

SESSION III: BEYOND THE ISSUE OF MEMBERS' TERRITORIAL INTEGRITY--PROTECTING INDIVIDUALS

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Merritt is President Emeritus and served 1988-98 as President and Chief Operating Officer of the Association of the United States Army. He rose from the rank of private to four-star general in the U. S. Army before he retired from active duty in 1987. From 1985 to 1987 he was the U.S. Representative to the Military Committee of NATO representing the United States' position in the senior military policy making body. Other key assignments during his career included Director, Joint Staff, Organization of the Joint Chiefs of Staff; Commandant, U.S. Army War College; Commander, Combined Arms Center and Ft. Leavenworth (concurrently); Commandant, U.S. Army Command and General Staff College; and as Deputy Director for Program Analysis, National Security Council Staff. He served from 1973 to 1977 in Vietnam.

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PIERRE LELLOUCHE

Lellouche is an elected member of the French National Assembly. Since 1997 he has represented the 4th constituency, Paris; prior to that he represented the 8th constituency, Val d'Oise. He has served as a personal advisor to Jacques Chirac and as President of the Standing Committee of Foreign Affairs of the International Democratic Union. Lellouche has been a Research Fellow, Harvard Program for Science and International Affairs; at the Studies Group Research on International Problems (GERPI); at Maison des Sciences de l'Homme of Paris; and Research Fellow and Deputy Director at the Institut Français des Relations Internationales (IFRI). He is the author of several articles and books on defense and foreign affairs and is a contributing columnist to *Le Figaro*. He holds a doctorate in law from Harvard Law School.

MAJOR GENERAL (RET.) LEWIS MACKENZIE, OSTJ, MSC, CD

During his thirty-three years of commissioned military service, MacKenzie spent nine years in Germany with NATO forces and managed to fit in nine peacekeeping tours of duty in six different areas: the Gaza Strip, Cyprus, Vietnam, Egypt, Central America, as well as Sarajevo. In 1990, he was appointed UN Commander of the Observer Mission in Central America. In 1992 General MacKenzie was appointed Chief of Staff of the United Nations' Protection Force in Yugoslavia. Later the same year he created and assumed command of Sector Sarajevo and with a force comprising soldiers from thirty-one countries opened the Sarajevo airport for the delivery of humanitarian aid. General MacKenzie retired from the Canadian Forces in 1993. His personal account of his peacekeeping experiences, *Peacekeeper Road to Sarajevo*, became a best seller.

SUSAN WOODWARD

Woodward joined the Centre for Defence Studies, King's College as a Senior Research Fellow in 1999. Previously, she had been a Senior Fellow at the Brookings Institute. She has also held several academic posts in the U.S., including professorships at Yale, Georgetown, George Washington, and Johns Hopkins universities. In 1994 she was head of the Analysis and Assessment Unit, Office of the Special Representative of the Secretary General in UNPROFOR (United Nations Protection Force), based in Zagreb, Croatia. In 1998 she was Special Projects Advisor to Head of Mission and Acting Director, Political Department, Organization for Security and Cooperation in Europe, Mission to Bosnia and Herzegovina, Sarajevo Head Office. Dr. Woodward's major publications include *Social Unemployment: The Political Economy of Yugoslavia 1945-1990*, and *Balkan Tragedy: Chaos and Dissolution after the Cold War*, the *Choice* magazine's Outstanding Academic Book in 1995

MERRITT: The key question posed with respect to this particular session was essentially: "Protecting Individuals Against Ethnic Violence."

In other words, will protection of individuals by NATO in concert with the values of the Atlantic community be an accepted positive element of NATO's move to the future, and if so, on what terms, or will such policy divide the Alliance in such a way that NATO will find itself unable to build a consistent consensus on this matter?

At the end of the day, this gray, abstract question confronted us with respect to Kosovo. There is no avoiding it. Just as NATO approached its summit in spring 1999 with the promise of a new strategic concept, the Alliance found itself simultaneously involved in a military action. (Or should it be called a war?)

