Contribution submitted in the framework of Agora Theme 2:
The New Peacekeepers: Central and Eastern Europe in UN and NATO Actions
Beyond Europe

NATO as Peacekeeper. *A Contradictio in Terminis?*
Ann Pauwels

Since their accession to the North Atlantic Treaty Organization (NATO) and the European Union (EU), Central and Eastern European states have become actively involved in NATO and EU peacekeeping operations. One might refer to their substantial contribution in the NATO-led International Security Assistance Force (ISAF) in Afghanistan and the Kosovo Force (KFOR) in Kosovo and the EU-led Force (EUFOR) in Bosnia. Like many other NATO allies they decided to limit their contribution to UN peacekeeping operations and instead favored participation in NATO-led (and to a lesser extent EU-led) peacekeeping operations. Over the past decade they have become strong advocates of a further expansion and strengthening of the peacekeeping capabilities of NATO.

The growing involvement of NATO in peacekeeping operations has undoubtedly affected the nature of the relationship between NATO and the United Nations (UN).
The purpose of this contribution is to make a comprehensive analysis of the challenges and opportunities the growing involvement of NATO in peacekeeping operations poses for the UN and for the collective security system, as it was developed in the UN Charter.
This will be done on the basis of an analysis of the peacekeeping operations in which NATO was directly and/or indirectly involved since the end of the Cold War. However, this study does not have the intention to analyze every operation in a comprehensive way. The approach of this study is to analyze NATO peacekeeping operations in their relationship with the UN and its collective security system.

1. Definition of Peacekeeping Operation

Because the concept peacekeeping operation is of key importance in this study, it requires some explanation.

At this moment there is little agreement on an exact definition for this concept. It has become a catch-all term for all operations that are intended to bolster peace, whether falling under Chapter VI or Chapter VII of the UN Charter. Because this study focuses on peacekeeping operations in which NATO is involved and on their relationship with the UN, it was decided to analyze those operations of NATO seen by NATO and the UN as a peacekeeping operation.[1]

2. NATO's Involvement in Peacekeeping Operations

2.1. NATO's Role in Bosnia and Hercegovina[2]

NATO's first involvement in a peacekeeping operations occurred in Bosnia from 1992 until 1995. During this period NATO monitored, and subsequently enforced, UN economic sanctions against Serbia and Montenegro and a UN arms embargo against the Socialist Federal Republic of Yugoslavia in the Adriatic Sea.[3] At the request of the UN, NATO also enforced a total ban on flights in the airspace of Bosnia.[4] Moreover, NATO provided air support to UNPROFOR to assist it in the performance of its mandate and launched air strikes to stop the violations of Security Council Resolutions, in particular by the Bosnian Serbs, in order to relieve the so-called UN Safe Areas in Bosnia.[5] For all these activities in Bosnia the Security Council authorized NATO to use force under Chapter VII of the UN Charter.

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[1] Only a limited number of operations in which NATO was or is involved are referred to by NATO and the UN as peacekeeping operations, namely the following: NATO's contribution to the United Nations Protection Force (UNPROFOR), the Implementation Force (IFOR) and Stabilization Force (SFOR) in Bosnia, KFOR in Kosovo, the Operations Essential Harvest, Amber Fox and Allied Harmony in Macedonia, ISAF in Afghanistan, NATO's Training Mission in Iraq and NATO's contribution to the African Union Mission in Sudan. On what grounds this is done, is not always very clear probably because NATO and the UN have declined to give an accurate definition for the concept of peacekeeping operation. Operation Allied Force, the codename for NATO's intervention in Kosovo in March 1999, is not regarded as a peacekeeping operation but, because of its importance for the UN/NATO relationship, it will be touched upon in this analysis.
NATO Handbook (2006), 149.
[2] Hereinafter cited as Bosnia.
[3] SC Res. 713 (1991), SC Res. 757 (1992) and SC Res. 787 (1992).
[4] SC Res. 816 (1993).
[5] SC Res. 824 (1993) and SC Res. 836 (1993).

NATO became involved in the Bosnian war for various reasons.

At that moment NATO was the only organization which was able and willing to provide the military support requested by the UN in a relatively quick period of time. For NATO on the other hand it was an ultimate opportunity to assume new responsibilities alongside its traditional collective defense task.

