17

NDC FORUM PAPER

NATO Defense College
Collège de Défense de l'OTAN

The UN and NATO: Forward from the Joint Declaration

Foreword by General Stéphane Abrial
Supreme Allied Commander Transformation

Edited by Brooke A. Smith-Windsor

Rome, May 2011

NATO DEFENSE COLLEGE
COLLÈGE DE DÉFENSE DE L'OTAN

Research Division
Division Recherche

The UN and NATO: Forward from the Joint Declaration

Foreword by General Stéphane Abrial
Supreme Allied Commander Transformation

Edited by Brooke A. Smith-Windsor

Rome, May 2011

NATO DEFENSE COLLEGE

NATO Defense College Cataloguing-in-Publication-Data:
"THE UN AND NATO: FORWARD FROM THE JOINT DECLARATION"

Edited by Brooke A.Smith-Windsor

(NATO Defense College "NDC Forum Papers Series")
Copy-editing: Maria Di Martino

ISBN: 978-88-96898-03-1

Copies of this NDC Forum Paper may be obtained directly from the
NATO Defense College, Research Division
Via Giorgio Pelosi, 1 - 00143 Rome, Italy
Fax +39-06-50 52 57 97
E-mail: m.dimartino@ndc.nato.int
Web site: http://www.ndc.nato.int

Printed and bound by
Deltamedia artigrafiche srl
Via Macedonia 10, 00183 Rome, Italy
Tel +39 06 700 2 444 - Fax +39 06 97 74 81 55

Table of contents

Foreword

This volume results from a high-level research symposium that was organized on 21 October 2010 by the NATO Defense College, New York University's Center on International Cooperation, and the Turkish delegation to the United Nations (UN). The event was an opportunity for policymakers and researchers to bring together their insights on the achievements and the prospects of UN-NATO cooperation, more than two years after the signing of a Joint Declaration by the Secretaries-General of the UN and NATO on 23 September 2008.

The main conclusion from the proceedings of the symposium was that the UN and NATO are necessary partners in tackling today's and tomorrow's security challenges and that this is widely recognized by both organizations, despite the various challenges that the UN-NATO cooperation faces.

The operational interaction between the UN and NATO is nothing new. Among many examples, it has been successfully practiced in the Balkans, in Afghanistan, and more recently off the coast of Somalia and in Pakistan. As a rule, NATO places itself within a broader framework for conflict resolution and crisis management, stemming directly from the UN in its primary responsibility for the maintenance of international peace and security. The most recent example of this is obviously NATO's operation in Libya, which is conducted on the basis of UN Security Council Resolutions 1970 and 1973.

However, there still is a long way to go for the UN-NATO partnership to reach its full potential. The signing of the 2008 Declaration was only a step, albeit an important one, in the right direction. Although the political will exists at the highest level in both organizations, UN-NATO day-to-day cooperation sometimes remains a sensitive matter.

During the research symposium, there was some debate as to whether this stemmed from erroneous reciprocal perceptions or was grounded in solid political realities that could not be changed simply by working on perceptions. My own sense is that there is still some reluctance about an active partnership with NATO among some UN members. Conversely, there is also room for improvement in NATO's awareness of the UN's modes of operation, constraints and culture.

Be that as it may, I strongly believe that in today's world, a solid, effective UN-NATO partnership is not a matter of choice – it is a necessity for the international community's ability to prevent conflict, manage current and future crises and tackle post-conflict stabilization and reconstruction. The importance of such a partnership is fully recognized by the Alliance's new Strategic Concept, adopted at the Lisbon Summit in November 2010, which states that "cooperation between NATO and the United Nations continues to make a substantial contribution to security in operations around the world" and pledges that the Alliance will "deepen political dialogue and practical cooperation with the UN".

The Strategic Concept also recognizes that the prevention and resolution of future security challenges will require the Alliance to "engage actively with other international actors before, during and after crises to encourage collaborative analysis, planning and conduct of activities on the ground, in order to maximise coherence and effectiveness of the overall international effort". Indeed, today's and tomorrow's challenges, be they in Afghanistan, in Libya, in our counter-piracy operations off the coast of Somalia, or in our response to possible cyber-attacks, will require as coordinated an approach as possible between different organizations. Cognizant that, today as well as tomorrow, there is no viable alternative to effective civil-military cooperation, NATO is therefore increasingly committed to contributing to a "comprehensive approach" to effective crisis management, in the

broadest sense of this expression.

In this regard, the UN's long experience in peacekeeping and peace-building is of tremendous interest to the Alliance. For decades, the UN has brought to bear military and civilian capabilities in support of stabilization and reconstruction efforts in a wide range of theatres. I am convinced that the Alliance has much to learn from the UN in this regard.

From a military point of view, the UN-NATO dialogue should be geared towards allowing both organizations to interact seamlessly when engaged concurrently in a theatre. It is obvious that this cannot be achieved unless the staffs from both organizations know each other well and are used to interacting before a crisis strikes. Such interaction is an indispensable complement to high-level exchanges between leaders. Valuable steps recently have been taken in this regard, and a prime example is the research symposium that resulted in the present volume.

Allied Command Transformation has been contributing to this goal by offering to the UN a wide array of courses and training opportunities that allow UN and NATO personnel to exchange experiences and to find out about each other's procedures in the pre-deployment phase, affording a more in-depth perspective on topics such as the comprehensive approach or the implementation of a gender perspective in crisis management. This is being done through the network of training facilities and NATO-accredited Centres of Excellence, and in cooperation with other NATO entities such as the NATO School in Oberammergau and the NATO Defense College (NDC).

In addition, Allied Command Transformation has presented concrete proposals for further UN-NATO cooperation in areas such

as planning, assessments and logistical and medical support. Its favourable geographic location, as the only NATO strategic command headquartered on the same side of the Atlantic as the UN, offers promising perspectives for further interaction.

The present volume offers both a historic view of the UN-NATO partnership and an analysis of current and future challenges and opportunities. It is my hope that it will help advance the UN-NATO partnership by offering insights and perspectives that will provide stakeholders in both organizations with inspiration to continue charting the way forward.

General Stéphane Abrial
Supreme Allied Commander Transformation

Acknowledgements

The idea for this volume emanated from a NATO Defense College (NDC) international research symposium entitled "The UN and NATO: Forward from the Joint Declaration", convened in New York City on 21 October 2010. Conceived as an opportunity to achieve deeper understanding of problems and prospects in the UN-NATO strategic relationship, the symposium and this Forum Paper would not have been possible without the assistance and cooperation of many people. The NDC would like to acknowledge the support of the Center on International Cooperation (CIC) of New York University (NYU), particularly Jake Sherman, Associate Director, and Benjamin Tortolani, Senior Program Officer, for opening so many doors in the UN system and for their invaluable advice on topics and speakers. The NDC equally is grateful to the Permanent Mission of Turkey to the UN for providing the symposium venue as well as intellectual and logistical support. The personal interest and dedication of H.E. Ambassador Ertuğrul Apakan, Permanent Representative, Fazli Corman, Deputy Permanent Representative, Ismail Çobanoğlu, Counsellor, and Major Deniz Ay, Deputy Military Advisor, were invaluable. So too was the unwavering commitment to the project of the two NATO liaison officers to the UN, Colonel Paul Van der Heijden and Eirini Lemos-Maniati. Finally, the NDC would like to acknowledge the essential contribution to the project made by scholars with an interest in UN-NATO affairs, including the three profiled in this volume, as well as the participation of many officers and officials representing not only the UN and NATO staffs but also related national missions and other international organizations.

Dr. Karl-Heinz Kamp
Director, NDC Research Division

List of Abbreviations

AU	**African Union**
ASEAN	**Association of Southeast Asian Nations**
CAS	**Close Air Support**
CIC	**Center on International Cooperation**
CNN	**Cable News Network**
COMISAF	**Commander International Security Assistance Force**
CSTO	**Collective Security Treaty Organization**
DFS	**Department of Field Support**
DIIS	**Danish Institute for International Studies**
DPA	**Department of Political Affairs**
DPKO	**Department of Peacekeeping Operations**
EU	**European Union**
HDI	**Human Development Index**
ICTY	**International Criminal Tribunal for the former Yugoslavia**
IFOR	**Implementation Force**
IMO	**International Maritime Organization**
IR	**International Relations**
IRIN	**Integrated Regional Information Networks**
ISAF	**International Security Assistance Force**
JCMB	**Joint Coordination and Monitoring Board**
JFC	**Joint Force Command**
KFOR	**Kosovo Force**
MINUSTAH	**United Nations Stabilization Mission in Haiti**
MTCN	**Major Troop Contributing Nation**
NAC	**North Atlantic Council**
NATO	**North Atlantic Treaty Organization**
NDC	**NATO Defense College**
NGO	**Non-governmental Organization**
NRC	**NATO Russia Council**
NTM-I	**NATO Training Mission-Iraq**
NYU	**New York University**
OAS	**Organization of American States**

OEF	**Operation Enduring Freedom**
OIC	**Organization of the Islamic Conference**
OSCE	**Organization for Security and Cooperation in Europe**
P5	**Five Permanent Members of the Security Council**
PAG	**Policy Action Group**
POLAD	**Political Advisor**
PRT	**Provincial Reconstruction Team**
RUSI	**Royal United Services Institute**
SACEUR	**Supreme Allied Commander Europe**
SACT	**Supreme Allied Commander Transformation**
SCO	**Shanghai Cooperation Organization**
SCR	**Senior Civilian Representative**
SFOR	**Stabilization Force**
SHAPE	**Supreme Headquarters Allied Powers Europe**
SRSG	**Special Representative of the Secretary-General**
UN	**United Nations**
UNAMA	**United Nations Assistance Mission in Afghanistan**
UNAMI	**United Nations Assistance Mission for Iraq**
UNDP	**United Nations Development Program**
UNHCR	**United Nations High Commissioner for Refugees**
UNIFIL	**United Nations Interim Force in Lebanon**
UNISCI	**Research Unit on International Security and Cooperation**
UNMIK	**United Nations Interim Administration Mission in Kosovo**
UNMIL	**United Nations Mission in Liberia**
UNMIT	**United Nations Integrated Mission in Timor-Leste**
UNOCHA	**United Nations Office for the Coordination of Humanitarian Affairs**
UNOSEK	**United Nations Office of the Special Envoy for Kosovo**
UNOSOM	**United Nations Operation in Somalia**
UNPROFOR	**United Nations Protection Force**
WFP	**World Food Program**

Introduction

Invigorating UN-NATO Strategic Relations

Wolf-Dieter Loeser[1]

On 21 October 2010, representatives of the North Atlantic Treaty Organization (NATO) and United Nations (UN), as well as a group of experts, diplomats and senior officers, gathered in New York City to share perspectives on the future of UN-NATO strategic relations. The occasion was an unprecedented research symposium, organized by the NATO Defense College (NDC) in conjunction with the Center on International Cooperation (CIC) of New York University (NYU) and the Turkish Permanent Mission to the UN.

The symposium examined two decades of crisis management cooperation and looked at prospects for the future, based on the lessons of shared history in operations such as those in Afghanistan. The discussion focused primarily on three intertwined questions:

1. What kind of relationship exists between NATO and the UN (peculiarities)?
2. What are the reasons for suboptimal relations, particularly at the strategic level (shortcomings)?
3. What realistically can be done to improve the relationship in order to live up to mutual aspirations (opportunities)?

In contemporary NATO parlance, the meeting therefore afforded an opportunity to consider how to implement a so-called civilian-military

---

[1] Lieutenant-General Wolf-Dieter Loeser is Commandant of the NATO Defense College. The views expressed in this paper are the author's and do not necessarily represent those of the North Atlantic Treaty Organization.

"comprehensive approach" to crisis management; more specifically, it was an important opportunity to take a more focused look at one particularly significant inter-institutional relationship in this context, especially following the 2008 signature of the Joint Declaration on UN-NATO Secretariat cooperation.

In order to engender frank debate in answering the three questions posed, the symposium was conducted in a spirit of academic freedom. Leading scholars, including the United States' Lawrence S. Kaplan, Georgetown University, were invited to candidly share their viewpoints with officers and officials so as not to limit discussion to "official party lines". Equally in line with the NDC's approach to its policy research, the location of the meeting in view of the UN Headquarters was a deliberate choice in order to reach out to the widest possible audience of decision-makers and security practitioners within the UN system and across national missions.

This volume captures the follow-on reflections of one Canadian, one French and one German scholar among those who were present in New York last October. The intent in compiling it is to inspire continued discussion and new thinking about the UN-NATO strategic partnership, particularly in the light of the emphasis placed upon it in NATO's latest Strategic Concept in November 2010. Common to all three contributions is the conclusion that the international community cannot afford simply to accept the status quo: each paper thus offers a series of measures to positively transform the UN-NATO strategic connection in the interests of international peace and security.

Brooke A. Smith-Windsor turns to history and International Relations (IR) theory to explain the paradoxical tendency in UN-NATO affairs towards both "friction and fraternity". In doing so, he traces the increasing overlap in their normative mandates and introduces the notion of the "first UN-NATO" (Member States) and "second

UN-NATO" (bureaucracies) as an analytical framework to compare and contrast key developments in their structural evolution. Inter-organizationalist and Principal-Agent theories also are presented as providing additional clues to understanding and practically managing the opportunities as well as the limitations associated with UN-NATO strategic relations. To ensure that the inclination towards fraternity remains in ascendance, Smith-Windsor concludes by calling for a strategic vision of the UN-NATO partnership spearheaded by the Member States of both, particularly the 28 Allies, and offers ideas for a UN engagement strategy to achieve this.

Alexis Vahlas similarly appeals for a more structured UN-NATO partnership, publicly acknowledged and championed by the two organizations' Member States. As a point of departure, he argues that mutual negative perceptions within both the UN and Atlantic Alliance must be dispelled; this means correcting misconceptions concerning respective functions, ideology, international law, politics, and culture. In putting these to rest, Vahlas advocates a renewed public diplomacy effort on the part of both organizations alongside a reaffirmed Alliance commitment to multilateralism. While reiterating Smith-Windsor's call for the Atlantic Alliance to pursue permanent observer status in the UN General Assembly, Vahlas goes even further in arguing for Allied acknowledgment of NATO as a "regional arrangement" under Chapter VIII of the UN Charter.

In looking at the inter-institutional relationship in the context of NATO's most ambitious foray to date in crisis management, Afghanistan, Michael Harsch provides a forthright assessment of cooperation in theatre as well as at headquarters level. He asserts that a pervasive, mutual tendency not to give up autonomy, as well as asymmetry in the organizations' respective resource pools, have acted as inhibitors of meaningful partnership. Harsch is equally blunt, however, in his conclusion about the need for NATO and the UN to

accept their interdependence in Afghanistan and to redouble efforts to construct a "synergetic partnership", instead of opting for "substitution and evasion strategies".

The NDC prides itself on the objectivity it can guarantee in examining the issues that feature on the Atlantic Alliance's policy agenda. This approach has been followed in compiling this latest volume on the UN-NATO strategic partnership. It offers an analysis free of official constraints, with a view to providing the necessary impetus, on both sides of the relationship, for the implementation of innovative policy solutions for the future.

Chapter One

Misery Makes for Strange Bedfellows: The Future of the UN-NATO Strategic Partnership

Brooke A. Smith-Windsor[1]

Alas, the storm is come again! My best way is to creep under his gabardine; there is no other shelter hereabouts: misery acquaints a man with strange bedfellows. I will here shroud till the dregs of the storm be past.

*– The Tempest**

In 1992, civil war in the Balkans brought together two unsuspecting characters on the world stage: a collective security organization of near global membership and universal remit spanning security, humanitarian assistance and development, with a collective defense military alliance of just sixteen nation states created primarily as a bulwark against the spectre of Soviet aggression in Western Europe. For the United Nations (UN), the draw was arguably the cloak of the North Atlantic Treaty Organization's (NATO) military capability to enforce an arms embargo, no-fly zones and later a comprehensive peace agreement; for NATO, it was conceivably the cloak of UN legitimacy, beginning with Security Council Resolutions 713 and 757 to enable it to address post-Cold War instability in its near abroad. Thus was born of human misery in the last decade of the 20th Century a heretofore improbable institutional relationship.

---

[1] Dr. Brooke A.Smith-Windsor is Canada's Senior National Representative at the NATO Defense College and former Director of Strategic Guidance at the Canadian Department of National Defense. The views expressed in this paper are the author's and do not necessarily represent those of the Government of Canada or the North Atlantic Treaty Organization.

* *The Tempest*, William Shakespeare, 1610.

While for NATO and the UN distant coexistence was the order of the day for the better part of four decades of Cold War, the proliferation of complex emergencies in the 1990s, coupled with a more congenial and activist UN Security Council calling for enforcement action to bring them to a close, soon propelled the two organizations into a new partnership. As the Undersecretary General for Peacekeeping Operations, Kofi Annan, declared in the midst of the Bosnian crisis:

> The sheer size and complexity of peacekeeping operations makes it imperative to explore new avenues of cooperation with regional organizations such as NATO. With its existing military structure, resources and political weight, NATO has a lot to contribute to the concept of peacekeeping, particularly in its more muscular form […] In this context, NATO's willingness to participate in United Nations operations holds the promise of a vast qualitative as well as quantitative expansion of the means of collective action that are at the disposal of the United Nations.[2]

On NATO's part, the response was an extension of its institutional scope to encompass crisis management tasks outside its immediate treaty area, often working alongside, or under the mandate of, the UN. Following their first Balkans encounter, UN-NATO collaboration to facilitate greater international stability has spanned political, security and capacity-building missions in places like Kosovo, Afghanistan and Iraq, through disaster relief in Pakistan, to humanitarian convoys and counter-piracy efforts off the coast of Africa. In recognition of this growing legacy and NATO's embrace of so-called "cooperative security" and a "comprehensive approach" to crisis management, the Alliance's 2010 Strategic Concept boldly declares:

---

[2] Kofi Annan, "UN Peacekeeping Operations and Cooperation with NATO", *NATO Review*, 47.5 available at http://www.nato.int/docu/review/1993/9305-1.htm

> Cooperation between NATO and the United Nations continues to make a substantial contribution to security in operations around the world. The Alliance aims to deepen political dialogue and practical cooperation with the UN, as set out in the UN-NATO Declaration signed in 2008 [...][3]

Yet, such oratory papers over the many frictions between the UN and NATO that have dogged the partnership since its inception; tensions over mandating, command and control, monitoring, accountability and resources that have resulted in what still may be described as relatively immature and haphazard inter-institutional linkages and, even worse, the lack of precision concerning the overarching vision for an enduring UN-NATO strategic partnership despite past accomplishments. It papers over the fact that the aforementioned Declaration took more than three years to negotiate and is an agreement scant on details and one between the two organizations' Secretariats alone, not their Member States. It papers over the fact that up until July 2010, when a civilian liaison officer was established, there was just a single NATO Colonel in New York tasked to interface with the entire UN system, with no UN counterpart in Brussels. It papers over the fact that the same Colonel was in 2009 relieved of his desk at the UN Department of Peacekeeping Operations (DPKO) Situation Center, ostensibly due to office renovations, with no guarantee of a return.[4] It papers over the fact that both organizations felt compelled, beginning in the same year, to organize for their headquarters staff unprecedented mutual "Education Days", the agendas for which read like a first year undergraduate course on the basics of UN-NATO mandates and structure.[5] It papers over

---

[3] *Active Engagement, Modern Defense*, available at http://www.nato.int/cps/en/natolive/official_texts_68580.htm, para. 31.

[4] Letter of B. Lynne Pascoe, UN Under Secretary General for Political Affairs, and Alain Le Roy, UN Under Secretary General for Peacekeeping Operations to Martin Erdmann, NATO Assistant Secretary General for Political Affairs, 07 October 2009.

the fact that NATO received not a single reference in the first-ever UN General Assembly thematic debate on the future of UN peacekeeping, including in its special session on "Building Partnerships and Securing Capabilities" convened in June 2010.[6] And it papers over the fact that the NATO Secretary General has never been invited to address the UN General Assembly or to explore the possibility of establishing a NATO permanent observer mission in New York alongside other international organizations.

While the casual observer might be dumbfounded at the seemingly puerile and indiscriminate nature of the UN-NATO strategic relationship despite more than two decades of collaboration on peace operations around the globe, students of international relations will be less surprised. As one analysis of UN task-sharing with regional organizations insightfully notes:

> [T]here is no straightforward hierarchical arrangement, with a devolution from states to the United Nations, and then from the world organization to regional institutions […] Rather, there are pluralistic, or messy, relationships that vary often by task, historical period and geography.[7]

The same study's conclusion that the "analytical and policy perspective thus is untidy" is, however, small comfort for those security and defense practitioners in Brussels and New York charged, as they were in November 2010, to bring greater order to the UN-

---

[5] Agendas for "UN-NATO Education Days", New York, 07-08 December 2009, and "UN-NATO Education Days Part II", Brussels, 24-25 February 2010.
[6] Author participation in the *UN General Assembly Thematic Debate*, "UN Peacekeeping: looking into the future", New York, 22 June 2010.
[7] Edwin M. Smith and Thomas G. Weiss, "UN task-sharing: towards or away from global governance?", *Third World Quarterly*, 18.3, 1997, p. 595.

NATO strategic partnership.[8] So what to do? Where to turn? This paper proposes some conceivable ways forward.

What impossible matter will we make easy next?

In defining in the first order that which NATO's Heads of State and Government have to date failed to achieve, namely the overarching vision of an enduring UN-NATO strategic partnership, to be accompanied only in second place by what they *have* called for, clarification of additional practical measures to enhance inter-institutional cooperation, five fundamental questions arguably must be posed: What are the respective interests of the UN, NATO and their Member States in strengthening the two organizations' strategic partnership? What are the opportunities? What are the risks? What are the impediments? How can these be managed and by whom?

To begin looking for answers to these questions, this paper contends that fortunately for the contemporary analyst two useful prisms are readily available through which to focus his or her attention: history and theories about the workings of the international system. The paper considers the first four questions in the perspective of both, followed by a concluding commentary addressing the fifth question on the basis of the preceding observations. The historical prism addresses the two organizations' origins and essence as well as their structural development. Mutual perceptions, whether or not reflective of reality, are also taken into account. The theoretical prism casts the eye on elements of inter-organizational and principal-agent interaction to provide additional clues to understanding and managing the benefits

[8] The NATO Lisbon Summit Declaration of Heads of State and Government states: "We have agreed to further enhance our existing partnerships […] with interested countries and organizations […] We are committed to strong and productive cooperation between NATO and the United Nations. We aim to deepen this practical cooperation and further develop our political dialogue on issues of common interest, including through enhanced liaison, more regular political consultation, and enhanced practical cooperation in managing crises where both organizations are engaged.", *NATO Press Release*, PR/CP(2010)0155, 20 November 2010.

and opportunities, as much as the inherent risks and limitations, associated with the UN-NATO strategic partnership.

