

Topic: National Sovereignty and the Use of Force After Kosovo

Statement of the Problem

One of the principle tenets of the United Nations has always been national sovereignty. No nation would agree to join the United Nations without a guarantee of its fundamental rights as a nation. That same principle, however, often causes serious difficulties. What if a nation decides to murder its citizens? Does it still maintain its rights as a nation? Does a nation have certain obligations it must fulfill in order to protect its right to national sovereignty?

On 13 October 1998 the 16 members of the North Atlantic Treaty Organization (NATO) agreed on a decision to use military force against Slobodan Milosovic's Serbian regime in order to protect the citizens of the Kosovo region. This decision was made without authorization from the United Nations Security Council. Two days later the Russian Federation submitted a resolution to the Security Council declaring the bombing a violation of the United Nations Charter and a threat to international peace and stability. Needless to say, the resolution did not pass.



The NATO intervention specifically challenged the Security Council's power to authorize the use of force. That being said, many view the NATO action as merely a one-time aberration from the normal rules of international law. Thus, if this is the case, the NATO action is not precedent setting and should have no long-term impact.

The question that remains, and the question that faces the Special Political Committee, is what should the impact of the Kosovo intervention be on the actions of the United Nations. Should the United Nations declare the action illegal and move on? Was there justification for the NATO intervention? What can be done to bring control of the use of force in the international arena back to the Security Council? Are

there any instances where the Security Council should not necessarily control the use of force?

Finally, can a nation lose its right to national sovereignty?

The primary goal in answering these questions is to develop an international political system capable of regulating the use of force. The goal of international law is to ensure that order and justice are maintained throughout the international community. The goal of the United Nations is to ensure that international law is maintained. In order for the United Nations to accomplish this goal, the Special Political Committee must determine a way in the post-Kosovo international order to

demonstrate that the United Nations is an organization capable of protecting human rights while at the same time not aggressive enough to violate the national sovereignty of other nations.

This topic area guide will first examine in detail the current laws in the UN Charter concerning both national sovereignty and the use of force. After examining these laws, it will look at two specific examples of instances where force has been used, the situation in Somalia and the situation in Liberia. Both of these cases can shed significant light on how the United Nations has authorized the use of force in the past. In addition, the both give significant insight into possible ways of managing the use of force in the future and help understand the principle of national sovereignty. Finally, it will look at the situation in Kosovo—first looking at the events themselves, and then at some of the arguments concerning their effect on the future of international relations. Through all of this, it is important to keep in mind that the goal of our discussion is not to pass judgment on past action but to develop some ideas as to how, if at all, the international political situation has changed and how it can be improved.

The UN Charter: National Sovereignty

Chapter I, Article 2 of the United Nations Charter states that "The Organization is based on the principle of the sovereign equality of all its Members...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." This is one of the most fundamental principles of the United Nations. Each nation is given equal rights as a nation and the United Nations can neither interfere with those rights or intervene in any domestic measure. Every action taken by the United Nations goes through the filter of national sovereignty. If a resolution appears to violate the national sovereignty of any nation, its chances of passing are close to zero.

That being said, there is an exception to Chapter I, Article 2. After stating that the United Nations will not interfere with the domestic affairs of a state, the Charter states that "this principle shall not prejudice the application of enforcement measures under Chapter VII." It is this statement that gives the UN a way to enforce its rulings with sanctions and military action. Chapter VII will be discussed later.

The UN Charter: General Prohibition on the Use of Force

Aside from its statement of the principle of national sovereignty, Chapter I, Article 2 of the Charter states "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." Those that argue that the attack on Kosovo was a violation of the Charter rely principally on this clause as their justification. NATO used the threat of force during the period beginning October 13, 1998 when NATO voted in favor of the use of force. Actual force was first used on March 24, 1999.

The Charter does, however, allow the use of force in three instances. The first instance is in the case of action taken in individual or collective self defense (Chapter VII). The second instance is in the case of action taken by United Nations forces assembled by the Security Council (also Chapter VII). The third and final instance is when the Security Council uses regional military arrangements to carry out enforcement action (Chapter VIII).



