

## **On April 1st 2010 NATO took on a new role**

Posted by Joan Russow

Monday, 27 July 2015 14:10 - Last Updated Monday, 27 July 2015 14:51

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By Joan Russow Global Compliance Research Project

Reprint

On April 1, 2010, Rasmussen issued a report indicating that rather than the traditional notion of an expansive role, his concept was much more nuanced. .

### **NATO CALLS FOR THE “FORCE OF COMPLIANCE”**

Rasmussen announced that in its desire to work more closely with the United Nations and the UN Charter, NATO has decided to embrace the force of compliance rather than the force of arms. Rasmussen remarked that throughout the United Nations history, there have been important international conventions, treaties and covenants related to “common Security – a concept that he is borrowing from Olaf Palme.

### **NATO’S NEW VISION OF SECURITY – COMMON SECURITY**

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Rasmussen recognized that True Security is not through militarism, not through “human security”, not through “humanitarian intervention”, not through “the responsibility to protect” and not through “Will to intervene” but through an extension of the concept of common security as advanced by Olaf Palme

1. to promote and fully guarantee social and cultural rights such as respect the right to food, potable water, sewage treatment, housing, health care, education and social justice; and fully guarantee civil and political rights such as and the right to self determination, freedom of expression; labour rights including compliance with International Labour organization Conventions
  
2. to prevent discrimination on grounds such as race, gender origin, disability, political and other opinion, religion, as well as gender identity, and sexual orientation, Also to prevent discrimination against indigenous peoples and migrant workers;
  
3. to enable socially equitable and environmentally sound development; and institute fair and just transition into socially equitable and environmentally safe and sound development
  
4. to Achieve a state of peace, justice
  
5. to Create a global structure that respects the rule of law; and to respect the jurisdiction of the International Court of Justice
  
6. to Ensure the preservation and protection of the environment, to respect the inherent worth of nature beyond human purpose, to reduce the ecological footprint and move away from the current model of overconsumption

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He has thus advocated that the NATO members should concentrate on signing and ratifying international Conventions related to the above components of Common security. .

He stressed the importance of respecting the jurisdiction of the International Court of Justice, and quite out of character, he urged the United States under Obama to be willing again to respect the jurisdiction of the ICJ.

### **NEW CONCEPT OF SECURITY WILL INVOLVE SERIOUS NEW MEASURES TO ADDRESS OTHER SERIOUS ISSUES SUCH AS CLIMATE CHANGE**

**Rasmussen noted that at the COP 15 on Climate Change, that the issue of militarism was raised in the context of climate change. in the following ways;**

***Addressing the contribution of militarism to Greenhouse gas emissions and thus climate change.***

**In keeping with the new vision, NATO has announced that it will urge the Intergovernmental Panel on Climate Change to assess the full contribution of militarism**

**to greenhouse gas emissions.**

## **Reallocating the global military budget**

**NATO has assessed that the global military budget is now over 1.7 trillion annually, and he recalled the commitment in Chapter 33 of Agenda 21 (UNCED, 1992) to reallocate military expenses. In the context of COP15, he noted that there were several recommendations by the developing states for the NATO states to reallocate military expenses so as to pay compensation for the climate debt owed by the developed states to the developing states.**

**NATO MISSION IS NOW RECOGNIZED AS BEING IN VIOLATION OF ARTICLE 51 OF THE CHARTER OF THE UNITED NATIONS AND SUBSEQUENTLY OF THE CONVENTION AGAINST TORTURE**

**Rasmussen announced that NATO now perceives the original invasion of Afghanistan not to be justified under self defence but as a blunt act, by the United States, of revenge. For this reason he urged all NATO states to withdraw immediately from Afghanistan.**

## **OBSERVATIONS BY RASMUSSEN TO JUSTIFY THE WITHDRAWAL OF NATO FROM AFGHANISTAN**

### **(1) □ INVASION OF AFGHANISTAN WAS AN ACT OF REVENGE IN VIOLATION OF INTERNATIONAL LAW**

The serious irreversible human, environmental, health, psychological, economic and social consequences of war support the contention that under no conditions or circumstances is war legal or just, and that war must be de-legitimized as an option or even a last resort.