There is a history in all men's lives

As it is often necessary to first take a step back to confidently move forward, endeavouring to understand the potential and pitfalls in the future UN-NATO relationship is no different. The juxtaposition of the origins and normative evolution of each organization, followed by their structural make-up, serves to highlight possible points of convergence as well as divergence in charting the way ahead.

Normative Mandates

The UN entered the world stage in 1945 as the embodiment of a novel approach to the principle of collective security, seen as the best hope to avoid the disappointments of the League of Nations and a return to the destructive balance of power politics of years past. Given the centrality of collective security to the universal organization (the maintenance of peace and security is regularly referred to as the UN's first normative mandate), it is worth recalling its premise:

> Collective security is based on the conviction that peace is indivisible and that all states have a collective interest in countering aggression whenever and wherever it may appear. It assumes that potential aggressors will be deterred by the united threat of counterforce mobilized through an international organization […] like the UN. If enforcement is required, however, then a wide range of economic and diplomatic actions as well as armedforce may be utilized.[9]

---

[9] Margaret P. Karns and Karen A. Mingst, *International Organizations: The Politics and Processes of Global Governance*, London, Boulder, 2010, p. 311.

With the exception of Article 51 of the UN Charter, that establishes the right of individual or collective self-defense, the UN Security Council is the only body with the authority to decide on such enforcement action for the maintenance of international peace and security. Of course, due primarily to the prolific use of the Soviet veto in the Security Council, not to mention a reluctance of the Great Powers to empower the UN with the standing army envisioned in Article 43 of the Charter, enforcement actions during the Cold War were few and far between.[10] To be sure, innovations never foreseen in the Charter, such as the advent of "blue helmet" peacekeeping through the Uniting for Peace Resolutions of the UN General Assembly, contributed to the maintenance of peace in a variety of former conflict zones. But their operating principles of consent of the parties, impartiality, and the use of military force only as a last resort and in self-defense, differed considerably from the military enforcement actions envisioned under Chapter VII of the Charter should the pacific settlement of disputes provisions of Chapter VI prove inadequate. Peacekeeping notwithstanding, the UN's failure during the Cold War years to live up to the expectations for its first normative mandate did not, however, mean that the universal organization suffered from lack of purpose. The brisk expansion of the UN in the post-colonial period altered its internal dynamics and policy agenda. "The newer countries were interested primarily in national integration, state-building, and economic development". [11] The result was that since the 1960s development has often been identified as the UN's second great normative mandate.

NATO's genesis in 1949, however, was a direct result of disappointment over the UN's incapacity to deliver on its first mandate, which the later addition of a developmental agenda would do little to abate. The perception of the UN as an unreliable security provider

[10] In June 1950, Security Council sanction of UN engagement in the Korean conflict was only made possible due to the Soviet boycott of the body at the time.

[11] Thomas G. Weiss *et al*., *The United Nations and Changing World Politics*, Sixth Edition, Boulder, Westview Press, 2010, xxiv.

soon propelled Western Europeans fearful of Soviet aggression to seek the protective shroud of US military forces, with Canadian support, through a collective defense alliance for the geographically circumscribed "North Atlantic" area. Yet still, "[f]rom the very beginnings of the Atlantic Alliance the United Nations occupied a prominent place in NATO's perception of its role in the world".[12] While most West Europeans were at the time little interested in issues of the Alliance's compatibility with the UN Charter, many Americans were wary of doing anything that might be construed as undermining the vision of post-War internationalism embodied in the UN despite the Soviet obstructionism and threat. The related debates have been well documented and it is not the purpose of this paper to repeat them here.[13] At their core was the issue of how to bring NATO into harmony with the Charter, without subjecting it to the jurisdiction of the UN Security Council and thus the Soviet veto. In the end, reference in NATO's founding treaty to Article 51 of the UN Charter governing collective defense, and to "the primary", although not exclusive, responsibility of the Security Council for the maintenance of international peace and security, carried the day. Yet there would be no reference to NATO as a "regional arrangement" or "regional agency" under Chapter VIII of the UN Charter, which would have instrumentalized subordination to the Security Council. The Soviets, overtly, and the UN Secretary General and President of the General Assembly, more subtly, were not amused.[14]

Nevertheless, for four decades, with their different foci, the UN and NATO largely went their own way. Beginning in the early 1990s through to the present date, however, that has all changed. As

---

[12] Lawrence S. Kaplan, *NATO and the UN: A Peculiar Relationship*, Columbia: University of Missouri Press, 2010, p. 2.

[13] Ibid, esp. Chapters 1 & 10. See also: Martin A. Smith, "At Arm's Length: NATO and the United Nations in the Cold War Era", *International Peacekeeping*, 2.1 Spring 1995, pp. 56-73 and; David S. Yost, "NATO and International Organizations", *Forum Paper 3*, NATO Defense College, Chapter 2.

[14] Kaplan, pp. 13-14.

their normative mandates have practically expanded and converged in the area of collective security and the protection of human rights (the latter was in 2005 explicitly identified as the UN's third great normative mandate),[15] their respective pedigrees have come to matter more to both. As shall be described in the next section, their origins and the patterns set during the Cold War as outlined above offer insight into both the opportunities and obstacles on the path to strengthened partnership. By way of departure, therefore, the significant points to recall may be summarized as follows: the UN was founded on great promise for the long term and with global scope; it was designed to avoid war in order to maintain peace; the effectiveness of its peacekeeping operations was inversely proportional to the amount of military force available for use. NATO on the other hand was an organization born of disillusionment and fear, designed to fight a war, if necessary, in order to defend peace in a specific region for as long as a particular threat existed; its effectiveness was directly proportional to the amount of military force available for use.[16]

The concomitant rise of regional and intra-state crises in the post-Cold War world alongside Security Council calls to address them through peace operations, that were in many cases far more complex and ambitious than the blue-helmet neutral and impartial inter-positioning and monitoring of years past, soon forced a serious reassessment of the tools available to maintain international peace and security. If the UN Protection Force's (UNPROFOR) failure in Bosnia did not sufficiently demonstrate the inadequacy of the UN legacy approach to peace operations in the new era, the UN Operation in Somalia (UNOSOM) certainly did. As Michèle Griffin observes:

---

[15] Thakur, xxv.

[16] Based in part on the observations of Derek Boothby, "NATO and the United Nations" available at http://www.scdr.org/95Book/Boothby.htm

> In the aftermath of the operation in Somalia, it was generally acknowledged that the UN did not itself have the institutional capacity to conduct military enforcement operations. The solution to this problem, in the eyes of many, was that such operations should be subcontracted.[17]

Subcontracting to a coalition of the willing to implement enforcement actions under Chapter VII of the UN Charter certainly had the precedent of the first Gulf War. But in 1992, should the Great Powers' time-honoured aversion to the possible alternative of raising a UN standing army still remain intact, then UN Secretary-General Boutros Boutros-Ghali had put forth another subcontracting option – one with direct implications for NATO:

> This wider mission for the world Organization will demand the concerted attention and effort of individual States, of regional […] organizations and of all of the United Nations system. [These] could include treaty-based organizations, whether created before or after the founding of the United Nations, regional organizations for mutual security and defence […][18]

Notwithstanding their historically different approaches, the UN's and NATO's shared commitment to peace, the rule of law, human rights and fundamental freedoms as set down in their founding texts would provide the baseline for a new relationship in the realm of collective security consonant with the spirit of Boutros-Ghali's words. Yet, there were other factors at play also directly related to their pasts, and just as relevant today, that would figure in the two organizations'

---

[17] Michèle Griffin, "Blue Helmet Blues: Assessing the Trend Towards 'Subcontracting' UN Peace Operations", *Security Dialogue*, 30.1, 1999, p. 45.

[18] United Nations Secretary-General, *An Agenda for Peace: Preventative diplomacy, peacemaking and peace-keeping – Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992*, 17 June 1992, A/47/277-S/24111, paras 16, 61.

calculations for the development of closer ties. For instance, as alluded to at this outset of this paper, the UN's interest in NATO's unmatched multinational military capability and integrated command structure, developed over the Cold War, which continues to represent 70 percent of the world's hard security reserves, the likes of which has never come close to existing in the universal organization. Furthermore, as far as Europe is concerned, a desire on the part of the UN to make the most of NATO's regional knowledge and vested interests in ending conflict in its near abroad.[19] Concerning the Atlantic Alliance, with its longstanding enemy removed, interest in redefining its role in the world with the imprimatur of international legitimacy offered by Security Council sanction to not simply safeguard but to promote security;[20] or, as others have chosen to describe it, to embrace the "dual track" of collective security alongside the collective self-defense function.[21] As security challenges such as those in Afghanistan have evolved to cover the spectrum of conflict,[22] there also has been a desire on NATO's part to leverage not only the UN's mandating authority for its collective security efforts, but also its long-established civilian capabilities in organizing—in line with the organization's second normative mandate—the political process and development, both of which now often occur simultaneously with military operations.[23]

---

[19] UN interest in regional organizations to resolve local conflicts was not limited to NATO but part of a growing phenomena observed in the 1990s. See Griffin, esp. 47.

[20] Dick A. Leurdijk, "Before and after Dayton: the UN and NATO in the former Yugoslavia", *Third World Quarterly*, 18.3, 1997, p. 460.

[21] Dick A. Leurdijk, "NATO's Shifting Priorities: From Peace Support Operations to Counter-Terrorism", *Peace Operations After 11 September 2001*, London, Frank Cass, 2004, p. 63.

[22] "If traditional peacekeeping focused on containing military escalation, contemporary crisis management aims at a social, political, and economic transformation to reach a comprehensive and sustainable conflict resolution. Consequently, the range of tasks today compromises humanitarian aid, physical protection of individuals, and ensuring the rule of law and functioning of political institutions". Claudia Major and Christian Mölling, "More Than Wishful Thinking? The EU, UN, NATO and the Comprehensive Approach to Military Crisis Management", *Studia Diplomatica*, LXII.3, 2009, p. 21.

[23] David S. Yost, "Analysis: Enhancing NATO's cooperation with international organizations", *NATO Review*, 3 (2007), esp. 1-2, available at: www.hq.nato.int/docu/review/2007/issue3/english/analysis2.html

While their respective pasts clearly have offered incentives for greater UN-NATO collaboration in the area of collective security and the protection of human rights since the 1990s, legacy equally helps to explain some of the mutual reservations and accompanying immaturity in institutional machinery experienced in their increasingly overlapping normative mandates as well. For instance, there remain concerns that over-reliance on regional organizations like NATO for crisis interventions will undermine the long-term aspirations and hopes for the UN as the universal security provider as enshrined in the Charter of 1945. This perspective gained particular currency in the run-up to 2003 when there were more regionally led peace operations than UN proper ones. At an extreme, it has been articulated in terms of: "Natoization of the UN", when "[t]otal dependence of the UN on the US and the European countries for supply of weapons, equipment, soldiers, and finances is bound to destroy the UN's universality and autonomy, and could lead to an atrophy of the UN itself".[24] These so-called "marginalists" also believe that "delegation will result in the neglect of Third World conflicts, great power abuse and a return to a world divided by spheres of influence, all of which will undermine UN legitimacy".[25] In this regard, they frequently point to the downward trend in Western military involvement in UN blue-helmet missions,[26] NATO's Kosovo intervention of 1999 absent a sanctioning Security Council resolution, the Alliance's increasing global presence beyond its immediate geographic membership area or near abroad, and the Security Council's alleged ambivalence regarding accountability mechanisms for subcontracted enforcement operations.[27] However well intentioned, comments like those made by the NATO Secretary

---

[24] M.V. Naidu, "The UN, NATO and regional conflicts: a legal and political analysis", *Peace Research,* 32.1, 2000.

[25] Peter Viggo Jakobsen, "Overload, Not Marginalization, Threatens UN Peacekeeping", *Security Dialogue*, 31.2, 2000, p. 168.

[26] Michael F. Harsch and Johannes Varwick, "NATO-UN Cooperation Revisited: A New Dawn?", *Studia Diplomatica,* LXII, 3, p. 31.

[27] Griffin, p. 48.

General as recently as April 2010, stating that "to carry out NATO's job effectively, the Alliance should become the hub of a network of security partnerships and a centre for consultation on international security issues even issues on which the Alliance might never take action", have done little to assuage fears about UN marginalization.[28] Concern over a perceived NATO challenge to the UN's historic primacy in preventative diplomacy notwithstanding, lingering perceptions within the UN of the Atlantic Alliance as fundamentally a warfighting institution, with therefore a propensity to favour military solutions to conflict rather than the pacific settlement of disputes envisioned in the Charter, continue to act as a drag on the development of the inter-institutional relationship. Recent criticism of civilian casualty rates attributed to the International Security Assistance Force (ISAF) in Afghanistan is representative in this regard.[29]

From a NATO perspective, institutional ancestry in turn holds as many keys to understanding its embrace of a closer relationship with the UN, as the reasons for limits placed upon it. Indeed, its adoption, like the UN, of collective security and human rights protection as key normative mandates has not meant an end to the organization's historic aversion to explicit subservience to the universal organization grounded in the original mandate of collective defense. As Dick Leurdijk points out, "while NATO is prepared to act within the parameters of the subcontracting model, the bottom-line is that it is not willing to subordinate itself to the UN under all conditions".[30] At issue has been fear of endangering the credibility of the Alliance as a military power prepared and able to deliver on threats of force, because of an interfering or dithering UN often seen as unduly preoccupied with maintaining neutrality in a conflict situation.[31] It emerged in the initial UN-NATO

[28] Anders Fogh Rasmussen, "Connecting NATO to the Broader International System", *Hampton Roads Security Quarterly*, April 2010, p. 75.
[29] Michael F. Harsch and Johannes Varwick, "NATO and the UN", *Survival*, 51.2 (Apr-May 2009), p. 9.
[30] Dick Leurdijk, "NATO and the UN: The Dynamics of an Evolving Relationship", *RUSI Journal*, June 2004, p. 27.
[31] Janka Oertal, *The United Nations and NATO*, Paper prepared for the ACUNS 21st Annual Meeting,

efforts at collective security collaboration in Bosnia, with the so-called "dual key" arrangement put in place for authorizing NATO air strikes in support of UN ground operations. Over time it has resulted in ever greater efforts to safeguard NATO's operational independence even when acting under a UN Security Council mandate:

> The UN's concern [in the former Yugoslavia] to conduct "traditional peace-keeping", maintaining neutrality and employing force only in self-defense, prevented it from developing a credible deterrence policy to contain the conflicting parties that violated the SC [Security Council] resolutions. On the contrary, NATO's doctrine has always emphasized the need to ensure that the use of force for both deterrence and coercion be part of an overall strategy of effective and credible intervention.[32]

The result was that the "decision in the aftermath of the fall of Srebrenica in July 1995, that attacks against the remaining safe areas would lead to a 'firm and rapid' response from NATO air forces, was […] taken in Brussels without any formal consultation with New York". Thus, reminiscent of the disillusionment with the UN that gave birth to NATO's collective defense function, disenchantment with the universal organization likewise influenced at an early stage the pattern of Alliance engagement in collective security. By the time the Dayton Peace Agreement was negotiated, the Implementation Force (IFOR) had been elaborated at NATO headquarters "totally outside the UN framework"[33] and with an independent command and control structure. This so-called "stand-alone" (as opposed to supporting "stand-by") approach has since been followed in NATO's ongoing ISAF operations, albeit with regular consultation with the United Nations Assistance

---

Bonn, Germany, 5-7 June 2008, p. 4.

[32] Ettore Greco, "UN-NATO Interaction: Lessons from the Yugoslav Experience", *The International Spectator*, XXXI.3/4, 1997, p. 126.

[33] Leurdijk, 1997, pp. 464-5.

Mission in Afghanistan (UNAMA).[34] At an extreme, NATO's 1999 aerial bombing of the Federal Republic of Yugoslavia in the absence of explicit UN Security Council authorization is frequently cited as the quintessence of the Alliance's willingness to safeguard its freedom of action, although the operation's periodic description as the "autonomy model" of collective security is not entirely accurate. Despite the absence of a UN mandate, and while not denying inter-institutional tensions at the time, a recent study reveals that recurrent consultation between the UN and NATO did in fact transpire prior to and throughout the 78-day air campaign conceived to prevent a humanitarian disaster in Kosovo.[35]

In summarizing the evolution of the UN-NATO relationship as their normative mandates have increasingly converged, Lawrence Kaplan aptly observes: "The crises of the 1990s opened the way for closer connections between NATO and the UN. But intimacy did not necessarily breed comity". Put another way, he states that in many ways the direction of UN-NATO relations since the Cold War's end has been "a deepening both in friction and in collaboration".[36] This part has demonstrated how the two organizations' respective origins have figured in this seemingly paradoxical evolution—factors of pedigree and institutional essence that must be taken into account in any effort to realistically progress the UN-NATO strategic partnership. Institutional structure is equally significant. It is this to which attention now turns.

Institutional Structure

While the layman might be forgiven for conceiving of the

---

[34] Oertal, p. 5.
[35] Kent J. Killie and Ryan C. Hendrickson, "Secretary-General Leadership Across the United Nations and NATO: Kofi Annan, Javier Solana, and Operation Allied Force", *Global Governance*, 16 (2010), esp. pp. 511-517.
[36] Kaplan, p. 186.

UN and NATO as monolithic, unitary actors on the world stage, the contemporary analyst interested in advancing the UN-NATO strategic partnership can ill afford to ignore the complexity that lies beneath those titular references. Indeed, from the very beginnings of both organizations, their respective constitutions as a collection of Member States supported by a burgeoning international staff and related agencies were readily apparent. Although the UN Charter was significantly more prescriptive than the Washington Treaty in this regard, over time such structural heterogeneity has become well entrenched. In the UN context, mention is in fact routinely made of the "first UN", referring to the Member States represented in the Security Council and General Assembly for instance. Elsewhere, reference is made to the "second UN", exemplified by the Secretary-General and the international civil service, including the now 8900 professional and clerical staff based in New York, Geneva, Vienna and Nairobi. Some have in more recent times even gone so far as to refer to the "third UN" to acknowledge the often significant influence of independent experts and commissions, as well as Non-governmental Organizations (NGOs) that increasingly interact with the intergovernmental dimension.[37] Within each category diversity likewise is no stranger. Albeit with the arguable exception of the third categorization, a similar approach might be taken to NATO to capture its status as first and foremost an intergovernmental organization in which key decisions are made by governments representing states, principally in the North Atlantic Council (NAC), with a second order supporting international military staff, a 5200-strong international civilian bureaucracy and, since 1952, the Secretary General.

It is not the purpose of this paper to describe in intricate detail the evolution and composition of each grouping, but rather to use the preceding typology as a means by which to shed additional light on developments which represent opportunities or limiting factors en route to strengthened UN-NATO partnership. In proceeding from

[37] Weiss *et al*., 1viii.

an understanding of "power" to denote "the capability to influence outcomes",[38] the evolving nature of power dynamics in the "first UN-NATO" is now addressed, followed by that in the second.

Given that the policy orientations and performance of both the UN and NATO ultimately depend on the ideal (political will) and material (resources) commitment of their Member States, they arguably are the most significant structural factor influencing the extent of linkages between the two organizations. In this context, power dynamics among the five permanent (P5) members of the Security Council and between them and other states, as represented in the UN General Assembly for instance, are at issue.

With respect to the Great Powers, considering the historic animosity of the Soviet Union to NATO, Russian attitudes have fundamental bearing on the development of a viable working relationship between the UN and NATO:

> With Russia in support, or at least neutral, concerted NATO-UN action is more likely to occur. Without such cooperation, reflections of the old Soviet-US superpower rivalry and a failure to achieve consensus in the Security Council are distinctly possible.[39]

Since the Cold War's end, such support or at least acquiescence has, as alluded to above, authorized a growing number of NATO operations in support of UN Security Council resolutions calling for enforcement action to maintain international peace and security. But positive Russian attitudes cannot be taken for granted, as the Kosovo case of 1999 starkly underscores. The immediate Russian response

---

[38] Weiss *et al*., 1ii.
[39] Gordon Wilson, "Arm in Arm After the Cold War? The Uneasy NATO-UN Relationship", *International Peacekeeping*, 2.1, Spring 1995, p. 79.

to the aforementioned UN-NATO 2008 Joint Declaration is equally demonstrative in this regard. While acknowledging that cooperation between the UN and regional organizations was in general "a normal and necessary thing", Foreign Minister Sergei Lavrov at the time lambasted the accord's negotiation for its lack of transparency and encroachment of areas considered the prerogative of sovereign states: "[T]hings of this kind must be done without keeping secrets from the member states and on the basis of powers and authority held by the secretariats".[40] While the overt criticism and concern has since diminished, it nonetheless has been replaced by an apparent Russian inclination to balance UN-NATO ties with the signature of similar declarations between the UN and regional organizations in which it is a leading member: first, between the UN and the Collective Security Treaty Organization (CSTO) in March 2010,[41] followed one month later by the UN and Shanghai Cooperation Organization (SCO), of which P5 member China is also a driving force.[42] Hence the oft heard 1990s counsel that, to advance UN-NATO cooperation, it is "important that Western diplomacy remains aware of Russia's interests and examines the possibility of accommodating them"[43] rings just as, if not more, true in present times.

China's attitude towards greater UN-NATO cooperation would appear less of a concern. During its presidency of the Security Council in January 2010, for instance, a thematic debate specifically was convened to address: "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security". Unlike the previously mentioned General

---

[40] Ria Novosti, "UN and NATO Sign Secret Military Cooperation Agreement in Violation of UN Charter", *Global Research*, 08 Oct 2008, available at: www.globalresearch.ca/PrintArticle.php?articleId=10503

[41] See Vladimir Socor, "The UN Accepts CSTO as a Regional Security Organization", *European Dialogue*, available at: http://eurodialogue.org/eu-central-asia/The-UN-The-UN-Accepts-CSTO-as-a-Regional-Security-Organization

[42] *Joint Declaration on SCO/UN Secretariat Cooperation*, 04 April 2010, available at: http://www.sectsco.org/EN/show.sp?id=198

[43] Wilson, p. 79.

