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INTERPRETATIONS OF ARTICLE 5 OF THE NORTH ATLANTIC TREATY, 1949-2002

by

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March 2002

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**INTERPRETATIONS OF ARTICLE 5 OF THE NORTH ATLANTIC TREATY,
1949-2002**

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ABSTRACT

This thesis seeks to analyze various interpretations of Article 5 of the North Atlantic Treaty since 1949. Variations in interpretations of Article 5 requirements throw light on evolving conceptions of national security interests and the international security environment. To do so it analyzes these perceptions in three historical periods: the Cold War, 1949 to 1989, the post-Cold War, 1989 to 10 September 2001, and post-11 September 2001 to its submission. Through this analysis, it is shown that the collective defense provision of Article 5 was the foundational principle of the Cold War Alliance. During this period, however, collective defense necessarily required adaptation in order to remain credible to the current threat. The adaptability constructed during the Cold War years lead to the conceptualization of threat in a broader context during the post-Cold War period. Subsequently, following the first invocation of Article 5 following the 11 September 2001 terrorist attacks on the United States, the actions taken by NATO and the individual Allies are highly dissimilar to the original concept of NATO's collective defense principles—defense against the Soviet Union. The adaptability of Article 5 shown throughout NATO's history serves to portend that in the future, Article 5 will remain a highly valued and integral component of the Alliance's approach to security in the Euro-Atlantic region.

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I. NATIONAL INTERPRETATIONS OF ARTICLE 5 OF THE NORTH ATLANTIC TREATY, 1949-2002

This thesis seeks to analyze various interpretations of Article 5 of the North Atlantic Treaty since 1949. Variations in interpretations of Article 5 requirements throw light on evolving conceptions of national security interests and the international security environment.

Following the attacks against the United States by terrorists on 11 September 2001, the North Atlantic Council (NAC), the supreme decision-making body of the North Atlantic Treaty Organization, issued a statement: “The NATO nations unanimously condemn these barbaric acts committed against a NATO member state.”¹ The NAC further stated that the United States could “rely on its 18 Allies in North America and Europe for assistance and support.”² The following day the NAC stated that its invoking of Article 5 was qualified: “The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty.”

On 2 October 2001, the Alliance invoked, without qualification, Article 5 of the North Atlantic Treaty (also known as the Washington Treaty), which states that: “an armed attack against one or more of them in Europe or North America shall be considered an attack against them all.”³ On 4 October 2001, the other 18 allies agreed to eight measures of assistance requested by the United States under Article 5 that will assist Washington in its operations against terrorists. During the previous 52 years of the Alliance’s history Article 5 was never invoked.

The Brussels Treaty of 1948, a defensive pact involving Belgium, France, Luxembourg, the Netherlands, and the United Kingdom, preceded NATO. Unlike the Brussels Treaty, which requires its signatories to provide “all the military and other aid and assistance in their power”⁴ to any of the High Contracting Parties that comes under

¹ North Atlantic Council, Press Release 122, 11 September 2001.

² Ibid.

³ The North Atlantic Treaty, 4 April 1949, Article 5.

⁴ Heads of State of Belgium, France, Luxembourg, the Netherlands and United Kingdom, “Treaty of

attack, Article 5 of the Washington Treaty lacks the same level of automaticity of military action:

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised 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 the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.⁵

Article 5 therefore includes the implicit requirements of collective defense, but also the flexibility of action required to allow the member nations a degree of latitude for individual national interpretations of Alliance obligations. There have been two levels of discourse among allies relating to Article 5: the rhetorical, focused on the maintenance of consensus within the alliance; and the pragmatic, the individual dealings and decisions and actions of the states that compose NATO, often adjusted to domestic political requirements.

It is the inherent collective defense nature of Article 5, standing as the “magnetic core”⁶ of the Alliance, which has provided for the security of its members. The built-in flexibility has nonetheless provided NATO the means to adapt to national pressures and idiosyncrasies, as well as to deal with the varying contemporary challenges of Euro-Atlantic security. This view of Article 5 is summarized in a North Atlantic Council press release of 12 September 2001: “The commitment to collective self-defense embodied in

Economic, Social and Cultural Collaboration and Collective Self-Defence, the Brussels Treaty,” 17 March 1948, Article IV, Treaty available at: <http://www.nato.int/docu/basic/txt/b480317a.htm>. This became Article V in the revised Brussels Treaty of 23 October 1954.

⁵ The North Atlantic Treaty, 4 April 1949, Article 5.

⁶ Zbigniew Brzezinski. “NATO: The Dilemmas of Expansion,” *The National Interest*, No. 53, Fall 1998, pp. 14.

the Washington Treaty was first entered into in circumstances very different from those that exist now, but it remains no less valid and no less essential today.”⁷

This thesis consists of five chapters, including this introduction. Chapter II begins with a short appraisal of the effects of the failure of the League of Nations collective security pact on the development of Article 5 of the North Atlantic Treaty. The chapter continues by focusing on the interpretations given to Article 5 during the Cold War era. This chapter considers the period from the 1948-1949 formational discourse on an alliance between nations of Western Europe and North America to the collapse of communism in Central and Eastern Europe in 1989-1991. Chapter III examines the post-Cold War “decade” from November 1989 to September 2001. The additional “fundamental security tasks” of the Alliance adopted during this period supplemented collective defense with a broader program envisaging security for the entire Euro-Atlantic region, partnerships with former adversaries and non-NATO countries, and crisis management, including crisis response operations.⁸

Chapter IV analyzes the findings presented in the previous two chapters. This analysis is applied to the response by the Alliance and its members to the 11 September 2001 attacks on the United States. Special attention is given to patterns of behavior and interpretation that have been consistent throughout all three periods. The chapter also evaluates the extent to which contingent factors of Article 5 interpretation in the earlier periods have a causal relationship with the actions taken by the allies since 11 September 2001.

Chapter V places the examination of the changing meanings of Article 5 in a broader context: the features of the Alliance that have allowed it to adapt and redefine its purposes in a new security environment. Different interpretations of Article 5 are a direct result of NATO’s ability to adapt to changes in the Euro-Atlantic security environment.

⁷ North Atlantic Council, Press Release 124, 12 September 2001.

⁸ North Atlantic Council, Washington Summit Communiqué, 24 April 1999, par. 6.

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II. ARTICLE 5 DURING THE COLD WAR

This chapter examines the significance of Article 5 during the Cold War through the consideration of three critical and illustrative cases. The first is the process by which West German military forces were established for the defense of Western Europe, and by which West Germany gained subsequent membership in NATO. Second, this chapter examines the Alliance debate on the shift from a “massive retaliation” deterrence policy to a strategy of “flexible response” to deter and counter aggression against the Allies. Third, the withdrawal of France from NATO’s integrated military structure is examined, together with its implications for Article 5. Throughout the Cold War, Article 5 remained a primary interest for each of the Allies. There was room for the pursuit of national interests as long as those interests did not interfere with or threaten NATO’s collective defense guarantee.

A. ADMITTANCE OF THE FEDERAL REPUBLIC OF GERMANY TO NATO

By 1947-48, some of the Western powers began to devise collective defense arrangements. In 1947 Britain and France signed the Treaty of Dunkirk, which was oriented against a possible German resurgence. In 1948 five European nations⁹ signed the collective defense-oriented Brussels Treaty, creating the Western Union, “in the event of a renewal by Germany of a policy of aggression.”¹⁰ However, by the late 1940’s there was growing recognition that the greatest post-war threat to Western Europe and the United States was posed by the Soviet Union, not Germany. Moreover, some governments held that any defensive pact that united the West against the Soviets would necessarily have to include German participation. British Foreign Secretary Ernest Bevin wrote to Prime Minister Clement Attlee that “the Germans have a great contribution to make ... Our aim is to protect ourselves against any further aggression by Germany and

⁹ The Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, The Brussels Treaty, was signed by the Heads of State and Government of Belgium, France, Luxembourg, the Netherlands and the United Kingdom in Brussels on 17 March 1948.

¹⁰ The Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence, The Brussels Treaty, 17 March 1948, Preface, available online at: <http://www.nato.int/docu/basic/txt/b480317a.htm>.

at the same time to bring her back into the community of nations as a united entity on a democratic basis.”¹¹

With the conclusion of the North Atlantic Treaty on 4 April 1949, the French, British, and US occupation forces in Germany became dual-hatted as front-line troops to deter Soviet invasion. NATO’s official strategy of forward defense was designed to “Hold the enemy as far to the east in Germany as possible.”¹² Through the forward force deployments of the Allies, West Germany also received the benefits of NATO collective defense, and concern grew in the Alliance over the de facto defense of a non-NATO member.

1. The Impact of the Korean War

The invasion of South Korea in 1950 served as a catalyst to German integration into NATO, and the Korean War accelerated the development of NATO as an institution. Six Allies¹³ fought in the Korean War, which brought forth the realization that the defense of Europe and the containment of communism abroad would require large Allied military forces.¹⁴ Without a large conventional force, organized, trained and equipped in peace time, the defense of Europe would be impossible. On 26 September 1950, the NAC agreed to “the establishment at the earliest possible date of an integrated force under centralized command, which shall be adequate to deter aggression and to ensure the defence of Western Europe ... organized under the North Atlantic Treaty Organization.”¹⁵ Additionally, the NAC stated that to increase the defense potential of the Allies, “Germany should be enabled to contribute to the build-up of the defence of Western Europe,” and “requested the Defence Committee to make recommendations at the earliest possible date as to the methods by which Germany could most usefully make

¹¹ Sean Kay, NATO and the Future of European Security (Oxford: Rowman and Littlefield Publishers, 1998), p. 18.

¹² NATO Military Committee, DC –13, North Atlantic Treaty Organization Medium Term Plan, Paris, 28 March 1950, Part I – Defense Policy and Concept of Operations, par. 10, subset a, in Gregory G. Pedlow, NATO Strategy Documents, 1949-1969, available online at: <http://www.nato.int/docu/stratdoc/eng/a500328d.pdf>.

¹³ Belgium, Canada, Luxembourg, the Netherlands, the United Kingdom, and the United States fought in Korea from 1950 to 1953, as did Greece and Turkey. The latter two nations joined NATO in 1952.

¹⁴ Thomas Risse-Kappen, Cooperation Among Democracies: European Influence on US Foreign Policy (Princeton: Princeton University Press, 1995), pp. 42-43.

¹⁵ North Atlantic Council, Final Communiqué, New York, United States, 26 September 1950, available online at: <http://www.nato.int/docu/comm/49-95/c500926a.htm>.

its contribution.”¹⁶ The challenge was how to integrate West Germany and simultaneously alleviate lingering distrust from World War II. The debate on German inclusion lasted from 1948 until 1955, leading General Eisenhower to remark that the Allies were “either going to solve this German problem, or the Soviets will solve it in their favor.”¹⁷

2. The European Defense Community

The integration of West Germany into Western defense became a political battle primarily between the United States and France. The United States preferred immediate Allied status for West Germany, but France was wary of any agreement that would not continue tight occupational control of its former adversary. On 26 October 1950 French Prime Minister René Pleven led the French National Assembly to recommend “the creation, for our common defense, of a European Army tied to political institutions of a united Europe,” and proposed to “invite Great Britain and the free countries of continental Europe, should they agree to participate with it in the creation of a European army, to work together on ways of realizing the principles just stated.”¹⁸ The “Pleven Plan” called for a European Defense Community, or EDC, and sought to establish a multi-national, all-European force of 100,000 troops under a European Ministry of Defense; the EDC was to be separate from, but associated with, NATO.¹⁹ The EDC would have met French requirements for German participation in Western defense, but with constraints on West Germany’s armed forces. West Germany would have contributed 20% of the forces,²⁰ but these forces would have remained tightly controlled by other European nations, particularly France.²¹ Moreover, the EDC would have

¹⁶ Ibid.

¹⁷ Eisenhower quoted in Robert S. Jordan, Generals in International Politics: NATO’s Supreme Allied Commander, Europe (Lexington: The University Press of Kentucky, 1987), p. 26.

¹⁸ French National Assembly, The Pleven Plan, 26 October 1950, Leiden University Historical Institute, History of European Integration, available at: <http://www.let.leidenuniv.nl/history/rtg/res1/pleven.htm>.

¹⁹ Dean Acheson, Present at the Creation (New York: W. W. Norton & Company, Inc., 1969), p. 458.

²⁰ Robert S. Jordan, Generals in International Politics, p. 26.

²¹ According to Donald Abenheim, the West German contingent in the EDC would be composed of “310,000 men, including attached staffs, combat support units, schools, and training facilities ... concentrated in armored and armored infantry divisions of thirteen thousand men each. A tactical Airforce would be organized with squadrons or wings of thirty-six to seventy-five aircraft ... under national command. A total of 1350 aircraft and eight-five thousand men would make up the West German air contingent for the EDC ... German units in a coastal defense navy would operate in Western European

prevented the creation of a German Ministry of Defense, a German arms industry, and a German general staff.²²

The structure of the EDC also conformed to NATO's desire to increase European conventional forces to enhance its deterrent strength. At the Lisbon ministerial meeting of 1952, the NAC concluded that the "principles underlying the Treaty to establish the European Defence Community conformed to the interests of the Parties to the North Atlantic Treaty."²³ Through arrangements made at Lisbon, provisions of the North Atlantic Treaty, principally Article 5, would be extended to the members of the EDC, including West Germany. The extension of Article 5 protection to a non-NATO country was a drastic adaptation of Alliance commitments, and it was brought about because the Allies were convinced that

the North Atlantic Treaty Organization and the European Defence Community have a common objective, to strengthen the defence of the Atlantic area, and that the development of the European Defence Community should be carried forward in this spirit. Therefore, the Council considered that the obligations and relationships between the Communities should be based on the concept of two closely related organizations, one working, so far as this objective is concerned, within the framework of, and reinforcing the other.²⁴

At the following ministerial meeting in December 1952, the NAC fully asserted the EDC's importance to NATO strategy and stressed:

the paramount importance which the Atlantic Community attaches to the rapid entry into force of the Treaty establishing the European Defence Community and consequently to its ratification by all the signatories, as well as to the ratification of the Additional Protocol to the North Atlantic Treaty on guarantees given by the Parties to the North Atlantic Treaty to members of the European Defence Community.²⁵

waters." Donald Abenheim, Reforging the Iron Cross: The Search for Tradition in the West German Armed Forces (Princeton: Princeton University Press, 1988), pp. 105-06.

²² Dean Acheson, Present at the Creation, p. 458.

²³ North Atlantic Council, Final Communiqué, Lisbon 25 February 1952, par. 3, available online at: <http://www.nato.int/docu/comm/49-95/c520225a.htm>.

²⁴ Ibid.

²⁵ North Atlantic Council, Final Communiqué, Paris, 18 December 1952, resolution 3, available online at: <http://www.nato.int/docu/comm/49-95/c521218a.htm>.

a. EDC Debate Between the United States and France

Both the United States and France realized that it was in their interests to incorporate West Germany into Western Europe's defense. The United States maintained three policy goals in Western Europe: the military incorporation of West Germany, the promotion of European unity, and conditions that would allow for the withdrawal of US forces from Europe—all of which were interrelated.²⁶ A West German military contribution would help meet all three goals by anchoring West Germany as a peaceful democracy and partner in a united Western Europe. According to the US State Department: "It is of greatest importance that we adopt a policy which will tie Germany in solidly with the West. It is also most important that Germany contribute to the collective defense of the West."²⁷

General Eisenhower, the newly appointed NATO Supreme Allied Commander, Europe (SACEUR), considered the EDC "more divisive than unifying in its effect on the Western European countries," which was reason enough for the United States to avoid "encouragement or personal participation."²⁸ The EDC initiative included "every kind of obstacle, difficulty, and fantastic notion that misguided humans could put together in one package."²⁹ However, SACEUR desired a force of 50 to 60 divisions, not including units from West Germany, which would provide a credible deterrent in support of collective defense measures, but would not threaten the Soviet Union. The 60 division force requirement was considered at the Alliance's ministerial meeting at Lisbon, Portugal, in February 1952, which established NATO's most ambitious conventional force goals: 50 divisions, 4,000 aircraft and 704 combat vessels by 1953, and 75 divisions and 6,500 combat aircraft by 1954; 30 to 40 divisions were to be combat ready at all times.³⁰ However, with the economic and political difficulties encountered shortly after

²⁶ Dean Acheson, *Present at the Creation*, p. 558.

²⁷ US State Department, Memorandum for the President, Outline of Secretary Acheson's Presentation of North Atlantic Treaty Problems to General Eisenhower, Washington DC, 4 January 1951, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/nato_development/nato29-5.htm.

²⁸ General Dwight D. Eisenhower, Letter to US Secretary of Defense George C. Marshall, 3 August 1951, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/nato_development/nato43-2.htm.

²⁹ Ibid.

³⁰ Robert S. Jordan, *Norstad: Cold War NATO Supreme Commander: Airman, Strategist, Diplomat*

the Lisbon meeting, West German military contributions represented the only way in which the United States could achieve its policy goals in post-war Europe. According to Eisenhower, the EDC was “the only immediate hope ... [for] developing, on a basis acceptable to other European countries, the German strength that is vital to us.”³¹

France held that the necessary West German military forces could only be established if West Germany remained controlled by the occupying powers. If not, the French feared, an independent and rearmed Germany could return to the Bismarckian policies of the late 19th Century; that is, Germany might switch allegiances between the East and West. It appears that US Secretary of State Dean Acheson shared the French concerns that emphasizing the significance of Germany’s defense contribution might put the Germans “in a bargaining position where they can attempt to fix maximum and even unreasonable conditions.”³² Therefore, France continued to structure the West German role under the EDC treaty so that the West German contribution would be essentially subordinated to France.

General Eisenhower was reported as saying that he did not “give a damn about their [the Germans’] quarrels with France.”³³ Eisenhower attested that he had:

come to the conclusion that at the very bottom of all their [the French] “backing and filling,” their seemingly contradictory statements and actions, is an instinctive, inbred fear of Germany and the Germans ... This, in turn, makes them fear that in any collective venture in Europe, be it political, economic, military, or all three, Germany would completely dominate ... [I]t is a very real thing and its influence, I am convinced, is very marked.³⁴

(New York: St. Martin’s Press, Inc., 2000), p. 84.

³¹ General Dwight D. Eisenhower, Letter to General George C. Marshall, Supreme Headquarters Allied Powers Europe, 3 August 1951, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/nato_development/nato43-3.htm.

³² US State Department, Memorandum for the President, Outline of Secretary Acheson’s Presentation of North Atlantic Treaty Problems to General Eisenhower, Washington DC, 4 January 1951, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/nato_development/nato29-5.htm.

³³ General Dwight D. Eisenhower, Meeting with The President and the Cabinet, Washington DC, 31 January 1951, p. 8, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/nato_development/nato43-3.htm

³⁴ General Dwight D. Eisenhower, Letter to President Harry S. Truman, 9 February 1952, From the Harry S. Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/eisenhower/nato60-2.htm.

President Truman perceived France's circumstances differently, in that he saw a prospect of overcoming French fears. Truman wrote in reply to Eisenhower as follows:

I can understand the French fear of Germany. Since 1870, 1914, 1942 and 1943 they, of course, have grounds for fear of their northern neighbor but I am hoping that the program which we have in view will tend to alleviate that fear and that we can get ... Europe in a position where we can attain a long time peaceful settlement of our present difficulties.³⁵

3. The Defeat of the EDC and West Germany's Membership in NATO

After four years of debate over the EDC's composition and structure, in 1954 the French National Assembly's action on a procedural motion effectively defeated the treaty on the European Defense Community. The National Assembly did not vote directly on the EDC Treaty, to the frustration of its supporters and opponents. The EDC had been reduced to a political debate between the Allies, each with a different set of national priorities regarding West German inclusion. Additionally, whereas Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany had signed the EDC treaty, the United Kingdom did not, severely lessening the EDC's ability to control West Germany within its institutional structure. The EDC began to lose support. Knowing the importance placed on West German participation by the United Kingdom and United States, France was able to use its Allies' preferences as a political lever to request US and British assistance with its war in Indochina. France attempted to use the Alliance to counter its colonial military difficulties, but with little success.

Following the demise of the EDC, US Secretary of State John Foster Dulles and British Foreign Secretary Anthony Eden, knowing that the West German contribution to Western defense had been sidetracked for far too long, proceeded to "fast-track" West Germany into NATO. To provide for the rapid accession of the Federal Republic of Germany, the United States and the United Kingdom promised to permanently base troops within West Germany.³⁶ The US and UK commitments to maintain forces on the European continent, not only to counterbalance the Soviets, but also to hedge against the possible dangers associated with German rearmament, was said to have had an

³⁵ President Harry S. Truman, Letter to General Dwight D. Eisenhower, 15 February 1952, From the Truman Presidential Library, available online at: www.whistlestop.org/study_collections/nato/large/eisenhower/nato60-1.htm.

³⁶ Henry Kissinger, *Diplomacy* (New York: Simon and Schuster, 1994), p. 515.

“immediate—and profound” effect on many of the French.³⁷ NATO reassurance meant that Germany, the most economically powerful of the continental European states, would not seek commensurate military power through an independent security policy. Moreover, unlike the ever-weakening EDC, the United States had the power to counterbalance potential German influence within NATO, and prevent it from “unlimbering its muscles” in Europe.³⁸

The NAC met in October 1954 to “approve arrangements designed to bring about the full association of the Federal Republic of Germany with the West, and a German defense contribution.”³⁹ During the Council’s sessions three key protocols for German accession to the Alliance were advanced. First, the occupying powers informed the Council of the “termination of the Occupational Regime in the Federal Republic.” Second, the Brussels Treaty powers agreed to “invite the Federal Republic of Germany and Italy to accede to the Brussels Treaty,” thereby binding West Germany to the defense of the Brussels Treaty Allies. Third, West Germany’s membership in NATO was linked to its membership in the Western European Union, and the Council expected “the closest cooperation between the Western European Union and the North Atlantic Treaty Organisation.”⁴⁰ With West German adherence to the three protocols, and “Being satisfied that the security of the North Atlantic area will be enhanced by the accession of the Federal Republic of Germany to that Treaty,”⁴¹ the North Atlantic Council, under Article 10 of the North Atlantic Treaty,⁴² “approved a Protocol to the North Atlantic Treaty inviting the Federal Republic of Germany to join NATO.”⁴³

³⁷ Fursdon, *The European Defense Community*, quoted in David S. Yost, NATO Transformed: The Alliance’s New Roles in International Security (Washington D.C., United States Institute for Peace Press, 1998), p. 52.