Self-Defense: UN Charter Chapter VII

Chapter VII, Article 51 of the UN Charter states that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." This article is closely related to the national sovereignty doctrine in that it ensures that if a nation's national sovereignty is invaded through armed attack it has the ability to defend itself. This clause has almost never been used (O'Connell, 60). It does not realistically apply to NATO action in Kosovo in that a nation was not attacked, only a people inside of a nation. NATO never relied on the clause in defending its action.

What is interesting, however, is that NATO (as well as the Warsaw Treaty Organization, or Warsaw Pact) was originally founded as a self-defense organization under Chapter VII (O'Connell, 60). Article 5 of the North Atlantic Treaty, which established NATO, states "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-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked." The purpose of this article, as originally interpreted by NATO itself, is to allow nations to defend themselves.

Security Council Forces: UN Charter Chapter VII

Chapter VII, Article 42 of the Charter states that, if other options fail, the Security Council "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 requests that all nations make their troops and equipment available to the Security Council if they are needed. This is the article referred to by the Security Council whenever it deploys peacekeepers. The missions to Somalia, Sierra Leone, Iraq, and so forth were all justified under Chapter VII.

The Security Council, however, never specifically authorized the NATO mission in Kosovo. The way the Security Council authorized military action in the past, notably in the Gulf War, was by allowing states to use "all necessary means" to accomplish the goals of the resolution. This wording was in no resolution concerning Kosovo.

That being said, several of the resolutions regarding Kosovo, including Security Council (SC) Resolutions 1031, 1160, and 1199, claim to be "Acting under Chapter VII of the Charter of the United Nations." Resolution 1199 further "Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe." Thus, while there is no specific authorization of the use of military force, the continuous reference to Chapter VII, and the demands of a halt to conflict that clearly did not take place suggests the possible need for military action.

Regional Arrangements: UN Charter Chapter VIII

Chapter VIII, Article 53 of the Charter states, "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." This clause is important in that it allows the Security Council to utilize existing military organizations if necessary to avoid the necessity of organizing its own force. However, the last part of Article 53 is very clear in stating that these organizations are still constrained in their action by being dependent on Security Council authorization. Clear as this may be, the Security Council has not always stood by the need for authorization, as we will see in the case of Liberia, where the Economic Community of West African States (ECOMOG) took action before Security Council support had been stated. First,

however, let us look at the UN peacekeeping mission to Somalia and some of the advantages and disadvantages of the need for Security Council authorization.

Somalia: A Rescue Mission Gone Wrong

Somalia emerged from the colonial era in 1960, declaring its independence from the United Kingdom and Italy. It was run by a parliamentary democracy until 1969, when a military coup, led by General Siad Barre, took over and banned political parties and the national assembly. Barre proceeded to centralize control of the country in Mogadishu, ignoring the needs of much of the rest of his people.

The Cold War was greatly beneficial to Barre, as Somalia enjoyed a strategic location along the oil routes from the Persian Gulf. By the 1980s, after briefly toying with the Soviet Union, Barre fell strongly into the American camp and began to receive significant military and financial aid. The military aid alone totaled over \$200 million through the decade. In an effort to increase Somalia's dependence on the United States, the United States also gave significant amounts of food aid, causing Somalia to become almost entirely dependent on outside food. This would have important ramifications after the Cold War came to an end.

In 1988, Somalia broke into an all-out civil war as the latent conflicts among Somali elites suddenly came to the forefront. Warlords and militia leaders vied for power, while the government relied on US aid to remain in control. In 1991, the Cold War ended, and the Soviet presence in Africa, most notably in neighboring Ethiopia, disappeared. The combination of this and the final ousting of Barre from power in 1991 led to a US evacuation of Somalia. They left a country engaged in a gruesome civil war with no ability to acquire food.

