

The UN's Surprising Support

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The Security Council has not authorised the bombing. But whatever the legalities of NATO's campaign against Yugoslavia, the action has broad support at the UN.

The NATO bombing campaign against Yugoslavia may not have the UN's seal of approval in the sense of a formal Security Council resolution authorising it. But it does have support from a number of delegates who otherwise look askance at US military interventions.

The Islamic bloc, for example, seems pleasantly surprised to discover that US weapons are not for exclusive use against Muslims. Their support has ensured that perennial US critics like Cuba and Iraq in the Non-Aligned Movement (NAM) have not had their way -- which in this case was an attempt to get the NAM to adopt a position condemning the bombing of Belgrade while overlooking the killing of Kosovo Albanians.

In addition, considering the 50-plus Security Council resolutions against rump Yugoslavia (Serbia and Montenegro), and the decade-long trail of blood across the Balkans that the UN itself has collectively traced to Yugoslav President Slobodan Milosevic's door, the Europeans and many other countries have shown themselves prepared to overlook the failure to get UN approval, which they know is the result of Russian veto threats.

That feeling is reinforced by uncompromisingly stark daily reports from the office of the UN High Commissioner for Refugees and other UN agencies on the scale of atrocities in Kosovo.

Even so, the Russians and the West were equally surprised at the result of Moscow's attempt to get a Security Council resolution condemning the NATO action shortly after it had begun. Only Russia, China and Namibia voted for, while traditionally anti-Western countries like Malaysia sided with the British, Americans and French to defeat Moscow's proposed resolution by 12-3.

NATO did not make as much of this backhanded endorsement as it could, and perhaps should, have. This was partly perhaps out of surprise, but also because of deference to mixed feelings in the US. In Washington, the security establishment does not like to admit that the UN has any business with NATO operations.

And US diplomats, used to being outvoted on the defensive end of resolutions against Israel, are hardly in a position to question the appropriateness of a Russian veto.

An even more significant indication was the UN Human Rights Committee, which voted 44 votes to one to condemn Serb ethnic cleansing in Kosovo. Russia was the sole dissenter, and could only look to the silent support of six abstentions by China, Congo, Cuba, India, Nepal, and South Africa.

Of the abstentions, South Africa has shown signs of viewing Milosevic as in some way the heir of Tito, instead of the destroyer of Titoism. India, whose Hindu nationalist Bharatiya Janata Party (BJP) government has itself been sensitive to criticism of its mistreatment of the country's Muslims, worries about the future fate of the predominantly Muslim province of Kashmir, resents US hegemony, and, incidentally, overlooks its own very similar intervention in Bangladesh (in 1971) when it was part of Pakistan. Nepal tends to follow New Delhi's lead, while Cuba, Congo and China have their own human rights bills to pay.

Delegates confess to some ambivalence. The US's long track record of ignoring the UN except when it suits its own purposes inhibits some of them from vociferous support, even if they would vote for the NATO action in the end.

As a result, the US has been unable to use the "Uniting for Peace" procedure, a measure it originally pioneered during the Cold War to take issues vetoed (by the USSR at the time) to the General Assembly. Through this procedure, a simple majority in the General Assembly can vote to authorise an action by the organisation, including legitimising military operations.

Last year, the frequent US veto on Israeli issues led the Palestinians and Arab states to turn the procedure against its originator to overcome the US veto of a resolution condemning Israeli behaviour in the Occupied Territories. In this way, the US has effectively spent the past year or so detracting from the legitimacy of its own invention, thus precluding use of such a procedure now for the Balkans.

Ironically, the Russians have blustered about using the same procedure to overturn the defeat of their Security Council resolution condemning the bombing of Serbia. It is indeed bluster, since the West, bolstered by Muslim support, would have little problem mustering a General Assembly majority. But Russia's efforts on this issue are targeted at a home audience rather than towards effective diplomatic

results.

The Russians have also spoken of a reference from the General Assembly to the International Court of Justice (ICJ) to determine the legality of NATO's action. Since the ICJ has already ruled that there is a prima facie case of genocide to answer against rump Yugoslavia, and since the Bosnian government is still pursuing the case, this, once again, must be regarded as pandering to Russian public opinion rather than serious diplomacy.

The other UN actor, is, of course, the Secretary General. Kofi Annan. Annan's line is in fact very robust. Initially, he issued a somewhat confused statement recognising that when diplomacy fails, military action can be necessary -- but almost wistfully wishing that the force had UN sanction. His advisers stepped in to make it plain that they preferred the media to emphasise the first part.

The following week while he was in Europe, Annan's message to Milosevic was even less compromising. Belgrade had to withdraw its forces, and allow the Kosovo Albanians to return under the protection of an international force, before the NATO bombing would stop.

He also used the word genocide, perhaps under the influence of Mary Robinson, the outspoken UN High Commissioner for Human Rights. Reflecting the confusion of the allies, this had the Quai D'Orsay and the State Department both protesting to the UN. (The UK government, notably, has used the G-word with abandon.)

Dismissing Annan's proposal as "more or less" the same as NATO's and Clinton's, Vladislav Jovanovic, Yugoslav charge d'affaires at the UN, reiterated Belgrade's opposition to any foreign military presence when he rejected it on Friday 16 April.

It may be slightly less galling for Milosevic to climb down to Annan than to NATO, and the Secretary General is eager to play a role, if only to rescue the organisation from the marginal position that Security Council deadlock has condemned it to.

However, his efforts there will not be helped by another UN agency. Chief Prosecutor Louise Arbour of the International Criminal Tribunal for the former Yugoslavia, in The Hague, has hinted that the case is building for an open indictment against Milosevic. Indeed, there have been suspicions that he has had a sealed indictment against him for some time. "You don't see him leaving Belgrade for talks," one senior court official commented to me last October.

That may be interpreted as good news in some quarters, but it is hardly conducive to a UN-brokered accord. In the end, the UN is likely to have to settle for the inglorious role of putting its seal on whatever deal emerges from the ruins of the region. It may give its "blessing" to an international force in Kosovo, but the ghosts of Srebrenica suggest that it is unlikely to be trusted with operational control.

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