

Does NATO's Article V Genuinely Protect Its Members?

NATO has been the most successful alliance of history. We repeat this truth quite frequently, especially now that we celebrate 60 years of its successful existence. Yes, it is true. Especially for the Cold War period. Of course, it is impossible to offer a “scientific” proof for this, since history cannot be reversed and experimented with, but it is more than obvious given the facts of that part of history that clearly show that NATO in several occasions played a crucial role and also that its very existence was the most credible and effective deterrent. Nobody can therefore deny – except for ideological reasons – that the above-mentioned common place reflects the truth.

This is all very important, but what is even more, much more important is the answer to the question: will NATO play a similar role in the future? Will NATO continue to be the most effective instrument of securing peace in Europe – or elsewhere? It is already difficult enough to ask the right question given the complexity of security today, not only in geographic terms, but in terms of substance, too. It might be seen as “spoiling the fun” to ask this question while celebrating the great past, but this question must be asked. We are obliged to do so, not only by the glorious past, but much more importantly by the security needs of today.

And we must ask all the questions. The politically incorrect ones, too. Especially those. Since these questions reflect the real feeling of danger that we cannot even formulate yet correctly. Since the answer to these questions will determine our future. Not only the future of the members of the Alliance, but the future of the world in its entirety. Accordingly, we must ask the question: do we need NATO? Is NATO the right answer to the real security dilemmas we face? Or is it a part of it? If so, what else do we need? And: should the answer be affirmative, what kind of NATO do we need? Do we have to change our beloved NATO, if so, how? And, finally and probably most importantly: in addition to telling where we want to go in the development of NATO, we also must find the answer to the “How to get there” question and also what WE need to do, how WE must contribute to it? Now is the time to ask these questions, while we work on the new strategic concept, which will be crucial for the future of NATO.

NATO has to deal today with a world, where the challenges, the threats are different, or rather, where most of the threats is different from the traditional ones, since they are more complex, i.e. not (only) military in their nature and those who pose these threats tend to be non-state actors (terrorists, criminals, migrants, corrupt officials, etc.). It is therefore normal that NATO, an organization created to deal with traditional inter-state conflicts, overwhelmingly military in nature, is in trouble. We all are, all our institutions, state and international, including international law and all international security institutions. NATO, too, has to find the right answer(s). Let us look at the two main missions NATO has to fulfill.

The first, more traditional mission of NATO is collective defense. The famous Article V of the Washington Treaty says:

“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-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with 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.”ⁱ

During the Cold War the general assumption was that this would mean that the Alliance would react to an eventual Soviet attack by using all available forces of all members, i.e. *“in concert with the other Parties...including the use of armed force”*. This assumption worked: it effectively deterred the Soviets from attacking any NATO member state, since they interpreted this provision – and this is still the general belief – as a commitment to act together and to use military force in case of a military attack. Legally speaking, however, this is not true. What Article V means is nothing more – and nothing less – than that Parties will act, considering an attack on one as an attack on all, but it does NOT mean that they will ALL react the same way and it does not mean either that they will use military force. This is left to the consideration of member states.

And so it happened. The Alliance has invoked Article V only once in its history: in a historic decision the North-Atlantic Council decided on September 12th, 2001:

: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

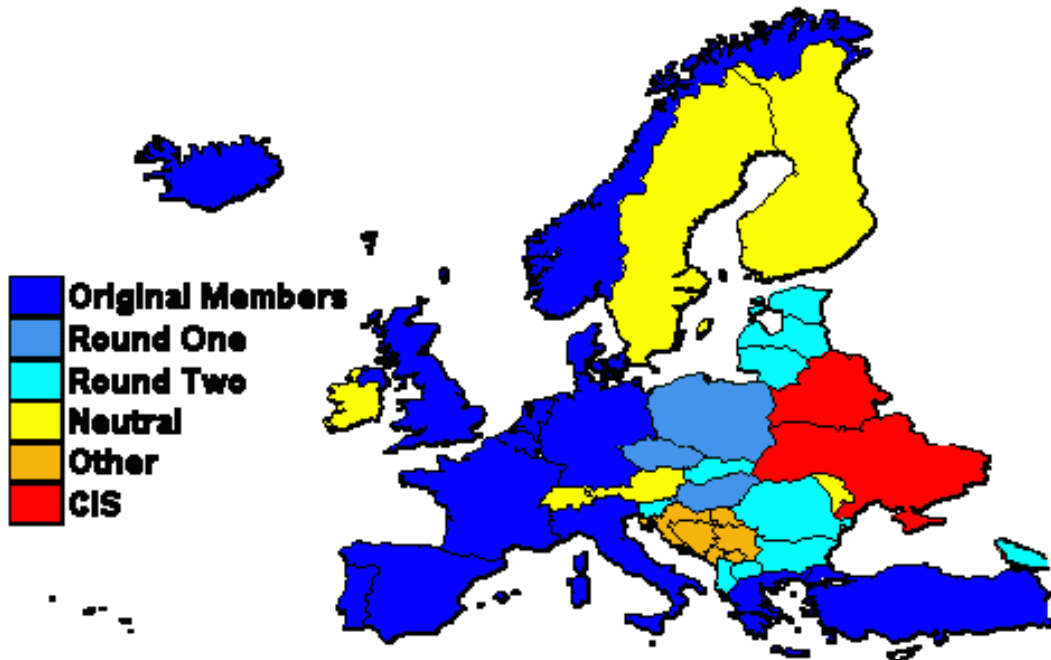
one or more of the Allies in Europe or North America shall be considered an attack against them all.”ⁱⁱ