³⁸ Josef Joffe quoted in David S. Yost, NATO Transformed, p. 53.

³⁹ North Atlantic Council, Final Communiqué, Paris, 22 October 1954, par. 1, available online at: <http://www.nato.int/docu/comm/49-95/c541022a.htm>.

⁴⁰ North Atlantic Council, Resolution Adopted by the North Atlantic Council on the results of the Four-Power and Nine-Power Meetings, Paris, 22 October 1954, available online at: <http://www.nato.int/docu/basictxt/b541022c.htm>.

⁴¹ North Atlantic Council, Protocol to the North Atlantic Treaty on the Accession of the Federal Republic of Germany, Paris, 23 October 1954, available online at: <http://www.nato.int/docu/basictxt/b541023n.htm>.

⁴² “The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession

C. FLEXIBLE RESPONSE

1. Massive Retaliation

The Allies had sought a West German military contribution to create a credible conventional deterrent. However, as West Germany was being integrated into NATO, it was becoming apparent that, although NATO was economically superior to the Soviet Union and the Warsaw Pact, NATO governments were unwilling, for political reasons, to pay the costs of matching Soviet conventional military capabilities. In 1953 the Eisenhower Administration proposed the “New Look” defensive strategy to “gain greater military effectiveness” from shrinking defense budgets.⁴⁴ Under the New Look, “The major deterrent to aggression against Western Europe is the manifest determination of the United States to use its atomic capability and massive retaliatory power if the [NATO] area is attacked.”⁴⁵ NATO adopted a similar position, culminating in the NATO defense policy document MC 48, which stated that NATO’s conventional forces “would be unable to prevent the rapid overrunning of Europe unless NATO immediately employed these [nuclear] weapons both strategically and tactically.”⁴⁶

2. Strategic Reevaluation

By the late 1950s, strategic adaptations were altering the possibility of a massive and calculated invasion from the East. The Soviet Union possessed long-range strategic bombers, and with the launch of Sputnik in 1957, Moscow acquired the ability to use nuclear-armed ballistic missiles to attack Europe and the United States. This eroded the strategic superiority on which the US policy of threatening “massive retaliation” was predicated. NATO recognized that the probability of nuclear devastation would preclude

with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.” The North Atlantic Treaty, 4 April 1949, Article 10.

⁴³ North Atlantic Council, Final Communiqué, Paris, 22 October 1954, par. 7, available online at: <http://www.nato.int/docu/comm/49-95/c541022a.htm>.

⁴⁴ Gregory G. Pedlow, “The Evolution of NATO Strategy, 1949-1969,” in Gregory G. Pedlow, ed., NATO Strategy Documents, 1949-1969 (Casteau: Supreme Headquarters Allied Powers Europe, Historical Office, 1997), p. xvii, available online at: <http://www.nato.int/docu/stratdoc/eng/intro.pdf>.

⁴⁵ President Dwight D. Eisenhower, NSC 162/2, quoted in Gregory G. Pedlow, NATO Strategy Documents 1949-1969, p. xvii, available online at: <http://www.nato.int/docu/stratdoc/eng/intro.pdf>.

⁴⁶ NATO Military Committee, MC 48 – Report by the Military Committee to the North Atlantic Council on The Most Effective Pattern of NATO Strength for the Next Few Years, Paris, 22 November 1954, par. 6, in Gregory G. Pedlow, ed., NATO Strategy Documents, 1949-1969, available online at: www.nato.int/docu/stratdoc/eng/a541122a.pdf.

any major offensive against the Allies. However, because of the prospective consequences of massive retaliation, NATO's nuclear policy was useful only as a deterrent, and it could never be used in actual combat, because "if implemented, [it] would have destroyed NATO instead of defending it."⁴⁷

The fact that army divisions were no match for nuclear weapons was not lost on either NATO or the Soviet Union. Moscow began to confront the Alliance with a wide range of threats, both nuclear and conventional. Instead of invasion, according to an official US assessment in 1964, the Allies faced the threat of limited Soviet actions including "probes and excursions against the flanks of the Alliance; repression followed by a revolt in Eastern Europe; harsh demands against friendly neutrals; renewed challenges to Western rights in Berlin or increased Soviet military intrusion into the Mediterranean area."⁴⁸ Western officials feared that the Soviet Union might provoke a limited conflict in order to propagate a general war with the Alliance, with the hope of circumventing a nuclear response. According to classified US analysis in 1964, a major Soviet aggression could:

in fact grow out of an ambiguous situation. It would, for example, be easy for them to provoke us into the implementation of some of our contingency plans for Berlin access which would give them an excuse to escalate on a large conventional scale.⁴⁹

3. The JFK Administration

The pursuit of a new deterrent strategy for NATO was initiated with the election of John F. Kennedy to the US Presidency and his appointment of Robert S. McNamara to the post of Secretary of Defense. The Kennedy administration saw the emerging flaws of massive retaliation, and developed a new strategy of flexible response, in which conventional forces had the predominant role. The new strategy sought to control the escalation of conflict, without an immediate nuclear exchange, in order to bring about rapid war-termination and the restoration of the security and integrity of the NATO area.

⁴⁷ Robert S. McNamara, "Interview with Robert McNamara," No interviewer listed, (George Washington University, Cold War History Project, Episode 12: Mutually Assured Destruction, 02 May 1999), available online at: <http://www.gwu.edu/~nsarchiv/coldwar/interviews/episode-12/mcnamara1.html>.

⁴⁸ Ibid.

⁴⁹ Llewellyn E. Thomson, Memorandum to State Department Official Seymour Weiss, 29 December 1964, available online at: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB31/04-01.htm>.

Military response would be calibrated to the type and scope of aggression; the use of purely conventional means might be followed by the use of tactical nuclear arms, and (if necessary) strategic nuclear forces.

Unlike massive retaliation, flexible response allowed for the managed escalation of conflict, as a means to provide for a rapid cessation of hostilities. By providing room for escalation, the strategy would force stoppage points in a conflict in which “Calculations of gain or loss will be made just before and after a large quantum of force is applied.”⁵⁰ Rather than acting as a “tripwire”⁵¹ to massive retaliatory strikes, conventional forces would prevent Soviet gains in limited actions against the Alliance in which a nuclear retaliation would be excessive. Additionally, if limited aggression did occur, conventional superiority could enforce a pause in the conflict, allowing for political deliberation and diplomatic efforts at resolution.⁵² In such scenarios, conventional force would essentially postpone the use of nuclear weapons, deterring conflict and ultimate destruction, while also being able to counter a limited attack if necessary. The United States argued in 1964 that the Alliance could “develop a suitable

⁵⁰ “The major stopping points in a war, as indicated by the types of forces or targets, might be as follows:

1. Transition from conventional to tactical nuclear weapons.
2. Transition from tactical use of nuclear weapons to strategic use of nuclear weapons.
3. Transition from a small and limited target system (defined by geography or type of target) to a broader target system.
4. Transition from the use of theater based to non-theater based weapon systems.
5. Transition from counterforce to urban-industrial.

6. At various points along the scale, the launch and recall or commitment of bombers could also create possible stopping points.”

United States National Security Council, Net Evaluation Subcommittee, *The Management and Termination of War With the Soviet Union*, 15 November 1963, pp. 43-44, available online at: www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB31/07-09.htm and www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB31/07-10.htm.

⁵¹ NATO strategy, as articulated in documents DC 13, MC 14/2, and MC 48, stated that conventional forces in Germany were to act in the event of invasion by the Soviet Union as a trigger to a massive nuclear retaliatory strike by the US Strategic Air Command. According to MC 48, NATO conventional forces were required so that NATO could “withstand the initial Soviet onslaught, [and be able] to deliver decisive atomic counter-attacks against the war-making capacity of the enemy, and to prevent the rapid overrunning of Europe.” NATO Military Committee, MC 48 – Report by the Military Committee to the North Atlantic Council on The Most Effective Pattern of NATO Strength for the Next Few Years, Paris, 22 November 1954, par. 33, Gregory G. Pedlow, ed., *NATO Strategy Documents, 1949-1969*, available online at: <http://www.nato.int/docu/stratdoc/eng/a541122a.pdf>.

⁵² Robert S. Jordan, *Norstad*, p. 208.

non-nuclear option, just as the Soviets have maintained theirs ... without in any way reducing the deterrent to a massive Soviet conventional attack.”⁵³

4. European Concerns

America’s “flexible response” strategy was neither politically nor militarily attractive to the European Allies. It was politically repellent because of the memories of two previous conventional World Wars. It was militarily abhorrent because of the financial expenditures associated with a conventional force build-up.⁵⁴ Additionally, flexible response was perceived by some European Allies as an overture to the withdrawal of forces, and political decoupling, of the United States from Europe, and subsequent US-Soviet settlements apart from NATO. The European Allies opposed flexible response on three grounds: the centralized control of nuclear weapons by the United States, the potentially increased possibility of a conventional war in Europe, and the expense of creating a large conventional force structure.

a. Centralized Nuclear Control

Since flexible response was based on the controlled escalation of conflict, nuclear decision-making had to be tightly centralized. A loose or bifurcated nuclear policy might hamper America’s ability to manage escalation. Moreover, the independent nuclear forces of France and Britain created multiple decision-making processes that (some Americans argued) would make a flexible response harder to maintain and control. Secretary McNamara referred to such national nuclear forces as “expensive, prone to obsolescence, and lacking in credibility as a deterrent.”⁵⁵ Some European Allies perceived US insistence on nuclear arrangements which maintained the decision-making in Washington as a means to maintain US predominance. Although the United States maintained a large conventional military presence in Europe throughout the Cold War, and France developed an autonomous nuclear capability, flexible response was viewed by some of the European Allies as a means by which they would carry the heaviest responsibility for conventional forces in any limited or major conflicts that might occur in Europe.

⁵³ US Secretary of Defense Robert S. McNamara, Remarks to NATO Ministerial Meeting, Paris, 15-17 December 1964, available online at: www.gwu.edu/nsarchiv/nsaebb/nsaebb31/01-07.htm.

⁵⁴ Robert S. Jordan, *Norstad*, p. 6.

⁵⁵ McNamara quoted in Lawrence Kaplan, *The Long Entanglement*, p. 104.

b. Conventional War in Europe

The European Allies generally believed that a massive retaliatory deterrent was the most effective means by which to ensure that there would not be another major war in Europe. If the Soviet Union did not believe in NATO's steadfast resolve to immediately counter any aggressive acts against the West with an immediate nuclear response, or that a nuclear response might be delayed, the Soviet Union might be encouraged to risk invasion and employ tactics for protracted land war.⁵⁶ Those opposed to flexible response believed that the Soviet Union would devise a strategy to prolong the escalatory measures of flexible response in order to delay a nuclear counter-attack as long as possible and gain a relatively advantageous settlement to the conflict. The European Allies (like the North American Allies) wanted neither conventional nor nuclear war, but rather sought to deter war in general through the most efficacious means. In the predominant European view, escalatory deterrence would not necessarily prevent armed conflict, whereas the threat of a general nuclear response would deter all forms of aggression. European opposition to flexible response found a proponent in US General Lauris Norstad, then SACEUR. Norstad believed that it would be unwise to assume that Soviet intentions could be divined, or that Soviet military actions could be controlled through escalatory measures:

While preparing to exploit any favorable developments, we must not confuse the wish with the fact. We should therefore consider, very carefully, our ability to enforce a graduated, controlled development of the battle, and not over-estimate the extent to which we can dictate the Soviet response, particularly in a situation where it is unlikely that we would have the initiative.⁵⁷

Moreover, with its preponderance in conventional forces, the USSR had the ability to out-escalate any non-nuclear NATO response.

c. Financial Costs of Flexible Response

The European Allies were willing to coordinate their national defense policies in return for a US nuclear guarantee that allowed them to focus on post-war economic, industrial and political reconstruction. Nuclear deterrence eliminated the

⁵⁶ Ibid. pp. 173-174.

⁵⁷ General Lauris Norstad, Memorandum of 18 September 1961, quoted in Robert S. Jordan, Norstad, pp. 186-187.

requirement for large standing and expensive conventional forces, and the European Allies opposed any plans that required increased defense spending for non-nuclear forces. In April 1965 the NATO Military Committee released a report which expressed the judgment that in a non-nuclear invasion by the Soviet Union, Allied forces could hold their forward positions and/or control the airspace over friendly units and territory for a period of no more than one to three days.⁵⁸ At the same time, a NATO force planning exercise determined that the flexible response strategy required a manpower increase of 500,000 to 750,000 personnel and defense budget increases between 20 and 30 percent, roughly US \$5.6 billion to \$8.4 billion.⁵⁹ In the overall schema of Western defense, large spending increases did not seem to be the wisest course of action, as a stronger deterrent was readily available through nuclear weapons, without the additional costs associated with a conventional force build-up.

5. Compromises and MC 14/3

Flexible response remained a contentious issue among the Allies throughout the mid 1960s. The United States remained committed to flexible response, while the European Allies, particularly the French, opposed any strategy that did not call for the immediate use of nuclear weapons to deter a Soviet invasion. The two sides were brought closer to an agreement on flexible response by multiple factors, including the French withdrawal from the integrated military structure in 1966, the emphasis on collective decision-making in the realm of nuclear issues, and the increased involvement of the United States in Vietnam.⁶⁰ An agreement to include the European Allies in the nuclear decision-making process facilitated European acceptance of the new strategy. From the strategy's proposal in 1961, up to its adoption in 1967, there were several efforts to involve the European Allies in the nuclear decision-making process.

Additionally, the Allies desired to include some elements of nuclear deterrence in flexible response. Under MC 14/3, the NATO Strategic Concept based on flexible response, the Alliance would attempt to “defeat the aggression on the level at which the

⁵⁸ Edward Drea, “The McNamara Era,” located in Gustav Schmidt, ed., A History of NATO, Vol. 3, p. 185.

⁵⁹ Ibid. p. 184.

⁶⁰ Ibid. p. 186.

enemy chooses to fight.”⁶¹ The concept, called direct defense, was a guarantee to the European Allies that NATO would strive to prevent escalation in Europe beyond what was required to deter further aggression. Through direct defense, tactical and general nuclear response capabilities—“the ultimate deterrent and, if used, the ultimate military response”⁶²—were maintained to deter limited nuclear or massive conventional attack by the Soviet Union.

The NATO Defense Planning Committee adopted MC 14/3 – The Overall Strategic Concept for the Defense of the North Atlantic Treaty Organisation Area - on 12 December 1967. Under MC 14/3:

The overall defensive concept of the North Atlantic Treaty Organization is to preserve peace and to provide for the security of the North Atlantic Treaty area primarily by a credible deterrence, effected by confronting any possible, threatened or actual aggression, ranging from covert operations to all-out nuclear war, with adequate NATO forces.⁶³

True to its original conception, the strategy of flexible response was designed to counter a full range of threats posed by the Soviet Union:

- a. Major nuclear aggression with the aim of destroying to as large an extent as possible NATO’s military potential and, in particular, Allied world-wide nuclear retaliatory capabilities together with attacks on industrial and population centres.
- b. Major aggression, possibly supported by tactical nuclear and chemical weapons, delivered simultaneously against the Northern, Central and Southern Regions of ACE [Allied Command Europe] and extended into the sea areas.
- c. Major aggression against one or two land regions of NATO with or without tactical nuclear and chemical weapons.
- d. Nuclear or non-nuclear operations, restricted to the sea areas of NATO, and directed against NATO forces, shipping and sealines of communications.

⁶¹ NATO Military Committee, MC 14/3 – Overall Strategic Concept for the Defense of the North Atlantic Treaty Organization Area, Brussels, 16 January 1968, par. 17, subset a, located in Gregory G. Pedlow, NATO Strategy Documents, 1949-1969, available online at: <http://www.nato.int/docu/stratdoc/eng/a680116a.pdf>.

⁶² Ibid. par. 17.

⁶³ Ibid. par. 1.

e. A limited aggression determined by a particular situation, against an individual NATO country. Such an attack could be confined to a particular area.

f. A renewed harassment or blockade of West Berlin, or an attack on West Berlin.

g. Covert actions, incursions or infiltrations ... in the NATO area.

h. Politico-military pressures and threats against one or more members of the Alliance involving ultimatums, military demonstrations, deployment of forces, mobilisation and other related incidents.⁶⁴

Moreover, MC 14/3 directed:

The ground, sea and air forces of the Alliance should be capable of rapid, flexible and effective reaction against the various forms of limited aggression. To provide the necessary flexibility and to meet the need for direct defence these forces require adequate mobility, fire-power, communications and logistics, and the capability to conduct a wide range of defensive and offensive operations, including the selective and discriminatory use of nuclear weapons.⁶⁵

D. FRANCE'S WITHDRAWAL FROM NATO'S INTEGRATED MILITARY STRUCTURE

1. Foundations of French Disenchantment

French difficulties within the North Atlantic Alliance entered a new phase with the accession of Charles de Gaulle to the French Presidency in 1958. President de Gaulle's convictions about France's proper role within the international political system complicated France's relations with its Allies. De Gaulle considered France one of the world's great powers along with China, the Soviet Union, the United Kingdom and the United States, and therefore due a commensurate level of international respect. He propounded a recognition of French *grandeur*, or prestige, in international affairs. In the President's words, France, "because [it] can, because everything summons [it] to do so, because [it] is France, must lead a global policy in the centre of the world."⁶⁶

⁶⁴ Ibid. par. 6, subset a-h.

⁶⁵ Ibid. par. 27.

⁶⁶ French President Charles De Gaulle, quoted in Anand Menon, "The Paradoxes of 'National Independence': Domestic Constraints of French NATO Policy." Gustav Schmidt, ed., A History of NATO the First Fifty Years (New York: Palgrave Press, 2001), Vol. 2, p. 252.

The desire for the proper recognition for France created an awkward relationship with the United States, which was further strained by the US primacy within NATO. On one hand, the United States was the obstacle to France's efforts to regain primacy in Western Europe. On the other hand, the recognition de Gaulle desired could only be provided by the United States, as the foremost world power.⁶⁷

a. Suez Crisis, 1956

De Gaulle's attitude toward NATO was greatly influenced by the Suez Crisis of 1956. The major Allied issue concerning the actions taken in Egypt by the French and the British was the lack of consultation before the hostilities.⁶⁸ Secretary of State Dulles was reported to have commented to French Ambassador Hervé Alphand that "both the British and the French had deliberately kept the United States Government in the dark for the past two weeks ... He felt that this was the blackest day which has occurred in many years in the relations between England and France and the United States."⁶⁹

For General de Gaulle, the outrage expressed by the United States and some other Allies was representative of NATO's major shortcoming, that other Allies could "sermonize," or attempt to impede an Ally in its pursuit of its national interests. It was unacceptable in his view that France, or any other power, would have to consult with other nations when pursuing its interests. In reaction to American opposition to the Suez intervention, de Gaulle stated that "We should have told the Americans this is what we want to do and if you do not accept it, the Atlantic pact is no more. They would have gone along."⁷⁰ In de Gaulle's view, France was increasingly dependent on NATO policies, and he sought to reverse the trend immediately after becoming President.

⁶⁷ Anton W. De Porte, Europe Between the Superpowers (New Haven: Yale University Press, 1986), p. 232.

⁶⁸ Robert S. Jordan, The NATO International Staff/Secretariat, 1952-1957 (Oxford: Oxford University Press, 1967), p. 72.

⁶⁹ US Secretary of State, John F. Dulles, quoted in indirect discourse in Memorandum of Conversation at the State Department, *Foreign Relations of the United States, 1955-57*, 30 October 1956, Vol. 16, pp. 867-68.

⁷⁰ De Gaulle quoted Robert S. Jordan, Generals in International Politics, p. 103.

b. Problems with NATO and the Tripartite Directorate

De Gaulle did not hold the North Atlantic Alliance in high regard, and set the tone for France's dealings with NATO shortly after taking office in 1958. On 17 September, de Gaulle sent President Eisenhower and British Prime Minister Macmillan a memorandum in which he conveyed his attitude toward NATO. The memorandum explained de Gaulle's three primary perceptions of NATO deficiencies: 1) The United States no longer was the single dominant nuclear power and therefore did not unambiguously speak for the West's defense; 2) France could no longer participate in NATO arrangements it regarded as obsolete; and 3) NATO nuclear issues should be decided by France, the United Kingdom, and the United States.⁷¹

In his 1958 memorandum, de Gaulle also proposed that, since NATO was not entirely relevant to the contemporary security situation, a Tripartite Directorate consisting of France, the United Kingdom and the United States should be formed to direct NATO. The directorate would exist as an outside institution that, while not part of NATO, would be superior to the Alliance. The directorate would plan conventional and nuclear military actions on a global basis.⁷² President Eisenhower responded in October 1958 that de Gaulle's proposal would not be acceptable to the United States:

We cannot afford to adopt any system which would give to our other Allies, or other free world countries, the impression that basic decisions affecting their own vital interests are being made without their participation.⁷³

Secretary of State Dulles emphasized in December of the same year that the United States would not participate in a directorate that would be superior to NATO or more sovereign than any state.⁷⁴ The other Allies, along with NATO Secretary General Paul-Henri Spaak, were outraged at the French proposal. In addition to envisaging the three-nation directorate as a body superior to the Alliance, de Gaulle also threatened to make France's continued support of NATO contingent on the acceptance of his proposal.⁷⁵ The

⁷¹ Robert S. Jordan, Political Leadership in NATO, p. 77.

⁷² Ian Q. R. Thomas, The Promise of Alliance, p. 59.

⁷³ Eisenhower quoted in Robert S. Jordan, Political Leadership in NATO, p. 79.

⁷⁴ Ibid. p. 79-80.

⁷⁵ Ibid. p. 77.

directorate proposal was rejected, and despite de Gaulle's threats, France remained in NATO.