Assembly thematic debate on UN peacekeeping, however, NATO was not only acknowledged but actively engaged. In welcoming its Deputy Secretary General, Claudio Bisogniero, to address the Council alongside representatives from other regional bodies, the President stressed:

> Member States expect the Security Council to meet the challenges before it and to play a bigger role in strengthening international peace and security and in responding to global threats and challenges. At the same time, members strive to promote regional peace and development through the strengthening of regional organizations […] It is of great significance and relevance for the Security Council to hold this thematic debate to strengthen the cooperation between the United Nations and regional and subregional organizations.[44]

The President went on to further express the Council's recognition of the role of such organizations in peacekeeping, post-conflict peacebuilding, recovery, reconstruction and development as well as its intention to hold future informal interactive dialogues with them.[45]

As regards the Western P5 nations, considering the US' military pre-eminence within the Atlantic Alliance and status as the largest contributor to the UN budget, its influence on the direction of UN-NATO relations is critical. Periodic cases of American unilateralism notwithstanding (notably Iraq 2003), since Iraq's invasion of Kuwait in 1990 the US has been central to the reinvigoration of the UN Security Council. This includes its collective legitimization of the

---

[44] United Nations Security Council, *6257th meeting*, 13 January 2010, S/PV.6257, pp. 2-3.
[45] United Nations Security Council, *Statement by the President of the Security Council*, 13 January 2010, S/PRST/2010/1.

overwhelming majority of NATO crisis management operations, beginning in 1992.

It would be wrong, however, to assume an American default preference for NATO engagement, or even Allied bloc voting within the Security Council and General Assembly, on all questions of international peace and security. The US' initial actions in Afghanistan under Operation Enduring Freedom (OEF), vice NATO, following the tragic events of 11 September 2001 are a case in point. Furthermore, the caution about NATO Allies acting as a bloc in the UN, articulated as far back as the Kennedy Administration of the 1960s, is conceivably just as relevant to Washington's contemporary policy calculations concerning UN-NATO synergies:

> As a world power, the United States has important responsibilities in Asia, Africa, and the Americas which cannot possibly be shared by its European allies. We must not permit ourselves to be so closely identified with one group of states that we jeopardize close working relations with others.[46]

Perhaps it not surprising then that, while NATO's 2010 Strategic Concept refers to the Alliance as a "unique and essential transatlantic forum for consultations" where "[a]ny security issue of interest to any Ally can be brought to the NATO table, to share information, exchange views [and] forge common positions", the latter alone receives the specific caveat "where appropriate".[47] For the US, NATO remains but one, although significant, forum among a plethora of others, both bilateral and regional, through which to pursue its security policy.

---

[46] Francis O. Wilcox, "The Atlantic Community and the United Nations", *International Organization*, 17.3, Summer 1963, p. 696.
[47] *Active Engagement, Modern Defense*, para. 5.

When enforcement actions by NATO are favoured by Washington, however, it is equally important to acknowledge that, courtesy of the two remaining Western P5 members, UN mandating authority is likely (although not necessarily required, as Kosovo demonstrates). As one analysis tellingly observes:

> There has always been a strain of resentment against the dominant voice of the superpower on the North Atlantic Council. If NATO should be wholly free from the UN's supervision, France and Britain would continue to occupy an inferior place in the alliance. By supporting the Security Council's prerogatives, they [are] able to elevate their own status as genuine equals of the United States […][48]

Such British and French dispositions, therefore, would seem to represent significant impetus for a continued UN-NATO strategic axis in crisis management, even if recent history suggests a parallel and increasingly entrenched preference among Allies (as described earlier) to safeguard NATO independence in operational planning and execution when implementing Security Council resolutions.

Although, since the Cold War's end, the General Assembly largely has been marginalized by the Security Council as the epicentre of intergovernmental consultation on peace and security issues within the UN system, it nevertheless remains a powerful force in the symbolic politics of agenda-setting and giving voice to the small and medium powers.[49] It is here where hesitation about a strengthened UN-NATO relationship in collective security arguably is most palpable. This includes many of the so-called Major Troop Contributing Nations (MTCNs) for UN blue-helmet operations, which have grown to number,

---

[48] Kaplan, p. 214.
[49] Karns *et al*., esp. pp. 103, 109.

at the time of writing, over 90,000 in deployed forces.[50] Countries like Pakistan, Bangladesh, India and Nigeria are wary of over-reliance on NATO assets for fear that it might reduce UN decision-making autonomy and operational independence, particularly in the area of command and control.[51] At an extreme, the hesitation derives from the perception that the Atlantic Alliance is merely one arm of alleged US imperialist ambition, a modern guise for a return to colonial meddling in the South, or a contributor to a continued arms race. From this perspective, the reasons for the conspicuous absence of NATO references in the unprecedented thematic debate on the future of UN peacekeeping, as well as the organization's limited official presence on the Assembly floor, as previously mentioned, would appear less of a mystery.

Circumspection about NATO within the General Assembly also has carried implications for the "second UN-NATO" as regards the pace and extent of inter-institutional partnership. For instance, it has been suggested that the General Assembly's 2007 approval to restructure the DPKO (now the UN's largest) and to create the Department of Field Support (DFS) was a move by some nations to strengthen the UN's own capacity to mount and sustain multi-dimensional peace support operations, precisely in order to lessen the universal organization's reliance on NATO resources.[52] While the Secretariat-Secretariat 2008 Joint Declaration was made possible by the UN Secretary-General's authority (Russian reservations notwithstanding) to enter into such agreements without a vote in the General Assembly, there can be little doubt that the three years it took to get to the point of the so-called "quiet signing" likewise was due in part to the influence on Kofi Annan and Ban Ki-moon of the same NATO-wary nations.[53]

---

[50] Bruce Jones *et al*., *Annual Review of Global Peace Operations 2010*, Boulder: Lynne Rienner Publishers, 2010, p. 132.
[51] Harsch and Varwick, *Studia Diplomatica*, p. 32.
[52] Kaplan, p. 199.
[53] For a history of the Joint Declaration see: Harsch and Varwick, *Survival*, pp. 8-10.

Even for an organization like the UN with a long history of activist Secretaries-General, it is important to acknowledge that the office's room for manoeuvre is politically as much as legally circumscribed. Such circumscription, moreover, cannot be fully appreciated in the perspective of the Member States alone. Within the UN bureaucracy itself differences over the approach to be taken to NATO also abound. So, for example, while many in the Department of Political Affairs (DPA) might seem openly supportive of the Secretary-General's engagement of NATO as manifest in the 2008 accord, less enthusiasm is regularly voiced within the humanitarian bodies. There the fear is that too close a relationship with NATO might compromise the cherished operating principles of neutrality and impartiality.[54] Furthermore, for many UN officials, closer partnership with the Atlantic Alliance in crisis management simply is not a priority compared to the daunting internal challenge of bringing greater coherence and coordination to the multitude of political, security, development, human rights and humanitarian activities of the departments and offices, specialized agencies, programs and funds and other elements of the UN system. In this respect, it is interesting to contrast the significantly inward-looking orientation of the UN's so-called "integrated approach" to conflict and post-conflict management with the Atlantic Alliance's aforementioned advocacy of a comprehensive approach to similar contingencies. The latter, by virtue of NATO's more limited (military) repertoire in collective security, places much greater emphasis on improving coordination and partnerships with external actors like the UN.[55] That said, even if the UN's integrated approach sufficiently matures into a nucleus of collective security action around which other organizations like NATO might conceivably cluster in line with the aspirations for a comprehensive approach, Alliance officials would still do well to remember that each UN department, program,

[54] Author's interviews with UN officials in New York, June 2010.

[55] See: Cedric de Coning, "The United Nations and the Comprehensive Approach", *DIIS Report*, 2008/14, and Brooke A.Smith-Windsor, "Hasten Slowly – NATO's Effects Based and Comprehensive Approach to Operations", *Research Paper 38*, NATO Defense College, July 2008.

fund, and office maintains its own identity, management system, funding lines and financial responsibility. Directors-General of the specialized agencies, moreover, retain the same diplomatic rank as the Secretary-General. In the UN, perhaps more than any other security organization, questions of coordination rarely can be answered in a "one stop shop".

Before leaving the discussion of the "second UN-NATO" to further appreciate the challenges and opportunities facing the inter-institutional relationship, it would be remiss not to acknowledge the important change that has occurred with respect to the office of the NATO Secretary General since the early 1990s. During the Cold War, when the preoccupation was preparations for Allied military engagement of Soviet forces on the Central European front, the office regularly held by European civilian leaders of smaller nations was generally in the shadow of the always American Supreme Allied Commander Europe (SACEUR) and omnipresent political figures of the Allied Great Powers. Beginning with Manfred Woerner and Willy Claes on the Balkans, through Javier Solana on Kosovo, to Jaap de Hoop Scheffer on Afghanistan, however, the political stature of NATO Secretaries General has grown considerably both in shaping and representing Alliance policy regarding the increasingly varied and complex security challenges of a globalized world.[56] This includes interfacing with their UN counterparts. The current Secretary General and first former Head of Government to hold the post, Anders Fogh Rasmussen, has shown no signs of adjusting course. On the contrary, he potentially could emerge as one of the most proactive in Alliance history.[57] His artful mastery of the negotiations surrounding NATO's 2010 Strategic Concept and considerable personal penmanship of the document itself, which as cited above advocates strengthened UN-NATO ties, are well known. It also was under his leadership that the aforementioned UN-NATO

[56] Kaplan, p. 214.
[57] See: Ryan C. Hendrickson, "NATO's First Prime Minister: Rasmussen's Leadership Surge", *RUSI Journal*, 155.5 (Oct/Nov 2010), esp. pp. 26-30.

Education Days of 2009 and 2010 were organized, in part, as a bid to consolidate control of, and bring greater order to, NATO interaction and messaging with the universal organization.[58] The fact that the Supreme Allied Commander Transformation (SACT) felt compelled to personally inform the Secretary General of his deliberations at UN Headquarters in early June 2010 (specifically referring to them as a follow-on to the Education Days), and to seek his "guidance and feedback" on ways to advance the UN-NATO partnership, would suggest Rasmussen's bid has met with some success.[59] Should his diplomatic activism on the UN-NATO dossier continue, as Ban Ki-moon's invitation to the NATO Lisbon Summit last November would certainly indicate, there is every reason to see it as a promising stimulus for improved strategic linkages between the two organizations. Not provoking the UN marginalists as discussed previously, however, will be an ongoing challenge. So too will be avoiding oratory and actions that might be construed by the Member States as diminishing their sovereign authority over the Alliance's international policy agenda.

The foregoing discussion has considered the interests, opportunities, risks and impediments surrounding the UN-NATO strategic partnership in a historical perspective, highlighting influential developments and factors from the origins of both organizations to more recent times. Whether focussing on the evolution of normative mandates or of power dynamics in intergovernmental and bureaucratic structures, the picture that emerges is one of a myriad of positive as well as negative forces at play. How to best manage them to ensure that forward momentum is maintained in the interests of international peace and security, while being ever sensitive to mutual concerns and the underlying reasons for them, is the subject of the final part of this paper. Before proceeding, however, it is useful also to turn to aspects

---

[58] Author's interviews with NATO officials in New York and Brussels, February 2010.
[59] Letter from General Stéphane Abrial, Supreme Allied Commander Transformation, to Anders Fogh Rasmussen, NATO Secretary General, 08 June 2010.

of International Relations (IR) theory to further account for positive and negative influences on the UN-NATO strategic partnership in order to chart a realistic and judicious way ahead.

Every why hath a wherefore

It is beyond the scope of this paper to delve into every feature of the rich reserve of IR theory, or by the same token the more recent conceptual framework of "Global Governance",[60] in order to better appreciate the problems and possibilities in the UN-NATO strategic relationship. A brief look at two branches of IR—one emergent, the other more established—nevertheless is sufficient to demonstrate its utility alongside history as an analytical prism available to the contemporary security practitioner charged with progressing UN-NATO affairs. The newer branch is known as "Inter-organizationalism"; the other, "Principal-Agent Theory".

Inter-organizationalism

Inter-organizationalism is the study of the "direct and indirect interaction of formal international organizations" as a consequence of globalization, and the need to address transnational challenges ranging from humanitarian disasters, pandemics, nuclear proliferation and failed states to terrorism.[61] It observes that as these transnational menaces have mounted since the Cold War's end, a number of significant new developments in the international system have occurred. First, to cope with the growing pressures, existing institutions like NATO have responded by enlarging their membership to extend stability, as well as

[60] Global Governance endeavours to address the explanatory deficit in traditional IR theory as regards multilateralism. It is sometimes considered a theory *in statu nascendi* and refers to "the multi-level collection of governance-related activities, rules, and mechanisms, formal and informal, public and private, existing in the world today". See: Karns and Mingst, esp. Chapters 1 and 2, and Phillip Pattberg, "The Transformation of IR: Global Governance as a 'Theory in the Making'?", August 2008, PowerPoint presentation available at: http://www.glogov.org/images/doc/P_IR_ESG_08.pdf

[61] Rafael Biermann,"Inter-organizationalism in Theory and Practice", *Studia Diplomatica* LXII.3 (2009), p. 7.

their policy mandates to address with a variety of tools the increasingly complex and overlapping threats and vulnerabilities.[62] Coupled with the creation of new problem-solving organizations, particularly of the non-governmental variety, the result has been that:

> institutional density is growing worldwide, particularly in Europe […] As organizations and regimes converge in their mandates, tasks, resources and membership, they increasingly overlap in their geographic and functional competences.[63]

Second, even as institutions have broadened their membership and policy remits to tackle the ever-growing array of complex transnational security issues, they steadily have come to realize that they alone cannot solve them.

Both developments carry positive and negative consequences for inter-institutional relations. On the one hand, the overlap and mutual dependency is an incentive for cooperation and burden sharing. On the other, it also can breed resentment and rivalry for resources and relevancy. The UN's interface with regional organizations in the post-Cold War world is no exception. As one study on Inter-organizationalism remarks:

> The United Nations and regional institutions may occasionally be able to cooperate, one serving the interests of the other. At other times they may compete. Tension is always present in interaction between the UN and regional institutions, even when cooperating. Each may derive benefits from cooperating with the other,

[62] NATO has a current membership of 28 Member States following three post-Cold War enlargements: 1999 (Czech Republic, Hungary, Poland); 2004 (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia); 2009 (Albania, Croatia).
[63] Biermann, pp. 7-8.

> but both will also incur costs especially in terms of their purpose and autonomy.[64]

Such observations would indeed appear to align with the historical pattern evidenced in much of UN-NATO relations since 1992, as previously described. In doing so, Inter-organizationalism sheds additional light on the reasons for the paradoxical evolution of the two institutions' strategic relationship experienced over the past two decades.

With institutional density and path interdependency providing additional clues to the simultaneous tendency toward fraternity and friction in UN-NATO affairs, it is reasonable to question: what, if anything, does inter-organizationalist theory offer as regards insights into navigating the future? For one, the study just cited presents the following counsel: the tension can only be managed, not eliminated. This calls for a flexible approach to cooperation (i.e. no one size fits all situations), albeit with the articulation of some broad criteria concerning division of labor and the means to ensure accountability.[65] The said advice will be returned to in the final part of this paper on plotting the course ahead. As the remaining intervening step, Principal-Agent Theory serves to highlight additional factors to bear in mind when looking forward.

Principal-Agent Theory

Although originally conceived by economists to explain the internal dynamics of the firm, Principal-Agent Theory has since been transposed to national governments and international organizations. In the latter context, Member States, as the collective principals, delegate levels of authority and control to the international bureaucracy, the

[64] Muthiah Alagappa, "Regional Insitutions, the UN and international security: a framework for analsyis", *Third World Quarterly*, 13.3, 1997, p. 436.
[65] Ibid, p. 436.

agent. They may do so, for example, to benefit from the agent's specialized knowledge, to enhance certitude in policy decisions or to help them resolve disputes.[66] Within international organizations, the theory also asserts that the number of Member States and the heterogeneity of their preferences influence the level of delegation:

> This can go two ways. If there is a strong demand for credible commitments, high divisiveness can lead to more autonomy for the agent. A commander may, for example, receive substantial autonomy to carry out operational and tactical tasks in order to avoid too much political inference in military affairs. On the other hand, if international bureaucracies only make the policy-process more efficient, for example through their expertise or time, *multiple principals* with competing interests will delegate fewer tasks and carry the higher transaction costs of cooperation themselves.[67]

In considering these potential outcomes in a UN and NATO context, Hylke Dijkstra's innovative study paints two very different pictures. In the universal organization with 192 Member States of extremely diverse interests, delegation to the agent is said to be limited. Even where it has occurred—notably with the office of the Secretary General—it has been quickly withdrawn if too activist an agenda has been pursued.[68] In contrast, greater delegation can be expected in NATO with far fewer and generally like-minded Member States. "Despite continuous transatlantic quarrels throughout its history, preference

---

[66] Karnes and Mingst, p. 57.
[67] Hylke Dijkstra, "*The Institutional Design of Peacekeeping Organizations: United Nations, NATO and the European Union*", paper prepared for the annual conference of UACES in Brugges, Belgium, 6-8 September 2010 and the conference of the ECPR Standing Group on International Relations in Stockholm, Sweden, 9-11 September 2010, p. 3.
[68] *Ibid*, 9.

homogeneity in NATO is much higher".[69] By the same token, even where differences exist, the propensity for greater delegation in NATO compared to the UN arguably turns on its primary status as a military alliance and the high degree of decisiveness required in the profession of arms.

These different approaches to agent empowerment would indeed appear to go some way to explain, for example, the long-established robust command structure of the Alliance, numbering in the thousands compared to the UN's 500 staff members in DPKO and DFS, still limited in focus on planning and mission support rather than operational command. It similarly would seem to account for the enduring absence of any UN standing army and the historic hesitancy of UN Member States to sanction coercive blue helmet operations. From this perspective, Principal-Agent Theory can thus serve to help align expectations for what each side of the UN-NATO equation can realistically bring to the collective security table both in terms of capacities and *de facto* authorities. By extension, it can provide clues as to what might constitute a viable division of labor between them as well as the requirements of effective inter-institutional engagement strategies. These and other demands are topics for discussion in answering the fifth question posed at the outset of this paper: How can the UN-NATO strategic partnership best be managed and by whom? It is this to which attention now turns.

There is no virtue like necessity

A mantra of contemporary security policy discourse is that the demand for collective action to alleviate human suffering and to foster enduring peace and stability exceeds supply. Even with close to 100,000 troops deployed in missions in every hemisphere of the globe ranging from Haiti (MINUSTAH) through Kosovo (UNMIK)

[69] *Ibid, p.3.*

to Lebanon (UNIFIL), Iraq (UNAMI), Afghanistan (UNAMA), Liberia (UNMIL) and Timor-Leste (UNMIT), the UN's peacekeeping and humanitarian capacities are stretched and its foray into effective coercive enforcement missions still significantly constrained. Boutros-Ghali's far-sighted 1992 remarks about the need for reinforcement from regional organizations ring just as true two decades later. Should there be illusions to the contrary, reference to NATO's current operations alone quickly puts them to rest. Operations that comprise no less than 70,000 deployed Alliance personnel spanning stabilization missions in Afghanistan (ISAF) and Kosovo (KFOR), through counter-piracy efforts off the coast of Somalia (Operation Ocean Shield), to police and military training in Iraq (NTM-I) and most recently, no-fly zone and arms embargo enforcement vis-à-vis Libya (Op Unified Protector)—all with UN sanction. Despite the shortcomings, despite the hesitations, despite the limitations, and despite the risks, a UN-NATO relationship remains a necessity for the maintenance of international peace and security. By virtue of this fact, every opportunity to strengthen it and improve it over the next two decades and beyond must be taken. This final part offers some thoughts on how to proceed and under whose leadership.

Strategic Vision

In the first order, as stated at the outset of this paper, an overarching strategic vision for the UN-NATO relationship needs to be defined by their Member States—again, the "first UN-NATO" on whose ideal and material commitment the partnership ultimately depends. Common among working level staff officers, particularly within the Atlantic Alliance, is exacerbation over the lack of clarity from on high concerning the meaning of the UN-NATO strategic partnership which they, ironically, are nevertheless tasked to progress.[70] Their perplexity and predicament is not without cause. The NATO Deputy Secretary

[70] Author's interviews with staff officers from NATO Commands, December 2010.

General said as much during his intervention at the previously cited Security Council thematic debate in January last year:

> In the past, a lack of strategic dialogue has often prevented us [UN-NATO] from examining common challenges and formulating common responses, leaving this to the working level to sort out. That is why today's discussion [is] most welcome […] to pursue the strategic dialogue that so far has been missing.[71]

NATO's new Strategic Concept released in November of the same year, however, offered little in terms of articulating the Allies' appreciation of the purpose, principles and aspirations surrounding the UN-NATO strategic partnership. Its cursory reference to the 2008 Secretariats' Declaration (which is similarly lacking in strategic foresight) and call for more practical measures to enhance inter-institutional cooperation, therefore, represent a missed opportunity and a case of still "putting the cart before the horse". It is a fair question to pose: if no Fortune 500 company would conceive of functioning without an inspirational vision outlining what it wants to be and the operating principles to get there, why should it be any different for the partnership of two of the most significant security organizations in the world today, charged with safeguarding the fortunes of great swaths of humanity?[72] Given the internal preoccupations and divisions in many UN quarters referenced earlier, the onus in taking the initiative to redress this strategic void would appear to rest with the NATO Member States supported by their empowered Secretary-General. With this in mind, thoughts on potential elements of a strategic vision for the UN-NATO partnership are presented, followed by consideration of a realistic UN engagement strategy.

---

[71] United Nations Security Council, *6257th meeting*, 13 January 2010, S/PV.6257, 14.
[72] Since 2005 the UN and NATO have been the primary international actors in peace support operations. See: Tortolani *et al*., pp. 2-3.