But at the same time NATO's first involvement in a peacekeeping operation revealed all elements of experimentalism. NATO operated essentially in support of the UN in general and of UNPROFOR specifically. No ground forces were deployed by NATO, just NATO vessels and aircrafts were involved. The problem was however that the NATO/UN relationship constantly evolved without creating a clear conceptual framework of cooperation and command. Unlike the operation of NATO in the Adriatic Sea which was conducted by NATO alone, NATO's verification of the flight ban and its initial support for the protection of the UN Safe Areas was done in close cooperation with UNPROFOR, under the so-called dual-key command.

It became pretty soon clear that the UN was very reluctant to accede to requests for air strikes because it feared that substantial air strikes by NATO would undermine the impartiality of UNPROFOR and the UN in the conflict. However after the fall of Srebrenica and Zepa, two so-called UN Safe Areas, the actual authority to launch air strikes to protect these areas and to repel the Bosnian Serbs, was progressively detached from the UN and resulted in a sustained air campaign of NATO against the Bosnian Serbs, making an end to the Bosnian war.[6]

Following the conclusion of the General Framework Agreement for Peace in Bosnia in Dayton on 14 December 1995, commonly referred to as the Dayton Peace Agreement, the Security Council authorized the establishment of an Implementation Force (IFOR) under NATO command. It became NATO's first full autonomous peacekeeping

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[6] Especially the United States (US) pressured NATO to take stronger measures against the Bosnian Serbs.
A. Abass, *Regional Organisations and the Development of Collective Security. Beyond Chapter VIII of the UN Charter* (2004), 146-147,
J.A. Moore & J. Pubantz, *The New United Nations. International Organization in the Twenty-First Century* (2006), 210-211,
R. Thakur, *The United Nations, Peace and Security* (2006), 59-60.

operation.[7] IFOR was established to oversee the implementation of the military aspects of the Dayton Peace Agreement and was authorized under Chapter VII of the UN Charter to use force to achieve the goals of its mandate.

Around 60,000 troops were deployed in Bosnia with contributions from 32 states (including many non-NATO members).[8] At the insistence of the US NATO's military contribution was initially restricted to one year.[9]

Because the implementation of the Dayton Peace Agreement was far from being realized by the end of 1996, the Security Council decided to replace IFOR with SFOR.[10] Its primary task was, like IFOR, to contribute to the development of a secure environment necessary for the consolidation of peace. But unlike IFOR, SFOR was given a broader civilian role. SFOR received more direct responsibility in the maintenance of law and order, the pursuit and apprehension of indicted war criminals and in the creation of legitimate and democratically controlled indigenous armed forces. SFOR had initially 32,000 soldiers to accomplish these tasks. Because the situation in Bosnia became more stable after some time, NATO decided to reduce the size of SFOR. By mid 2004 the size of SFOR was reduced to 7,000 troops. By the end of 2004 SFOR was terminated and replaced by EUFOR of the EU.[11]

NATO's involvement in the aftermath of the war in Bosnia and subsequently in the implementation of the Dayton Peace Agreement didn't come as a surprise. The Dayton Peace Agreement was mainly written by the US which avoided significant troop contributions to UN peacekeeping operations after their debacle in Somalia. Instead the US preferred to work with ad hoc coalitions or through NATO. Because the UN has no army of its own, it had little choice than to accept this condition. Also the difficult and unclear relationship between NATO and UNPROFOR during the Bosnian war led the US to seek a solution outside the UN.

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[7] SC Res. 1031 (1995).
[8] Even a Russian contingent participated in IFOR.
NATO Handbook, *supra* note 1, at 144-146.
[9] A.J. Bellamy, P. Williams & S. Griffin, *Understanding Peacekeeping* (2004), 175.
[10] SC Res. 1088 (1996).
[11] *NATO Handbook*, *supra* note 1, at 146-147.

But also the Security Council no longer saw the UN as the most capable organization to undertake a peacekeeping operation after its failure to protect innocent civilians in Bosnia and to stop a genocide Rwanda. Consequently a trend of subcontracting emerged in the Security Council.

At that moment NATO was the only organization which was able and willing to deploy the necessary military personnel to guarantee the implementation of the military aspects of the Dayton Peace Agreement in a relatively quick period of time.