2. Nuclear Issues

When de Gaulle demanded that a tripartite directorate be established with shared control of NATO nuclear policy, France was not yet a nuclear power. The United States also refused to comply with French demands for nuclear weapons technologies. The United States refusal to share, without limitations, its nuclear technology with France contributed to fissure within the Alliance. Specifically, France's disagreements over nuclear weapons focused on three main areas: 1) the proposed stockpiling of nuclear weapons in France, which would not be under French control, 2) the installation in Europe of Intermediate Range Ballistic Missile (IRBM) launchers, which would be solely under US control, and 3) the acquisition of nuclear submarines and related nuclear technology.⁷⁶ Each of these issues was also linked to the tight control over nuclear weapons required by United States policy.

As the United States failed to meet continued French demands for access to US nuclear expertise, the French moved with more vigor to acquire their own national nuclear weapons capability.⁷⁷ Specifically, the United States was concerned that a multi-polar nuclear policy within the Alliance would lead to fissures in cohesion and decision making. The proliferation of nuclear arms within the Alliance would cause a potentially destabilizing conundrum, as other countries, especially West Germany, might seek nuclear arms. For France, NATO nuclear policy hindered its pursuit of its own defense prerogatives, so that the

Atlantic alliance makes a sham of our [French] independence ... France must have the right to participate in the conception and planning of nuclear war. France's conditions for the deployment of nuclear weapons on its territory are in line with what the French governments claim as of right: the weapons must be under French control, and France must be involved in the development of nuclear strategy.⁷⁸

⁷⁶ Maurice Vaisse, "Intra-Alliance Conflict Related to Nuclear Weapons Politics: The French Case (1957-1963)," in Gustav Schmidt, ed., *A History of NATO*, Vol. 3, pp. 143-144.

⁷⁷ Robert S. Jordan, *Political Leadership in NATO*, p. 86.

⁷⁸ French President Charles de Gaulle quoted in Maurice Vaisse, "Intra-Alliance Conflict Related to Nuclear Weapons Politics: The French Case (1957-1963)," Vol. 3, p. 143.

In June 1959, the French refused to allow the United States to stockpile nuclear weapons in France unless their three conditions were met: 1) the French government had to know the locations, nature and amount of the weapons; 2) France had to concur with the decision on their use; and 3) the United States had to ensure cooperation in military applications of atomic sciences between the United States and France.⁷⁹ Norway and Denmark had also refused the stationing of nuclear weapons on their territory, but without the conditions set by France.⁸⁰ De Gaulle also held that France could not rest its national survival on the nuclear guarantee of the United States, and therefore to defend its sovereignty would pursue a nuclear *force de frappe*. Only with its own nuclear capability would France again be the master of its own destiny, and NATO was increasingly perceived as a hindrance to those pursuits.

3. The French Withdrawal, 1966

France detonated its first atomic weapon in February 1960. From that point on, de Gaulle's policies continued to strain France's relationship with the United States and NATO. On 7 March 1966 President Johnson received a letter from President de Gaulle that declared:

France considers the changes which have taken place or in process of occurring since 1949 in Europe, Asia, and elsewhere, as well as evolution of her own situation and her own forces no longer justify insofar as that concerns her the arrangements of a military nature adopted after the conclusion of the alliance, whether in common under the form of multilateral conventions or whether by special agreement between the French Government and the American Government.

It is for this reason that France proposes to recover the entire exercise of her sovereignty over her territory, presently impaired by the permanent presence of allied military elements or by constant utilization which is made of her air space, to terminate her participation in "integrated" commands and no longer to place her forces at the disposal of NATO.⁸¹

The letter shocked the Allies, not because it was unexpected, but because the threats of withdrawal had continued for so long, that they had lost some of their

⁷⁹ Maurice Vaisse, "Intra-Alliance Conflict Related to Nuclear Weapons Politics: The French Case (1957-1963)," p. 144.

⁸⁰ Robert S. Jordan, Political Leadership in NATO, p. 87

⁸¹ President Charles de Gaulle, Letter to President Johnson, Paris France, 7 March 1966, available online at: www.state.gov/www/about_state/history/vol_xiii/137.html.

credibility. The perception within NATO was that, if France intended to withdraw from the Alliance, it would do so in 1969, under the provisions of Article 13⁸² of the Washington Treaty.⁸³

President de Gaulle's letter explicitly stated that France intended "from now on to remain party to the Treaty signed at Washington on April 4, 1949," and would remain "determined even as today to fight at the side of her allies in case one of them will be the object of unprovoked aggression."⁸⁴ De Gaulle's sentiments were echoed by French Foreign Minister Couve de Murville in April 1966. According to de Murville, France would remain in NATO, and not just until 1969:

France has made known to her associates, by officially and publicly stating to them that she had no intention of availing herself of the clause that permits each partner, in 1969, insofar as it is concerned, to terminate the alliance; that she intended, on the contrary, to stay in it so long as that appeared necessary.⁸⁵

France remained committed to the North Atlantic Treaty, but had chosen to withdraw from some NATO institutions. France remained bound by the commitments under Article 5. The institutions were a different matter, because they constituted:

a whole group of integrated international commands, placed unavoidably under the authority of the strongest, by far, of all the partners, which are set up in continental Europe, already functioning in peacetime, even if they - at that time have no effective responsibilities, and to which are assigned, in the event of war, the bulk of the conventional military forces ... stationed in the western part of the European continent.⁸⁶

In 1964 President de Gaulle remarked that the status of the existing Atlantic relationship through the integrated military institutions of NATO made Europe little more "than an

⁸² "After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation." North Atlantic Treaty, 4 April 1949, Article 13.

⁸³ Robert S. Jordan, Generals in International Politics, p. 106.

⁸⁴ President Charles de Gaulle, Letter to President Johnson, Paris France, 7 March 1966.

⁸⁵ French Foreign Minister Maurice Couve de Murville, Speech to the French National Assembly, Paris, 14 April 1966, available online at: www.fordham.edu/halsall/mod/1966-france-non-nato.html.

⁸⁶ Ibid.

American protectorate.”⁸⁷ In the end France withdrew from certain NATO institutions, but remained dedicated to the Treaty, and was still protected from the Soviet Union by the combined military power of NATO.

E. CONCLUSIONS

The cases presented in this chapter are not separate events, in that each is part of a historical continuum. Certain continuities are apparent regarding NATO and collective defense during the Cold War. The North Atlantic Treaty was created essentially for the collective defense provisions of Article 5 as a deterrent and unifying principle against Soviet attack. The same provisions remained essential to each of the Allies throughout the Cold War. From 1949 through 1989, the North Atlantic Treaty was politically interpreted in multiple ways, but Article 5 remained sacrosanct.

West Germany’s membership in NATO illustrates an important political-military compromise made to ensure that the Alliance would be able to deter a Soviet invasion. It is significant that France, the United Kingdom, and the United States did not simply terminate the occupation regime. West Germany as a whole was made an equal partner in NATO. To give credibility to NATO’s preparations to defend the Treaty area collectively, the Alliance had to:

Develop ‘forces in being’ in Europe which would be capable of effectively contributing to success in the initial phase⁸⁸ and of preventing the rapid overrunning of Europe. To do this these forces must be highly trained, mobile, have an integrated atomic capability* and be properly positioned

⁸⁷ President Charles de Gaulle, Press Conference: Europe and its Role in World Affairs, Paris, 23 July 1964, available online at: www.fordham.edu/halsall/mod/1964-degaulle-europe1.html.

⁸⁸ The NATO Defense Committee Report DC 13 – North Atlantic Treaty Medium Term Plan - stated that NATO’s overall strategic plan, should war break out, envisaged four phases:

“PHASE I - D-Day to the stabilization of initial Soviet offensive, to include the initiation of the Allied air offensive.

PHASE 2 - Stabilization of initial Soviet offensive to allied initiation of major offensive operations.

PHASE 3 - Allied initiation of major offensive operations until Soviet capitulation is obtained.

PHASE 4 - Final Achievement of Allied War Objectives.”

NATO Defense Committee, DC 13 – North Atlantic Treaty Medium Term Plan, par. 6, in Gregory G. Pedlow, ed., “NATO Strategy Documents, 1949-1969,” available online at: www.nato.int/docu/stratdoc/eng/a500328d.pdf.

in depth. In this respect the importance of obtaining a German contribution to these forces cannot be too strongly emphasized.⁸⁹

In the end, West Germany's contribution to the common defense through NATO helped lessen Franco-German tensions, further increasing the credibility of the Western deterrent.

Flexible response and MC 14/3 serve as a paradigm for NATO consultation. The United States maintained a perception different from that of the European Allies of how best to deter Soviet aggression. However, through consultation, the opposing viewpoints converged in a strategy acceptable to both sides. The debate over massive retaliation and flexible response reflected the primacy of Article 5, and concerned the most efficacious way to ensure that it remained militarily and politically credible. The Allies sought to make certain that in the event of aggression they would have sufficient political and military strength to defend the West.

Deterrence through flexible response met the concerns of the United States and most of the other Allies by reaffirming deterrence through threats of nuclear retaliation, and by promoting the pragmatic acquisition of improved military capabilities. The greatest strength of flexible response was its ability to support the disparate strategic interests of the United States and most of the other NATO Allies. Flexible response remained NATO policy during the rest of the Cold War because it permitted a range of action and interpretation both strategically and politically.⁹⁰

Finally, the French withdrawal from the integrated military structure serves as an example of the ultimate primacy of Article 5, even through the discontent of one of the primary Allies. From the Gaullist perspective, NATO increasingly hampered France's pursuit of its national interests. However, Article 5 embodied the ultimate interest of state preservation. Despite President de Gaulle's criticisms of the organization, NATO

⁸⁹ NATO Military Committee, MC 48 - The Most Effective Pattern Of NATO Military Strength For The Next Few Years, par. 11, subset d, in Gregory G. Pedlow, ed., NATO Strategy Documents, 1949-1969, available online at: <http://www.nato.int/docu/stratdoc/eng/a541122a.pdf>.

*The ability to integrate the delivery of atomic weapons with the delivery of present type weapons. This involves the integration of intelligence and communications systems, and a common tactical doctrine.

⁹⁰ Samuel F. Wells Jr. and Alex Danchev, "Waiting for NATO: Strategic Concepts and Force Structure," in Gustav Schmidt, ed., A History of NATO, Vol. 3, p. 179.

was central to France's national interest, and France therefore could not withdraw from the Washington Treaty. The overarching threat of the Soviet Union meant that, despite national interests, regional predilections, and contrary opinions within the Alliance, the defense of Western civilization was at stake. Since the survival of the nation is the most fundamental national interest, collective defense was synonymous with each Ally's national interest.

Adherence to Article 5 collective defense during the Cold War allowed sovereign nations to set aside their political differences and to build upon a shared sense of a community of values. The guarantee of collective action through Article 5 was a means to ensure the survival of not only a political system, but also the Western way of life—the rule of law, democratic elections and institutions, human rights and economic freedom.

III. ARTICLE 5 DURING THE POST-COLD WAR PERIOD, 9 NOVEMBER 1989 – 10 SEPTEMBER 2001

US President George H. W. Bush and Soviet leader Mikhail Gorbachev agreed on 3 December 1989 while meeting off the coast of Malta that the Cold War was effectively over.⁹¹ President Gorbachev stated during a press conference that he and President Bush believed that “the world leaves one epoch of cold war and enters another epoch. This is just the beginning. We're just at the very beginning of our long road to a long-lasting peaceful period.”⁹² The strategic situation in Europe was fluid from the fall of the Berlin wall on 9 November 1989 through the collapse of the Soviet Union in December 1991. These years are the beginning of the post-Cold War period, which was marked with multiple adaptations by NATO to address the security challenges affecting its members. However, the terrorist attacks of 11 September 2001 decisively ended the post-Cold War period. US Secretary of State Colin L. Powell stated “Not only is the Cold War over, the post-Cold War period is also over.”⁹³

One of the immediate results of the end of the Cold War was a debate on the continued relevance of the Atlantic Alliance. Article 13 of the North Atlantic Treaty states: “After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation.”⁹⁴ However, no NATO nation withdrew from the Alliance, called for its termination, or questioned its viability during the Cold War.

Critics of the Alliance, old and new, claimed that the end of the Cold War had made NATO outdated. They argued that it should be replaced by institutions better equipped to handle the security challenges of the “new world order.” The threat for which NATO was created had disappeared. The Western Allies had won the Cold War;

⁹¹ Rob de Wijk, NATO on the Brink of the New Millennium (London: Brassey's Inc, 1997), p. 9.

⁹² Soviet president Mikhail Gorbachev, Joint Press Statement with US President George H. W. Bush, 3 December 1989, available online at: <http://bushlibrary.tamu.edu/papers/1989/89120303.html>.

⁹³ US Secretary of State Colin L. Powell, Remarks at Business Event, Shanghai, People's Republic of China, 18 October 2001, available online at: www.state.gov/secretary/index.cfm?docid=5441.

⁹⁴ The North Atlantic Treaty, 4 April 1949, Article 6.

and according to some “realist” theories, alliances should not outlive the threat which they were created to counter.⁹⁵

Among the Alliance members, the French Ambassador to NATO offered the most controversial opinion in regard to NATO’s future. According to Rob de Wijk, the French Ambassador argued in behind-the-scenes discussions in the early 1990s that, because of the changing security situation, the Alliance would soon collapse.⁹⁶ Those who opposed the French view pointed to the credible “residual threat” posed by the Soviet Union,⁹⁷ as noted in the 1991 Strategic Concept. The United States, as well as others, recognized that the future of the Alliance could not be tied to the Soviet threat, and instead restated the importance of maintaining the trans-Atlantic link and NATO as the representation of a shared community of values, a “common heritage and civilization.”⁹⁸ While the security environment remained in flux, many of the Allies hesitated to pursue a clear course without the consensus of the “Quad” countries - that is, France, Germany, the United Kingdom, and the United States.

In the end, the obvious institutional benefits of the Alliance were too substantial to its members to be wholly discarded. NATO had served to eliminate the prime source of interstate conflict in Europe, the reliance on national defense priorities and policies.⁹⁹ Despite its internal differences of opinion about specific policies such as the British and French involvement in the Suez Crisis of 1956 and the United States intervention in Vietnam, NATO had endured. In Josef Joffe’s words, it has “impressively discharged the three key tasks of an international order: It has preserved the security and independence of its members; it has been stable; and it has muted, if not inhibited, the use of force.”¹⁰⁰

The debate on NATO’s future outlasted the post-Cold War euphoria and the calls for its retirement, with the realization that the absence of the Soviet Union did not entail the absence of other threats. Indeed, there is no specific mention of the Soviet Union in

⁹⁵ Celeste Wallander, “Institutional Assets and Adaptability: NATO After the Cold War,” *International Organization*, Vol. 54, No. 4, Autumn 2000, p. 705.

⁹⁶ Rob de Wijk, *NATO on the Brink of the New Millennium*, p. 26.

⁹⁷ Ibid.

⁹⁸ The North Atlantic Treaty, 4 April 1949, Preamble.

⁹⁹ Josef Joffe, “Europe’s American Pacifier,” *Foreign Policy*, No. 54, Spring 1984, p. 68.

¹⁰⁰ Ibid. p. 66.

the North Atlantic Treaty, although it was the catalyst for the Treaty's creation. The question for the Alliance in the early 1990s was how to deal with the power vacuum in Central and Eastern Europe, which would inevitably affect its members. NATO had been the anchor of peace in Europe for over forty years. With the collapse of its traditional perceived enemy, NATO was forced instead to see that collapse as the greatest danger to the security of the Alliance members.¹⁰¹ As the risk of large-scale aggression disappeared, there was no longer a need for the institution to focus only on collective defense. "NATO had to transform. If not, it could die."¹⁰²

A. REAFFIRMATION OF ARTICLE 5

The fulcrum of Alliance cohesion and strength throughout its first five decades was the collective defense commitment formulated in Article 5 of the North Atlantic Treaty, which states that "An armed attack against one or more of them in Europe or North America shall be considered an attack against them all."¹⁰³

Because of the tumult and confusion during the outset of the post-Cold War period, or the "long decade" from 9 November 1989 to 10 September 2001, it was important for the Alliance to reaffirm its commitment to the primacy of collective defense. The 1990 London Declaration was the first Alliance document to do so; it asserted that NATO was "the most successful defensive alliance in history," and that it "must continue to provide for the common defence."¹⁰⁴ The same position was echoed throughout the "decade" in other major Alliance policies and documents. NATO's 1991 Strategic Concept, envisaged as its policy in a Europe with a non-adversarial Soviet Union, acknowledged that the new environment did not "change the purpose or the security functions of the Alliance, but rather underlines their enduring validity."¹⁰⁵ Additionally, the Strategic Concept restated the importance of Article 5, noting that "The

¹⁰¹ Ian Thomas, The Promise of Alliance: NATO and the Political Imagination (Oxford: Rowman and Littlefield Publishers, 1997), p. 154.

¹⁰² Rob de Wijk, Bram Boxhoon, and Niklaas Hoekstra, "Editorial Preface," in Rob de Wijk, Bram Boxhoon, and Niklaas Hoekstra, eds., NATO After Kosovo (Breda: Royal Netherlands Military Academy, 2000), p. 1.

¹⁰³ The North Atlantic Treaty, 4 April 1949, Article 5.

¹⁰⁴ North Atlantic Council, London Declaration, 6 July 1990, par. 2.

¹⁰⁵ North Atlantic Council, Strategic Concept, 7 November 1991, par. 14.

security of all Allies is indivisible: an attack on one is an attack on all.”¹⁰⁶ Along with the 1991 Rome Declaration, the 1991 Strategic Concept proclaimed NATO’s centrality as the guarantor of European security and stability through Article 5.¹⁰⁷

Although there was evidently little chance of a large-scale attack against an Ally by any nation or group of nations after the collapse of the Soviet empire, collective defense remained the critical foundation for the Atlantic Alliance. Article 5 continued as a binding element of Alliance consensus, which provided a basic and common point for all consultation. It was vital for the Allies to maintain the political, military and resource advantages that make collective defense possible. Alliance military capabilities, combined with political unity and the will to act, guaranteed that no form of aggression or coercion against any member would be seen as acceptable or would have a chance of enduring success. Additionally, owing in part to the leadership provided by the United States, the Alliance prevented the re-nationalization of defense policy without adversely affecting the sovereignty or security of its members. Similarly, sharing to a significant extent the burden of collective defense prevented the rise of adversarial relationships between members of the Alliance (with the noteworthy exception of Greek-Turkish interactions). NATO has provided a forum for the peaceful settlement of disputes and for consultations on all security matters under Article 4.¹⁰⁸

Article 5, as the bedrock principle of cohesion, allowed NATO to distinguish itself from historical alliances through the construction of operational norms in peacetime. NATO nations developed a structure of “common institutions, joint rules of working together and standard operating procedures ... [W]ithin the Alliance framework certain habits of collaboration among member states ... developed which have proved to be mutually rewarding.”¹⁰⁹ The institution created a powerful incentive for participating governments to continue practices that have led to a high degree of stability and

¹⁰⁶ Ibid. par. 36.

¹⁰⁷ Ian Thomas, *The Promise of Alliance*, p. 153.

¹⁰⁸ “The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.” The North Atlantic Treaty, 4 April 1949, Article 4.

¹⁰⁹ Alfred van Staden, “Logic and Animal Spirits: the Cohesion of the Transatlantic Relationship in the New Millennium,” in Rob de Wijk, Bram Boxhoorn and Niklaas Hoekstra, eds., *NATO After Kosovo* (Breda: Royal Netherlands Military Academy, 2000), p. 140.

prosperity. Furthermore, the model of NATO cooperation and Western community stood as an attractive goal for the nations of Central and Eastern Europe, and could be used by the Alliance as a mechanism to contribute to regional stability.

Finally, the 2001 edition of the NATO Handbook also reaffirmed the significance of the mutual-defense pledge of Article 5: “the task of providing security through deterrence and collective defense remains unchanged.”¹¹⁰

In summation, NATO remained a collective defense organization, dedicated to the “magnetic core”¹¹¹ of Article 5, throughout the entire post-Cold War period. Collective defense continued as NATO’s first and foremost means of deterrence against aggression in order to prevent wars before they start, so that the Alliance does not have to make and keep the peace after they stop.¹¹² Article 5 is a legitimate means of deterring aggression. It helps to explain why “Europe today is more peaceful, less divided and more democratic than at any time in the modern era.”¹¹³

B. OUT-OF-AREA/NON-ARTICLE 5 OPERATIONS

Even though NATO continued to assert the principle of collective defense throughout the post-Cold War period, preparations for conducting Article 5 missions were downgraded during the 1990s, and the Alliance focused its efforts on non-Article 5 activities in support of collective security outside the Treaty Area defined by Article 6.¹¹⁴ The threat of a third world war between East and West was symbolically eliminated when NATO proposed a “joint declaration” by the Alliance and the Warsaw Pact countries.

¹¹⁰ The North Atlantic Treaty Organization, NATO Handbook, 52nd ed. (Brussels: NATO Office of Press and Information, March 2001), Chapter 2.

¹¹¹ Zbigniew Brzezinski. “NATO: The Dilemmas of Expansion,” *The National Interest*, No. 53, Fall 1998, p. 14.

¹¹² US Secretary of State Madeleine Albright, Prepared statement before the Senate Foreign Relations Committee, 7 October 1997, *Debate on NATO Enlargement*, available online at: <http://www.fas.org/man/nato/congress/1997/s971007.htm>.

¹¹³ Ivo Daalder and James M. Goldgeier, “Putting Europe First,” *Survival*, Vol. 43, No. 1, Spring 2001, p. 88.

¹¹⁴ Article 6 of the North Atlantic Treaty defines the NATO area as: “The territory of any of the Parties in Europe or North America, the Algerian Departments of France, the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer; the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.” The North Atlantic Treaty, 4 April 1949, Article 6.