The seeds for de-legitimizing war have been planted through the Charter of the United Nations and through over 60 years of UN instruments. For years, member states have incurred obligations under the charter, treaties, conventions, and covenants, made commitments under conference action plans, and created expectations through UN General Assembly Resolutions and Declarations that would, if implemented and enforced, give substance to the de-legitimization of war. From these instruments peremptory norms, which further the rule of international law, can be extracted.

Under the Preamble of the Charter of the United Nations the fundamental purposes of the Charter are delineated:

-to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity].

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

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

Chapter VI, entitled "peaceful solutions of disputes", of the Charter of the United Nations, conforms to and upholds the fundamental purposes of the Charter of the United Nations, advances the de-legitimization of war, and promotes respect for the rule of international law through the International Court of Justice.

Under Chapter VI of the Charter of the United Nations, a number of provisions have been established to bring about the peaceful settlement of disputes:

(i) The first provision is to counter conflict of interest in decision-making related to peaceful

solutions of disputes.

Decisions under Chapter VI are constrained by Article 27, which reads that a party to a dispute shall abstain from voting. This provision, which is present in Chapter VI but is absent in Chapter VII, is consistently violated by the UN Security Council.

(ii) The second provision to bring about peaceful settlement of disputes is recourse, under article 36, to the rule of international law, through the International Court of Justice:

Article 36 reads: "legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court".

Chapter XIV complements Chapter VI in outlining the role of the International Court of Justice:

Chapter XIV, Article 92, states that the International Court of Justice shall be the principal judicial organ of the United Nations...and, under Article 93, and all members of the UN are ipso facto parties to the statute of the International Court of Justice, and under Article 94, each member of the United Nations undertakes to comply with the decision of the International Court of Justice in a case to which it is a party and under Article 96 there is the provision for the UN General Assembly, UN Security Council and other organs of the UN to request the International Court of Justice to give an advisory opinion on any legal question.

Under the Charter of the United Nations there is an important principle - the principle of sovereign equality; this principle is violated by the UN Security Council and is respected by the UN General Assembly. The permanent members of the UN Security Council continually attempt to invoke Chapter VII of the Charter of the United Nations; unfortunately, under international law, an invasion of another state is deemed to be legal if the UN Security Council, under Chapter VII, deems that the necessary conditions required for a war to be "legal" have been met.

Chapter VII, however, of the Charter of the United Nations, contravenes the purpose of the Charter: to prevent the scourge of war.

Sadly, Chapter VII of the Charter of the United Nations continues to be used to justify military intervention, if supported by the UN Security Council.

It can be argued that Chapter VII not only violates the purposes of the Charter of the United Nations but also violates a fundamental Charter principle under Article 2 - the sovereign equality of states, because the Security Council blatantly defies this principle.

*thus*

to prevent the scourge of war and to remove the conditions which are claimed to support the legality of war, the global community must definitively concur that the conditions that have been used to declare war to be legal must be abandoned.

- Chapter VII, which condones conditional legitimization of war, in contravention of the purpose of the UN Charter itself, must be struck.

- Chapter VI of the Charter of United Nations must be strengthened and, in particular, the instituting of the mandatory requirement for states to appear before the International Court of Justice, to accept its jurisdiction and to act on its decisions, and for the panel to support the rephrasing of article 36 to read "legal disputes 'shall' rather than 'should as a general rule', be referred by the parties to the International Court of Justice..."

- The UN General Assembly - which upholds the principle of sovereign equality, must be strengthened, and for the UN Security Council, which contravenes the principle of "sovereign equality" - an intrinsic provision of the charter must be dismantled.

Given that the UN Security Council did not support the invasion of Afghanistan, under current international law the invasion of Afghanistan was in violation of international law.

In joining the US-led invasion of Afghanistan, Canada engaged in an illegal act because the invasion was not sanctioned by the UN Security Council.

