

THE EVOLUTION OF NATO: AN EXAMINATION OF THE ORGANIZATION'S
TRANSFORMATION FROM A DEFENSIVE MILITARY ALLIANCE
TO A PROACTIVE FORCE IN THE INTERNATIONAL ARENA

THESIS

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By

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For my parents, Andrew and Marjorie Roberson,
whose love and support made it all possible.
To my husband, Tony and my children,
Caroline, Daniel, Caitlyn and Sarah.
Thank you for allowing me to pursue my dream.

CHAPTER I

Origins of the North Atlantic Treaty

The Period 1945-1947

Shortly after the collapse of Nazi Germany and just weeks prior to Japan's capitulation at the end of World War II, the representatives of fifty nations met in San Francisco on June 26, 1945 to sign the Charter of the United Nations. Owing to the optimism that peace had finally dawned after one of the most devastating wars in history, was the knowledge that among the founding members of this international organization were all the surviving Great Powers (MacCloskey 1967, 53).

Yet, one could hardly ignore the potential dangers that loomed on the horizon. The defeat of Germany and Japan, two great military and industrial countries left Europe polarized in the west and east with a vast vacuum in between. The wartime Grand Alliance between the Western democracies and the Soviet Union collapsed, and postwar negotiations foundered in the Council of Foreign Ministers. West Europeans felt vulnerable not only to a possibly resurgent Germany but even more to Communist expansion by subversion and the threat of direct Soviet military action. British Prime Minister Winston Churchill openly expressed his concern for the "European situation" in a cable to United States President Harry S Truman. He wrote,

In a short time our armed power on the Continent will have vanished, except for moderate forces to hold down Germany. Meanwhile what is to happen about Russia?...An iron curtain is drawn down upon their front. We do not know what is going on behind...and it would be open to the

Russians in a very short time to advance, if they chose, to the waters of the North Sea and the Atlantic...(Churchill 1953).

Churchill was quite correct to express his concern over Soviet expansion, which in fact had begun during the war with the annexation of Lithuania, Latvia, Estonia, areas in Finland, Poland, Rumania, Northeastern Germany and Eastern Czechoslovakia, and continued after the war with Albania, Bulgaria, and Hungary coming under Soviet control. These countries were firmly tethered to Moscow by political, economic and military agreements. No fewer than 23 treaties of mutual assistance were signed between these states and the USSR during the period 1943 to 1949 (McCloskey 1967, 53-62).

The situation in Europe turned from bad to worse. Struggling to rebuild in the war's aftermath, Western Europe fell into despair, whilst the United States once again teetered on the brink of isolation. Masses of Europeans, radicalized by the experience of war and German occupation, demanded major social and economic change and appeared ready to enforce their demands with violence. The national Communist parties of Western Europe stood ready to exploit this discontent in order to advance the aims of the Soviet Union, as it appeared likely that Italy and France would democratically elect communist governments (Clayton 1947, 230-232).

It was the crisis in Greece, however, that drew the focus of America back across the Atlantic. "It must be the policy of the United States of America" President Truman reported to a joint session of Congress on March 12, 1947, "to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure" (Truman Doctrine 1947). Although the economic and military assistance sought by President Truman was directed at Greece and Turkey, the broader implication was to expand economic relief to the whole of Europe. Secretary of State George C. Marshall believed

that it was logical for the United States to offer help. He made it clear that the American policy was not directed “against any country or doctrine,”

but against hunger, poverty, desperation and chaos. Its purpose should be the revival of a working economy in the world so as to permit the emergence of political and social conditions in which free institutions can exist (Marshall 1947).

Secretary Marshall’s initiative, carefully framed to avoid confrontation with the Soviet Union and coordinated with the major U.S. allies, provided the basis for a European response. Britain and France together with Belgium, the Netherlands, and Luxembourg took the lead in organizing a conference of the Committee of European Economic Cooperation, which met in Paris June 27-July 2, 1947, to discuss a coordinated program of economic cooperation aimed at integrated economic recovery. Italy and Greece pledged their cooperation. Thus the Marshall Plan, launched as a joint U.S.-European program, pointed the way to European economic union and was America’s first step toward becoming a superpower with global interests and responsibilities.

The Paris conference in the summer of 1947 proved critical in defining a security response to threats to political stability in Western Europe. Although Soviet Premier Stalin initially permitted the states of Eastern Europe to join the discussions, he ultimately rejected the plan as an instrument of American imperialism. Instead, the Soviet leader opted for the creation of the Communist Information Bureau (Cominform) whose membership included the Communist parties of nine countries and was designed to coordinate action against the Marshall Plan (Marshall 1947).

When the December 1947 London session of the Council of Foreign Ministers confirmed the East-West deadlock, British Foreign Secretary Ernest Bevin lamented to Secretary of State Marshall, “I am convinced that the Soviet Union will not deal with the

West on any reasonable terms...and that ...[its] salvation depends upon the formation of some form of union...backed by the United States¹” (Cook 1989, 88). What was needed noted Canadian Secretary of State for External Affairs, Louis St. Laurent was a “dynamic counter-attraction to Communism.” Addressing the General Assembly of the United Nations in September 1947, Mr. St Laurent expressed the concern of like-minded nations at the Security Council’s inability to ensure their protection. He maintained,

[t]he creation and maintenance of the necessary overwhelming preponderance of force and of the necessary degree of unity may require the establishment of new international political institutions...² (Mackenzie 1995, 158).

British Prime Minister, Clement Attlee echoed this sentiment and similarly favored the creation of a democratic alliance.³

Genesis of the Alliance

Between January and March 1948 Britain, France and the Low Countries completed negotiations for a military alliance of West European countries and the establishment of the Western European Union. The Treaty of Brussels signed March 17, 1948 pledged the allies to set up a joint defensive system as well as to strengthen their economic and cultural ties (United Nations, Treaty Series 1948, 19, no. 51).

The United States encouraged European unity and self-defense measures and welcomed the Brussels Pact. President Truman went further in an address to Congress on March 17 when he acknowledged the historic nature of the Union and expressed confidence that “the United States will, by appropriate means, extend to the free nations

¹ Quoted by Don Cook, *Forging the Alliance: NATO, 1945-1960*, p. 88.

² Quoted by Hector Mackenzie, *Canada, the Cold War and the Negotiation of the North Atlantic Treaty*, p. 158.

³ Attlee’s position is articulated in *Documents on Canadian External Relations*, vol. XIV, pp. 400-1.

the support which the situation requires.” The President stressed the gravity and urgency of the situation when he went on to say,

[t]here are times in world history when it is far wiser to act than to hesitate. There is some risk involved in action—there always is. But there is far more risk in failure to act (U.S. Department of State 1948).

The President’s encouragement and call for action demonstrated sympathy for the idea of collective defense, but a great deal of negotiation within the U.S. Government and with the European allies remained before an agreement ensuring collective action became a reality. Early initiative again came from Britain. In March, even before the signing of the Brussels Treaty, Foreign Secretary Bevin asked the United States and Canada to agree to immediate military staff discussions regarding collective security measures for the defense of the Atlantic and the Mediterranean areas. Negotiations over the nature and degree of the U.S. commitment to the defense of its North Atlantic allies were complicated by the conflicting desire of the allies for an assurance of immediate U.S. intervention in case of a Soviet attack and the insistence of the U.S. Senate that its constitutional prerogatives be preserved, especially the power to commit the United States to war. State Department officials, after assuming a common position of support for the idea of a treaty, wove together a text that balanced the concerns of its European allies, of the Senate, and of the U.S. military. Republican Senator Arthur H. Vandenberg, Chairman of the Senate Foreign Relations Committee and President Pro Tempore of the Senate, embraced the concept of a North Atlantic alliance and agreed to support it in the Senate. On June 11, Vandenberg presented a resolution that recommended in part,

the association of the United States by constitutional process, with such regional and other collective arrangements as are based on continuous and effective self-help and mutual aid, and...contributing to the maintenance of peace by making clear its determination to exercise the right of individual

or collective self-defense under Article 51 (of the United Nations Charter) should any armed attack occur affecting its national security⁴ (Kaplan 1984).

The Vandenberg Resolution was the landmark action that opened the way to the negotiation of the North Atlantic Treaty. Exploratory talks attended by representatives of the United States, Canada, Britain, France, and the Benelux states commenced on July 6 and continued through September 10, 1948. The major sticking points were the resistance on the part of the Brussels Pact to broaden the alliance to include all nations bordering the Atlantic as the U.S. desired and the basis on which members were obliged to come to each other's aid and defense. Utilizing the Rio Treaty⁵ as a model and blending provisions of the Brussels Treaty, the negotiators submitted a memorandum to their governments that outlined the text of an alliance treaty on September 9. By the end of October, Denmark, Iceland, Norway, Portugal, and Ireland had been approached about association with the alliance. All but Ireland agreed to join in the treaty-making process. A key feature sought by U.S. negotiators was an agreement on a formula under which the alliance could be expanded to include other countries in the future.⁶ The founding membership of the North Atlantic alliance that included Britain, Canada, Denmark, France, Iceland, Italy, Norway, Portugal, Belgium, Netherlands, Luxembourg, and United States, was not decided until March 1949. The signing ceremony took place on the afternoon of April 4, 1949 in Washington, D.C. Within five months the governments of the member countries ratified the treaty (Kaplan 1984, 5-63).

⁴ Quoted by Lawrence S. Kaplan, *The United States and NATO: The Formative Years*, pp. 70-76.

⁵ The Inter-American Treaty of Reciprocal Assistance (Rio Treaty) of September 2, 1947, established precedents critical to the formulation of a North Atlantic pact as it was fully supported by the U.S. Congress and anchored in the UN Charter. For text of the Rio Treaty, see *A Decade of American Foreign Policy: Basic Documents, 1941-1949*, pp. 226-229.

⁶ The discussions on expanding the charter membership of the Alliance are documented in *Foreign Relations, 1948*, Vol. III, pp. 255-343 passim.

It was an historically unprecedented and extraordinary experiment in international relations. The danger of Soviet aggression against war-ravaged Western Europe after World War I led to a drastic change in traditional American foreign policy and the embarkation of the non-communist nations of Europe on a search for collective security. The commitment made by the original members in 1949 to defend peace, security, and democracy against communist expansionism was a historically unprecedented kind of alliance that would make possible Europe's postwar recovery.

