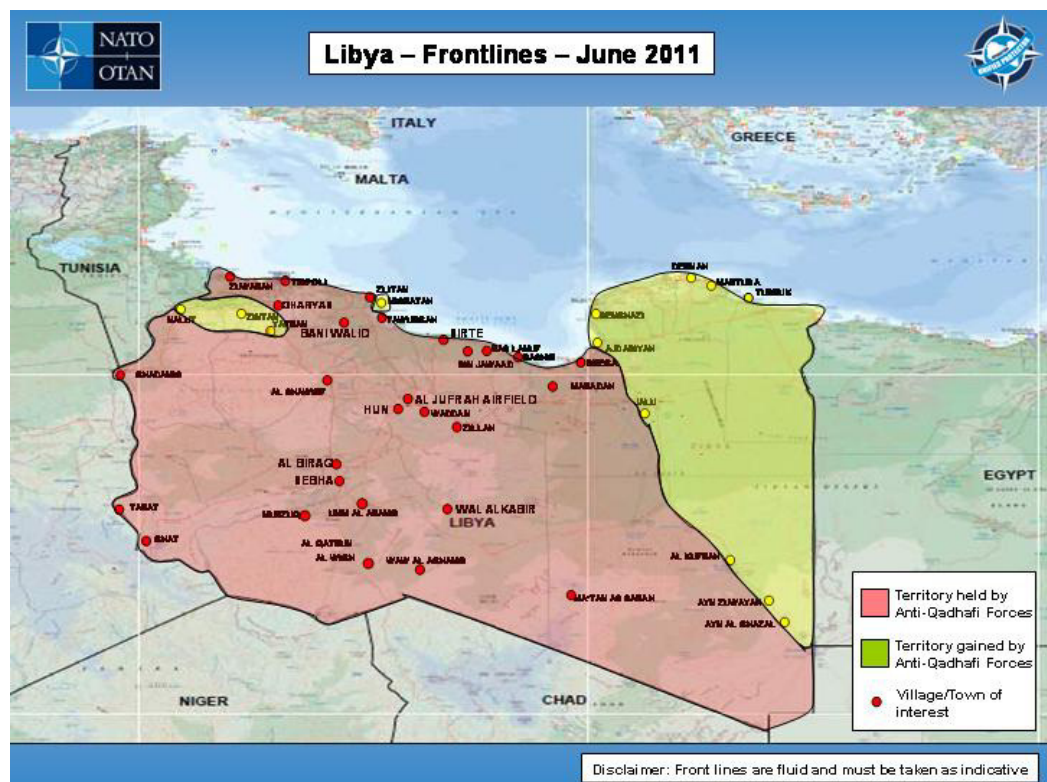
In sum, the Libyan conflict has gone through a number of stages. When protests were met with violence on the part of the security services, it was the initial stages of the crisis as purely *domestic* incident. By 28 February 2011, as the fighting became more intense and the rebels changed from a loose collection of protesters to become an organized military force, the hostilities had risen to the level of an *internal armed conflict* at the second stage.

³⁵² Operation UNIFIED PROTECTOR, NATO-led Arms Embargo against Libya October 2011, mission and mandate text is available online at; http://www.nato.int/nato_static/assets/pdf/pdf_2011_10/20111005_111005-factsheet_arms_embargo.pdf

³⁵³ NATO Secretary General’s Annual Report 2011, available online at; http://www.nato.int/docu/sg_report/2011/sg_annual_report_2011_mob_en.html

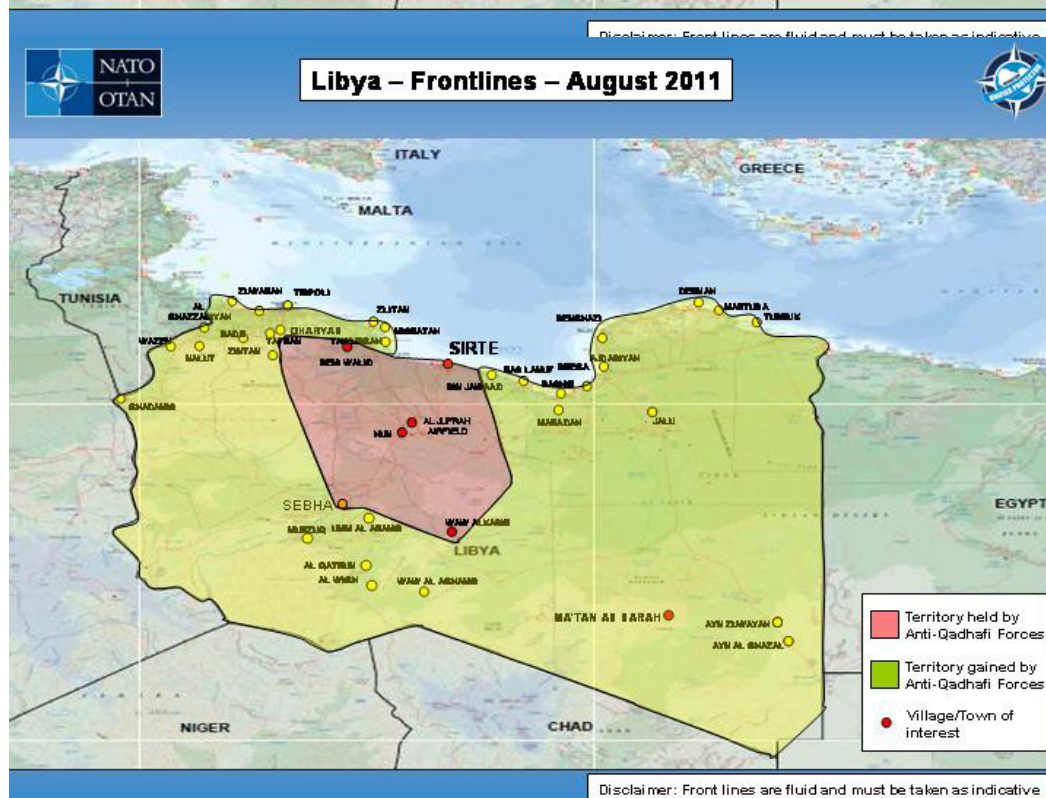
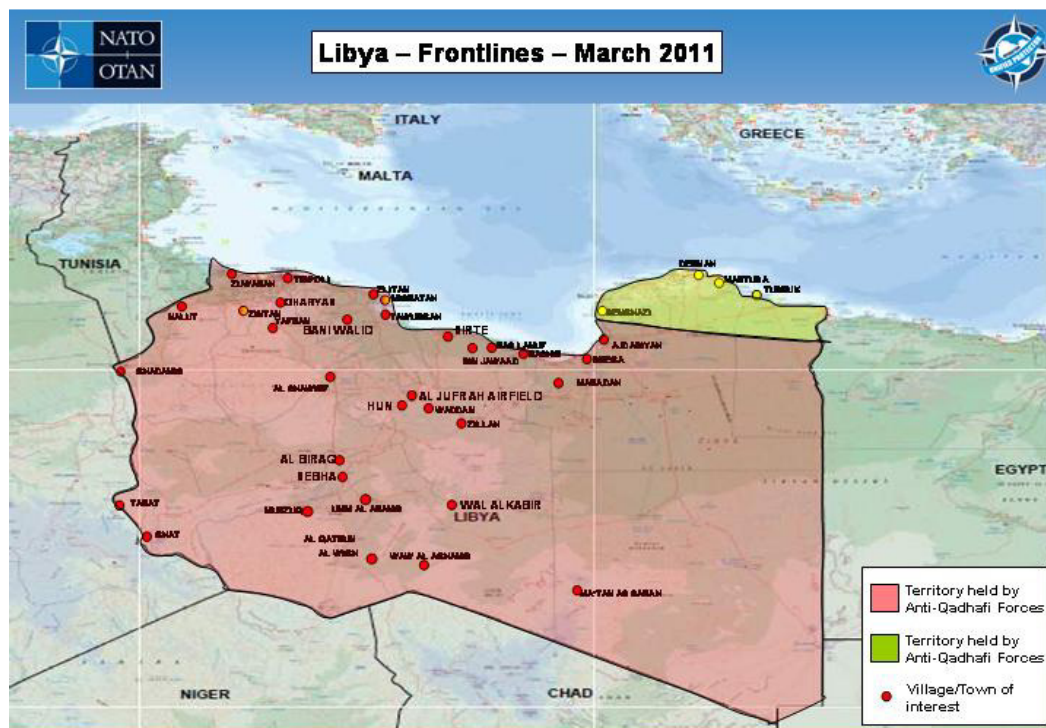
Later at the third stage, the intervention of the USA, France and Britain, and subsequently NATO, in March internationalized the conflict. It became an *international armed conflict*. The final stage of the conflict came on 15 July when, almost 30 States and international organizations recognized the National Transitional Council (NTC) as the government of Libya and the foreign intervention had now switched sides so the conflict was *re-internalized*.³⁵⁴

As a conclusion, after seven months of operations at sea and in the air NATO has ended its mission for Libya. The Alliance's job to protect civilians from the threat of attack is done. NATO's involvement in Libya demonstrated that the alliance remains an essential source of stability. Although it is successful, NATO's intervention in Libya suggested that the organization must strengthen its basic infrastructure if it hopes to increase its role in global security. NATO's integrated command structure and shared funding bind the alliance together, but serious gaps remain in its overall capabilities.³⁵⁵



³⁵⁴ Katie A. Johnston, "Transformations of Conflict Status in Libya", *Journal of Conflict & Security Law*, Vol. 17 No. 1, 2012, p. 114.

³⁵⁵ Daaler and Stavridis, 6



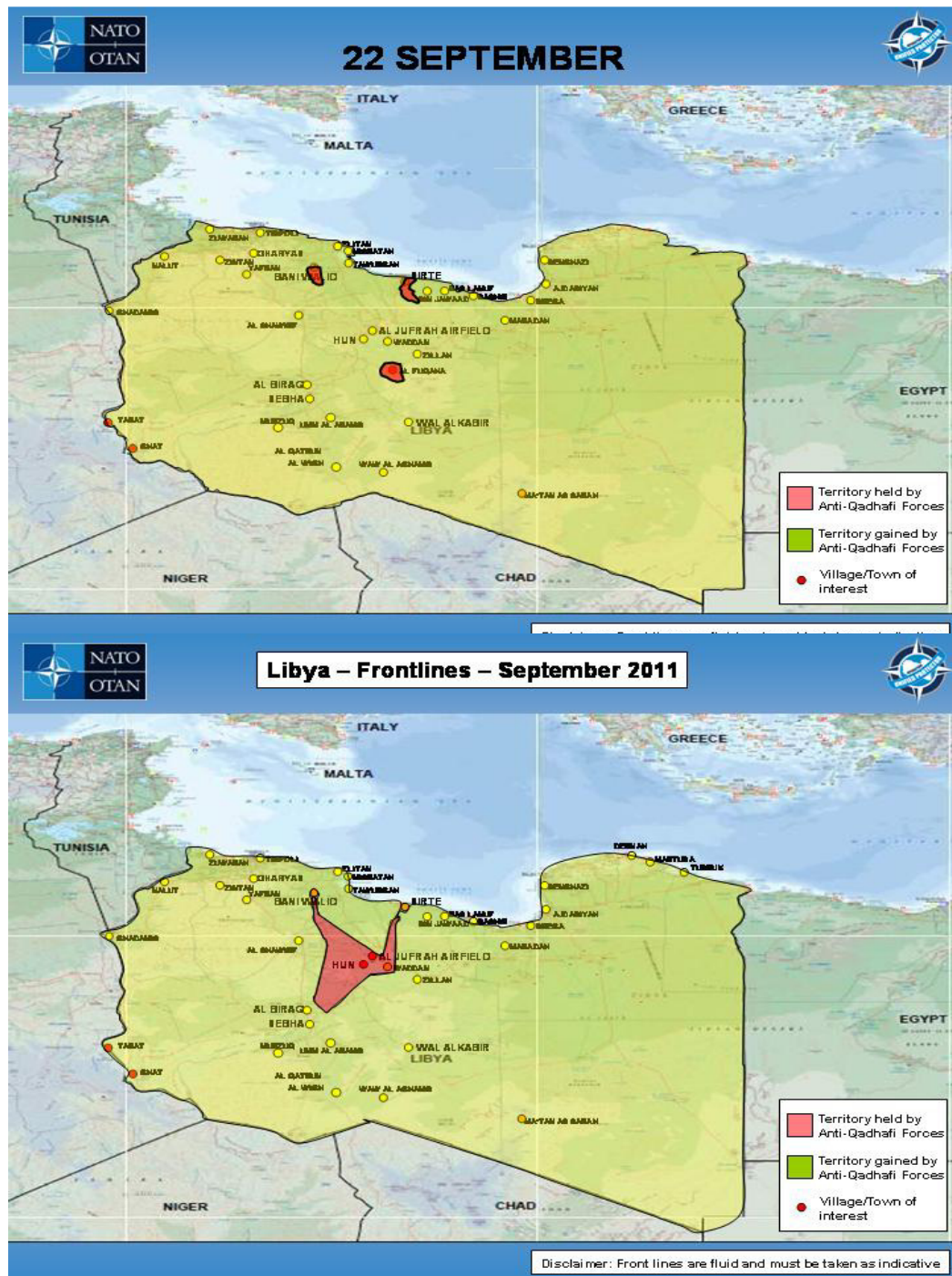


Figure 19: Evolution of the frontlines in Libya - March-Sept. 2011, Maps showing the gradual reduction in the sphere of influence of Qadhafi forces over the six months³⁵⁶