There were other options that Canada could have advanced to the United States and Canada could have truly been perceived as a state that promoted peace;

1. To call for the peaceful resolution of dispute, under Chapter VI, and advocate that the United States should go to the international Court of Justice;
2. To call for the invoking of the 1951 Uniting for Peace resolution which provides for an emergency session of the United Nations General Assembly.

## **(2) MISINTERPRETATION OF ARTICLE 51-SELF- DEFENCE - OF THE CHARTER OF THE UNITED NATIONS**

In the case of Afghanistan, the United States misinterpreted Article 51- the self-defence clause- of the Charter of the United Nations. Under no circumstance could the invasion of Afghanistan be deemed to be a legal act; it was purely an act of revenge.

Under most state criminal law, the actions of the US invasion of Afghanistan could not fulfill the criteria of an act of self-defence. (See references in Canadian Criminal Code to the operative principles related to what would constitute an act of self-defence).

## **(3) " OPERATION ENDURING FREEDOM" MISREPRESENTED AS AN INTERNATIONAL MISSION**

Since its inception, "Operation Enduring Freedom" - the US-led invasion and occupation of Afghanistan has been declared to be an international mission. The United States has deluded the public into thinking Operation Enduring Freedom in Afghanistan was part of an

internationally sanctioned mission. The UN Security Council did not pass a resolution authorizing the invasion and occupation of Afghanistan .

The UN Security Council did, however, give conditional support to the NATO mission, providing the mission complied with the Charter of the United Nations. (see section below on how NATO has failed to comply).

#### **(4)CONDITIONAL SUPPORT BY THE UN SECURITY COUNCIL FOR NATO MISSION**

ISAF, NATO mission in Afghanistan received only conditional support from the UN Security Council.

.In the preamble to UN Security resolution 1444 in 2002, related to anti-terrorism and ISAF operations, there was conditional support given to these operations:

There was a conditional sanctioning by the UN Security Council of a NATO's International Security Force, which operated under the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

There was only a conditional sanctioning by the UN Security Council of a NATO's ISAF operating in conjunction with the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the NATO force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

#### **(5)THE NATO MISSION HAS VIOLATED THE CONDITIONS OF UN SECURITY COUNCIL SUPPORT.**

The US, in its US-led Operation Enduring Freedom, has been found to have violated the Convention against Torture, [with at hundreds of credible complaints having been filed]. Recently it has surfaced that other NATO states, such as Canada have also been complicit in

violating the Convention Against Torture.

NATO states also have yet to be assessed on their violation of the Geneva Protocol II on banned weapons systems such as depleted uranium and on their violation of environmental instruments.

#### *VIOLATION OF THE FIRST FOUR GENEVA PROTOCOLS*

It could be demonstrated that the US-led Operation Enduring Freedom, through its use of weapons that would fall under prohibited weapons systems, particularly in its continued use of land mines, cluster bombs and depleted uranium, has violated the first four protocols of the Geneva convention. Similarly, ISAF has been using these weapons. (See relevant conventions).

The Fifth Protocol has recently come into force, but the US has failed to ratify the protocol. This protocol is significant because it calls upon states to be responsible for the removal of weapon systems that are not self-destructible. The US should be called upon to sign and ratify the protocol, and all belligerent states, including all the NATO states, should be responsible for immediate removal of these prohibited weapons, which have contributed to insecurity within Afghanistan.

#### *VIOLATION OF THE CONVENTION AGAINST TORTURE*

The US, in its US-led Operation Enduring Freedom, Freedom has been found to have violated the Convention against Torture, [with at least 600 credible complaints having been filed] and has yet to be assessed on its violation of the Geneva Protocol II on banned weapons systems such as depleted uranium, and on its violation of environmental instruments.

#### *VIOLATION OF THE PROTOCOL II OF THE ICCPR -CAPITAL PUNISHMENT*

In Afghanistan , NATO has been complicit in violating the protocol against capital punishment - Protocol II of the International Covenant of Civil and Political Rights.

#### **(6) RECOGNITION THAT BELLIGERENTS SHOULD NOT BE ON THE GROUND AS REHABILITATORS**

The current NATO "mission" is described as a 3D - diplomacy, defence and development; this mission violates a fundamental international principle that a belligerent state should never be involved in reconstruction on the ground.

