

NATO and Operation Allied Force

Federal Republic of Yugoslavia (1999)

NATO's intervention in Kosovo posed an even greater challenge to the Security Council's primacy in issues of international peace and security than ECOMOG's activities in Liberia. Indeed, when the Council debated NATO's use of force against Yugoslavia, the Slovenian Ambassador reminded his audience that Article 39 of the UN Charter gave the Council a 'primary' but not 'exclusive' role in maintaining international peace and security. He continued by arguing that in cases where the Council fails to act in response to a threat to the peace, other agents can legitimately choose to do so (in Wheeler 2000: 279). In contrast, Kofi Annan argued that 'unless the Security Council is restored to its preeminent position as *the sole source of legitimacy* on the use of force, we are on a dangerous path to anarchy' (2000d: 122, emphasis added). Consequently, at the time, NATO's intervention in Kosovo was seen as heralding either a new era of positive activism by regional organizations or a 'coming anarchy' (Wheeler 2001a). As it turned out, since 1999, no other regional organization has conducted an enforcement operation without the consent of the host government as NATO did in Kosovo.

In 1998, after nearly a decade of avoiding the question of ethnic tension in Kosovo, Western leaders finally focused on the province. The West's motivation to resolve the situation reflected three syndromes that emerged from its recent experiences in the Balkans. The first was the 'Bosnia syndrome'. As NATO Secretary-General, Javier Solana put it, 'one of the lessons of Bosnia was that acting earlier might have been less costly in the end' (2000: 218). Left unchecked, Western leaders feared that Kosovo's crisis would escalate in a similar manner to the earlier Bosnian wars. The second was the 'refugees syndrome,' whereby European states

feared that conflict in Kosovo would generate a flood of Albanian refugees into Western Europe. The third was the 'Balkan wars syndrome', a belief that conflict in Kosovo would expand into a regional imbroglio (Bellamy 2001: 100–2, 2002).

Throughout 1998, NATO members on the Security Council tried informally to secure a Chapter VII resolution authorizing the use of force to prevent Serb forces conducting ethnic cleansing in Kosovo. Germany and Italy were particularly insistent that NATO obtain the Security Council's blessing before engaging in military action. Russia and China, however, made it equally clear that they would not sanction any use of force against Yugoslavia because they viewed Kosovo's crisis as an internal problem for the Federal Republic of Yugoslavia. Ironically, Russia had displayed little concern for securing an international mandate for its enforcement activities in either Moldova or South Ossetia (MacFarlane 2001: 92). This presented NATO with a difficult choice. This was summarized by Adam Roberts in the following manner:

Was NATO right to launch Operation Allied Force without at least making an attempt to get authorisation from the Security Council? The argument for having at least tried is that the effort would have shown respect for the UN, and would have enabled people around the world to see exactly which states were refusing to authorise action to stop atrocities. However, the argument against seeking authorisation weighed more heavily with NATO governments: it could have been more difficult to get public support for a military action which had actually been vetoed in the UN, and the whole process might expose divisions in the alliance (1999: 104).

The issue was only resolved when the US Secretary of State Madeleine Albright argued that the Alliance did not need UN Security Council authorization because the

North Atlantic Council, which at that time comprised 15 liberal democracies, was a more legitimate voice on the use of force than the Security Council, which included many non-democracies. According to Secretary of State Albright, repressive regimes such as Russia and China should not be given the opportunity to veto action intended to prevent a humanitarian catastrophe by a coalition of liberal democracies (Bellamy 2002: 87).

By the end of 1998, NATO persuaded Russia and China to pass Resolution 1199. This defined Yugoslav activities in Kosovo as a threat to the peace under Chapter VII of the UN Charter but stopped short of authorizing force, which both Russia and China insisted they would veto. However, at an informal meeting held at Heathrow airport, the Russian government told NATO that while it would not allow a Security Council resolution authorizing the use of force it would tacitly tolerate a NATO intervention. This concession and Resolution 1199 persuaded reluctant NATO members that they had a sufficient basis for action.

Following NATO's intervention, Russia tabled a draft Security Council resolution condemning the Alliance. This, however, was defeated by twelve votes to three. NATO's actions were therefore neither explicitly authorized nor condemned by the Security Council, prompting some to conclude that the Alliance's actions were 'illegal but legitimate' (IICK 2000: 4). Although NATO's actions brought the primacy of the Security Council into question, the Alliance sought as much UN legitimacy for its actions as possible and during the military campaign cooperated closely with the UNHCR in caring for Albanian refugees (Groom and Taylor 2000). Similarly, at the end of the war NATO sought the Security Council's legitimation under Resolution 1244 and the UN was tasked with coordinating Kosovo's reconstruction through UNMIK.

The Kosovo case thus highlights the potentially uneasy relationship between the UN and regional organizations. On the one hand, NATO claimed its use of force was legitimate despite the fact that it had not received explicit authorization from the Security Council. This had the effect of questioning the Council's primacy on issues of international peace and security. On the other hand, NATO referred to Security Council Resolutions to justify its actions, tried to operate under a UN umbrella and claimed to be upholding the purposes and principles of the UN. This suggests that even powerful states prefer to act with UN authorization than without it. NATO's actions in Kosovo thus reignited the debate over one of the central challenges facing UN peacekeepers: whether, as Kofi Annan put it, 'a coalition of states' that 'did not receive prompt Council authorisation' should 'stand aside' and allow ethnic cleansing or genocide 'to unfold' (in Wheeler 2000: 294).

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