It is no surprise that a famine erupted. As the food situation worsened, the warlords contending for power began to use control of food as a tool for power by giving people food if they would fight. In early 1992, the United Nations began supplying humanitarian assistance to the beleaguered people of Somalia. At the end of March, the first UN observers entered the country. And on April 24, 1992, the Security Council unanimously adopted Resolution 751 establishing the United Nations Mission in Somalia (UNOSOM I). By December of 1992, UNOSOM consisted of 4, 219 troops and 50 military observers. This was a Chapter VII force deployed by the Security Council. The force's objectives were to distribute humanitarian aid, mainly food, and to maintain the fragile cease-fire.

The force quickly ran into difficulties. Many of the Somali warlords objected to UN presence in Somalia. Among those was General Mohamad Fahrah Aidid, who insisted on October 28, 1992 that the Pakistani battalion would no longer be tolerated in Mogadishu. After making this announcement, his forces began shelling and attacking UNOSOM forces. This prompted several other warlords to take similar action. Faced with no other option, the UN forces returned fire. The situation began to look increasingly grim.

As things went from bad to worse, the Security Council passed resolution 794 on December 4, 1992 authorizing the use of "all necessary means" to create a secure environment for distribution of humanitarian aid. This resolution, which relied on Chapter VII of the Charter, in effect

paved the way for a US Task Force to enter the country and attempt to capture Aidid. The task force failed miserably, resulting in the loss of 23 Pakistani troops, 18 US Rangers, and over 200 Somalis. After the death of the US Rangers, public support in the United States for the Somalia effort was completely eroded and all US troops were withdrawn in 1994.

Many people view Somalia as a disaster in UN peacekeeping. It is the primary example given by those arguing that the UN should not engage in peacekeeping operations. There are, in fact, more interesting and meaningful lessons to be learned from Somalia than simply UN peacekeeping is impossible.

First, it is important to realize that the Somalia debacle demonstrates that UN peacekeeping is not infallible. Many argued that the reason the bombings in Kosovo were a mistake is that they did not have the support of the entire international community as expressed through the United Nations. The story of Somalia goes to show that even with the support of the United Nations and the unanimous support of the Security Council, military action is not guaranteed to succeed. Why, then, is it so crucial that the Security Council authorizes all military enforcement action?

Second, the failure of the peacekeeping mission in Somalia is not due to an inherent flaw in UN peacekeeping. Somalia is not a country in the western sense. It is, to a large extent, a country of warring tribes that had been divided between Italy and the United Kingdom and thus did not even possess, as did many African nations, a common colonial history. It is not a country necessarily ready for the democracy the United Nations would like to impose. Thus, while many of the mission's problems may have been due to a failure to consider the logistical aspects of a Somali peacekeeping operation, the problems do not demonstrate a failure of peacekeeping as a principle.

Third, in sending in a peacekeeping force that was not supported by leaders like General Aidid, is not the UN violating Somalia's national sovereignty? Did the fact that Aidid interrupted food distribution negate his right (as one of the many claimed legitimate rulers of Somalia) to national sovereignty?

The most important lesson to get from the UN mission in Somalia is that while UN peacekeeping has had some success, it is far from perfect—both in its record at preserving peace and protecting civilians, and in its strict adherence to the doctrine of national sovereignty. Thus, if the international community determines that the Security Council should maintain sole responsibility for international military operations, it must resolve the fact that its track record for military intervention is not better than many regional organizations, and its supposed guarantee of national sovereignty, one of its strongest claims to legitimacy, has not always been so strong. We will now examine a case of a relatively successful regional military intervention.

Liberia: Send in the Troops First, Ask Questions Later

In April of 1980, William Tolbert, the President of Liberia since 1971, was assassinated as part of a military coup led by Master Sergeant Samuel Doe. Over the next several years, Doe took complete control over the country, rigging elections and slowly weeding out all opposition. The Doe regime was supported





by the United States, which believed that good relations with Liberia were crucial to preventing Soviet expansion in the region. Thus much money flowed into the Doe government from the United States despite the fact that it was clearly a dictatorial regime and was not supported by the Liberian people.