Under the Convention for the Right to Development, it is clearly acknowledged that development is only possible with disarmament.

The principle of dissociation between militarism and development is stressed in the 1986 Declaration of the Right to Development:

The Preamble to the Declaration states reaffirmed:

That there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development, and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries. (Preamble, Declaration of the Right to Development, 1986).

*It is difficult for the Afghani citizens to appreciate that those who bomb can be trusted to reconstruct* . For example, the same countries that were responsible for bombing a school will be not be welcomed when they come in to fund the rebuilding of the school.

#### **CONCLUSION AND RECOMMENDATION TO THE NATO COUNCIL:**

NATO should end the occupation immediately and, instead, contribute to an international fund for compensation; this fund should draw resources for compensation from the NATO states and from any other states that have contributed to the destruction of Afghanistan.

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[www.PEJ.org](http://www.PEJ.org)

#### **4. EXPANSIVE REACH OF NATO :**

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On February 7, 2010 at the Munich Conference on Security, Rasmussen, the Secretary General of NATO, outlined his view of the new expansive role of NATO:

Our Afghanistan experience also leads me to my third point: the need to turn NATO into a forum for consultation on worldwide security issues. Not as a competitor to the United Nations. That is not possible, nor is it desirable.

But NATO is a framework which has already proven to be uniquely able to combine security consultation, military planning and actual operations for more than just NATO members themselves.

And he reiterated the expansive new security role of NATO:

“Let me reiterate: Territorial defence of its member states is the core function of NATO. And NATO is first and foremost a transatlantic Alliance. Our centre of gravity will remain the bond between Europe and North America. But we cannot meet today’s security requirements effectively without engaging much more actively and systematically with other important players on the international scene. It cannot be ad-hoc. It has to be the way we do business.

That is why, to carry out NATO’s job effectively today, the Alliance should become the hub of a network of security partnerships and a centre for consultation on international security issues – even issues on which the Alliance might never take action.

NATO can be the place where views, concerns and best practices on security are shared by NATO’s global partners. And where, if it makes sense – if we decide that NATO should have a role -- we might work out how to tackle global challenges together. I know very well that this idea might seem a bit ambitious. But is it really? Who stands to lose if NATO and other international institutions were to move closer together? The record shows already that it makes sense – we should just do more of it. What would be the harm if countries such as China, India, Pakistan and others were to develop closer ties with NATO? I think, in fact, there would only be a benefit, in terms of trust, confidence and cooperation.

And let me address a concern which I can already see forming. No, I don’t see this proposal as competing with the UN. Because I don’t think it does compete with the UN. We are talking here about a group of nations consulting, formally or informally, on security. Nothing

more. In fact, I think it would actually benefit the UN. NATO is operating almost without exception in support of UN resolutions. Most are all strong and active UN members. A stronger, more inclusive security coalition, with NATO as the hub, would, to my mind, be firmly to the benefit of the UN, and to the principles of the UN Charter. 

## **5. NATO IN ESSENCE IS PERPETUATING A LIMITED NOTION OF SECURITY**

True Security is not through militarism but through an extension of the concept of common security as advanced by Olaf Palme

1. to promote and fully guarantee social and cultural rights such as respect the right to food, potable water, sewage treatment, housing, health care, education and social justice; and fully guarantee civil and political rights such as and the right to self determination, freedom of expression; labour rights including compliance with International Labour organization Conventions
2. to prevent discrimination on grounds such as race, gender origin, disability, political and other opinion, religion, as well as gender identity, and sexual orientation, Also to prevent discrimination against indigenous peoples and migrant workers;
3. to enable socially equitable and environmentally sound development; and institute fair and just transition into socially equitable and environmentally safe and sound development
  
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6. to Ensure the preservation and protection of the environment, to respect the inherent worth of nature beyond human purpose, to reduce the ecological footprint and move away from the current model of overconsumption

Conditional support by the UN Security Council for NATO mission

The objectives of the Charter of the United Nations has the following objectives;

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Under the Preamble of the Charter of the United Nations the fundamental purposes of the Charter are delineated:

-to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity].