CHAPTER II

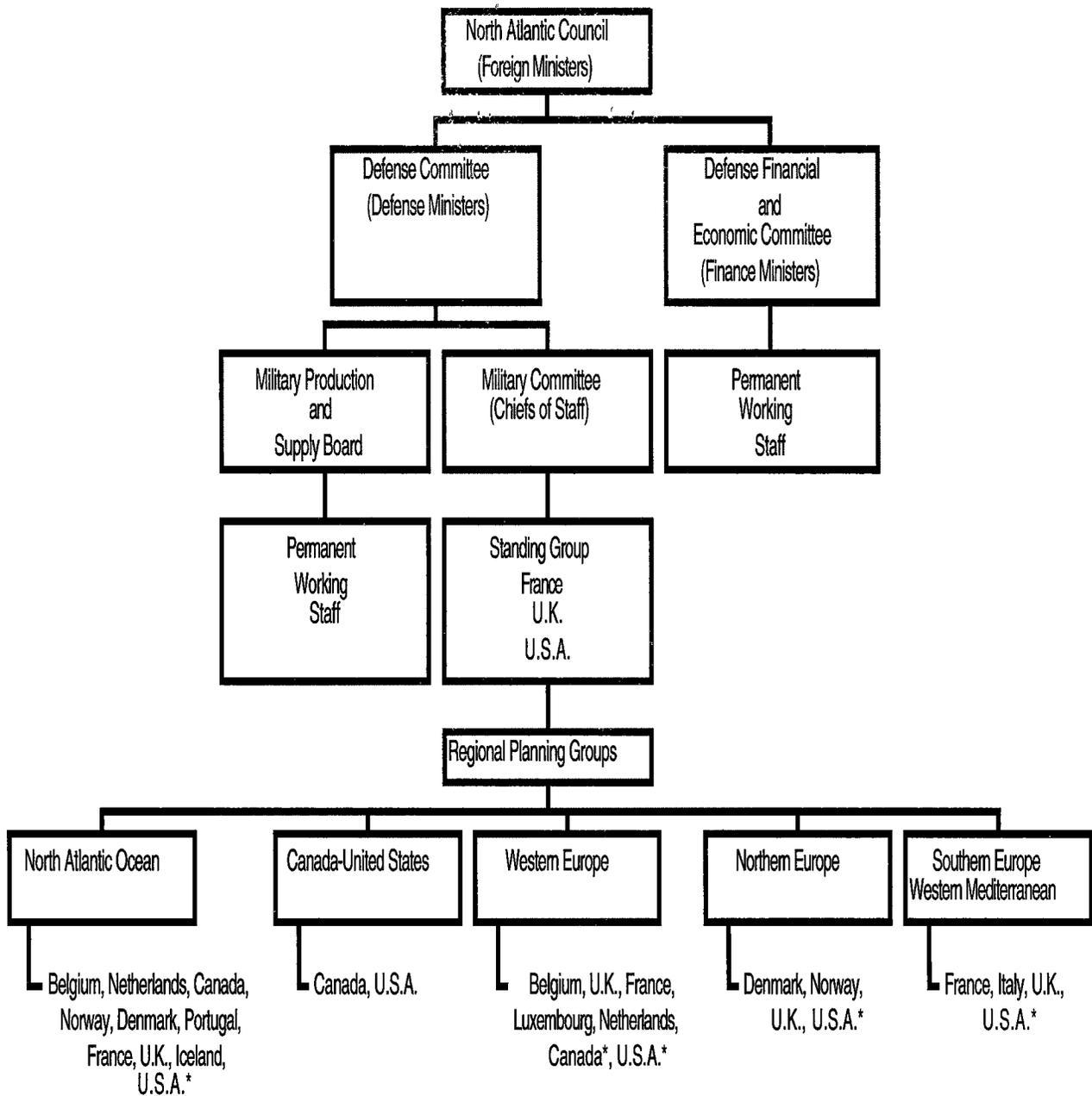
Growth of the Alliance

NATO: The Early Years

The idea behind the Alliance was sound: to commit the United States to European security while joining the nations of Western Europe together for collective defense. Despite brave words, the Alliance had only political organs for high-level consultation. It lacked an integrated military command and a coherent strategy. Simply put, NATO was not equipped to repel direct Soviet invasion or political encroachment.

The immediate task, noted Lord Ismay, the first Secretary General of NATO was to “devise and create collective machinery ” (Ismay 1954, 23) that would enable the fulfillment of the members’ obligations. It was for this purpose that the North Atlantic Council, the Defense Committee, and the Military Committee consisting of foreign ministers, defense ministers, and chiefs of staff respectively were constituted. The functions of these organs were articulated in the early sessions of the Council. The Military Committee, working within the arm of the Defense Committee was to “provide policy guidance of a military nature” to the Standing Group, composed of representatives of the Chiefs-of-Staff of the United States, Britain, and France. Regional Planning Groups were established and instructed “to develop and recommend to the Military Committee, through the Standing Group, plans for the defense of their respective regions” (Ismay 1954, 25).

The Organization in December 1949



*Consulting members

Source: Lord Ismay, NATO: The First Five Years, 1949-1954 (Paris, 1954), 26.

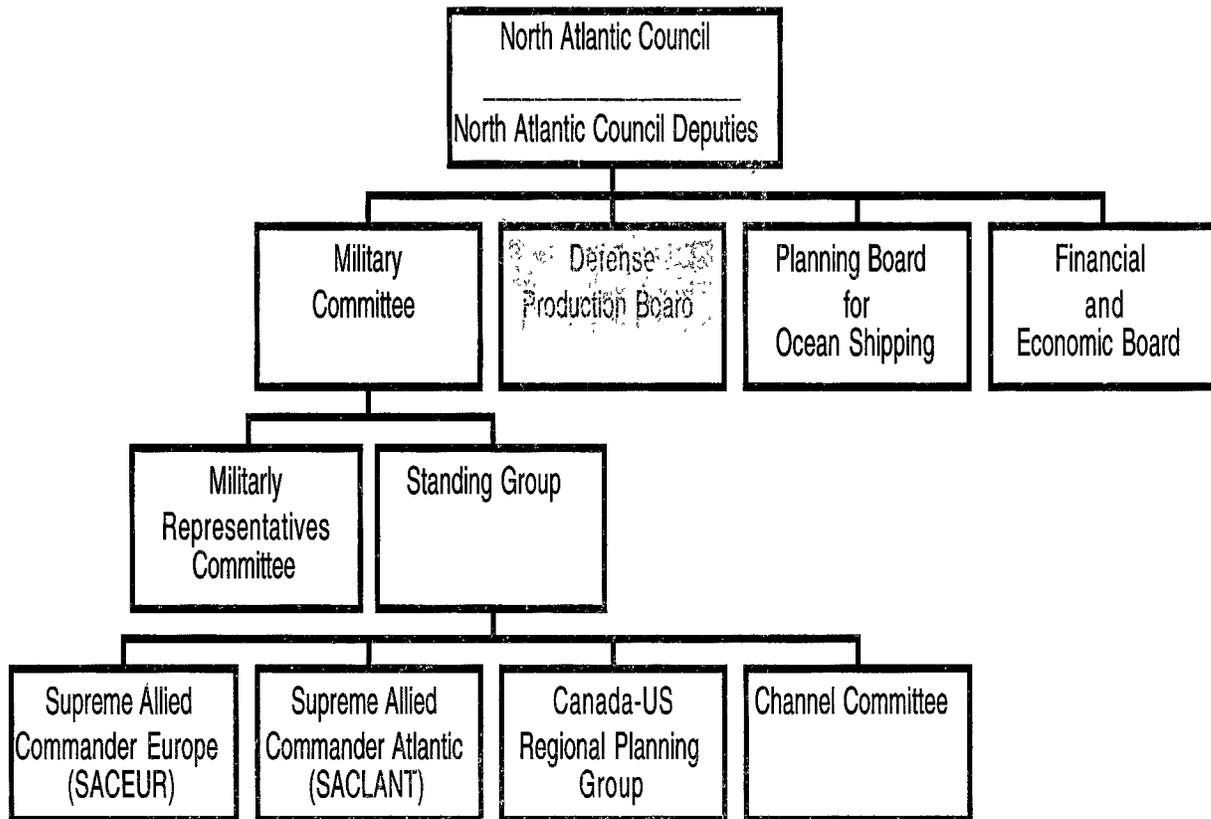
International Crisis and the Cold War

The organization now had a nucleus and a scheme on which to work, but crisis brought it to life. The Korean War and the explosion of a Soviet atomic bomb ushered in a new phase in the alliance's existence. The United States administration had been quick to act. In July 1949, President Truman submitted the Mutual Defense Assistance Bill to Congress that called for a one billion dollar program of monetary and military assistance to European NATO countries. The bill was signed into law October 6, only two short weeks after the USSR's first successful atomic explosion (Ismay 1954, 31-39).

The immediate problem facing the alliance was lack of conventional forces. A mere 14 divisions and less than 1000 aircraft were positioned on the continent as compared to the Soviet posture of more than twice that number. The sudden attack on South Korea by divisions of communist North Korea on June 25, 1950 moved the alliance to remedy its weakness. With prodding from Washington, Western European nations agreed to build up their forces. The Lisbon Accord of 1952 laid plans for large conventional forces to defend central Europe and protect the northern and southern flanks, but national forces loosely cooperating were insufficient to overcome a major Soviet conventional attack. A more highly integrated military structure was clearly needed to direct the enlarged NATO force (Ismay 1954, 47-8).

To that end, the Supreme Allied Commander Europe (SACEUR) was established and General Dwight D. Eisenhower was appointed to the post. It was his task, recognized by all, to act in the event of hostilities. He, more than anyone else, was responsible for formulating plans, implementing strategy, and developing military requirements. By 1953, NATO's posture had doubled and the all-important military infrastructure was taking shape (Ismay 1954, 35-6).

The Organization in May 1954



Source: Lord Ismay, *NATO: The First Five Years, 1949-1954*, (Paris, 1954), 42-57.

CHAPTER III

NATO Enters a New Phase

The Doctrine of Massive Retaliation

Though the Cold War continued unabated, the Marshall Plan bore fruit and Western Europe began to regain its economic strength. Greece and Turkey acceded to the Alliance in 1952 under the provision stipulated in Article 10 of the Treaty and Germany, having emerged as a democracy, was admitted in 1955 after lengthy debate. Europe's focus on imminent Soviet aggression began to shift toward further improving domestic economic conditions and the end of the Korean War coupled with changing military technology led to new defense priorities (Grogin 2001).

With U.S. nuclear weapons available in quantity, President Eisenhower decided to buy deterrence on the cheap, utilizing the doctrine of Massive Retaliation, the threat of a debilitating nuclear strike to the Soviet Union in the event of almost any transgression. This strategy permitted less defense spending and smaller conventional forces. By the late 1950s the United States and its allies had a posture of several hundred long-range bombers with intercontinental ballistic missiles being developed and plans to deploy thousands of tactical nuclear weapons in Europe. As the decade ended, nuclear deterrence was intact but the Alliance was left dependent on U.S. nuclear weapons and rapid escalation against a major attack (Townsend 1957, 181-192).

Deterrence in Decline

The danger facing NATO during the 1960s was apparent. Although the Soviet achievement of nuclear parity was still years away, Moscow had acquired intercontinental ballistic missiles and could thereby deter a U.S. nuclear retaliation against a conventional attack. The Cold War was heating up and Western Europe was once again vulnerable to Soviet political pressure and invasion. If war broke out, the United States and its allies faced the unsettling choice of surrendering or triggering a nuclear holocaust (Grogin 2001).

