

The United Nations and NATO

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Abstract:

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 Yugoslavia have shown, there are obvious pitfalls in the coexistence and collaboration between the major agent for peacekeeping (UN) and the most significant provider of military power (NATO). The paper focuses on future prospects that could result from NATO-UN cooperation and the resulting obstacles that have to be overcome. How can the central advantages of NATO-UN cooperation be defined?

The paper argues, that 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 - transnational terrorism - will be analyzed. 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.

Introduction

“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. (NATO 2005d)

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

NATO was created for defensive purposes. Its collective enemy - the Soviet bloc - has vanished and therefore NATO’s “life expectancy” has, by many, been expected to be limited as well. However, the Atlantic partnership has proven to be more adaptable to the changing international environment than anticipated. Its anachronistic appeal put NATO on the spot in justifying its continual existence. NATO experienced a transition towards a global security agency with worldwide reach and influence. (Varwick 2008)

The NATO Treaty makes no specific reference to Chapter VIII of the UN Charter, and explicitly does not qualify NATO as a Chapter VIII regional organization, but is solely to be seen in reference to Art. 51 UN Charter. Subjecting NATO’s enforcement measures to the veto in the Security Council would have rendered its existence as a military alliance - opposing the Soviet bloc - absurd.

Therefore mandating or sub-contracting NATO within the framework of UN peace operations - as recently the case in the Balkans and currently in Afghanistan - clearly shows NATO’s evolution beyond its original alliance character towards a “security manager” in Europe and beyond. NATO’s global reach and its global definition of threats to its member states’ security, on the other hand disqualifies it as a regional organization in the traditional sense, leaving it at a hybrid stage. (Yost 2007)

Not only NATO has evolved past its original purpose, the UN likewise hardly resembles its 1945 founding structure. While NATO “struggled to redefine its purpose” and moved on to crisis-management activities, the UN focused on a variety of development issues as well as a new generation of peacemaking and peacekeeping operations. (Tardy 2004: 120)

The UN has legitimized various cases of collective use of military force to stabilize peace in many regions of the world. Especially in the peace enforcement realm, however, it lacks adequate resources to do so on a more effective level and in the context of long-term engagements. NATO constitutes the most functional and effective military alliance in the world and can hardly be challenged in the technological and logistics realm of military missions. (Duignan 2000: 124) This constitutes NATO’s major advantage and greatest asset for the

United Nations in the context of a more institutionalized relationship. Additionally, the Alliance has excellent capabilities concerning relief efforts and security sector reform as well as overall coordination of military missions.

Albeit the fact that military cooperation in various UN peace operations has improved, cooperation among the existing regional security institutions (e.g. OSCE, EU, AU), political cooperation can still be described as limited at best. (Tardy 2004: 121)

In September 2005 NATO Secretary General de Hoop Scheffer proposed a framework agreement concerning NATO-UN cooperation, including a joint declaration by both Secretary Generals. (NATO 2005b and 2005d) Previously the UN Secretary General's High-level panel on threats, challenges and change (HLP) explicitly referred to NATO - UN cooperation, regarding the Alliance's specific qualifications. In its December 2004 report it stated, that „[i]n the case of 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.“ (HLP 2004: par. 273) In its follow-up report „In larger Freedom“ UN Secretary General Kofi Annan also highlighted the importance of formalized cooperation with regional organizations and other security institutions, without particular mentioning of NATO, however. (ILF 2005: par. 213)

So far the 2005 NATO-UN cooperation framework agreement has not been officially introduced, as it lacks approval on UN-side due to lingering concerns towards NATO, perceived as a military arm of the American government. Misperceptions about NATO's objectives have shaped the Alliance's reputation as a predominantly military force, just too rapidly willing to use force as a means to pursue its policies. (Yost 2007: 10f) NATO's competencies in security sector reform and coordination of relief efforts as well as its logistics and training capacities have therefore not been recognized adequately. (Ibid.) Work on the framework agreement was resumed upon the initiative of the UN's new Secretary General Ban Ki-moon in 2007. The UN is grateful for NATO's support in complex peace operations. Consensus is reached amongst the two parties that cooperation between the organizations is mutually beneficial. Currently, the framework agreement is being discussed within the UN Secretariat's Senior Management Group. A timeframe for completion of the proceedings cannot be set at this point in time.

The main question in NATO-UN cooperation therefore remains whether it should be highly institutionalized or remain on a selective cooperation level, whenever the needs and interests of the two independent organization intersect. A cooperation has to be shaped to fit the needs of the fragile security architecture of the 21st century and assist the United Nations in pursuing its duty to maintain international peace and stability while not neglecting the limitations in NATO's ability and willingness to provide military assistance. Connected with these issues are questions of command structure and common threat perception. Closely linked remain the aspects of perceived legitimacy as well as legality of NATO involvement.