The military action in Kosovo confronted us with a number of issues. The lead-up to the intervention in Kosovo is not an issue for this session, but it is important in understanding the broader issues. The United States, for good reasons at that time, although I did not necessarily agree, was reluctant to become involved in

the Balkans in the early 1990s and, in fact, took no action and did not involve itself directly in the region. There is adequate criticism to go around because our colleagues in France and Germany and indeed, Russia, played their own games in the region as well.

Then, the U. S. found itself with a situation that was extraordinarily difficult and extraordinarily threatening. In the process of both making and explaining the decision to become involved, we argued that NATO had a moral mandate, a moral requirement, to intervene in Kosovo.

There was a conference in June 1999 in Budapest where various heads of state, including President Bill Clinton, made the point that, in fact, this was a new international era and that the notion of intervention for humanitarian reasons in essence does override the classical notion of sovereignty.

But now there have emerged -- and indeed, there have emerged at this meeting -- quite different opinions. The classical notion of sovereignty, which has been around since the end of the Thirty Years War and enshrined by NATO, in a broader notion of sovereign

nations and the principle of non-interference specifically, has been extraordinarily important.

There are also those who argue that maintenance of the concept of sovereignty has a good deal to do with the stability of the world. But if you are not going to maintain classical sovereignty, and you have to deal with that question, what are the geographical limits and the conditions of sovereignty. How do you define sovereignty?

What about the UN? We have spoken about the UN and the definition of its role. But how has the UN been used and what is its role with respect to NATO?

Bob Kennedy mentioned Just War. What is the concept of morality with respect to Just War? What are the moral dimensions? The notion of Just War is something we have not discussed much over my lifetime, but it certainly emerged as an issue when NATO got involved in Kosovo.

And how can NATO declare the legitimacy of a doctrine of international behavior that is not universally accepted by others? Russia is an example as is China.

When I recently visited China, the first thing that they accosted me with was the bombing of the Chinese embassy in Belgrade. But that was really pro forma. They were really and seriously concerned about two related things -- first the issue of the Kosovo intervention, and secondly, there was concern over the new strategic policy and how the two related.

So what sort of dialogue internally, within the Alliance and in the international arena, as well as what sort of international processes should take place? Bob Hunter, I thought I heard you say that we should figure out and host the notion of changing international law. Do we want to do that? How would we do that? There are a lot of questions we need to confront.

And so I pose them as a sort of framework for my colleagues here to take on this issue.

WOODWARD: This session is about NATO's role in the protection of individuals' security and human rights, particularly against ethnic violence. I would answer the question of whether NATO is up to this challenge with "no." But I am not worried, because this is not, in my view, what NATO's role in Kosovo or Bosnia has been about.

Not to spoil the fun, but to say that whether one looks at the nature of the conflict in Kosovo or Bosnia-Herzegovina, at the facts on the ground, at NATO's actual decision to act in either case, or at the outcome of NATO's action in either case, is not about the protection of individual rights. However, we said it was about that. We said that what we were doing in each case was to prevent the humanitarian crisis and, in the case of Kosovo, to protect Albanian human rights in Kosovo. This was our legitimation for using military force. So rather than focus on what the actual conflict was about, I do want to question what it means for NATO

to use this particular rationale for military action. I have eight points to offer.

First of all, the Kosovo action was, in my view, a result of an evolution of NATO actions in the Balkans, not an explicit reasoned decision about Kosovo. That fact, in itself, should be very worrisome. Operation Allied Force was a result of one decision after another, beginning with the 1990 decision, to say that Yugoslavia was "out-of-area" for NATO; then in 1992, following on the lessons from Iraq, to enforce a no-fly zone in Bosnia and piecemeal, step-by-step, to move in a certain direction following other lessons from Iraq, such as to create safe havens.