³⁵⁶ http://www.nato.int/cps/en/natolive/photos_78403.htm?selectedLocale=en, accessed on 23 March 2013

4. NEW ROLE FOR NATO IN 21ST CENTURY AND BEYOND

"The Treaty of Washington of 1949 [which created NATO] nowhere mentions the Soviet Union". Manfred Wörner, NATO Secretary General

Under this title, the *NATO's new role in the new security environment* related issues will be examined such as; Interaction or interrelation; a methodology to apply UNSC resolutions via NAC/EAPC decisions. What are the things need to be changed? Understanding of new extended missions for global security and finally; International security implementations, from fragmented authority to divided responsibility.

As it was explained in the previous chapters of this study, with the disappearance of Soviet Union and Warsaw Pact, there also disappeared the security tensions that have been permeating the pores of international politics ever since the end of the World War II. On 9 November 1989 the Berlin Wall was opened. Eleven months later Germany reunified. On 1 April 1991 the Warsaw Pact disbanded followed on 25 December 1991 by the Soviet Union. In just two short years, the core factors that had contributed to NATO's creation, a divided Germany and the Soviet threat were gone³⁵⁷. For NATO there was relief and confusion. In spite of the fact that, victory in the Cold War posed in front of the North Atlantic Alliance the question of the reasonableness of its existence, this, however, did not mean that security threats have vanished. The appearance of different nationalist movements pursuing the change of borders or “*ethnic purification*” inside them, and growing economic instability, posed the potential security challenges in which NATO found the reason for survival.³⁵⁸

Experience of former Yugoslavia, rapidly demonstrated that the United Nations lacked the political and material capacity adequately to meet the vastly expanded demands

³⁵⁷ Robert B. McCalla, “NATO's Persistence after the Cold War”, *International Organization Vol. 50, No. 3*, Summer 1996, p. 448

³⁵⁸ Igor Novaković, “Multilateral Operations – NATO”, *Western Balkans Security Observer No:16*, January-March 2010, p.26

for peace support action which it faced in the post-Cold War environment. Thus, in order to respond to the crisis, the USA and the countries of Western Europe accepted NATO as the main instrument for safeguarding the stability and peace in Europe and wider region, which implied unofficial consent to the extension of NATO competences and its subsequent engagement *outside the zone of responsibility* (out of area), or outside the territory of its Member States. The first challenge to emerge was the disintegration of Yugoslavia and the conflict that followed.

It is in analyzing NATO's future that much of the discussion about a Global NATO has arisen. An academic debate about the globalization of NATO was stimulated by the publication in *Foreign Affairs* of an article by Robert Kagan and Ivo Daalder, entitled "Global NATO." It was perhaps the most loud call for NATO to embrace global partners. The authors' vision was bold: "*NATO's next move is to open its membership to any democratic state in the world that is willing and able to contribute to the fulfilment of NATO's new responsibilities.*"³⁵⁹

The new role of the Alliance and its engagement through multilateral operations has been gradually defined through different documents. The progress and the procedure of its defining can be roughly divided into two periods: from the end of the Cold War to the attack on the World Trade Centre on the 11th of September 2001, and from that attack to this date. The documents starting to redefine the role of NATO were *Rome Declaration* and new 1991 *NATO Strategic Concept*. The Strategic Concept put in place the theoretical foundations for the new role of NATO forces in Europe as the main factor in maintaining the *stability and balance in Europe, and durable safeguarding of peace*³⁶⁰.

In the 1991 *Strategic Concept*, NATO expressed its intention to, in the case of danger at the borders of its Member States, utilise its facilities so as to prevent the conflict over spilling onto their territory. The 1999 Strategic Concept, published at the Summit in Washington, once again stressed the need for a broad approach in the international security, repeating all those new challenges faced by the Member States, as mentioned in

³⁵⁹ Robert Kagan and Ivo Daalder, "Global NATO," *Foreign Affairs*, September/October 2006, p.106

³⁶⁰ 1991 NATO Strategic Concept, available online at;
http://www.nato.int/cps/en/natolive/official_texts_23847.htm

the preceding Strategic Concept. It has become clear that the Alliance's focus on the defence of Euro-Atlantic area can no longer be sustained without global engagement, namely without instigation of NATO actions "out of area", and without expanding the partnership network to include the states outside the territory of the Atlantic Axis.³⁶¹ After the terrorist attack of the 11th September 2001, global terrorism and the proliferation of weapons for mass destruction were recognised as new threats and, accordingly, a new *action plan* was promoted at the summit in Prague, in November 2002³⁶².

Since 1990 to this date, legal frameworks for NATO engagements were primarily founded on;

*(1) Article 5 of the Washington Charter, namely joint defence action of all members' states in case any of them is attacked. (2) NATO implements multilateral actions within the framework set up by the UN Security Council as an organisation capable to, at a given moment, contribute to the peacekeeping initiatives and actions (3) finally, NATO engagement can ensue at the request for help by a member state or a partner country.*³⁶³

Two critical changes in the nature of the international system have influenced NATO's evolution since the collapse of the Soviet Union in 1991. First, the distribution of power in the international system is no longer bipolar. For all its tensions, the international system was relatively stable during the Cold War, with the two superpowers and their allies aligned in opposition. This made core alliance cohesion relatively easy to maintain. NATO's European members were unlikely to defect from the U.S.-led alliance, and the United States was unlikely to abandon Europe, though fears to the contrary emerged periodically. Although scholars continue to debate whether the current international system is unipolar, multipolar, or something else, today U.S. military power dwarfs that of other powers in the international system³⁶⁴. Second, a security community developed among the European powers, Japan, and the United States concurrently with the erosion

³⁶¹ Novaković, 29

³⁶² Prague Summit Declaration text is available online at; <http://www.nato.int/docu/pr/2002/p02-127e.htm>

³⁶³ Novaković, 30

³⁶⁴ Nevers, 58

and eventual collapse of Soviet power. As a result, the option of war between these powers has become virtually unthinkable. This is an equally momentous change in the international system, given that great power war has been a constant in history³⁶⁵.

Through creating "rapid reaction forces" as a decision of 1991 Roma summit; first time a true multinational force structure implemented and at the January 1994 Brussels summit announced NATO's most radical plan, the Combined Joint Task Forces (CJTF), put forth. CJTF allows for the first time the possibility (1) *for NATO to engage in military action with other international entities and (2) for the nonparticipation of NATO members in alliance-approved military activities*. Most important, NATO has ceased planning for operations against a clearly defined adversary and has taken as its primary purposes crisis management and promoting international stability, as seen in its shift from threat assessment to risk assessment.³⁶⁶

As far as its new role is concerned, NATO's military value as a partner to the United States in the war against terrorism also remains in question. Should the United States confront terrorists militarily in the future, it will likely do so with *special operations forces* working either alone or with host-government troops. A few alliance members may participate in such operations, but the alliance itself will not. Further, the bulk of the struggle against terrorism requires substantial non-military means. NATO may have a useful diplomatic role to play, both among its members and with regard to key states such as Russia. But many of the critical tasks in this fight are outside the military domain, leaving NATO with little role.³⁶⁷

As mentioned through the previous chapters of this theses, addition to improving its ties with former Warsaw Pact countries through the North Atlantic Cooperation Council (NACC), and the Partnership for Peace (PfP) framework, NATO has developed closer ties with the United Nations, the WEU, and the OSCE, hoping to be in a stronger position to participate when its interests are at stake in areas outside of its geographic domain. In the Balkans it has recently been using coercive force on behalf of the international community

³⁶⁵ Robert Jervis, *American Foreign Policy in a New Era*, New York, 2005, pp. 11-36.

³⁶⁶ McCalla, 449

³⁶⁷ Nevers, 66

in a way that would have been unimaginable a decade ago. In short, NATO has shown both continuity and innovation with respect to its overall strategic direction.

It is predicted by the realist scholars that absent the Soviet threat, NATO would cease to be an effective alliance.³⁶⁸ Kenneth Waltz, in testimony before the U.S. Senate Foreign Relations Committee in November 1990 argued that "NATO is a disappearing thing. It is a question of how long it is going to remain as a significant institution even though its name may linger on."³⁶⁹ Half a decade later, such predictions show little sign of coming true. It is by now clear that NATO has survived the end of the cold war, and remains, as one analyst put it, "the leading security organization in Europe."³⁷⁰ Although NATO still is preparing to deal with threats in true realist fashion, it exists nonetheless at a level of institutionalization today that cannot be explained by threats alone. While neo-realism would lead us to expect a revised definition of the external threat that NATO members faced after 1991, neo-realism cannot easily account for what NATO has done in response. It has expanded its relationship to other international organizations as part of an effort to embed itself further into the framework of European, and to a lesser extent Trans-Atlantic, relations. In so doing, NATO has demonstrated the flexibility expected of both organizations and international institution.³⁷¹

Immediately before the NATO summit which was held in Chicago in May 2012.³⁷² The 28 members of NATO have much to disagree over, with four issues standing out. First, the alliance's involvement in wars from Libya to Afghanistan and in potential wars from Syria to Somalia has elicited varying degrees of commitment from its members and differences of view over NATO's geographical focus. To put the question crudely, is it an alliance that focuses purely on the European continent or one that focuses on the wider

³⁶⁸ John J. Mearsheimer," Back to the future: Instability in Europe after the cold war", *International Security issue: 15*, 1990, p.52.