The declaration would state that the NATO and Warsaw Treaty Organization states were “no longer adversaries,” and would reaffirm their intention to “refrain from the threat or use of force against the territorial integrity or political independence of any state.”¹¹⁵ The Allies agreed, however, that threats still existed. Security challenges in the new international environment could result from myriad factors. As the Allies noted in the 1991 Strategic Concept:

Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe. The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of members of the Alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the Alliance.¹¹⁶

NATO’s 1991 Security Concept listed some of the potential threats as “risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources and actions of terrorism and sabotage.”¹¹⁷ Furthermore, arrangements existed “within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, [for] coordination of their efforts including their responses to such risks.”¹¹⁸ To counter these new security risks, beginning in 1992 NATO increasingly undertook non-Article 5 operations as part of a new approach, which, along with cooperation and dialogue, sought to promote stability throughout the Euro-Atlantic region.

The Alliance viewed its role within a “broad approach to security,”¹¹⁹ which allowed it to successfully “manage crises affecting the security of the Allies.”¹²⁰ Non-

¹¹⁵ North Atlantic Council, London Declaration, 6 July 1990, par. 6.

¹¹⁶ North Atlantic Council, Strategic Concept, 7 November 1991, par. 9.

¹¹⁷ Ibid. par. 12.

¹¹⁸ Ibid.

¹¹⁹ Ibid. par. 14.

¹²⁰ Ibid. par. 25.

Article 5 missions were seen as a military corollary to the Alliance's policies of preserving peace and preventing war. In the new security environment, these policies depended all the more on “the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members.” The goal of new operations was to interdict crises in their earliest stages, before they could spread, and prevent their escalation.

Beginning in June 1992, NATO pursued a policy begun with the Strategic Concept of 1991: actively engaging in political-military actions not covered under Article 5. Non-Article 5 missions included, “on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the CSCE, including by making available Alliance resources and expertise.”¹²¹ The Alliance established a policy of voluntary participation in non-Article 5 operations. That is, each Ally chooses whether to participate in a peacekeeping mission. A coalition of willing participants then forms for each contingency. This approach recognized that each Ally had distinct security concerns and interests, as well as variegated military capabilities. Moreover, NATO itself could decide whether and how to deal with each security contingency. Therefore, the new missions paved the way for European-led crisis management that did not militarily rely on the United States.

NATO further defined non-Article 5 missions at the meeting of Ministers of Defense at Brussels on 25-26 May 1993, where the NAC firmly declared its commitment to crisis management inside and outside the NATO area.¹²² Non-Article 5 missions were now also referred to as out-of-area operations, with respect to Article 6 of the North Atlantic Treaty.

The pursuit of non-Article 5 missions, referred to in NATO as “peace keeping,” “crisis management,” or “peace-support operations,” was not initially unanimously supported by the Allies. France, for instance, desired that NATO remain primarily an institution for collective defense, and argued that the new non-Article 5 missions should be the responsibility of more European institutions, such as the Western European Union

¹²¹ The North Atlantic Council, Final Communiqué, 4 June 1992, par. 11.

¹²² Rob de Wijk, NATO on the Brink of the New Millennium, p. 62.

(WEU), the CSCE/OCSE, or the European Union (EU). This concept persisted and, along with other factors, led France and the United Kingdom to jointly propose that the EU develop “the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises.”¹²³ In December 1999, at the Helsinki Summit of the European Union, the 15 EU members decided to acquire a capability to deploy 60,000 troops, within two months, for up to one year. The new European Rapid Reaction Force would conduct operations in support of the Petersberg Tasks:

Apart from contributing to the common defense in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of the WEU member States, acting under the Authority of the WEU, could be employed for:

- 1) Humanitarian and Rescue Tasks,
- 2) Peacekeeping Tasks
- 3) Tasks of combat forces involving crisis management, including peacemaking.¹²⁴

Germany had inherent difficulties in adapting to the new mission area. Article 87a of the Constitution, or Basic law, of the Federal Republic of Germany, amended in 1956 to permit the establishment of the Bundeswehr, states that “The Federation establishes Armed Forces for defense purposes.”¹²⁵ However, Article 24, paragraph 2, of the Basic law provides that “For the maintenance of peace, the Federation may join a system of mutual collective security; in doing so it will consent to such limitations upon its rights of sovereignty as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.”¹²⁶ There is enough vagueness in the two statements to allow for debate between opposing parties within the German political system as to the appropriate manner of employment of the German armed forces outside Germany’s borders.

¹²³ British-French Joint Declaration on European Defense, St Malo, 3-4 December 1998, par. 2.

¹²⁴ Western European Union Council of Ministers. “The Petersberg Declaration,” Section II, par 4. available online at: <http://www.weu.int/eng/comm/92-petersberg.htm>.

¹²⁵ Constitution of the Federal Republic of Germany, 23 May 1949, Bonn, Germany, Article 87a, par. 1, available online at: http://www.uni-wuerzburg.de/law/gm00000_.html.

¹²⁶ Ibid. Article 24, par. 2.

By the mid-1980s, a “cross-party consensus had formed” that the Bundeswehr could not be employed apart from the defense of Germany and its allies. However, the 1991 Gulf War recast the debate on Germany’s role in operations outside its Alliance obligations. The debate was not resolved immediately, but Germany did provide vital logistical support for the coalition’s military build-up in the Middle East, and contributed over DM 18 Billion in capital and services to the United Nations coalition efforts.¹²⁷ Volker Ruhe, then the Secretary of the Christian Democratic Union, was quoted in *Der Spiegel* as saying that “the Gulf War casts a bright light on the need to redefine united Germany’s international role, particularly insofar as our readiness to commit our forces beyond the NATO area is concerned.”¹²⁸ The Christian Democratic Union and the Christian Social Union, two major German political parties, developed the currently prevailing view that participation in out-of-area military operations by the Bundeswehr is permissible under the auspices of multilateral institutions such as NATO, the WEU, and the United Nations, but never unilaterally.¹²⁹

Some of the militarily weaker Allies also had reservations about committing troops to new mission areas. Each desired the protection offered by Article 5, but many also wished to cut military expenditures and responsibilities, taking advantage of the post-Cold War “peace dividend.” Over the course of the decade, some European countries reduced their armed forces by almost half. The Netherlands, in particular, abolished an independent army corps and formed one in conjunction with Germany.¹³⁰

In 1997, in conjunction with the negotiation of the NATO-Russia Founding Act,¹³¹ NATO decided to reexamine its Strategic Concept and update it to “reflect the

¹²⁷ John S. Duffield, World Power Forsaken: Political Culture, International Institutions, and German Security Policy After Unification (Stanford: Stanford University Press, 1998), pp. 176-177.

¹²⁸ Volker Ruhe, *Der Spiegel*, 18 February 1991, pp. 24-27, quoted in John S. Duffield, World Power Forsaken, p. 181.

¹²⁹ John S. Duffield, World Power Forsaken, p. 182.

¹³⁰ Rob de Wijk, NATO on the Brink of the New Millennium (London: Brassey’s Inc., 1997), p. 101.

¹³¹ In paragraph 4 of the Preface of the NATO-Russia Founding Act of 1997, the Alliance states that the “NATO member states have decided to examine NATO’s Strategic Concept [1991] to ensure that it is fully consistent with Europe’s new security situation and challenges.” North Atlantic Council, Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, Paris, 27 May 1997, Preface, par. 4.

changes that had taken place in Europe since its adoption.”¹³² These changes included the fall of the Soviet Union, the decision to enlarge NATO’s membership, and the enhanced role of the Alliance in crisis management. The 1999 Washington Summit Communiqué stated that NATO’s purposes in Euro-Atlantic security included:

To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty. And in order to enhance the security and stability of the Euro-Atlantic area ... To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.¹³³

The new Strategic Concept proclaimed that NATO had indeed “successfully adapted to enhance its ability to contribute to Euro-Atlantic peace and stability”¹³⁴ in the post-Cold War period. Article 5 was again reaffirmed, but the Strategic Concept placed NATO’s security interests in a wider context. The security challenges had been further refined:

Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance.¹³⁵

In future crises, NATO would seek cooperation with other organizations to prevent conflict and/or contribute to its effective management through non-Article 5 operations. By being prepared to undertake non-Article 5 tasks NATO further reinforced its commitment to extend stability and security in the Euro-Atlantic region.¹³⁶ The true evidence of NATO’s commitment came with its 78-day air campaign against the Federal Republic of Yugoslavia in 1999 and with Operation Essential Harvest in the Former Yugoslav Republic of Macedonia in August-September 2001. Moreover, NATO has

¹³² The North Atlantic Treaty Organization, The Reader’s Guide to the NATO Summit in Washington: 23-25 April 1999 (Brussels: NATO Office of Information and Press), p. 64.

¹³³ North Atlantic Council, Washington Summit Communiqué, 24 April 1999, par. 6.

¹³⁴ North Atlantic Council, Strategic Concept, 24 April 1999, par. 13.

¹³⁵ Ibid. par. 24.

¹³⁶ Ibid. par. 31.

remained active in the Balkans through the Stabilization Force (SFOR) in Bosnia-Herzegovina, the Kosovo Force (KFOR) in Kosovo, and Operation Amber Fox in the Former Yugoslav Republic of Macedonia.

1. Article 5 By Other Means

Through non-Article 5 operations, preventive crisis management, and cooperation with former adversaries and other non-NATO countries, the Alliance attempted to achieve “collective defense by other means”—that is, means other than mutual defense pledges backed by military forces.¹³⁷ Active political-military involvement by NATO and its partners contributed to the promotion of stability along the periphery of Europe and among former adversaries. Through broader and more productive bilateral and multilateral cooperation, in all realms of European security, the aim of the Allies was:

preventing crises or, should they arise, ensuring their effective management. Such partnership between the members of the Alliance and other nations in dealing with specific problems will be an essential factor in moving beyond past divisions towards one Europe whole and free. This policy of cooperation is the expression of the inseparability of security among European states. It is built upon a common recognition among Alliance members that the persistence of new political, economic or social divisions across the continent could lead to future instability, and such divisions must thus be diminished.¹³⁸

Actions within the broader concept of security would be undertaken by Allies, Partners, and other non-NATO countries outside of the Partnership for Peace.¹³⁹ One of the beneficial elements was reassurance. Through various institutional arrangements, NATO could maintain transparency, and reassure Partners and other non-NATO nations of the security of their sovereignty and interests, as well as of the steadfastness of NATO’s commitments. Collective defense by other means is not de facto Article 5 protection for non-signatories of the North Atlantic Treaty. The Partnership for Peace

¹³⁷ David Yost, “Collective Defense and Collective Security After Kosovo,” in Rob de Wijk, Bram Boxhoorn and Niklaas Hoekstra, eds., *NATO After Kosovo* (Breda: Royal Netherlands Military Academy, 2000), p. 25.

¹³⁸ North Atlantic Council, Strategic Concept, 7 November 1991, par. 29.

¹³⁹ The initial Implementation Force (IFOR) for peacekeeping in Bosnia-Herzegovina included all 16 NATO Allies, 14 Partners, and four other nations: Egypt, Jordan, Malaysia, and Morocco. The subsequent SFOR mission includes 19 Allies, 14 Partners, as well as Argentina, Egypt, Jordan, Malaysia, and Morocco. The KFOR mission includes 19 Allies, 14 partners, Argentina, Jordan, Egypt, Morocco and the United Arab Emirates.

includes a commitment by the NATO Allies to consult with any partner that perceives a threat to its security.

2. Peripheral Article 5

Even though Article 5 was constantly reaffirmed, the model for collective defense action had to be adapted to the new security environment. The threat of a Soviet-led invasion declined in 1989, and disappeared in December 1991. Subsequently, NATO found itself the dominant military force in Europe (if not globally). The focus for possible Article 5 contingencies relocated from Central Europe to NATO's periphery in the Middle East, the Caucasus, the Mediterranean, and Southeastern Europe. According to David Yost, "In contrast with the Cold War, when the main planning contingency was a massive Soviet-led Warsaw Pact assault against NATO as a whole, future collective defense contingencies might involve aggression by a 'rogue' state, perhaps in North Africa or the Middle East, against only a single NATO ally."¹⁴⁰ In any of these regions, a threat of conflict or an attack against a single Ally could become a "limited regional conflict"¹⁴¹ that could escalate into an Article 5 contingency.

NATO sought to "maintain peaceful and non- adversarial relations with the countries in the Southern Mediterranean and Middle East," and recognized that "The stability and peace of the countries on the southern periphery of Europe are important for the security of the Alliance."¹⁴² In order to promote these objectives, NATO founded two programs to specifically deal with peripheral circumstances, the Mediterranean Dialogue and South East Europe Initiative.

NATO's South East Europe Initiative specifically targeted instability in the Balkans, an area with three concurrent Alliance military stabilization missions, SFOR, KFOR and Essential Harvest/Amber Fox. The Alliance members obligated themselves "to take measures to ensure that crises do not destabilise neighbouring countries,"¹⁴³ and

¹⁴⁰ David Yost, "Collective Defense and Collective Security After Kosovo," p. 24.

¹⁴¹ United Kingdom Ministry of Defense, *Statement on the Defense Estimates 1996* (London: Her Majesty's Stationary Office, 1996), Chapter 1, Table 3, available at: <http://www.archiv.official-documents.co.uk/document/mod/defence/c1tb3.htm>.

¹⁴² North Atlantic Council, Strategic Concept, 7 November 1991, par. 11.

¹⁴³ North Atlantic Treaty Organization, "South East Europe Initiative," *NATO Factsheets*, available at: <http://www.nato.int/docu/facts/2001/seei.htm>.

spillover into other states in the area. The desire to curtail spillover effects was vital for NATO's interest in the Balkans since the region is "geographically sandwiched by one NATO member in the north (Hungary) and three in the south (Greece, Italy and Turkey)."¹⁴⁴ The Mediterranean Dialogue, begun in 1994, includes NATO, Algeria, Egypt, Israel, Jordan, Mauritania, Morocco, and Tunisia. The aim of the program is to create "good relations and better mutual understanding throughout the Mediterranean," as well as to promote "regional security and stability."¹⁴⁵ The countries involved in these two programs are directly concerned with the security of the sub-regions along NATO's periphery. Specifically, the targeted regions are areas in which instability could escalate into a limited regional conflict if initially unchecked. Additionally, Egypt, Jordan and Morocco participate in the Alliance's Stabilization Force in Bosnia-Herzegovina,¹⁴⁶ and Jordan and Morocco are also involved the NATO-led force in Kosovo,¹⁴⁷ which further emphasizes the importance the Alliance places on multilateral forward engagement.

The 1990-91 Gulf War is an example of a possible regional contingency involving a NATO Ally and collective defense concerns. As events matured in the Middle East, NATO became concerned with the possibility of a collective defense contingency in its southern region. Sharing a border with Iraq, and providing bases for coalition aircraft and command elements, Turkey could have easily become a target of Iraqi military action.¹⁴⁸ Hypothetically, Iraq could have employed or threatened tactics similar to its SCUD missile strikes against Israel, with the hope of politically separating members of the coalition. Iraq did not attack Turkey, however, and therefore Article 5 invocation was not required. NATO did signal its commitment to Turkey's defense by planning for a possible Iraqi attack.¹⁴⁹ If an attack had occurred, even though Operation Desert Storm

¹⁴⁴ Ibid.

¹⁴⁵ North Atlantic Treaty Organization, "The Alliance's Mediterranean Dialogue," *NATO Factsheets*, available at: <http://www.nato.int/docu/facts/2000/med-dia.htm>.

¹⁴⁶ North Atlantic Treaty Organization, *NATO Handbook*, Ch. 5, available online at: <http://www.nato.int/docu/handbook/2001/hb05010403.htm>.

¹⁴⁷ North Atlantic Treaty Organization, "Nations Contributing to KFOR," *KFOR ONLINE*, available online at: <http://www.kforonline.com/kfor/nations/default.htm>.

¹⁴⁸ David S. Yost, *NATO Transformed*, p. 61.

¹⁴⁹ Ibid. p. 190.

was not a NATO mission, the NATO Allies would have become involved in a subregional contingency covered under Article 5.

3. Article 5 and Out-of-Area Interaction

There is a degree of vagueness associated with the differentiation between Article 5 and non-Article 5 missions. First, due to a lack of resolve or will to act, the avoidance of a non-Article 5 mission could lead to an Article 5 contingency. Since NATO's new strategy favored the prevention of conflict, minor instabilities should not be allowed to ferment and erupt into major challenges to the security of the Allies. As stated, these new challenges could come from many factors, including terrorism, refugee flows, organized crime, and other trans-border security challenges. In other words: "To prevent the Bosnias of the future, the NATO alliance conducts a strategy of cooperation and dialogue ... Forward-engaged military forces ... offer political leaders the kind of flexibility and options that make it possible to deal with unstable situations early, before they mushroom."¹⁵⁰ Through cooperative security actions, the Alliance could respond to a crisis before it becomes an Article 5 threat, so that "lower-risk and lower-cost collective security missions may help the Allies avoid mounting higher-risk and higher-cost collective defense operations."¹⁵¹

Second, a non-Article 5 action could escalate into an Article 5 contingency.¹⁵² Such a scenario could have arisen as part of the Alliance's activities in Bosnia-Herzegovina in 1992-1995. If forces from NATO nations operating under United Nations auspices had come under attack, the Allies might have considered such an attack grounds for an Article 5 invocation.¹⁵³

Additionally, since crisis management operations would be conducted by coalitions of the willing, if a crisis rapidly escalated into an Article 5 contingency, the Allies that had attempted originally to abstain from military commitment could be drawn into the conflict. The fact that different Allies are in different "zones of security" complicates this matter. Luxembourg remains in a zone of relative safety, protected

¹⁵⁰ Admiral T. Joseph Lopez, USN, letter to the editor, *The Washington Post*, 12 August 1997, A18.

¹⁵¹ David Yost, "Collective Defense and Collective Security After Kosovo," p. 26.

¹⁵² David Yost, *NATO Transformed*, p. 264.

¹⁵³ *Ibid.* p 263.

through Article 5, and is not likely to be militarily involved with crisis management. Conversely, Turkey resides in a zone of “maximum danger,” bordering on the unstable Middle East and the Caucasus.¹⁵⁴ A possible scenario could involve a conflict between Turkey and Syria over access to the headwaters of the Tigris and Euphrates rivers. A disagreement could lead to non-Article 5 peacekeeping, and Luxembourg and Canada, for instance, would have to decide whether participation in this peacekeeping operation was consistent with their national interests. If the scenario evolved into an attack by Syria on Turkish territory, those same Allies could be obligated to offer assistance under Article 5.

The situation becomes more muddled when one considers that the language of Article 5 only covers the Treaty area illuminated in Article 6. Article 5 states that it pertains to attacks against one or more Allies “in Europe or North America.” Article 6 is clear that its delineation of the Treaty area is “for the purpose of Article 5.” One issue that has not been resolved is whether Alliance forces involved in a non-Article 5 operation outside the Treaty area would be covered under the collective defense provisions.¹⁵⁵

A definitive differentiation between Article 5 and non-Article 5 actions may not be possible in view of the uncertainties discussed above. Lack of clear demarcation is one of the prime reasons for NATO’s retention of a single military system, which is able to handle the command and control requirements of both mission types. It was clear to the allies in the 1990s that the new command structure should not be just for coalitions of the willing in crisis management operations, but also for Article 5 operations.¹⁵⁶ The debate was concluded in 1995 by the new Ministerial Guidance, which indicated that collective defense planning had to be directed at all of the Alliance’s military tasks, including non-Article 5 operations.¹⁵⁷

The awareness that a peripheral crisis involving an Ally, or the forces of several Allies, might spillover into Allied territory prompted some of the non-peripheral Allies to

¹⁵⁴ Rob de Wijk, “What is NATO?”, p. 4.

¹⁵⁵ David Yost, “Collective Defense and Collective Security After Kosovo,” p. 27.

¹⁵⁶ Rob de Wijk, NATO at the Brink of the New Millennium, p. 100.

¹⁵⁷ Ibid. p. 104.

strengthen their strategic mobility capabilities, in order to adapt their armed forces to the types of operations they might be tasked to accomplish.¹⁵⁸ Additionally, NATO organized the ARRC (Allied Command Europe Rapid Reaction Corps) as the land component of the ACE Rapid Reaction Forces. Its role is to be prepared for employment throughout Allied Command Europe (ACE) to augment or reinforce local forces whenever necessary. Its peacetime planning structure includes 10 assigned divisions plus core troops from 14 NATO nations, allowing a rapid response to a wide range of eventualities.¹⁵⁹

The maintenance of an adequate military capability and clear preparedness to act collectively therefore remain central [for NATO]. The structures and arrangements which have been built over many years enable member countries to benefit from the political, military and resource advantages of collective action and collective defence.¹⁶⁰

4. Non-Article 5 Difficulties

Out-of-area concerns have gestated within NATO since its inception in 1949, when the United States desired to avoid involvement in the colonial intrigues of its European partners.¹⁶¹ Less than twenty years later, the Europeans revisited the issue, as they avoided participation in America's entanglement in Vietnam. Presently, NATO has commitments to Article 5 collective defense and to out-of-area collective security—the latter on an ad hoc and selective basis. The dangers for the Alliance are inaction and over-commitment. Inaction could threaten the credibility of the Alliance, whereas over-commitment could lessen its ability to deal effectively with crises. Multiple tasks and differing interests could strain consensus and resources. As a result, in some circumstances the conduct of non-Article 5 operations could have a fracturing effect on the Alliance, and lead to internal discord.¹⁶² Three issues should be highlighted in this regard.

¹⁵⁸ Carel Hilderink, "Adaptations of NATO's Military Capabilities," in Rob de Wijk, Bram Boxhoorn and Niklaas Hoekstra, eds., NATO After Kosovo (Breda: Royal Netherlands Military Academy, 2000), p. 94.

¹⁵⁹ North Atlantic Treaty Organization, NATO Handbook, Ch. 12, available online at: <http://www.nato.int/docu/handbook/2001/hb1207020303.htm>.

¹⁶⁰ Ibid. Ch. 2, available online at: <http://www.nato.int/docu/handbook/2001/hb0204.htm>.

¹⁶¹ Rob de Wijk, "What is NATO?", p. 6.

¹⁶² David Yost, "Collective Defense and Collective Security After Kosovo," p. 34.