The Kennedy administration proposed upgrading conventional defenses, and broadening its nuclear strategy, but the allies did not share Washington's view and the Alliance fell into a paralyzing debate. The U.S. argued that this strategy would strengthen deterrence by making conventional aggression less attractive while lessening an unhealthy dependence on nuclear escalation (Grogin 2001). Germany viewed the matter differently as it valued the protection of the growing NATO nuclear umbrella. Chancellor Adenauer feared that America was backing away from the defense of Western Europe and instead would expose the continent to a destructive conventional war to prevent a nuclear attack on its own territory (Kaplan 1961, 618-629).

Britain and other allies were caught between the two nations. Most sided with Germany, not wanting to weaken nuclear deterrence or undertake a conventional buildup. The debate might have been less volatile had it focused solely on military strategy, but deeper political controversies arose. The transatlantic relationship was changing as economic recovery made Europe less reliant on Washington. As a result, the Europeans were more willing to assert their identities (Grogin 2001).

French President de Gaulle entered the fray to attack U.S. strategy and political motives, alleging that Washington was trying to keep Western Europe subordinate. He did not advocate dismantling the Alliance, but he pulled out of the military command structure and expelled NATO headquarters from France. He proposed a Franco-German axis to lead Europe and invited other nations to join. None accepted the offer, but with the French veto of Britain's admission to the common Market because of British fealty to the United States, NATO seemed to be coming apart at the seams (Amme 1967).

Recognizing the danger to the transatlantic bond, leaders resolved to fashion a new strategy that met the core concerns of all parties. It was a painfully slow process, but by 1967 NATO adopted a "flexible response" strategy that relied on a triad of strategic nuclear forces, theater nuclear forces, and conventional forces (Grogan 2001).

The instant strategy did not abandon nuclear deterrence or the option to escalate, but it did call for an initial and affordable conventional defense strong enough to fight hard in early stages and make aggression problematic. It made clear that the defense would be fought on the borders of Germany rather than trading space for time through retreat. The forward defense line was moved to the inter-German border where it remained throughout the Cold War. While this step reassured Germany that it would be protected, the goal of strengthening conventional forces gave the United States confidence that nuclear escalation would not be premature (Kaplan 1961, 618-629).

The combination of undiminished nuclear strength and stronger conventional forces that characterized the new strategy promised to enhance deterrence and allow more options. Insistence on affordable defense budgets created incentives to use resources effectively and pursue integrated planning. Above all, political cohesion was restored.

America determined that its interests had been advanced, while Germany and the other allies felt equally satisfied. Moreover, the Harmel Doctrine⁷ that advocated a strong defense linked to a stable relationship with the Eastern bloc accompanied the flexible response strategy. Thus, NATO had equipped itself with a dual-track policy that fostered a sound military strategy coupled to external political dialogue aimed at lessening East-West tensions (Grogin 2001).

Enter Détente

In the 1970s the Soviet Union, having learned the lesson of brandishing its sword too conspicuously, called for détente in Europe: not an end to the Cold War but a cooling off period produced by negotiation and partial settlement. Focusing on the many negotiating forums of détente, NATO adopted a coordinated diplomatic strategy to handle them. While the Mutual and Balanced Force Reduction talks stalled, others efforts, such as the Strategic Arms Limitation Treaty, an antiballistic missile treaty, a Berlin treaty, an agreement on East Germany, and human rights accords in Eastern Europe, succeeded. These combined efforts reduced flashpoints but did not end the Cold War.

Member nations slackened their defense efforts as the political atmosphere improved. In contrast, the Warsaw Pact launched a sweeping push to gain offensive supremacy over NATO. The Soviet nuclear buildup accelerated and achieved parity, while modernization bolstered conventional forces to rival NATO (Grogin 2001).

⁷ For complete text of the Harmel Report see NATO Mini. Comm. Paris 13th-14th, December 1967.

The Warsaw Pact buildup initially threw NATO into a crippling debate. Divided, its members were reluctant to undercut détente or increase spending. Europe did little and United States modernization was delayed by Vietnam and budget cuts. The military balance in Europe was tilted toward the East and the Cold War entered a new and dangerous phase (Grogan 2001).

Strategic Resurgence

The end of the Vietnam conflict allowed American planners to refocus on Europe. By the mid 1970s, U.S. Secretary of Defense Schlesinger called for more spending and stronger NATO forces. In 1978 the Carter administration persuaded the Alliance to adopt the Long-Term Defense Plan to upgrade conventional forces and speed reinforcements to Europe. It sought to enhance interoperability, strengthen defense posture, and hasten modernization. The decade ended with the Alliance pulling back from the brink of military inferiority.

NATO fully matured in the 1980s. It was a period of strategic resurgence followed by the end of the Cold War. President Reagan initiated a significant military buildup by increasing defense spending, modernizing strategic forces, and launching the Strategic Defense Initiative for ballistic missile defense (Grogan 2001).

The centerpiece of Reagan defense policy was deployment of longer-range intermediate-range nuclear forces (LRINF). NATO offered to refrain in exchange for an arms control accord on dismantling the large Soviet LRINF threat to Europe. When the offer was rebuffed, the Alliance deployed the missiles as pledged despite widespread

protests across Europe. By the mid 1980s this policy had transformed the European nuclear balance.

The United States and its allies also enhanced conventional defenses. The Reagan administration implemented the decision by President Carter to rapidly reinforce Europe in crises, increasing the U.S. presence from five divisions and eight fighter wings to ten divisions and twenty wings within a few weeks. Other allies upgraded readiness and manpower, while France drew closer making clear that its large army would be available for NATO missions in crises.

When the Alliance's nuclear and conventional plans went into high gear, Soviet policy underwent a dramatic change. Premier Gorbachev offered arms control accords that would dismantle the offensive military threat of the Warsaw Pact while leaving NATO defensive strategy intact. He also called for liberalization in the Soviet Union and Eastern Europe that set the stage for the subsequent deluge. The Berlin wall came down in 1989 and Communism faded across Europe, replaced by democracy and market capitalism. NATO presided over German unification and the Soviets withdrew from Eastern Europe. The Soviet Union was supplanted by Russia and fourteen newly independent states when democracy replaced Communism in 1991 (Grogin 2001).

Closure

Since its inception, NATO's basic role has been "to safeguard the freedom" and security of its member countries.⁸ Throughout the Cold War, the Alliance served as the primary deterrent to war in Europe. It was devised to stop the spread of communism; in

⁸ Preamble to the North Atlantic Treaty.

response, the Soviet Union and its fraternal socialist allies in Eastern Europe established the Warsaw Pact. This often-precarious balance of power kept the peace in Europe for more than forty years. Since the fall of the Soviet Union, however, NATO has been largely without a well-defined purpose. It has found itself the defender of countries with no clear enemy.

Almost overnight, NATO's *raison d'être* passed into history. Alliance leaders found themselves at the head of the world's most powerful standing armies with no one to fight. Like all good capitalists, however, they found new things to do. Looking out over the wreckage left behind by communism, NATO decided that its next mission would be to promote democracy and enforce human rights across Europe. It began its new mission under the auspices of United Nations peacekeeping forces. NATO already had the command infrastructure and logistics in place to support operations in Europe. Teaming with NATO was a very efficient and effective way for the U.N. to enforce its policies in the region, and gave NATO a new lease on life.

CHAPTER IV

Moving “Out of Area” - NATO Operations in the Balkans: The Case of Bosnia - Herzegovina

Introduction

The evolution of the North Atlantic Treaty Organization into a peacekeeping force set on regional stabilization naturally brought the Alliance to the Balkans, a region with a long and complicated history. In order to better comprehend the rationale for NATO's involvement in this area, it is necessary to have a general understanding of the region's history leading to the conflicts that necessitated international intervention. It is for this purpose that a brief synopsis of the history of Bosnia and Herzegovina is offered.

Early History of the Region

The earliest known inhabitants of the southern Balkan Peninsula were Illyrians, a group of tribes that spoke a language very similar to modern day Albanian. Ancient Greek writers described these people as barbarous and non-Hellenic, thus noting the real and perceived differences between the Greek and Illyrian culture.

Around 9 A.D., the area that is now Bosnia was conquered and annexed to the Roman territory of Dalmatia. During this period, which lasted until 460 A.D., the Illyrians were heavily influenced by Roman culture. By the time Emperor Constantine moved the capital of the Roman Empire to Constantinople (formerly Byzantium, now Istanbul), the romanization of the Illyrians was nearly complete. The dividing line between the Eastern Roman Empire, known as the Byzantine Empire and the Western Roman Empire solidified in 395 A.D. along the banks of the Drina River making Bosnia

a regional buffer between peoples, empires, philosophies, and theologies (Kanzhdan 1991).

Around the time of the fall of the Roman Empire (c. 460 A.D.) and over the course of many years, Slavic tribes including Slovenes, Croats, and Serbs migrated to the Balkans. There is little agreement on the origin of these people, however, it has been speculated that they came from areas in the Ukraine and perhaps even the Nordic countries. They settled in different places throughout the region, and experienced separate development as the three cultures evolved. But - and it is to be underscored today - Slovenians, Croats and Serbs share a common ancient Slavic origin (Kanzhdan 1991).

The Slavs increasingly settled in the region and became permanent inhabitants. The region, called the Land of the Slavs or Slavina, became modern-day Yugoslavia. The population slowly adopted Christianity, but was influenced from the outset by its two major sects. The Slovenes and Croats became Roman Catholics and adopted the Roman alphabet, while the Serbs became Eastern Orthodox Christians and adopted the Cyrillic alphabet to represent the same language. Ultimately, the centuries-old power struggle between the Roman church and the eastern Byzantine churches (Constantinople, Antioch, Jerusalem and Alexandria), culminated in the schism between east and west, which divided Christianity into two Christian churches and empires. The schism cemented the religious border represented by the Drina River, with modern-day Slovenia, Croatia and Bosnia-Herzegovina on the west, and Serbia, Montenegro and Macedonia on the east (Donia 1994, 14-26).

The Medieval Period

The state of Bosnia began to take shape in the 10th century, and at that time extended from the Drina River to the Adriatic Sea. From its origins, Byzantium, Hungary and the neighboring states of Croatia and Serbia each tried to take Bosnian territory in order to expand Catholicism and Christian Orthodoxy. By 1130, Bosnia emerged as an independent state under the leadership of Kulin, Ban (king) of Bosnia. This period is revered and often referred to as “a time of peace within Bosnia.”

The Ottoman Empire settled in on a long-term basis in Bosnia during the 15th Century. Religious persecution of Jews in various western European countries, including France and Spain, contributed to additional demographic shifts in Bosnia. Many Sephardic Jews began to settle in Sarajevo, where they found religious tolerance and were able to form a very active community that continues to play a vital role in Sarajevo's contemporary community life (Donia 1994, 32-4).