³⁶⁹ Robert O. Keohane, *Institutional Theory and the Realist Challenge after the Cold War*, In *Neo-realism and neo-liberalism: The contemporary debate*, edited by David A. Baldwin, New York: Columbia University Press, 1993, p.286

³⁷⁰ John S. Duffield, , "NATO's functions after the cold war", *Political Science Quarterly issue: 109*, 1994/95, p. 763

³⁷¹ McCalla, 470

³⁷² "NATO and NATO Parliamentary Assembly focus on Chicago summit priorities", available online at NATO web page, 13 February 2012 at; http://www.nato.int/cps/en/natolive/news_84332.htm, accessed on 17 April 2013.

security challenges to its members which are potentially global? Second, there remains the question of NATO's continuing relationship with Russia and the associated thorny question of the further enlargement of the alliance's membership to include more states of the former Soviet Union. In addition, in the context of NATO's relations with Russia there are the issues of ballistic missile defence and the withdrawal of NATO combat forces from Afghanistan, at least partially, via Central Asia to contend with. Third, as a result of defence reductions and the debates about NATO's future, the question of burden-sharing has re-emerged onto the NATO agenda.³⁷³ What is the appropriate contribution for the individual members and to what extent can the US be expected to continue to subsidize this? Finally, and perhaps most fundamental of all, the question of NATO's future role(s) remains a matter of dispute among its members. Is NATO still fundamentally about collective defence and the Article 5 mission?³⁷⁴ And if so, what constitutes an armed attack, given the cyber-environment? These disagreements raise questions about how NATO should relate to other international organizations, most notably the European Union, how it should be configured and the level of commitment of its members.³⁷⁵

As a conclusion, it is correct to accept that, the alliance would continue to provide for the defence of Europe, and the alliance members' shared values may be sufficient to sustain NATO as an organization, assuming its political consultation and dialogue functions continue to thrive. But such a defeat would raise serious questions about NATO's contribution to its members' core security concerns, if these are seen as *out of area*. If NATO's major member states do not seek to address their most urgent threats within the alliance framework, its military value could weaken. While NATO's high degree of organizational and institutional development sets it off from other alliances, increasing political and economic integration suggest that future security efforts by states will be more multilateral in nature and show greater institutional development than in the past.

³⁷³ Malcolm Chalmers, "The Atlantic burden-sharing debate: Widening or Fragmenting?", *International Affairs Volume 77 issue 3*, 2001, p. 573

³⁷⁴ Philip Hammond, "NATO: the most successful tool for collective defence ever invented", *Desider no. 45*, February 2012, p. 24, available online at; <https://www.gov.uk/government/speeches/2012-01-05-nato-the-case-for-collective-defence-in-the-21st-century--2>, accessed 01 May 2013

³⁷⁵ Timo Noetzel and Benjamin Schreer, "Does a multi-tier NATO matter? The Atlantic alliance and the process of strategic change", *International Affairs Volume 85 issue 2*, March 2009, pp. 211–226.

Thus it is reached at this point in this thesis that, NATO needs to be renewed by itself via an institutional way. From this perspective the future of NATO depends not only on the costs of maintaining it but also on the extent to which the element of mutual confidence is maintained. A common value basis is not set once and for all; it must be not only carefully built but also continuously reproduced and rebuilt.³⁷⁶

According to the analyses derived from the results of the table at Appendix g³⁷⁷, and the results of the all previous explanations about the subject NATO operations, NATO still has the mission to conduct in the future. This mission may be even in “out of area”, in order to facilitate the lasting secure, stable and peaceful environment for members and partners, not for justifying its own existence. However, accurate implementation of NATO’s new role needs some extra regulations to fulfil the necessary qualification, not only at structural base but also at legal base. First, structurally, NATO has to revise and transform its command and force structures so far as it does. Secondly, at the legal base, it is certainly required to review and furthermore to amend the Alliance’s Charter in this content.

The main purpose of this thesis has been to examine the differences made between NATO's latest interventions and the chart of NATO as a defence organization, as well as to propose a solution at the end as conclusion. It has been also suggested that although I may well be missing the point about NATO if we conceptualize it as just another military alliance, there are *structural limitations* to NATO as a democratic community.

5. CONCLUSION

“There is an awareness of the global nature of a lot of these problems, but a great reluctance to go beyond the geographic reach of NATO. US Secretary of State Hillary Clinton, January 2010”

³⁷⁶ Helene Sjursen, “On the Identity of NATO”, *International Affairs, Royal Institute of International Affairs 1944*, Vol. 80, No. 4, The Transatlantic Relationship (Jul., 2004), p.701

³⁷⁷ See Appendix g, “NATO Operations’ comparison Chart”

US Secretary of State Hillary Clinton also observed that in the face of *rogue regimes* such as North Korea, “*there are some who say this is too complicated, it is out of area, it is not our responsibility*”³⁷⁸. Events may, however, oblige the allies to grapple with the consequences of security challenges originating not only in the Middle East and the Asia–Pacific region, but also Africa and oceans as well.

In the past twenty years, NATO has significantly grown, from a classic defence alliance to a multidimensional structure aspiring to be a political and economic channel for communication between the two sides of the Atlantic Ocean. After the breakdown of the Warsaw Pact, the need for the Alliance has been reaffirmed through different kinds of multilateral operations that have outgrown their pure military character. The strength and the capacity of Atlantic allies have put in place new standards that NATO will probably officially implement through its new strategic concept expected after 2010, which will form a basis for further development of the competencies of both NATO and the partner countries.³⁷⁹

It might be argued that the allies have already come close to referring to such a contingency in the Comprehensive Political Guidance: “As shown by the terrorist attacks on the United States in 2001 following which NATO invoked Article 5 for the first time, future attacks may originate from outside the Euro-Atlantic area and involve unconventional forms of armed assault. Future attacks could also entail an increased risk of the use of asymmetric means, and could involve the use of weapons of mass destruction”³⁸⁰.

The danger that a non-Article 5 mission could turn into a collective defence contingency has been present since 1992, when the allies first undertook such operations in the Balkans. NATO forces operating in Afghanistan or some other location distant from their national territories could face attacks by a foreign government (as opposed to attacks by terrorists and insurgents), and these attacks might be conducted with nuclear, chemical or biological weapons. The core security interests of NATO or of specific allies could be

³⁷⁸ US Secretary of State Hillary Rodham Clinton, “Remarks on the future of European security”, L’École Militaire, Paris, 29 Jan. 2010, available online at: <http://www.state.gov/secretary/rm/2010/01/136273.htm>, accessed 7 Feb 2010

³⁷⁹ Novaković, 36

³⁸⁰ North Atlantic Council, Comprehensive Political Guidance, 26 Nov. 2006, paragraph 5.

affected by such attacks. If NATO forces came under attack by a foreign government outside the Article 6 area, how would the allies respond? Should the allies say in the Strategic Concept that they would regard such an attack as an Article 5 case? If core security interests held collectively by the allies came under attack, they might choose to treat it as an Article 5 case, even if the attack took place outside the Article 6 area, and even if they had said nothing about such a contingency in the new Strategic Concept. Given that deterrence may require sending messages about vital interests, however, should the NATO allies state that their vital interests include their armed forces when they are engaged in alliance operations beyond the geographical area specified in Article 6?³⁸¹

It is not clear whether or how producing Strategic Concepts will contribute to the alliance's renewal. It is vital that Allies agree on what their core tasks are and on the need to maintain the capabilities required to fulfil them. NATO today is more active than at any previous time, yet its role in providing security is less obvious to many than it was during the Cold War³⁸². Strategic Concepts offer some opportunities for reconciling differences of perspective and for dealing with situations. To this end, iteration of the core tasks of the Alliance once again is a necessary first step. Amongst the vast range of 'regional arrangements' potentially available for peace enforcement purposes NATO was seen as much the most operationally capable and potentially effective. As far as NATO operational achievements during assumed peacekeeping role is concerned in Bosnia, Kosovo, and Afghanistan, four factors, have corroded and sometimes entirely frustrated NATO willing: *(1) political movements motivated by strong ethnic, national, or even clan identity are capable of taking considerable punishment; (2) such movements are morally capable of great violence; (3) the political and military leaders of such movements possess considerable organizational skill, which permits surprising, if often horrible, successes; and (4) military skills abroad are well developed; the local military can creatively utilize technically lesser equipment to take advantage of exceptional local conditions, to achieve limited tactical objectives.*

³⁸¹ David S. Yost, "NATO's evolving purposes and the next Strategic Concept", *International Affairs Volume 86 issue 2*, 2010, P.516

³⁸² "NATO 2020: Assured Security; Dynamic Engagement", NATO official web page, available online at; http://www.nato.int/cps/en/natolive/official_texts_63654.htm, accessed on 10 May 2013.

These factors may not always permit the local rivals to avoid or overcome the utter material advantages that the NATO can bring to tolerate. They can, however, often turn the peace plans, coercive diplomacy, and limited military operations of NATO, into cruel asymmetric fights. Political and humanitarian goals turn out to be much more difficult to achieve than anyone expected. The opposition in these affairs is brutal, flexible, and resourceful, and ought to be taken more seriously. Nowadays, the possibility of a threat to NATO's periphery continues to exist. As it was during the Gulf War, Turkey still invokes NATO military assistance against possible Syrian hostile actions. The unsettled situation around Turkey's borders with south-eastern neighbours could lead again more NATO assistance even politically.

The NATO actions, regardless of how well-intentioned, constitute an unfortunate precedent for states to use force to suppress the commission of international crimes in other states-grounds that easily can be and have been abused to justify intervention for less laudable objectives. As now conceived, the so-called doctrine of humanitarian intervention can lead to an escalation of international violence, discord and disorder, and diminish protections of human rights worldwide. If current international law and organizations are inadequate to solve problems like the Kosovo situation, better rules of law and improved organizations might be developed to avoid these terrible risks and properly protect human rights.³⁸³

Kosovo demonstrates yet again a compelling need to address the deficiencies in the law and practice of the UN Charter. The sometimes compelling need for humanitarian intervention as at Kosovo, like the compelling need for responding to interstate aggression as against Iraq over Kuwait or civil conflicts as against Libya, brings home again the need for responsible reaction to violations of the Charter, or human rights, by responsible coalition forces acting in the common interest. When we turn our attention to the, perhaps unanswerable, riddle of how the U.S. distinguishes between the massacre of Libyans by their own government and the massacre of Syrians by their own government. Whether actively or passively, the international community has determined that the massacre of the Syrian population by the Assad government, does not justify international humanitarian

³⁸³ Jonathan I. Charney, Anticipatory Humanitarian Intervention in Kosovo, *The American Journal of International Law*, Vol. 93, No. 4, October 1999, p. 834

intervention for a variety of reasons, Herein a compelling argument can be made that unorganized Syrians are in greater need of international intervention than organized Libyan rebels.³⁸⁴ That is, NATO has deliberately turned its back on the citizens of one country while readily coming to the assistance of the citizens of another country.

We need Article 43³⁸⁵ agreements for stand by forces responsible to the Security Council, but neither action by the Security Council under Article 42³⁸⁶, nor collective intervention as by NATO at Kosovo, can serve without some revision in the UN Chart and the practice of the veto. That might be the lesson of Kosovo.

