

Article 5 and Strategic Reassurance

As a declaration of strategic reassurance, Article 5 of the Washington Treaty could hardly be clearer: “an armed attack against one [of the allies]... shall be considered an attack against them all and ... if such an armed attack occurs, each of them ... 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.”

But words alone are not enough. In NATO, it has always been recognized that they must be backed by military capabilities, strategies, deployments and postures to provide a credible deterrent appropriate to the threat.

Today's risks and threats are more diffuse than in the Cold War and questions have been raised about whether some of them are being adequately addressed or deterred:

- In the aftermath of the conflict in Georgia, some allies – particularly those bordering Russia with significant Russian minorities – have called for greater strategic reassurance in relation to possible future threats to their territory. They want more concrete and visible preparedness, including contingency planning for defensive operations, and they question the balance between investment for Article 5 and investment for non-Article 5 expeditionary operations.
- Questions have also been raised, following the cyber attack against Estonia in 2007, about whether Article 5 needs to be made more specific in relation to new risks

The Strategic Advisors Group

To tackle the tough issues facing NATO and the transatlantic community, the Atlantic Council created the Strategic Advisors Group (SAG). Co-chaired by Atlantic Council Chairman Senator Chuck Hagel and Airbus CEO Tom Enders, the SAG is comprised of North American and European preeminent defense experts. Founded in 2007 by then-Atlantic Council Chairman General James L. Jones, General Brent Scowcroft and former Norwegian Minister of Defense Kristin Krohn Devold, the SAG provides timely insights and analysis to policymakers and the public on strategic issues in the transatlantic security partnership through issuing policy briefs and reports, hosting strategy sessions for senior civilian and military officials and providing informal expert advice to decision-makers.

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such as terrorism, proliferation, cyber attacks, threats to energy supplies or other resources, threats to assets in space and even risks arising from uncontrolled population movements. Under what circumstances would crises arising under these headings qualify for a collective response?

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- Others have suggested that the new Strategic Concept should address whether Article 5 should be interpreted to cover not just a response to attacks, but actions by NATO to pre-empt them.

Strategic Reassurance

NATO's traditional approach to providing strategic reassurance has been a mixture of hard and soft power:

- **Hard:** deploy the necessary forces to back up the collective defense obligation, or plan and exercise for their deployment; and
- **Soft:** put in place appropriate cooperation arrangements with neighboring states with the objective of reducing or removing all possible reasons for conflict.

The balance between these two elements has been adjusted over time to reflect the changed security environment.

Although Georgia was and is not a member of NATO, many believe that the use of force against it by Russia in August 2008 was a challenge to the Alliance and revealed weaknesses in its practical ability, and perhaps even its resolve, to stand up to Russia and defend allies in comparable circumstances.

Simply restating the obvious – that Article 5 did not apply to Georgia, but would apply in the event of an armed attack against any NATO member – misses the point. The allies concerned want more explicit reassurance that Article 5 will be invoked in the case of an attack against their territories and that they will be rapidly and adequately defended. They want to see the planning for how collective defense would be implemented.

The Strategic Concept is a key opportunity for NATO to address these concerns. It should state clearly that collective defense preparedness remains a priority mission for NATO and that capabilities should be provided at appropriate readiness, judged against generic and specific threats, to respond collectively in the event of an attack against any ally.

Depending on the advice of the military authorities, a number of steps could be taken to provide greater concrete reassurance to allies:

- provide/review contingency plans for the reinforcement of particular states in the event of territorial threat, including the adequacy of static infrastructure;
- conduct periodic exercises and training deployments by multinational forces;
- provide early warning installations; and
- strengthen regional cooperation.

But this is not to say that the NATO should abandon or downplay its political outreach to Russia – far from it. Strategic reassurance is a two-edged sword.

NATO's long term interest is to have normalized, good relations with Russia on the basis of increasing trust and partnership. It will gain nothing if any adjustment of its military preparedness is misinterpreted by Russia. It must make it clear, therefore, that it does not see Russia as a threat and wants to strengthen its partnership arrangements through the NATO-Russia Council. **This strong political emphasis should also be explicitly emphasized in the new Strategic Concept.**

As regards the balance of military investment, there should be no question of trading off purely defensive capabilities against expeditionary ones. NATO needs to be able to undertake both types of operation. Indeed, expeditionary capabilities will be needed to provide collective defense.