Even tough IFOR was well equipped and enjoyed a level of operational coherence and unity which was not shared by most UN peacekeeping operations, several problems occurred.

One of the major problem was that there was little co-ordination between the different organizations involved in the implementation of the Dayton Peace Agreement. IFOR was just one of the actors in the field, alongside the United Nations Mission in Bosnia and Hercegovina (UNMIBH), the mission of the Organization for Security and Cooperation in Europe (OSCE) and the EU. IFOR had a separate command and did not fall under the control of the UN. The same was the case for the OSCE mission and the contribution of the EU. Instead a very weak forum, without real competences, was put in place for co-ordinating the activities of the different pillars.

But because IFOR had more personnel than the other pillars, IFOR tended to dominate the entire peace mission and focused on the implementation of the military aspects of the Dayton Peace Agreement. The result was that the implementation of the civilian aspects of the Dayton Peace Agreement - such as the responsibility for co-ordination of humanitarian assistance and the support for the parties in Bosnia to carry out their law enforcement responsibilities as set forth in de Dayton Peace Agreement - initially received little attention.

Afterwards, SFOR was to some extent able to overcome these problems by providing actual support to UNMIBH and the OSCE in the performance of their activities. For example SFOR provided security for returning refugees and became actively involved in the pursuit of people indicted by the International Criminal Tribunal for the former Yugoslavia for war crimes, crimes against humanity and genocide.

A second major problem was that the different national contingents, participating in IFOR, interpreted their mandate differently and behaved therefore differently.[12]

2.2. NATO's Role in Kosovo

In Kosovo, NATO deployed the second largest peacekeeping operation. KFOR was deployed in June 1999, immediately after the air campaign of NATO in the Kosovo crisis to stop human suffering and ethnic cleansing.

The air strikes launched by NATO in March 1999 against the Milosevic regime, in the so-called operation Allied Force, posed serious challenges to the collective security system and to the primacy of the Security Council in matters relating to international peace and security because NATO acted without explicit authorization of the Security Council. The air strikes were entirely conducted by NATO alone. Although NATO acted unilaterally and its action was therefore illegal, it sought UN legitimacy for its intervention. During the air campaign, it worked closely with humanitarian agencies of the UN and claimed to be upholding the purposes and principles of the UN. It also referred to previous Security Council Resolutions to justify its action.[13]

In June 1999, after intense diplomatic efforts of inter alia Russia and the EU, a military technical agreement was concluded between NATO and the Federal Republic of Yugoslavia which paved the way for the adoption of Security Council Resolution 1244 and the suspension of the air strikes.[14]

In Resolution 1244 the Security Council authorized under the auspices of the UN, on the one hand, the deployment of an international security presence, KFOR, under NATO command, and, on the other hand, the creation of a civil administration led and co-ordinated by the UN, called the United Nations Interim Administration Mission in Kosovo (UNMIK).

KFOR was created under Chapter VII of the UN Charter to establish and maintain a secure environment (including the maintenance of public order) and to provide assistance to UNMIK. Around 50,000 troops were initially deployed in Kosovo with contributions from 34 states (including many non-NATO members). They were authorized to use force

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[12] A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 172-175.
[13] A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 222-223.
[14] *NATO Handbook*, *supra* note 1, at 150.

to achieve the goals of its mandate. Because the situation became little by little more stable in Kosovo, NATO decided to reduce its troop levels to around 17,500 by December 2003. Pending the settlement of the final status of Kosovo, it is unlikely that NATO will decide to reduce the current troop levels substantially.[15]

With the adoption of Resolution 1244 the conflict in Kosovo was brought back under UN control. It became clear for all the parties involved in the conflict, that the UN was still needed to secure peace in Kosovo. NATO on the other hand received the legitimization it was looking for and maintained with KFOR the command over the military presence in Kosovo. NATO's military involvement in the immediate aftermath of the Kosovo crisis was also indispensable for the UN. This was due to the fact that NATO at that moment was the only organization which was able to deploy the necessary military personnel in a quick period of time. It had also an operational coherence to prevent a security vacuum in Kosovo after the withdrawal of Yugoslav forces.