Ottoman Era

The period of Ottoman Empire building in and around Europe progressed in stages over many years. Although the Turks ruled almost a third of Europe, they tolerated a significant amount of religious diversity within its borders. Careful measures were taken by the Ottoman rulers to avoid rebellions. While only Muslims could own property, vote, or participate in the government, non-Muslims could practice their own forms of religion and justice, and exercise their will in many community affairs. Despite the fact that the Turks did not mandate religious conversion, a large part of the Slavic

population did convert to Islam and henceforth became known as Bosniacs. The Ottomans ruled Bosnia and Herzegovina until 1878 (Kinross 1977).

The End of the Ottoman Empire

During the 18th Century, and in the first half of the 19th Century, Bosnians engaged in defensive wars against Austria and Venice, while simultaneously demanding autonomous status within the Ottoman Empire. By the time of the Crimean war in 1853, the Ottoman Empire had begun to lose power in the region, allowing Russia to gain influence in the Balkans, particularly in Serbia and Montenegro. Although the Russians successfully waged war against the Ottomans along the Danube and in Armenia in 1877, Russia declared that the Balkan matter was something for Europe to settle (Kinross 1977).

As the 19th Century dawned, Serbs, Bosnians and Croats claimed more liberty and independence. Austria supported the Serbian kingdom after its struggle for independence from the Turks, and expanded into three adjacent regions with a significant Serb minority – the predominantly Hungarian Vojvodina in the north, the mainly Bosnian-Muslim Sandzak in the west, and the Albanian-Muslim Kosovo in the south. The Christian Rebellion of 1875 in Bosnia and Herzegovina began the great Eastern Crisis that culminated in the 1878 Berlin Congress. Under the terms of the Congress, Bosnia and most of Serbia was put under the “occupation and administration” of Austria, while legally still being part of Turkey. Austria’s annexation of Bosnia in 1908 prevented both Serbia and the Ottoman Empire from claiming the province (Kinross 1977).

World War I

In 1914 Serbia demanded access to the Adriatic Sea, thus increasing tensions with Austria. On June 28 of that year the successor to the Austrian throne, Archduke Franz Ferdinand, was murdered in Sarajevo. The assassin was a Serb student, Gavrilo Princip, a member of the Black Hand, a radical Serbian group whose goal was to detach Bosnia from Austria and give it to Serbia. As a result of the Archduke's assassination, Austria declared war on Serbia and triggered a deadly chain of events that hastened World War I (Donia 1994, 120-36).

In the Interim

Following the war and the Versailles Peace Treaty in 1919, Bosnia and Herzegovina were separated from the Hapsburg Empire. Together with Croatia and Slovenia, the State of the Slovenians, Croats and Serbs was created, and united with Serbia into the Kingdom of Serbs, Croats and Slovenians by the Geneva Treaty. On June 28, 1921 the kingdom's Parliament agreed to establish a centralized state as demanded by Serbian leaders. Most of the members from Croatia and Slovenia abstained or voted against this decision. Nevertheless, in 1929 the country was renamed the Kingdom of Yugoslavia with a Serb king assuming absolute power (Donia 1994, 125-36).

The newly founded kingdom suffered ethnic hatred, religious rivalries, language barriers and cultural conflicts from the very beginning. The difference in the economic situation between the dominant Serbs and the Croats added to those rivalries. Nationalism increased in both the Croatian and Serb areas. Croat nationalists and Muslims associated themselves with the fascist governments of Italy and Germany, forming a group called

the "Ustasha," while the Serbs, loyal to the monarchy, became the defenders of Orthodoxy, forming a group called "Chetniks." The monarchy became a dictatorship catering to Serbian nationalism while fanning ethnic tensions between the Serbs and the Croats (Donia 1994, 137-44).

World War II

At the outbreak of World War II, the Germans, Hungarians and Italians occupied Yugoslavia for about four years. Bosnia and Herzegovina, being on the separation line between the German and Italian occupation zones, came under the authority of the Independent State of Croatia that had aligned with the Axis Powers. The Croat "Ustasha" committed atrocities against the Serbs and the Jews of Bosnia were persecuted and killed. In response to Ustasha violence, the Chetniks and the newly formed Partisans led by Josip Broz Tito retaliated with atrocities of their own. The role of the Bosnian Muslims in the war was more complex, as they were caught between the Croatian Ustasha and the Serbian Chetniks, often disillusioned with both. But, as the Partisans began to increasingly differentiate themselves from the Chetniks, Muslims joined Tito's army.

In November 1943, the Anti-Fascist Council was established and Bosnia-Herzegovina regained its statehood and legal status as a separate unit inside the state of Yugoslavia based on the principles of equality of all nations living within Bosnia. Tito and his Communist Partisans received most of the allied support and became a real military force thereby allowing him to unite parts of all factions into a unified force to drive out foreigners, and effectively attack Axis troops. It was a bitter victory, indeed, since nearly one million Yugoslavs lost their lives (Donia 1994, 136-57).

Tito's Yugoslavia

Following World War II, the Federal Republic of Yugoslavia (FRY) was proclaimed. Because of its great losses during the war and to prevent future bloodshed, Tito gave Bosnia a constitution and status as an independent republic within the Yugoslav State, defined by its historic existence. He also created Macedonia as a separate republic. Tito was initially linked to Stalin, but he soon split in order to establish his own brand of socialism and enacted strict rules against the expression of "nationalism." His unique brand of totalitarianism successfully kept the peace within Yugoslavia for many years.

When the FRY was founded there had been only two recognized ethnic groups, Bosnian-Croats and Serbs. In 1968, the Bosnian-Muslims were also declared to be a distinct nation. A new constitution adopted in 1974 led to increased decentralization of governmental powers. The six federal states of the republic enjoyed more political and economic independence and the areas of Vojvodina and Kosovo attained autonomous status. These economic and political developments set the scene for the ruin of Yugoslavia and the beginning of new conflict in the Balkans (Donia 1994, 157-94).

The End of an Era

Tito died on May 4, 1980 at age 88 in Ljubljana, Slovenia. After his death, there was increasing resentment of centralized government control. The state-run socialist economy continued to stagnate, as was the case in most of Communist Eastern Europe. Nationalist demands and calls for increased autonomy grew among the various ethnic

groups of Yugoslavia. Deteriorating economic circumstances led to increased ethnic tensions, as nationalist politicians sought scapegoats to blame for the difficult economic times. Increasingly, other groups feared Serb domination in the region.

In the spring of 1981 clashes occurred in Kosovo between the Serb administration and Kosovo Albanians calling for status as the seventh republic, but not for independence. This situation led to bloody demonstrations that were violently suppressed by police and the Yugoslav National Army (JNA).

Stressing Serbian ultra-nationalism, Slobodan Milosevic, the former manager of a gas company, became head of the communist party of Serbia in May 1986. The 600th anniversary of the battle of Kosovo Polje on June 28, 1989 provided Milosevic with an opportunity to exalt his support for the Serb nation, demonstrating pure Serbian chauvinism by claiming tighter control over Kosovo. In March 1989 the autonomous status of Vojvodina and Kosovo was annulled, and those regions, against their collective wills, again became integral parts of Serbia. The dismantling of Tito's multi-ethnic Yugoslavia had begun (Hottelet 1999).

New Beginnings – New Crises

The Yugoslavian elections of 1990 confirmed nationalism's appeal. Only in Montenegro and Serbia did the Communist parties emerge victorious. The nationalist victories were in many ways a reaction to the fear of increasing Serb power. By 1992 Croats and Slovenians abandoned the idea of a unified Yugoslavia, left the FRY, and were recognized by European countries as independent states. Franjo Tudjman, the new Croatian president promised the voters a strong, democratic and independent Croatia

within its historical borders. Serb President Milosevic countered that any future Serbian state must include all areas where Serbs live (Kumar 1997).

Bosnia and Herzegovina followed the lead of Slovenia and Croatia, holding a referendum on independence on February 29 and March 1. Many Bosnian Serbs boycotted the referendum. When the results of the referendum were announced on March 2 and the peoples' desire for an independent Bosnia and Herzegovina was officially announced, Serb paramilitary began setting up positions around Sarajevo. On April 5, 1992, following the declaration of independence by Bosnia's parliament, there was a mass demonstration by citizens of Sarajevo, Serbs, Croats, and Muslims, calling for peace among Bosnia's three major communities. JNA snipers and Serb nationalist militants hidden on surrounding rooftops opened fire on the crowd, killing and wounding scores of unarmed citizens. The following day, JNA units began to shell Sarajevo and columns of troops and tanks crossed the Drina River from Serbia into eastern Bosnia. The war in Bosnia - Herzegovina had begun (Kumar 1997).

The Road to International Intervention

The eruption of civil war in Bosnia – Herzegovina presented the “new” alliance with its first major test. After diplomacy failed to stop ethnic cleansing, NATO became involved in the Bosnian war in support of the United Nations (United Nations, S/RES 743, 1992). Together with the Western European Union, the Alliance monitored and enforced UN sanctions in the Adriatic and no-fly zone over Bosnia. It provided close air support to the UN Protection Force (UNPROFOR) on the ground and carried out air strikes to lift the siege of Sarajevo (Kumar 1997).

In August and September 1995, NATO forces helped prepare the groundwork for a peace settlement by conducting air operations against Bosnian Serb forces that helped shift the balance of power on the ground. As a result, the General Framework Agreement for Peace negotiated at Wright Patterson air base in Dayton, Ohio was signed in Paris on December 14, 1995. Within two days, the North Atlantic Council launched the largest military operation ever undertaken by the Alliance, Operation Joint Endeavor. Based on UN Security Council Resolution (UNSCR) 1031, NATO was given a one-year mandate to implement Annex IA, the military aspects of the Peace Agreement (United Nations, S/RES 1088, 1996). A NATO-led multinational force, called the Implementation Force (IFOR) was deployed in Bosnia a mere four days later.

IFOR was successful in implementing the peace, but much remained to be done. NATO Foreign and Defense Ministers concluded that a reduced military presence was needed to provide the stability necessary for consolidating the peace. They agreed that the alliance should organize a Stabilization Force (SFOR), to stabilize the peace. Operating under Chapter VII of the UN Charter and pursuant to UNSCR 1088, SFOR was to “deter or prevent a resumption of hostilities or new threats to peace,...promote a climate in which the peace process can continue to move forward,...[and] provide selective support to civilian organizations within its capabilities” (United Nations, S/RES 1088, 1996).

In the seven years since its inception, the SFOR mandate has not changed. Currently there are approximately 12,000 NATO troops from sixty contributing countries operating in Bosnia – Herzegovina. The force remains “focused on potential trouble spots identified by past experience and careful analysis of the current situation” (NATO, SFOR Mission, 2001). There has been much criticism of the seemingly unattainable

goals set forth in the Dayton Accords.⁹ With no end to the peacekeeping mission in sight, one may well conclude a durable peace in the region is unattainable.