Then under pressure from France in 1993 and 1994 NATO provided force protection to UNPROFOR (United Nations Protection Force) soldiers called "close air support," and bombing could be called in by UN commanders if needed to protect their people. NATO moved then to protect weapons-exclusion zones and safe areas in Bosnia with air strikes as well as dropping food supplies in certain areas of Bosnia -- around those safe areas, and then to force Bosnian Serbs to the negotiating table. That last is not really what happened. The Bosnian Serbs had already agreed to negotiate on Contact Group terms before the bombing began, but that is what we said we were doing. Then, the Alliance helped implement a peace agreement in Bosnia-Herzegovina.

This NATO pattern has basically, in its main elements and steps, been repeated in Kosovo. First, humanitarian action in Albania

and Macedonia; then forcing the Serbs and, to a certain extent the Kosovo Albanians, to negotiate; and then to implement a ceasefire agreement. There is a pattern here. But the very fact that each new step seems to be a result of our assessment of what we did in the previous period is worrisome.

Secondly, the action in Kosovo represents a very concrete politicization of NATO. No longer an instrument of policy, NATO's threat to bomb the Yugoslav forces issued in June 1998 was what then drove policy itself toward Kosovo. This is an enormous change. It is unclear that it is one that we are fully willing to recognize.

I see no development in either Brussels or Mons of an institutional capacity, or even an effort to build one, to make the kinds of decisions in the future on such problems that we now say we are willing to take. Or, for that matter, any move to formulate collective foreign policy, and not just be the instrument of foreign policy. Yet, that is what is happening.

Third, whether one looks at the decision to intervene in Bosnia only on humanitarian goals, which is what we did in 1992 under American insistence, or to define the Kosovo operation as humanitarian, we can see that when NATO wants to act militarily in cases like Bosnia and Kosovo, and we have already said today there are many cases like them -- some already happened, some in the future -- NATO will always face the fact that its members will not agree politically. It will always face political disagreements. In fact, if we did not have such

a situation, we would never have gotten to the point of considering NATO action and military action. We had a policy disagreement that prevented earlier, diplomatic action.

The choice, then, of the humanitarian rationale and legitimation for the use of that force is, as some have already said, only because that is the lowest common political denominator on which we can agree. We can always, in fact, agree on the value, at least, of saving lives when we cannot agree on much else about a conflict.

But humanitarian principles, while essential to Western civilization, are in their application the most vulnerable to manipulation: by groups who want intervention on their behalf in a political conflict, by the mass-media presentation of such violence, and by domestic politics in a democracy.

So the third question is, are we building at NATO a capacity to protect against the wrongful, or counterproductive political use of this genuine humanitarian commitment? We need some kind of checks and balances within the organization on those decisions.

Fourth, the result of adopting the protection of humanitarian objectives as a lowest common denominator is a territorial separation between the two objectives of NATO, collective security and collective defense. This has been a fundamental reversal of the 1990 explicit NATO policy on non-Article V cases.

NATO has now extended the territorial

scope of its collective security way beyond the territorial scope of its collective defense. They are no longer in "sync." Yet NATO has not in any way made an effort to clarify what the territorial limits of that collective security area are. We heard that this morning. It is not surprising that countries throughout the world -- India and China have been mentioned besides Russia -- are now repositioning their defense in anticipation of possible NATO action. They do not believe us when we say we are not likely to act outside Europe.

Even though, in my view, a result of the Kosovo action is that NATO is likely to do less of this kind of thing in the future, the very fact that we have done it makes the global reaction more dangerous. This case-by-case basis for deciding when to intervene mentioned in the previous panel goes exactly against our interests. Conflict arises as we know, generally in human societies, from uncertainty. Stability arises from predictability. If we are unwilling to give those criteria publicly and clearly in advance, we have to worry.

Fifth, the consequence of this approach to collective security of defending the values for which we stand, has been, as we can see now, an increasing forward presence of NATO in Southeast Europe, i.e., the proliferation of bases, headquarters, training areas, airports, among others. But we are now penetrating the region without a strategy, while the presence in Southeast Europe brings with it a host of new obligations. There is no need to look just at the willingness over the last year of NATO to start arresting more indicted war criminals in Bosnia

or even more so to begin really assisting the refugee return to minority areas in Bosnia that was resisted for so long.