As with IFOR and SFOR in Bosnia, KFOR was just one of the actors in the field, alongside UNMIK, the mission of the OSCE and the EU. However, KFOR did not make the same mistakes as IFOR. KFOR did co-ordinate its activities with the different pillars involved in the peace process in Kosovo and supported actively the efforts undertaken by the other organizations in civil affairs. Moreover, KFOR developed different consent management techniques and therefore enjoyed a high level of consent from the people of Kosovo, despite the lack of progress towards independence and the use of force by KFOR against fighters of the Kosovo Liberation Army. [16]

The major problem which KFOR faced in the fulfillment of its duties, was respectively related to the absence of a clear political vision on the future status of Kosovo and to the fact that no substantial progress was being made in this matter. Without a clear political vision and political direction it was difficult for KFOR to develop a long-term strategy. KFOR was for instance not allowed to provide training to the Kosovo Protection Corps and to transform it into a legitimate, accountable and professional armed force of

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[15] *NATO Handbook*, *supra* note 1, at 150-151,
SC Res. 1244 (1999).
[16] A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 170-171, 177-178.

Kosovo. The reason for this is that only states have legitimate armed forces and there was no and there still is no agreement within the international community whether Kosovo will become a state or not.[17]

2.3. NATO's Role in the Former Yugoslav Republic of Macedonia[18]

NATO also became involved in a peacekeeping operation in Macedonia in 2001. Macedonia, which was seriously destabilized by the Kosovo conflict in 1999, asked NATO to help defuse an escalating conflict between the armed forces of the government and the National Liberation Army which was demanding more rights for the Albanian minority in Macedonia. After the mediation efforts of the OSCE, the EU and the US resulted in the signing of a comprehensive peace agreement between the opposing parties, NATO acceded to the request. A NATO-led peacekeeping force of some 4,000 troops, the so-called Operation Essential Harvest, was deployed in August 2001 in Macedonia for thirty days to demilitarize the National Liberation Army. Upon request of the Macedonian government, a small security force of NATO was afterwards maintained. The initial mandate of the small security force was to contribute to the protection of the monitors of the EU and the OSCE overseeing the implementation of the peace agreement and subsequently to minimize the risk of destabilization. In 2003 the EU took over the responsibilities of NATO.[19]

NATO became involved in the prevention of the further escalation of the conflict in Macedonia for several reasons. The UN, which in the nineties successfully prevented a spread of the violent conflict in Croatia and Bosnia southwards into Macedonia, was no longer able to play a major role in the solution of the conflict because of the deadlock in the Security Council caused by the use of the veto by China.[20] The EU on the other hand

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[17] A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 238-239.
[18] Hereinafter cited as Macedonia.
[19] *NATO Handbook*, *supra* note 1, at 153-154.
[20] The UN had deployed a force in Macedonia already in January 1993, under the auspices of the UNPROFOR operation in Croatia and Bosnia. The UN-led operation was deployed in Macedonia at the request of the government who feared a further escalation of the violent conflict in Bosnia and Croatia into Macedonia. In 1995, the Security Council replaced UNPROFOR in Macedonia with the United Nations Preventive Deployment Force (UNPREDEP) but the mandate remained essentially the same and was extended at regular intervals. In February 1999 however, the proposed extension of UNPREDEP was vetoed by China for reasons which had nothing to do with the conflict as such. China was extremely

was actively engaged in the mediation process but lacked at that moment the operational capabilities to deploy a peacekeeping operation. The same was the case for the OSCE, leaving NATO as the only realistic option. Because the operation was not an enforcement action – the operation was deployed upon explicit request of the opposing parties in the conflict and both parties were willing to accept a cease-fire - NATO did not need an authorization of the Security Council under Chapter VII of the UN Charter and was competent to conduct the entire operation on its own.

Moreover, NATO was seen by the parties as a reliable actor which had, because of its involvement in other parts of the former Socialist Federal Republic of Yugoslavia, build up a profound knowledge and sensitivity of the relevant local circumstances.[21]