⁹ See Jane M. O. Shape, *Dayton Report Card*, *International Security*, Vol. 22, No. 3, (Winter, 1997) pp. 101-137.

CHAPTER V

Moving “Out of Charter” NATO Operations in Kosovo

Introduction

For much of this century, Kosovo has been a battleground torn apart by civil war between Serbians and Albanians. Most analysts agree that the bloody disintegration of Yugoslavia is rooted in Kosovo, a region that is producing the most intractable of all ethnic problems in the Balkans (Banac 1984). It is here that NATO’s actions most clearly illustrate the alliance’s transformation. As in the case of Bosnia – Herzegovina, a brief examination of the history of the area is offered to facilitate an understanding of the conflict that led NATO forces to intervene militarily without UN Security Council authorization.

History of the Conflict to 1912

Dating back to the late 14th century, Serbians have considered Kosovo as their “Jerusalem,” the cradle of the history of the Serbian Orthodox Church as well as the home of dozens of its cherished monuments. It was there, on June 28, 1389 that Serbians fought and lost their most historic battle on a field known as Kosovo Polje. No other single event in Serbian history has greater significance (Malcolm 1999).

Albanians too have an historic claim to the region as long time inhabitants. With the Ottoman invasions of the Balkans in the 14th century, large numbers of Albanians converted to Islam, while most Serbs remained loyal to the Orthodox Church. Though Kosovo became part of the Ottoman Empire after the Serbian defeat in 1389, Serbia was determined to regain the region (Kinross 1977).

The terms of the "Peace Accord" following the defeat of the Ottoman Turks in the Russo-Ottoman War in 1878 extended Bulgaria westward and gave the Serbs control of Mitrovica and Pristina in Kosovo, while the rest of the area remained in Ottoman hands. In response to this peace settlement Albanian nationalists called a meeting in Prizren that was attended by over 300 delegates, mainly conservative Muslim landowners from Kosovo and western Macedonia, but also included Albanian intellectuals inspired by ideas of the European Renaissance who were interested in the unification of the Albanian people under the umbrella of Ottoman rule. This meeting founded what became known as the "Prizren League." The Ottoman Sultan supported the League because he wanted to instill pan-Islamic ideology as a counterbalance to Christian and Slavic influences. However, as the Ottoman Empire weakened the League moved toward autonomy within the Empire (Kinross 1977).

In 1912, taking advantage of a weakening Ottoman regime, Serbians and their allies launched a war to push the Ottomans out of much of the Balkans and Kosovo in particular. War in the Balkans, however, had implications for the Albanians of the region who took steps to declare their own independent state. Claiming Albanians outnumbered Serbs in Kosovo, Albania, too, advanced a claim to control the region. But with the support of the Great Powers, Serbia gained control of Kosovo. An independent Albania emerged that left almost as many Albanians outside the new state as in. For the Serbs their re-conquest of Kosovo was liberating, but for Albanians in the province, they were merely exchanging one colonial power for another (Hottelet 1999).

When the Serbia re-gained control of Kosovo in 1912, it found that more than 500 years of Ottoman occupation had changed it considerably. The Serbs, who may well

have been a majority in the region up until the 17th century, found that Kosovo was now primarily Albanian (Campbell 1999).

The Quest for National Self-Determination

The First World War brought a second chance to fulfill the Albanian dream of national unification. Albanian patriots envisioned the creation of an ethnic Albania - one that would include the Albanians in Kosovo. Even U.S. President Woodrow Wilson declared the war would mean the triumph of real national self-determination (Speech of Woodrow Wilson, July 25, 1919). But the treaties that ended the war left Kosovo as part of Serbia, known after 1918 as the Kingdom of Serbs, Croats and Slovenes and as Yugoslavia in 1929 (Campbell 1999).

In the war's aftermath, Albanians living in Kosovo had only the promise that the new Yugoslavia would respect the internationally mandated minority rights guarantees. But the period between 1918 and World War II was rife with conflict between Serbs and Albanians. In an effort to alter the ethnic balance in Kosovo, Serbian leadership offered incentives for Serbs to settle in the region. Albanians, claiming that Serbs were trying to de-nationalize and assimilate them, remained second-class citizens as language and schooling rights were heavily curtailed. Moreover, Albanians alleged that Serbia was guilty of massacres and formed a clandestine resistance movement, the Kosovo Committee, to force change from Belgrade (Campbell 1999).

A second Yugoslavia, a federal state with six republics (Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia) emerged out of the Second World War led by Josip Broz Tito. The Albanians who fought on the side of the

Communists expected much from the new leader. Hoping to gain equality with the other nationalities, Kosovar Albanians wanted to be granted republic status, but, worried about implications for the Serbs, Tito refused Albanian demands (Malcolm 1999).

At the outset, the Albanian position in Tito's Yugoslavia was little better than it had been before the Second World War. Once again, the Albanians said they were under pressure to assimilate as all expressions of Albanian distinctiveness were curtailed (Malcolm 1999).

Substantial political change came only in the late 1960s and early 1970s when Albanians gained wider control over their own affairs. In 1974, Tito brought in a new constitution that granted wide autonomy to Kosovar Albanians. In fact, Kosovo became a republic in all but name - it was an autonomous province within Yugoslavia. Unlike the other republics, however, Kosovo did not have the right to secede (Malcolm 1999).

Many Serbs viewed the 1974 constitution as an attempt to limit their power and they resented turning authority in Kosovo over to the Albanians. As the Albanians gained greater control, Serbians fled the province. Albanian numeric superiority continued to increase and by 1989 accounted for 90 percent of Kosovo's population (Campbell 1999).

Tito's Yugoslavia was a complex structure that sought to transcend ethnicity and promote nationalism - to create a citizen that was first a Yugoslav and second a Croat, Serb or Slovene. In many ways, the country's survival depended on his authority. His death in 1980 made the fate of Yugoslavia an open question. In Kosovo, worsening economic conditions, particularly high unemployment, increased demands from the restive Albanian community. Calls for a Kosovo Republic were common and equality

within the Yugoslav Federation was seen as a panacea for the province's economic woes (Campbell 1999).

The Rise of Slobodan Milosevic

The collapse of the Communist order in Eastern Europe in 1989 intensified problems within Yugoslavia. The situation was further complicated by the rise of Slobodan Milosevic, who until 1987 had defended Tito's legacy. Gaining control of the Communist Party in Serbia, he altered his position and chose Serbian nationalism as his creed (Hottelet 1999). He became President of Serbia in 1989.

Appealing to Serb nationalism, Milosevic focused on Kosovo. Marking the 600th anniversary of the battle of Kosovo Polje, in June 1989 Milosevic delivered a passionate speech to his supporters. The region, he said, belonged to the Serbs and Kosovo was stripped of its autonomy. For Serbians, they were only taking back what was theirs, but for the Albanians, it began an era of segregation and increased tension between the two communities (Donia 1994).

The revocation of Kosovo's autonomy in 1989 was a defining moment in Serbian history as Serbia was once again united. Despite growing resistance from the Albanians as well as international pressure, Milosevic refused to restore Kosovo's autonomy.

Many analysts accept that the break up of Yugoslavia was the result of the very real efforts of the country's politicians. More than any other leader, President Slobodan Milosevic is being blamed for the tragic events that swept the region.¹⁰ His policies in Kosovo provoked the collapse of Yugoslavia. Other republics, especially Croatia and

¹⁰ See Robert J. Donia and John V.A. Fine, Jr., *Bosnia and Hercegovina: A Tradition Betrayed*, Radha Kumar, *Divide and Fall? Bosnia in the Annals of Partition*, Greg Campbell, *The Road to Kosovo: a Balkan Diary*.

Slovenia, saw Milosevic's clampdown in Kosovo as an indication of the type of Yugoslavia he envisioned - one dominated by Serbia. Not willing to accept that outcome, Slovenia and Croatia issued declarations of independence and war broke out in both republics.

The most tragic outcome, however, was in Bosnia-Herzegovina where Serbs, Croats and Bosnians fought for control (Hottelet 1999). Ethnic Albanians hoped that any peace settlement would include a solution to the Kosovo crisis. The Dayton Peace Accord of 1995 brought peace to Bosnia, but the Kosovar Albanians received nothing. The agreement had not only recognized the Republika Srpska, but more importantly had shut the door to the Albanian Kosovars by decreeing that no additional changes in borders within Yugoslavia would be sanctioned (Dayton Peace Accords, 1995).

Violence Begets Violence: The Conflict Intensifies

The Albanians, led by Ibrahim Rugova, chose passive resistance to Serb rule. Rugova sought to internationalize the problem and prevent an armed conflict with the Serbians. Kosovar Albanians, having lost all aspects of their independence, built a parallel society providing their people with separate facilities. Elections were held and Rugova became president of the self-declared Republic of Kosovo. An independence referendum was held, declared illegal by Belgrade, in which more than 90 percent of the Albanian community came out in favor of independence (Hottelet 1999).

Rugova's policy of passive resistance bore little fruit and there was even less support from outside the region. A militant faction of Albanians, calling itself the Kosovo Liberation Army (KLA), emerged with sporadic attacks on Serbian police

patrols. The KLA, at odds with Rugova's policies, chose violence to force the Serbs out of Kosovo and became a serious challenge to the well-equipped Yugoslav army. The Serbs responded with tremendous force as literally thousands of Albanians fled their homes. Despite international condemnation, Milosevic claimed his country was dealing with a well-armed terrorist group and that Kosovo was an internal affair.

Unlike Bosnia, where there had been a certain amount of ethnic tolerance among Serbs, Croats, and Muslims, there was little tradition of ethnic consensus in Kosovo. While Serbs and Albanians may have lived together in Kosovo for centuries, they did so as strangers. Their cultures and languages are fundamentally different as are their customs (Campbell 1999).

International Action

Acts of violence from both sides escalated, drawing action from the international community. In March 1998 the United Nations Security Council, acting under United Nations Charter Chapter VII¹¹ approved Resolution 1160 that condemned “the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army” and called upon both parties to work toward a political solution (United Nations, S/RES 1160, 1998). Explicit in the resolution was a mandatory arms embargo and a caveat that the “failure to make constructive progress towards the peaceful resolution of the situation in Kosovo

¹¹ United Nation Charter, Chapter VII 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.” Available: <http://www.un.org/Overview/Charter/chapter7.html>

will lead to the consideration of additional measures” (United Nations, S/RES 1160, 1998).

The conflict, however, continued unabated and in September 1998 the Security Council adopted (with China abstaining) Resolution 1199 that demanded a cessation of hostilities and warned that, “should the measures demanded in the resolution...not be taken...additional measures to maintain or restore peace and stability in the region” would be considered (United Nations, S/RES 1199, 1998).