As a starting point, a strategic vision should appeal to the two organizations' shared commitment to peace, the rule of law, human rights and fundamental freedoms. It should also go a step further than simply acknowledging the Security Council's primary responsibility for the maintenance of international peace and security (which NATO's 2010 Strategic Concept does reiterate) and incorporate a judicious recommendation made by the so-called Group of Experts on the Alliance's new strategy. This would entail specifically stating that a core aim of the partnership is "to strengthen the United Nations ability to fulfil its responsibilities" as enshrined in the Charter.[73] As countenanced by inter-organizationalist theory, it should in addition include a commitment to improved accountability and transparency in partnership areas. Such measures would in many respects acknowledge existing practice[74] and also go a significant way in establishing operating principles and guidance for lower levels of authority. It would in turn help assuage UN marginalists' fears. Once more drawing on Inter-organizationalism, reference to flexible, case-by-case cooperation, vice automaticity, would in turn help address sensitivities about over-reliance or subordination in the relationship, as the case may be.

Beyond the general purpose and operating tenets of the partnership, a UN-NATO strategic vision should offer guidance as regards future areas of cooperation in the maintenance of international peace and security. Clearly, crisis management should be atop the agenda as it has been since 1992. Yet even here the time is ripe for greater clarity. While not closing down any options, the scope for a greater role for NATO in Chapter VII enforcement actions, and for UN blue helmets under Chapter VI, could be more forthrightly

---

[73] Madelaine Albright *et al*., *NATO 2020: Assured Security; Dynamic Engagement*, 17 May 2010, p. 20.
[74] With respect to ISAF, for example, the NATO Secretary-General tables quarterly reports to the Security Council via his UN counterpart. See, for example: United Nations Security Council, *Letter dated 10 August 2010 from the Secretary-General addressed to the President of the Security Council*, 19 August 2010, S/2010/437.

acknowledged. This would be wholly consistent with historical patterns arguably grounded in the institutions' respective principal-agent dynamics. Marginalists need not be concerned. As one 2000 analysis observed in words just as relevant today: "Inability to carry out enforcement operations will not marginalize the UN, because traditional peacekeeping and multifunctional (Chapter VI) operations with consent remain as important as ever".[75] By the same token, NATO's willingness to build up the peace support capacities of the UN as much as other regional organizations charged with implementing Security Council resolutions warrants bold recognition. Not only would a more reliable and credible partner in the UN result, but charges of Western selectivity in crisis management serving its interests alone would be addressed. This too would be consonant with emergent practice and resonate positively with concerned observers. As Janka Oertel states:

> The question remains, whether NATO can and will provide its unique capabilities of regions of less obvious interest to the Alliance. Recent developments such as assisting other regional organizations like the African Union with training and support measures or providing training for Iraqi forces offer a promising response to new challenges.[76]

Outside crisis management operations, the Alliance's growing role in preventative diplomacy and cooperative security should be acknowledged but with the stated goal of mutually reinforcing UN and NATO efforts in this domain. The language of mutual reinforcement has the advantage of being offensive neither to those concerned about UN diminution nor to those concerned about Alliance subservience in the international security arena. In setting down markers for the future UN-NATO partnership, a strategic vision could go further still

---

[75] Jakobsen, p. 171
[76] Oertel, p. 8.

and highlight additional areas where cooperation is desirable. As one study recently petitioned:

> As transnational threats prompt states to pursue multilateral arrangements to address them, and as the UN and NATO continue to evolve in response to such changing drivers of instability and conflict, identifying opportunities for collaboration in these new threat areas warrants attention. Combating terrorism, non-proliferation, cyber security, and humanitarian relief operations would appear to offer the most potential for coordination.[77]

Such calls are not without reason. NATO's activities in many of these areas already are routinely communicated to the Security Council and General Assembly through the offices of the UN Secretary General. Ban Ki-moon's June 2010 report on the "United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy" is a case in point. In it, specific mention is made of NATO's support of the Strategy and recognition that "tackling [terrorism] requires a multifaceted, international and collaborative approach".[78] Should such acknowledgement mature into a vision for greater collaborative action, a more capable UN system in counter-terrorism should result, with the corollary benefit of removing from circles within it the lingering perception of NATO as an inherent proliferator.

---

[77] Jake Sherman, "Functional Cooperation – Identifying Opportunities for Practical Cooperation", Background Paper for Panel Two delivered at the International Research Symposium entitled *The UN and NATO: Forward from the Joint Declaration*, NATO Defense College, Center on International Cooperation, Permanent Mission of the Republic of Turkey to the UN, New York, 21 October 2010, p. 2.

[78] United Nations General Assembly, *United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy – Report of the Secretary General*, 10 Jun 2010, A/64/818, pp. 86-87.

Engagement Strategy

With the potential elements of a UN-NATO strategic vision clearer to mind, the question remains: who among Alliance Member States should lead the effort to validate them with UN counterparts and to see them confidently articulated in the best possible fashion? Given the ascendance of the UN Security Council in matters of international peace and security, the priority of effort arguably lies with those NATO Member States represented there. While non-permanent members from the Alliance conceivably could play a constructive role, for reasons of authority and continuity the brunt of the responsibility falls to the three NATO P5 members. Considering their apparent predilection for UN sanction of NATO actions in collective security as discussed above, France and the United Kingdom, supported by the office of the NATO Secretary General, are the logical leaders. They should build on China's recent efforts to increase Council dialogue and debate on UN relations with regional organizations and engage in a similar effort dedicated to addressing the future of UN-NATO relations. The periods in which they hold the Presidency of the Council (France next assumes the office in May 2011) represent the preeminent occasions to do so. Beyond thematic debates during which Presidential statements might serve to scope out the purpose, principles and aspirations as regards the UN-NATO strategic partnership, they could encourage the Council to request the UN Secretary-General to compile reports on the future of UN-NATO relations similar to the one commissioned in April 2008 regarding the African Union (AU).[79] Principles and approaches agreed in the Council could in turn be reiterated in NATO Summit communiqués. Maintaining particular attention to Russian sensitivities throughout, for the reasons mentioned earlier, goes without saying.

---

[79] United Nations Security Council, *Report of the Secreaty-General on the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security*, 07 Apr 2008, S/2008/186.

Within the General Assembly, parallel efforts to engender a positive appreciation of NATO as a collective security actor and as a value added partner of the universal organization also need to be undertaken by all 28 Alliance Member States. Here efforts should arguably be directed at the MTCNs who have the most to gain from sharing the collective security burden and the capacity building that the Alliance may offer. Allies should be equally proactive in advancing the establishment of a permanent observer mission for NATO alongside other international organizations. They should in turn promote the Alliance's inclusion on the agenda of UN Secretary-General reports to the Assembly on cooperation between the UN and regional and other organizations, similar to the one tabled as recently as September 2010 where no less than 23 organizations, including the CSTO and SCO, were represented.[80]

As regards the "second UN-NATO", coupled with support of the Member States' initiatives above, the particularly enabled office of the NATO Secretary General has a key role to play in shaping a future vision for the two organizations' partnership through continued outreach to its UN counterpart. In this regard, Anders Fogh Rasmussen's autumn 2010 visit to UN Headquarters for talks with Ban Ki-moon and representatives of heads of other international organizations is a positive development. So too is the increasingly entrenched practice of UN Secretaries-General attending NATO Summits. The growing number of exchanges by the DPKO and DFS with NATO military authorities is equally encouraging. More should be championed, such as routine visits of the UN Military Advisor to the NATO Military Committee to facilitate strategic dialogue about the UN-NATO partnership. Yet, given the heterogeneity and bastions of autonomous authority within the UN system as discussed above, clearly, interface with the UN

---

[80] United Nations General Assembly/Security Council, *Cooperation between the United Nations and regional and other organizations – Report of the Secretary General*, 20 September 2010, A/65/382-S/2010/490, 20 September 2010.

Secretary-General and Secretariat alone is insufficient to foster an appreciation of the Alliance as a valuable security partner as well as high ambitions for the future UN-NATO partnership. The heads and staffs of the specialized agencies (e.g. World Bank) and Programmes and Funds (e.g. World Food Programme [WFP]), for instance, equally should be proactively engaged. Here the concerns about neutrality and impartiality regularly voiced by the humanitarians resident in several of them could be more directly addressed in the effort to define an overarching vision for the UN-NATO strategic axis.

Concluding Remarks

This paper has offered an explanation of the paradoxical inclination towards both fraternity and friction in UN-NATO relations since 1992. To do so, it has turned to history and IR theory as pathways to enlightened understanding. It at the same time represents a call to action; a challenge in particular to the leaders of the Member States of both organizations, but especially those of the Atlantic Alliance, to use this knowledge to engage in earnest in strategic dialogue in order to articulate with conviction an overarching vision concerning the purpose, principles and aspirations surrounding the UN-NATO strategic partnership. The respective civilian and military staffs in their service, and above all the suffering and vulnerable whose best interests their organizations are intended to serve, deserve no less.

Chapter Two

Dispelling Misperceptions for a Renewed Synergy between the United Nations and the Atlantic Alliance

Alexis Vahlas[1]

Despite its shortcomings, the United Nations (UN) is the most successful world organization in history providing a diplomatic forum for discussing and, in many cases, resolving international crises. By the same token, even if the North Atlantic Treaty Organization (NATO) might at present be learning how not to win a war, it remains the most successful defense alliance in history and still the most capable military tool available to the international community if diplomacy proves inadequate in conflict resolution. Should the two organizations therefore not seek to cooperate and establish a framework that leverages their respective strengths in the interests of international peace and security?

As early as 1998, UN Secretary General Kofi Annan arguably began to articulate an affirmative answer to that question when he espoused an interagency, "holistic approach" to security, combining both military and civilian efforts.[2] In this context, NATO increasingly

[1] Dr. Alexis Vahlas is Associate Professor (*Maître de Conférences*) at the University of Strasbourg and former Chief Political Advisor (POLAD) to the Commander NATO Joint Force Command (JFC) Headquarters, Naples. The views expressed in this paper are the author's and do not necessarily represent those of the North Atlantic Treaty Organization.

[2] See UN A/53/1, Annual Report of the Secretary-General on the Work of the Organization, 1998, § 28: "In its work at the field level, the United Nations has already started to embrace a new holistic concept of security".

was seen as a kind of a "blue helmet with a big gun", the one the UN would turn to for its more robust missions. Since then, NATO has developed its own concept of a "comprehensive approach" and affirmed its readiness and willingness to participate in interagency cooperation, including with the UN.[3]

Yet, despite the conceptual policy rhetoric to the contrary, what is the reason for the relatively immature state of UN-NATO strategic relations epitomized by the 2008 UN-NATO Joint Declaration, circumscribed to address only Secretariat-Secretariat relations? This paper argues that since there is no apparent fundamental strategic divergence between the UN and NATO, the reason for the absence of high-level cooperation is the "lukewarmness", if not reluctance, of several Member States within both organizations, grounded in lingering inter-institutional misconceptions. It endeavors to put those misconceptions to rest as a springboard to a strategic cooperation framework assuredly endorsed by the Member States.

The paper proceeds on the basis of two assumptions. First, similarities between two organizations are not a prerequisite for cooperation. Efficient cooperation is possible between very different entities provided it is in the interest of both sides to operate together and to dedicate a framework to this effect. Similar organizations operating in the same field often can actually be rivals, with no possibility of complementing each other and setting up a cooperative partnership.

Second, the fundamental issue at stake today in UN-NATO relations is the development of a deliberate, functioning, official, strategic-level partnership, not the *de facto* coordination on the ground which has become manifest to varying degrees since the 1990s. The two should not be confused. Indeed, while not perfect, a good deal

---

[3] See Brooke A.Smith-Windsor, "Hasten Slowly - NATO's Effects Based and Comprehensive Approach to Operations", *Research Paper 38*, NATO Defense College, July 2008, p. 8.

of operational coordination between the UN and the Atlantic Alliance has occurred and continues to do so. For example, during the second half of 2008 when the situation in Kosovo was particularly tense, NATO's Operation Commander KFOR (Kosovo Force) would go to Pristina every two weeks. There the only international head of mission with whom he met almost systematically was the UN Special Representative of the Secretary-General (SRSG).[4] Similarly, when NATO launched its first counter-piracy operation, Allied Provider, the Operation Commander traveled to London for an exchange of information at the headquarters of the International Maritime Organization, the UN's specialized agency responsible for improving maritime safety. It is equally significant to acknowledge that NATO's operational coordination with the UN sometimes works better than with NATO's official strategic partner, the European Union (EU). For instance, NATO and the UN signed a Memorandum of Understanding on the evacuation of international personnel in the event of a crisis in Kosovo. One year later, for political reasons that are well known, the Alliance was unable to sign a similar agreement with the EU. Of interest here, however, is that despite the examples of UN-NATO operational coordination, there is no efficient, official partnership to acknowledge and progress it through unflagging, formal, high-level dialogue between the two organizations.

In order to dispel the mutual misconceptions between the UN and the Atlantic Alliance, this paper first analyzes the twofold suspicion affecting the perceived image of the UN within certain NATO quarters, before turning in the next part to the three main misconceptions about the Alliance resident in the UN. Based on these observations, it offers some recommendations on how to move toward an upgraded strategic-level cooperation framework.

---

[4] The SRSG and Head of UN Interim Administration Mission in Kosovo (UNMIK) was Joachim Rucker from 2006 until June 2008, succeeded by Lamberto Zannier in June 2008. To underline how much the two organizations are intertwined, it is interesting to note that Lawrence Rosin who was Deputy Head of UNMIK in 2008 is now NATO's Deputy Assistant Secretary General for Operations.

Negative Perceptions of the United Nations

There are two primary misconceptions about the UN which have prevented NATO Member States from actively embracing a strategic partnership with it: a functional misconception and an ideological misconception.

Functional Misconception: NATO's operational autonomy threatened by the UN

A key condition for the success of any peace operation is an efficient command and control structure. Both an outdated interpretation of the UN Charter and one early experience of a UN-led operation with a NATO component have inspired the idea that closer cooperation with the UN would be detrimental to the Alliance's operational autonomy.

Article 53.1 of the UN Charter, included in chapter VIII ("Regional arrangements"), states that the "Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council [...]". As early as the drafting of NATO's founding treaty, these provisions raised fears about the requirement for Security Council authorization acting as an impediment to the collective self-defense mechanism ultimately envisioned in Article 5 of the Washington Treaty. The result was that Allies erred on the side of caution, both avoiding reference to Chapter VIII of the UN Charter in the NATO Treaty and persistently refusing to consider the Alliance as a regional arrangement under any circumstances.[5] The approach, however, is far from convincing.

---

[5] See Nicholas. Henderson, *The birth of NATO*, Boulder, Westview Press, 1983, p. 130. On the origins of the controversy, see also Lawrence S. Kaplan, *NATO and the UN: A Peculiar Relationship*, University of Missouri Press, 2010, pp. 6-25.

A serious exegetic interpretation of both Article 53.1 and the UN Charter as a whole shows that the scope of this requirement for prior Security Council authorization is limited to those enforcement actions referred to in the first sentence of Article 53.1. It therefore does not affect the preeminent right to self-defense, described in Article 51 of the UN Charter as "inherent" ("naturel" and "imanente" respectively in the French and Spanish versions) and potentially "collective". The very *raison d'être* of this right to self-defense is precisely to preserve the freedom of a state to use force to protect itself against armed aggression when the international system fails.

NATO's fear of being subordinated to the United Nations is also based on a very unfortunate experience with a so-called "dual key" mechanism used in the NATO Operation Deny Flight launched to support the UN-led peace support operation (UNPROFOR) in Bosnia and Herzegovina in the early 1990s.[6] Through this mechanism, a decision by both UN and NATO officials was needed to approve air strikes.[7] As a result, a number of crucial requests did not receive sufficiently timely UN approval to allow efficient action and to protect civilian populations. The negative legacy of this experience lingers.

Nowadays, however, it should be obvious that such fear of ineffective subordination to the UN is no longer justified. First, the "dual key" mechanism amended in August 1995 for Operation Deliberate Force to address earlier shortcomings was never employed thereafter.[8] Second, in all subsequent operations, NATO retained full operational autonomy. This has been the case in IFOR (Implementation Force) and

---

[6] Operation *Deny Flight* (12 April 1993 to 20 December 1995) to monitor the ban of military flights in the Bosnian airspace, to provide close air support to UN troops and to conduct air strikes against targets threatening UN safe areas. Legal basis provided by UNSC Resolutions 816, 836, 958 and 981.

[7] The UN key was delegated to the UN SRSG and the NATO key to the Operational Commander (NATO Headquarters Naples).

[8] For *Deliberate Force* (29 August to 14 September 1995), the UN key was delegated to the UNPROFOR Commander and, after a "dual key" decision adopted on 29 August 1995, 386 air strikes were conducted.

then SFOR (Stabilization Force) in Bosnia and Herzegovina, KFOR in Kosovo as well as ISAF (International Security Assistance Force) in Afghanistan. In all, a clear separation between the international military presence and the international civilian presence, with each retaining the *final authority of interpretation* in its area of competence, has become established practice.[9] The new standard of operational autonomy for military forces engaged in coercive operations in support of UN Security Council resolutions is also in line with the UN's lessons learned after the confusion created in Bosnia and Herzegovina and Somalia by the use of "blue helmet" peacekeepers in Chapter VII contingencies.[10] A former member of NATO's Balkans Task Force, David Lightburn, summarized the situation in 2005 in words just as pertinent to present times: "There should be no more dual keys […] the detailed tasks and rules of engagement for NATO military forces are the business of the North Atlantic Council and cannot be the subject of scrutiny, control or even observation in New York".[11]

To conclude, NATO's enaction of its core function as a collective defense Alliance is not contingent on Security Council authorization; the only requirement is to inform the UN body[12]. Where its increasing post-Cold War foray into peace enforcement operations is concerned, the established standard is operational autonomy even when acting under a UN mandate.

---

[9] This separation of military and civilian presences culminates with the aforementioned function of "final authority of interpretation" used in the Dayton Agreement and the proposal of the United Nations Office of the Special Envoy for Kosovo (UNOSEK).

[10] See the call for "clear, credible and achievable mandates" in the 2001 *Report of the panel on United Nations Peace operations*, called "Brahimi report"; *doc. N.U.*, A/55/305, 21 August 2001, p. 12.

[11] D. Lightburn, "Should NATO support UN peacekeeping operations? – Answer to Peter Jakobsen", *NATO Review*, summer 2005, http://www.nato.int/docu/review/2005/issue2/english/debate.html (accessed 15 July 2010).

[12] See art. 51: "[…] Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council […]".

Ideological Misconception: NATO's democratic legitimacy threatened by the UN

The UN also regularly faces criticism for the alleged undemocratic nature of many of its Member States. Some in NATO have argued that only associations of democratic states are efficient and should be established as partners.[13] Three undisputable facts, however, draw into question the wisdom of this approach.

First, NATO's founding text includes no such democratic prerequisite governing Alliance relations. A reference to democracy may be present in Article 2 of the Washington Treaty, but only as a soft objective for the Member States to strengthen their "free" institutions:

> The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate

[13] This idea was triggered by Republican candidate Senator John McCain during the 2008 US presidential campaign, as well as by some ambiguous assertions of Ivo Daalder. See Ivo Daalder & James Goldeier, "Global NATO", *Foreign Affairs*, September-October 2006, pp. 106 & 113: "A key part of this effort is the proposal by the United States and the United Kingdom to forge a "global partnership" between NATO and non-European states that will provide a forum for expanded dialogue with other major democratic countries. Although this initiative is a good first step, it does not go far enough. NATO's next move must be to open its membership to any democratic state in the world that is willing and able to contribute to the fulfilment of NATO's new responsibilities. Only a truly global alliance can address the global challenges of the day [...] An enlarged NATO would not undermine the United Nations or the European Union, neither of which has the kind of military capacity that NATO possesses. Because NATO essentially is a military alliance—albeit one with a democratic political foundation—even an enlarged alliance would not become another UN"; Ivo Daalder & James Lindsay, "Democracies of the World, Unite", *The American Interest*, November-December 2006: " In the end, the desirability of a Concert of Democracies will depend not on the approval of autocrats, but on whether it offers an effective means for addressing the challenges of an age of global politics. What, in short, would the Concert actually do? First, *the Concert would be a vehicle for helping democracies confront their mutual security challenges.* This would involve close coordination of diplomatic strategy, law enforcement activity, intelligence collection and analysis, and military deployments. Over time, Concert members could follow NATO's lead [...]".

> conflict in their international economic policies and will encourage economic collaboration between any or all of them.

To be sure, the Member States have for the most part now consolidated their democratic regimes and all newcomers since the Cold War's end have been admitted only after establishing democratic government based on universal suffrage. However, the development of democracy as a condition for accession does not imply that interagency cooperation must be restricted to democratic organizations. As far as interagency cooperation is concerned, the primary objective is not to promote a particular form of political organization but rather to cooperate in order to prevent conflict and to facilitate stabilization in crisis areas.

Second, it would be a mistake to ignore the close link between the UN and democracy despite charges to the contrary. While the international rule of constitutional autonomy precludes a universal intergovernmental organization of 192 Member States from imposing a particular form of political regime[14], it is undeniable that democracy is the favored model. No other political regime is promoted by the UN system; a democratically elected government is the only model systematically chosen whenever the UN is called to (re)build a state's political system.

Third, a strict ideological stance on the political nature of partners, including the membership characteristics of an international

---

[14] See International Court of Justice, Judgement of 27 June 1986, Military and Paramilitary Activities in and against Nicaragua, § 263: "However the regime in Nicaragua be defined, adherence by a State to any particular doctrine does not constitute a violation of customary international law; to hold otherwise would make nonsense of the fundamental principle of State sovereignty on which the whole of international law rests, and the freedom of choice of the political, social, economic and cultural system of a State". See also International Court of Justice, Order of 15 December 1979, United States Diplomatic and Consular Staff in Tehran, § 25: "[I]t is no doubt true that the Islamic revolution of Iran is a matter 'essentially and directly within the national sovereignty of Iran'".

organization like the UN, would be contrary to NATO's approach to already existing partnerships with, for example, the Mediterranean Dialogue and Istanbul Cooperation Initiative, and its evolving partnership with the African Union.[15] More generally, NATO's partnerships are meant to be non-exclusive. This is actually an issue in the fruitful dialogue with Russia, a country which is sometimes critical of the parallel cooperation NATO puts in place with states like Serbia or those of the Caucasus. Yet, a key difference between NATO and Russia is that the former does not complain when its partners develop military cooperation with the latter. NATO is an open organization which is willing to cooperate with any kind of state or agency contributing to international security. As the 2010 Alliance Strategic Concept affirms:

> The promotion of Euro-Atlantic security is best assured through a wide network of partner relationships with countries and organizations around the globe […] These relationships will be based on reciprocity, mutual benefit and mutual respect.[16]

Negative Perceptions of NATO

The negative perceptions of NATO within the UN equally are unfounded and therefore unnecessarily pollute the relationship between the two organizations. The three main misconceptions may be categorized as legal, political, and cultural in nature.