³⁸⁴ Amos N. Guiora, "Intervention in Libya, Yes; Intervention in Syria, No: Deciphering the Obama Administration, 2012, pp. 251-276

³⁸⁵ UN Charter article 43;

1. *All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*
2. *Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*
3. *The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.*

³⁸⁶ UN Charter article 42;

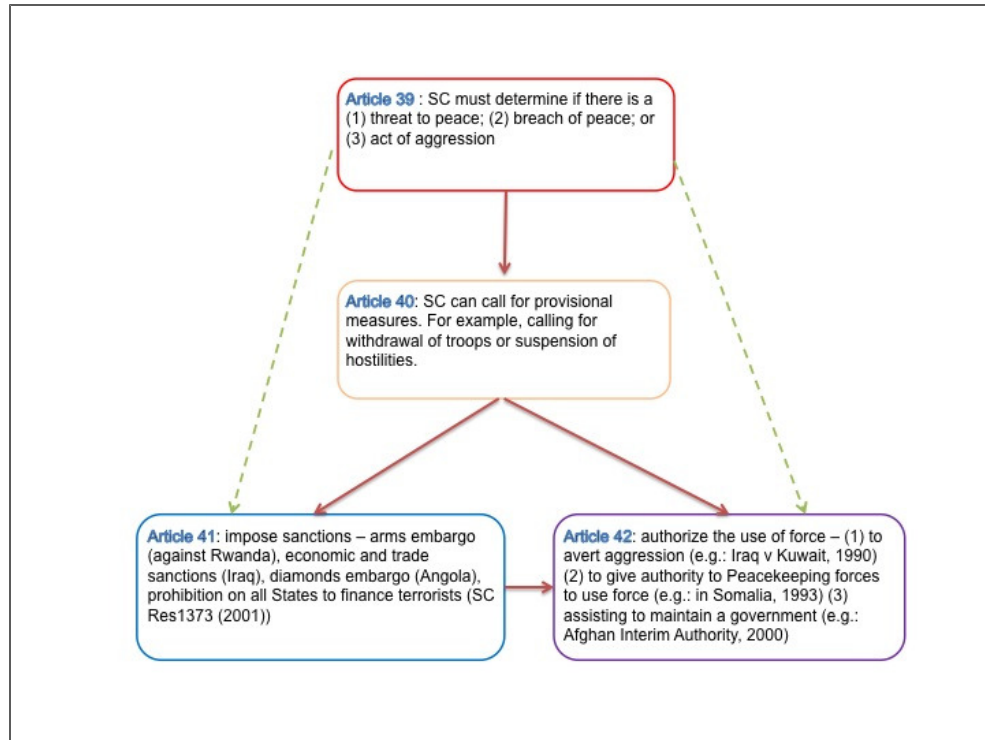


Figure 20: Procedure to be followed at the UNSC when a State has used force against another State³⁸⁷

Moreover, the NATO actions in Kosovo, Afghanistan and Libya and current silence of the alliance about Syria, may reflect a step toward a change in the NATO Charter as well. This possible change or modification could be the part of the quest for developing "a form of collective intervention" beyond a veto-bound Security Council. That may be a desirable change, perhaps even an *inevitable change*. That, some might suggest, is what the law ought to be, and proponents of a "living Charter" would support an interpretation of the law and an adaptation of NATO procedures that rendered them what they ought to be.

³⁸⁷ Public International Law web page, "First exception to the Prohibition on the Use of Force: Security Council Authorization to Use Force", available online at; <http://ruwanthikagunaratne.wordpress.com/tag/article-42-of-the-un-charter/>

General assets		Specific Assets	
		External Threat	Instability/mistrust
NATO's assets during the Cold War	Transparency (among members) NAC (and civilian staff) Practices and procedures for consultation SHAPE (and integrated command structure) Interoperability (among members) Logistics, reinforcements, air defence Common economic infrastructure	Article 5 commitment Flexible response (strategy and capabilities) Positional defence/forward deployment High readiness	Political-military integration(among members) Multi-nationality of command and forces Supranational defence policy Civilian/democratic control
NATO's assets after the Cold War	Transparency (members and partners) NAC (and civilian staff) Practices and procedures for consultation SHAPE (and integrated command structure) Interoperability (members and partners) Logistics, reinforcements, air defence Common economic infrastructure	Article 5 commitment Residual deterrence	Political-military integration (members and partners) Combined joint task forces (members and partners) Partnership for Peace (and Partnership Coordination Cell in Mons) Multi-nationality of command and forces(NACC, EAPC, Permanent Joint Council) Supranational defence policy Civilian/democratic control

Figure 21: NATO assets comparison between Cold War and Post Cold War periods.

The above chart shows the differences between Cold War and post-Cold War periods NATO assets. The end of the Cold War has created a strategic situation in which the expected utility of most joint security action within NATO is often low. Thus peace operations as a "good" may not be highly valued in practice, whatever NATO members say. If this is the case, only highly valued private motivation is needed to make multilateral peace operations work effectively. For these reasons, it is relatively unlikely that NATO has a feasible post-Cold War peace-operations mission unless the incentives facing its members are significantly redefined. Yet this finding of the problem implies a partial solution. If NATO governments want to have a viable post-Cold War peace-operations mission, it is necessary to add some severe *obligations written in the text of NATO Chart*. Short of that, a disparity in individual incentives and preferences would be good for NATO, insofar as it leads to a greater diversity of private security goods, some of which can presumably be used for NATO purposes as well.³⁸⁸ This reasoning also suggests a specific amendments recommendation not only at the NATO Chart, but also at the UN Chart as well. UN Chart Article 51 says; "Nothing in the present UN charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." Thus, while the U.N. specifically prohibits preventive war in the article 51, the phrase, "if an armed attack," demonstrates that the U.N. also does not authorize pre-emptive action.³⁸⁹ However, it may be argued that circumstances have so fundamentally changed since 1945, when the UN Charter was adopted, that the "armed attack" restriction can no longer be taken exactly. Clearly, the threat of large-scale terrorism with weapons of mass destruction was not foreseen when the Charter was drawn up.³⁹⁰

*"Today, it is clearly understood that there are six groups of threats
with which the world must be concerned now and in the decades ahead:
(1) Economic and social threats, including poverty, infectious disease*

³⁸⁸ Joseph Lepgold, NATO's Post-Cold War Collective Action Problem, *International Security*, Vol. 23, No. 1, Summer 1998, p. 104

³⁸⁹ Michael Byers, "Letting the Exception Prove the Rule", *Ethics and International Affairs Volume:17.1*, 2003, p.11

³⁹⁰ Frederic L. Kirgis, "Pre-emptive Action to Forestall Terrorism", *American Society of International Law*, June 2002, available online at; <http://www.asil.org/insigh88.cfm>

and environmental degradation (2) Inter-State conflicts (3) Internal conflicts, including civil war, genocide and other large-scale atrocities (4) Nuclear, radiological, chemical and biological weapons (5) Terrorism and (6) Transnational organized crime”³⁹¹

The changing nature of the post-Cold War Alliance has not been a clear exercise for the member states. The most controversial items have been the differences of opinion between Article 5 traditionalists and reform minded Allies. So if UN Charter Article 51 is even unchanged, in accordance with the NATO Chart Article 12³⁹², revised Article 5 of the Washington Treaty would be:

“The Parties agree that if an armed attack occurs against one or more of them in Europe, North America or in any place where NATO conducts operation and if any humanitarian violence is concerned as UNSC decision and the threat of large-scale terrorism with weapons of mass destruction is a question, building international coalitions including the use of armed force individually and/or in concert with the other Parties, in order to restore and maintain the international security, shall be considered necessary. Any such armed attack and all measures taken in order to restore and maintain international peace and security or resolve crises, as a result thereof shall immediately be reported to the Security Council by NAC. Such measures shall be widened by NATO when the Security Council decides to take extended measures necessary to restore and maintain international peace and security.”

Thus, if UN Charter Article 51 is subject to change and pre-emptive defence is accepted as necessary for self-defence, revised Article 5 of the Washington Treaty would be:

³⁹¹ A more secure world: Our shared responsibility, *Report of the High-level Panel on Threats, Challenges and Change*, United Nations, 2004

³⁹² NATO Chart Article 12;

“After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.”

“The Parties agree that if an armed attack occurs against one or more of them in Europe, North America or in any place where NATO conducts operation and if any humanitarian violence is concerned as UNSC decision and the threat of large-scale terrorism with weapons of mass destruction is a question, building international coalitions including the use of armed force individually and/or in concert with the other Parties, in order to restore and maintain the international security, shall be considered necessary. These acts cover to exercise the right of self-defence by acting pre-emptively against such terrorists, to prevent them from doing harm against any NATO member country. Any such armed attack and all measures taken in order to restore and maintain international peace and security or resolve crises, as a result thereof shall immediately be reported to the Security Council by NAC. Such measures shall be widened by NATO when the Security Council decides to take extended measures necessary to restore and maintain international peace and security.”

As it was indicated in the previous chapters of this thesis, *since the NATO's coming into force on 24 August 1949, none of the Parties to it have requested a review of the Treaty under Article 12 so far*, although at each stage of its development the Alliance has kept the implementation of the Treaty under continuous review for the purpose of securing its objectives.

It is obvious that the NATO has successfully ensured the freedom of its members and prevented war in Europe during the 40 years of the Cold War. By combining defense with dialogue, it played an indispensable role in bringing East-West confrontation to a peaceful end. Since 1989, profound political changes have taken place in Central and Eastern Europe which have radically improved the security environment in which the North Atlantic Alliance seeks to achieve its objectives.³⁹³ The dramatic changes in the Euro-Atlantic strategic landscape brought by the end of the Cold War were reflected in the Alliance's 1991 Strategic Concept. There have, however, been further profound political and security developments since then³⁹⁴. In reality, the Euro-Atlantic area is at peace and

³⁹³ NATO Strategic Concept 1991, Part 1, Paragraph 1.

³⁹⁴ NATO Strategic Concept 1999 is available online at;
http://www.nato.int/cps/en/natolive/official_texts_27433.htm

the threat of a conventional attack against NATO territory is low. Meanwhile, at the NATO latest Strategic Concepts, it is clearly approved that,

“(1) the proliferation of nuclear weapons and other weapons of mass destruction, and their means of delivery, threatens incalculable consequences for global stability and prosperity,

(2) The instability or conflict beyond NATO borders can directly threaten Alliance security, including by fostering extremism, terrorism, and trans-national illegal activities such as trafficking in arms, narcotics and people,

(3) Cyber attacks are becoming more frequent, more organised and more costly in the damage that they inflict on government administrations, businesses, economies and potentially also transportation and supply networks and other critical infrastructure; they can reach a threshold that threatens national and Euro-Atlantic prosperity, security and stability.”

The reforms or renovations I propose will not by themselves make the NATO more effective. In the absence of Member States reaching agreement on the security consensus contained in the thesis, the NATO can face serious internal problems in the future. Its institutions will still only be as strong as the energy, resources and attention devoted to them by Member States and their leaders.

As a result, based on the analyses done by various experts and written in the official recourses, moreover, sourced from my own field experiences;

1. Security environment is certainly changed,
2. NATO has an indispensable role to play in consolidating and preserving the positive changes of the recent past, and in meeting current and future security challenges.
3. It is confirmed that the Alliance is going to continue to prevent crises, manage conflicts and stabilize post-conflict situations, including by working more closely with international partners, most importantly the United Nations and the European Union.

Under these statements, my recommendation is;

“To actuate the North Atlantic Treaty article 12 and to make necessary revisions particularly at the article 5, because of the above mentioned certain changes affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements.”

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APPENDICES:

- a. NATO Treaty
- b. UN Charter
- c. PFP Framework Agreement**Error! Bookmark not defined.**
- d. Chronology of NATO
- e. Evolution of NATO Strategy
- f. Comparison Table of Strategic Concepts of the Alliance
- g. NATO Operations Chart

ÖZGEÇMİŞ
Rüştü Salim Savaş Biçer

Kişisel Bilgiler :

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Doğum Yeri	Ankara
Medeni Durumu:	Evli

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The North Atlantic Treaty (1949)

Washington D.C. - 4 April 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.

They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.



Article 6 (1)

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France (2), on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;
- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

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. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications. (3)



Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

1. The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951.
2. On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.
3. The Treaty came into force on 24 August 1949, after the deposition of the ratifications of all signatory states.