Whatever one's view of the Kosovo action, it was a NATO-ization of the problems of and transition in Southeast Europe. It puts the EU and others in the back seat, just as Sergey Rogov was saying this morning. NATO is now the lead political policy organization in the area.

Sixth, at the same time, the NATO members' reaction to the campaign was not to acknowledge the consequence of this new commitment, set of obligations, and potential obligations in their own defense restructuring, but rather to raise European concern about the military asymmetry in the Alliance. The European concern is over the lack of compatibility between its capabilities and those of the U.S. and to move to remedy this in response.

But in fact, seventh, the new obligations in Southeast Europe, including the expansion of NATO's presence there in addition to its legitimation for its action, though as yet unacknowledged, will continue to push the Alliance's actual development, however unimportant the area is, as many people have said repeatedly today.

The kind of question NATO now faces is how it will respond, for example, to the upcoming challenge of Macedonia and a conflict between the Albanian minority and the Macedonian government over self-determination and territorial integrity. Ethnic violence is not what we have been seeing in former

Yugoslavia. It is national conflict. National conflict is about the creation of new states and new borders and new governments on the basis of ethnic membership. Any decision to protect individuals with military force in a national conflict leads one inevitably to take sides. We saw this in Croatia, we saw it in Bosnia-Herzegovina, we saw it in Kosovo this year.

Now, to take another example, having taken sides with Montenegro, are we willing to act militarily if violence occurs as Montenegro goes independent?

Even more difficult, whose side will we take in Macedonia? The Albanian minority? Because of our commitment to individual rights, and particularly minority rights? If so, we will have the same effect as we have now had in Kosovo: the creation of an independent state for Albanians in the northwest corner of Macedonia, as we have now done in Yugoslavia. This would lead to the breakup of Macedonia.

What then about Bosnian integrity to which we are so committed with the Dayton Accords and SFOR? What about NATO consensus and cohesion that represented such a success in the bombing campaign?

My final point is that there really is an alternative, although we have not chosen that alternative in any of the previous cases in the Balkans. And our propaganda campaign during and after the air campaign this spring makes it very difficult politically for us to consider an alternative path.

We are so convinced that we succeeded that it is very difficult to admit that we may

need to change. The question to me is, what do we know about NATO's success in the last fifty years? Can we actually learn from it? Is it deterrence or is it collective security that succeeded?

As General Vyvyan said, and I quote, "We all know that the basis of NATO's success is political, not military, and that it is internal: a result of inclusion and the political stability and economic growth that results from security."

Despite this, for nine years we have ignored this lesson in regard to Southeast Europe. If we wish to prevent another war -- ethnic violence if you want to think about it that way -- and certainly to protect our involvement, then we should be acting now to provide the basis for security in Southeast Europe that NATO provided for Western Europe after 1949.

There are at least four elements of such a plan. First, we need a NATO land headquarters to make coherence out of all the many, proliferating bases there. Whether that means moving from Naples or from Germany should be discussed.

Secondly, NATO needs a policy of inclusion, not simply of conditionality for membership and bilateral membership agreements. This is not to say that everyone should be taken into NATO, but there needs to be a new policy based on inclusion as it was after 1949.

Third, the Alliance needs to draw up a set of procedures that NATO itself is willing to

develop, since others are unwilling to do so, for negotiating conflict over territory in advance. There will never be political agreement, either among Kosovo's Albanians and Serbs, or Macedonian Albanians and Macedonians, or Montenegrans and Belgrade -- and the list is long, Bosnian Serbs, Bosniaks, Bosnian Croats -- or among ourselves unless the NATO allies themselves agree about the necessary procedures and processes to arrive at a desirable long-term settlement.

And fourth, we must accept a willingness by NATO to deploy ground troops in advance while negotiations over territory actually take place. Bosnia-Herzegovina, Kosovo, and East Timor are all wars that erupted as a result of a referendum that was being called about the status of a province. In each of those three cases, there was an unwillingness to recognize that troops needed to be on the ground while that referendum took place; the consequence was negotiating the results of those referendums actually occurring.