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

- to promote social progress and better standards of life in larger freedom.â€œ

ISAF, NATO mission in Afghanistan received only conditional support from the UN Security Council.

In promoting the two-year extension of Canada's involvement in Afghanistan beyond February 2007, the Rt. Hon Stephen Harper, Prime Minister of Canada, gave the impression that there was unconditional support by the UN Security Council of the ISAF and other anti-terrorism operations in Afghanistan.

In the preamble to UN Security resolution 1444 in 2002, related to anti-terrorism and ISAF operations, there was conditional support given to these operations:

There was a conditional sanctioning by the UN Security Council of a NATO's International Security Force which operated under the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

There was only a conditional sanctioning by the UN Security Council of a NATO's ISAF

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operating in conjunction with the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the NATO force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

There has been sufficient evidence that NATO through its use of weapons and through its treatment of detainees, has been in violation of Geneva Protocols, Geneva Conventions, and the Convention Against Torture.

RASMUSSEN ignored that NATO is a military organization that in essence its function is in violation of the fundamental objective of the UN Charter: to prevent the scourge of war. Even though ISAF has the support of a UN Security Council Resolution: The support was conditional on adhering to the Charter of the United Nations. He also ignored NATO's undermining of years of international obligations incurred through treaties, conventions, and covenants, of international commitments made through Conference Action Plans, and of international expectations created through UN General Assembly Resolutions and Declarations. These obligations, commitments and expectations have created international peremptory norms related to Common Security as described above.

### **RECOMMENDATION BY RASMUSSEN** □

NATO countries should end the occupation immediately, and instead, contribute to an international fund for compensation; this fund should draw resources for compensation from the NATO states and from any other states that have contributed to the destruction of Afghanistan.

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SUBMISSION TO THE PANEL ON AFGHANISTAN

US-LED OPERATION AND NATO'S FLAWED MISSION AND CANADA'S

COMPLICITY

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**MORE PEJ.ORG - Manley supports Canada continually engaged in NATO 's Bomb, Blast, and Bribe Operation**

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### **(1) NATO OPERATION MOSTARAK**

It is recently announced that NATO is engaging in Operation MOSTARAK , which translates

as Operation together.

BBC reports : The offensive will involve British, American and Afghan troops and is .

â€œCodenamed Operation Moshtarak - which means "together" in the Dari language - it has been described as a "softening-up operation" to clear the Taliban from its remaining strongholds in the area.â€

This Operation will involve an invasion by 10,000 British troops and 15,000 US troops.

Rueters reports that Thousands of Afghan security forces also are expected to take part in the offensive -- codenamed "Operation Moshtarak." They include troops from the Afghan National Army as well as about 100 specialists from Afghanistan's elite police unit -- the Afghan National Civil Order Police."

## **(2) TALKS WITH THE TALIBAN**

### **BBC Report**

In a recent BBC report, Ainsworth, - the UK Defence Secretary discusses talks with Taliban, in BBC report â€œAinsworth warns of casualties in Operation Moshtarakâ€

â€œMr Ainsworth said British forces in Afghanistan were engaged in direct talks with Taliban representatives.

.....

"Those talks have already been going on, and have been going on for some time. They're led by the Afghan government, and we would encourage them to do so."

### **IPS Report**

IPS reporter, Gareth Porter reports on Peace talks.

Peace Talks May Follow Ex-Taliban Mediators' Plan

Gareth Porter KABUL, Feb 7 (IPS) - If peace talks do ultimately begin between Afghan President Hamid Karzai and the Taliban leadership, they may well follow a "road map" to a political settlement drawn up by a group of ex-Taliban officials who have been serving as intermediaries between the two sides.

The four Taliban mediators have been encouraging both Karzai and the Taliban leadership to begin with steps toward military de-escalation and confidence-building before proceeding to the central political-military issues that must be negotiated, a member of the mediation team, Arsullah Rahmani, told IPS in an interview at his home in Kabul.