As the winter approached, the international community feared a humanitarian catastrophe. It became clear that a new resolution authorizing NATO to enforce compliance with previous resolutions faced a near-certain Russian and/or Chinese veto. Pointedly, Russian foreign minister, Igor Ivanov, stated “If you take it to the UN we’ll veto it. If you don’t we’ll just denounce you...we’ll just make a lot of noise” (Crawford 2001, 511). NATO decided action was warranted under Chapter VII of the UN Charter on the basis that the crisis inside Serbia, as identified in Resolutions 1160 and 1199, posed a “threat to international peace and security” (United Nations Charter, June 26, 1945). On September 24, 1998, the North Atlantic Council issued an “ACTWARN” authorizing SACEUR, General Wesley Clark to “seek forces from NATO members for use in Kosovo” (Crawford 2001, 510).

With the threat of allied air strikes against Serbia looming large on the horizon, U.S. Special Envoy Richard Holbrooke, architect of the Dayton Peace Accord, negotiated a ceasefire in October. A team of 2000 “verifiers” from the Organization for Security and Cooperation in Europe (OSCE) was to ensure the ceasefire held. Reacting to the conclusion of the Holbrooke agreements, the Security Council adopted Resolution 1203

that endorsed and supported “the agreements signed in Belgrad” and demanded “the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia” (United Nations, S/RES 1203, 1998).

By early 1999, the fragile peace in Kosovo seemed in tatters. More than 2,000 people, the majority of them ethnic Albanians, had been killed. Only the grim winter conditions prevented the emergence of full-scale war. The Serbs claimed the international community gave the upper hand to the KLA and fighting continued. The discovery of 45 Albanian bodies near Racak, allegedly mutilated and shot at close range by Serb forces, brought a new round of international condemnation (U.S. Department of State, 2001).

On February 6, 1999 the parties met in Rambouillet, France to hammer out an agreement. These negotiations, however, were destined to fail. It is very likely that the United States “wanted and expected Serbia to reject Rambouillet” (Herring 2000, 227). Indeed, former U.S. Secretary of State and National Security Adviser, Henry Kissinger insists, “the Rambouillet text...was a provocation, and excuse to start bombing” (Herring 2000, 228). Even Secretary of State Madeleine Albright stated “off the record that ‘we intentionally set the bar too high for the Serbs to comply. They need some bombing, and that’s what they are going to get’” (Herring 2000, 228). After months of threatening tough action, NATO air strikes began on March 24.

The Aftermath

Two days after the bombing began, Russia proffered “a draft resolution condemning NATO’s action as a breach” of its Charter and “demanded a cessation of hostilities” (Wheeler 2000, 155). When the Security Council voted on the resolution, it was soundly defeated.¹² “The 26 March vote in the Security Council was historic,” asserts Wheeler,

because for the first time, since the founding of the Charter, ...members either legitimated or acquiesced in the use of force justified on humanitarian grounds in a context where there was no express Council authorization (Wheeler 157-58).

However, Nigel White correctly argues, “lack of condemnation by the Security Council cannot be seen as an authorization to use force” (White 1999, 6). White further maintains that in the event of a Security Council stalemate,

the General Assembly has legal competence under the Charter to recommend military measures when the Security Council is unable to exercise its ‘primary responsibility for maintaining international peace and security,’ and that the 1950 ‘Uniting for Peace’ Resolution could have been invoked for this purpose (White 1999, 7).

But this course of action requires a two-thirds majority vote in the Assembly and at the time securing the requisite number votes seemed unlikely.

After seventy-eight straight days of bombing, the FRY capitulated. President Clinton articulated the success of the operation in a summation to the American people on June 10, 1999. “Tonight for the first time in seventy-nine days,” he began

the skies over Yugoslavia are silent. The Serb army and police are withdrawing from Kosovo. The one million men, women, and children driven from their land are preparing to return home. The demands of an outraged and united international community have been met....The result

¹² The vote was 12 to 3 (Russia, China, and Namibia).

will be security and dignity for the people of Kosovo, achieved by an alliance that stood together in purpose and resolve....NATO has achieved this success as a united alliance....Nineteen democracies came together and stayed together through the stiffest military challenge in NATO's fifty-year history (Rubenstein 2000, 194-5).

The operation was touted as a military success, but the implications of NATO's action may have broad consequences, particularly in the area of international law.

CHAPTER VI

NATO's "Use of Force" in Kosovo: International Legal Dimensions

Introduction

NATO's actions in the Balkans, first in Bosnia – Herzegovina and then in Kosovo, represent the alliance's willingness to venture "out of area" and undertake operations "out of charter" in an effort to stay viable in the post-Cold War world. However, it is NATO's use of force in Kosovo that remains questionable in the area of international law. Although the mission was undertaken to end the violence and prevent a humanitarian catastrophe, the issue arises as to whether the organization may employ threat or use of force against a sovereign member of the United Nations without authorization by the UN Security Council. If not, then NATO's action in Kosovo represents a breach of its charter and opens the door to new and bold endeavors in the 21st century. To make that determination, one must consider the rule of law regarding "humanitarian intervention" and the foundations of the Washington Treaty.

Kosovo: The Nexus of International Law and Humanitarian Intervention

For the purpose of identifying the rule of law in the instant case, let us rely on the International Court of Justice, established as an organ of the United Nations (United Nations Charter, June 26, 1945). Article 38 of the Statute of the International Court of Justice establishes that

- 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 (International Court of Justice, 1945).

Thus, it is within these sources, particularly international conventions and custom, that the applicable rules of law are noted.

There is little doubt that serious violations of human rights are matters of international concern. No one denies that crimes against humanity such as the Racak massacre are breaches of international law. Indeed, “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” are, by definition, acts of genocide (United Nations. Convention on the Prevention and Punishment of the Crime of Genocide, 1948). However, can the action taken by Serbia in Kosovo be classified genocide? US State Department documents seem to suggest that Serbian operations were aimed at rooting out the KLA and not at genocide. As William Ratliff¹³ noted,

a State Department report in mid-May 1999 said, ‘in late March 1999, Serbian forces dramatically increased the scope and pace of their efforts, moving away from selective targeting of towns and regions suspected of KLA sympathies toward a sustained and systematic effort to ethnically cleanse the entire province of Kosovo’ (Ratliff 2001, 72).

Thus it becomes clear that NATO’s air strikes, undertaken to prevent a human catastrophe, actually had the opposite effect, “trigger[ing] a quantitatively different and more murderous pattern of violence on the ground in Kosovo” (Ratliff 2001, 72).

Undoubtedly, the events that transpired in Kosovo represent a tragedy of human suffering and actions by states to remedy breaches of human rights of this magnitude may

¹³ William Ratliff is Senior Research Fellow and Curator of the Americas, International, and Peace Collections at the Hoover Institution.

well be obligatory. In 1967, the United Nations Security Council in Resolution 237 stressed that all parties to a conflict must respect human rights and fulfill the obligations mandated by the Geneva Conventions¹⁴ (United Nations. S/RES 237, 1967). This resolution was welcomed by the United Nations General Assembly and has often been recalled and reaffirmed. Yet, as egregious as the acts in Kosovo were notes Bruno Simma, according to the “General Assembly’s Declaration on ‘Friendly Relations’ of 1970, countermeasures must not involve the threat or use of force” (Simma 1999, 4).

The overarching imperative regarding the threat or use of force against a sovereign member state, such as the FRY, is enshrined in Article 2(4) of the United Nations Charter that stipulates

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 (United Nations 1945).

This prohibition has been accepted as customary law (*jus cogens*) as defined by the Statute of the International Court of Justice¹⁵ and “codified in the 1969 Vienna Convention on the Law of Treaties (Arts 53 and 64)” and cannot be abrogated except by the emergence and acceptance of a new peremptory norm (Simma 1999, 4).

An important exception to the prohibition of the threat or use of force is enshrined in Chapter VII, Article 51 of the Charter that maintains

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense 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

¹⁴ Full text of Geneva Conventions of 1949 available in United Nations Treaty Series, vol. 75 (1950), Nos. 970-973.

¹⁵ ICJ Statute, Art 38(1)(b) describes custom as “evidence of a general practice accepted as law.”

Members in the exercise of this right to 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 (United Nations 1945).

Article 51, notes Simma, “constitutes the legal foundation of the Washington Treaty by which NATO was established.” In fact, Article 5 of the North Atlantic Treaty is based entirely on Article 51 of the UN charter. Hence, any threat or use of force “without basis in Chapter VII has been outlawed by the *jus cogens* of the Charter” (Simma 1999, 4).

Pursuant to Chapter VII, Article 39 it is the responsibility of the Security Council to

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 (United Nations 1949).

In this regard, UN Security Council resolutions 1160, 1199, and 1203 (previously noted) clearly identify the crisis in Kosovo as a threat to international peace and security. It is, however, the Security Council, not NATO, that must determine and authorize the appropriate course of action as stipulated in Articles 41 and 42.

Organizations, notably NATO, may be pressed into service as provided for in Chapter VIII of the Charter. According to Article 53, “the Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority” (United Nations 1949). The UN Secretary General’s 1992 “Agenda for Peace” expresses the positive role for regional organizations in “preventive diplomacy” and “peacekeeping,” particularly “if their activities are undertaken in a manner...consistent with the Charter.” The report further reinforces that “[t]he Security

Council has and will continue to have primary responsibility for maintaining peace and security” (United Nations. Agenda for Peace, 1992).

Finally, lest there be any confusion, Article 103 of the Charter provides

[I]n 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 (United Nations 1949).

Hence, as Simma notes,

Art. 103 renders the UN Charter itself as well as the obligations arising under it, for instance from binding Security Council decisions, a ‘higher law’ vis-à-vis all other treaty commitments of the UN member States, among them those stemming from NATO membership (1999, 6).

To clarify the point, there are two conditions under which the threat or the use of force may be applied – 1. with the express authorization of the UN Security Council, and 2. as self-defense against an armed attack. “In absence of any justification unequivocally provided by the Charter,” says Simma quoting the 1986 International Court of Justice *Nicaragua* Judgement (para 268), “the use of force could not be the appropriate method to monitor or ensure...respect [for human rights]” (1999, 6).

It must be emphasized that there is “no general right of humanitarian intervention under customary international law” (Wheeler 2000, 146). In addition to the prohibitions in the Charter already mentioned, the “1965 Declaration on the Inadmissibility of Intervention denied legal recognition to intervention ‘for any reason whatever’” and the

1987 Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations...stated that ‘no consideration of whatever nature may be invoked to warrant resorting to the threat or use of force in violation of the Charter’ (Wheeler 2000, 149).

There have been cases of “collective intervention” for humanitarian purposes authorized by the Security Council, notably Iraq in 1991 and Somalia in 1992, but the justification for these cases rested on the threat to international peace and security.

There are those who would argue that there is no preemptory norm prohibiting the threat or use of force in international law. To the contrary, “counter-restrictionists,” as Wheeler refers to them, insist that there is a norm for unilateral humanitarian intervention existent in both the pre- and post-Charter period. In 1827,

the intervention by Britain, France and Russia to protect Greek Christians from the oppressive rule of Turkey set the pattern for subsequent interventions in the Ottoman Empire (Wheeler 2000, 149).