2.4. NATO's Role in Afghanistan

Afghanistan became the theatre for the first mission of NATO beyond Europe. In September 2001, following the terrorists attacks in the US, NATO invoked for the first time in its history the collective self-defense clause under Article 5 of the North Atlantic Treaty. However, the operational implementation of the self-defense clause by NATO remained limited because the US chose for several reasons not to engage NATO in its action against the Taliban regime in Afghanistan.[22] Instead a multilateral coalition, led by the US, launched Operation Enduring Freedom (OEF) under Article 51 of the UN Charter which led to the collapse of the Taliban regime in Afghanistan. After the departure of the Taliban regime, initiatives were taken under the auspices of the UN to start up a process for rebuilding the country. The creation of ISAF to assist the Afghanistan Interim Administration in the maintenance of security in Kabul was one of the measures taken by the Security Council under Resolution 1386. ISAF, established under Chapter VII of the UN Charter, was authorized to use force to achieve the goals of its mandate. It was

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displeased with the decision of the Macedonian government to recognize Taiwan and as a countermeasure blocked the extension of UNPREDEP, resulting in the termination of UNPREDEP.
SC Res. 842 (1993) and SC Res. 983 (1995).

[21] A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 265-267.

[22] The US feared that the principle of consensus decision-making of NATO, could undermine the efficiency of the operation.
G. Kennedy, *Regional Security and Global Governance. A Study of Interaction Between Regional Agencies and the UN Security Council* (2005), 101.

initially led by the United Kingdom, and then successively by Turkey, Germany and the Netherlands.[23]

In August 2003, some 20 months after the creation of ISAF, NATO took over the entire command, control and co-ordination of ISAF. Soon after NATO's involvement in Afghanistan, the Security Council authorized an expansion of ISAF's mandate outside Kabul.24 Especially the US had pushed NATO to play a greater role outside Kabul.

Little by little ISAF expanded its area of operation and took over the command of the military components of the so-called Provisional Reconstruction Teams (PRTs) successively in the north, the west, the south and the east of Afghanistan.[25]

ISAF started as a relatively modest operation comprising some 5,000 troops. However, since NATO assumed command over ISAF and expanded its area of operation, the troop levels have been increased to around 40,000. 37 countries participate in ISAF but NATO members provide the core of the force.[26]

NATO became involved in the aftermath of the American-led intervention in Afghanistan for various reasons. While the US had taken the lead in the removal of the Taliban from power in 2001, the attention of the US shifted in 2002 and 2003 to Iraq and increased pressure on NATO to play a role in the stabilization of Afghanistan. Once NATO took over the command of ISAF, it was once again the US who pushed NATO to play a greater role outside Kabul. The European NATO members acceded to this request but insisted that an extension of the mandate of ISAF would be covered by a Security Council Resolution.[27]

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[23] SC Res. 1386 (2001),
A.J. Bellamy, P. Williams & S. Griffin, *supra* note 9, at 181, 226-228.
[24] SC Res. 1510 (2003).
[25] PRTs are administrative units. Their purpose is to help the government of Afghanistan extend its authority into the countryside, to facilitate the development of security and to undertake projects to support the economy of Afghanistan. PRTs are backed by national and international security forces. They were originally created and operated by US forces participating in OEF. Following NATO's involvement in Afghanistan, the command of the PRTs was transferred from US forces of OEF to ISAF.
NATO Handbook, *supra* note 1, at 156-157,
United Nations as Peacekeeper and Nation-Builder. Continuity and Change. What Lies Ahead? (2006), 143-144.
[26] K. Homan, 'Stabiliteit in Afghanistan is afhankelijk van stabiliteit in Pakistan', 2 *Vrede en Veiligheid* (2007) 136-137.
[27] P. Gallis, *NATO in Afghanistan: A Test for the Transatlantic Alliance* (2007), 1-2,

Another reason for NATO's involvement in Afghanistan was from a purely pragmatic nature. By taking over the entire command, control and co-ordination of ISAF the problem of identifying every six months a state which was willing and able to take over the command, was solved. [28]

But as with IFOR and SFOR in Bosnia and KFOR in Kosovo, ISAF was just one of the actors in the field, alongside OEF and the United Nations Assistance Mission to Afghanistan (UNAMA). ISAF had a separate command and did not fall under the control of the UN. It was also kept separate from OEF, which had a different mandate by providing training to the Afghan National Army and by hunting for terrorists and Taliban leaders. The US was however urging that ISAF and OEF would be merged under one command. European NATO members rejected this request largely because of the different nature of the two operations. They argued that ISAF's purpose was to provide a secure and stable environment for reconstruction and should therefore remain a stabilization mission and not a combat mission. Eventually a mechanism was put in place to provide more co-ordination between the two operations. The bulk of the American troops in Afghanistan (some 17,000 soldiers) became integrated in ISAF in October 2006.