Protocol to the North Atlantic Treaty on the Accession of Greece and Turkey

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Kingdom of Greece and the Republic of Turkey to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Government of the United States of America shall, on behalf of all the Parties, communicate to the Government of the Kingdom of Greece and the Government of the Republic of Turkey an invitation to accede to the North Atlantic Treaty, as it may be modified by Article 2 of the present Protocol. Thereafter the Kingdom of Greece and the Republic of Turkey shall each become a Party on the date when it deposits its instruments of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

Article 2

If the Republic of Turkey becomes a Party to the North Atlantic Treaty, Article 6 of the Treaty shall, as from the date of the deposit by the Government of the Republic of Turkey of its instruments of accession with the Government of the United States of America, be modified to read as follows:

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

1. on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;
2. on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 3

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of the receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 4

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the Accession of the Federal Republic of Germany

The Parties to the North Atlantic Treaty signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Federal Republic of Germany to that Treaty, and Having noted that the Federal Republic of Germany has, by a declaration dated October 3, 1954, accepted the obligations set forth in Article 2 of the Charter of the United Nations and has undertaken upon its accession to the North Atlantic Treaty to refrain from any action inconsistent with the strictly defensive character of that Treaty, and

Having further noted that all member governments have associated themselves with the declaration also made on October 3, 1954, by the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the French Republic in connection with the aforesaid declaration of the Federal Republic of Germany, Agree as follows:

Article 1

Upon the entry into force of the present Protocol, the Government of the United States of America shall on behalf of all the Parties communicate to the Government of the Federal Republic of Germany an invitation to accede to the North Atlantic Treaty. Thereafter the Federal Republic of Germany shall become a Party to that Treaty on the date when it deposits its instruments of accession with the Government of the United States of America in accordance with Article 10 of the Treaty.

Article 2

The present Protocol shall enter into force, when

- a. each of the Parties to the North Atlantic Treaty has notified to the Government of the United States of America its acceptance thereof,
- b. all instruments of ratification of the Protocol modifying and completing the Brussels Treaty have been deposited with the Belgian Government, and
- c. all instruments of ratification or approval of the Convention on the Presence of Foreign Forces in the Federal Republic of Germany have been deposited with the Government of the Federal Republic of Germany.

The Government of the United States of America shall inform the other Parties to the North Atlantic Treaty of the date of the receipt of each notification of acceptance of the present Protocol and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the Accession of Spain

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Kingdom of Spain to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organization shall, on behalf of all the Parties, communicate to the Government of the Kingdom of Spain an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Kingdom of Spain shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the Accession of the Czech Republic

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Czech Republic to that Treaty,

Agree as follows :

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organization shall, on behalf of all the Parties, communicate to the Government of the Czech Republic an invitation to accede to the North Atlantic Treaty. In accordance with article 10 of the Treaty, the Czech Republic shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Signed at Brussels on the 16th day of December 1997.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Hungary

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Hungary to that Treaty,

Agree as follows :

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organization shall, on behalf of all the Parties, communicate to the Government of the Republic of Hungary an invitation to accede to the North Atlantic Treaty. In accordance with article 10 of the Treaty, the Republic of Hungary shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Signed at Brussels on the 16th day of December 1997.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Poland

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Poland to that Treaty,

Agree as follows :

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organization shall, on behalf of all the Parties, communicate to the Government of the Republic of Poland an invitation to accede to the North Atlantic Treaty. In accordance with article 10 of the Treaty, the Republic of Poland shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Signed at Brussels on the 16th day of December 1997.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Bulgaria

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Bulgaria to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Bulgaria an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Republic of Bulgaria shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Estonia

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Estonia to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Estonia an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Republic of Estonia shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the accession of the Republic of Latvia

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Latvia to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Latvia an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Republic of Latvia shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the accession of the Republic of Lithuania

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Lithuania to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Lithuania an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Republic of Lithuania shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the accession of Romania

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of Romania to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of Romania an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, Romania shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the accession of the Slovak Republic

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Slovak Republic to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Slovak Republic an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Slovak Republic shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the accession of the Republic of Slovenia

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Slovenia to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Slovenia an invitation to accede to the North Atlantic Treaty. In accordance with Article 10 of the Treaty, the Republic of Slovenia shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Albania

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Albania to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Albania an invitation to accede to the North Atlantic Treaty. In accordance with article 10 of the Treaty, the Republic of Albania shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Signed at Brussels on the 1st day of April 2009.



Protocol to the North Atlantic Treaty on the Accession of the Republic of Croatia

The Parties to the North Atlantic Treaty, signed at Washington on April 4, 1949,

Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Republic of Croatia to that Treaty,

Agree as follows:

Article 1

Upon the entry into force of this Protocol, the Secretary General of the North Atlantic Treaty Organisation shall, on behalf of all the Parties, communicate to the Government of the Republic of Croatia an invitation to accede to the North Atlantic Treaty. In accordance with article 10 of the Treaty, the Republic of Croatia shall become a Party on the date when it deposits its instrument of accession with the Government of the United States of America.

Article 2

The present Protocol shall enter into force when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof. The Government of the United States of America shall inform all the Parties to the North Atlantic Treaty of the date of receipt of each such notification and of the date of the entry into force of the present Protocol.

Article 3

The present Protocol, of which the English and French texts are equally authentic, shall be deposited in the Archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of all the Parties to the North Atlantic Treaty.

In witness whereof, the undersigned plenipotentiaries have signed the present Protocol.

Signed at Brussels on the 1st day of April 2009.



CHARTER OF THE UNITED NATIONS
AND
STATUTE OF THE
INTERNATIONAL COURT OF JUSTICE



SAN FRANCISCO · 1945

CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international

disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations 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 this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a

Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions

due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

Composition

Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the

United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Se-

curity Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to inter-

national friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be

employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

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

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not

represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Mem-

represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

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Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Mem-

ber of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or

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

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and inter-

national cultural and educational cooperation;
and

c. universal respect for, and observance of,
human rights and fundamental freedoms for
all without distinction as to race, sex, language,
or religion.

Article 56

All Members pledge themselves to take joint
and separate action in cooperation with the Or-
ganization for the achievement of the purposes set
forth in Article 55.

Article 57

1. The various specialized agencies, estab-
lished by intergovernmental agreement and hav-
ing wide international responsibilities, as defined
in their basic instruments, in economic, social,
cultural, educational, health, and related fields,
shall be brought into relationship with the United
Nations in accordance with the provisions of
Article 63.

2. Such agencies thus brought into relation-
ship with the United Nations are hereinafter re-
ferred to as specialized agencies.

Article 58

The Organization shall make recommendations
for the coordination of the policies and activities
of the specialized agencies.

Article 59

The Organization shall, where appropriate,
initiate negotiations among the states concerned
for the creation of any new specialized agencies
required for the accomplishment of the purposes
set forth in Article 55.

Article 60

Responsibility for the discharge of the func-
tions of the Organization set forth in this Chap-
ter shall be vested in the General Assembly and,
under the authority of the General Assembly, in

the Economic and Social Council, which shall
have for this purpose the powers set forth in
Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall con-
sist of eighteen Members of the United Nations
elected by the General Assembly.

2. Subject to the provisions of paragraph 3,
six members of the Economic and Social Council
shall be elected each year for a term of three years.
A retiring member shall be eligible for immediate
re-election.

3. At the first election, eighteen members of
the Economic and Social Council shall be chosen.
The term of office of six members so chosen shall
expire at the end of one year, and of six other
members at the end of two years, in accordance
with arrangements made by the General Assembly.

4. Each member of the Economic and Social
Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make
or initiate studies and reports with respect to inter-
national economic, social, cultural, educational,
health, and related matters and may make recom-
mendations with respect to any such matters to the
General Assembly, to the Members of the United
Nations, and to the specialized agencies concerned.

2. It may make recommendations for the pur-
pose of promoting respect for, and observance of,
human rights and fundamental freedoms for all.

3. It may prepare draft conventions for sub-
mission to the General Assembly, with respect to
matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General

Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrange-

ments may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system,

in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories

will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the

administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with

regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secre-

tary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of

this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin

the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 1

THE INTERNATIONAL COURT OF JUSTICE established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as

those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7

1. The Secretary-General shall prepare a list

in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to

discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to peri-

odic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber

for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among

those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by

the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid

down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the

International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III PROCEDURE

Article 39

1. The official languages of the Court shall be French and English. If the parties agree that the

case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

1. The parties shall be represented by agents.
2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of par-

ties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.
2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Article 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.
2. The Court shall withdraw to consider the judgment.
3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.
2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Article 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV ADVISORY OPINIONS

Article 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the

Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V AMENDMENT

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

FOR CHINA:

POUR LA CHINE:

中國:

За Китай:

FOR LA CHINA:

鉞 維 頤
惠 寵 王
明 道 魏
芳 貽 吳
璜 君 李
勳 必 張
武 豪 董
霖 胡

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

POUR L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES:

蘇維埃社會主義共和國聯邦:

За Союз Советских Социалистических Республик:

POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

А. А. А. А.
А. А. А. А.
А. А. А. А.
А. А. А. А.
А. А. А. А.
А. А. А. А.
А. А. А. А.

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:
大不列顛及北愛爾蘭聯合王國:
За Соединенное Королевство Великобритании и Северной Ирландии:
POR EL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE:

Halifax
Cranborne.

FOR THE UNITED STATES OF AMERICA:
POUR LES ETATS-UNIS D'AMÉRIQUE:
美利堅合衆國:
За Соединенные Штаты Америки:
POR LOS ESTADOS UNIDOS DE AMÉRICA:

E. Dutton

John C. May

Art Vandenberg

Joseph Bloom

Charles A. Eaton

Harold E. Stassen

Virginia C. Giddens

FOR FRANCE:

POUR LA FRANCE:

法蘭西:

За Францию:

POR FRANCIA:

J. Carl - Boncom

FOR ARGENTINA:

POUR L'ARGENTINE:

阿根廷:

За Аргентину:

POR LA ARGENTINA:

Julian

Julian

Julian

Julian

FOR AUSTRALIA:

POUR L'Australie:

澳大利亞:

За Австралию:

FOR AUSTRALIA:

J. M. Forde
W. Watt.

FOR THE KINGDOM OF BELGIUM:

POUR LE ROYAUME DE BELGIQUE:

比利時王國:

За Королевство Бельгии:

FOR EL REINO DE BÉLGICA:

M. Reichegry

FOR BOLIVIA:

POUR LA BOLIVIE:

玻利維亞:

За Боливию:

FOR BOLIVIA:

J. Andrade
Salamanca
Chyld.

FOR BRAZIL:

POUR LE BRÉSIL:

巴西:

За Бразилию:

POR EL BRASIL:

P. Luis V. Man

ed. Freitas

Gen. Estevão Lito de Carvalho

A. - Lourenço de Almeida.

Dr. Bertha Lito

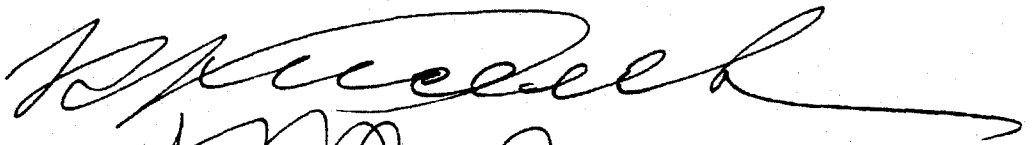
FOR THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOVIÉTIQUE SOCIALISTE DE BÉLORUSSIE:

白俄羅斯蘇維埃社會主義共和國:

За Белорусскую Советскую Социалистическую Республику:

POR LA REPÚBLICA SOCIALISTA SOVIÉTICA BIELORRUSA:


А. Н. Козлов
В. Терцель
Байдаков
Ю. Шмидт

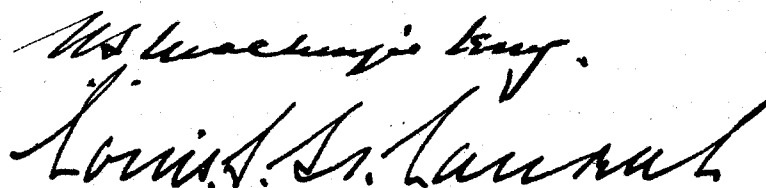
FOR CANADA:

POUR LE CANADA:

加拿大:

За Канаду:

POR EL CANADÁ:


Louis St. Laurent

FOR CHILE:

POUR LE CHILI:

智利:

За Чили:

POR CHILE:

José María Fernández

Barón de Miraflores

Siempre

Leonor de Miraflores

Contreras y Larraín

J. Luis de la Cruz

E. Alejo de

Amantea

Luis de la Cruz

FOR COLOMBIA:

POUR LA COLOMBIE:

哥倫比亞:

За Колумбию:

FOR COLOMBIA:

Alfonso Utrera
Alfonso Utrera
~~Alfonso Utrera~~
Alfonso Utrera
Alfonso Utrera
Alfonso Utrera

FOR COSTA RICA:

POUR COSTA-RICA:

哥斯大黎加:

За Костарику:

FOR COSTA RICA:

Rafael Oreamuno
Rafael Oreamuno

FOR CUBA:

POUR CUBA:

古巴:

За Кубу:

FOR CUBA:

Emo Bell

Emmo Dillig

FOR CZECHOSLOVAKIA:

POUR LA TCHÉCOSLOVAQUIE:

捷克斯拉夫:

За Чехословакию:

FOR CHECOESLOVAQUIA:

Jan Mararyt

FOR DENMARK:

POUR LE DANEMARK:

丹麥:

За Данию:

FOR DINAMARCA:

Henrik Keuffmann

Hans Friis

N. Kusper

POR LA REPÚBLICA DOMINICANA:

REPUBLICA DOMINICANA:

W. E. Bates
K. G. G. G.
L. A. A. A.

1st Feb
Minerva Bernardino

POR EL ECUADOR:

Phozu

ADOR:

P. Souce en riguer.

Galo RZ

C. Tobay Zalumbide

POR EGIPTO:

A. Badar

FOR EL SALVADOR:

POUR LE SALVADOR:

薩爾瓦多:

За Сальвадор:

POR EL SALVADOR:

Walter Daniel Carter
Carlos Leizaola, M.D.