The Liberian people themselves, however, quickly took action, and by 1989, the country was engulfed in a deadly civil war. The main rebel group was called the National Patriotic Front of Liberia (NPFL) and was led by a man named Charles Taylor, who would later go on to become the lawfully elected president of Liberia. Taylor was an ex-government official who had been



arrested on charges of corruption and fled to the United States. In the United States, he was again arrested, only to escape from prison in Massachusetts to avoid extradition to (and execution in) Liberia. At some point in the early 1980s, when he was

planning an attack on Doe's government, Taylor visited Libya. During this visit, Taylor met Muammar Quaddafi, who provided significant support to his rebellion.

In 1989, Taylor's NPFL revolution appeared to be headed for quick success as ground was gained very quickly. Late in 1989, Samuel Doe was captured by rebels and executed (the execution was actually recorded on videotape and circulated around much of West Africa).

The other West African nations, however, were not willing to give power to Taylor so easily. In the summer of 1990, the Economic Community of West African States (ECOWAS), through the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG), entered Liberia with troops from many West African nations and began fighting with rebel troops in an attempt to end the violence. The Security Council did not authorize this action, nor did the Security Council address it until January 1991 (O'Connell 67). When the ECOMOG action was addressed, it was praised. For example, on November 19, 1992 the Security Council passed Resolution 788 which, relying on Chapter VIII of the Charter, "Commends ECOWAS for its efforts to restore peace, security and stability in Liberia." The resolution furthermore "Condemns the continuing armed attacks against the peace-keeping forces of ECOWAS in Liberia by one of the parties to the conflict." It is impossible to say that the United Nations authorized this intervention, because the intervention took place without consultation with the UN. It

is more accurate to say that the United Nations approved this action.

Over the next several years, the situation remained relatively constant. ECOMOG did everything in its power to bring the country back under control through cease-fire agreements and continuing negotiations between the many parties involved. And while fighting continued, progress was being made.

In mid-February, 1997, it was announced that elections would be held in May. The 500 international observers who monitored the May elections declared that no fraud had taken place, and Taylor claimed the presidency with 75.3% of the popular vote.

What is important to see in the ECOMOG intervention is that in this case, military action was taken without Security Council authorization, and yet it was accepted. Furthermore, while the ECOMOG forces encountered significant difficulty, in the end they did succeed in holding elections, which is much more than can be said about the UN efforts in Somalia.

The intervention in Kosovo does not seem unprecedented when it is compared with this case. While naturally, the Kosovo intervention was on a larger scale than the ECOMOG intervention, the principle of taking military action without Security Council authorization remains the same. The Kosovo intervention received significantly more press and was considerably more controversial, but if looked at merely from an authorization stand point, the two are remarkably similar.

A Brief History of Kosovo Up to 1987

To pick a rather arbitrary starting date, in 1190 Kosovo was the administrative and cultural center of the medieval Serbian state. This state lasted approximately 200 years, and it is principally due to that period that Kosovo is considered important by Serbians. In 1389, however, the Ottomans defeated the Serbians in the Battle of Kosovo Polje, and Kosovo became a part of the Ottoman Empire. Over the next several centuries of Ottoman rule, Albanians began to move into the region. By the end of the 17th century, the Serbs were leaving Kosovo for Belgrade as the Albanian presence in Kosovo became greater.

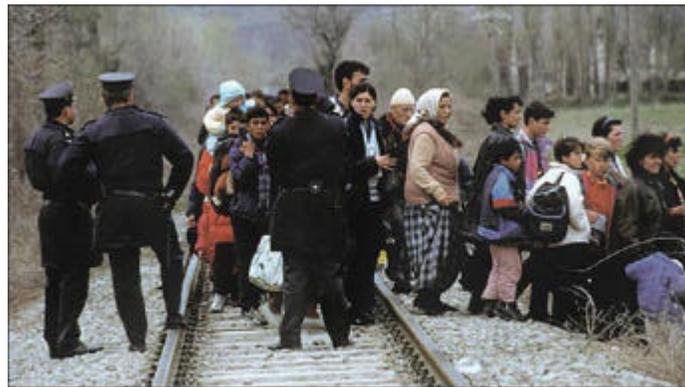


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In the late 19th century, however, the Serb presence increased again, largely due to the establishment of a Serbian seminary in Prizren in 1871. During the First World War, the ethnic tension in Kosovo resulted in vicious fighting between the Serbians and Albanians in Kosovo, the beginning of tension that has remained throughout in the following years.