Those who want to strengthen NATO's collective defensive posture must recognize that although Article 5 remains a core priority mission and the ultimate raison d'être for NATO, the Alliance will not survive unless it succeeds in its wider roles too, most notably in Afghanistan.

New Risks

Although it may be tempting to try to decide in advance which particular circumstances would or would not justify invoking NATO's collective defense obligation, there would be little advantage and significant risk in trying to decide such matters in advance. Debating hypothetical situations is notoriously difficult and would likely result in a lowest common denominator outcome.

Such an approach would also carry the twin risks that it would fail to foresee all possible circumstances which might arise and encourage aggressors to frame future attacks to fall short of any newly defined criteria.

NATO has proved that it can react quickly and effectively in an Article 5 crisis (see box). The specific applicability of Article 5 in particular crises should therefore be judged in the light of the circumstances as they arise, and be decided at the time by the North Atlantic Council.

Leaving aside the question of the applicability of Article 5, NATO must be alert to the seriousness of new risks such as from ballistic missiles or cyber attacks. **The Strategic Concept should therefore contain the requirement for NATO to keep all such risks under review and for defense capabilities to be developed as appropriate.**

Pre-emption

Wisely, when the issue of pre-emption was considered in NATO some years ago, the allies settled on three principles for guiding their future decisions rather than debating hypothetical scenarios. They agreed that:

- it is better to prevent attacks than deal with their consequences;
- NATO will only use force if it is legally justified to do so; and
- any decision by NATO to use force will be agreed by consensus in the North Atlantic Council based on the circumstances at the time.

Although it seems clear that circumstances could arise in which pre-emptive use of force could be justified, including under Article 5, it would be impossible and in any case inappropriate to specify the precise conditions in a Strategic Concept.

Conclusion

The task of the Strategic Concept is not to modify the Treaty of Washington or even to reinterpret it; nor is it to pre-plan for all eventualities. Rather it is to chart NATO's course for the new decade in the light of today's strategic environment and how we expect it to evolve. That requires recognition of new Article 5 security risks and concerns, and reconsideration of how reassurance should be provided for all allies. But the fundamentals of NATO's post-Cold War broad approach to security – linking deterrence, crisis management, partnership and outreach – remain valid and must be preserved.

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STRATCON 2010

The Strategic Advisors Group's STRATCON 2010 project seeks to shape and inform the transatlantic debate over NATO's new Strategic Concept. STRATCON 2010 will issue publications to define the critical issues NATO must confront in drafting a new Strategic Concept. For more information about the SAG or STRATCON 2010, please contact Vice President and Director of the Program on International Security Damon Wilson at dwilson@acus.org or Program Associate Director Jeff Lightfoot at jlightfoot@acus.org.

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Invoking Article 5

NATO invoked Article 5 the day after the 9/11 attacks against the United States, following two emergency meetings of the North Atlantic Council. The criteria considered included the following:

- was the attack “armed?”
- was it of a sufficient scale and character to engage considerations of peace and security in the North Atlantic area?
- was it directed from abroad?

Before deciding on the way forward, the allies agreed that:

- invoking Article 5 would not affect each ally’s sovereign decision-making rights as to the actions it should take, although such action should be appropriate to the steps necessary to restore peace and security; and
- no collective action would be taken without specific additional consultation and consensus decision in the North Atlantic Council.

The ultimate test for whether Article 5 should be invoked collectively by NATO was the decision of the North Atlantic Council itself. (Note, however, that Article 5 creates obligations for each ally individually and in concert with other allies, so that whether an Article 5 situation exists depends on the objective facts of each situation.)

Following the decision, the United States requested and allies agreed to provide eight specific measures of assistance, including:

- enhancing intelligence sharing;
- assisting allies which may be subject to increased threats;
- increasing security for U.S. and other allies’ facilities;
- backfilling allied assets required for operations against terrorism;
- providing blanket overflight clearances, in accordance with air traffic and national procedures, for military flights related to operations against terrorism;
- providing access to ports and airfields for operations against terrorism in accordance with national procedures;
- deploying NATO’s Standing Naval Force to the Mediterranean; and
- deploying elements of the NATO AWACS force to support operations against terrorism.

NATO’s engagement in Afghanistan through the International Security Assistance Force (ISAF) is not carried out under Article 5, but under the provisions of UN Security Council Resolution 1510.

“It has been determined that the attack against the United States on 11 September was directed from abroad and shall therefore be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack on one or more of the Allies in Europe or North America shall be considered an attack against them all.”

NATO Secretary General Lord Robertson, October 2, 2001

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