---

[15] See, for example, the new Strategic Concept: "We attach great importance to peace and stability in the Gulf region, and we intend to strengthen our cooperation in the Istanbul Cooperation Initiative. We will aim to: […] develop a deeper security partnership with our Gulf partners and remain ready to welcome new partners in the Istanbul Cooperation Initiative" (para. 35).

[16] 2010 Strategic Concept (para. 28-29).

Legal Misconception: NATO operates in violation of international law

NATO is often perceived as operating freely, without due consideration for international rules. An impartial assessment of NATO's record with respect to legality is therefore necessary.

NATO has a choice of three possible legal bases for its operations. The first possibility is to act in collective self-defense, as contemplated in Article 5 of the Washington Treaty and Article 51 of the UN Charter. This is the case today for the maritime counterterrorist Operation Active Endeavour in the Mediterranean Sea, launched in October 2001. The second option is to operate with a mandate from the UN Security Council, which has been done for all NATO operations in Bosnia and Herzegovina as well as for Eagle Eye and KFOR in Kosovo, ISAF in Afghanistan and all three recent maritime counter-piracy operations – Allied Provider, Allied Protector and Ocean Shield. The last possibility is to be invited by a third state to intervene, which was the case for small operations such as Essential Harvest, Amber Fox and Allied Harmony in the former Yugoslav Republic of Macedonia, the Pakistan earthquake relief operation in 2005-2006, and the NATO Training Mission-Iraq (NTM-I).

The one exception to the three possibilities outlined above was NATO's operation Allied Force in Kosovo, conducted from March to June 1999, when approximately 700,000 Kosovo Albanians were displaced and the Security Council was "alarmed at the impeding humanitarian catastrophe".[17] The legal basis of Allied Force is still an open question. At that time, many scholars and states, including some within NATO, argued that "military intervention […] is lawful on grounds of overwhelming humanitarian necessity". Whether or not the NATO operation set a precedent for a fourth basis for intervention

[17] UNSC Resolution 1199, 23 September 1998.

is still to be determined[18], yet it can be considered a legitimate answer to a legal quandary at the time: five years after the Rwanda massacres the Alliance prevented a humanitarian catastrophe with broad support from the international community, justified by moral and political legitimacy. As the UN Secretary-General put it in his balanced statement of 24 March 1999: "It is indeed tragic that diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace".[19] Furthermore, this statement came after an even more forthright answer given by the Secretary-General during a press conference in Geneva on 27 January 1999:

> On Kosovo, force may be used as you have indicated. I do not know whether it will come to that or not, but I think this is a question that has exercised quite a few of us. If the Council were to be fully faced with the issue, I am not sure whether there would be vetoes on the table or not. But we have to *understand* in recent history that wherever there have been compelling humanitarian situations, where the international community collectively has not acted, some neighbours have acted. Here for example I have in mind Vietnam in Cambodia. And that did not destroy, I hope, the international system, and I think given the nature of the regime and what was happening there, the international community came to accept it.[20]

---

[18] Many Allies argue today that the "Kosovo case" is a *unicum* and does not set a precedent.

[19] UN SG/SM/6938, 24 March 1999.

[20] *In extenso*: "QUESTION: Now we see preparation of the NATO Organization for unilateral action in Kosovo. Does it mean, in your opinion, that we are assisting the beginning of the end of the system of international governments established after the Second World War and the end of the role of the Security Council as the global council which is the final instance in the question of the global security? SECRETARY-GENERAL: … On Kosovo, force may be used as you have indicated. I do not know whether it will come to that or not, but I think this is a question that has exercised quite a few of us. If the Council were to be fully faced with the issue, I am not sure whether there would be vetoes on the table or not. But we have to understand in recent history that wherever there have been compelling humanitarian situations, where the international community collectively has not acted, some neighbours have acted. Here for example I have in mind Viet Nam in Cambodia. And that did not destroy, I hope, the international system, and I think given the nature of the regime and what was happening there, the international community came to

The Organization for Security and Cooperation in Europe (OSCE) and the Organization of American States (OAS) also took a supportive stance, as did the Muslim world which was united to promote the right of Kosovo Albanians to self-determination. In the 2000 Doha Declaration, the Member States of the Organization of the Islamic Conference (OIC) "called on the United Nations to defend the right of Kosovars to self-determination and […] commended the significant improvement of security in the area".[21]

Another myth is NATO's immunity from international justice. It is rather surprising to read or hear allegations that international courts considered that NATO had committed war crimes in Kosovo but were prevented from hearing the cases because of an alleged absolute immunity. In truth, exactly the opposite occurred. The International Criminal Tribunal for the former Yugoslavia (ICTY) established a "Committee […] to review the NATO bombing campaign" in Kosovo, based on the fact that "the International Tribunal has jurisdiction over all potential war crimes in the former Yugoslavia".[22] However, the report to the Prosecutor concluded that "the committee has not assessed any particular incidents as justifying the commencement of an investigation" and emphasized that "[a]lthough some mistakes were made by NATO, the Prosecutor is satisfied that there was no deliberate targeting of civilians or unlawful military targets by NATO during the campaign".[23] Clearly, the ICTY considered that it had jurisdiction over NATO military operations but that none of them constituted war crimes. There has been no other investigation, case or charge against NATO personnel brought before the ICTY since 1999, despite nearly 20 years of military operations in the Tribunal's area of competence.

---

accept it"; UN SG/SM/6875, 27 January 1999.

[21] OIC Declaration of Doha, November 2000, § 47: "The Conference called on the United Nations to defend the right of Kosovars to self-determination and to protect their cultural heritage and Islamic identity … It commended the efforts of both UNMIK and KFOR in pursuance of the objectives of Security Council resolution number 1244, as it commended the significant improvement of security in the area".

[22] Doc. ICTY, PR/P.I.S./510-e, 13 June 2000.

[23] *Ibid.*

What does remain in the relationship between NATO and the ICTY, however, is the Alliance's cooperation concerning the arrest and transfer of fugitives to the Tribunal. If there are today only two persons left on the ICTY poster of fugitives, from the 51-name list of the first edition published by NATO in 1996, it is largely because the Alliance has efficiently cooperated with ICTY – through search operations and information sharing – and arrested more than 30 persons. Indeed, whether IFOR and SFOR in Bosnia and Herzegovina, KFOR in Kosovo, or the NATO HQ Skopje in the Former Yugoslav Republic of Macedonia, all received the official "key task" to support ICTY through search operations and information sharing. Furthermore, the fact that NATO was reluctant to conduct risky arrest operations during the first years of operation on the ground in Bosnia and Herzegovina (IFOR and the beginning of SFOR) does not contradict this conclusion. Legally, there was no hierarchy between the different key tasks of the NATO mission and it was legitimate to believe at that time that the maintenance of a safe and secure environment was the main priority which could have been put in danger by arrest operations against some of the fugitives.

Political Misconception: NATO aims to supersede the UN

It is hard to believe how strong is the idea that NATO somehow is plotting to replace the UN. In countries from Sweden to Azerbaijan and from Egypt to Iraq, NATO envoys frequently are asked the question: "Why should we help an organization aimed at superseding the UN?" While completely unfounded, with no official NATO policy agenda to even suggest an inclination in this direction, it has been instilled through US neo-conservative political musings and the proposal from the former US presidential candidate John McCain to establish a "League of Democracies" as a spearhead for the international order. The fear is also regularly manipulated by anti-NATO propaganda. Recall the infamous and ridiculous

article published by the Pravda in March 2009, before NATO's 60th anniversary summit in Strasbourg, entitled: "Obama to reform NATO to replace UN as defective organization".[24]

Notwithstanding the fact that the idea of an omnipresent NATO has gained currency among some anti-UN groups, this ambition is neither official policy, politically realistic nor legally feasible today. Comparing the UN and NATO is like comparing apples and oranges. NATO and the UN serve different functions in maintaining security: the former is the best provider of security for robust missions, whereas the latter's main role is its unique ability to provide legitimacy for crisis interventions. Since most states today legally and politically accepted the UN system of collective security when they ratified the UN's constitutive Charter, the world organization alone is able to offer what General Wesley Clark called "the unchallengeable mantle" of legitimacy.[25] NATO has no authority to impose anything on third states and the disappearance of the UN would leave the international community lawless. Whatever criticism it receives, the UN system of collective security is the best one ever established and there is no credible alternative. So it is simply not politically realistic to think about replacing the UN with NATO.

Most importantly from a legal point of view, there is currently no possibility for NATO to supersede the UN. Under Article 103 of the UN Charter, which is binding for all NATO Allies as UN Member States, the obligations under the UN Charter prevail over obligations under other international agreements.[26] Furthermore, the Washington Treaty itself clearly subordinates the Alliance to the UN Charter: "this

---

[24] D. Sudakov, "Obama to reform NATO to replace UN as defective organization", *Pravda*, 13 March 2009, http://english.pravda.ru/world/americas/13-03-2009/107232-nato_un-0 (accessed 15 July 2010).
[25] Wesley K. Clark, *Waging modern war*, New York, Public Affairs, 2002, p.125.
[26] UN Charter, art. 103 in extenso: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail".

Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security" (Article 7). In the same vein, the preamble and Article 1 of the Washington Treaty confirm the Alliance's adherence to UN primacy:

> [T]he Parties to this Treaty reaffirm their faith in the purpose and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments […T]he Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Therefore, NATO is and can only be understood as a pro-UN organization, officially dedicated to multilateralism and accepting the primary responsibility of the UN Security Council in the area of international security.

Cultural Misconception: NATO acts against Muslim populations

Herein lies the most surprising misconception about NATO, one that unfortunately is not uncommon. NATO's image in many Muslim countries represented in the UN is poor and the Alliance is sometimes depicted as pursuing an ambition to fight the Muslim world. This is far from the truth. No other regional organization has undertaken more operations to protect Muslim populations. Recall the following facts:

1. NATO is not a religion-based organization, and includes Member States with substantial Muslim populations - Albania and Turkey.

2. NATO has an official partnership with many Muslim states through the Mediterranean Dialogue and the Istanbul Cooperation Initiative.

3. NATO stopped the ethnic cleansing of the mostly-Muslim population of Kosovo Albanians in 1999.

4. In the Balkans, many individuals suspected of war crimes against Muslim populations have been sent to the ICTY in The Hague by NATO. For instance, Radislav Krstic, sentenced to 35 years' imprisonment, has been officially convicted for "genocide against the Bosnian Muslim population of Srebrenica". He was detained and transferred to the ICTY on 2 December 1998 by NATO's SFOR force. The same applies to Vidoye Blagoyevic, Momir Nikolic and others. Moreover, NATO's first-ever military engagement occurred on 28 February 1994 in order to protect Bosnian Muslim populations, when NATO planes shot down four warplanes violating the no-fly zone over Bosnia and Herzegovina.

5. NATO treated more than 3000 patients with mobile medical teams and airlifted close to 3500 tons of urgently needed supplies to Pakistan, where it also deployed engineers, medical units and specialist equipment to assist in relief operations after the devastating 8 October 2005 earthquake.

6. NATO has regularly adapted its way of fighting in Afghanistan in order to minimize civilian casualties. Despite a very unconventional and complex war situation, with enemies

who do not respect the Law of Armed Conflict, ISAF is doing its best to avoid collateral damage. A succession of policy guidelines have been adopted to that effect: two tactical directives in October 2008 and July 2009, and a new set of nine Civilian Casualty Guidelines on 6 August 2010. While NATO's approach is far from perfect, it simply is not serious to contend that the Alliance does not do its best to avoid civilian casualties.

Why is this record completely ignored by so many commentators quick to speak negatively of NATO's intentions towards the Muslim world? Moreover, while it is too early to draw conclusions regarding Unified Protector in Libya, it is undoubtedly an operation launched with a UN mandate in order to protect civilian populations.

Practical Recommendations

In order to dispel prevailing misconceptions between the two organizations and establish an efficient synergy, the following five concrete measures should be undertaken:

Public diplomacy effort to counter UN and NATO "bashing"

The first obligation to a partner is to respect its identity and achievements. In order to counter the above-mentioned negative misperceptions, Member States of both organizations should refrain from making – and denounce – any defamatory attacks against the UN and NATO.[27] Most important, however, will be a dedicated public

[27] The following is a series of books providing an entertaining, albeit unhelpful, reading on the United Nations: John Bolton, *Surrender is not an option: defending America at the United Nations and abroad*, New York Threshold, 2007, p. 486 ; Thomas P. Kilgannon, *Diplomatic divorce: why America should end its love affair with the United Nations*, Macon, Stroud & Hall, 2006, p. 219.; Eric Shawn, *The UN exposed: how the United Nations sabotages America's security and fails the world*, London, Penguin Books, 2007, p. 316; Nathan Tabor, *The Beast on the East river: the U.N. threat to America's sovereignty and security*, Nashville, Nelson Current, 2006, p. 261.

diplomacy effort on the part of each organization.

NATO's Strategic Concept must be considered as a missed opportunity in this regard. While the EU is described as "a unique and essential partner", the only objective stated in the paragraph dedicated to the cooperation with the UN is "to deepen political dialogue and practical cooperation … as set out in the UN-NATO Declaration signed in 2008, including through: enhanced liaison between the two Headquarters; more regular political consultation; and enhanced practical cooperation in managing crises where both organisations are engaged".[28] Thus, the new core document charting NATO's future direction makes a very limited contribution to delineating a more structured strategic partnership with the UN.

Both the UN and the Atlantic Alliance have to do better to voice and progress their practical cooperation, including the ongoing field cooperation in the Balkans, Afghanistan, Iraq, Pakistan and off the coast of Somalia. NATO also makes a valuable contribution to the work of the UN Counter-Terrorism Committee. The UN High Commissioner for Refugees (UNHCR) participated in the planning of NATO Crisis Management Exercise (CMX) 09, and members of UN personnel have been invited to follow courses in NATO training and education establishments. There is no reason to consider this information confidential. It is time for the two partners to come to terms with their relationship and publicly communicate and champion it.

Multilateralism reaffirmed in new NATO political and strategic documents

There is an urgent need to clearly affirm the principle of multilateralism enshrined in Article 7 of the Washington Treaty. The

[28] 2010 Strategic Concept (paras. 31-32).

organization's Strategic Concept would have been the best vector in this respect, as duly underscored by, for example, the recommendation in the EU's European Security Strategy of "an international order based on effective multilateralism".[29] In NATO's 2010 Strategic Concept, the value of "multilateralism" is, however, not explicitly mentioned and there is no demonstrable progress compared to the 1999 iteration. In 1999, the Allies simply declared that the "United Nations Security Council has the primary responsibility for the maintenance of international peace and security and, as such, plays a crucial role in contributing to security and stability in the Euro-Atlantic area". In addition, NATO was presented as "an Alliance of nations committed to the Washington Treaty and the United Nations Charter".[30] In 2010, Allies agreed that the "Alliance is firmly committed to the purposes and principles of the Charter of the United Nations, and to the Washington Treaty, which affirms the primary responsibility of the Security Council for the maintenance of international peace and security."[31]

Given the extent to which NATO is nowadays often considered an advocate of unilateralism and challenger to the UN, the Alliance in particular will have to redouble efforts to produce documents more explicitly affirming its dedication to multilateralism, the UN Charter and the primacy of the UN in international affairs.

---

[29] European Security Strategy: "A secure Europe in a better world", 12 December 2003, p. 9: "an international order based on effective multilateralism … We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority". See also the ambition to develop partnerships associated to the need for multilateral solutions in a UN framework in Art. 21.1 of the Treaty on European Union as amended by the Treaty of Lisbon of 13 December 2007: "The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations".

[30] 1999 Strategic Concept (paras. 10 and 15).

[31] 2010 Strategic Concept (para. 2).

NATO categorized as a Chapter VIII regional arrangement

Based on a misplaced interpretation of Article 53 of the UN Charter, NATO has been reluctant to consider itself a regional arrangement under Chapter VIII of the UN Charter. In order to facilitate the establishment of an efficient partnership, the Alliance should accept and publicly acknowledge its status as a Chapter VIII regional organization for its crisis management peace enforcement operations. As outlined earlier, this would not imply the need for UN Security Council authorization in the case of collective self-defense.

It is interesting to note that this is already the perception of the Alliance at the UN. The UN Secretary-General in fact referred to NATO in a Chapter VIII context as early as 1999, in his statement concerning Operation Allied Force:

> In helping maintain international peace and security, Chapter VIII of the United Nations Charter assigns an important role to regional organizations. But as Secretary-General, I have many times pointed out, not just in relation to Kosovo, that under the Charter the Security Council has primary responsibility for maintaining international peace and security—and this is explicitly acknowledged in the North Atlantic Treaty.[32]

NATO as an observer at the UN General Assembly

Trust comes from dialogue, and NATO would gain significantly from being present and accessible at the UN General Assembly. The UN is the institutional centre of the international community and the General Assembly is its most representative forum.

---

[32] UN SG/SM/6938, 24 March 1999.

Partner organizations may be granted observer status by a resolution of the Assembly. As an observer, the Alliance would have the right to follow the workings of the Assembly and its various subsidiary bodies. In order to contribute to security-related debates, the Alliance could be invited to comment. Furthermore, observer status would provide an additional opportunity to deepen relations with other organizations such as the EU, African Union (AU), Black Sea Economic Cooperation Organization (BSEC), the Commonwealth of Independent States (CIS), the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, all of which enjoy an observer status. With NATO members contributing more than 61% of the UN budget,[33] to be absent from the General Assembly under their NATO "hat" is totally anachronistic.

Establishment of a structured strategic partnership

A partnership between two major international organizations cannot only rely on empirical cooperation. The level of field cooperation to date has already been mentioned. Interactions between the respective Secretariats, as well as staff talks between NATO bodies, could also be added to the list. But this is still largely *ad hockery* and does not allow a real synergy between the two entities. A more deliberate, structured strategic partnership endorsed and advocated by the Member States of both organizations is required.

The UN-NATO Joint Declaration signed in New York on 23 September 2008 can be considered a first step, but this framework, whose scope is limited to Secretariat cooperation, is far from satisfactory. It is useful to recall that its creation took more than three years. Some UN Member States such as Russia were reluctant and even questioned whether the competence of the UN Secretary-General should include

[33] Assessment of Member States' contributions to the United Nations' regular budget for the year 2009, 24 December 2008, ST/ADM/SER.B/755.

such agreements with other organizations. Hence the establishment of a watered-down compromise text and the request from Ban Ki-moon to keep it low key. The commitments are vague, even if the cooperation framework is optimistically described as "flexible and evolving over time." But not much has been added over the past two years. Only a skeletal NATO staff of two has been established in New York, with insufficient office space. The picture on the UN side in Brussels vis-à-vis NATO is little different.

Many convincing ideas have already been put forward to fill the strategic void and upgrade the current institutional relationship.[34] It is not the purpose of this paper to repeat them here, but simply to emphasize that they should be seriously considered. Overall, an official partnership should be put in place by the Member States and two cooperation templates developed—one for permanent liaison structures, mutual invitations and strategic dialogue, the other for operational coordination.

Nevertheless, this ambition would require significant consensus across both organizations, including Member States such as Great Powers China and Russia represented in the UN Security Council. In this context, any official UN-NATO partnership framework must be seen as politically linked to the NATO-China relationship, currently developing with coordination meetings related to counter-piracy operations, as well as the NATO-Russia partnership, coordinated through the existing NATO-Russia Council (NRC). With respect to the latter, efforts must be redoubled to give real meaning to the 20 November 2010 NRC Joint Statement that "we have embarked on a new stage of cooperation towards a true strategic partnership". By extension, the UN-NATO partnership should similarly progress.

---

[34] See David Yost, "NATO and International Organizations", *Forum Paper 3*, NATO Defense College, Rome, 2007, esp. pp. 57-71.

* * *

It is not a surprise to see two old ladies, now aged over 60, being suspicious of each other. It will take time to build trust and confidence between NATO and the UN in the contemporary security environment, which is substantially different from the time both organizations were founded and largely went their own way. The two remain unique actors on the world stage but their tasks since the 1990s have become very much interdependent, their objectives similar, and the providers of the resources to achieve them very often the same. Delaying the development of a comprehensive, structured strategic partnership between the UN and NATO, publicly acknowledged and championed by their Member States, is a luxury the international community can ill afford. Dispelling misperceptions is a logical starting point.

Chapter Three

NATO and the UN in Afghanistan: Partners or Competitors?

Michael F. Harsch[1]

Introduction

In 2006, the Commander of ISAF forces in Afghanistan, British General David Richards, bleakly remarked that disunity among international organizations had created a situation "close to anarchy" in the country and warned that this was a recipe for failure.[2] Both NATO and the United Nations (UN) have pledged in recent years to coordinate and cooperate with other actors in crisis management. NATO acknowledged its dependence on civilian agencies by officially embracing, at its 2006 Riga Summit, a "comprehensive approach" which aims at combining and coordinating its measures more effectively with other actors.[3] The UN, in turn, acknowledges in its "New Horizon" peacekeeping concept that its resources must be linked with those of others and calls for "creative partnerships" in the field.[4]

---

[1] Michael F. Harsch is a Visiting Fellow at the Stiftung Wissenschaft und Politik/German Institute for International and Security Affairs (SWP) in Berlin and a Ph.D. candidate in political science at the Freie Universität Berlin. The views expressed in this paper are the author's and do not necessarily represent those of the North Atlantic Treaty Organization.

[2] David Richards, "NATO in Afghanistan: Transformation on the front line", *RUSI Journal* 151, no. 4, 2006, 10-4, p. 12.

[3] NATO Heads of State and Government, *Riga Summit Declaration,* November 29, 2006, www.nato.int/docu/pr/2006/p06-150e.htm (accessed September 14, 2009), para. 10. NATO Member States strongly reaffirmed their commitment to a comprehensive approach at the Summits in Bucharest 2008 and Strasbourg / Kehl in 2009.

[4] United Nations, *A new partnership agenda. Charting a new horizon for UN peacekeeping*, New York, July, 2009, www.un.org/Depts/dpko/dpko/newhorizon.pdf (accessed October 07, 2010), p. 34.