The establishment of Yugoslavia through the peace treaties of 1919 and 1920 made Kosovo once again a fundamental

part of Serbia. This did not solve any of the ethnic conflicts, however, and by 1921 the Albanian Kosovars protested their situation to the League of Nations and asked to be united with Albania. The League did not take action. The desire to be united with Albania was one held by many Albanian Kosovars until the collapse of civilian government in Albania in March 1997.

During the Second World War many Kosovar Albanians cooperated with the Nazi occupying forces to torment Kosovar Serbs. The SS "Skanderbeg" division, comprised of Albanian soldiers under German officers, was responsible for much of this violence.

During Tito's reign, Kosovo remained relatively stable, thanks largely to Tito's willingness to grant significant autonomy to the Kosovar Albanians. After Tito's death on May 4, 1980, however, the region began to disintegrate. The Albanian population began rioting because of what they considered an inferior educational system. When the educational system was not improved, many groups emerged pushing for Kosovar independence or uniting with Albania. In February of 1987, the Serbian government threatened to remove Kosovo's autonomy, although they did not technically have the power to do so. It was not until Slobodan Milosovic's reign, however, that Kosovar autonomy was significantly endangered.

A History of Kosovo After 1987

Slobodan Milosovic came to power in Serbia in 1987. He had no qualms about admitting his Serb nationalism. In fact, his rise to power triggered protests by the Albanian residents of Kosovo who held a five-day demonstration involving 100,000 people and many strikes in November of 1988. Several months later, in February of 1989, a miner's strike brought life in Kosovo to a standstill as many ethnic Albanians abandoned work and school to go to meetings and protests. This terrified the Serb Kosovars, who demanded that Belgrade take action to restore order in Kosovo.

In March of 1989, Milosovic began the abolition of Kosovo's autonomy. Milosovic had amendments passed into the Serbian constitution giving Serbia direct control over Kosovo. These amendments were passed in Kosovo's parliament after nearly all Albanians were removed.

A total of 31 people died, and hundreds were injured during ethnic Albanian protests during 1990. By July of that year, Milosovic had banned the Kosovo Parliament from meeting and completely disbanded all of Kosovo's government. That September, the Constitution was amended to redefine Kosovo as merely a region within Serbia, enjoying no special rights. It was under the complete control of the Serbian National Assembly, controlled largely by Milosovic.

For the next several years, the Serbian government was well occupied by the events in Bosnia. During that time, the ethnic Albanians in Kosovo continued their fight for independence from Serbia, largely through peaceful means. By 1991, the League for a Democratic Kosovo (LDK), led by Ibrahim Rugova, had over 700,000 members and appeared to be the most successful attempt at the independence for Kosovo. The LDK expected a discussion of their situation in the peace accords that would come from the Bosnian war.

The 1995 Dayton Accords, however, did not address the plight of the Kosovars, marking the end of peaceful resistance in Kosovo. The Dayton Accords specifically stated that other than the territorial changes regarding the Bosnia conflict, no additional changes in borders within Yugoslavia would be sanctioned. It was at this time, with increasing Albanian frustration and Serbian fear that the Kosovo Liberation Army (KLA), the Albanian group responsible for nearly all the terrorist action against Serbia, first began operating.

Two years later, in March of 1997, the government in Albania collapsed. While this development made many Kosovars rethink their desire to form a "Greater Albania," it did not end their desire for independence from Serbia. The KLA continued to grow in size despite US support for Rugova and non-violent resistance. As the KLA grew, the violence came more and more to resemble a civil war and not a series of attacks.

By 1998, Western Europe and the United States began to realize that all was not well in Kosovo. On the weekend of February 28 to March 1 of 1998, Serbian police killed 25 Albanians supposedly in retaliation for the murder of four Serbian policemen. Germany, France, Russia, the United Kingdom, and the United States formed a "Contact Group on Kosovo" to discuss possible action to take in the region. On March 31, 1998 the Security Council passed Resolution 1160 which, acting under Chapter VII of the UN Charter, imposed an arms embargo on Yugoslavia. The resolution furthermore "Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo."