The problem in the “counter-restrictionists” position is that in all subsequent cases of intervention “where the doctrine could have been plausibly invoked,¹⁶” not one was justified on humanitarian grounds. Since *jus cogens* involves both state practice and *opinio juris*,¹⁷ absent any articulation of the legality of the action, the argument asserting the existence of a preemptory norm of “humanitarian intervention” cannot be sustained.

NATO’s justification for use of force rested on moral and legal grounds, expressing the collective will of the member states. The day allied air strikes began President Clinton addressed the United States saying,

We act to protect thousands of innocent people in Kosovo from a mounting military offensive. We act to prevent a wider war, to diffuse a powder keg at the heart of Europe that has exploded twice before in this century with catastrophic results. And we act to stand united with our allies for peace. By acting now, we are upholding our values, protecting our interests, and advancing the cause of peace (Rubinstein et al. 2000, 190).

¹⁶ Wheeler cites “India’s intervention in East Pakistan in 1971, Vietnam’s intervention in Cambodia in 1978, and Tanzania’s intervention in Uganda in 1979.”

¹⁷ *Opinio Juris* defined as practice followed out of a belief of legal obligation (See: Michael Byers, *Custom, Power, and the Power of Rules* 130 1999.)

Wheeler noted that the Canadian Ambassador, claimed that “military intervention is justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe” while the Ambassador from the Netherlands stated “we will act on the legal basis we have available, and what we have available in this case is more than adequate.” Although the Ambassador did not elaborate on the legal basis for the action, one can presume that he was referring to UN Security Council Resolutions 1199 and 1203. Likewise, British Foreign Minister, Robin Cook asserted, “the legal basis for...action is that the international community of states do have the right to use force in the case of overwhelming humanitarian necessity” (Wheeler 2000, 153-54).

Despite the lofty statements made by allied officials, the argument justifying the use of force in Kosovo on humanitarian grounds is untenable since no customary norm of humanitarian intervention exists. Conversely, as careful examination of the UN Charter and additional conventions have shown, the prohibition on the threat or the use of force is *jus cogens* and cannot be derogated from without the emergence of a new preemptory norm encompassing both state practice and *opinio juris*. In light of the foregoing, NATO’s action must be considered a breach of its Charter and deemed illegal in terms of international law.

To complicate matters further, the Security Council passed Resolution 1244 on the situation relating to Kosovo. This resolution, adopted June 10, 1999

required the withdrawal of all Yugoslav military, police and paramilitary forces from Kosovo, authorized NATO military deployment, and created a UN civil administration to develop ‘provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections’ (Franck 1999, 857).

In effect, argues Thomas Franck, “Resolution 1244 imposes a peace treaty on Yugoslavia” and the subsequent Military Technical Agreement concludes it (Franck 1999, 857). The problem here is that pursuant to the 1969 Vienna Convention on the Law of Treaties, Article 52 “a treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations” (Simma 1999, 5). Thus the imposed peace in the instant case raises questions of legitimacy in terms of duress.

Antonio Cassese, Presiding Judge, Trial Chamber II, International Criminal Tribunal for the former Yugoslavia considers the incident as evidence of an evolution in international law and argues that

Human rights are increasingly becoming the main concern of the world community as a whole. There is a widespread sense that they cannot and should not be trampled upon with impunity in any part of the world.

....

...[T]he international community is increasingly intervening, through international bodies, in internal conflicts where human rights are in serious jeopardy (Cassese 1999, 28).

If this assertion is true, then perhaps we are witnessing the emergence of a new custom of humanitarian intervention, both in practice and *opinio juris*. What remains to be determined is whether this incident will set a precedent for future action that will crystallize a new preemptory norm or will it remain an exception, a mere blip on the international radar screen. One thing seems certain, NATO’s future actions, as it moves into the 21st Century, as well as the actions of other international actors will factor heavily on the eventual outcome.

CHAPTER VII

NATO at Fifty

Redefining its Mission

Central to the debate on the evolving role of NATO is the question of the organization's purpose and mission in a post Cold War world. Based on an interpretation of the North Atlantic Treaty, NATO clearly remains a collective defense pact in which the members pledge to take steps to assist another member that comes under attack. But under present international conditions that commitment no longer dominates NATO's day-to-day agenda. The Treaty also suggests that NATO is a community of values and common goals in support of "democracy, individual liberty and the rule of law," which may help explain why NATO has survived the end of the Cold War (U.S. Dept. of State, 1949).

Today, the members have moved beyond the collective defense commitment to employ NATO's strengths for additional purposes. These purposes include creating political/military options for dealing with crises and challenges to the interests of the member states, spreading stability to Central and Eastern Europe, and encouraging cooperation with Russia and other countries. Because the alliance is not designed to resolve disputes among its members, NATO is not a system of collective security. Its activities do contribute, however, to collective security and make it a key part of an emerging Euro-Atlantic system of cooperative security (Carpenter and Conry 1998, 17-28).

Currently, there are many diverse views about what NATO is or should become. This analysis starts from the premise that an objective assessment of NATO's purpose and mission can be based on several sources: on the provisions of the 1949 North Atlantic Treaty; on the fact that an organization is in many respects defined by its activities; and on the declared goals and intentions of its members.

The North Atlantic Treaty signed in Washington on April 4, 1949 was designed to counter Soviet expansion and military power. But the Treaty itself identified no enemy, protected the sovereign decision making rights of all members, and was written in sufficiently flexible language to facilitate adjustments to accommodate changing international circumstances (U.S. Dept. of State 1949). During the 1949 Senate hearings on the Treaty, Secretary of State Dean Acheson and other Administration witnesses insisted that what they were proposing was fundamentally different from previous military alliances. "The central idea of the treaty is not a static one..." argued Acheson, "it is an affirmation of the moral and spiritual values which we hold in common" (U.S. Senate 1949).

Clearly the Washington Treaty would not have been signed in the absence of a Soviet threat. But what made NATO different from previous military alliances was that it was based on the Treaty's clearly articulated support for "democracy, individual liberty and the rule of law" (U.S. Dept. of State 1949). A value basis for the alliance was necessary to overcome political obstacles in the United States that might have successfully thwarted American's participation in a purely military alliance. The organization's survival beyond the end of the Cold War suggests that its value foundation

remains an important part of the glue that holds the Alliance together and attracts new members.

The Treaty, drafted in relatively simple language, does not spell out in great detail how its objectives should be implemented. There is no specified military strategy and no requirement for any particular set of bureaucratic arrangements or military organization beyond the creation of the North Atlantic Council and a defense committee, both called for in Article IX. Thus there remains a great deal of latitude for creation or elimination of bureaucratic and military structures, as well as cooperative arrangements. National interests and other human and institutional factors, not the treaty, impose the only limits on changes to the organization (U.S. Dept. of State 1949).

NATO's flexibility has been demonstrated, for example, by the military build-up and elaboration of an integrated command structure in the early 1950s, a measure that had not been anticipated when the Treaty was signed and was judged necessary only after North Korea invaded the South. In the mid-1960s, the organization adjusted to France's departure from the Integrated Command Structure. At the same time, the Allies revamped NATO's strategy with the doctrine of "flexible response" to a possible Warsaw Pact attack. In 1967, the Allies approved the "Harmel Report," which gave the alliance the mission of promoting detente as well as sustaining deterrence and defense. In the 1990s, the Allies have further adapted NATO's structure and missions to new international conditions arising primarily in the Balkans (Grogin 2001).

At its founding, the most prominent aspect of the Treaty was its requirement for individual and collective actions for defense against armed attack. Article III of the Treaty provides that the Allies "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” (U.S. Dept. of State 1949). The Treaty’s collective defense provision, articulated in Article V provides that “an armed attack against one or more of them in Europe or North America shall be considered an attack against them all” (U.S. Dept. of State 1949). Alliance members agreed to “assist the Party or Parties so attacked by taking forthwith, individually and in concert with 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.” It is important to note that the provisions of Article V are entirely founded on the principles articulated in Article 51 of the United Nations Charter which, as previously noted, do not “impair the inherent right of individual or collective self-defense” (United Nations 1945).

The Article V provision is frequently described as requiring an “automatic” response by its members to hostilities. The term “automatic” is inconsistent with a strict interpretation of the article, which leaves the precise actions taken by each member subject to their sovereign decision. In the case of the United States, for example, a decision to go to war to help defend a NATO country against armed attack would first require action within the constitutional framework involving congressional and presidential decisions.

During the Cold War, NATO’s strategy and the way in which the United States deployed its forces in Europe gave Article V more substance in practice than suggested by the words in the Treaty. Beginning in the early 1950s, the United States deployed its military forces and nuclear weapons forward in Europe, mainly in Germany. This strategy ensured that a Soviet attack on the West would in its early stages engage U.S.

forces, therefore constituting an attack on the United States as well as on the host nation. By the mid-1950s, the United States threatened massive nuclear retaliation against the Soviet Union should it attack a NATO country. After massive retaliation's credibility was undermined by Soviet acquisition of long-range nuclear weapons, NATO adopted a strategy of "flexible response" which suggested that battlefield nuclear weapons might be used early in any European conflict. Such weapons were deployed well forward in West Germany to ensure that they were seen as part of NATO's first line of defense (Groggin 2001).

Today, with no imminent Soviet threat, NATO strategy and force deployments have been fundamentally altered. During the Cold War, the nuclear umbrella was designed to appear likely to be forced open in the case of a Soviet attack. Today, the nuclear umbrella is much less automatic. The Allies have promised Russia that neither substantial NATO forces nor nuclear weapons would be deployed forward in new member states and United States has withdrawn all of its militarily significant nuclear weapons from their forward deployments in Europe (NATO 1996).

All this indicates that, although the words of Article V have not changed, the threat that might invoke the Article and the Alliance strategy and deployments in response have changed quite radically. Now, the activities of the Alliance have turned toward purposes of defense cooperation that lie beyond collective defense.

NATO has been and always will be a political as well as a military Alliance. In recent years, it has been popular to say that NATO would have to adapt to new circumstances by becoming "more political." But NATO's activities today illustrate its unique utility as an instrument to promote and implement political/military cooperation

among member and partner states. The goals of such cooperation today, however, are substantially different than during the Cold War (Hill-Norton 1978).

In the early 1950s, the NATO countries developed a civilian organization and an integrated military command structure to help manage the Alliance and to establish that there would be a united front in response to any attack. At the end of the Cold War, the Allies asked themselves if they still needed such a system at a time when the Soviet threat had all but vanished. NATO's "New Strategic Concept" with the belief that defense cooperation, so essential in the Cold War, could be turned to other purposes provided the answer in 1991 (Chubin 1999). Since that time, most of NATO's military activities have been focused on "non-Article V" requirements, most significantly in Bosnia (Meron 1994) and Kosovo (Ratliff 2001).