While the organizations' comprehensive approaches to crisis management are sound in theory, both have struggled to implement them in practice. The relationship between NATO and the UN in Afghanistan, by far the most important joint operation, has been characterized by a lack of meaningful effort to coordinate actions on the ground. Despite a short phase of intensified efforts at cooperation in 2008/09, relations between the NATO-led International Security Assistance Force (ISAF) and the UN Assistance Mission in Afghanistan (UNAMA) and other UN agencies have remained dysfunctional.

This paper investigates why NATO and the UN have failed so far to achieve stronger unity of effort in Afghanistan. It argues that, in addition to a general reluctance to give up autonomy, the imbalance of the organizations' resources has prevented any meaningful partnership. UNAMA has been dramatically understaffed and under-resourced. It is largely unable to reach out into the provinces without ISAF's support and at the same time wary of being too closely affiliated with the military. This has put the UN in a structurally weak position and has minimized incentives for ISAF to engage in cooperation. ISAF has defined its mandate of providing security increasingly broadly, taking on many traditionally civilian-led tasks, such as reintegration, anti-corruption and the promotion of good governance. This has created an unbalanced division of labor and has sparked concerns within UNAMA about subordination.

The paper concludes that NATO and the UN will have to fully accept their mutual dependence in Afghanistan, building a synergetic partnership instead of opting for substitution and evasion strategies. This includes the requirement that the UN provide its mission in Afghanistan with the necessary capacities to become a credible partner for the Alliance. NATO must fully respect and enable the UN's political leadership in Afghanistan to ease UN fears of domination and to give the international community a more unified voice.

An assessment of cooperation in Afghanistan

When NATO and the UN began to work together in Afghanistan in 2003, they could already look back on years of wide-ranging joint efforts in Bosnia and Kosovo.[5] Afghanistan, however, has posed new and unique operational challenges. The country is sixty times larger than Kosovo, located thousands of kilometers away from NATO's original treaty area, characterized by a huge diversity of ethnic and tribal groups, and severely underdeveloped and war-torn after decades of armed conflict. In contrast to Kosovo, the two missions had to coordinate their actions from the beginning with a sovereign, albeit weak, national government, and have faced the pressures and constraints of operating in an escalating armed conflict. The following section outlines the division of labor and coordination mechanisms between ISAF and UNAMA. It then analyses how cooperation has evolved in practice.

Division of labor: sound on paper, obsolete in practice?

When the international presence in Afghanistan was set up in late 2001, the division of labor between UNAMA and ISAF seemed clear-cut. UNAMA received a narrow political mandate. It was tasked to concentrate on the political process set out in Bonn, including provisions related to human rights, the rule of law and gender issues. Furthermore, it received the tasks of promoting national reconciliation through the provision of "good offices" and of coordinating the UN's humanitarian efforts.[6] ISAF was mainly responsible for providing

[5] Though ISAF was established in December 2001, NATO's assumption of the ISAF command in August 2003 marked the formal beginning of cooperation between NATO and the UN in Afghanistan. On the experiences in Bosnia and Kosovo see Ryan C. Hendrickson, Diplomacy and war at NATO. The secretary general and military action after the Cold War, Columbia, University of Missouri Press, 2006; David S. Yost, NATO and International Organizations, Forum Paper 3, NATO Defense College, Rome, September, 2007; Lawrence S. Kaplan, NATO and the UN. A peculiar relationship, Columbia, University of Missouri Press, 2010.

[6] UN Secretary-General, *The situation in Afghanistan and its implications for international peace and*

a secure environment in which the political process and economic development could take place.[7]

Both mandates were in line with a supposedly "light footprint" approach of minimal intrusion upon Afghanistan's sovereignty. The international donor community also did not task the UN, or any other actor, with coordinating international assistance to Afghanistan. Instead, a "lead nation" approach was adopted at a G8 donor meeting in Geneva in spring 2002. Important donors received the responsibility for orchestrating efforts to reform, or more adequately to (re)build, different pillars of Afghanistan's security sector.[8] However, no "lead nation" assumed responsibility for coordinating international reconstruction and development aid, reflecting "a disinclination on the part of the American, UN and G8 leadership to step into this breach."[9]

International aid contributions in the first years of the operations were considerably smaller than in other post-conflict regions, such as the Balkans – even though Afghanistan's rudimentary infrastructure had been much more severely devastated.[10] The initial force-to-population ratio was also extremely low. The US and its allies deployed just about one soldier per thousand local inhabitants in 2004, while 20 soldiers per thousand inhabitants had been deployed to Kosovo in 2000.11

security, UN Doc. A/56/875–S/2002/278, March 18, 2002, para. 97.

[7] UN Security Council, *Resolution 1386*, UN Doc. S/RES/1386, December 20, 2001. The Security Council has regularly renewed ISAF's mandate. As of October 2010, eleven Security Council resolutions had been passed (Res. 1386, 1413, 1444, 1510, 1563, 1623, 1707, 1776, 1833, 1890 and 1943).

[8] Mark Sedra, "Security sector reform in Afghanistan. The slide towards expediency", *International Peacekeeping* 13, no. 1, 2006, pp. 94–110.

[9] James L. Jones and Thomas R. Pickering, *Afghanistan Study Group report. Revitalizing our efforts, rethinking our strategies*, Center for the Study of the Presidency, New York, January 30, 2008, www.thepresidency.org/storage/documents/FellowsPaperGradingGuidelines/Afghanistan_Study_Group_Report.pdf (accessed October 09, 2010), p. 20.

[10] E.g. Bosnia received almost twelve times higher annual per capita assistance than Afghanistan in the first two years of the international presence, see James Dobbins et al., *The UN's role in nation-building. From the Congo to Iraq*, Santa Monica, RAND, 2005, p. xxviii.

Many analysts criticized the "light footprint" approach as an excuse for minimal financial and military engagement in the country and derided it as "nation-building on the cheap" and "tiptoeing through Afghanistan".[12]

However, there existed initially widespread resistance against a broader engagement in Afghanistan. The US opposed any efforts at "nation-building". As a presidential candidate, George W. Bush had stated that American troops "ought to be used to fight and win war", and key members of his administration insisted that the execution of non-military tasks undermined the military's morale and readiness.[13] US forces in Afghanistan concentrated on operations against al-Qaeda and Taliban leaders. They cooperated with Afghan warlords and local strongmen who were supposed to guarantee stability in their area of influence until newly recruited and trained Afghan national security forces would be able to take over.[14]

The European powers were also reluctant to become too deeply involved in Afghanistan.[15] Most were in the first place motivated by desire to show solidarity and loyalty to the US (and later NATO), rather than by the aim to rebuild the country in order to prevent a return of al-Qaeda. This translated into "half-hearted commitment, with mere

---

[11] *Ibid*., p. xxii.

[12] Simon Chesterman, "Walking softly in Afghanistan. The future of UN state-building", *Survival* 44, no. 3, 2002, 37–46; Milian Vaishnav, "Afghanistan: The chimera of the 'light footprint'", in *Winning the peace. An American strategy for post-conflict reconstruction,* ed. Robert C. Orr, Washington, DC, CSIS Press, 2004, pp. 244–62.

[13] Commission on Presidential Debates, *The second Gore-Bush Presidential Debate*, Transcript, October 11, 2000, www.debates.org/index.php?page=october-11-2000-debate-transcript (accessed September 02, 2010); Michael R. Gordon, "The 2000 campaign: The military; Bush would stop U.S. peacekeeping in Balkan fights", *The New York Times,* October 21, 2000.

[14] James Dobbins, *Ending Afghanistan's civil war. Testimony presented before the House Armed Services Committee,* January 30, 2007, http://armedservices.house.gov/pdfs/FC%20hearing_013007/Dobbins%20Testimony.pdf (accessed September 02, 2010), p. 3.

[15] Amin Saikal, "Afghanistan's transition. ISAF's stabilisation role?", *Third World Quarterly* 27, no. 3, 2006, 525–34, p. 528.

presence more important than the impact of engagement".[16]

Many UN members, finally, supported the "light footprint" approach because Afghanistan, however dysfunctional, remained a sovereign state. Developing countries were especially keen to prevent an erosion of the concept of national sovereignty against voices promoting more frequent international interventions in cases of state failure.[17] As a result, the roles of ISAF and UNAMA remained very limited in the first years of the mission.

The organizations' mandates initially simply called upon ISAF to work in "close consultation" with the UN Special Representative of the Secretary General (SRSG).[18] However, ISAF and UNAMA are independent missions and have separate chains of command, necessitating a form of non-hierarchical coordination. Orchestrating policies has been further complicated by the fact that the UN SRSG lacks authority over the various UN agencies operating in Afghanistan, and that each ISAF nation tends to conduct operations according to its national preferences and priorities. In contrast to the mission in Kosovo, there have been no joint tasks, such as the provision of public safety. While the mandates created a clear division of responsibilities between ISAF and UNAMA in theory, they have also contributed to a general perception within the organizations that it is not necessary to engage in cooperation with each other.

One example is the half-hearted attempt to define ISAF's responsibilities for protecting UN personnel in Afghanistan. ISAF's mandate only stipulated that the force had to guarantee that the UN

---

[16] International Crisis Group, *Afghanistan: The need for international resolve*, Asia Report, 145, February 06, 2008, p. 12.

[17] Simon Chesterman, *You, the people. The United Nations, transitional administration, and state-building*, Oxford, Oxford University Press, 2004, p. 89.

[18] UN Security Council, *Resolution 1386*, UN Doc. S/RES/1386, December 20, 2001, para. 4; UN Security Council, *Resolution 1401*, UN Doc. S/RES/1401, March 28, 2002, para. 6

could operate in a "secure environment", but it did not specify what this obligation meant in operational terms. It was not until 2008 that the SRSG and the Commander ISAF (COMISAF) concluded a "Letter of Agreement" which formalized and clarified procedures for ISAF in extremis military, medical and transportation assistance for UNAMA and all UN agencies.[19]

However, even these provisions turned out to be insufficient when Taliban fighters attacked a guest house in Kabul in October 2009, killing five UN staff members and wounding five.[20] While NATO maintained that it was the responsibility of the Afghan security forces to respond to incidents in Kabul until they were overwhelmed by the situation, and that the Afghan authorities had not asked ISAF for support,[21] the UN questioned why it took one hour before international forces arrived on the scene, despite desperate calls for help.[22] A UN inquiry into the attack diplomatically concluded that there had been "a number of shortcomings […] with respect to coordination between the United Nations and both its international partners and the host Government authorities".[23] The guest house incident and the April 2011 attack against UNAMA's compound in Mazar-i-Sharif illustrate the Afghan Security Forces' inability to provide adequate protection for UNAMA and the urgent need to develop clear mechanisms for ISAF support in emergency situations.

---

[19] COMISAF and UN SRSG for Afghanistan, *Letter of agreement. In extremis military, medical and transportation assistance, and threat advisories*, Kabul, August, 2008.

[20] UN Secretary-General, *The situation in Afghanistan and its implications for international peace and security*, UN Doc. A/64/613–S/2009/674, December 28, 2009, para. 24.

[21] Edith M. Lederer, "UN critical of Afghan, NATO response to attack", *Boston Globe,* October 31, 2009.

[22] Ban Ki-moon, *Remarks to the General Assembly on staff security*, New York, October 30, 2009, www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=638 (accessed September 07, 2010).

[23] UN Department of Public Information, *Secretary-General orders review of findings by inquiry into Kabul attack, as report highlights 'shortcomings' in joint security measures*, UN Doc. SG/SM/12857, April 26, 2010, www.un.org/News/Press/docs/2010/sgsm12857.doc.htm (accessed September 07, 2010).

In most areas, the envisioned division of labor between ISAF and UNAMA has never been translated into practice. ISAF took over non-military activities which were part of UNAMA's mandate, such as governance promotion and coordination of reconstruction projects. As the former British diplomat, Michael Aaronson, observed:

Turning to the relationship between ISAF and UNAMA, what struck me is how much ISAF has moved in to fill the space the UN would normally occupy. Although it is true that the Security Council has given the security role to NATO/ISAF, 'security' in this context can be so broadly defined that ISAF takes virtually everything upon itself.[24]

NATO's ambitions beyond the military realm are also evident in the creation of a Senior Civilian Representative (SCR) for Afghanistan.[25] The SCR carries forward the Alliance's political-military objectives in the country and represents the NATO Secretary-General and the North Atlantic Council in Afghanistan. NATO's first SCRs played a rather low-key role and were marginalized by the COMISAF.[26] Yet, the simple fact that NATO appointed a high-level political representative for Afghanistan, vested with a broad and only vaguely defined mandate, has raised questions about the division of labor with the UN SRSG.

Some analysts have argued that NATO had to take the lead in many areas by default, because the UN was not present or capable of managing ground realities. They have criticized what they call a "near

---

[24] Michael Aaronson, "An outsider's view on the civil-military nexus in Afghanistan", in *Comparative perspectives on civil-military relations in conflict zones,* eds. Michael Williams and Kate Clouston, London, RUSI, 2008, 10–9, p. 13.

[25] The position has been held by Hikmet Çetin of Turkey (2003-06), Daan W. Everts of the Netherlands (2006-08), Fernando Gentilini of Italy (2008-10), and Mark Sedwill of the United Kingdom (since 2010).

[26] Peter Viggo Jakobsen, "Right strategy, wrong place: Why NATO's Comprehensive Approach will fail in Afghanistan", *UNISCI Discussion Papers* 8, no. 22, 2010, 78–90, p. 84.

total lack of UN leadership in Afghanistan" and claim that "successive UN Secretary-Generals have stood by and watched Afghanistan fall into further chaos".[27] In this situation, NATO was forced "to pick up the slack".[28]

However, this explanation of UN unwillingness to act as the cause of ISAF's expansive role is not completely convincing. UNAMA's staff had considerable expertise in the areas of institution-building, rule of law, human rights, and reconstruction and development. ISAF was not simply drawn into a vacuum left by UNAMA and the Afghan government. The primary reason for ISAF's behavior was its perception that it did not require UNAMA's resources.

ISAF and UNAMA relations are marred by a heavy imbalance of resources. The UN mission has been "woefully understaffed and under-resourced"[29] from the beginning and has suffered from an international staff vacancy rate of up to 40%.[30] The volatile security situation has furthermore led to a minimal UN presence in those areas where the military needs UNAMA the most.[31] UNAMA has been extremely dependent on external resources. SRSG Lakhdar Brahimi already warned in 2002: "Without serious support, the UN cannot achieve anything in the country".[32]

---

[27] Smith and Williams, *What lies beneath: The future of NATO through the ISAF prism*, p. 6.

[28] Kate Clouston, "Comparative perspectives on civil-military relations", in Comparative perspectives *on civil-military relations in conflict zones,* eds. Michael Williams and Kate Clouston, London, RUSI, 2008, 1–9, p. 3.

[29] Julianne Smith and Michael Williams, What lies beneath: The future of NATO through the ISAF prism, CSIS, Washington, DC, March 31, 2008, www.csis.org/media/csis/pubs/080331_nato.pdf (accessed August 14, 2010), p. 5.

[30] Un Secretary-General, *Report of the Secretary-General pursuant to paragraph 40 of resolution 1917 (2010)*, UN Doc. S/2010/318, June 16, 2010, para. 69-70.

[31] Iselin Hebbert Larsen, UNAMA in Afghanistan. Challenges and opportunities in peacemaking, state-*building and coordination*, Security in Practice 3/2010, Norwegian Institute of International Affairs, Oslo, 2010, http://english.nupi.no/content/download/12005/118516/version/3/file/SIP-03-10-NUPI+Report-Hebbert+Larsen.pdf (accessed August 13, 2010), p. 33.

[32] Lakhdar Brahimi, "Interview: Wir brauchen Friedenstruppen außerhalb Kabuls", Süddeutsche Zeitung, March 25, 2002, author's translation.

In contrast, NATO quickly became "the predominant multilateral institution in many areas of Afghanistan, not only in terms of assets and personnel but also in sheer reach".[33] A former PRT commander observed that the international troops sought "their own resources to solve a problem", while the civilian side did "not in any one agency possess the skills to do all aspects of the job", and therefore, needed to coordinate their activities with other actors.[34] ISAF was able to operate independently. UNAMA, on the other hand, could hardly reach into the provinces without ISAF's support and protection.

In sum, the formal division of labour between ISAF and UNAMA has been called into question by a stark imbalance of human, financial and logistic resources. ISAF was at least partly proactive in its take over of non-military tasks. The military was keen to guard its operational autonomy and to use reconstruction projects according to its priorities. In a nutshell, a low and asymmetrical resource dependency impeded meaningful cooperation between ISAF and UNAMA.

Coordination: many forums, few results?

Theatre relations

UNAMA and ISAF representatives have been meeting each other in a vast number of forums at different levels. In addition to direct meetings between the SRSG and the COMISAF, both leaders are part of the "Group of Principals" and the Policy Action Group (PAG), a "war cabinet" chaired by President Karzai or his national security advisor. Another forum has been the PRT Executive Steering Committee, an ambassadorial/ministerial-level body to provide guidance for PRT

---

[33] International Crisis Group, *Afghanistan: The need for international resolve*, p. 13.

[34] Colonel Jon R. Brittain, Commander of the UK PRT in Mazar-e Sharif from June to December 2005. Jon R. Brittain, "Civil-military interaction: Practical experiences of a PRT commander", in *Zivil-militärische Zusammenarbeit am Beispiel Afghanistan. Civil-military interaction - challenges and chances,* eds. Walter Feichtinger and Markus Gauster, Wien, Landesverteidigungsakademie, 2008, 123–30, p. 129.

activities, co-chaired by the SRSG, the COMISAF, the NATO SCR, and a senior representative of the Afghan government.[35] The London Conference of 2006 has furthermore created the Joint Coordination and Monitoring Board (JCMB) as the most senior body for strategic coordination.

ISAF has also established liaison officers at the UNAMA Headquarters in Kabul. UNAMA has refrained from sending representatives to the ISAF Headquarters, however, reportedly because it did not want to put itself on an equal footing with ISAF and seeks not to be affiliated with the military.[36] At the provincial level, relations between UNAMA and the PRTs remained much less institutionalized.[37] The frequent turnover of military personnel and changes in UN staff have effectively prevented the establishment of meaningful, long-term relationships in the provinces.[38] UNAMA continues to suffer from chronic staff shortages and has frequently not been able to send staff to meetings with ISAF.[39]

Even though UNAMA and ISAF officials attended "a plethora of meetings at various levels", prioritization and meaningful coordination have remained elusive.[40] The former ISAF commander Richards recalls:

The problem of co-ordination was very real. I am not sure how it came about, but on arrival in May 2006 I found that I couldn't get any traction on the policy making process. You'd have individual ambassadors having discussions with President Karzai or one of his

[35] Provincial Reconstruction Team (PRT) Executive Steering Committee, *Charter. Adopted 2 December 2004, revised 3 August 2006 and December 2008,* December, 2008.
[36] Interview with former UNAMA official, June 2009.
[37] Interview with senior UN official, New York, October 2008.
[38] Lara Olson and Hrach Gregorian, "Interagency and civil-military coordination: Lessons from a survey of Afghanistan and Liberia", *Journal of Military and Strategic Studies* 10, no. 1, 2007, p. 23.
[39] Interview with former senior ISAF official, May 2010.
[40] Daniel Korski, *Afghanistan Europe's forgotten war*, European Council on Foreign Relations, London, January 21, 2008, http://ecfr.3cdn.net/6f494e9a379a6444df_85m6bt94n.pdf (accessed August 26, 2010), p. 18.

ministers that would lead to decisions that no one else would know about. I would be doing the same thing.[41]

The International Crisis Group notes that participants in coordinating forums have often done "little more than repeat policy lines and action points".[42] The JCMB has become a highly bureaucratic body, with various consultative groups and numerous technical working groups. Originally envisioned as a small and effective "UN Security Council", the JCMB's membership constantly grew, turning the body into a little "UN General Assembly" with almost 30 international and several Afghan members. It was far too cumbersome for strategic planning and decision-making, and produced few substantive results.[43]

Even if decisions were made, JCMB members did not face any sanctions if they failed to meet benchmarks. Meeting in different capitals around world, analysts quickly derided the JCMB as "a travelling jamboree […] rather than […] the primary in-country coordination mechanism".[44] Key members of the JCMB have now established a smaller coordinating meeting at the working level in New York. However, the forum is not high-ranking enough to be able to make substantial decisions.

The exchange between UNAMA and ISAF has, moreover, been complicated by the lack of an agreement for sharing classified information. The organizations' representatives have to rely on case-by-case arrangements for certain documents. ISAF has been concerned

---

[41] David Richards, "RUSI Interview with General David Richards", *The RUSI Journal* 152, no. 2, 2007, 24–33, p. 29.
[42] International Crisis Group, *Afghanistan: The need for international resolve*, Asia Report, 145, February 06, 2008, p. 14.
[43] Michael F. Harsch and Thomas Ruttig, "An inundation of envoys", *ISN Security Watch,* February 24, 2009, www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?ots591=4888CAA0-B3DB-1461-98B9-E20E7B9C13D4&lng=en&id=96866 (accessed September 02, 2010).
[44] International Crisis Group, *Afghanistan: The need for international resolve*, p. 14.

that sensitive documents could be disclosed. UNAMA has complained about ISAF's restrictive policy in this area, being dependent on the military for security-related information. SRSG Brahimi already stressed in 2003: "As you know we have no means of being informed in detail ourselves as the United Nations. We have no military presence here and we have no intelligence".[45]

ISAF officials maintain that information-sharing has been possible, even though it demands a certain amount of "creativity". For example, certain documents are cleared from sources and then handed over to UNAMA. The content of documents can also be explained in personal conversation without actually sharing them. However, over-classification of information, even non-military, has repeatedly impeded cooperation. For example, a PRT in Afghanistan once rejected a UN request to share its flood-contingency plan because it was classified.[46] Another example has been the classification of ISAF troop-contributing nations' "Comprehensive Political-Military Strategic Plan for Afghanistan". The document reportedly emphasizes UNAMA's key role in Afghanistan, but NATO representatives are not allowed to formally share it with UN officials. Even weather forecasts are often routinely classified.