FOR ETHIOPIA:

POUR L'ETHIOPIE:

阿比西尼亞:

За Эфиопию:

POR ETIOPIA:

Walter Daniel Carter
Embassy
E/Man 1. Medley

POR GRECIA:

D. P. Vofianopulo

POR GUATEMALA:

Guillermo Irujo
Munoziega
Chavarria

POR HAITÍ:

AITÍ: *Gerard Lewis*
A. Paul

FOR HONDURAS:
POUR LE HONDURAS:
洪都拉斯:
За Гондурас:
POR HONDURAS:

Julian Reales
Marcos Varas Reyes
Cup. Ja

FOR INDIA:
POUR L'INDE:
印度:
За Индию:
POR LA INDIA:

A Ramaswami Mudaliar
V. T. Krishnama Chari

FOR IRAN:
POUR L'IRAN:
伊朗:
За Иран:
POR IRÁN:

Mostafa Adley

FOR IRAQ:

POUR L'IRAK:

伊拉克:

За Ирак:

POR IRAK:

Mohd. Fadhel Jamali

FOR LEBANON:

POUR LE LIBAN:

黎巴嫩:

За Ливан:

POR EL LÍBANO:

W. Naïm
H. Youssef
S. M. M.
Charles Malik

POR LIBERIA:

C. H. Simons
 " Gabriel S. Dennis
 J. Samuel Gibbons
 " Richard Dennis
 M. H. Grant

POR EL GRAN DUCADO DE LUXEMBURGO:

Нужно сделать

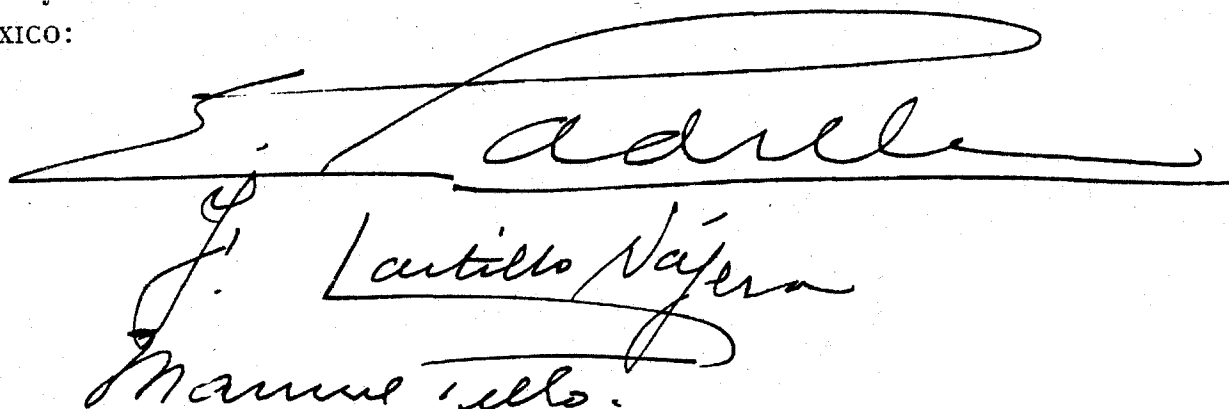
FOR MEXICO:

POUR LE MEXIQUE:

墨西哥:

За Мексику:

POR MÉXICO:


J. Lantillo Nájera
Manuelillo.

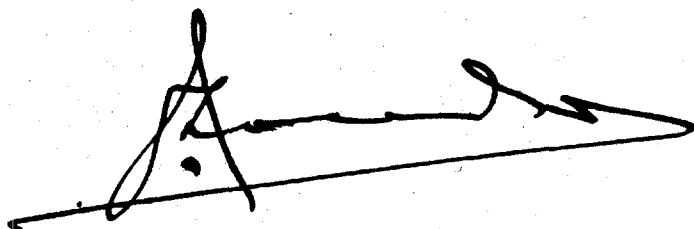
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荷蘭王國:

За Королевство Нидерландов:

POR EL REINO DE HOLANDA:



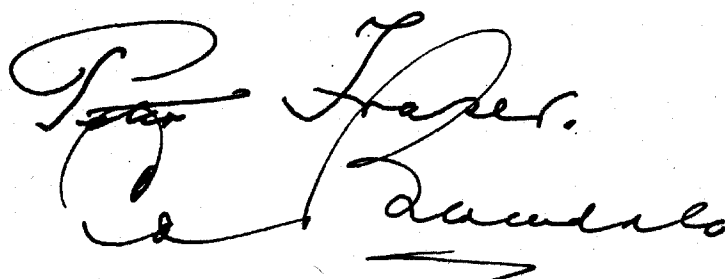
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紐西蘭:

За Новую Зеландию:

POR NUEVA ZELANDIA:


P. J. Lantillo

FOR NICARAGUA:

POUR LE NICARAGUA:

尼加拉瓜:

За Никарагуа:

POR NICARAGUA:

FOR THE KINGDOM OF NORWAY:

POUR LE ROYAUME DE NORVÈGE:

挪威王國:

За Королевство Норвегии:

POR EL REINO DE NORUEGA:

FOR PANAMA:

POUR LE PANAMA:

巴拿馬:

За Панаму:

POR PANAMÁ:

FOR PARAGUAY:

POUR LE PARAGUAY:

巴拉圭:

За Парагвай:

POR EL PARAGUAY:

Cesar E. Velazquez
J. B. Kyalg

FOR PERU:

POUR LE PÉROU:

秘魯:

За Перу:

POR EL PERÚ:

Manuel A. Sotomayor
J. A. Betancourt
Enriquez Sotomayor

FOR THE PHILIPPINE COMMONWEALTH:

POUR LE COMMONWEALTH DES PHILIPPINES:

菲律賓共和國:

За Филиппины:

POR LA MANCOMUNIDAD DE FILIPINAS:

Carlos P. Romulo

Francisco A. Delgado,

FOR POLAND:

POUR LA POLOGNE:

波蘭:

За Польшу:

POR POLONIA:

FOR SAUDI ARABIA:

POUR L'ARABIE SAOUDITE:

蘇地亞拉伯:

За Сауди Аравию:

FOR ARABIA SAUDITA:

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FOR SYRIA:

POUR LA SYRIE:

叙利亞:

За Сирию:

FOR SIRIA:

F. Al-Khomi

To Antaki

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N. Roudsi *سعيد*

FOR TURKEY:

POUR LA TURQUIE:

土耳其:

За Турцию:

FOR TURQUIA:

Hasan Sakay

Amir Nagib Bagdadi

berianakim

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FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOVIÉTIQUE SOCIALISTE D'UKRAINE:

烏克蘭蘇維埃社會主義共和國:

За Украинскую Советскую Социалистическую Республику:

POR LA REPÚBLICA SOCIALISTA SOVIÉTICA UCRANIANA:

Дм. Мануйловский

Иван Сенін

Олександр Галостін

Микола Гетьровський

FOR THE UNION OF SOUTH AFRICA:

POUR L'UNION SUD-AFRICAINE:

南非聯邦:

За Южноафриканский Союз:

POR LA UNIÓN SUDAFRICANA:

W. J. M. J. M.

FOR URUGUAY:

POUR L'URUGUAY:

烏拉圭:

За Уругвай:

POR EL URUGUAY:

Jose Ferrato

Jacobs Varela

Walter Guzman

Francisco

Lucas F. Guzman

Victor Pazsitz

FOR VENEZUELA:

POUR LE VENEZUELA:

委內瑞拉:

За Венесуэлу:

POR VENEZUELA:

W. G. Lopez

Walter Guzman

Walter Guzman
Walter Lopez

FOR YUGOSLAVIA:

POUR LA YUGOSLAVIE:

南斯拉夫:

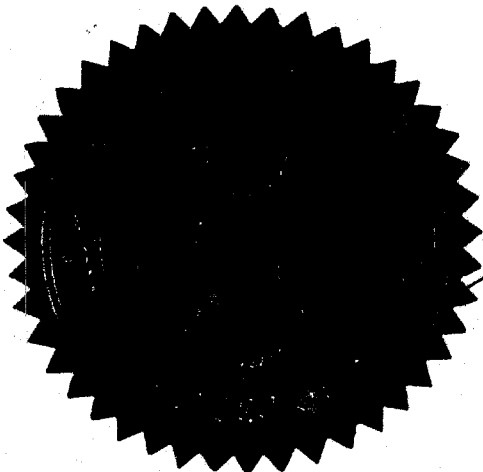
За Югославию:

POR YUGOSLAVIA:

Stanko Simić

I Certify That the foregoing is a true copy of the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, signed in San Francisco, California, on June 26, 1945, in the Chinese, French, Russian, English, and Spanish languages, the signed original of which is deposited in the archives of the Government of the United States of America.

In Testimony Whereof, I, EDWARD R. STETTINIUS, JR., Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by an Assistant Chief, Division of Central Services of the said Department, at the city of Washington, in the District of Columbia, this twenty ^{sixth} ~~seventh~~ day of June 1945.



E. R. Stettinius Jr.
Secretary of State

By *M. L. Kerueitich*
Assistant Chief, Division of Central Services

Partnership for Peace: Framework Document

Issued by the Heads of State and Government participating in the Meeting of the North Atlantic Council

1. Further to the invitation extended by the NATO Heads of State and Government at their meeting on 10th/11th January, 1994, the member states of the North Atlantic Alliance and the other states subscribing to this document, resolved to deepen their political and military ties and to contribute further to the strengthening of security within the Euro-Atlantic area, hereby establish, within the framework of the North Atlantic Cooperation Council, this Partnership for Peace.
2. This Partnership is established as an expression of a joint conviction that stability and security in the Euro-Atlantic area can be achieved only through cooperation and common action. Protection and promotion of fundamental freedoms and human rights, and safeguarding of freedom, justice, and peace through democracy are shared values fundamental to the Partnership. In joining the Partnership, the member States of the North Atlantic Alliance and the other States subscribing to this Document recall that they are committed to the preservation of democratic societies, their freedom from coercion and intimidation, and the maintenance of the principles of international law. They reaffirm their commitment to fulfil in good faith the obligations of the Charter of the United Nations and the principles of the Universal Declaration on Human Rights ; specifically, to refrain from the threat or use of force against the territorial integrity or political independence of any State, to respect existing borders and to settle disputes by peaceful means. They also reaffirm their commitment to the Helsinki Final Act and all subsequent CSCE documents and to the fulfilment of the commitments and obligations they have undertaken in the field of disarmament and arms control.
3. The other states subscribing to this document will cooperate with the North Atlantic Treaty Organization in pursuing the following objectives:
 - a. facilitation of transparency in national defence planning and budgeting processes;
 - b. ensuring democratic control of defence forces;
 - c. maintenance of the capability and readiness to contribute, subject to constitutional considerations, to operations under the authority of the UN and/or the responsibility of the CSCE;
 - d. the development of cooperative military relations with NATO, for the purpose of joint planning, training, and exercises in order to strengthen their ability to undertake missions in the fields of peacekeeping, search and rescue, humanitarian operations, and others as may subsequently be agreed;
 - e. the development, over the longer term, of forces that are better able to operate with those of the members of the North Atlantic Alliance.