and nothing really happened. It was not ALL member states, which participated in the US operation against Afghanistan – mind you: ISAF happened only years later and it is not an Article V operation, i.e. it is not based on the above-cited decision. The effects were not emphasized, but they changed the image of NATO – back – to its original: collective military defense on the basis of Article V is an assumption, not an obligation and cannot be taken for granted. The Cold War credibility of Article V, thus of NATO, was further undermined by the inability – or rather lack of readiness - of the Alliance to react to the famous Turkish request on the basis of Article V during the US-led invasion of Iraq.

The demise of the credibility of Article V, thus of NATO, however, is not limited to this. There is an even more fundamental problem that we are extremely hesitant to mention that undermined our capability to defend all members even more.

Collective defense is only credible, if it covers ALL member states and if the necessary capabilities are available, including the necessary planning scenarios and contingency plans. When NATO expended then member states tried to appease Russia by taking – unilateral – commitments that were meant to alleviate Russian fears that enlargement was effectively and objectively aimed at Russia. We committed ourselves not to deploy significant NATO forces, including nuclear weapons on the territory of new member states. This seemed to be a harmless commitment looking at real threats the time enlargement happened, but it broke one of the basic legs of collective defense: there are member states of the Alliance, which cannot be defended in the case of an eventual attack, or rather that can only be defended – or re-conquered – using means (nuclear weapons) that makes the defense of these countries is obviously not credible. This means that the while taking the Baltic countries in the Alliance as full-fledged members was beyond doubt the right decision, NATO did not pay attention to the consequences, because it thought there was no danger that such a contingency would ever occur and also, it did not want to “provoke” Russia.

NATO Expansion



The result is that three member states of the Alliance are now in a situation that they cannot be effectively defended against an eventual attack by means other than returning the old doctrine of the early Cold War, massive retaliation, which is obviously not something we want to do, nor is it credible in the eyes of any potential aggressor that NATO member states would launch an overall nuclear war to defend the Baltic states.

This situation is unacceptable for the Alliance – or rather it should be -, but for quite a while we could convince ourselves that such a danger was beyond imagination. Now, however, this is more and more difficult. If we look at the decisions taken early this year by the Russian Federation, especially at the creation of a “Russian NATO”, the militarization of the Russia dominated CSTO and, especially, the announcement by the Russian leadership that they will not only create their own rapid reaction force, but they will deploy the first – Russian – units on the border of Russia with the Baltic states and also having in mind the reckless Russian aggression against Georgia in 2008, we cannot leave this without reaction. It is in no way to suggest that I would suspect that Russia would prepare for an attack against a NATO member states, but we all know that security must be based on capabilities, not intentions. On the other hand, such steps, even if totally

ununderstandable and illogical, must not remain without reaction. Otherwise it will really undermine our credibility and serve almost as an invitation for anybody with bad intentions.

What should be done? First, this not so new situation must be recognized in the new strategic concept. Secondly, appropriate steps should be considered and undertaken, such as prepositioning equipment on the territory of the Baltic states, preparation of relevant planning scenarios and the necessary steps in case...Thirdly, the deployment of allied troops, on a temporary or even long-term basis should not be excluded anymore. And, finally, but very importantly, our policy towards Russia has to be re-examinedⁱⁱⁱ and it has to be made clear that we do not stand idle, when such provocative steps are announced and undertaken.

This will be a painful process. I see little chance that most NATO countries would be ready to depart in that road. But it will be unavoidable at some point: the later we recognize it and the later we react, the more dangerous the situation will become and the more difficult it will be to find the necessary measure. I can only hope that our reaction will happen in time. Otherwise not only our beloved NATO will suffer a fatal blow – much worse than an eventual unsuccessful Afghanistan operation -, but also the security of our countries and the entire world will be in danger.

ⁱ The Washington Treaty, 1949. Article V.

ⁱⁱ Statement of the North-Atlantic Council on September 12, 2001.

ⁱⁱⁱ We should, at last, recognize that current day Russia is NOT, will not be in the foreseeable future and doesn't want to be a strategic partner. Our policy should be cooperation, where possible and confrontation, where necessary (my Russia doctrine would be best called "cooperative containment").