NATO, the UN and the EU have considered improving coordination by introducing elements of hierarchy between their missions. In 2007/08, there was debate about merging the positions of the UN SRSG, the NATO SCR and the EU special representative into a double- or triple-hatted "super envoy". However, in addition to questions about the practicability of an envoy simultaneously representing three different entities, the organizations were afraid of losing organizational independence. Many in the UN feared that

[45] Lakhdar Brahimi, "Interview: U.N. envoy to Afghanistan sees probable delay of June election", *The Yomiuri Shimbun,* September 09, 2003.
[46] Interview with Scott Smith, Senior Political Affairs Officer (Afghanistan Desk), UN Department of Peacekeeping Operations, New York, October 2008.

merging the UN SRSG with the NATO SCR would endanger the organization's impartiality in Afghanistan. NATO, in turn, wanted to keep internal decision-making processes from becoming known to the UN membership and objected to subordination to the UN.[47] In the end, neither organization has been ready to put itself under the direction of the other.

Headquarters relations

UN-NATO relations in Afghanistan have not only faced challenges on the ground, but have also suffered from a lack of strategic dialogue at the headquarters level. Until the conclusion of the September 2008 Joint Declaration, there existed no formal basis for exchange between the Headquarters. Desk-to-desk contacts were rare and took place on an ad hoc basis.

NATO first proposed a Joint Declaration in 2005 after growing signs that the UN was ready to take institutional relations with the Alliance to a new level.[48] The first draft versions outlined possible fields of cooperation and concrete measures to intensify collaboration, such as a NATO offer to support UN peacekeeping missions with strategic airlift as well as regular exchange of personnel between the headquarters. The UN Secretary-General's authority to sign Joint Declarations the member states' formal consent made it possible to avoid a vote in the UN General Assembly, where NATO critics dominate.

However, many UN members and staff were afraid that a stronger reliance on NATO assets could reduce UN decision-making

[47] Daan Everts, "Interview: Nation building key in Afghanistan", *Al Jazeera,* December 23, 2007, http://english.aljazeera.net/news/asia/2007/12/200852518425849682.html (accessed August 13, 2010).

[48] Most notably, the September 2005 UN World Summit called for expanded "consultation and cooperation between the United Nations and regional … organizations through formalized agreements between the respective secretariats" (UN General Assembly, *2005 World Summit Outcome*, UN Doc. A/ RES/60/1, October 24, 2008, para.170 (a)).

autonomy and operational independence. In particular, the permanent Security Council member Russia fiercely opposed any agreement with the Alliance. Furthermore, the UN's humanitarian bodies and agencies feared that closer cooperation with NATO could jeopardize their neutrality and impartiality in conflict areas and put their staff at risk. Secretary-General Annan and his successor Ban were both reluctant to defy large parts of the UN constituency, and their cabinets advised them not to sign the declaration. The UN repeatedly delayed the signature and the document was watered down over the years, removing any concrete proposals for cooperation.[49]

NATO continued to push the issue of the declaration, and urged UN Secretary-General Ban in meetings in 2008 not to delay signature any further.[50] NATO Secretary-General de Hoop Scheffer later declared that he worked "ceaselessly" for the accord.[51] The UN Secretary-General had to weigh the risks and benefits of his decision. UN representatives familiar with the issue believe that his decision was based on the assumption that it was crucial not to be at odds with fundamental UN members like the US and the European states, and that NATO had the potential to provide desperately needed logistical and training capabilities for UN peacekeeping operations, particularly in Africa. In an effort not to upset the declaration's opponents further, the UN secretariat urged NATO not to publish the accord, and ordered its staff to keep the issue as low-key as possible.[52]

The "quiet signing" nevertheless caused a public outcry in Russia. Foreign Minister Sergey Lavrov accused Ban Ki Moon of "secretly" concluding an agreement without properly consulting

[49] For a more comprehensive analysis of the Declaration's genesis, see Michael F. Harsch and Johannes Varwick "NATO and the UN", *Survival* 51, no. 2. 2009, p. 5-12.
[50] Interview with senior US official, Washington, DC, May 2009.
[51] Jaap de Hoop Scheffer, *Speech to the National Assembly*, Paris, February 12, 2009, www.nato.int/cps/en/natolive/opinions_51356.htm (accessed September 15, 2009).
[52] Peter Viggo Jakobsen, *A work in slow progress: NATO's comprehensive approach to crisis response operations*, DIIS Report 15, Danish Institute for International Studies, Copenhagen, November, 2008, p. 33.

Security Council members. Russia's ambassador to NATO, Dmitry Rogozin, even called the declaration "illegal".[53] The NATO and UN secretariats argued, however, that they held sufficient briefings and that a Joint Declaration of the Secretaries-General did not require approval from UN members. A UN spokesperson emphasized that the accord was in line with similar agreements with other regional organizations and that it did "not imply agreement with all NATO policies".[54]

For NATO, the main value of the agreement has been symbolic. The UN recognized NATO as an interlocutor, granting it the same status that other regional bodies, such as the EU and the Association of Southeast Asian Nations (ASEAN), already possessed: "The Joint Declaration provides legitimacy for NATO's activities. It is an encouragement for states that are reluctant to cooperate with NATO, for example Pakistan and the 'Muslim world'. The declaration is a way of 'image enhancement' for NATO".[55] NATO's push for a formal accord therefore seems to have been primarily an effort to increase international as well as domestic support for the Afghan mission.

However, the Joint Declaration is also the first formal accord between the headquarters and provides a framework for expanded consultation and cooperation.[56] It has facilitated more frequent contacts at the headquarters level, and in 2010 NATO established a civilian liaison officer in New York.[57] "Education days" and more regular meetings are useful to increase the exchange of information and promote a common understanding of the challenges in Afghanistan and in other joint operations.

---

[53] Steve Gutterman, "Russia official blasts 'secretive' UN-NATO deal", *The Associated Press,* October 09, 2008, www.usatoday.com/news/world/2008-10-09-722816108_x.htm (accessed October 11, 2010).
[54] Michele Montas, *Highlights of the noon briefing*, UN Headquarters, New York, December 03, 2008, www.un.org/News/ossg/hilites/hilites_arch_view.asp?HighID=1227 (accessed October 11, 2010).
[55] Interview with senior NATO official, Brussels, June 2010.
[56] Jaap de Hoop Scheffer and Ban Ki-moon, *Joint Declaration on UN/NATO secretariat cooperation*, New York, September 23, 2008, http://wikileaks.org/leak/un-nato-agreement-2008.pdf (accessed September 14, 2009).
[57] A NATO military liaison officer to the UN has existed since the mid-1990s.

The operational impact on the mission in Afghanistan has nevertheless remained very limited. Many within UNAMA had hoped that the Joint Declaration would involve having the COMISAF consult the SRSG on a more regular basis and designating the UN envoy as his most senior political adviser. UN officials felt that this would have been an effective step to improve coordination between the organizations.[58] NATO, in turn, has been disappointed that the UN has remained reluctant to engage in closer cooperation, for example by institutionalizing relations between NATO's strategic military headquarters, SHAPE, and the UN Department of Peacekeeping Operations (DPKO). Thus, the UN-NATO's joint declaration was mainly an effort, in the former's case, to gain access to external legitimacy, and in the latter's, capabilities. Yet, the result did not completely fulfill either side's expectations.

Cooperation in practice: a mixed record

ISAF and UNAMA have cooperated in Afghanistan on a number of issues. The record is mixed. The rest of this section analyzes UN and NATO efforts to align their policies in two key areas: the protection of civilians and the promotion of more effective governance and reconstruction. As outlined above, concerns about operational and decision-making autonomy and the resource imbalance between ISAF and UNAMA impeded close cooperation. Growing interdependence led to a short period of stronger coordination in 2008/2009, but UNAMA's continuing lack of resources and ISAF's growing dominance in all policy areas have again reduced the organizations' willingness to engage with each other.

---

[58] Larsen, *UNAMA in Afghanistan*, pp. 33-34

The use of military force and civilian casualties

From 2006 on, confrontation between international troops and insurgents has caused a growing number of civilian deaths in Afghanistan. According to Human Rights Watch, an independent NGO, civilian deaths in Afghanistan from US and NATO airstrikes nearly tripled from 2006 to 2007.[59] This trend sparked a controversy on the use of force between NATO and the UN. At the center of the row was the use of air strikes and, at a more abstract level, the trade-off between the safety of international troops in combat situations and the protection of civilians. The issue has been partly resolved by ISAF's new counterinsurgency guidelines, tactical directives and statements directed at reducing civilian casualties. These measures have produced a decrease in civilian deaths and injuries, even as large numbers of additional troops entered Afghanistan in 2009 and 2010.[60] However, civilians continue to be killed in the conflict and the issue remains contentious.

The controversy between NATO and the UN began when civilian casualties increased from almost 1,000 in 2006 to more than 1,500 in 2007, approximately 630 of them attributable to Afghan government and international military forces.[61] The main reason for the rise of the number of civilian casualties was that NATO and OEF troops came under increasing attack from insurgents and called in air strikes. These improvised "troops-in-contact" air strikes do not allow a thorough assessment of potential collateral damage. Additionally,

---

[59] Human Rights Watch, "*Troops in Contact". Airstrikes and civilian deaths in Afghanistan*, New York, Octorber, 2008, p. 14.

[60] UNAMA, *Afghanistan: Mid year report on protection of civilians in armed conflict 2010*, Kabul, August, 2010, http://unama.unmissions.org/Portals/UNAMA/Publication/August102010_MID-YEAR%20REPORT%202010_Protection%20of%20Civilians%20in%20Armed%20Conflict.pdf (accessed October 07, 2010), pp. 13-14.

[61] UNAMA, *Afghanistan: Annual report on protection of civilians in armed conflict, 2008*, Kabul, January, 2009, http://unama.unmissions.org/Portals/UNAMA/human%20rights/UNAMA_09february-Annual%20Report_PoC%202008_FINAL_11Feb09.pdf (accessed August 29, 2010), p. 7.

revised insurgent tactics, including launching attacks from homes and populated areas, making the strikes more likely to cause civilian deaths.[62] The March 2007 Security Council mandate for UNAMA explicitly instructed the mission for the first time to monitor the situation of civilians in the armed conflict.[63]

The UN urged the international forces to live up to their responsibilities under international humanitarian law to protect civilians. UN Secretary-General Ban Ki-moon warned in July 2007 that "civilian casualties, no matter how accidental, strengthen our enemies and undermine our efforts".[64] UN agencies also reproached ISAF for not being responsive and accessible to families in ensuring redress when civilian casualties occurred.[65]

NATO officials regretted civilian casualties, but felt that UNAMA's public criticism of civilian casualties was one-sided and exaggerated. They maintained that NATO forces had never intentionally killed civilians and that the troops had to act in self-defense in life-threatening situations.[66]

The dispute between the UN and NATO was driven by the organizations' conflicting priorities with regard to the military campaign in Afghanistan and their unwillingness to align policies. NATO countries were interested in stabilizing Afghanistan with a limited amount of troops and in minimizing the risk for the forces

---

[62] J. Alexander Thier and Azita Ranjbar, *Killing friends, making enemies. The impact and avoidance of civilian casualties in Afghanistan*, Washington, DC, July, 2008, p. 2.
[63] UN Security Council, *Resolution 1746*, UN Doc. S/RES/1746, March 23, 2007, para. 4.
[64] Ban Ki-moon, *Address to conference on justice and rule of law in Afghanistan*, Rome, July 03, 2007, www.un.org/apps/sg/sgstats.asp?nid=2649 (accessed September 02, 2010).
[65] Integrated Regional Information Networks (IRIN), "Afghanistan: UNAMA facing new humanitarian challenges", May 28, 2007, www.alertnet.org/thenews/newsdesk/IRIN/722d3fdf04c6a7c902b5629374728bf2.htm (accessed September 02, 2010).
[66] Jaap de Hoop Scheffer, *Secretary-General's address. Rome conference on the rule of law in Afghanistan*, Rome, July 03, 2007, www.rolafghanistan.esteri.it/NR/rdonlyres/D2515E25-F966-43B6-82CD-0-E71227EE2BC/0/NATO.pdf (accessed August 26, 2010), p. 4.

deployed there. This led to a NATO preference for airstrikes: firstly, because the number of ISAF ground troops was insufficient to control the territory; and secondly, because air strikes minimized the risk of suffering casualties amongst ISAF forces, as the insurgents were largely unable to respond to such attacks.

As for UNAMA, it had the mandate to monitor and prevent civilian casualties. This put UNAMA at odds with ISAF's policy. UNAMA perceived the growing number of civilian casualties as the result of a political and military calculation to accept a higher number of Afghan civilian deaths in order to avoid NATO casualties. Air strikes have been statistically much more likely to cause civilian casualties than ground attacks, and they have accounted for most of the civilian deaths caused by international forces.[67]

ISAF and UNAMA's position have nevertheless slowly converged on the controversial issue of civilian casualties. In particular, ISAF has adjusted its policy to maintain Afghan and domestic support. NATO countries started to realize in 2007 that without legitimacy in the eyes of the Afghan people, it would be "very difficult to [discourage] insurgency and anti-government elements".[68] The Taliban leadership was increasingly successful in portraying the international presence in the country as an illegitimate American-led occupation. This spurred Afghan nationalism defined by pride about repeatedly having driven out foreign invaders in the past.[69] NATO feared that it was winning the military battles, but was in danger of losing the strategic battle over public opinion.[70] One measure to improve NATO's image and

[67] UNAMA, *Afghanistan: Mid year report on protection of civilians in armed conflict 2010*, pp. 13-14.
[68] Daan Everts, "Interview: Nation building key in Afghanistan", *Al Jazeera,* December 23, 2007, http://english.aljazeera.net/news/asia/2007/12/200852518425849682.html (accessed August 13, 2010).
[69] Astri Suhrke, "The dangers of a tight embrace. Externally assisted statebuilding in Afghanistan", in *The dilemmas of statebuilding. Confronting the contradictions of postwar peace operations,* eds. Roland Paris and Timothy D. Sisk, Milton Park Abingdon Oxon, New York, Routledge, 2009, 227–51, p. 243.
[70] Cable News Network (CNN), *International Correspondance: NATO's information war against the Taliban,* November 30, 2007, http://edition.cnn.com/TRANSCRIPTS/0711/30/i_c.01.html (accessed September 02, 2010).

credibility was intensified cooperation on civilian casualties with UNAMA. The UN possesses the necessary neutrality to monitor civilian casualties. It is able to credibly confirm NATO reports and to dismiss exaggerated claims of civilian deaths by the Taliban.[71]

The final trigger for policy change was a US airstrike on the town of Azizabad, in the western province of Herat, in August 2008. The US military initially insisted that only 5-7 civilians were killed in an operation against the Taliban.[72] However, a UNAMA investigation suggested that some 90 civilians, including 60 children, were among the victims, and SRSG Kai Eide called the incident a "matter of grave concern" to the UN.[73] NATO and the US military reacted to heavy criticism from the Afghan government and UNAMA, and revised their operating procedures. General David McKiernan issued new tactical directives on preventing civilian casualties to ISAF and OEF field commanders.[74] The directives demanded that troops consider a "tactical withdrawal" instead of calling in air support when civilians were believed to be present in an area. By discouraging overreliance on air power to repel attacks, ISAF hoped to minimize the number of civilian deaths.

Furthermore, ISAF promised to promptly admit when civilians were killed and to offer payments to the families of the victims. The

---

[71] IRIN, "Afghanistan: UNAMA facing new humanitarian challenges", May 28, 2007, www.alertnet.org/thenews/newsdesk/IRIN/722d3fdf04c6a7c902b5629374728bf2.htm (accessed September 02, 2010).
[72] Carlotta Gall, "Evidence points to civilian toll in Afghan raid", *The New York Times,* September 07, 2008.
[73] UNAMA, *Special Representative Kai Eide on civilian casualties caused by military operations in Shindand*, Press Statement, Kabul, August 26, 2008, http://unama.unmissions.org/Default.aspx?ctl=Details&tabid=1762&mid=1920&ItemID=3108 (accessed September 06, 2010). COMISAF General McKiernan eventually ordered a reinvestigation of the air raid which arrived at the conclusion that about 33 civilians were killed in the operation, see John F. Burns, "Afghans' toll shakes generals", *The New York Times*, 18 October 2008.
[74] UN Secretary-General, *The situation in Afghanistan and its implications for international peace and security*, UN Doc. A/63/751–S/2009/135, March 10, 2009, para. 32. Notably, the directive did not apply to American special forces in Afghanistan who were not under General McKiernan's command. It was not until March 2010 that COMISAF General McChrystal brought most special forces under his command; see Richard A. Oppel and Rod Nordland, "U.S. is reining in special operations forces in Afghanistan", *The New York Times,* March 15, 2010.

Deputy COMISAF, Lieutenant General Riley, declared that "[o]ur military forces are here to protect the civilian population, not to damage them", and promised "proportionality, requisite restraint and the utmost discrimination" in the use of firepower.[75] Meanwhile, the UN SRSG Eide brought UNAMA's "Human Rights Unit" under his direct authority in an effort to coordinate the assessments of civilian casualties with ISAF more easily.[76]

When US General McChrystal took over the ISAF command in June 2009, he made reducing civilian casualties a cornerstone of his new counterinsurgency strategy. General McChrystal issued a revised Tactical Directive in July 2009, which called avoiding civilian casualties "an overarching operational issue". The directive instructed commanders to scrutinize and limit the use of force, and to authorize air strikes and long-range artillery fire only under "very limited and prescribed conditions": "Commanders must weigh the gain of using CAS [Close Air Support] against the cost of civilian casualties, which in the long run make mission success more difficult and turn the Afghan people against us".[77] McChrystal's successor, General David H. Petraeus took further measures in 2010 to minimize civilian casualties by introducing directives on night raids and a review of standard operating procedures on escalation of force incidents.[78]

The new guidelines and directives have had some success in reducing the number of civilian casualties. International forces in combat situations have started to call for air support less often and, when they do, their requests are more frequently denied.[79] According

---

[75] Riley quoted in John F. Burns, "Afghans' toll shakes generals".
[76] Interview with senior UNAMA official, June 2009.
[77] COMISAF, *Tactical directive*, Kabul, July 02, 2009, www.nato.int/isaf/docu/official_texts/Tactical_Directive_090706.pdf (accessed September 07, 2010).
[78] UNAMA, *Afghanistan: Mid year report on protection of civilians in armed conflict 2010*, p. 14.
[79] US Senate Armed Services Committee, *Nomination of General David H. Petraeus, USA for reappointment to the grade of general and to be Commander, International Security Assistance Force and Commander, United States Forces Afghanistan*, Washington, DC, June 29, 2010, http://armed-services.senate.

to UNAMA figures, the total number of civilian deaths attributed to pro-government forces (i.e. Afghan national security forces and international military) decreased in 2009 by almost 30% compared to the previous year.[80] In 2010, the number of civilian deaths caused by pro-government forces again declined by over 20% compared to 2009.[81] Thus, ISAF has been ready to give the protection of civilians a higher priority, even though these measures entailed additional risks for its troops.

In sum, ISAF and UNAMA have been largely successful at coordinating their positions on civilian casualties in recent years. ISAF's policy of increasing restraint in the use of force made its posture more closely aligned with UNAMA's, which facilitated cooperation. The US and NATO's eventual acceptance of this approach cannot only be attributed to the UN. Arguably more important factors include the heavy criticism of the Afghan government and commanders' realization that rising civilian casualties spurred support for the insurgents. However, operations by foreign forces that claim the lives of civilians continue to be a contentious issue and generate greater reproach amongst Afghans than casualties caused by insurgents. Thus, ISAF continues to be under pressure to further reduce civilian casualties and increase accountability when they occur.

---

gov/Transcripts/2010/06%20June/10-57%20-%206-29-10.pdf (accessed September 07, 2010), p. 22.

[80] UNAMA, *Afghanistan: Annual report on protection of civilians in armed conflict, 2009*, Kabul, January, 2010, http://unama.unmissions.org/Portals/UNAMA/human%20rights/Protection%20of%20Civilian%202009%20report%20English.pdf (accessed September 07, 2010), p. 16. The 30% decrease is even more significant if one takes into account that the number of security incidents increased in 2009 to an average of 960 per month, as compared with less than 750 in 2008 (UN Secretary-General, *The situation in Afghanistan*, March 10, 2010, para. 23). International military casualties sharply increased in the same period of time from 295 to 521 (iCasualties, *Coalition military fatalities by year,* www.icasualties.org/OEF/ (accessed August 31, 2010)).

[81] UNAMA, *Afghanistan: Mid year report on protection of civilians in armed conflict 2010*, p. 13.

Governance and reconstruction

Another key area of cooperation - and source of tensions - has been the promotion of effective governance and reconstruction. Neither of these areas were a priority for the international community in the first years of the Afghan mission. A 2004 UN Development Program (UNDP) Human Development Report painted a gloomy picture of the status of human development in Afghanistan and indicated that Afghanistan was the sixth least developed country in the world.[82] One reason was that US engagement in Iraq, as a NATO official put it, "sucked the oxygen away from Afghanistan".[83] Furthermore, ISAF's initial restriction to Kabul made it difficult for international organizations and representatives of the Afghan government to reach out into the provinces.

The creation of PRTs from 2003 on was aimed at jumpstarting reconstruction in areas where there existed no or only a minimal presence on the part of the Afghan authorities and international development agencies.[84] Each PRT lead nation developed a distinct national concept and devised a unique organizational structure. Some

---

[82] Due to the unavailability of data, Afghanistan was not included in the UNDP Human Development Report of 2004. However, its Human Development Index (HDI) value suggested that Afghanistan would have been place at the ranking of 173 out of 178 countries worldwide (UNDP, *Afghanistan National Human Development Report 2004. Security with a human face: Challenges and responsibilities*, Kabul, 2004, http://hdr.undp.org/en/reports/nationalreports/asiathepacific/afghanistan/afghanistan_2004_en.pdf, p. 18).

[83] Daan Everts, "Interview: Nation building key in Afghanistan", *Al Jazeera,* December 23, 2007, http://english.aljazeera.net/news/asia/2007/12/200852518425849682.html (accessed August 13, 2010).

[84] The literature on PRTs is extensive, e.g. Markus Gauster, *Provincial Reconstruction Teams in Afghanistan. An innovative instrument of international crisis management being put to the test*, Occasional Paper Series, George C. Marshall European Center for Security Studies, Garmisch-Partenkirchen, 2008, www.humansecuritygateway.com/documents/ECSS_Afghanistan_provincialreconstructionteams.pdf (accessed September 10, 2009); Carter Malkasian and Gerald Meyerle, *Provincial Reconstruction Teams. How do we know they work?*, Strategic Studies Institute, Carlisle, March, 2009, www.strategicstudiesinstitute.army.mil/pdffiles/PUB911.pdf (accessed August 14, 2010); Peter Runge, *The Provincial Reconstruction Teams in Afghanistan. Role model for civil-military relations?*, Occasional Paper IV, Bonn International Center for Conversion, Bonn, October, 2009, www.bicc.de/uploads/pdf/publications/papers/occ_paper_04/occasional_paper_IV_11_09.pdf (accessed August 14, 2010).