First, one of the primary principles of NATO's non-Article 5 crisis management endeavors is that they are conducted by coalitions of willing Allies, Partners and other non-NATO countries, with the concurrence of the North Atlantic Council. No automaticity of action is required from any of the Allies. The level of perceived obligation and interest guides each Ally in each specific contingency. Furthermore, the parties could choose to defend the security of an Ally or Partner that had chosen not to participate in the operation itself. Abstention from action by one or more Allies could place an unequal burden on those participating in the coalition, and participating Allies could end up defending the security interests of non-participating ones.

Second, there are different security zones and threat perceptions within the Alliance. A country in the most secure zone may not judge that its vital interests would be served by assisting in an operation against limited aggression.¹⁶³ Divergent perceptions of interest could create "free riders,"¹⁶⁴ which might only symbolically contribute to the management of a burgeoning crisis, in effect "holding the coats" of those participating.¹⁶⁵

Third, those who aspire to become NATO Allies, including the nine participants in the Membership Action Plan (MAP),¹⁶⁶ desire the security offered under Article 5. This is no surprise since these nations have been caught between the major powers of Europe throughout the modern era, serving as pawns in each iteration of the balance of power. However, in some circumstances they may be less likely to participate in non-Article 5 missions, preferring to allot resources toward economic and social programs, despite their current contributions to SFOR and KFOR. President Lennart Meri of Estonia, speaking in 1998, said that Article 5 is the "strongest statement of unity that the Western community can give, demanding in return only sensible, low-profile behavior, logical for a member of the defense union."¹⁶⁷ In the debate over new accessions to the

¹⁶³ Rob de Wijk, "What is NATO?", pp. 4-5.

¹⁶⁴ Ibid.

¹⁶⁵ David Yost, "Collective Defense and Collective Security After Kosovo," p. 38.

¹⁶⁶ The nine MAP members are: Albania, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia, and the Former Yugoslav Republic of Macedonia.

¹⁶⁷ Lennart Meri, "NATO and Europe: An Agenda for the Coming Years," *XVth International NATO Workshop*, Hofburg Palace, Vienna, Austria, 19-23 June 1998, available online at: www.cedr.org/98Book/meri98.htm.

Alliance, the positions held regarding Article 5 by the aspirant countries might serve as an indicator of the seriousness of the candidates with respect to Alliance commitments. Do the aspirants wish to enjoy the “strong statement of unity,” but once members, to maintain a “low profile”?

In practical terms, none of these problems is entirely new. Since its inception, NATO has consisted of variegated states, each with different perceptions of national interests and security requirements. In 1952, the question was not whether Denmark would defend Turkey from Iraq, but if Norway would defend Greece from the USSR, or vice versa.¹⁶⁸ The terms have altered, but the debate remains the same. Additionally, even though there were disagreements about the manner in which NATO handled its three main non-Article 5 operations in the 1990s—Bosnia-Herzegovina, Kosovo and the Former Yugoslav Republic of Macedonia—the Alliance maintained sufficient consensus and resolve to not only conduct the missions, but also to create a foundation in each country for long-term peace and stability. In each case dissension was noted, but compromise was always achieved and consensus maintained. Greece was a key example during the burgeoning Kosovo crisis. The Greek populace felt a sense of solidarity with the Orthodox church members in Serbia, and was adamantly opposed to the NATO operation.¹⁶⁹ However, while the Greek government reported its disagreement and refused to allow Allied operations to originate from Greece, it did not hamstring action in the North Atlantic Council.

As for the “free-rider” issue, the Alliance has always included Allies less militarily capable than others. It is not the issue that Iceland has no military forces, or that Luxembourg maintains only 900 troops organized into a light infantry battalion and two reconnaissance companies,¹⁷⁰ but that each Ally maintains its commitment to defend the security interests of the others, as per the Washington Treaty.

¹⁶⁸ Sean Kay, NATO and the Future of European Security, p. 29.

¹⁶⁹ Ivo Daalder and Michael O’Hanlon, Winning Ugly (Washington DC: Brookings Institution Press, 2000), p. 129.

¹⁷⁰ The International Institute for Strategic Studies, The Military Balance, 2000-2001.

C. CONCLUSION

By the turn of the new century, reports of NATO's demise had surely been exaggerated. The Alliance had lived up to its own billing: it had remained committed to collective defense, had successfully transformed itself into a body capable of non-Article 5 missions, had created mechanisms for dialogue and cooperation with former adversaries, had enlarged its membership to 19, had concluded agreements on special working relationships with Russia and Ukraine, and had brought dozens of countries under its umbrella of stability and security in the Euro-Atlantic region.¹⁷¹ In doing so, NATO clearly established itself as the lead source of military and diplomatic security for the entire region and its periphery, not just its 19 members.

Throughout the long decade of the 1990s, NATO engaged in a two-track policy: it pursued collective security aspirations, while maintaining its core commitment to the collective defense of the allies.¹⁷² NATO's statements and actions during the period affirmed that it remained an institution based on collective defense, but that it had been transformed into a vehicle, on a case-by-case basis, for interventions in support of collective security in the Euro-Atlantic region.¹⁷³ "Collective defense remains the only solid foundation for Alliance cohesion and strength, and the most reliable basis for undertaking selected operations in support of collective security."¹⁷⁴ However, Alliance strategy was modified "as NATO's focus shifted from the imperatives of collective defense within the red-blue confines of the Cold War to the more gray regions of collective security."¹⁷⁵ The bottom line is that "NATO originated as, and remains a collective defense organization," even though it has been adapted to perform collective security functions.¹⁷⁶ According to the 1999 Strategic Concept:

¹⁷¹ The total number of countries currently involved with NATO totals 55 and includes: 19 Allies, 27 Partnership countries (Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Croatia, Estonia, Finland, Georgia, Ireland, Kazakhstan, Kyrgyz Republic, Latvia, Lithuania, Moldova, Romania, Russia, Slovakia, Slovenia, Sweden, Switzerland, Former Yugoslav Republic of Macedonia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), the seven nations of the Mediterranean Dialogue (Algeria, Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia) and two others (Argentina and the United Arab Emirates).

¹⁷² David Yost, "Collective Defense and Collective Security After Kosovo," p. 37.

¹⁷³ David Yost, "NATO's Contributions to Crisis Management," p. 594.

¹⁷⁴ Ibid. p. 600.

¹⁷⁵ Donald Abenheim, "Birth Pangs of the New NATO," *Orbis*, Winter 2002, p. 174.

¹⁷⁶ David Yost, NATO Transformed, p.269.

The primary role of Alliance military forces is to protect peace and to guarantee the territorial integrity, political independence and security of member states. The Alliance's forces must therefore be able to deter and defend effectively, to maintain or restore the territorial integrity of Allied nations and - in case of conflict - to terminate war rapidly by making an aggressor reconsider his decision, cease his attack and withdraw. NATO forces must maintain the ability to provide for collective defence while conducting effective non-Article 5 crisis response operations.¹⁷⁷

In other words, collective defense under Article 5 has remained valid, as a hedge against unforeseen aggression against the Alliance or a single Ally, as a basis for the Alliance's internal functions, and as a means to pursue collective security functions.¹⁷⁸

By adhering to the core commitment of Article 5, the Alliance has been able to transform its security environment. With the Alliance's borders secure, security could then be extended to non-Allies. In the new security environment a traditional Article 5 contingency seemed to be less likely to occur. The Alliance could therefore undertake non-Article 5 actions that upheld its new missions, and that strengthened security for the Allies and for Europe as a whole. NATO had always declared that "The security of all Allies is indivisible,"¹⁷⁹ but with its new interest in promoting security beyond the collective defense of its members, it boldly asserted that "security is indivisible."¹⁸⁰ The difference in language is subtle, but poignant in meaning. The assertion that "the security of all Allies is indivisible" is a call to Article 5 collective defense. However, with the statement that security itself is indivisible, NATO's security aspirations went beyond Article 6 borders and extended to the entire Euro-Atlantic community.

Underlying the changes themselves, in addition to the requirements dictated by the Alliance's new roles, two indispensable principles have remained sacrosanct: the commitment to collective defense as a core function which is fundamental to the Alliance, and the preservation and maintenance of the transatlantic link as the guarantor of the Alliance's credibility and effectiveness.¹⁸¹ Surviving through transformation, and

¹⁷⁷ North Atlantic Council, Strategic Concept, 24 April 1999, par. 47.

¹⁷⁸ David Yost, NATO Transformed, p. 299.

¹⁷⁹ North Atlantic Council, Strategic Concept, 7 November 1999, par. 37.

¹⁸⁰ Joint Declaration of Twenty-Two States, Paris, 19 November 1990, par. 3, available online at: <http://www.fas.org/nuke/control/cfe/text/paris1.htm>.

¹⁸¹ North Atlantic Treaty Organization, NATO Handbook, Ch. 5, available online at:

despite claims about its ineffectiveness and forecasts of its eventual demise, NATO yet “remains the single most effective institution for combining the political-military assets of the major Western powers, and its effectiveness must be preserved – for collective defense, above all, but also to enable it to conduct selected operations in support of collective security.”¹⁸²

<http://www.nato.int/docu/handbook/2001/hb05010403.htm>.

¹⁸² David Yost, NATO Transformed, p. 301.

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IV. ARTICLE 5 SINCE 11 SEPTEMBER 2001

A. NATO AND TERRORISM, PRE-11 SEPTEMBER 2001

The September 2001 attacks on the United States were the first major aggression against a NATO member since the founding of the Alliance. The attack differed from existing NATO concepts of probable attacks on an Ally. Although terrorism had not been perceived as a probable form of an Article 5 attack, by 12 September the NAC had invoked Article 5 of the North Atlantic Treaty. Furthermore, it should be noted that, while the attack was on the territory of the United States, it affected several of the NATO Allies. In addition to the US losses, approximately 334 citizens of other NATO countries perished in the 11 September attacks on the World Trade Center alone.¹⁸³

Throughout the Cold War, NATO had viewed terrorism within a threat continuum dominated by concerns about Soviet endeavors. Because the Soviets could not risk actions that might lead to a general nuclear war, they might

initiate operations with limited objectives, such as infiltrations, incursions or hostile local actions in the NATO area, covertly or overtly supported by themselves, trusting that the Allies in their collective desire to prevent a general conflict would either limit their reactions accordingly or not react at all.¹⁸⁴

With the collapse of communism in Eastern Europe and the decline of the Soviet Union, terrorism became an explicit concern of Alliance security policy as one of the “risks of a wider nature”¹⁸⁵ addressed in the 1991 Strategic Concept. Both the 1991 and

¹⁸³ This number is compiled from estimates made in the days shortly after the World Trade Center attacks by *CNN.com*. The number does not include the nationalities of any of the persons who died on the four airliners used in the attacks. “Victims,” Special Report: War Against Terror, *CNN.com*, Available online at: <http://www.cnn.com/SPECIALS/2001/trade.center/victims.section.html>.

¹⁸⁴ NATO Military Committee, MC 14/2 (Revised) – Overall Strategic Concept for the Defense of the North Atlantic Treaty Organization Area, Paris, 23 May 1957, par. 19, in Gregory Pedlow, *NATO Strategy Documents, 1949-1969*, available online at: <http://www.nato.int/docu/stratdoc/eng/a570523a.pdf>

¹⁸⁵ North Atlantic Treaty Organization, Strategic Concept, 7 November 1991, par. 12, Available online at: <http://www.nato.int/docu/basicxt/b911108a.htm>. The 1999 Strategic Concept mirrored the 1991 pronouncement on the effect of terrorism on Alliance security, making a few modifications in regard to refugee problems experienced during the Bosnia-Herzegovina conflict: “Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance.” North Atlantic Treaty Organization, Strategic Concept, 24 April 1999, par. 24.

1999 Strategic Concepts redefined NATO's outlook on terrorism within the Alliance. terrorism. The post-Cold War Security Concepts set terrorism within a broad approach to security that attempted, in the absence of a major Soviet-type threat, to spread democracy and stability throughout the Euro-Atlantic area. The new threats to NATO were to be dealt with through the provisions of Article 4 of the North Atlantic Treaty,¹⁸⁶ which would allow the Allies to "address broader challenges in our consultations and in the appropriate multilateral forums in the widest possible cooperation with other states."¹⁸⁷

During the post-Cold War reorientation of threats and security concepts, terrorism was identified as a threat, but not as a likely source of an Article 5 contingency. Instead, as discussed in the previous chapter, within the realm of Article 5 operations, NATO was preoccupied with the possibility of the escalation of non-Article 5 operations, and the risk of attacks on the periphery of the North Atlantic Treaty area. NATO's main efforts to counter terrorism were through its counter-proliferation initiatives, specifically the Weapons of Mass Destruction Centre. Biological, chemical or nuclear weapons proliferation by states or non-state actors, including terrorists, could conceivably threaten either an Ally or a Partnership for Peace member.¹⁸⁸ Such an attack could have conceivably led to an Article 5 operation, but most of NATO's official statements reaffirmed that terrorism was one of the wider risks to security, appropriately dealt with through the Alliance's consultative mechanisms. The Alliance affirmed "the importance of arrangements existing in the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, coordination of our efforts including our responses to such risks."¹⁸⁹

1. The Invocation of Article 5

The North Atlantic Council met for an emergency session almost immediately following the 11 September attacks on the United States. Within hours the NAC released

¹⁸⁶ "The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened." The North Atlantic Treaty, 4 April 1949, Article 4.

¹⁸⁷ The North Atlantic Council, The Rome Declaration, 7 November 1991, par. 19, available online at: www.nato.int/docu/basic/txt/b911108b.htm.

¹⁸⁸ David S. Yost, *NATO Transformed*, p. 247.

¹⁸⁹ North Atlantic Treaty Organization, The Rome Declaration, 7 November 1991, par. 19, available online at: <http://www.nato.int/docu/basic/txt/b911108b.htm>.

a statement announcing that “The NATO nations unanimously condemn these barbaric acts committed against a NATO member state.”¹⁹⁰ Furthermore, the NAC avowed that “the United States can rely on its 18 Allies in North America and Europe for assistance and support.”¹⁹¹

On 12 September, the NAC issued the first-ever invocation of Article 5, subject to a caveat. The Council agreed that “if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.”¹⁹² It was necessary to qualify the invocation because of the possibility of the attacks originating domestically in the United States. In 1995, some observers wondered whether Article 5 might be invoked following the truck-bombing of the Murrah building in Oklahoma City, Oklahoma. However, despite initial suspicions, the Oklahoma City bombing was not an act of international terrorism, and therefore, not subject to the Washington Treaty.

On 2 October 2001 the United States briefed the NAC with information pertaining to the origin and nature of the attacks. Following the briefing, the NAC agreed that it “has been clearly determined that the individuals who carried out the attacks belonged to the world-wide terrorist network of Al-Qaida, headed by Osama bin Laden and protected by the Taleban regime in Afghanistan.”¹⁹³ Subsequently, the Alliance affirmed without qualification that Article 5 did pertain to the attacks on the United States.

Article 5 of the Washington Treaty has remained the foundation of the Alliance during the Cold War and post-Cold War periods. The commitment entered into by 12 nations in 1949, under severely different circumstances, has remained equally legitimate in the face of a new threat against 19 nations. The decision to invoke Article 5 without

¹⁹⁰ North Atlantic Council, Press Release 122, 11 September 2001, available online at: www.nato.int/docu/pr/2001/p01-122e.htm.

¹⁹¹ Ibid.

¹⁹² North Atlantic Council, Press Release 124, 12 September 2001, available online at: www.nato.int/docu/pr/2001/p01-124e.htm.

¹⁹³ North Atlantic Treaty Organization, “Invocation of Article 5 Confirmed,” *NATO Update*, 2 October 2001, available online at: www.NATO.int/docu/update/2001/10001/e1002a.htm.

qualification and under an entirely new set of circumstances—divergent from the original concept of likely collective defense contingencies—demonstrated that the ideals of the Atlantic Alliance remained valid, and that NATO stood as an active and relevant institution, dedicated to democratic values.¹⁹⁴

B. ARTICLE 5 ACTIONS

Article 5 does not mandate that automatic or comprehensive aid be offered in the defense of the attacked Ally. Rather, the Washington Treaty states that the Allies must be in agreement that an armed attack against another Party has occurred. Once the determination is made—as it was on 2 October—each Ally individually decides to take “forthwith, individually and in concert with the other Parties, such action as it deems necessary.”¹⁹⁵ Assistance can conceivably be in multiple forms, “including the use of armed force,” that are deemed necessary.¹⁹⁶ Therefore the assistance given depends on the economic, political and military resources of the individual Allies.

1. Eight Requested Measures

On 4 October 2001 the United States requested eight measures of support from the Allies. The measures requested under the authority of Article 5 were specifically designed to support at the United States’ effort to pursue its campaign against terrorism. The Allies agreed to:

- 1) enhance intelligence sharing and co-operation, both bilaterally and in the appropriate NATO bodies, relating to the threats posed by terrorism and the actions to be taken against it;
- 2) provide, individually or collectively, as appropriate and according to their capabilities, assistance to Allies and other states which are or may be subject to increased terrorist threats as a result of their support for the campaign against terrorism;
- 3) take necessary measures to provide increased security for facilities of the United States and other Allies on their territory;
- 4) backfill selected Allied assets in NATO’s area of responsibility that are required to directly support operations against terrorism;

¹⁹⁴ NATO Deputy Secretary General Alessandro Minuto Rizzo, Speech to the Atlantic Treaty Association, Bled, Slovenia, 4 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011004a.htm>.

¹⁹⁵ The North Atlantic Treaty, 4 April 1949, Article 5.

¹⁹⁶ Ibid.

5) provide blanket overflight clearances for the United States and other Allies' aircraft, in accordance with the necessary air traffic arrangements and national procedures, for military flights related to operations against terrorism;

6) provide access for the United States and other Allies to ports and airfields on the territory of NATO nations for operations against terrorism, including for refuelling, in accordance with national procedures.

The North Atlantic Council also agreed:

7) that the Alliance is ready to deploy elements of its Standing Naval Forces to the Eastern Mediterranean in order to provide a NATO presence and demonstrate resolve; and

8) that the Alliance is similarly ready to deploy elements of its NATO Airborne Early Warning force to support operations against terrorism.¹⁹⁷

All of the Allies agreed unequivocally to implement all eight measures, which essentially “operationalized” Article 5. As a result of the requested measures Alliance assets were deployed for the first time to support an Article 5 invocation. The unanimity of decision demonstrated Alliance “solidarity and resolve” to uphold the general commitments of the Alliance.¹⁹⁸ Additionally, specific Allies have supported the United States on a bilateral basis, outside of the NATO framework.

The NAC met on 8 October 2001, following the commencement of attacks on the Taliban regime and the Al-Qaida terrorist network in Afghanistan by forces of the United States and United Kingdom, to reaffirm its full support of the US-led military action. All of the Allies remained completely committed to the eight measures, with no defections or open disagreement, and several Allies asserted that they were standing ready to receive further calls for assistance by the United States.

2. NATO Airborne Early Warning and Control Force

The United States requested, under Measure 8, that NATO be “ready to deploy elements of its NATO Airborne Early Warning force” to assist in operations against terrorism aimed at the United States. On 8 October 2001 the NAC agreed to deploy five NATO AWACS (Airborne Warning and Control System) aircraft and their crews to the

¹⁹⁷ NATO Secretary General Lord George Robertson, North Atlantic Council Decision on Implementation of Article 5 of the Washington Treaty following the 11 September Attacks Against the United States, 4 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011004b.htm>.

¹⁹⁸ North Atlantic Treaty Organization, NATO's Response to Terrorism, Press Release 159, 6 December 2001, par. 3, available online at: <http://www.nato.int/docu/pr/2001/p01-159e.htm>.

United States to assist with domestic counter-terrorism operations. The deployment of Operation Eagle Assist “is the first time NATO assets will have been used in direct support of the continental United States.”¹⁹⁹ In support of the deployment, French AWACS assets, not a part of NATO’s integrated military forces, are providing coverage in the Balkans to replace the aircraft sent to the United States.²⁰⁰

The deployment of five aircraft from the NATO Airborne Early Warning and Control (NAEW&C) Force allowed “US aircraft currently engaged in these operations in the United States to be released for operations against terrorism elsewhere.”²⁰¹ Each of the aircraft was deployed to Tinker Air Force Base, Oklahoma, under the tactical command of the North American Air Defense Command (NORAD).²⁰² The aircrews of the NAEW&C Force are composed of personnel from 12 Allies. As of 10 October 2001, the national composition of the deployment to the United States consisted of: Belgium-11, Canada-22, Denmark-1, Germany-55, Greece-1, Italy-11, the Netherlands-7, Norway-5, Portugal-2, Spain-2, Turkey-5, and the United States-74.²⁰³

Several operational considerations have evolved since the aircraft began to conduct flight operations out of Oklahoma. The NAEW&C Force was deployed to conduct air surveillance and to free up US assets for deployment to Southwest Asia. Additionally, three US officers have been delegated the authority from President Bush to engage potential adversarial aircraft that threaten the United States. The NATO AWACS are part of the command and control system that would react to any hostile aircraft within United States airspace. Therefore a robust command and control arrangement had to be organized and implemented. The involvement of non-US officers in the engagement and

¹⁹⁹ General Joseph Ralston, “NATO Airborne Early Warning Aircraft Begin Deploying to the United States,” *NATO Update*, 9 October 2001, available online at: www.NATO.int/docu/update/2001/1008/e1009b.htm.

²⁰⁰ North Atlantic Treaty Organization, NATO Sends Extra AWACS to Help Guard Skies of America, Press Release 003, 16 January 2002, available online at: <http://www.nato.int/docu/pr/2002/p02-003e.htm>. And, Supreme Headquarters Allied Powers Europe, Shape News Summary & Analysis, 18 January 2002, available online at: <http://www.shape.nato.int/shapenews/2002/JANUARY/SA170102.htm>.

²⁰¹ NATO Secretary General Lord George Robertson, Press Release 138, 8 October 2001, available online at: www.NATO.int/docu/pr/2001/p01-138e.htm.

²⁰² General Joseph Ralston, SACEUR Statement to the Media, 9 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011010a.htm>.