But anyhow, the line between the two operations has blurred in the field with all its consequences for ISAF.

Another problem ISAF and NATO are facing now, is the unwillingness of many NATO members to contribute additional troops necessary to stabilize and provide security in Afghanistan. The current deployment of some 40,000 troops appears to be insufficient to bring stability and security in the entire country.

Moreover, there are important differences of opinion amongst the troop contributing countries about the exact implementation of the mandate in the field. Some troop contributing countries even impose certain restrictions on the tasks their forces may undertake.[29]

United Nations as Peacekeeper and Nation-Builder. Continuity and Change. What Lies Ahead?, supra note 25, at 142-143.

[28] *Ibid.*

[29] P. Gallis, *supra* note 27, at 3-4, 8-11, 15, 19.

2.5. NATO's Role in Other Peacekeeping Operations

Although NATO was not involved in the US-led invasion of Iraq in 2003 and does not play a direct role in the Stabilization Force in Iraq (SFIR), it decided in 2004 to establish a mission in Iraq to provide assistance in the training of high level personnel from the Iraqi Security Forces. The NATO mission consists of some 300 military personnel.

Since 2005 NATO is also active on the African continent. NATO acceded to a request of the African Union to provide logistical assistance to the peacekeeping operation of the African Union in Darfur.[30]

3. Opportunities and Challenges for the UN

After this brief survey, it has become clear that, since the end of the Cold War, NATO has become engaged in many peacekeeping operations and has therefore entered into a variety of arrangements with the UN. Three categories of arrangements have been identified in this respect:

- NATO's participation in a multi-dimensional UN-led operation. An example is NATO's support for UNPROFOR under the so-called dual-key.

- deployment of a NATO-led operation that receives UN endorsement but outside UN command and control. Examples are IFOR, SFOR, KFOR and ISAF.

- deployment of a NATO-led operation that receives no UN endorsement. Examples are the Operations Essential Harvest, Amber Fox and Allied Harmony in Macedonia.

When looking then at the specific nature of these operations, the main observation to be made is that, apart from NATO's operations in Macedonia, these operations were enforcement actions for which a mandate of the Security Council under Chapter VII of the UN Charter was needed.

This variety of peacekeeping operations in which NATO has become involved after the end of the Cold War, has undoubtedly affected the nature of the relationship between NATO and the UN substantially.

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[30] Because of their small-scale character, these operations are not further touched upon in this contribution.
 NATO Handbook, *supra* note 1, at 159-163.

On the one hand it has become clear that NATO's growing involvement in peacekeeping operations presents the UN with opportunities, not least because NATO offers - at least to some extent - a solution to the UN's capacity problems. Unlike the UN, NATO does have the administrative, logistical and command structures necessary to deploy and to manage large-scale military enforcement operations inside and even outside Europe. Furthermore, NATO's operations are well equipped and enjoy a level of operational coherence and unity not shared by most UN peacekeeping operations. It needs to be stressed however that NATO is primarily a military alliance which does not have the capacity to address non-military tasks that multidimensional peacekeeping operations nowadays involve. It has been clearly demonstrated in this study that NATO-led peacekeeping operations cannot succeed on their own, without the support and assistance of the UN and other relevant organizations such as the OSCE and/or the EU.

This study has also made clear that NATO can be of utmost utility in conflicts where the UN is unwilling to intervene. This is especially true for the Macedonian case, where the UN, because of a deadlock in the Security Council, was no longer able to play a major role in the containment and solution of the conflict.

On the other hand, this study has clearly revealed that NATO's capacities are not unlimited. Especially for ISAF in Afghanistan, NATO experiences many difficulties in persuading NATO members to supply additional forces. Another observation that can be made in this respect, is that NATO has faced serious differences of opinion in its own ranks when it came to the exact interpretation of the mandates of its operations. Although NATO members were able to agree on the overall mandates of their missions, they often differed on the means and the way to implement the mandates. Especially in ISAF - and to a lesser extent in IFOR – NATO members interpreted their mandate differently and their national contingents behaved therefore differently on the ground.