NATO remains an organization of sovereign nation states, and no member can be compelled to participate in a military operation that it does not support. Defense cooperation therefore cannot guarantee that the Allies will respond to any given political or military challenge. But NATO can be used to build political consensus and create military options to back up or implement political goals. U.S. and allied policymakers would have fewer credible coalition military options if their military leaders and forces were not working together on a day-to-day basis, developing interoperability of those forces, planning for contingency operations, and exercising their military capabilities. This day-to-day work develops habits of cooperation, at the political and military level, that underpin the ability to work together when required to do so under pressure or, more importantly, under fire.

Beyond this explanation of NATO as a mechanism for building multinational military coalitions, defense cooperation is now being used for political goals as well. Perhaps most importantly, political/military cooperation in NATO helps prevent “renationalization” of defense in Europe. The Partnership for Peace,¹⁸ premised initially on the development of individual defense cooperation arrangements with partner countries in Europe, has begun to weave the military systems of new democracies into the web of NATO cooperation. Through the Partnership, countries have been learning how to develop systems of democratically controlled security establishments as well as habits of cooperation with NATO nations and neighboring partners. The partnership approach has helped the first wave of candidates meet the requirements for NATO membership (NATO 1996).

In the face of Russian opposition to NATO enlargement, the Allies are attempting to use political/military cooperation with Russia as a means to change Russian perceptions of the Alliance and, it is hoped, to change the political relationship between Russia and NATO. In a sense, the Allies are updating the goal of using NATO to promote improved relations among states in Europe which was added to NATO’s mission by the 1967 Harmel Report. If NATO succeeds, the defense cooperation relationship with Russia, which began with military cooperation in Bosnia and developed in the framework of the Russia-NATO Founding Act,¹⁹ could leap-frog over the arms control accords that were designed during the Cold War to regulate relationships between parties which otherwise were in conflict with one another. Moving from a Russia-NATO relationship governed by arms control to one characterized by the transparent, predictable

¹⁸ Partnership for Peace. Available: <http://www.nato.int/pfp/pfp.htm>

¹⁹ Russia-NATO Founding Act. Available: <http://www.departments.bucknell.edu/russia/const/founding.htm>

and confidence-building nature of defense cooperation marks a sea change in the European security system (NATO 1996).

It is clear that NATO serves a variety of purposes for individual member states beyond these broadly stated goals. Many such “secondary” agendas help explain why current members of NATO want the Alliance to continue, and why so many countries want to join. For example, former members of the Warsaw Pact do not fear attack from today’s Russia, but they see NATO as a guarantee against falling once again into the Russian sphere of influence as well as an insurance policy against any future resurgence of a Russian threat.

Most European governments hope that the process of European unification will lead to more intensive security and defense cooperation. But they recognize that integration of European defense and foreign policies faces many obstacles. This is an evolutionary process that might require several more decades before Europe could become a unitary actor on the world stage. In the foreseeable future, most European Allies see the transatlantic link as essential to security in and round Europe, even though they support the development of a stronger European role in NATO (Gardener 1997).

Further, many Europeans believe that the U.S. role in Europe, particularly as translated through NATO, provides an important ingredient of stability that facilitates cooperation among European states. For example, even though Germany is not seen as a threat by its neighbors, both Germany and its neighbors feel more comfortable with Germany’s role in Europe thoroughly integrated within the framework of both the European Union and the transatlantic Alliance. From the U.S. point of view, NATO can

be regarded as a way to help ensure that the burdens of maintaining international stability are fairly shared (Gardener 1997).

The term “collective security” is widely and loosely used in the discussion of NATO’s future role. According to its classic definition, “collective security” is a system of relations among states designed to maintain a balance of power and interests among the members that ensure peaceful relationships within that system. The League of Nations, established after World War I without U.S. participation, is usually regarded as such a system (Carpenter 1998). NATO has always been a system of cooperation among member states to deal with challenges and problems originating outside that system, not within it. Granted, NATO has to some extent tried to promote peaceful settlement of problems within the system, in support of its mission of defending against external threats. It is credited with having helped heal World War II wounds inflicted by Nazi Germany on its neighbors. NATO has also attempted to mitigate conflicts between Greece and Turkey. But when the Allies began preparing for enlargement, they made clear to potential applicants that they should resolve differences with their neighbors before they could be seriously considered for NATO membership (NATO 1996).

From a legal perspective, NATO does not have principal responsibility for collective security in Europe -- the North Atlantic Treaty does not suggest such a role. The Organization for Security and Cooperation in Europe (OSCE) was designed to promote peaceful relations among states “from the Atlantic to the Urals.”²⁰ The 1975 Helsinki Final Act²¹ established a series of agreed principles (“rules of the road”) to govern relations among states in Europe. The OSCE members states (all European states

²⁰ OSCE fact sheet. Available: <http://www.osce.org/docs>

²¹ Helsinki Final Act. Available: <http://www.osce.org/docs/english/1990-1999/summits/helfa75e.htm>

plus the United States and Canada) have adopted further agreements and principles, given the organization some diplomatic tools for conflict prevention, and convene regular meetings under OSCE auspices to try to nip problems in the bud before they develop more serious proportions. If a Euro-Atlantic cooperative security system develops, the OSCE could well serve as the “constitution” and collective security framework for that system (NATO 1996).

It should, however, be acknowledged that several aspects of NATO’s activities contribute to the goal of collective security. The Russia-NATO Founding Act, the Partnership for Peace, and the Euro-Atlantic Partnership Council, for example, make important contributions to the goal of maintaining peaceful and cooperative relations among all states in Europe (NATO 1996).

In sum, the collective defense commitment in the North Atlantic Treaty is an obligation taken on by all members, even though Article V leaves much room for nations to decide collectively and individually what to do under any given crisis scenario. Continuing defense cooperation in NATO keeps alive the potential to mount collective responses to aggression against Alliance members. Defense cooperation also creates policy options, though no obligation, for responses to crises beyond NATO’s borders and serves as a tool for changing political relationships between NATO countries and other nations, particularly Russia. NATO is not a collective security organization; it is not designed to keep peace among its members but rather to protect and advance the interests of the members in dealing with the world around them.

To many, the North Atlantic Treaty represents the values and goals articulated by the United States and its Allies today. However, at this time of rapid change, issues of

direction and mission are engaging the attention of policymakers on both sides of the Atlantic. As the world enters a new and dangerous phase in the aftermath of September 11th, one can only speculate on the far-reaching implications of the divisions within NATO arising from the ever widening trans-Atlantic bond.

CHAPTER VIII

NATO in the 21st Century: Enlargement and its New Strategic Concept

As NATO enters the 21st Century, it is quite clear that the organization is willing to venture “out of area” and work “out of Charter” in order to adapt to the new geopolitical realities of our world. But, the evolving “new” NATO exposes a host of potential problems. The alliance’s enlargement plan backed by the United States (in fact a major policy goal of President Clinton) and its new strategic concept immediately produced angst in the East, notably Russia and China.

Shortly after taking office, President Clinton formally affirmed his commitment to NATO, signaling his determination to strengthen the organization and extend its protective umbrella. He proposed the creation of a “Partnership for Peace,” which extended the possibility of membership in the alliance to the republics of the former Soviet Union and Russia itself. The goal was to have applicants work with NATO for

‘transparency in national defense planning and budgeting processes,’ ‘ensuring democratic control of defense forces,’ ‘developing closer ties with NATO in order to undertake [joint] missions in the field of peacekeeping, search and rescue, humanitarian operations and others as may subsequently be agreed,’ and fostering the training of ‘armed forces that are better able to operate with those of NATO’ (Rubinstein 2000, 78).

On March 12, 1999 the first round of NATO expansion came to fruition with the accession of Poland, Hungary and the Czech Republic, thus bringing a large portion of Central Europe into the primary European-Atlantic security structure.

Russia has never been comfortable with the alliance's eastward progression. "They warn of the dangers of an emerging 'unipolar world' consisting of the U.S. and its allies." Similarly, China's President Jiang Zemin, expressing concern, met with Russian President Vladimir Putin to "assert their common need for a stronger strategic alliance to counter what they call the United States' dominance in world affairs." Adding to the global discomfort, Russia and India signed a "strategic partnership" in October 2000 with the intended goal of creating a "multipolar world order" (Ratliff 2001, 74-5).

Although proponents of NATO enlargement assert that the inclusion of former Soviet republics will engender cooperation with Russia and the east, it becomes increasingly clear that the opposite has occurred as "Russia seeks to create its own political-military bloc among those nations left out of the alliance." Carpenter notes,

Moscow is already vigorously courting such countries as Slovakia and Bulgaria [and] the 1997 union agreement between Russia and Belarus may be the first tangible step toward establishing an anti-NATO bloc (Carpenter 1998, 7).

The enlargement issue is not the only issue causing friction in global politics. NATO's "new" strategic concept articulated at the 1999 Washington Summit is also problematic in light of the Kosovo intervention. Central to NATO's new strategy is the organization's commitment to take on new roles in the field of crisis management, peace-keeping and peace support in the Euro-Atlantic area, an area that now well exceeds the boundaries defined by Article 6 of the Treaty.

Far from providing peace and security, NATO's new mission might actually have the opposite effect. "There is 'almost total unanimity' in India that more arms are

necessary” in order to secure against interventions by Western powers. Likewise, William Ratliff reports that

[a] leading adviser to China’s Foreign Ministry remarked privately in May that Kosovo,...has three serious ramifications for international relations. First, ‘it sets a dangerous precedent by violating national sovereignty on the pretext of humanitarian intervention.’ Second, it promotes the military as the way to resolve differences and clearly favors major powers over smaller or less highly armed states, thus promoting a new arms race, including nuclear proliferation.’ Third, it encourages a Chinese strategic relationship with Russia to counter US hegemony (2001, 75).

These statements suggest that in the wake of Kosovo, foreign leaders are giving serious consideration and planning to ways of balancing the power wielded by the United States and its allies, the North Atlantic Treaty Organization in particular. What may on the surface seem like “the best strategy” for NATO to expand in size and scope may in fact increase European instability and ultimately sever the trans-Atlantic bond all together.

EPILOGUE

At the time of this writing, the United States is engaged in armed conflict with Iraq, the nature of which will not be recounted here. Suffice it to say, the allied action of more than 30 countries under U.S. leadership, that began after diplomatic efforts failed has generated some of the fiercest debate in contemporary history and will no doubt be the subject countless scholarly submissions. Of particular note, and pertinent to the present text, is the conflict that arose within NATO, as the organization rebuffed a resolution to prepare to protect Turkey, an alliance member in the event that the conflict overran its borders. Chief among the dissenters to Turkey's Article 4 request was France who feared that preventative military measures in Turkey might send a signal that diplomacy had failed. This would not be the first time France has been front and center in a NATO crisis and more than likely it will not be the last. Throughout the alliance's history the organization has shown amazing fortitude and adaptability. Whether the alliance can ride out the current conflict and pursue its new strategy still remains to be seen.

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