That willingness then requires a new legitimation for NATO action, not just humanitarian, and we need to face up to that.

MACKENZIE: By way of background, no one can say that defending folks against ethnic violence is not an honor to undertake, but before patting ourselves on the back too much, we should realize that we backed into this particular activity early in this decade. Missing thus far in the discussion has been the United Nations; whether we like it or not, it is closely related to this NATO discussion and it shares

some common leadership.

When Cyrus Vance, representing the UN Secretary General, brokered a ceasefire in Croatia in November 1991, it was a conventional Cold War-type ceasefire with 14,000 UN troops deployed ostensibly to protect the Serbian minorities while the political leadership sought some solution. There was never any intention whatsoever for the UN to get involved in Bosnia.

The only reason that the UN headquarters was sent there -- 250 of the lowest form of humanity -- staff officers, including Yours Truly as chief of staff, was as a consolation prize to President Alija Izetbegovic, who had requested a division be placed in Sarajevo as a preventive deployment. But the UN could not find 14,000 peacekeepers for Croatia, so they sent our headquarters.

As the situation deteriorated and war -- which was predicted by every soldier on the ground, but unfortunately others appear not to have anticipated it in time -- began, we started to take casualties. The UN headquarters was then pulled out and sent to Belgrade. Why Belgrade? Because the European Community (EC, now EU), as it was known in those days, had its headquarters in Zagreb and it was thought that the move would bring some balance to the peacekeeping efforts.

We went back to Sarajevo because our egos had been assaulted. We, the commanders of the force, were absolutely humiliated that the UN had not listened to our objections over the stupidity of sending us to Sarajevo and not let-

ting us move to Gratz or Zagreb or Belgrade or somewhere else. And we convinced Slobodan Milosevic to convince Radovan Karadzic to give us the airport.

To draw an analogy -- this is similar to my going up to the Nazi commander who bombarded Stalingrad during the last war, knocking on his command post, saying, "Hi. I am from the UN. Know you are killing a lot of Russians in there. Doing a great job. While you are doing it, would you mind if we took in 300 tons of food and medicine every day to help them out?" And he'd say, "Sure, go ahead."

It was a bizarre undertaking to go into the middle of a civil conflict with aggression from two sides, Serbia and Croatia, to deliver humanitarian aid with an organization called UNPROFOR, which obviously raised expectations that the force would protect the citizens of Sarajevo -- not just the airport that was the mandate from the UN.

Cut from there to the safe havens. Susan Woodward and I appeared in front of the U.S. Senate (I am always called by your Senate, never by my own) -- and I was asked, "General MacKenzie, how many troops do you think it would take to defend a safe haven?"

I replied to Senator Sam Nunn, I believe it was, 100,000. He said, "Why so many?" I said, "Well, it's like a stone in a quiet lake. There's a ripple effect. You just have to keep going out to artillery range until you are pacifying the whole country."

General Jacques Briquemont was the commander then. He said, "I agree with General MacKenzie but I will try to mount a defense with 65,000."

The Secretary General eloquently argued with the UN Security Council and lobbied for a force of 35,000. The Security Council approved 12,500. And 5 months later, fewer than 2,000 troops had shown up.

The safe haven concept was still in effect. So the UN went back and rewrote the resolution and changed it from defending the safe havens to, "By their presence will the UN deter attacks on the safe haven."

This point is important because the UN rhetoric, in my experience, has never matched the resources that have been provided. Rambouillet I and II, which collectively gave a really bad name to diplomacy, resulted in what could only have been designed to be a punishing blow to Milosevic, because there was tremendous anger over his actions the previous ten years in the Balkans.