²⁰³ NATO Airborne Early Warning and Control Force Headquarters, Press Release 0110-01, Geilenkirchen, Germany, 10 October 2001, Available online at: <http://www.e3a.nato.int/press/index.html>.

possible shoot-down of a civilian aircraft would have strong legal and political ramifications on both sides of the Atlantic. Accordingly, to clarify the decision-making process, the surveillance by NATO aircraft and officers must follow strict operational procedures. Moreover, the aircrews and aircraft involved in the NAEW&C Force conduct general surveillance missions instead of command and control²⁰⁴—unlike the US aircraft of the same type. Surveillance missions generally do not involve the aircrews in the decision-making role of an air engagement. Therefore, the NAEW&C Force is uniquely capable of assisting with air surveillance over the United States, and any direct involvement in the engagement of a civilian aircraft is most unlikely.

On 16 January 2002 NATO announced that two additional components of the NAEW&C Force would be deployed to the United States as further “visible examples of NATO’s reaction to the terrorist threat faced by all Allies.” The Alliance has noted, however, that the deployments to the United States will not affect its commitments elsewhere within the Treaty Area: “The commitment to two further AWACS aircraft to join NATO’s first operational deployment in the US demonstrates the Alliance’s

²⁰⁴ The Homepage of NATO’s Airborne Early Warning and Control Force, located online at www.e3a.nato.int, lists the various missions of NATO AWACS aircraft. The primary mission of the force is Surveillance: “The surveillance team is commanded by the Surveillance Controller (SC) who provides an optimum radar picture and operates the digital data links. Working for him are 3 Surveillance operators (SOs) and a Passive Controller (PC) who assist the SC to compile the recognized air and surface picture for transmission to the ground and other airborne units. The PC is responsible to enhance the air picture, ID procedures and E-3A self-protection through passive detection of emitters and platforms.” A secondary mission is to provide safe flight passage for aircraft assigned to NAEW&C platforms. This mission is controlled by the weapons team, which refers to the aircraft’s radar rather than any offensive capabilities. “The weapons team is headed by the Fighter Allocator (FA) who is responsible for the safe conduct of all aircraft which have been allocated to the E-3A to control. His 2 Weapons Controllers (WCs) can control a wide variety of air missions including Offensive and Defensive Counter Air operations using fighters, Close Air Support and Battlefield Air Interdiction using bombers and a wide variety of operational support aircraft.” Contrary to the NATO mission, the US Air Force lists the mission of its AWACS aircraft as “all-weather surveillance, command, control and communications needed by commanders of U.S., NATO and other allied air defense forces ... In support of air-to-ground operations, the Sentry can provide direct information needed for interdiction, reconnaissance, airlift and close-air support for friendly ground forces. It can also provide information for commanders of air operations to gain and maintain control of the air battle ... As an air defense system, E-3s can detect, identify and track airborne enemy forces far from the boundaries of the United States or NATO countries. It can direct fighter-interceptor aircraft to these enemy targets.” E-3 Sentry (AWACS), USAF Fact Sheet, Air Combat Command, Langley AFB, Virginia, last updated July 2000, available online at: http://www.af.mil/news/factsheets/E_3_Sentry__AWACS_.html.

determination to play a full part in the campaign against terrorism. NATO will nonetheless continue to meet its operational responsibilities elsewhere, especially in the Balkans, in part because of the willingness of France and the United Kingdom to employ their national AWACs aircraft in this role.”²⁰⁵

3. NATO Standing Naval Forces

On 6 October 2001 the NATO Standing Naval Force, Mediterranean (SNFM) was reassigned from Exercise Destined Glory 2001 off the coast of Spain to the eastern Mediterranean Sea. The SNFM consists of nine ships from eight NATO countries,²⁰⁶ and is one of four component surface fleets of the NATO Immediate Reaction Forces, which also include the Standing Naval Forces, Atlantic (SNFL) and the Mine Countermeasures Forces North and South (MCMFOR North and MCMFOR South). Once on station the SNFM provided presence and engaged in monitoring to “actively demonstrate NATO’s resolve and solidarity.”²⁰⁷ Operation Active Endeavor officially commenced on 26 October 2001 when the NAC issued an activation order. Eastern Mediterranean patrols began immediately after the task force was reassigned.

Measure Seven requested a deployment of NATO naval forces to the eastern Mediterranean. Due to the proximity of the SNFM it was the obvious choice for the initial deployment. In early October 2001 the SNFL received orders that it would replace the SNFM in the eastern Mediterranean as part of a rotational deployment. However, in contrast with the standard cycle of deployment, SNFL assets, along with additional assets pledged by the Allies, replaced SNFM ships during the winter furlough period. Each of the participating Allies maintained its naval commitments, either by keeping SNFL assets deployed throughout the furlough or by replacing them with other vessels. Additionally, some Allies that do not normally participate in the Standing Naval Forces placed ships at

²⁰⁵ North Atlantic Treaty Organization, Press Release 003, “NATO Sends Two Extra AWACS to Help Guard Skies of America,” 16 January 2002.

²⁰⁶ According to NATO AFSOUTH Headquarters, SNFM is composed of the following ships: HMS *Chatham*, frigate and flagship, United Kingdom; FGS *Bayern*, frigate, Germany; HS *Formion*, destroyer, Greece; ITS *Aliseo*, frigate, Italy; HNLMS *Van Nes*, frigate, the Netherlands; SPS *Santa Maria*, frigate, Spain; TCG *Giresun*, frigate, Turkey; USS *Elrod*, frigate; and FGS *Rhoen*, auxiliary oiler, Germany. This information is available online at: <http://www.afsouth.nato.int/operations/Endeavour/default.htm>.

²⁰⁷ Allied Forces South, Operation Active Endeavor, 15 January 2002, available online at: www.afsouth.NATO.int/operations/endeavor/default.htm.

NATO's disposal to cover the holiday gap.²⁰⁸ The actions taken by the Allies in response to the US request for a standing naval force presence in the eastern Mediterranean have been more substantial than standard commitments of naval forces and subsequent participation.²⁰⁹

All of the Allies participating in SNFM or SNFL have maintained their commitments to these eastern Mediterranean operations except Canada. However, the HMCS *Halifax* was removed from SNFL to conduct operations in the Indian Ocean along with naval assets from France, Italy, the Netherlands, Norway, the United Kingdom and United States.²¹⁰

C. ALLIED BILATERAL MILITARY ACTIONS

There was unanimity among the NATO Allies on the invocation of Article 5. Since that time, all 19 Allies have supported actions by NATO and in the larger international coalition. The individual efforts by the Allies have been highly differentiated as each has sought to provide the most adequate and appropriate type of assistance based on its political, military and economic resources. For some of the Allies, assistance is solely through support of the Eight Measures requested by the United States, whereas others are providing more robust political and military support. Presently, Canada, Denmark, France, Germany, Italy, Norway, the Netherlands, Turkey and the United Kingdom are involved in militarily operations outside the NATO area. Further

²⁰⁸ The Netherlands pledged an additional tanker, the HNMLS *Amsterdam*, for use in the eastern Mediterranean, and Italy, which as a Mediterranean Ally had never participated in SNFL, offered to deploy a frigate, the ITS *Audace*, to augment the forces during the month-long holiday.

²⁰⁹ The winter 2001- 2002 SNFL deployment consisted of 11 total ships vice the standard 8. The task force included the NRP *Corte Real*, frigate, Portugal (flagship); BNS *Wesdiep*, frigate, Belgium ; HDMS *Niels Juel*, frigate, Denmark; FGS *Karlsruhe*, Destroyer, Germany; ITS *Audace*, destroyer, Italy; HNLMS *Heemskerck*, frigate, The Netherlands; HNMLS *Amsterdam*, Oiler, The Netherlands, HNOMS *Narvik*, frigate, Norway; SPS *Extremadura*, Frigate, Spain; HMS *Exeter*, destroyer, UK; and USS *Elrod*, frigate, United States. The follow-on SNFM deployment consisted of the standard 8 frigates from 8 Allied navies (HMS *Chatham*, USS *Elrod*—which has remained in the Eastern Mediterranean throughout all three deployments of the NATO Standing Naval Forces, FGS *Luebeck*, HS *Salamis*, SPS *Baleares*, ITS *Grecale*, TCG *Gokceada* and HNMLS *Witte de With*, along with three additional tankers. Moreover, the current deployment of SNFM, beginning on 14 January 2002, is composed of 11 warships and one submarine. Allied Forces South, Operation Active Endeavor, 15 January 2002, available online at: www.afsouth.NATO.int/operations/endeavor/default.htm.

²¹⁰ John Pike, Operation Enduring Freedom – Deployments, *Global Security. Org*, Last Updated 14 March 2002, available online at: http://www.globalsecurity.org/military/ops/enduring-freedom_deploy.htm.

requests by the United States for military assistance have been widely accepted by the major European powers.

The willingness of the European Allies—along with Canada—to offer assistance has been so strong that political leaders in France, Germany and the United Kingdom have petitioned the United States to increase requests for military assistance from its European Allies. French President Jacques Chirac had complained in November 2001 that Washington was slow to accept offers of assistance from its Allies.²¹¹ No military action is separate from politics, and Chirac's complaints may have propelled US decisions to request the deployment of French and other Allied nations' forces to Southwest Asia to participate in coalition operations. However, in the French case, conditionality was evident when President Chirac, after noting that President Bush had requested additional assistance from France, stated that France would be willing to send members of its special forces units to Afghanistan—in fact a contingent of French Legionnaires had been coordinating with the US Special Operations Command in Tampa, Florida—if France could “know what the nature of their mission.”²¹²

French Defense Minister Alain Richard, along with German Chancellor Gerhard Schröder, has expressed concern about the widening of the war effort beyond Afghanistan. These concerns developed over reports that the war on terrorism could spread to Iraq. According to the BBC on 28 November 2001, Richard stated that a widening of the war to Iraq was not necessary.²¹³ German concern over a possible widening of the war may stem from the domestic political difficulties that accompanied the decision to deploy 3,900 German troops for operations supporting the war in Afghanistan. According to the Chancellor, Germany “will do what is necessary, but reserve for ourselves the right to decide what is necessary.” Moreover, Schröder said,

²¹¹ Paul Adams, “US Military Coalition Gathers Strength,” *BBC Online*, 7 November 2001, Available online at: http://news.bbc.co.uk/1/1/english/world/newsid_1643000/1643616.stm.

²¹² David E. Sanger and Michael R. Gordon, “US Takes Steps to Bolster Bloc Fighting Terror,” (*The New York Times*, 7 November 2001), available online at: <http://www.nytimes.com/2001/11/07/international/07PREX.html>.

²¹³ Richard quoted in “Discord of Widening War,” *BBC Online*, 28 November 2001, Available online at: http://news.bbc.co.uk/1/1/english/world/europe/newsid_1680000/1680980.stm.

Germany is not “simply waiting to intervene militarily elsewhere in the world, in countries such as Iraq or Somalia.”²¹⁴

The British government has been keenly aware of any waning of Allied political support, and lobbied early on for the US government to include its Allies in order to maintain political support for operations in Afghanistan. Prime Minister Tony Blair has stated that the United Kingdom refuses to rule out further strikes beyond Afghanistan, and intends “to take what action we can against international terrorism in all its forms.”²¹⁵

1. Bilateralism and NATO

There are two levels of NATO involvement in the conduct of the present campaign against terrorism. The first level is in conjunction with the invocation of Article 5 and the Eight Measures of support requested by the United States. All of the associated operations are occurring within the North Atlantic Treaty area. At the second level, specific Allies are participating in bilateral economic, military and political activities with the United States. During the NATO Parliamentary Assembly of 9 October 2001, the Allies recognized that it was

the right of the United States, as the principal victim of the atrocities of 11 September, to define the response that it must take against the perpetrators, and we support the statement by NATO Secretary General Lord Robertson that the United States has the lead role in this matter.²¹⁶

There are multiple reasons why NATO, with its members participating in a wide range of anti-terrorism activities, is not the overall authority for the operations against the Taliban regime and the Al-Qaida network. In the words of NATO Secretary General Lord George Robertson, “NATO is the world's most effective military organisation. It will not be in the lead in every crisis. But it has a vital role - in my view the vital role - to play in multinational crisis prevention and crisis management.”²¹⁷

²¹⁴ Schroeder quoted in *ibid.*

²¹⁵ *Ibid.*

²¹⁶ Mr. Rafael Estrella, Declaration on the Fight Against Terrorism, Plenary Session of the NATO Parliamentary Assembly, Ottawa, Canada, 9 October 2001, par. 12, available online at: <http://www.nato-pa.int/plenary/01ottawa/au-262-en.html>.

²¹⁷ NATO Secretary General Lord George Robertson, The Trans-Atlantic Link, Salen, Sweden, 21 January 2002, available online at: <http://www.nato.int/docu/speech/2002/s020121a.htm>.

President Bush remarked on 10 October 2001 that the United States was “building a very strong coalition against terror. And NATO is the cornerstone of that coalition,” but the coalition also “goes way beyond NATO.”²¹⁸ The President’s comments underscored the importance of NATO participation in the coalition, but also noted that NATO is not the lead institution for the fight against terrorism. Four considerations must be taken into account concerning the NATO role within the coalition against terrorism.

First, NATO is perceived as the principal representation of the ideals and culture of the West. Article 2 of the Washington Treaty specifically addresses the shared community of values held by the members of NATO, and refers to those values as institutions. The Article states that

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being.²¹⁹

In January 1949, Secretary of State Dean Acheson had remarked of the ideal of Article 2 that the “North Atlantic peoples share a common faith in fundamental human rights, in the dignity and worth of the human person, in the principles of democracy, personal freedom and political liberty.”²²⁰ NATO has been a means by which to defend those principles and institutions. Moreover, Acheson and others saw the Alliance as “far more than a defensive arrangement. It is an affirmation of the moral and spiritual values we hold in common.”²²¹

Second, NATO is not organized to conduct a global war on terrorism. The Article 5 invocation by the North Atlantic Council was in response to the 11 September 2001 attacks against the United States. The campaign against global terrorism has already extended beyond the Euro-Atlantic area. As the war on terrorism spreads to distant

²¹⁸ US President George W. Bush, Remarks by the President and NATO Secretary General in Photo Opportunity, Washington DC, 10 October 2001, available online at: <http://www.whitehouse.gov/news/releases/2001/10/20011010-6.html>.

²¹⁹ The North Atlantic Treaty, 4 April 1949, Article 2.

²²⁰ US Secretary of State Dean Acheson, 27 January 1949, quoted in Sean Kay, NATO and the Future of European Security, p. 30.

²²¹ US Secretary of State Dean Acheson, in Department of State Bulletin, 1 October 1951, quoted in Ian Q. R. Thomas, The Promise of Alliance, p. 33.

places such as Georgia, the Philippines, and Yemen, it becomes more evident that NATO is not properly equipped to lead or initiate all necessary operations. Moreover, the current US-led coalition includes Allies, Partners and Mediterranean Dialogue participants, as well as a host of other countries not involved with NATO at all.

Third, NATO is currently conducting three military operations within Europe. In other words, NATO's "plate is full." A fourth operation would put further strain on NATO's political and military structures. It seems doubtful that the Alliance would be able, or willing, to lead an Enduring Freedom-type mission, along with SFOR, KFOR and Operation Amber Fox. Moreover, the three current operations in the Balkans are adjacent to the Treaty area, whereas Afghanistan is far removed.

Fourth, multiple terrorist organizations are active within individual NATO member countries. If NATO became the lead institution by which to combat terrorism, the Alliance could be drawn into anti-terrorism actions within the territory of the Allies, with potential implications for their domestic political affairs. For example, proposals for NATO actions against the ETA in Spain, the IRA in the United Kingdom, or the PKK in Turkey could lead to political fissures within the Alliance, and therefore threaten the solidarity of the anti-terror campaign.

2. Significant Allied Military Contributions

Individually, many of the NATO Allies are currently participating alongside US forces in Operation Enduring Freedom. All of these activities are taking place outside NATO. However, some key developments portend future challenges and modes operation that will affect NATO missions in the near future. Therefore, these non-NATO operations by NATO Allies need to be evaluated for their impact on the Alliance. This chapter briefly discusses four examples: the United Kingdom, France, Germany and Turkey.

a. The United Kingdom

The United Kingdom continued a long-standing relationship of mutual trust and cooperation with the United States immediately after the 11 September attacks. Prime Minister Tony Blair declared that "We've [the British people] offered President Bush and the American people our solidarity, our profound sympathy, and our prayers." Blair said that the battle was not

between the United States of America and terrorism, but between the free and democratic world and terrorism. We, therefore, here in Britain stand shoulder to shoulder with our American friends in this hour of tragedy, and we, like them, will not rest until this evil is driven from our world.²²²

Since that time, owing perhaps to the second-highest casualty rate in the World Trade Center attacks,²²³ the United Kingdom has been perhaps America's closest Ally in actions against the Al-Qaida and Taliban. In the words of President George W. Bush, "America has no truer friend than Great Britain ... Once again, we are joined together in a great cause—so honored the British Prime Minister has crossed an ocean to show his unity of purpose with America."²²⁴ The close relationship discussed by President Bush and Prime Minister Blair was evident on 7 October 2001 when the British submarines HMS *Trafalgar* and HMS *Triumph* conducted Tomahawk land-attack cruise missile (TLAM) strikes on the opening day of the military campaign in Afghanistan, and then again on 13 October.

The British government has also offered to lead the post-Taliban peace keeping force in Afghanistan. Under the codename Operation *Fingal*, the United Kingdom is the initial authority for the Interim Security Assistance Force (ISAF), which was agreed to by multiple Afghani parties in Bonn, Germany. The force, operating from the immediate Kabul area, will consist of personnel from the United Kingdom and 17 other countries.²²⁵ The ISAF is designed to assist the Afghan Interim Government in "developing future security structures, ... in reconstruction;" and in identification,

²²² British Prime Minister Tony Blair, Statement on the US Attack, 11 September 2001, Available online at: <http://www.number-10.gov.uk/news.asp?NewsId=2544§ionId=32>.

²²³ The initial reports at *CNN.com* listed between 200 to 300 British casualties. Surely, as with the other initial reports, the numbers have decreased, but none-the-less remained significant. "Victims," Special Report: War Against Terror, *CNN.com*, Available online at: <http://www.cnn.com/SPECIALS/2001/trade.center/victims.section.html>.

²²⁴ President George W. Bush, Address to a Joint Session of Congress and the American People, Washington DC, 20 September 2001, Available online at: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.

²²⁵ The United Kingdom, along with Austria, Denmark, Finland, France, Germany, Greece, Italy, New Zealand, the Netherlands, Norway, Portugal, Romania, Spain, Sweden, and Turkey signed a joint Memorandum of Understanding in London on 10 January 2002, formalizing their contributions to the ISA Force. Additionally, Belgium and Bulgaria also expect to contribute personnel. The Ministry of Defense of the United Kingdom, Operation *Fingal*, 15 January 2002, available online at: <http://www.operations.mod.uk/fingal/index.htm>.

training, and assistance with “tasks for future Afghan security forces.”²²⁶ Twelve of the participating countries are NATO members, and five are members of the Partnership for Peace. However, NATO is not officially involved with the program outside of limited coordination of humanitarian relief.

b. France

Within NATO France has supported all measures in response to the attacks on the United States, including the invocation of Article 5, the deployment of the NAEW&C Force and the Standing Naval Forces, and the NAC agreement to support all 8 measures requested by the United States. The use of French national assets to backfill for the NAEW&C Forces in the Balkans while NATO aircraft are deployed to the United States is perhaps the most significant aspect of the French support. In sum, France has continued a tradition of political resolve, despite intra-Alliance disagreements, to support NATO military actions.

c. Germany

In the years since Germany’s reunification on 3 October 1990, its role within NATO has adapted to multiple changes in the security environment. However, in contrast with the difficulties of German participation in out-of-area operations discussed in Chapter III, the 11 September attacks involved a German Ally in “a system of mutual collective security.” Under the authority of the German Basic Law, through an alliance such as NATO, Germany can contribute to the effort to “secure a peaceful and lasting order in Europe and among the nations of the world.”²²⁷

Immediately following the attacks Chancellor Schröder informed President Bush that all German bases and facilities would be available for use by the United States for operations against terrorism. Since then more than two-thirds of the logistics, supply and personnel transport to the Southwest Asia area of operations have reportedly passed through US and German bases in Germany. In a move to show “unlimited solidarity,” the German government also pledged up to 3,900 troops.²²⁸

²²⁶ British Defense Minister Geoffrey Hoon, Speech to the House of Commons on International Security Assistance Force for Kabul, 10 January 2002, available online at: http://news.mod.uk/news/press/news_press_notice.asp?newsItem_id=1336.

²²⁷ Constitution of the Federal Republic of Germany, 23 May 1949, Bonn, Germany, Article 24, par. 2, Available online at: http://www.uni-wuerzburg.de/law/gm00000_.html.

²²⁸ Specifically, the United States requested five forms of assistance from Germany: Fuchs armored

According to Schröder, because of Germany's participation in the Alliance, Germany has "assumed obligations to assist the Americans, obligations which we will fulfill."²²⁹ Schröder expressed the desire to pay all due regard to the German Basic Law, and at the same time to express "unrestricted" solidarity with the United States.

Alliance solidarity is not a one-way street. That is why we must now render our practical contribution to that solidarity - the purpose of which, after all, is to defend our common values, attain common objectives, and build our future together in security and freedom.²³⁰

Germany's participation in Operation Enduring Freedom is not juridically linked to its NATO obligations. Currently, Germany has met its Alliance obligations by upholding the eight measures requested by the United States under Article 5. The current German leadership views the nation's commitments on a broader scale, however, and that solidarity is demonstrated outside of NATO arrangements.

d. Turkey

The political and military support by Turkey serves an important psychological role in the current war on terrorism in Southwest Asia. The Al-Qaida leadership, the Taliban regime, and their sympathizers have labeled the US-led actions against terrorism since 11 September as a war of aggression by the West against Islam.

vehicles, which are equipped to check terrain for nuclear, chemical and biological contamination, along with 800 soldiers; 100 special forces troops; 250 medical troops to evacuate casualties; 500 troops for logistical transport; and up to 1,800 sailors on ships. Steven Erlanger, "Germany ready to Send Force of 3900," The New York Times, 7 November 2001), available online at: <http://www.nytimes.com/2001/11/07/international/europe/07GERM.html>.