The other subscribing states will provide to the NATO Authorities Presentation Documents identifying the steps they will take to achieve the political goals of the Partnership and the military and other assets that might be used for Partnership activities. NATO will propose a programme of partnership exercises and other activities consistent with the Partnership's objectives. Based on this programme and its Presentation Document, each subscribing state will develop with NATO an individual Partnership Programme.

In preparing and implementing their individual Partnership Programmes, other subscribing states may, at their own expense and in agreement with the Alliance and, as necessary, relevant Belgian authorities, establish their own liaison office with NATO Headquarters in Brussels. This will facilitate their participation in NACC/Partnership meetings and activities, as well as certain others by invitation. They will also make available personnel, assets, facilities and capabilities necessary and appropriate for carrying out the agreed Partnership Programme. NATO will assist them, as appropriate, in formulating and executing their individual Partnership Programmes.

The other subscribing states accept the following understandings:

- . those who envisage participation in missions referred to in paragraph 3(d) will, where appropriate, take part in related NATO exercises;
- a. they will fund their own participation in Partnership activities, and will endeavour otherwise to share the burdens of mounting exercises in which they take part;
- b. they may send, after appropriate agreement, permanent liaison officers to a separate Partnership Coordination Cell at Mons (Belgium) that would, under the authority of the North Atlantic Council, carry out the military planning necessary to implement the Partnership programmes;
- c. those participating in planning and military exercises will have access to certain NATO technical data relevant to interoperability;
- d. building upon the CSCE measures on defence planning, the other subscribing states and NATO countries will exchange information on the steps that have been taken or are being taken to promote transparency in defence planning and budgeting and to ensure the democratic control of armed forces;
- e. they may participate in a reciprocal exchange of information on defence planning and budgeting which will be developed within the framework of the NACC/Partnership for Peace.

In keeping with their commitment to the objectives of this Partnership for Peace, the members of the North Atlantic Alliance will:

- o develop with the other subscribing states a planning and review process to provide a basis for identifying and evaluating forces and capabilities that might be made available by them for multinational training, exercises, and operations in conjunction with Alliance forces;
- o promote military and political coordination at NATO Headquarters in order to provide direction and guidance relevant to Partnership activities with the other subscribing states, including planning, training, exercises and the development of doctrine.

NATO will consult with any active participant in the Partnership if that Partner perceives a direct threat to its territorial integrity, political independence, or security.



NATO TIME-LINE

- 1949 **Signing of North Atlantic Treaty in Washington by Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, the United States • Proclamation of People's Republic of China and German Democratic Republic**
- 1950 **Korean war increases fears of Communist expansion**
- 1951 **Supreme Headquarters Allied Powers Europe opens near Paris • Creation of European Coal and Steel Community**
- 1952 **Greece and Turkey join NATO • Algerian war starts • War in Indochina**
- 1953 **Creation of NATO • Mao Zedong • Warsaw Pact • Hungarian uprising**
- 1954 **Federal Republic of Germany joins NATO • Warsaw Pact is formed (USSR, Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania)**
- 1956 **Disagreement over Suez crisis leads NATO to develop its political role • Soviet Union crushes Hungarian uprising**
- 1957 **• Sputnik demonstrates Soviet intercontinental ballistic missile capability • Rome Treaty: Creation of European Economic Community • Russian dog Laika: first animal to fly in space**
- 1958 **Fidel Castro in power in Cuba**

- 1960 **Berlin Wall Yuri Gagarin War in Vietnam**
- 1961 **Erection of the Berlin wall • Yuri Gagarin, first human to fly in space**
- 1962 **Cuban missile crisis**
- 1963 **Assassination of US President John F. Kennedy**
- 1964 **US military intervention in Vietnam**
- 1965 **France withdraws from NATO integrated military structure**
- 1966 **NATO HQ and SHAPE relocate to Belgium • Allies adopt strategy of "flexible response" integrating nuclear weapons into NATO's entire force structure and adopting high readiness levels**
- 1967 **Warsaw Pact armed forces invade Czechoslovakia**
- 1968 **"Prague Spring" movement crushed by USSR • First man on the moon - Neil Armstrong, Apollo 11**



- 1970 **Signing of Nuclear Non-Proliferation Treaty**
- 1971 **US engages in détente with China and USSR**
- 1972 **US-Soviet agreements on strategic arms limitations (SALT I) and anti-ballistic missile systems are signed**
- 1973 **NATO and Warsaw Pact talks on reductions in conventional forces • The Conference on Security and Cooperation in Europe (CSCE) opens in Helsinki**
- 1974 **Oil price hikes provoke global recession • NATO includes economic factors in security concept**
- 1975 **US Apollo and Soviet Soyuz meet in space • Total withdrawal of US from South Vietnam • The Helsinki Final Act of the CSCE recognises Europe's existing frontiers and pledges respect for human rights and fundamental freedoms**
- 1976 **SALT II is signed but not ratified due to Soviet deployment of SS-20s and invasion of Afghanistan • NATO deploys Pershing and Cruise missiles but pursues arms control measures**
- 1977 **Oil crisis**
- 1978 **Cruise missiles**
- 1979



- 1980 **Poland Fall of Berlin wall**
- 1981 **Martial law declared in Poland following civil unrest • Iraq-Iran war • US-Soviet talks on intermediate-range nuclear forces (INF) begin**
- 1982 **Spain joins NATO • US-Soviet strategic arms reduction talks (START) begin • Falklands war • Soviets walk out of all arms control negotiations**
- 1983
- 1984
- 1985 **Gorbachev initiates process of reform in Soviet Union**
- 1986 **Chernobyl disaster in Ukraine**
- 1987 **Signing of INF Treaty**
- 1988 **Warsaw Pact countries announce major reductions in conventional forces • Soviet troops start withdrawing from Afghanistan**
- 1989 **Fall of the Berlin Wall**



- 1990 **NATO adopts plan to develop cooperation between East and West • Germany is reunified • New German Länder in East become part of NATO**
- 1991 **Dissolution of Warsaw Pact and break-up of Soviet Union • NATO adapts military doctrine (the Alliance's Strategic Concept) and command structure and starts cooperating with partner countries**
- 1992 **NATO offers support to UN in the former Yugoslavia • EU adopts Maastricht Treaty, envisaging a Common Foreign Security Policy**
- 1993 **UN establishes International Tribunal for the former Yugoslavia**
- 1994 **NATO launches the Partnership for Peace programme • NATO starts to strengthen its "European pillar"**
- 1995 **NATO launches the Mediterranean Dialogue • NATO conducts air operations against Bosnian Serb forces • Signing of Dayton Peace Agreement • NATO deploys peacekeeping forces in Bosnia and Herzegovina**
- 1996 **Partner countries, including Russia, contribute to NATO-led forces in Bosnia and Herzegovina**
- 1997 **Signing of special NATO-Russia agreement • NATO reinforces relations with partner countries • Signing of NATO-Ukraine Charter • Dolly - First mammal to be cloned**
- 1998 **Taliban regime in Afghanistan**
- 1999 **Czech Republic, Hungary and Poland join NATO • NATO conducts air campaign to end ethnic cleansing in Kosovo • NATO's 50th anniversary Summit - Adoption of new Strategic Concept • NATO-led peacekeeping force deploys to Kosovo**

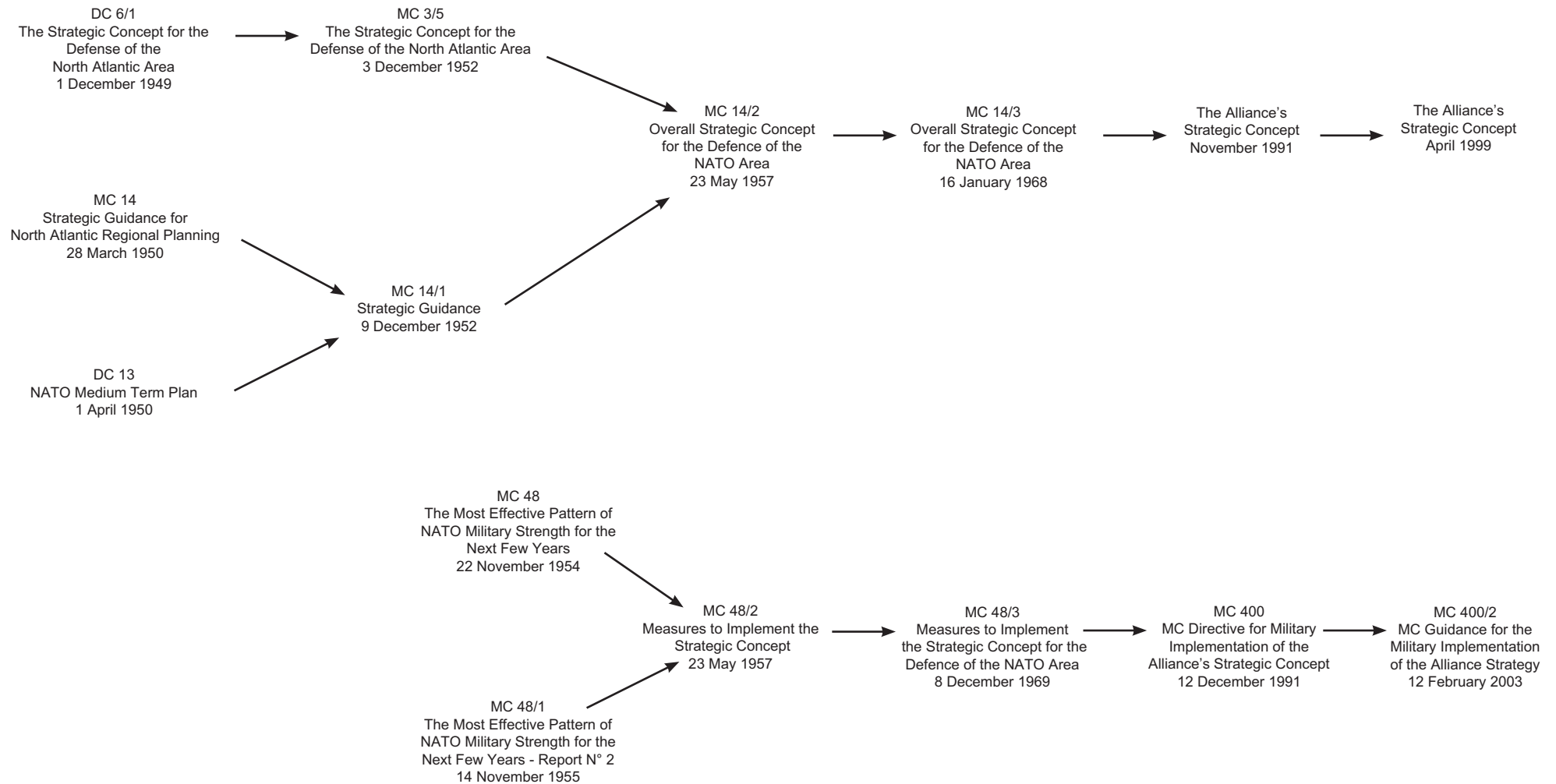


www.nato.int

- 2000 **Russia ratifies Comprehensive Test Ban Treaty and SALT II • Humane Genome Project completed - maps out all genes in human DNA**
- 2001 **Beginning of institutionalised relations between NATO and EU • NATO deploys forces to the former Yugoslav Republic of Macedonia* • NATO invokes article 5 of its Treaty for first time • Euro becomes official currency in 12 EU countries • International coalition forces launch anti-terrorist operations in Afghanistan**
- 2002 **Creation of NATO-Russia Council strengthens relations • NATO states it will operate when and where necessary to fight terrorism • NATO introduces major reforms to prepare itself against new threats**
- 2003 **The EU takes over the NATO mission in the former Yugoslav Republic of Macedonia* • US leads military campaign against Iraq and overthrows Saddam Hussein's regime • NATO streamlines its military command structure • NATO leads the International Security Assistance Force in Afghanistan and supports Polish troops in Iraq • First NATO Response Force prototype is launched**
- 2004 **Major terrorist attacks in Madrid • Bulgaria, Estonia, Latvia, Lithuania, Slovakia, Slovenia and Romania join NATO • Transfer of power to Iraqi Interim Government • NATO commits itself to the training of Iraqi security forces • NATO reinforces its Mediterranean Dialogue and offers to cooperate with countries from the broader Middle East region**
- *Turkey recognises the Republic of Macedonia with its constitutional name.
- Stabilising Afghanistan
- Seven new members
- New horizons