These decisions could not have been designed to protect any Kosovo Albanians. If, while attending the United States Army War College in 1982 I had to come up with the solution that NATO imposed on Serbia, I would have been sent home. The War College would have said, "This guy is impossible to teach. He cannot retain any information. We have to get rid of him." Nobody would come up with a concept of air strikes to defend the Kosovo Albanians. The moment the air strikes started -

- and I was there -- the striking forces were the enemy. Anyone who suggests that the ethnic cleansing was a premeditated plan that was in Milosevic's mind for months and months is wrong; on the contrary, his plan was to move all the Serbian refugees that had come from Croatia and Bosnia down into Kosovo so he could have a very good chance of winning the next referendum, or at least a better chance.

So once again, consensus among the nineteen NATO members, in fact, resulted in the wrong solution. As a result, tens of thousands of people were murdered and anywhere up to a million were ethnically cleansed.

If there is a lesson to be learned from the Kosovo crisis, it is that the reluctance of merely one member of the NATO North Atlantic Council will result in a desire to do the right thing, but always end up with a compromise solution. Sometimes compromise solutions are a lot worse than putting a fence around the problem and letting the opposing sides sort it out, and, thereafter, go in and -- with all due respect to the Marshall Plan -- rebuild the country for them.

LELLOUCHE: Let me address this topic as a Frenchman in the role of nonmember of NATO's integrated military command structure. But I was quite happy this morning to hear General Galvin say that when the chips are down the French are there. That is very true. The rest of the time we try to make the annoyances a national sport.

The title of this panel is, "Beyond the

Issue of Members' Territorial Integrity: Protecting Individuals Against Ethnic Violence." That is supposed to be the next phase in NATO's mission.

My first remark would be to say that if this is the road on which we are embarking, we are really talking about an entirely new chapter in NATO history and certainly a new set of relationships.

This morning we discussed the difference between territorial defense and collective security as well as out of area operations. But this is going one step beyond out of area. It is about using political and military force when none of our countries has the capability to undertake action alone. Not even when there is an open conflict nearby do we have the ability to restore our value system or establish clear objectives and goals.

NATO stumbles into war from compromise to compromise, essentially running after their conscience and bad feeling, or what they perceive as a bad feeling by certain groups, intellectual and expert. For this reason we have stated four goals in Bosnia and invented various and successive rationales. We hesitated for years in Kosovo because we knew all along that there was a high possibility of a Kosovo tragedy -- the same way we know that the next tragedy is Macedonia.

This issue should, therefore, not just be judged on the basis of the massive failure in both Bosnia and Kosovo. Rather the issue should be addressed from a general angle and in

terms of whether it is wise to advocate this evolution for this very successful alliance. As I say this, I want NATO to be successful. It is useful for French national interests as well as for Europe. NATO should not be sidetracked into something extremely problematic for the future.

It is necessary first to ask the question of whether it is legitimate to want to move NATO from territorial defense to a very wide concept of collective security, which is essentially based on moral standards and the judgment of moral character.

To a certain extent, it is legitimate to pose these questions. Most Cold War conflicts, most post-Cold War conflicts are internal. They are, as Susan Woodward said, based on national ethnic conflicts. Many such conflicts carry the risk of spreading to a number of regions around Russia, around Europe, and elsewhere.

Morally, one can argue that we stand as democracies, united in NATO with a common sense of values and the Alliance has defended these values. So as a political official myself, I could agree with the remarks of Mr. Clinton, "I want us to live in a world where we get along with each other with all our differences, and where we don't have to worry about seeing scenes every night for the next 40 years of ethnic cleansing in some part of the world."

That is an excellent political statement. The question is, ladies and gentlemen, is it a strategic doctrine? This is where we have to get into the nitty gritty of strategic thinking.

There are at least four problems that I want to address quickly: the first problem, legitimacy, was discussed this morning; the others are political sustainability, political and military implications, and military feasibility. These are the four major problems, although there are probably more.

First is the issue of legitimacy. As you know, the UN Charter -- precisely because of the history that preceded the creation of the UN -- the UN Charter actually forbids the use of force by any of its members. There are two exceptions, and only two. Article 51 says regional alliances may use force in defense of their territory. A vote of the UN Security Council may also exclusively mandate a group of states to use force.