Milosovic did not take these steps, however, and the violence continued. At this point, many nations began to discuss intervention. Madeleine Albright, United State's Secretary of State, had already made clear the US desire to intervene and had mentioned the possible use of force. On October 13, 1998 NATO announced its willingness to use force in Kosovo. While clearly they would rather use that force with the backing of the Security Council, that was not a precondition. US Deputy Secretary of State Trobe Talbot made



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this clear when he said, "We must be careful not to subordinate NATO to any other international body or compromise the integrity of its command structure. We will try to act in concert with other organizations, and with respect for their principles and purposes. But the Alliance must reserve the right and the freedom to act when its members, by consensus, deem it necessary" (O'Connell, 76). This statement not only demonstrates the fact that NATO did not feel compelled to act in accordance with the Security Council but also demonstrates a significant deviation from the self-defense role NATO declared in the initial North Atlantic Treaty.

At the end of October, it appeared that the NATO threat had sufficiently intimidated Milosovic into pulling back his troops. NATO announced that air strikes were not warranted at that time, and 1800 UN military observers entered Kosovo. Milosovic, in return, wanted NATO to lift the air strike order, which NATO was unwilling to do. The KLA, however, was not pleased with the end to hostilities. They could sense that to a large extent NATO was on their side, and continued to provoke the Serbians. In January 1999, 40 Kosovo Albanians were killed at Racak. The UN monitors were withdrawn, and the October agreement collapsed.

In February 1999, a final attempt at peace negotiations took place at Rambouillet, France. The "Rambouillet Accords" required Yugoslavia to withdraw its forces from Kosovo, the KLA to lay down its arms, NATO peacekeeping troops on the ground to enforce the agreement, and a three-year period to settle the political future of Kosovo. After much pressure, the KLA agreed to the treaty. Milosovic refused to do so, claiming that it violated much of its national sovereignty in giving in to the deployment of NATO troops. He also claimed that the inevitable result of the three-year period designed to settle the future of Kosovo would be an independent Kosovo. While NATO made it clear that a refusal to sign the accord meant bombing, Milosovic refused to give in. The NATO bombing began on March 24, 1999.

The Ramifications

The international reaction to the bombing was almost entirely negative. First of all, from a practical standpoint, the bombings caused a massive exodus of ethnic Albanians from Kosovo, avoiding continued Serbian aggression. Second, there were the arguments that the bombing was against international law. Serbia brought cases against all of the NATO members through the International Court of Justice.

The most important questions concerning the bombing, however, are questions about what precedent, if any, the bombings will have. Does this demonstrate a willingness on NATO's part to take future action without Security Council authorization? What can be done about that? What are the ramifications concerning

national sovereignty? Should the United Nations view national sovereignty differently from now on? The events in Kosovo raise many questions as to the future of national sovereignty and the use of force. It is up to the Special Political Committee to develop ideas as to how the lessons from Kosovo can be codified into a meaningful resolution that paves the way for a future international political system.

Potential Solutions

A "solution" to this problem could take many forms. The following are four ideas as to what sort of international system could emerge from Kosovo regarding national sovereignty and the use of force (O'Connell, 84-86).

The first would be a decision that NATO is not always required to obtain UN authorization. The logic behind this is that NATO, and other similarly constructed organizations, are made up all of democracies and committed to human rights. These groups should therefore be equally qualified to make decisions concerning intervention as the United Nations. Furthermore, since organizations such as NATO are actually responsible for the use of force, they should have the final decision as to whether or not this use of force will take place. The disadvantage to this scheme is that it threatens to lead back to the decentralization of the use of force that the United Nations was created to avoid.