Evolution of NATO Strategy 1949-1999



Name and date	Reason and definition of the Concept	Explanation
The Strategic Concept for the Defence of North Atlantic Area, 1949-1950	In the mid of 1950s, it set out a strategy of large scale operations for territorial defence. Thus, “ <u>massive retaliation</u> ” was developed as a strategy of Alliance.	It emphasised deterrence based on the threat that NATO would respond to any aggression against its member countries by every means at its disposal, specifically including nuclear weapons.
The Startegy of Flexible Response, 1950-1967	According to changing policies within the Alliance, “massive retaliation” was replaced by the strategy of “ <u>flexible response</u> ” after discussions of possible changes in this strategic approach began later in the 1950s and continued until 1967.	In the case of a threat to the sovereignty or independence of any single member country, this concept aimed to give NATO the advantages of flexibility and to create uncertainty in the minds of any potential aggressor about NATO’s response.
The Harmel Report, 1967	<u>Defence and dialogue</u> , including <u>arms control</u> was established, as the dual pillars of the Alliance’s approach to security.	Two main tasks for the Alliance were framed as; “...to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur”; and, “...to pursue the search for progress towards a more stable relationship in which the underlying political issues can be solved.” The text continues: “Military security and a policy of détente are not contradictory. Collective defence is a stabilizing factor in world politics. It is the necessary condition for effective policies directed towards a greater relaxation of tensions. The way to peace and stability in Europe rests in particular on the use of the Alliance constructively in the interest of détente. The participation of the USSR and the USA will be necessary to achieve a settlement of the political problems in Europe.”

The Strategic Concept 1991	A new Strategic Concept developed during the two years following the fall of the Berlin Wall. This was discussed within the Alliance and was completed in November 1991. In the midst of significant debate over the necessity of NATO continuance and discussions of alternative European security solutions, the July 1990 NATO summit meeting in London produced an agreement to <u>“transform the alliance to reflect the new, more promising era in Europe.”</u> It was the first unclassified Strategic Concept since 1952.¹	Main characteristic features of the Alliance’s 1991 strategy were its definition of a broad approach to security, encompassing complementary political and military means and emphasising cooperation with other states that share the Alliance’s objectives. This complete approach remained a central aspect of the new Strategic Concept and covered the following essential elements such as: (1) <i>The preservation of the transatlantic link</i>, (2) <i>The maintenance of effective military capabilities</i>, (3) <i>The development of the European Security and Defence Identity within the Alliance</i>², (4) <i>Conflict prevention and crisis management</i>, (5) <i>Partnership, cooperation, and dialogue</i>, (6) <i>Enlargement Arms Control, Disarmament, and Non-Proliferation</i>.
The Strategic Concept 1999	A strategy is again evaluated to furnish the Alliance for the security challenges and opportunities of the 21st century, and to guide its future political and military development, at the Washington Summit meeting. This updated version of Strategic Concept³ was the overall guidance for the development of detailed policies and military plans to the Alliance’s planners. It described the Purpose and Tasks of the Alliance and <u>examines its Strategic Perspectives in the light of the evolving strategic environment and security challenges and risks of coming initial decades of the new century</u>.	The specific tasks of the Alliance were described in the 1999 Strategic Concept as follows: (1) <i>To provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the growth of democratic institutions and commitment to the peaceful resolution of disputes</i>. (2) <i>To serve as provided for in Article 4 of the Washington Treaty, as an essential transatlantic forum for Allied consultations on any issues that affect their vital interests</i>. (3) <i>To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty</i>. (4) <i>To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations</i>. (5) <i>To promote wide-ranging partnership, cooperation, and dialogue with other countries in the Euro-Atlantic area, with the aim of increasing transparency, mutual confidence and the capacity for joint action with the Alliance</i>.

¹ NATO Rome Declaration is available online at; <http://www.nato.int/docu/comm/49-95/c911108a.htm>

² NATO Handbook 2001, p.46

³ NATO Washington Declaration is available online at; http://www.nato.int/cps/en/natolive/official_texts_27445.htm?mode=pressrelease

The Strategic Concept 2010	Lessons learned from latest “out-of-area” operations should be incorporated into NATO strategy and defence planning. Thus, NATO revised 1999 Concept and replaced with 2010 model one. 19 November 2010 NATO formally agreed to adopt a New Strategic Concept. After a long and transparent process, the NATO members endorsed an updated understanding of what the core purpose of the Atlantic Alliance is at the Lisbon Summit.	The New Strategic Concept contained both continuity and change. Many of the basic themes characterising earlier Strategic Concepts were clearly placed to the document. Particularly; (1) <i>Article 5 was once more stressed as the core of transatlantic security cooperation. The new text also put great emphasis on NATO’s role in the business of crisis management.</i> (2) <i>It could be clearly seen in the introduction that with the New Strategic Concept NATO is becoming more political and global. In spite of the fact that the Concept affirms Article 5, globalises the thinking behind it as well. <u>NATO must, as always, “protect and defend” but now “against” threats</u> such as terrorism, weapons proliferation and cyber wars that know no conventional boundaries.</i> (3) <i>The shift is perhaps most noticeable in the document’s presentation of NATO’s “three essential core tasks”. <u>In contrast to the 1991 and the 1999 Concepts, the 2010 Strategic Concept lists “crisis management” and “cooperative security” as tasks almost at the same level with “collective defence”.</u> Article 5 of the Washington Treaty and the defence of NATO territory are still given priority, however, crisis management and cooperative security are registered on a equality with collective defence as essential core tasks that the Alliance “must and will” continue fulfilling effectively.</i>⁴
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Figure- NATO Strategic Concepts and explanations

⁴ NATO new Strategic Concept, available online at; http://www.nato.int/nato_static/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf

NATO Operations		NATO Mission	NATO Forces	Participating Nations	Duration	Rational
B O S N I A	Maritime Monitor, Maritime Guard, Sharp Guard,	Monitoring & enforcing UNSC sanctions,	STANAFORMED STANAVFORLANT ¹ (Navy)	<u>NATO countries</u> ; Spain, Turkey, Italy, Germany, Greece, United Kingdom, United States and the Netherlands, assisted by NATO Maritime Patrol Aircraft.	4 years	UNSC Resolutions; 713,757 and 787
	Sky Monitor, Deny Flight, Deliberate Force,	Enforcing no-fly zone, Close Air Support, Air Strikes,	AFSOUTH ² (Air Force)	<u>NATO countries</u> provided personnel or aircraft for the operation: Belgium, Canada, Denmark, Germany, Greece, Italy, the Netherlands, Norway, Portugal, Turkey, and the United States	3 years and 3 months	UNSC Resolutions; 781,816 and 836
	Joint Endeavour	Dayton Peace Accord Implementation	SFOR&IFOR (Army-Navy-Air)	<u>NATO nations</u> ; Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Turkey, The United States of America, and the United Kingdom. <u>Non-NATO nations</u> ; Australia, Austria, Bangladesh, the Czech Republic, Egypt, Estonia, Finland, Hungary, Latvia, Lithuania, Malaysia, New Zealand, Pakistan, Poland, Slovak Republic, Sweden, the Russian Federation and Ukraine	9 years	UNSC Resolutions; 1031 and 1088

¹ NATO Standing Naval Force Mediterranean (STANAVFORMED) and NATO Standing Naval Force Atlantic (STANAVFORLANT).

² NATO Allied Forces South Europe

Kosovo Operation Allied Force	Establishing a secure environment in Kosovo	KFOR	<u>NATO and non-NATO nations:</u> Italy, Lithuania, Bulgaria, Canada, Luxembourg, Czech Republic, Netherlands, Norway, Poland, Portugal, Romania, Spain, Belgium, France, Germany, Greece, Hungary, Latvia, Iceland, Slovakia, Slovenia, Turkey, United Kingdom, United States of America, Albania, Croatia, Denmark, Estonia, , Armenia, Austria, Finland, Ireland, Morocco, Sweden, Switzerland, Ukraine, United Arab Emirates, Russian Federation, India, Bosnia and Herzegovina, Argentina, Georgia, Mongolia, Azerbaijan, Chile, Malaysia, Philippines,	1999- Present (14 years)	UN Security Council Resolution 1244.
Afghanistan Operation Enduring Freedom	To help the Afghan authorities build a sustainable peace in the country and to prevent it from becoming a safe haven for terrorists again? ³	ISAF	<u>NATO and non-NATO nations:</u> Albania, Georgia, Norway, Armenia, Germany, Poland, Australia, Greece, Portugal, Austria, Hungary, Romania, Azerbaijan, Iceland, Slovakia, Bahrain, Ireland, Slovenia, Belgium, Italy, Spain, Bosnia & Herzegovina, Jordan, Sweden, Bulgaria, Republic of Korea, The former Yugoslav Republic of Macedonia, Canada, Latvia, Tonga, Croatia, Lithuania, Turkey, Czech Republic, Luxembourg, Ukraine, Denmark, Malaysia, United Arab Emirates, El Salvador, Mongolia, United Kingdom, Estonia, Montenegro, United States, Finland, Netherlands, France, New Zealand	2001- Present (12 years)	United Nations Security Council Resolutions; 1386,1413,1444, 1510,1563,1623, S/RES/1659, S/RES/1707, S/RES/1776(200 7)and 1917(2010). The last of these extended the mandate of ISAF to 23 March 2011.

³ NATO and Afghanistan: Questions and answers, NATO Public Diplomacy Division, p. 3

Libya Operation Unified Protector	In order to condemn the gross and systematic violation of human rights, active measures including a no-fly-zone, an arms embargo and the authorization for member countries, acting as appropriate through regional organizations, to take “all necessary measures” to protect Libyan civilians. ⁴	Allied Joint Force Command (JFC) Naples.	<u>NATO Led Coalition:</u> Belgium, Bulgaria, Canada, Denmark, France, Greece, Italy, Jordan, Netherlands, Norway, Qatar, Romania, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom, United States	March-October 2011 7 months	United Nations Security Council resolutions; 1970 and 1973
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Results of the above comparison chart analyses are;

1. Contributions of the states are gradually growing in accordance with the enlargement of NATO.
2. Numbers and the frequency of the conflicts between NATO forces and hostile forces increased beyond the article 5 area,
3. Durations were expanded, casualties increased,

⁴ Security Council SC/10200 resolution 1973, 17 March 2011