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Commentary & Reply

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Commentary & Reply

From *Parameters*, Spring 2001, pp. 136-39.

NATO'S ATTACK ON SERBIA AS A DOCTRINAL PARADIGM

To the Editor:

Brigadier General Ronald S. Mangum's article "[NATO's Attack on Serbia: Anomaly or Emerging Doctrine?](#)" (*Parameters*, Winter 2000-01) accurately captures the legal and political quandary that NATO created for itself while executing Operation Allied Storm. However, I would disagree that this is the first step in a new doctrine. The attack on Serbia did not only skirt the UN Security Council and international law, it also represented a shift away from a key tenet of the North Atlantic Treaty. Second, given the nature and political motivations of the leaders of the primary member states, the NATO operation was at best a situational adjustment to a regional crisis.

The first problem is exclusively legal. Besides being unable to square the Kosovo attack with international law and the UN Charter, it is also clear that NATO did not seriously address the conflict between recent actions and the provisions of the North Atlantic Treaty. Article 5 is the most important element of that treaty, and is the crucial foundation that makes NATO essentially a defense alliance and not a collective security organization. Plus, it acts as a springboard for the next two articles of the North Atlantic Treaty. Specifically, Article 5 mentions:

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 . . . 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 by taking forthwith, individually and in concert with other Parties, such action as it deems necessary, including the use of armed force. . . . Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security. [Italics added.]

Before the 50th Anniversary Summit in Washington, NATO experts such as Lawrence S. Kaplan argued that in the new security atmosphere, the Alliance would have to address the implications of glazing over the aspects of Article 5. Instead of really working on the intricacies of the treaty, the NATO summit was more of an opportunity for the member states to announce how proud of themselves they were that Allied Storm was "succeeding." Unless NATO fixes the legal trap created by Article 5, it cannot realistically pursue a new doctrine without continually running afoul of international law.

The second problem is of a political nature. One might add to Prime Minister Tony Blair's criteria for intervention two more requirements: first, that such humanitarian intervention guarantees favorable domestic political benefit for the national government, giving the perception of decisive action; and second, that such action adds to the foreign policy "legacy" of the political leader for posterity.

In reality, NATO is a "consensus" organization that takes action when two member states--the United States and the United Kingdom--decide it is worth the price. Even then, both principals have disagreements on how to intervene. President Clinton operated under a similar mantra, but came to a different solution. Clinton, sensitive to bureaucratic hesitation to provide ground troops and a public that would grow impatient with no results in Kosovo, ruled out the land option from the beginning. On the other hand, Blair sensed the opportunity to prove British resolve, and volunteered nearly all of the country's available land power for an invasion. Beneath that rift was grumbling by the Greeks and Italians, who did not actively endorse Allied Storm. Political will was hampered by states' individual priorities, and that can create special problems in a consensus organization that by definition necessitates unanimity. This led the Alliance to lukewarmly advocate airpower and little else. Hence, the remedy for Slobodan Milosevic's expulsion of Kosovar Albanians actually exacerbated the problem. The attacks expanded the refugee dilemma and

failed to effectively crush Serb military power. If anything, the behavior by NATO essentially *precludes* any potential for doctrinal thinking, because the action the members chose depended on who was in control of the government at the time. The actors have different constituencies to satisfy and personal mandates to fulfill.

The political winds might change, given the election of Republican George W. Bush in the United States and the potential for Conservative William Hague to eclipse Blair in the future. If another crisis arises, they might opt to look at international law and the political calculus differently, and that might lead them to prescribe a different formula for combating regional instability. Therefore, it would be difficult to make Kosovo the template of a doctrine for future contingencies.

Lorenzo R. Cortes
Associate Editor, *Marine Corps Gazette*
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The Author Replies:

I appreciate Mr. Cortes's comments, and I agree with his analysis of Operation Allied Storm under the North Atlantic Treaty. In my article I stated that the attack on Serbia was not in accord with current international law, and raised many of the concerns to which Mr. Cortes alludes, including the difficulties under the North Atlantic Treaty. I do not agree, however, with Mr. Cortes's apparent assumption that international law is positive law, i.e. that it is solely created by written documents and devoid of normative ethical content. International law also grows by long-established custom and scholarly comment. Consequently, Operation Allied Storm is an act that may, despite the intent of the parties, begin a doctrine of humanitarian intervention in international law.

As I analyze--and again I concur with Mr. Cortes--NATO did not create a good foundation for such a new doctrine. I do not suggest that the attack on Serbia is a "template" for future interventions, as Mr. Cortes implies, but the attack on Serbia raises issues which must be addressed by NATO and the international community before situations arise which cause nations or alliances to resort to force to resolve humanitarian crises. A sober look at Operation Allied Storm by the international community, but especially by NATO and the United States as world leaders, would raise the debate on unilateral use of force to a more useful plane. This is not about whether the attack on Serbia was right or wrong; it was a event in international law that can, and I believe will, be used as a precedent. With all of the legal and factual flaws in the rationale for the attack, now is the time to analyze Operation Allied Storm and use that analysis to develop a solid doctrine for such interventions in the future.