For all NATO activities in cooperation with the UN it holds true, that NATO member state's governments prefer to be asked for assistance rather than imposing themselves on the world body, as they have to legitimize costly endeavors to their parliaments. “NATO does not want to be seen as the demandeur, as if it were seeking missions and volunteering specific types of possible assistance in order to justify its existence.” (Yost 2007: 44)

A central assumption is therefore the fact that security organizations in general have difficulties with inter-institutional cooperation due to their very nature, working in the incredibly sensitive areas of threats to national security and state survival. Via confidence building

measures and shared goals trust can be built among the organizations. Interpersonal factors also play a significant role. The “more organizations learn from each other [...], the easier their cooperation will become.” (Koops 2007: 22)

When acting under UN-mandate and within the UN context, few would argue the legality of NATO military presence. When acting under its own mandate, as seen in the case of Yugoslavia in 1999, undoubtedly the question of legality of actions taken arises.

In the following, a brief recapitulation of the key aspects of existing NATO-UN cooperation as well as future opportunities for collaboration will be given, to search for prospects and perils of cooperation between the world body and the Atlantic Alliance.

Recent and Current Joint Operations

„If you ask for help, we can help and we will help.“

NATO Secretary General Jaap De Hoop Scheffer in a Speech at the Pledging Conference for the AU Mission in the Sudan.

Peace-enforcement. Peacekeeping. Peacebuilding.

Following Dembinski and Förster (2007), two forms of collaboration can be identified: a stand-by and a stand-alone model. In the first actual cooperation between the UN and NATO in Yugoslavia in the 1990s a stand-by model was preferred. In a stand-by situation subcontracted organizations complement UN peacekeeping forces. (Dembinski/Förster 2007: 11) This can either be in form of a general or sectorial backing for UN troops.

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

The observed difficulties especially with the “dual key” arrangement are, according to Koops, an indication that “international organizations will jealously guard their operational independence, resist a functional division of labor and may only assent to collaboration schemes on a more flexible and less formal basis.” (Koops 2007: 24)

In Afghanistan a stand-alone model was used in NATO-UN cooperation. The 9/11 terrorist attacks on US soil marked a turning point in the security perceptions of various states and altered the parameters of the global world order. For the first time in NATO history, action was taken under Art. 5 NATO Treaty, which in reference to Art. 51 UN Charter states that:

“ (...) an armed attack against one or more of them [NATO member states] in Europe or North America shall be considered an attack against them all (...) if such an armed attack occurs, each of them, (...) will assist the Party or Parties so attacked by taking

forthwith, (...) such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.“

The Security Council also responded in an unusual manner, by declaring a situation under Art. 51 (S/RES/1368) as well as Art. 39 (S/RES/1373). This was the first time the Council has ever recognized a terrorist attack constituting matter of self-defense. It can be argued, that by simultaneously declaring the situation as a threat to international peace and security hereby invoking Chapter VII measures, it left the US with an unlimited number of opportunities - a practical *carte blanche* - to react. However, the US initially preferred a loose coalition to NATO engagement, as core security aspects were touched and immediate and unquestioned action without respect for the Alliance's consensual structures deemed necessary to the US administration. (Varwick 2008: 155 ff)

It was in the Alliance's bureaucratic interest to be involved in the fight against terrorism and it therefore does not seem surprising that NATO Secretary General Lord Robertson actively campaigned for the premiere declaration of a situation under Art. 5 NATO treaty. In August 2003, the Alliance formally took over the International Security Assistance Force (ISAF), a UN-mandated force, originally tasked with helping provide security in and around Kabul. ISAF constituted the "first NATO-led peace-support operation, far away from its own territory and far outside the Euro-Atlantic area". (von Seherr-Toss 2006: 37) Not only is ISAF established alongside the American-led Operation Enduring Freedom (OEF), but also side-by-side with UNAMA, the UN Assistance Mission in Afghanistan, a peacekeeping mission focusing on recovery and reconstruction. Still ISAF's stand-alone character is apparent, as it is established under its own mandate with its own command structure. Stand-alone missions are characterized by a higher degree of autonomy and freedom of action and therefore an increased degree of efficiency. Nevertheless, the presence of multiple missions with different mandates and various international organizations as well as states on the ground requires an exceptional degree of cooperation and consultation between the various actors. UN and NATO representatives meet on a regular basis, discussing a wide range of topics, including drug transfer, terrorism, civil-military cooperation, disarmament as well as reintegration. (Ibid.)

In a recent debate on the problem of an institutionalized cooperation between NATO and the UN, Jakobsen recommends not only the signing of a joint cooperation agreement, but also regular high-level meetings, practical cooperation at desk-level between the relevant offices as well as the establishment of a secure communications system between the organizational headquarters. He is referring to the existing cooperation between the European Union and the UN as an example for productive, institutionalized collaboration. He also argues, that a more structured relationship could reduce the necessity of launching last-minute, high-risk interventions, prevent failure of UN operations and enable the start-up of complex missions. (NATO 2005a) Viggo holds against these assumptions, that NATO is not only lacking the resources, but also the political will and interest to provide such vast support for the world body and argues for specific case-by-case engagement. He is also in favor of a more structured inter-organizational relationship, but within a flexible framework of cooperation. (Ibid.)