The first step toward a settlement is "an agreement between Karzai and the Taliban about no killing of doctors and no damage to roads, etc [by the Taliban], in return for no night raids and detention [by the United States]," said Rahmani, formerly a Taliban commander and now an elected member of Afghanistan's upper house. Rahmani said the mediation group's plan calls for the two sides to address the question of changing the constitution in the last stage of the negotiations, after they have reached agreement on the key international issues of withdrawal of all foreign troops and al Qaeda and the Taliban's renunciation of ties with al

Qaeda.

The mediators, all four of whom occupied prominent positions in the Taliban regime until it was overthrown by the U.S. military intervention in 2001, have passed their proposal for peace negotiations to Karzai, Taliban leader Mullah Omar, and the United States and NATO, according to Rahmani.

Karzai personally asked the ex-Taliban officials to help get peace negotiations started, according to Rahmani. He also appeared to reflect the team's de-escalation proposal when he told al Jazeera in January that he would seek an end to nighttime raids on Afghan homes as well to as the arrest and detention of Afghans on suspicion of belonging to the Taliban.

The team also believes the Taliban is at least favourably inclined toward their "road map" to a settlement. Former Taliban foreign minister Wakil Ahmed Muttawakil, another member of the team, told IPS that the Taliban "are going to accept some of our suggestions."

The mediation team has the advantage of being led by Mullah Abdul Salam Zaeef, who is said to have been one of the founders of the Taliban movement.

Zaeef helped organise Islamic courts during the Taliban regime, worked in the Taliban defence ministry and was the regime's last ambassador to Pakistan. He was subjected to degrading treatment at the Kandahar detention facility before spending two and a half years in the U.S. detention centre at Guantanamo Bay.

Suhail Shaheen, who was spokesman for the Taliban Embassy in Pakistan when Zaeef was ambassador there, and is now a journalist, has written that Taliban leader Mullah Omar and his inner circle "have chosen Zaeef as their point of contact for talks with the Americans and NATO."

It is unclear how Zaeef and other team members have communicated with Taliban leaders. Muttawakil said in an interview that it would be dangerous to the Taliban to try to contact them directly. "I don't want anyone to be harmed," he said. He has communicated with the Taliban

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primarily through his own statements to the news media, Muttawakil told IPS.

The mediation team was allowed to visit Saudi Arabia in October 2008, at a meeting which some Taliban officials reportedly attended. But a Taliban official denied that any Taliban officials had attended.

However, Zaeef has also been allowed to travel to Dubai on a number of occasions, and may have been able to speak directly to senior Taliban officials there.

The mediators and other close observers of the Taliban position do not expect the al Qaeda issue to be difficult to resolve. Rahmani said the Taliban statement of Dec. 4 offering to negotiate "legal guarantees" against "meddling" beyond Afghanistan's borders was a signal that the Taliban leadership is prepared to renounce ties with al Qaeda under a peace agreement.

The immediate concern of the mediating team is that the United States will block political moves toward a settlement.

"I don't understand U.S. policy," Rahmani said. "Sometimes they say 'we will negotiate with the Taliban, and sometimes they say 'we must destroy them'."

The United States has refused in the past to provide assurances that Taliban officials would be given safe passage to participate in negotiations in Kabul. The mediation team is now suggesting that negotiations should take place outside Afghanistan.

"The Taliban should have the ability to go to other countries, should have an office outside the country, in Turkey, for example," said Rahmani. "If we have offices of both sides in another country, they could reach agreement."

The existing constitution of Afghanistan is expected to be the real sticking point in the negotiations. The former Taliban officials have different interpretations of the Taliban's position

on that issue.

Rahmani told IPS he believes the Taliban will "accept the constitution with some changes. They're going to demand changes in a few articles, not the whole thing," he said. The ex-Taliban commander says that assessment is based on discussions with the Taliban, adding, "It's not my opinion. This is what they said."

Muttawakil, the former Taliban foreign minister, believes, however, that the changes the Taliban are likely to demand would be very far-reaching.

In an interview with IPS, Muttawakil said he expected the Taliban to reject some provisions "copied from the U.S. constitution", such as the position of vice-president, and to demand "an emirate government".