Second, I believe this debate should take place in the United Nations. One of the most serious dangers of Operation Allied Force is that it marginalizes the UN. Yet the UN is the proper place for discussions on the use of violent force by nations against the internal acts of other nations. It is the one forum in which serious discussions can take place without rhetorical attack on the perceived hegemonic designs of the United States. Again, Kosovo is not a template, but it raises many of the issues that must be addressed to appropriately develop a doctrine of humanitarian intervention.

Finally, this is a military journal, and the NATO decision to attack Serbia was a political decision, not a military decision. The military goes where its civilian leaders decide, and I do not suggest that the military should have a veto over such decisions. I am concerned, however, when I talk to young officers and noncommissioned officers who cite not only increased deployment OPTEMPO as a reason for leaving the service, but also express their personal concerns over the nature of deployments in "humanitarian" actions. I suggest that a cohesive policy on when NATO and the United States deploy troops to conduct a humanitarian intervention may bring about a better understanding, and therefore better acceptance, of such actions by the soldiers who fulfill such missions.

I appreciate Mr. Cortes's thoughtful comments, and I hope the debate will continue.

Brigadier General Ronald S. Mangum

To the Editor:

In his article "[The Civilian Side of Military Culture](#)" (*Parameters*, Autumn 2000), Thomas Langston makes the following statement: "Only in wars fought on American soil have Americans demonstrated a resolve to `pay any price, bear any burden.'" I wonder if the soldiers, airmen, marines, and sailors who fought from 1941 to 1945 on two major fronts in World War II agree with this cavalier remark?

Dr. Langston fails to make the link between the purpose of the military and civilian control and leadership. In the Korean and Vietnam wars, both involving Democratic Party presidents with a Democratic-controlled Congress, the military found itself engaged in conflicts with no strategy for an end state. In Korea it resulted in the President relieving a famous field commander and fighting a war of attrition. In Vietnam it resulted in another war of attrition and a meat-grinder for the individual soldiers, and no attempt at the highest levels to bring the conflict to some type of conclusion. These two conflicts represents a major change in the use of the military. No longer were forces being committed to win or conclude a conflict. Military forces were committed with no intent of winning anything other than time. Citizens should be concerned when this involves their sons and daughters. I continue to be amazed when US forces are committed in the role of peacekeepers and policemen with no stated national purpose or interest and no defined exit strategy. It begs the question whether there is a clear understanding of what strategic planning entails and where our true national interest lies.

This points to the need for strategic leadership. Without a strategic plan, it will be difficult for the military to shape itself for the future. This is a civilian imperative. Politics notwithstanding, the professional military person is driven by a sense of duty to the country. As long as we continue to educate our citizens on the role of the military and its connection to the Constitution, I see no relevance as to how conservative or liberal a segment of the leadership happens to be at any given time.

The total military force integrates both active and reserve personnel. Current and future world missions require both components to be successful. It is these citizen-soldiers who will continue to provide the link between the communities of America and its active military personnel. A need for some type of universal service to the nation (military or nonmilitary) may be the correct model for the citizens of the future so the sacrifices of the past are not lost on the ambivalence of a misinformed populace.

Lieutenant Colonel Nicholas N. Gibbs, USAR
Louisville, Kentucky

The Author Replies:

Lieutenant Colonel Gibbs begins his letter by questioning my statement that "only in wars fought on American soil have Americans demonstrated a resolve to `pay any price, bear any burden.'" The reader has missed my point. I do not question the resolve of the men and women who fought in our wars. I do question the implication of President Kennedy's famous rhetoric that the American public is sufficiently Spartan to support the use of our armed forces without regard to "price" or burden.

Lieutenant Colonel Gibbs then takes me to task for failing to link "civilian control and leadership" to the purpose of the military. The reader seems to believe that if only our presidents would not commit forces to flawed missions, all would be fine. Up to a point, this is surely true. But it is also irrelevant. The Korean War and even the Vietnam War *were* in the nation's interest and *were* guided by a strategic vision. But let's say I'm wrong about that. It would not matter. Both Democratic and Republican civilian elites tend to have an internationalist worldview. As a consequence, friction over non-warfighting deployments will likely continue as a major feature of civil-military relations for the foreseeable future.

Finally, Lieutenant Colonel Gibbs suggests that perhaps everyone in America should be compelled to serve for some time as a citizen-soldier of one kind or another, to make us all more appreciative of military sacrifice. I disagree. More important, I see no reason to believe that a sufficient majority of other Americans would ever agree with Lieutenant Colonel Gibbs, which makes universal service what Universal Military Training was after World War II--a utopian

scheme. If Lieutenant Colonel Gibbs agrees with me, in the final analysis, that American ambivalence to the use of force does create problems, I'm afraid he has no choice but to search with me elsewhere for solutions.

Thomas Langston

Reviewed 15 February 2001. Please send comments or corrections to carl_Parameters@conus.army.mil