Now, are we a wise nineteen countries entitled to decide on the defense of ourselves? We decide the law of the land, and we decide whether we will take the law in our hands. It is one thing for NATO to be the instrument of international law as decided and voted by the UN Security Council. It is another thing for NATO, or any group of nations or any state, to actually take the law in their hands.

Furthermore this issue of ethnic violence and the protection of individuals derives from what international law? I studied international law when young, including American law. I do not know of any international law that actually gives this reading. I know about national sovereignty, I know about the law of nations, but I do not know about the principle of inter-

national law that would transcend governments and courts, to give an outside state the right to determine justice, so to speak, on somebody else's territory.

Some argue that we have to upgrade international law. There is also discussion about the creation of an international court, a penal court. And some consider this as a major breakthrough. This evolution is highly, highly problematic. But I do not know what the legal opinion is. I do not know how you catch a criminal and where you judge him in the international arena.

Let me give you an example, and this is just a side issue, but it is a very complicated and very important problem -- extradition. Suppose after World War II, Charles De Gaulle had not succeeded in restoring French sovereignty immediately as forces entered France. We were then under American occupation, which was the original game plan, with American money and American government in various French regions.

What if someone had been declared a criminal and tried in America? Do you think that would have been better for the national consciousness of France? What is better, that French courts judge this man, or that somebody else does it? These are the kinds of evolution that are driven by NGOs (nongovernmental organizations), by television, by what we believe is politically correct. But it is completely divorced from traditional international law. Also divorced are the kinds of strategic objectives we used to use in the conduct of our for-

eign policy.

The question is, are we really sure? If we move toward this new meaning of national sovereignty, is it acceptable? This is what we want to do. This is for the legitimacy on either side that we discussed this morning. Where is the limit, where is the territorial limit? Where does it stop?

Second, political sustainability. Moving in this direction means the use of force when there is no vital interest at stake, when there is no physical threat against your country. You use force but this is not peacekeeping -- you are not going to protect individuals by bombing them.

At some point you have to come home. That is where it is going to hurt. How do you combine the use of force with no threat for extended periods of time?

That leads me to my third point -- the political implications. Most people do not understand that the unfortunate logic of such "humanitarian" intervention is, in fact, long-term physical presence on the ground, not only militarily but also economically and politically because you are really there to reconstruct a state.

Let me quote from an Albanian journalist. In a meeting of the staff he said (I shall translate from the French): "The integration of Serbia is ending under our eyes with the quasi-separation of Montenegro. We are now going to witness this time the integration of Southeast

Europe according to new force lines and under the protection of the military."

He advocates that NATO should simply take over state rebuilding in the entire region that, if you know anything about Albania, after all, is quite understandable.

But do we really want to do this? Do we understand that we have been sucked into this, and now are we prepared to do it?

Fourth, are the military implications. There are many military officials here. You know better than I do, and I have seen our forces on the ground and in Kosovo and Macedonia. Except for the French forces that are now working to extend French penal law into Kosovo and actually conducting inquiries the same way we do in France, our forces are trained for military action. Throughout the world, from Europe to the Pacific, French soldiers are trained for duty with the army; they do not know how to be policemen.

Are we really going to put our forces in the position of being mayors, judges, and policemen on every corner? Do we understand that even if you do that for twenty years, you do not have any solution. Anybody who has been in Bosnia or Kosovo knows this. Let us talk about Bosnia. We have been there for a number of years already. Its 30,000 people know that the moment we move out, the war could start again. Everybody knows that. Yet we continue with the fiction of a major NATO success. We have rebuilt, so to speak, a multi-ethnic Bosnia.

We have rebuilt nothing. We have a ceasefire. That is it. That is no solution. In Kosovo we have rebuilt nothing.

What is the conclusion to be derived from all of this? Let me go back to basics. The cardinal rule of strategy, based in Clausewitz and many others, is the following: only use force when you know your political objectives. If you do not know the political objectives, stay home. If you know the exact risk, at least as exactly as possible, and you cannot control the escalation, one nation should take the dominant role.