But apart from the constraints which are in a certain sense similar to those of the UN, there are other more fundamental disadvantages and even dangers in the growing involvement of NATO in peacekeeping operations.

NATO's policy towards peacekeeping might indicate a move of the organization in the direction of the development of an autonomous regional collective security regime, ultimately undermining the Security Council's primary responsibility for the maintenance of international peace and security. Especially NATO's failure to obtain a Security Council authorization before its intervention in Kosovo, strengthened the feeling that NATO was moving in the direction of greater autonomy. NATO's New Strategic Concept which was adopted in the framework of the fiftieth birthday anniversary in April 1999 confirmed in a certain sense this view. NATO emphasized that it could no longer limit itself to the original functions envisaged in Article 5 of the North Atlantic Treaty. While collective defense would remain its core mission, new missions should be undertaken to respond to a broad spectrum of possible threats including regional conflicts and the proliferation of weapons of mass destruction.[31]

An expansion of NATO's tasks beyond collective self-defense, as envisaged in Article 5 of the North Atlantic Treaty and Article 51 of the UN Charter, means however that NATO's institutional relationship with the UN needs to be reviewed and reconfigured.

NATO from its part has made abundantly clear that it does not consider itself as a regional arrangement within the framework of Chapter VIII of the UN Charter and that it reserves the right to act when its members deem it necessary. At the same time NATO stressed that it will try to act in concert with the UN and other international organizations.[32] One might get the impression then that NATO considers itself as a security manager of the world, not constrained by the rules of the collective security system, as laid down in the UN Charter. NATO is also very reluctant to formalize its new forms of cooperation with the UN. Unlike many other international organizations involved in peacekeeping operations, NATO does not even figure on the list of entities which have an observer status in the General Assembly of the UN.[33]

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[31] *NATO: The Alliance's Strategic Concept* (1999), par. 10, 24, 31.
[32] A. Abass, *supra* note 6, at 168-169,
G. Kennedy, *supra* note 22, at 99-100.
[33] GA A/INF/61/5 (2006).

However, this negative picture needs some adjustments. One has to admit that NATO's major peacekeeping operations were endorsed by the Security Council.[34] Especially European member states insisted that NATO operations would be covered by a Security Council Resolution. On the rare occasion that NATO did not receive an authorization from the Security Council under Chapter VII of the UN Charter, it sought to justify its action by referring to Security Council Resolutions and by claiming to be upholding the purposes and principles of the UN.

But on the other hand, it is also important to mention in this respect that NATO, although acting under a mandate of the Security Council, maintained full control and command over its operations and enjoyed therefore a relatively high degree of autonomy in the concrete implementation of the mandates.

This brings us to another matter raised with regard to the involvement of NATO in peacekeeping operations. NATO is quite often described as an organization that tends to be dominated by the US which uses it as a cover for conducting its own foreign policy. Although there might be an element of truth in this picture, one may not overestimate the powers of the US in NATO. NATO remains an intergovernmental organization where from a purely legal point of view all decisions are jointly taken by the 26 member states on the basis of consensus. Of course, one cannot deny that the US still forms the backbone of the North Atlantic alliance and will do all it can to push through its view. But, as the Iraq case has demonstrated, the US has not always been successful in persuading its NATO allies.

Moreover, the involvement of non-NATO members in NATO-led peacekeeping operations also indicate that NATO operations enjoy a high level of international support and can therefore not be considered as a sole instrument of the US for conducting its own foreign policy.

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[34] The only peacekeeping operation for which NATO did not receive an explicit mandate from the Security Council, was in Macedonia. Because the operation was not an enforcement action under Chapter VII of the UN Charter, NATO was competent to conduct the entire operation on its own.

4. Conclusions

The purpose of this contribution was to identify and analyze the major opportunities and challenges NATO's growing involvement in peacekeeping operations poses for the UN. While some important advantages have been identified for the UN, the overall picture is not an unqualified success. Especially the ambiguous relationship between the UN and NATO remains a matter of concern.

No one can predict with certainty how this relationship will evolve in the future. It is however most unlikely that the North Atlantic Treaty will be reviewed in the near future in order to solve this matter. In the meantime and as first step in clarifying NATO's relationship with the UN, it is advisable that NATO and the UN institutionalize their operational forms of cooperation through the signing of a cooperation agreement.