The second would be a more moderate approach in which the Security Council would still be the chief operator of military forces, however regional organizations would be allowed to take their own security arrangements with similar regional requirements as the international ones in the UN Charter. The ECOMOG intervention in Liberia would be considered this sort of intervention. It was undertaken as a regional attempt to curb the violence in Liberia. At the same time, the Kosovo intervention also appears to be acceptable under this arrangement. The unanimous vote among NATO members in favor of the bombing is similar to the Security Council vote, and Kosovo is very close to Western Europe. The advantage of this option is that, while not gutting the Security Council of all power, it does give some flexibility to nations feeling the need to protect their regional interests. The disadvantage is that, if it is not well-defined exactly when this type of intervention can and cannot take place, this second option becomes almost identical to the first option.

The third option is to remain with the current laws. While the UN may sometimes be overly hesitant with the use of force, especially after Somalia, organizations such as NATO can be excessively trigger-happy. The current system has not worked that badly. Hopefully Kosovo will not set a dangerous precedent



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and international order will return. The danger in this option is that it does not take into account the criticisms of many of the NATO nations concerning the UN structure. If NATO continues to feel that it is better off operating on its own, then Kosovo will set a precedent.

A fourth option is to keep the international laws the same as they are now, but to undertake UN reform to make the United Nations a more efficient organization that nations, such as the NATO nations, feel comfortable operating through. This reform, which would have to include Security Council reform,



would not be easy. But a decision by the Special Political Committee specifically relating this reform to an attempt to deal with the problems created by Kosovo would be a powerful step towards United Nations reform (O'Connell, 84-86).

These options are far from all-inclusive. They are merely four ideas as to how the international political system could be altered, or not altered, to deal with the events in Kosovo.

Bloc Positions

Russian Federation, China

Both of these nations were critical of the NATO bombing. The Russians were critical from the earliest stages, and the Chinese became highly critical after the bombing of their embassy in Belgrade. These nations are both veto powers, however, and therefore tend to be hesitant to agree to any Security Council reform. They would also both be skeptical of any increase in the power of regional organizations. The Russians, in particular, want NATO to have as little power as possible. Thus these nations would be largely in favor of remaining largely with the current system while wanting to ensure that NATO is not allowed to take similar action in the future.

United States, United Kingdom

These two nations were two of the most aggressive in pushing for military intervention in Kosovo. The United States, especially under Clinton, made it clear that it did not believe that NATO was dependent on the Security Council before it could take action. It is primarily the United States, and to some extent the United Kingdom, what would support action such as the first proposed solution not requiring Security Council authorization.

The Rest of NATO

The rest of NATO, while in favor of the bombing, tends to be more hesitant to free itself from the United Nations. An arrangement keeping primary control in the Security Council while allowing regional organizations some control is probably what

many of these nations would support. That being said, they would be more open to other options than the United States.

Nations Where Use of Force Would Be Considered/Has Been Taken (Iraq, Congo, Serbia, etc.)

These nations want to limit the power of NATO as much as possible. Furthermore, they want to give themselves as much power in the United Nations as possible. Thus these nations would be in favor of taking action against NATO for their violation of international law and possibly of UN reform giving smaller nations more power.

Other Developing Nations

Many developing nations, especially those in the Arab world, tend to be strongly opposed to Western Europe and the United States. Thus a system in which NATO's power is significantly increased would cause alarm among many nations. At the same time, it is to everyone's advantage to have a stable international system. If giving NATO a little breathing room actually creates more predictability and in a sense gives the Security Council more power. A reform of the United Nations would also seem appealing to many small nations in order to give them more power.

Suggestions for Further Research

There is a very interesting book by Michael Ignatieff called Virtual War. It describes many of the issues raised by the Kosovo events. I would highly recommend it. It is written in a very journalistic way and reads very quickly. There is also an article in Volume 22 (2000) of the Human Rights Quarterly by Mary Ellen O'Connell called "The UN, NATO, and International Law After Kosovo" which I found very helpful.

Other than that, I would just recommend reading articles on UN peacekeeping and think about some of the issues the different operations raise. If you want a rather, well, interesting view of UN peacekeeping, check out www.unisevil.com. That is kind of a fun read. It also argues that the Republic of China (Taiwan) should be sitting on the Security Council instead of "Red China," as they so elegantly put it. Anyway, that is another view on UN peacekeeping. The key is simply to understand the major issues and the general events which took place to raise those issues.