Muttawakil suggested that the primary implication of such a proposal would not be to eliminate electoral institutions but to ensure that laws based on Islam are enforced. "The important thing is Sharia law," said Muttawakil.

Sharia-based laws exist on paper already, he said, but are not being enforced. "Narcotics and corruption are forbidden by Islam," said Muttawakil, but are being allowed under the present system.

Former Taliban foreign ministry official Wahid Muzhdah, who is not a member of the mediating team but is an analyst of the Taliban's thinking, says the Taliban insistence on "Sharia law government" means they want religious scholars, or ulema, to exercise ultimate power over the law and perhaps even the selection of a government.

The Taliban position is that not everyone should have the right to elect the president, according to Muzhdah. Although the idea of giving the ulema veto power over the choice of government would represent a direct challenge to the liberal democratic institutions in the existing constitution, Muzhdah recalls that it was widely discussed during the period immediately following the overthrow of the Communist-led regime in 1992.

The political negotiations between Karzai and the Taliban may also hinge on the idea of an interim government that would preside over a process of revising or rewriting the constitution, according to Muzhdah.

Gulbuddin Hekmatyar, an ally of the Taliban who commands an insurgent group independent of the Taliban leadership, has called for such a temporary government to ensure that a new constitution is written with participation of "all parties".

*\*Gareth Porter is an investigative historian and journalist specialising in U.S. national security policy. The paperback edition of his latest book, "Perils of Dominance: Imbalance of Power and the Road to War in Vietnam", was published in 2006.*

### **3. OPERATION MOSHTARAK AND AMBIVALENT POSITION OF KARZAI**

Al Jazeras commented on Operation Moshtarak and President KARZI.

“While Operation Moshtarak is gearing up - the Afghani President in a security conference in Munich, Germany, on Sunday 02/07/2010, has demanded that NATO-ISAF forces in his country stop all military raids on local villages. Speaking on Sunday at the annual Munich Security Conference, Hamid Karzai said civilian deaths and injuries inflicted during operations by international forces had caused deep anger among Afghans.

Hamid Karzai should know that there is no way to totally avoid civilian casualties while fighting the Taliban, who are totally assimilated into the local village societies in Afghanistan. There is no way to uproot the Taliban from the countryside without going after the Taliban to their safe havens and hideouts with, in most of the cases, are not isolated caves in the mountains or training camps but remote towns and villages, local tribesmen and supportive population. What Hamid Karzai is asking for is a total defensive mode of protecting the main towns and his bases of power which is a recipe for growing grip of the Taliban on the countryside and for an ever lasting war (see - Way-Out 01.28.10).

Hamid Karzai clearly wants NATO-ISAF to protect his political assets in Afghanistan but not to win the war, because, in the long run, without foreign military power to support him, there is a big question whether he is really capable to stay in power and maintain his grip on the Afghan society (see - Karzai 01.16.10). “

#### **4. EXPANSIVE REACH OF NATO :**

On February 7, 2010 at the Munich Conference on Security, Rasmussen, the Secretary General of NATO, outlined his view of the new expansive role of NATO:

“Our Afghanistan experience also leads me to my third point: the need to turn NATO into a forum for consultation on worldwide security issues. Not as a competitor to the United Nations. That is not possible, nor is it desirable.

But NATO is a framework which has already proven to be uniquely able to combine security consultation, military planning and actual operations for more than just NATO members themselves.”

And he reiterated the expansive new “security” role of NATO:

“Let me reiterate: Territorial defence of its member states is the core function of NATO. And NATO is first and foremost a transatlantic Alliance. Our centre of gravity will remain the bond between Europe and North America. But we cannot meet today’s security requirements effectively without engaging much more actively and systematically with other important players on the international scene. It can’t be ad-hoc. It has to be the way we do business.

That is why, to carry out NATO’s job effectively today, the Alliance should become the hub of a network of security partnerships and a centre for consultation on international security issues – even issues on which the Alliance might never take action.