Apart from German participation in the NATO Standing Naval Forces, at the request of the United States, Germany deployed six ships from Bremerhaven on 2 January 2002. The German naval force consists of two frigates, the FGS *Emden* and *Köln*, the supply ship *Freiburg*, the oiler *Spessart*, the tenders *Main* and *Donau*, and five class 143 and 143A fast patrol boats) are monitoring the sea-lanes around the Horn of Africa to cut off lines of communication between terrorist organizations.

The deployed naval taskforce and ground units constitute the largest total deployment of German forces since the Second World War. Die Bundesregierung im Internet, German Armed Forces Involvement in Operation Enduring Freedom, 11 January 2002, Available online at: http://www.bundesregierung.de/top/dokumente/Artikel/ix_66473.htm.

²²⁹ German Chancellor Gerhard Schröder, "Interview with Chancellor Schröder on the Terrorist Attacks on the United States," No interviewer listed, (Frankfurter Allgemeine Zeitung, 14 September 2001), available online at: http://eng.bundesregierung.de/dokumente/Rede/ix_56176_5459.htm.

²³⁰ German Chancellor Gerhard Schröder, Participation of German Armed Forces in the Fight Against International Terrorism, Policy Statement by Federal Chancellor Gerhard Schröder in the German Bundestag, Berlin, 8 November 2001.

However, Turkey, a NATO member, has a population that is 99% Muslim. According to Turkish Foreign Minister Ismael Cem, “In Turkey we believe that this is not a war that belongs to the United States alone. It’s our war, Turkey’s war, as well.”²³¹ Foreign Minister Cem has also stated that Turkey has “supported the United States as the leader in this global fight against terrorism. We stand together with the United States. We are sure that the outcome of this fight will be won, a victory ... for all those who want to have a peaceful world.”²³² Prime Minister Bulent Ecevit also immediately gave the United States Turkey’s full support after the United States presented evidence to its Allies on 2 October 2001 on Al-Qaida’s role in the attacks.

Turkey’s proximity to current and possible future military operations makes its cooperation fundamental to the anti-terror coalition. Accordingly, Turkey’s political and military leaders affirmed on 8 October 2001 that they would support any NATO decision within the framework of the Article 5 invocation.²³³ As Steven Cook has noted, “Turkey—a NATO Ally, Muslim country, and aspirant to full-membership in the European Union—can offer the United States support in a range of areas where Egypt, Saudi Arabia and the Gulf states are either unable or reluctant to assist.”²³⁴ Unlike some Islamic states, Turkey does not question the linkages between the 11 September attacks and the bin Laden-led organization. Prime Minister Ecevit was reported as saying on 3 October 2001, following the US disclosure of information to the Allies of the linkage between the Al-Qaida network and the 11 September attacks, that “The fact that the US found it [the evidence against Al-Qaida] persuasive persuades us [the Turks] also.”²³⁵

Although the Turkish government has supported military actions against the Al-Qaida network and the Taliban, 80% of the country’s population disapproves of

²³¹ “Turk Special Forces Boost Alliance,” *CNN.com*, Ankara, Turkey, 2 November 2001, Available online at: www.cnn.com/2001/world/asiapcf/central/11/01/ret.turkey.afghanistan.

²³² US Secretary of State Colin L. Powell and Turkish Foreign Minister Ismail Cem, Joint Press Conference at the Residence of the Minister of Foreign Affairs, Ankara, Turkey, 5 December 2001, Available online at: www.state.gov/secretary/rm/2001/dec/6672.htm.

²³³ Steven A. Cook, “US-Turkey Relations and the War on Terrorism,” Brookings Institute Analysis Paper #9, 6 November 2001, Available online at: www.brook.edu/views/articles/fellows/2001_cook.htm.

²³⁴ Ibid..

²³⁵ Ibid.

the deployment of Turkish forces to Afghanistan,²³⁶ and roughly two-thirds of the Turkish population disapproved of the US-led attacks on the Taliban regime.²³⁷ A large majority of the population remains uncomfortable with the idea of attacking a fellow Muslim country, or is concerned that the war will next turn toward Iraq. Additionally, 58% of Turks believe that the US-led operations in Afghanistan could spark a war between Christians and Muslims.²³⁸ The government does not share this view. In the words of Foreign Minister Cem, “terrorism does not have a religion, terrorism does not have a geography, and terrorism does not and cannot have a justification.”²³⁹

Turkey’s participation in Operation Enduring Freedom, and possible participation in further military actions, could lead to NATO involvement in a second Article 5 contingency. First, current popular sentiment in Turkey and elsewhere believes that the operations will continue to expand geographically, with many pundits offering Iraq as the next logical target of the global anti-terror coalition. Obviously, Turkish participation in future operations against Iraq could lead to threats to Turkish security. Second, Turkey has suffered from two decades of terrorist activity by separatist Kurd factions and radical Islamic groups including the Kurdish Workers Party (PKK), Turkish Hizballah and Islami Buyuk Akincilar Cephesi (Great Raiders Front of Islam).²⁴⁰ US Secretary of State Colin Powell has stated that the United States understands that Turkey “has suffered from terrorism in the past and fully recognizes the importance of the mission that we are now all embarked upon.”²⁴¹

Each of these situations could lead to an Article 5 contingency. On the one hand, operations against Iraq could lead to the type of sub-regional contingency

²³⁶ “Turk Special Forces Boost Alliance,” *CNN.com*, Ankara, Turkey, 2 November 2001, Available online at: www.cnn.com/2001/world/asiapcf/central/11/01/ret.turkey.afghanistan.

²³⁷ Steven A. Cook, “US-Turkey Relations and the War on Terrorism,” Brookings Institute Analysis Paper #9, 6 November 2001, Available online at: www.brook.edu/views/articles/fellows/2001_cook.htm.

²³⁸ Ibid.

²³⁹ US Secretary of State Colin L. Powell and Turkish Foreign Minister Ismail Cem, Joint Press Conference at the Residence of the Minister of Foreign Affairs, Ankara, Turkey, 5 December 2001, Available online at: www.state.gov/secretary/rm/2001/dec/6672.htm.

²⁴⁰ Steven A. Cook, “US-Turkey Relations and the War on Terrorism,” Brookings Institute Analysis Paper #9, 6 November 2001, Available online at: www.brook.edu/views/articles/fellows/2001_cook.htm.

²⁴¹ Joint Press Conference at the Residence of the minister of Foreign Affairs, Ankara, Turkey, 5 December 2001, Available online at: www.state.gov/secretary/rm/2001/dec/6672.htm.

discussed in Chapter III. On the other hand, the second scenario could involve NATO in the response to international terrorist attacks. Terrorist actions against Turkey from foreign sources could be grounds for Article 5 invocation, as with the 11 September 2001 attacks on the United States.

D. NATO NON-MILITARY ACTIONS

NATO recognized promptly that a potential humanitarian tragedy loomed in Afghanistan. On 13 November 2001, the NAC requested that NATO's military authorities prepare contingency plans for possible humanitarian operations in Afghanistan. The Allies felt that the invaluable experience gained from dealing with the multi-border refugee crises in the Balkans in 1998-1999 made the Alliance an appropriate vehicle for humanitarian relief. NATO estimated in April 1998 that the Serbian military and militia campaigns of ethnic cleansing had resulted in the flight of 226,000 refugees to Albania, 125,000 to the Former Yugoslav Republic of Macedonia, and 33,000 to Montenegro. The numbers of refugees increased substantially. Following Operation Allied Force and the establishment of NATO's KFOR and the UN Mission in Kosovo, over 900,000 refugees returned to Serbia and Kosovo.²⁴² NATO assisted other organizations in dealing with the refugee crisis and providing the conditions for the refugees' return to their homeland. Moreover, the NATO Allies have the appropriate logistical means to transport large amounts of relief supplies. NATO offered to be the lead relief organization through the 2001-2002 winter,²⁴³ a pledge that did not come to fruition. The Alliance has stated that it remains ready to play a role in a larger relief effort along with the United Nations and humanitarian organizations.²⁴⁴

On 25 and 26 October 2001, the heads of civil-emergency planning organizations of NATO and Partner countries met to confer on the implications of the 11 September attacks. The Parties agreed to inventory national capabilities, including transport, medical, and scientific assets, which would be available in the event of a biological,

²⁴² Kosovo – Facts and Figures, NATO Fact Sheets, November 2001, available online at: <http://www.nato.int/docu/facts/2000/kosovo-ff.htm>.

²⁴³ David E. Sanger and Michael R. Gordon, "US Takes Steps to Bolster Bloc Fighting Terror," *The New York Times*, 7 November 2001, available online at: <http://www.nytimes.com/2001/11/07/international/07PREX.html>

²⁴⁴ Christopher Bennett, "Aiding America," *NATO Review*, Vol. 49, No. 4, Winter 2001, pp. 6-7, available online at: <http://www.nato.int/docu/review/2001/0104-01.htm>.

chemical or radiological attack against an Ally or Partner. NATO offered the Euro-Atlantic Disaster Response Coordination Center, located at NATO Headquarters in Brussels, as a “clearing house” or coordination center for international assistance. In recent years the Center has performed similar duties in responding to natural disasters.²⁴⁵

Additionally, NATO has used its medical, political and military assets to evaluate the threat of terrorism involving weapons of mass destruction. The NATO WMD Center’s agenda has reflected the “increased awareness of the potential use of weapons of mass destruction by non-state actors.” The WMD Center is evaluating the threat to the Alliance posed by “biological and chemical agents, toxic industrial chemicals, as well as radiological devices.”²⁴⁶

E. VALIDATION OF NATO ENLARGEMENT

NATO enlargement, like other NATO activities, is directed at extending Western institutions, defined by NATO as “liberty, ... democracy, human rights and the rule of law.”²⁴⁷ Enlargement of the Alliance is also perceived as part of a broader approach to security based on what some observers have called “democratic peace theory.” According to a NATO document,

[D]emocratic societies are not a threat to each other. They do not try to impose their own way of life on other countries and do not attempt to expand their territory by using military force. On the contrary, they are stable and offer opportunities for growth and economic development. The stability provided by NATO enabled Western Europe to rebuild its prosperity after years of war. Now, that investment is being shared by Europe as a whole. Stability creates confidence and predictability.²⁴⁸

In the words of Deputy Secretary General Alessandro Minuto Rizzo, “The events of September 11th have changed many things, but they have not invalidated our agenda pre-September. If anything, they have reinforced the logic of that agenda.”²⁴⁹ Since

²⁴⁵ Ibid.

²⁴⁶ “Ted Whiteside: Head of NATO’s WMD Centre,” interview in *NATO Review*, 8 January 2002, *Web Edition*, Vol. 49, No. 4, Winter 2001, pp. 22-23.

²⁴⁷ NATO Heads of State and Government, The Washington Communiqué, Washington DC, 23 April 1999, par. 1, available online at: <http://www.nato.int/docu/pr/1999/p99-063e.htm>.

²⁴⁸ North Atlantic Treaty Organization, *Extending Security in the Euro-Atlantic Area: The Role of NATO and its Partnership Countries* (Brussels: NATO Office of Press and Information, 2000), p. 10.

²⁴⁹ NATO Deputy Secretary General Alessandro Minuto Rizzo, Speech to the Atlantic Treaty Association, Bled, Slovenia, 4 October 2001, available online at:

“[I]nstability and violence is the most fertile ground possible for terrorism,”²⁵⁰ NATO’s promotion of stability in the Euro-Atlantic area helps to eliminate the breeding grounds of terrorism. “By contrast, there is no more hostile an environment for a terrorist than a stable, prosperous country in a peaceful, secure region.”²⁵¹ One of the reasons why terrorist organizations can operate in Afghanistan is its status as a failed state. Enlargement of the Alliance, especially through the Membership Action Plan (MAP), will assist in eliminating environments in which terrorism can flourish.

Therefore, rather than instigating a change in NATO policies, the attacks have “reinforced the logic of NATO enlargement.”²⁵² Additionally, NATO’s ties with Partnership countries have shown increased value. The associations built with “Russia, and even ... far away places like Central Asia,” have become “crucially important in an emergency.”²⁵³

F. THE EFFECTS OF THE INVOCATION OF ARTICLE 5 ON THE REINVIGORATION OF THE NATO-RUSSIA RELATIONSHIP

The NATO-Russia relationship, bolstered by the NATO-Russia Founding Act and the establishment of the Permanent Joint Council in 1997, came under severe strain in the late 1990s. NATO enlargement, Operation Allied Force, and US plans to construct a strategic ballistic missile defense system served to divide Russia and the Alliance. Ironically, the invocation of Article 5, the archetypal expression of Cold War bipolarism, assisted NATO-Russian rapprochement by placing Article 5 in a context that could finally be understood by Russia.²⁵⁴ The commonality of vulnerability to terrorism resonated within the Russian Federation, and for the first time NATO actions could be perceived apart from real or imaginary antagonism with Russia.

www.nato.int/docu/speech/s011004a.htm.

²⁵⁰ NATO Secretary General Lord George Robertson, Speech at the Summit on the Contribution of New Democracies to Euro-Atlantic Security, Sofia, Bulgaria, 5 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011005a.htm>.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ NATO Deputy Secretary General Alessandro Minuto Rizzo, Speech to the Atlantic Treaty Association, Bled, Slovenia, 4 October 2001, available online at: www.nato.int/docu/speech/s011004a.htm.

²⁵⁴ NATO Secretary General, Lord George Robertson, Speech to the NATO Parliamentary Assembly, Ottawa, Canada, 9 October 2001.

NATO Secretary General Robertson recognized that the 11 September 2001 attacks had altered the antagonistic trend:

For some forty years NATO and Russia sat and glowered at each other, for another ten years we tip-toed around each other but now I believe that we are entering an era where substantial and practical cooperation is going to build a unique relationship between us.²⁵⁵

In consultations since 11 September 2001, NATO and Russia have sought to “forge a new relationship” by giving “new impetus and substance to our partnership, with the goal of creating a new council bringing together NATO member states and Russia to identify and pursue opportunities for joint action at 20.”²⁵⁶ Although statements referring to NATO-Russia cooperation “at 20” may seem to be a precursor to Russian membership in NATO, in reality they are illustrative of agreements whereby NATO and Russia can seek a higher degree of consultation and cooperation on specific issues. The first issue for consultation between the NAC and Russia is terrorism. Several initiatives have already begun, and they include the

regular exchange of information and in-depth consultation on issues relating to terrorist threats, the prevention of the use by terrorists of ballistic missile technology and nuclear, biological and chemical agents, civil emergency planning, and the exploration of the role of the military in combating terrorism.²⁵⁷

Unlike NATO enlargement, Operation Allied Force, and US strategic ballistic missile defense, terrorism resonates with Russians as a legitimate security concern for cooperation between NATO and Russia. Succeeding actions by Russia in support of the anti-terror campaign confirm that common interests can in some circumstances surmount political divisions.²⁵⁸ For NATO, the newfound Russian cooperation, combined with Moscow’s will to assist in the prosecution of the war on terrorism, illustrates a “new

²⁵⁵ NATO Secretary General Lord George Robertson and Russian President Vladimir Putin, Speech at the Palais d’Egmont, 3 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011003a.htm>.

²⁵⁶ NATO Foreign Ministers, NATO-Russia Joint Statement, Occasion of the Meeting of the Permanent Joint Council at the Level of Foreign Ministers, Brussels, 7 December 2001, available online at: <http://www.nato.int/docu/pr/2001/p011207e.htm>.

²⁵⁷ North Atlantic Treaty Organization, Press Statement: On NATO-Russia Cooperation in Combating Terrorism, 28 January 2002, available online at: <http://www.nato.int/docu/pr/2002/p020128e.htm>.

²⁵⁸ Timothy J. Colton and Michael McFaul, “America’s Real Russian Allies,” *Foreign Affairs*, November/December 2001, Vol. 80, No. 6, p. 48.

quality in NATO-Russia relations.” As a result, the Alliance looks “forward to building on this cooperation and deepening NATO-Russia relations to meet the new challenges faced by the entire Euro-Atlantic community.”²⁵⁹

Critics nonetheless perceive Russia’s change in attitude as part of a self-serving policy designed to strengthen its own position in the international arena. Some analysts argue that Russia is seeking justification, if not support, for its heavy-handed tactics against the Chechens. There is a definite linkage between the 11 September 2001 attacks and Russian terrorism concerns, as the Al-Qaida network has clear ties to certain groups of Islamic militants in Chechnya.²⁶⁰

Revised perceptions of Russia’s activities in Chechnya have been evident in statements by some Western officials. In September 2001 German Chancellor Schröder said that “Regarding Chechnya, there will be and must be a more differentiated evaluation of world opinion.”²⁶¹ Germany is among many Western countries that had previously criticized Russian tactics in Chechnya, which have included the indiscriminate bombing of civilian areas, torture, murder, various human rights abuses, and restrictions on the press. More pragmatic needs have led many politicians in the West to recast their statements on Russia’s actions in Chechnya. An unnamed senior member of Schröder’s Social Democrat Party has stated that “Silence on Chechnya is the price for this new solidarity [between Russia and the West] ... And I don’t think Germany will be the only country to pay it.”²⁶² For the West, there is the hope that a closer relationship will usher in continued cordiality with Russia that will promote its democratization. Coordination against terrorism could lead to further dialogue and understanding on NATO enlargement, and perhaps less political opposition in Russia.²⁶³ For the time being,

²⁵⁹ North Atlantic Council, Press Release 159, NATO’s Response to Terrorism: Statement issued at the Ministerial Meeting of the North Atlantic Council, 6 December 2001, par. 8, available online at: <http://www.nato.int/docu/pr/2001/p01-159e.htm>.

²⁶⁰ “Chechen Rebels Told to Break with bin Laden,” *BBC Online*, 26 September 2001, available online at: http://news.bbc.co.uk/1/hi/english/world/europe/newsid_1565000/1565757.stm. Or, Timothy Bancroft-Hinchey, “Bin Laden Link with Chechnya,” *Pravda.ru*, available online at: <http://english.pravda.ru/diplomatic/2001/11/21/21509.html>.

²⁶¹ Steven Erlanger, “Schröder Urges Milder View of Moscow Role in Chechnya,” *The New York Times*, 26 September 2001, p. B6.

²⁶² *Ibid.*

²⁶³ NATO Secretary General, Lord George Robertson, “An Attack on Us All: NATO’s Response to

NATO's acquiescence regarding Russian actions in Chechnya may reflect desires to build a long-term, mutually beneficial relationship between the former adversaries. Presently it seems that a working relationship with NATO is perceived by Russia as more beneficial than continued haranguing about non-Article 5 operations or NATO enlargement.

G. CONCLUSIONS

Since NATO's bold move to invoke Article 5 of the North Atlantic Treaty, opposing currents of opinion concerning the relationship between the United States and its Allies have been evident. This discourse directly concerns the role of collective defense in NATO. First, in the weeks that followed the attacks in New York and Washington, American critics of European policies questioned what appeared to be the waning resolve of some of America's allies. In October 2001 an American commentator claimed that "America's friends have intoned that the United States should be wary of a military response," and that Europeans in general "recoil at raw patriotism, and exhibit angst at the thought of a large and violent response." Moreover, he wrote that "Most European countries are disinclined to commit armed forces"²⁶⁴ to any upcoming US military campaign.

Additionally, some European officials have reacted harshly to hard-line American tactics and threats of unilateral action. Notably, the European Union's External Relations Commissioner, Chris Patten, had stated in May 2001 that the European Union should attempt to "persuade the US to embrace and maintain its multilateral commitments."²⁶⁵ More recently, Patten called President Bush's January 2002 references to an "axis of evil" consisting of Iran, Iraq and North Korea "absolutist and simplistic." Patten and other EU officials have warned that a serious rift in US-European relations could develop. Patten has called for Europeans to stop Washington before it goes into "unilateralist overdrive." According to Patten, "Gulliver can't go it alone, and I don't think it's helpful if we regard ourselves as so Lilliputian that we can't speak up and say Terrorism," Speech at the Atlantic Council of the States, National Press Club, Washington DC, 10 October 2001.

²⁶⁴ Daniel Nelson, "Post-Terror Revisionism," *Defense News*, 1-7 October 2001.

²⁶⁵ Rt. Hon. Chris Patten, EU External Relations Commissioner, Statement on Transatlantic Relations, Plenary Session of the European Parliament, Strasbourg, 16 May 2001, available online at: http://europa.eu.int/comm/external_relations/news/patten/speech01_223.htm.

it.”²⁶⁶ Similarly, French Prime Minister Lionel Jospin has warned that the United States should not “give in to the strong temptation of unilateralism.”²⁶⁷

Despite such criticism, the Alliance invoked Article 5, and remains committed to the conduct and support, both “individually and collectively,” of “the ongoing US-led military operations against the terrorists who perpetrated the 11 September outrages and those who provide them sanctuary.”²⁶⁸ Rather than shrink back from action, America’s European Allies, along with Canada, reacted immediately to the attacks and invoked Article 5. NATO’s prompt invocation was impressive in that 19 nations had to consensually agree on this decision.

After the collapse of the Soviet Union, some observers argued that Article 5 was not relevant to the security concerns of the post-Cold War age. However, on 11 September 2001 these criticisms were exposed as invalid. In the words of Lord Robertson,

[A]fter September 11th we know that no member of the Alliance is invulnerable. And the response of NATO governments demonstrates that these commitments on which the Alliance has been based for 52 years remain tangible, real and reciprocal. NATO’s historic decision to invoke Article 5 of the Washington Treaty underscored categorically the fundamental link between two continents and among 19 nations.²⁶⁹

Terrorism has presently become the focus of Alliance defense policy; but the Alliance is continuing its long-standing pursuit of stability, democratization and a broader concept of security in the Euro-Atlantic area. Terrorism is no longer a topic mentioned briefly in major NATO policy documents. In December 2001, the North Atlantic Council meeting of Defense Ministers agreed that

²⁶⁶ Patten quoted in Jonathan Freedland, “Patten Lays Into Bush's America” (*The Guardian*, 9 February 2002), available online at: <http://www.guardian.co.uk/bush/story/0,7369,647554,00.html>.