You need to know how to extract your forces. If you do not know how to extract the forces, then you are in deep trouble. This is a really wonderful example because one of the many shortfalls of Western policy in Kosovo was to invent an extraction force, to extract local populations. I spent the first of January this year with a poor child. It was below fifteen degrees centigrade and the refugees were living in tents; the weather was terrible and they were supposed to leave on helicopters. Each of them knew that the mission was not likely to succeed but they could not have been kinder.

I have argued for many years with a good friend, who is now the king of Kosovo, that there is no such thing as a humanitarian war. It is about positioning for power.

What we have done in the last ten years, out of utter confusion, is to develop a new humanitarian policy, new humanitarian warmth

as a fig leaf for the lack of strategic planning, for the lack of foreign policy objectives, and for the lack of power politics.

This in turn has major consequences for the result because sometimes we risk stumbling into a worse result than not contributing at all.

We could have avoided a lot of dead people (and the historians will be very severe with the period 1991-99). Had we used our position and not tried to backpedal in front of the difficult challenges, we could have used some kind of humanitarian intervention.

Humanitarian wars are difficult and pose a set of issues which are really too broad. They might lead America to a new form of isolationism or even water down the Alliance. This is not a good idea, really not a good idea at all if one is interested in NATO existing as it has existed virtually since its founding in 1949.

ADAMISHIN: Nowadays, the Russians have unfortunately few reasons to be proud of their country, especially the way it has been governed. But there are reasons to be proud. With all our weaknesses we are still capable of dragging such a powerful organization as NATO into the war in Kosovo. At least, this was the impression General Naumann's remarks left. So, to prevent another war, it is the Russians who should be most careful! (This will be the only polemical remark that I will permit myself.)

I would like to focus on the topic of the legitimacy of humanitarian intervention, already

mentioned in the discussion.

How is it supposed to work, or better, how did it work before Kosovo? If the international community of 193 countries was unhappy with the state of human rights in one or another country, it might use appeals to respective governments to mend their ways, to take the issue to international bodies, primarily the UN, to carry out economic sanctions and boycotts such as those used against South Africa's apartheid system. In the final account, even force was not precluded. But this was only possible with an ultimate decision of the Security Council of the United Nations.

The situation has dramatically changed since Kosovo. The methods of coercion remain the same but the international community has been reduced to the most civilized nineteen countries. And, note, they are all inside the NATO framework. Under the wise guidance of the United States, NATO gave itself the right to punish or show mercy. Beyond that, if the Security Council, under NATO's insistence authorizes the use of force, NATO takes action. If it does not -- O.K. -- we proceed without it.

The decisions are taken on a case-by-case basis, which is by definition highly selective and nobody knows the criteria. Why are the Serbs punished for crimes against the Albanians and the Turks are not punished for exterminating Kurds? Will this situation continue? Is NATO going to play the role of the world's sheriff, judge, and prosecutor at the same time? Or will the U.S. and NATO try to determine the international consensus within the UN?

Moving in an autocratic way certainly has its advantages. But it may open a lot of Pandora boxes that could bring quite unexpected and counterproductive results.

Adopted more than half a century ago, the UN Charter contains rules for countries to follow in their relations with one another and deals hardly at all with issues related to domestic issues, such as human rights violations and ethnic conflicts. Yet these problems play a special role at the end of the 20th century. In world public opinion, the prevailing attitude is that outrages perpetrated inside a country warrant the international community's intervention. The arguments of the "interventionists" are quite persuasive and are steadily gaining recognition.

So an incredibly complex and laborious job is required to bring modifications to the UN Charter in order to modernize it to meet the needs of the present international situation. It is hard, no question. But only in this manner may we reestablish the generally recognized norms of international behavior including the legitimacy of the so-called humanitarian intervention of which Ambassador Ellsworth spoke so well. Otherwise we may again fall back into humanitarian crusades; in other words revert to policies of the very beginning of this millennium.