NATO can be the place where views, concerns and best practices on security are shared by NATO’s global partners. And where, if it makes sense – if we decide that NATO should have a role -- we might work out how to tackle global challenges together. I know very well that this idea might seem a bit ambitious. But is it really? Who stands to lose if NATO and other international institutions were to move closer together? The record shows already that it makes sense – we should just do more of it. What would be the harm if countries such as China, India, Pakistan and others were to develop closer ties with NATO? I think, in fact, there would

only be a benefit, in terms of trust, confidence and cooperation.

And let me address a concern which I can already see forming. No, I don't see this proposal as competing with the UN. Because I don't think it does compete with the UN. We are talking here about a group of nations consulting, formally or informally, on security. Nothing more. In fact, I think it would actually benefit the UN. NATO is operating almost without exception in support of UN resolutions. Most are all strong and active UN members. A stronger, more inclusive security coalition, with NATO as the hub, would, to my mind, be firmly to the benefit of the UN, and to the principles of the UN Charter. €œ

## **5. NATO IN ESSENCE IS PERPETUATING A LIMITED NOTION OF SECURITY**

True Security is not through militarism but through an extension of the concept of œcommon securityœ as advanced by Olaf Palme

1. to promote and fully guarantee social and cultural rights such as respect the right to food, potable water, sewage treatment, housing, health care, education and social justice; and fully guarantee civil and political rights such as and the right to self determination, freedom of expression; labour rights including compliance with International Labour organization Conventions
2. to prevent discrimination on grounds such as race, gender origin, disability, political and other opinion, religion, as well as gender identity, and sexual orientation, Also to prevent discrimination against indigenous peoples and migrant workers;
3. to enable socially equitable and environmentally sound development; and institute fair and just transition into socially equitable and environmentally safe and sound development
  
4. to Achieve a state of peace, justice
  
5. to Create a global structure that respects the rule of law; and to respect the jurisdiction of the International Court of Justice
  
6. to Ensure the preservation and protection of the environment, to respect the inherent worth of nature beyond human purpose, to reduce the ecological footprint and move away from the current model of overconsumption

Conditional support by the UN Security Council for NATO mission

The objectives of the Charter of the United Nations has the following objectives;

Under the Preamble of the Charter of the United Nations the fundamental purposes of the Charter are delineated:

-to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity].

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

- to promote social progress and better standards of life in larger freedom.â€

ISAF, NATO mission in Afghanistan received only conditional support from the UN Security Council.

In promoting the two-year extension of Canada's involvement in Afghanistan beyond February 2007, the Rt. Hon Stephen Harper, Prime Minister of Canada, gave the impression that there was unconditional support by the UN Security Council of the ISAF and other anti-terrorism operations in Afghanistan.

In the preamble to UN Security resolution 1444 in 2002, related to anti-terrorism and ISAF operations, there was conditional support given to these operations:

There was a conditional sanctioning by the UN Security Council of a NATO's International Security Force which operated under the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

## On April 1st 2010 NATO took on a new role

Posted by Joan Russow

Monday, 27 July 2015 14:10 - Last Updated Monday, 27 July 2015 14:51

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There was only a conditional sanctioning by the UN Security Council of a NATO's ISAF operating in conjunction with the US-led "Operation Enduring Freedom". This force, often described as a peacekeeping force, was sanctioned in UN Security Council resolutions only if the NATO force's actions were in keeping with the Charter of the United Nations. Under the UN Charter, one of the purposes of the United Nations is the following:

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

There has been sufficient evidence that NATO through its use of weapons and through its treatment of detainees, has been in violation of Geneva Protocols, Geneva Conventions, and the Convention Against Torture.

RASMUSSEN ignored that NATO is a military organization that in essence its function is in violation of the fundamental objective of the UN Charter: to prevent the scourge of war. Even though ISAF has the support of a UN Security Council Resolution: The support was conditional on adhering to the Charter of the United Nations. He also ignored NATO's undermining of years of international obligations incurred through treaties, conventions, and covenants, of international commitments made through Conference Action Plans, and of international expectations created through UN General Assembly Resolutions and Declarations. These obligations, commitments and expectations have created international peremptory norms related to Common Security as described above.

MORE PEJ.ORG - Manley supports Canada continually engaged in NATO 's Bomb, Blast, and Bribe Operation

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