²⁶⁷ Jospin quoted in “France Steps up Criticism of the U.S.” *CNN.com*, 8 February 2002, available online at: <http://www.cnn.com/2002/WORLD/europe/02/08/france.jospin/?related>.

²⁶⁸ North Atlantic Council, Press Release 159, NATO’s Response to Terrorism: Statement Issued at the Ministerial Meeting of the North Atlantic Council, 6 December 2001, par. 3, available online at: www.NATO.int/docu/pr/p01-159e.htm.

²⁶⁹ NATO Secretary General, Lord George Robertson, Speech to the NATO Parliamentary Assembly, Ottawa, Canada, 9 October 2001, available online at: www.NATO.int/docu/speech/2001/s011009.htm.

The Alliance must adapt its capabilities to these changes in the conditions of security and stability ... Such action must of course make use of a wide range of national and international means, of which military ones are only a part. As complements to civilian instruments, however, defence and military tools may be essential for a number of purposes including gathering intelligence; acting against terrorists and those who harbour them; protecting populations, infrastructure, and forces against their attacks; and dealing with the consequences of attacks that might nevertheless occur.²⁷⁰

More specifically, NATO is reassessing the threat posed by terrorism to its members, and the means by which the Alliance can deter terrorism.

A new assessment of the threat posed by terrorism is being prepared; proposals for improving the Alliance's preparedness against terrorism involving chemical, biological, radiological or nuclear weapons have been advanced; and the Allies concerned are examining the implications of terrorism for national defence plans in the context of NATO's force planning system. We are vigorously pursuing our efforts to prevent the proliferation of weapons of mass destruction and their delivery means and intensifying our cooperation in the field of civil emergency planning.²⁷¹

To adapt the Alliance to deal with the terrorism threat the NATO Defense Ministers agreed to conduct several practical measures:

- 1) further consideration, as noted earlier, of the way in which the Alliance can contribute in the defence field to the struggle against terrorism;
- 2) preparation by the NATO Military Authorities, on the basis of guidance to be provided by the Council in Permanent Session, of a military concept for defence against terrorism, following the development of the new threat assessment, for approval by the Council in Permanent Session;
- 3) a review of the effectiveness of the Alliance's defence and military policies, structures and capabilities for the full range of its missions against the background of the threat posed by terrorism;
- 4) further efforts by the Senior Defence Group on Proliferation, in consultation with other relevant NATO bodies, to improve the Alliance's capability to cope with the possible use by terrorists of chemical, biological, radiological and nuclear materials;
- 5) further efforts by nations and by the relevant Alliance bodies to identify possible measures in all relevant DCI capability areas, in both the short

²⁷⁰ NATO Defense Ministers, Press Release 173, Statement on Combating Terrorism: Adapting the Alliance's Defence Capabilities, 18 December 2001, par. 2, Available online at: <http://www.nato.int/docu/pr/2001/p01-173e.htm>.

²⁷¹ Ibid. par. 4.

and long term, or additional efforts that would enhance the Alliance's defensive posture against terrorist attacks; and,

6) enhanced sharing of information among the Allies on threat warnings and intelligence assessments, concepts, structures, equipment, training, and exercising of military forces designed to combat terrorist threats, and on other measures that could improve the Alliance's defence posture against such threats.²⁷²

The Defense Ministers avowed that the Alliance must "be able to carry out its missions, taking into account the threat posed by terrorism." Moreover, "NATO's ability to respond to terrorism must be an integral, albeit urgent, part of the more general ongoing work to improve Alliance military capabilities."²⁷³ Terrorism is no longer a separate, somewhat hypothetical concern, but is now being integrated into the overall Alliance political and military strategies.

NATO has become stronger since the 11 September attacks. All of the Allies participated in the Article 5 invocation, and they have supported such action as deemed necessary, "including the use of armed force, to restore and maintain the security of the North Atlantic area."²⁷⁴ Rather than shirking involvement, many Allies have actually petitioned the United States for an increased role in the operations in Afghanistan. In their view, a greater level of inclusion of the European Allies in these operations is the surest way to maintain a strong international coalition against terrorism. America's Allies are also able to help in non-military ways. The United States must seek counsel from its Allies, more experienced with certain aspects of the threat of terrorism, regarding the best procedures by which to pursue domestic counter-terrorism security. The current acrimonious dialogue between certain US and European political leaders should not be seen as an aberration, but rather as part of the process whereby sovereign allies influence each other's policies.

It should not be overlooked that the moment Article 5 was invoked, the NATO Allies added themselves, unequivocally, to the possible target list of future Al-Qaida or Al-Qaida-type terrorist attacks. Yet, NATO remains "the world's largest and most effective permanent coalition," and the Alliance and its members "will be central to the

²⁷² Ibid. par. 7.

²⁷³ Ibid. par. 8.

²⁷⁴ The North Atlantic Treaty, 4 April 1949, Article 5.

collective response of the international community to terrorism, both now and in the longer-term.”²⁷⁵

²⁷⁵ NATO Secretary General, Lord George Robertson, “An Attack on US All: NATO’s Response to Terrorism,” Speech at the Atlantic Council of the United States, National Press Club, Washington DC, 10 October 2001, Available online at: <http://www.nato.int/docu/speech/2001/s011010b.htm>.

V. CONCLUSIONS: NATO AS A TREATY AND AN INSTITUTION

The codification of a system of collective defense uniting nations of Western Europe and North America was partially in reaction to the failure of the collective security design of the League of Nations. Both NATO and the League of Nations were established following a world war as a means to deter future aggression. The Treaty of Versailles established the League in 1919 as a collective security pact. In the words of Martin Wight, collective security is “a system in which any breach of the peace is declared to be of concern to all the participating states, and an attack on one is taken as an attack on all.”²⁷⁶ Perhaps the most famous proponent of this theory of collective security was Immanuel Kant.

Peoples, as states, like individuals, may be judged to injure one another merely by their coexistence in the state of nature (i.e., while independent of external laws). Each of them may and should for the sake of its own security demand that the others enter with it into a constitution similar to the civil constitution, for under such a constitution each can be secure in his rights. This would be a league of nations.²⁷⁷

However, despite its lofty goals, the League of Nations failed to cope with the challenges of the security environment and was unable to stop the acts of aggression that led to the Second World War.

In contrast with an all-inclusive collective security system, in 1949 the Parties to the North Atlantic Treaty united a selected group of nations with a shared history and culture in a system of collective defense. Rather than prevent all forms of conflict, or create a Kellogg-Briand-type pact against war, the NATO nations joined together to defend themselves against a single, although not explicitly identified, adversary. Within NATO, each member has contributed to the overall defensive posture, and all members have benefited from the collective nature of the union.

²⁷⁶ Martin Wight, *System of States*, 1977, quoted in David S. Yost, *NATO Transformed*, p. 9.

²⁷⁷ Immanuel Kant, *Perpetual Peace: A Philosophical Sketch*, 1795, available online at: <http://www.mtholyoke.edu/acad/intrel/kant/kant1.htm>.

The institutional evolution from the North Atlantic Treaty to the North Atlantic Treaty Organization is evidence of how multiple nations, each with different perceptions of vital interests, can act in concert and create a state of equilibrium in which defense priorities become intertwined. With the 1950 decision for “the establishment at the earliest possible date of an integrated force under centralized command, which shall be adequate to deter aggression and to ensure the defence of Western Europe,”²⁷⁸ Article 5 of the North Atlantic Treaty served as the political-military bedrock on which the institutionalized NATO was built.²⁷⁹ This construction was possible because of the foundational aspect of Article 5; the basic interest of all the Parties—national survival—could be met. Moreover, the Cold War threat was so severe that defeat by the Soviet Union and its allies would have entailed cultural, economic, military, and political subjugation. Therefore, Article 5 was recognized as the essential commitment that might deter such an attack or provide the means by which the Western powers could repel a Soviet invasion. A challenge to the potency of the collective defense guarantee would jeopardize the security of each Ally and of the Alliance as a whole. Defection from treaty obligations became unthinkable in either peacetime or war. Defection would lessen the collective defense capability of NATO, but it would also leave the defector to stand alone against a superior threat.

Throughout the Cold War, Article 5 remained a steadfast guarantee of collective action and support. During that time, interpretations of Article 5 were adapted to meet contemporary strategic challenges. Often these adaptations are referred to as crises within the Alliance. However, what appears in the present to be a crisis may appear with hindsight to have been the development process of consensus among the member states. The adaptability of Article 5 in this period, coupled with the willingness of the Allies to maintain a credible collective deterrent, enhanced the process of consultation and consensus building within the Alliance. Even when the means to organize a West German military contribution were debated for four years, there was still a general recognition that a West German contribution was required. Similarly, France brought

²⁷⁸ North Atlantic Council, Final Communiqué, New York, United States, 26 September 1950.

²⁷⁹ Article 9 of the North Atlantic Treaty provided for the North Atlantic Council and a defense committee and other subsidiary bodies.

about a redefinition of its status in relation to several Alliance institutions, but did not seek to hamper the ability of NATO to act for the collective defense. Disagreements among sovereign nations are common, and one can see certain continuities in national interest-based arguments among the Allies in both the EDC debate of the 1950s and the current discussions about the war against terrorism.

The institutions built during forty years of consultations and preparations for collective defense became precious assets for the Allies. Once the Cold War was extinguished, NATO sought to apply those institutionalized norms to the evolving security environment. These same norms won the admiration of former adversaries and other non-NATO nations in the Euro-Atlantic area. The NATO model of collective action and consultation, based on the collective defense pledge, was perceived as the soundest way to address the economic and political challenges of post-Cold War Europe. In this new security environment Article 5 retained its viability as the “bedrock” of NATO even against “risks of a wider nature.”²⁸⁰ With the Allies protected from a large-scale war with another state through Article 5, the member nations could focus on “broader challenges,” and work with “appropriate multilateral forums in the widest possible cooperation with other states.”²⁸¹

Just as the Allies sought in MC 14/3 to define how they might deter and defend against limited actions by the Soviet Union, not previously addressed by NATO strategic guidance, in the post-Cold War period they adopted a broader concept of risks and threats, which included “proliferation of weapons of mass destruction, disruption of the flow of vital resources and actions of terrorism and sabotage.”²⁸² In the end the stability provided by NATO, which provided the security framework in which Western Europe rebuilt its prosperity after years of war, was extended to former adversaries and other non-NATO countries. In 1999 US Secretary of State Madeleine Albright said that the Alliance had become a vital institution that proposed “over time to do for Europe’s East what NATO has already helped to do for Europe’s West.”²⁸³

²⁸⁰ North Atlantic Council, Strategic Concept, 7 November 1991, par. 12.

²⁸¹ The North Atlantic Council, The Rome Declaration, 7 November 1991, par. 19.

²⁸² North Atlantic Council, Strategic Concept, 7 November 1991, par. 12.

²⁸³ US Secretary of States Madeleine Albright, 12 March 1999, quoted in Jeremy Bransten, Radio

The institutionalized adaptability of Article 5 led to its invocation and application under circumstances radically different from those for which it was previously envisioned. Firstly, the actions taken by NATO since the 11 September 2001 attacks have shown that Article 5 retains its validity. Secondly, these actions have shown that, although Article 5 is the bedrock of NATO, it is not written in granite. In the months since the 11 September attacks, it has become apparent that through NATO's actions, Article 5 has developed an increasing degree of malleability. A flexible, case-by-case approach to meeting Article 5 contingencies may modify the significance of NATO's collective defense guarantees, thereby enabling the Allies to counter the security challenges of the 21st Century more effectively.

The original language of Article 5 was designed to allow for a wide degree of acceptance by the governments of the initial members. A collective principle that was too strong or that required automaticity of action could have resulted in the rejection of the North Atlantic Treaty by one or more of the first 12 Allies. For instance, the United States would have been unable to ratify a treaty that necessitated immediate military action. The ability to declare war rests solely with the US Congress. In a modern context, an openness to interpretation allows Article 5 to be more politically and militarily inclusive, providing for its possible application in a wide range of scenarios. There has been a true adaptation of the standard interpretation of Article 5. In October 2001 NATO Secretary General Lord George Robertson noted that "For decades, pundits had been arguing about the true meaning and value of Article 5 and whether it had lost its meaning altogether with the end of the Soviet threat." In Robertson's view,

[A]fter September 11th, we know that no member of the Alliance is invulnerable. And the response of NATO governments demonstrates that these commitments on which the Alliance has been based for 52 years remain tangible, real and reciprocal. NATO's historic decision to invoke Article 5 of the Washington Treaty underscored categorically the fundamental link between two continents and among 19 nations.²⁸⁴

Free Europe/Radio Liberty. "1999 In Review: New Challenges as NATO Moves East," p. 1, available online at: <http://www.rferl.org/nca/features/1999/12/F.RU.991220150049.html>.

²⁸⁴ NATO Secretary General, Lord George Robertson, Speech to the NATO Parliamentary Assembly, Ottawa, Canada, 9 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011009a.htm>.

As the Secretary General pointed out on 5 October 2001, the time since 11 September 2001 has been a period of “self-examination.” In his view the terrorist threat has ripped “away illusions. It forces us all to look at hard truths, and to demonstrate, through word and deed, where we stand—and what we stand for.”²⁸⁵

NATO has taken a highly practical approach to its first Article 5 invocation. The Allies have continued to show “solidarity and resolve” both militarily and politically. These actions prove NATO’s continued relevance and the authority of its guarantee of collective defense. Current operations, split between NATO actions in the Treaty area and separate actions of the Allies outside the NATO framework, are not necessarily the new paradigm for collective action. There is a high probability that a NATO Ally will be attacked again one day. The next attack may not be conducted by international terrorists. However, because of the adaptability of Article 5, collective defense has become a more integrated part of the continuum of institutional cooperation and consultation activities. Article 5 can no longer be viewed as a Cold War provision. Collective defense is as relevant in the present age as the community of values and institutions mentioned in Article 2, the consultation obligations specified in Article 4, and the increased membership potential discussed in Article 10. Article 5’s collective defense guarantee will therefore remain relevant as the bedrock principle of “the world’s most effective military institution,”²⁸⁶ just as it was relevant as the Alliance’s founding principle in 1949.

²⁸⁵ NATO Secretary General Lord George Robertson, Speech at the Summit on the Contribution of New Democracies to Euro-Atlantic Security, Sofia, Bulgaria, 5 October 2001, available online at: <http://www.nato.int/docu/speech/2001/s011005a.htm>.

²⁸⁶ NATO Secretary General Lord George Robertson, “NATO After September 11th,” Speech to the Pilgrims of the United States, New York, 31 January 2002, available online at: <http://www.nato.int/docu/speech/2002/s020131a.htm>.

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APPENDIX A - THE NORTH ATLANTIC TREATY

Washington D.C. - 4 April 1949

*The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.
They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.
They are resolved to unite their efforts for collective defence and for the preservation of peace and security.
They therefore agree to this North Atlantic Treaty :*

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised 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 the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security .

Article 6²⁸⁷

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack:

on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France,²⁸⁸ on the territory of or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

²⁸⁷ The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey signed on 22 October 1951.

²⁸⁸ On January 16, 1963, the North Atlantic Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications.²⁸⁹

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United

²⁸⁹ The Treaty came into force on 24 August 1949, after the deposition of the ratifications of all signatory states.

States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

APPENDIX B - LETTER FROM PRESIDENT DE GAULLE TO PRESIDENT JOHNSON, PARIS, MARCH 7, 1966

Source: Department of State, Central Files, DEF 4 NATO. No classification marking. The text of the letter was transmitted in telegram 5559 from Paris, March 7, received at 2:45 p.m. and passed to the White House at 2:59 p.m. (Ibid.) This letter is also printed in *American Foreign Policy: Current Documents, 1966*, pp. 317-318.

Dear Mr. President:

In three years our Atlantic Alliance will complete its first term. I am anxious to tell you that France appreciates the extent to which the solidarity of defense thus established between 15 free peoples of the West contributes to assuring their security and, especially what essential role the United States of America plays in this respect. Accordingly, France intends from now on to remain party to the Treaty signed at Washington on April 4, 1949. This means that except in the event of developments which might occur in the course of the next three years to change the fundamental factors of East-West relations, she will be in 1969 and thereafter determined even as today to fight at the side of her allies in case one of them will be the object of unprovoked aggression.

However, France considers the changes which have taken place or in process of occurring since 1949 in Europe, Asia, and elsewhere, as well as evolution of her own situation and her own forces no longer justify insofar as that concerns her the arrangements of a military nature adopted after the conclusion of the alliance, whether in common under the form of multilateral conventions or whether by special agreement between the French Government and the American Government.

It is for this reason that France proposes to recover the entire exercise of her sovereignty over her territory, presently impaired by the permanent presence of allied military elements or by constant utilization which is made of her air space, to terminate her participation in "integrated" commands and no longer to place her forces at the disposal of NATO. It goes without saying that for the application of these decisions she is ready to arrange with the governments and in particular with that of the United States, practical measures which concern them. In addition, she is disposed to have understandings with them as to military facilities to be mutually accorded in the case of a conflict in which she would be engaged at their sides and as to conditions of cooperation of her forces and theirs in the event of common action, especially in Germany.

On all these points, Dear Mr. President, my Government will therefore be in touch with yours. But in order to respond to the spirit of friendly candor which must inspire the relations between our two countries and, permit me to add between you and me, I have been desirous firstly to indicate personally to you for what reasons, for what purpose and within what limits France from her viewpoint believes the form of our alliance should be modified without altering its basis.

I beg you to accept, Dear Mr. President, the assurances of my highest consideration and the expression of my most cordial sentiments.

APPENDIX C - LETTER FROM PRESIDENT JOHNSON TO PRESIDENT DE GAULLE, WASHINGTON, MARCH 22, 1966

Department of State, Presidential Correspondence: Lot 67 D 272. No classification marking. The source text bears no drafting information. A notation on a covering memorandum states that the original was handed to Ambassador Lucet on March 22. The letter is also printed in *American Foreign Policy: Current Documents, 1966*, pp. 321-323.

Dear Mr. President:

On March 7 you wrote to inform me of the general course of action your Government proposes to follow with regard to the North Atlantic Treaty and the organization and arrangements which have been set up to serve its purposes. The course you propose will so seriously affect the security and well-being of citizens of all the allied states that I felt it imperative to seek the counsel of the other Treaty members before replying in detail. I should like now to set forth what seem to me the fundamentals of this matter.

Let me begin with the American conception of the purpose of the North Atlantic Treaty and the Alliance it creates. Under our Constitution, that Treaty is the law of the land. Like our Constitution, it is more than a legal document. It is the outward and visible form of a living institution--not an alliance to make war, but an alliance to keep the peace. For nearly two decades this alliance has assured the peace and security of the North Atlantic area. It has greatly reinforced stability throughout the world.

The Alliance, in our view, reflects two important propositions. The first is that if war should come to the Atlantic area, we must fight together--and fight effectively. The second is that if we act together for the common interest during peace, war will not come. The organization designed to carry out both these propositions, NATO, became in fact an Organization for Peace. To that Organization, which grew significantly out of France's own needs and urgings, France and many distinguished Frenchmen have made an inestimable contribution.

The Organization combined the contributions of the member nations into a common instrument for deterring war by preparing together to meet aggression if aggression should occur. I have no doubt that deterrence resulted not only from the military coherence achieved but also from the political unity of purpose it exemplified. If the dissolution of the former casts in doubt the latter, as it inevitably will, I fear that those who draw hope from Western disunity will be much encouraged.

As you say, conditions have changed since 1949. They have greatly changed for the better, due significantly in my opinion to our combined efforts under the Treaty. But should our collective effort falter and erode the common determination which it reflects, the foundation of the present stability would be undermined.

In your letter you restated the firm commitment of France to fight beside her allies if any member of NATO should suffer unprovoked aggression. I respect that pledge. But we believe more is needed to achieve effective deterrence and to maintain peace in the North Atlantic area.

I am puzzled by your view that the presence of allied military forces on French soil impairs the sovereignty of France. Those forces have been there at French invitation pursuant to a common plan to help insure the security of France and her allies. I have always viewed their presence as a wise and far-seeing exercise of French sovereignty.

For our part, we continue to believe that if the Treaty is to have force and reality, members of the Alliance should prepare the command structures, the strategic and tactical plans, the forces in being, and their designation to NATO in advance of any crisis and for use in time of crisis. NATO arrangements should reflect the technological and strategic imperatives of our age. Readiness to fight instantly under agreed plans and procedures, worked out and practiced in peacetime, adds immeasurably to our common strength. We will continue our past policy of full participation and cooperation in NATO. We believe the member nations, working within the Alliance with one another, should adapt to whatever organizational arrangements the needs of the hour may require.

I do not consider that such participation and cooperation involves any impairment of our own sovereignty--or that of any of our allies. In my judgment it reflects the exercise of sovereignty according to the highest traditions of responsible self-interest.

The North Atlantic Treaty commits its signatories to assist any member subjected to armed attack within the areas specified. Governments, of course, must fulfill their commitments in accordance with their own constitutional procedures. But commitments should be honored as effectively as peacetime preparation can assure. It seems to me essential, therefore, that all members of the Alliance be prepared to act in any emergency through their mutual organization and in accordance with mutual plans. Reliance in crisis on independent action by separate forces in accordance with national plans, only loosely coordinated with joint forces and plans, seems to me dangerous for all concerned. It has proved disastrous in the past.

The other fourteen member nations of NATO do not take the same view of their interests as that taken at this moment by the Government of France. The United States is determined to join with them in preserving the deterrent system of NATO--indeed, in strengthening it in support of the vital common purposes of the West. We do not intend to ignore the experience of the past twenty years.

Indeed, we find it difficult to believe that France, which has made a unique contribution to Western security and development, will long remain withdrawn from the common affairs and responsibilities of the Atlantic. As our old friend and ally her place will await France whenever she decides to resume her leading role.

Sincerely,
Lyndon B. Johnson

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