PRTs served as forward operating bases for military operations, while others were conceptualized as part of a comprehensive stabilization and reconstruction effort in Afghanistan. Available funds, troops strength and leadership arrangements have varied greatly. The lead nation concept "brought beneficial flexibility, but it also resulted in an ad hoc approach to Afghanistan's needs for security and development".[85]

Non-governmental Organizations (NGOs), usually supported by the Deputy SRSG for Relief, Recovery and Reconstruction, regard the "militarization of aid" as counterproductive. For example, Oxfam has criticized that "PRTs … blur the distinction between the military and aid workers, jeopardizing the perceived neutrality of the latter, putting them in danger and reducing operating space for humanitarian organisations".[86] ISAF has maintained that non-military activities, such as the improvement of basic public services like infrastructure, health care and education, can temporarily only be delivered by the military, and that these projects are necessary to attain military goals.

The UN has been concerned about the PRTs' activities in the field of reconstruction and governance, as these tasks went "well beyond [ISAF's] originally intended mission of providing direct security".[87] NATO countries promoted PRTs as means to foster security and reconstruction at the provincial level, but the PRTs' main contribution and impact was political.[88] The commanders of the PRTs and the Regional Commands (RCs) became the first and most important points of contact for Afghan officials and local powerbrokers. PRTs

---

[85] Robert M. Perito, *The U.S. experience with Provincial Reconstruction Teams in Afghanistan. Lessons identified*, United States Institute of Peace, Washington, DC, October, 2005, www.usip.org/files/resources/sr152.pdf, p. 2.
[86] Oxfam, *Afghanistan: Development and humanitarian priorities,* January, 2008, www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/afghanistan_priorities.pdf (accessed August 15, 2010), p. 9.
[87] Bas Rietjens et al., "Enhancing the footprint. Stakeholders in Afghan reconstruction", *Parameters* 39, no. 1, 2009, 22–39, p. 22.
[88] Barbara J. Stapleton, "A means to what end? Why PRTS are peripheral to the bigger political challenges in Afghanistan", *Journal of Military and Strategic Studies* 10, no. 1, 2007, p. 2.

have often relied on international contractors, and many projects were not in line with provincial and national development plans. The aim has been to accelerate project implementation and to keep money from ending up in illicit channels. At the same time, however, local government has been deprived of resources and unable to develop in many areas. UNAMA has been largely excluded from PRT decision-making and the UN's proven track record in certain areas, for example in promoting the establishment of governance and security structures at the local level, has not been acknowledged.[89]

ISAF undertook a variety of measures to streamline PRT activities, such as the PRT Executive Steering Committee, and the release of a PRT Handbook.[90] In 2006, ISAF's four Regional Commands – North, East, South and West – were given more authority over the PRTs. However, the relationship between the RCs and the PRTs often continued to resemble one of information-sharing rather than being characterized by a "coherent command structure".[91]

While NATO commanders were at least partly able to streamline military actions, the civilian activities of the different PRTs remained largely uncoordinated and often ineffective.[92] Nominally, the Afghan government was responsible for setting overall development priorities, but it was hardly capable of fulfilling this role. UN SRSG Tom Koenigs noted in 2007 that the UN could be a good coordinator, but that there was "need for people who want to be coordinated".[93]

Against the backdrop of sluggish economic development and

---

[89] Aaronson, *An outsider's view on the civil-military nexus in Afghanistan*, p. 16
[90] ISAF, *Provincial Reconstruction Team (PRT) Handbook. Edition 4,* March, 2009.
[91] Touko Piiparinen, "A clash of mindsets? An insider's account of Provincial Reconstruction Teams", *International Peacekeeping* 14, no. 1, 2007, pp. 143–57, p. 149.
[92] Jones and Pickering, *Afghanistan Study Group report*, p. 20.
[93] Koenigs quoted in IRIN, "Afghanistan: Multiple humanitarian challenges in 2008 – outgoing UN envoy", December 31, 2007, www.irinnews.org/Report.aspx?ReportId=76044 (accessed September 02, 2010).

growing frustration among Afghans about a lack of progress,[94] the UN's coordinating role was strengthened in 2008. Security Council Resolution 1806 of March 2008 expanded and sharpened UNAMA's mandate,[95] and ISAF nations subsequently acknowledged UNAMA's "lead role in coordinating the overall international civilian effort".[96] UN Secretary-General Ban promised that the UN presence would now take "a more assertive role in coordination, both in the civilian and civil-military field".[97] UNAMA then focused on identifying priorities that the Afghan government and the international community would sign up to and tried to push for donors to channel more money through the government, or at least in alignment with government priorities.

ISAF and humanitarian aid organizations, including UN agencies, also endorsed a set of guidelines for the interaction and coordination of civilian and military actors in Afghanistan.[98] UNAMA hoped that the civil-military coordination guidelines would prevent the "humanitarian space from being squeezed further".[99] ISAF, in turn, expected to receive more security-relevant information and to learn more about plans and projects of humanitarian agencies.

After difficult negotiations, the UN General Assembly decided in December 2008 to double UNAMA's budget in 2009 to around 160 million dollars and to increase the number of its staff from

---

[94] Antonio Donini, "Local perceptions of assistance to Afghanistan", *International Peacekeeping* 14, no. 1, 2007, pp. 158–72.
[95] UN Security Council, *Resolution 1806*, UN Doc. S/RES/1806, March 20, 2008, para. 4a.
[96] Heads of State and Government of the ISAF contributing nations, *ISAF's strategic vision*, Bucharest, April 03, 2008, www.nato.int/cps/en/natolive/official_texts_8444.htm (accessed September 05, 2010), para. 6.
[97] Ban Ki-moon, *Remarks to conference on Afghanistan*, Bucharest, April 03, 2008, www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=209 (accessed September 05, 2010).
[98] Afghanistan Civil Military Working Group, *Guidelines for the interaction and coordination of humanitarian actors and military actors in Afghanistan. Version 1.0,* May 20, 2008, http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1091345 (accessed September 07, 2010).
[99] UNAMA spokesman Aleem Siddique quoted in IRIN, *Afghanistan: NATO-led forces, aid agencies agree new modus operandi,* August 05, 2008, www.irinnews.org/Report.aspx?ReportId=79621 (accessed September 07, 2010).

approximately 1500 to 2000.[100] However, resources to strengthen UNAMA arrived very slowly and proved insufficient to turn it into a capable partner for ISAF. NATO Secretary-General de Hoop Scheffer complained in January 2009 that "we are obliged to keep ramping up the military operation partly because of insufficient resources and coordination on the civilian side. There must be a stronger effort to […] beef up the UN mission in Afghanistan".[101] During his last months in Kabul, COMISAF McKiernan reportedly hardly met with the UNAMA leadership anymore, because he was frustrated about the mission's lack of capabilities.[102]

UNAMA was also weakened by a self-defeating fallout between SRSG Eide and his deputy for political affairs, Peter Galbraith, over how to deal with blatant fraud in the 2009 presidential elections. Galbraith made the dispute public and was removed from office, but the affair continued to paralyze the mission for several months.[103] Finally, the UN's capacities were diminished by the decision to evacuate most of the organization's international staff from the country and to delay the opening of new provincial offices after the guest house attack of October 2009. While many UN personnel returned to Afghanistan after investigations had been concluded, a considerable number of staff quit their positions over security fears or let their contracts run out, leaving the organization critically understaffed.[104]

At the same time, the Obama administration decided to strengthen its engagement in Afghanistan and strongly increased the number of US troops in the country. The US also initiated a so-called

---

[100] UNAMA, *Press conference by Kai Eide, Special Representative of the Secretary-General for Afghanistan*, Kabul, December 17, 2008.

[101] Jaap de Hoop Scheffer, "Afghanistan: We can do better", *The Washington Post,* January 18, 2009.

[102] Interview with former senior ISAF official, May 2010.

[103] Richard Gowan (ed.), *Review of political missions 2010*, Center on International Cooperation, New York, 2010, p. 79.

[104] UN Secretary-General, *Report of the Secretary-General pursuant to paragraph 40 of resolution 1917 (2010)*, UN Doc. S/2010/318, June 16, 2010, para. 69-70.

"civilian surge" to support large increases in assistance programs to Afghanistan. From January 2009 to early 2010, the US government trebled its civilian staff in Afghanistan. A large share of the "civilian surge" was designated to support military units with civilian expertise. The initiative quadrupled US civilian staff at PRTs and US forward operating bases.[105] The US imposed its version of the comprehensive approach "on NATO, the civilian organizations engaged in Afghanistan and the Afghan government by asking them to support the new strategy or get out of the way".[106]

The expansion of the NATO SCR's role in 2010 effectively ended UNAMA's role as aid coordinator. The appointment of Mark Sedwill turned the low-profile position of the SCR into a key civilian leadership post. The SCR office's staff was quadrupled from six to 24.[107] The SCR's terms of reference remained largely unchanged. However, it was understood among NATO members that the new SCR would take over the coordination of the civilian effort, together with the US ambassador. NATO Secretary-General Anders Fogh Rasmussen announced that a core task of the new envoy would be "to strengthen the organization and coordination of the civilian assistance to Afghanistan".[108] NATO members supported keeping UNAMA formally in charge, because the UN's involvement provided a legitimizing political cover for NATO's activities.[109]

UNAMA reacted with great skepticism to the measures and was concerned about ISAF claiming responsibility for fields which were

[105] US Department of State, *Report of inspection: Embassy Kabul, Afghanistan*, Report no. ISP-I-10-32A, Washington, DC, February, 2010, http://oig.state.gov/documents/organization/138084.pdf (accessed August 30, 2010), p. 4.
[106] Peter Viggo Jakobsen, "Right strategy, wrong place: Why NATO's Comprehensive Approach will fail in Afghanistan", *UNISCI Discussion Papers* 8, no. 22, 2010, 78–90, p. 90.
[107] Mark Landler and Thom Shanker, "British diplomat takes key Afghan role", *The New York Times,* May 15, 2010.
[108] Rasmussen in NATO, *Joint press point with NATO Secretary General Anders Fogh Rasmussen and the new Senior Civilian Representative in Afghanistan Mark Sedwill*, Brussels, January 26, 2010.
[109] Interview with senior NATO official, Brussels, June 2010.

part of UNAMA's original mandate. NATO representatives maintained that ISAF had to reflect a comprehensive approach institutionally and that own expertise was important for enabling ISAF to interact with civilian actors. However, NATO officials also admit that the military had identified a vacuum in the governance and development sector and was keen to fill it.

ISAF's comprehensive role was illustrated during operations in southern Afghanistan in 2010. In February and March, ISAF conducted the largest offensive since the overthrow of the Taliban regime to gain control over the Marja area in Helmand province. ISAF was interested in including UN humanitarian agencies in the operation to ensure provision of food and shelter for refugees as well as for rebuilding of destroyed property. However, UN officials criticized the military's focus on "quick impact" projects and urged ISAF to minimize its role in aid distribution.[110] The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) in Afghanistan demanded that "aid should be provided on basis of need and not political or military strategies [… W]e call on the military not to be involved in delivering food assistance, healthcare or building schools and clinics".[111] Thus, working together with UN agencies would have significantly reduced ISAF's operational freedom and control over aid delivery.

ISAF was keen to avoid a loss of autonomy and substituted the UN's resources. A central part of ISAF's strategy for Marja was to ensure that representatives of the Afghan government would be in place, once the area was pacified, to rapidly deliver services, such as justice, health care, and job programs. ISAF referred to this approach as "government-in-a-box". However, while in line with the joint aim of transferring authority to local hands, the Afghan government lacked

[110] Rod Nordland, "U.N. rejects 'militarization' of Afghan aid", *The New York Times,* February 17, 2010.
[111] Wael Haj-Ibrahim, Head of Office, OCHA Afghanistan in UNAMA, *UN Humanitarian Coordinator press conference*, Kabul, February 17, 2010, http://unama.unmissions.org/Default.aspx?tabid=1761&ctl=Details&mid=1892&ItemID=7810 (accessed September 07, 2010).

experience and capacity for providing governance and services in the region. It faced mistrust and even outright hostility among the local population, having a reputation for corruption and inability to promote justice and security.[112]

To compensate for the Afghan government's lack of resources, ISAF relied on its increased civilian capacities. Development work was increasingly initiated and being carried out by the military. Several NGOs, including Oxfam, Care and Afghanaid, estimated in January 2010 that over one billion dollars would be spent on aid by the military this year, more than the Afghan government's budget for health, education and agriculture combined. [113] The combined application of Afghan and civil-military resources allowed ISAF to become largely independent of the support of UN agencies.

According to analysts, aid agencies did "not appear to have been briefed or consulted sufficiently in advance".[114] UN agencies and NGOs also criticized ISAF's behavior for violating the jointly endorsed guidelines for the interaction and coordination of humanitarian actors. These stipulate that the military's primary responsibility is to provide security, and they restrict its role in reconstruction to "gap-filling measures" until civilian organizations are able to take over.[115]

While it remains unclear how much capacity UN agencies and NGOs would have been able to add to humanitarian and reconstruction efforts, ISAF's substitution strategy also failed to fulfill the expectations of the local population. The military operation quickly drove out the

[112] Anthony H. Cordesman, *The Afghan test bed in "Marja". Key tests of victory are still months and years away*, Center for Strategic and International Studies, Washington, DC, February 18, 2010, p. 7.
[113] Action Aid et al., *Quick impact, quick collapse. The dangers of militarized aid in Afghanistan*, Kabul, 2010, www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/quick_impact_quick_collapse_afghanistan_en.pdf (accessed September 07, 2010), p. 3.
[114] International Council on Security and Development, *Operation Moshtarak: Lessons learned*, London, March, 2010, www.icosgroup.net/documents/operation_moshtarak.pdf (accessed August 30, 2010), p. 15.
[115] Afghanistan Civil Military Working Group, *Guidelines for the interaction and coordination of humanitarian actors and military actors in Afghanistan.* p. 4.3.

Taliban from Marja's center, but they have continued to wage a guerilla war against the international forces.[116] The "government in a box" which was supposed to win over the population has not materialized.

The available Afghan security forces were insufficient to hold the area and many Afghan officials were afraid to fill administrative positions. Food, shelter, and medical supplies were in extremely short supply when the military actions ceased. Many residents were reluctant to accept and engage in the military's reconstruction projects. Reports from the ground suggest that civilian casualties and a lack of security and protection have alienated local communities, and many residents voiced that they felt more negative about NATO forces than before the offensive.[117] A key objective of the operation – winning the "hearts and minds" of the population – was not met, at least in the short run.

Lessons from the Afghan experience

Former British Prime Minister Tony Blair once declared that Afghanistan was the place "where the future of world security in the early 21st century is going to be played out".[118] While his claim remains debatable, the implications of the Afghan mission for UN-NATO relations are certainly hard to underestimate. Despite all difficulties, the joint operation in Afghanistan provides the opportunity for making relations more effective. Both organizations depend on each other in Afghanistan and have an interest to make cooperation more effective in order to increase the chances of promoting sustainable stability in the country and the region. [119]

---

[116] Todd Pitman, "Marines in Marjah face full-blown insurgency", *The Associated Press,* October 08, 2010, www.washingtonpost.com/wp-dyn/content/article/2010/10/07/AR2010100704600.html (accessed October 11, 2010).

[117] International Council on Security and Development, *Operation Moshtarak*, p. 23; UNAMA, *Afghanistan: Mid year report on protection of civilians in armed conflict 2010*, p. 15.

[118] Sophie Walker, "Afghan desert key to security, Blair says", *Reuters,* November 21, 2006, http://uk.reuters.com/article/idUKSP251167Q120061121 (accessed October 07, 2010).

[119] On the challenge of reconciling ISAF's interest in (short-term) stability with UNAMA's objective to

It is too early to make final judgments about NATO's expansive role in Afghanistan, including its take-over of traditionally UN-led tasks. Some analysts have regarded it as the only viable option in a hostile environment like Afghanistan. However, the experiences so far have been a reminder that NATO as regional military organization is at a structural disadvantage relative to the UN. It does not have the political legitimacy that the UN, or Afghan officials, possess.

For example, it is questionable if the NATO SCR is better suited for orchestrating international aid. The position's supporting staff remains very limited in relation to the ambitious tasks it has been set, even if the envoy only focuses on development aid distributed by the current 27 PRTs. Furthermore, the new constellation arguably makes it easier for ISAF nations to avoid coordination, because a NATO official is unlikely to criticize member states in public and therefore less able to put public pressure on governments to change behavior. Finally, the fact that the UN retains the responsibility for aid coordination on paper is likely to further undermine the UN's authority and credibility in the eyes of local and international actors.

UN SRSG Staffan de Mistura now has to settle for three tasks: organizing elections, promoting a political dialogue in Afghanistan, and engaging regional actors. Fostering "aid coherence" has become a subordinated task, aimed at minimizing duplication, not at orchestrating international aid towards common objectives.[120] Some analysts have welcomed that the UN has de facto given up its role as aid coordinator because it had failed to bring international activities into alignment, and they have embraced a complete focus on political issues.[121] However,

---

create the foundations of sustainable peace in Afghanistan, see Wolfgang Weisbnod-Weber, "Zusamme narbeit der Vereinten Nationen und NATO in Afghanistan", *Vereinte Nationen* (forthcoming).

[120] The UN has called its new priorities the "three-plus-one initiative", with aid coherence being the "+1" priority. See SRSG Staffan de Mistura briefing to the Security Council, in: UN Security Council, *6351st meeting*, UN Doc. S/PV.6351, June 30, 2010.

[121] Michael Knigge, "New UN chief in Afghanistan faces old problems", *Deutsche Welle,* January 28, 2010, www.dw-world.de/dw/article/0,,5177260,00.html (accessed September 07, 2010).

even in the political area ISAF now seems to play the decisive role. In sum, the new division of labor is unlikely to increase the impact of international efforts in areas which will determine the overall success of the mission in Afghanistan.

NATO and the UN should accept their interdependence in Afghanistan and try to construct a synergetic partnership, instead of opting for substitution and evasion strategies. The UN must provide UNAMA with the necessary resources, in particular at the provincial and district level, until the Afghan government is ready to completely take over. NATO needs to fully respect and enable the UN's political leadership in Afghanistan to ease UN fears of domination and to give the international community a more unified voice.

In Afghanistan and beyond, NATO will have to convince the UN and other civilian agencies that its advocacy of a comprehensive approach is not about putting civilian organizations under military control or replacing them. Instead, the Alliance should make clear that its actions are in recognition of NATO's need for partners in modern crisis management.[122] A crucial issue will be what kind of civilian capabilities NATO is going to develop in the coming years. Its 2010 Strategic Concept calls for forming "an appropriate but modest civilian crisis management capability to interface more effectively with civilian partners … This capability may also be used to plan, employ and coordinate civilian activities until conditions allow for the transfer of those responsibilities and tasks to other actors".[123] NATO has also decided to "identify and train civilian specialists from member states, made available for rapid deployment by Allies for selected

---

[122] Group of Experts, *NATO 2020: Assured security; dynamic engagement. Analysis and recommendations on a new strategic concept for NATO,* May 17, 2010, www.nato.int/strategic-concept/expertsreport.pdf (accessed October 07, 2010), p. 22.

[123] NATO Heads of State and Government, *Strategic concept for the defence and security of the members of the North Atlantic Treaty Organisation*, Lisbon, November 19, 2010, http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf (accessed November 25, 2010), para. 25.

missions".[124]

Civilian capabilities could improve NATO's connectivity to civilian organizations and facilitate cooperation, for example by hiring experts who are familiar with civilian planning processes. NATO should, however, refrain from duplicating physical capabilities. Moreover, creating access to civilian experts from member states is likely to lead to competition with the UN, the EU and the Organization for Security and Cooperation in Europe (OSCE) over the same set of police officers, judges and administrative experts. Instead, NATO and the UN should, as Ban Ki-moon has put it, "focus on those areas where each of us has specific expertise and capabilities, adding value to the work of others rather than duplicating it".[125]

NATO and the UN headquarters should also increase information exchange, joint planning and substantial dialogue to facilitate convergence on policy issues. Both organizations should make the conclusion of agreements which enable the exchange of classified information at all relevant levels a priority. While NATO will not be ready to exchange its most secret documents, arrangements should at least be identified for files with a low classification. High-level exchanges of senior representatives should be further institutionalized through a fixed calendar.

It is a step in the right direction that the UN's DPKO and DPA intend to establish a permanent albeit small liaison unit in Brussels to facilitate regular, informal communication with the EU and NATO on questions of peace and security. NATO, in turn, should transform its two civilian and military liaison officers into a permanent representation in New York, providing them with basic administrative capacity. These measures would promote constant and substantial exchange between

---

[124] *Ibid*.
[125] Ban Ki-moon, *Remarks to conference on Afghanistan*.

the strategic headquarters and create possibilities for a more structured transfer of knowledge, for example in the areas of defense sector reform, logistics and training.

Both sides should also agree on a set of joint principles and standards for peace operations, such as on the role of the military in humanitarian aid and on procedures to address civilian casualties. Contingency planning and protection arrangements should be reviewed in Afghanistan and beyond. NATO will have to offer protection in a very discreet fashion, while still being ready to intervene if necessary.

Closer institutional and operational coordination and cooperation does not provide a panacea for solving all the issues bedeviling UN-NATO relations, but can increase synergy and prevent both parties from working at cross-purposes. The situation in Afghanistan should be a stark reminder that it is time for both sides to get serious about adhering to a comprehensive approach.

Appendix 1

Extracts from the Charter of the United Nations

San Francisco, 26th June, 1945

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

and for these ends -

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter I – Purposes and Principles

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality

of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter Vll.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Chapter VII: Action with respect to threats to the peace, breaches of the peace, and acts of aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio,

and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that

Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

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

Chapter VIII: Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Appendix 2

North Atlantic Treaty

Washington D.C., 4th April, 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security. they therefore agree to this North Atlantic Treaty:

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

- on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, on the territory of or on the Islands under the jurisdiction of any of the Parties in the North

Atlantic area north of the Tropic of Cancer;

- on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to

contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications.

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will

inform the Governments of the other Parties of the deposit of each notice of denunciation.

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.