Relief

Another sector of current NATO-UN cooperation was established in Pakistan, where NATO in response to requests from Pakistan and UNHCR provided support after an earth-

quake and deployed a short-term relief mission in 2005. NATO used its capabilities to airlift 3,500 tons of supplies to the devastated region and provided further assistance by deploying engineers, medical units and specialist equipment. (NATO 2007a) Even though NATO is, according to von Seherr-Thoss, still “widely perceived as a purely military organization” (2006: 38), it serves as a valuable asset in the framework of humanitarian assistance. NATO cooperated closely with local Pakistani authorities as well as UNHCR. This is indicative of functional sectorial cooperation on case-by-case basis and has proven to be an example of successful collaboration efforts. It can be attributed to the security realm by resorting to a more comprehensive (human) security approach.

Training and Assistance

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). 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.

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 2008)

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. (Yost 2007: 46)

New Challenges: United against 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”. (Tardy 2004: 121) 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 government“. (Thakur 2006: 185)

Hamilton sees NATO’s capabilities in combating terrorism in civil-military planning, security

sector reform, intelligence-sharing and political consultations as well as in the consideration of missile defense. (Hamilton 2007: 180) Tardy argues that security institutions barely cooperate with each other and that despite the rhetoric solidarity no significant, structured cooperation in the realm of terrorism is to be expected in the medium term. (Ibid. 2004: 121) No anti-terrorism regime in Krasner's sense has been established yet, as no common principles, norms, rules or decision-making processes have been defined. (Krasner 1983: 27)

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. (A/60/341- S/2005/567) The UN SC's Counter Terrorism Committee (CTC) monitors the member states' implementation of SC Resolution 1373 and coordinates the counter-terrorism (CT) efforts of agencies within the world organization. It also provides an outreach function to include regional organizations in the security dialogue. Nevertheless, a comprehensive framework including regional organizations is not provided. Cooperation between the UN and regional organizations finds brief mentioning in 2002 within the context of the plan of action for the implementation of the Vienna Declaration on Crime and Justice (A/RES/56/261) and is institutionalized within the context of a yearly 'Special Meeting of the Counter-Terrorism Committee with International, Regional and Subregional Organizations'. To create synergies between the UN and regional organizations more systematic cooperation, less duplicated structures, a division of labor based on comparative advantages and a better flow of information are necessary. (A/57/273-S/2002/875, para. 47)

This illustrates the dilemma in which NATO finds itself concerning cooperation in the fight against terrorism. The post-9/11 world, forces international security organizations to prove their relevance in combating the threat posed by terrorist attacks and cannot risk drifting into insignificance by remaining (or being perceived as) inactive. A higher degree of effectiveness compared to other relevant organizations offers a relative advantage towards the potential partners. Cooperation therefore remains a balancing act between demonstration of relevance and necessary burden sharing.

Especially NATO has - besides rhetorical commitment to cooperation - not shown significant collaborative efforts, as it perceives itself as the predominant security provider in the Western hemisphere. At first sight the United Nations seems as the appropriate "linking-pin" organization in countering terrorism, by providing a coordination framework for global efforts in combating terrorism. This, however, is not the case. The actual lack of coordinative capabilities is not only due to organizational egoism and lack of political will, but also a result of overlapping inner-institutional competencies, and member states' reservations against a more structured role of the United Nations especially presented by the permanent members of the Security Council. UN-NATO cooperation in combating terrorism theoretically seems like a well-fit concept of division of labor between a political framework to address root causes and negotiate general strategies on the one hand, and an organization providing operational, military capabilities on the other. Due to the "twofold nature" of international organizations between self-preservation and effective policies - especially in security sensitive areas - cooperation has been far less efficient as expected, particularly considering the potential destructiveness of the threat. (Tardy 2004: 134 ff)

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. Europeans feel significantly less threatened than their transatlantic partners. (Hamilton 2007: 166) “United against Terrorism“ therefore - up until now - largely remains in the rhetoric rather than in the operational realm.

Outlook: Institutionalized vs. Selective Cooperation?

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. But, as Koops states, “[...] instead of insisting too much on strict hierarchies and clearly defined functional divisions of labor, the creation of less formal but nevertheless guiding memoranda of understanding, [...] between autonomous international organizations would be an important step towards furthering coordination and collaboration.“ (2007: 26)

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. (Seherr-Thoss 2006: 41)

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” theaters. 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. (NATO 2006: 82).

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. 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 Yost a framework cooperation agreement, creating alleged automatism for NATO action would be counter-productive rather than helpful. (Yost 2007: 59) However, NATO’s main advantage, its professional and well-trained military command structure, will be used selectively. NATO will predominately remain a military alliance with regional focus, it is nevertheless aware of the fact, that it cannot shy away from global re-

sponsibilities without risking to drift into insignificance. NATO Secretary General de Hoop Scheffer's statement in relation to multilateral engagement should therefore be taken seriously: "If you ask for help, we can help and we will help." (NATO 2006). UN security efforts can benefit from this commitment, 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.

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