

NATO Decisionmaking: How the "Consensus Rule" Works

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1. Introduction

In their November 2006 Riga Summit Declaration, the 26 Alliance heads of state and government reaffirmed that "NATO remains open to new European members under Article 10 of the North Atlantic Treaty."¹ As expected, they stopped short of issuing an invitation to any of the three formally recognized aspirants—Croatia, Macedonia, and Albania. They specified, however, that at their next summit in 2008, "the Alliance intends to extend further invitations to those countries who meet NATO's performance based standards and are able to contribute to Euro-Atlantic security and stability." This gives Croatia additional incentives and time to implement the reforms and restructuring needed to ensure it will be invited to join. It also gives the Croatian public more time to understand, debate and,

hopefully, actively support the responsibilities inherent in NATO membership. (It certainly is no accident that Croatia is the only aspirant to whom the Summit Declaration signals a need "to ensure that its membership aspirations are backed by stronger popular support.")

To advance the goal of developing such public support, it is important to understand the fundamentals of NATO decisionmaking.

2. Consensus: A Primer

Although international security affairs *cognoscenti* often refer to the NATO consensus rule, the North Atlantic Treaty does not specify how collective decisions are to be made, with one exception: the Article 10 provision that "unanimous agreement" is necessary to invite a state to join the Alliance. Absent any explicit voting procedure, NATO has developed a set of customary practices.

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Most decisions are based on draft proposals circulated to all Allies by the Secretary General, who chairs the North Atlantic Council (NAC), or by the chairperson of one of the hundreds of NATO committees and working groups.² These draft proposals may be initiated by the Secretary General, the IS, or individual Allies. Written proposals generally are preceded by consultations in a variety of forums, including bilateral or multilateral discussions in allied capitals, Allied missions at NATO Headquarters, the NAC, and committees and working groups established by the NAC. Such consultations are useful—indeed, in some cases they are critical—to identify possible concerns or objections among Allies and to craft mutually acceptable solutions.

When a written decision or statement of position is deemed necessary, it frequently occurs that some or all of the Permanent Representatives (Perm Reps) cannot provide their respective national positions at the conclusion of a specific NAC or committee meeting. In such cases, the Secretary General or relevant committee chairperson may opt to circulate the draft proposal under a silence procedure.³ If no Ally “breaks silence”—that is, notifies the IS in writing of its objection before the deadline set by the Secretary General or committee chairperson—the proposal is considered approved. However, if one or more Ally breaks silence, the proposal is normally referred back to the relevant body for further work to reach consensus. As a rule, NATO does not publicly identify which countries break silence, although national positions may be leaked to the press (sometimes by the country breaking silence) if the issue is contentious. Moreover, as there is no formal voting procedure, there is no formal abstention procedure, either.

The Secretary General routinely aids consensus building through informal discussions with individual Allied Perm Reps or groups of Perm Reps. He also seeks to influence Alliance deliberations through his public statements and private meetings and correspondence with senior officials, legislators, or opinion leaders of Allied governments. However, the Secretary General or other senior IS officials cannot overrule an Ally’s position. Indeed, any perceived effort by a NATO official to run roughshod over an Ally’s objections is apt to provoke sympathetic objections from other Allies who are wary of any precedent that could diminish their future prerogatives.⁴

3. The Power of the Rule

The consensus rule represents more than a mechanistic decisionmaking procedure. It reflects NATO’s structure as an alliance of independent and sovereign countries rather than a supranational body. The rule also exemplifies for many the “one for all, all for one” ethos of the organization’s collective defense commitment.⁵ NATO decisions are the expression of the collective will of its member governments, arrived at by common consent. Under the rule, no Ally can be forced to approve a position or take an action against its will. This is especially important for decisions on the potential use of military force, which are among the most politically sensitive for any Ally.

Even Article 5, the Treaty’s key collective defense provision, stops short of mandating the nature of the assistance to be provided by each Ally in the event of an attack against the territory of another.⁶ It is important to recall that the U.S. Executive Branch, which was responsible for negotiating the Treaty, insisted on qualified language in Article 5 largely to assuage concerns in Congress. Congress, which has authority under the Constitution to declare war, did not want to cede that power to any multilateral organization. At the same time, the consensus rule allows NATO to respect distinctive national legislation that may bear upon the ability of Allies to contribute to certain NATO operations. For example, Norway and Denmark do not allow peacetime stationing of foreign troops or nuclear weapons on their territory. Similarly, German law requires a simple parliamentary majority to approve military deployments outside Germany, whereas Hungarian law requires a two thirds majority.⁷ Iceland, for its part, does not have a national military force. Through the rule, NATO can build political and military solidarity through the Alliance as a whole without imposing one-size-fits-all standards on its diverse membership.

The consensus rule forces Allies to undertake the widest possible consultations to build support for their ideas. No Ally, large or small, can be taken for granted. Despite its prominent role in the Alliance, the United States also relies on the consensus rule to protect its interests, to shape the views of others, and to integrate ideas offered by others to improve its proposals. Moreover, the impact of the consensus rule is underscored by the fact that NATO makes literally thousands of decisions annually, each of which is tied, directly or indirectly, to a consensus procedure. With few exceptions, these decisions fall

into five broad categories: ?broad political and military strategies, which are reflected in documents such as the Alliance Strategic Concept and in decisions regarding enlargement; ?military structure and planning functions, covering areas such as the NATO command and force structure, capabilities development, and contingency operational planning related to potential military missions; ?authorizing, monitoring, and adjusting collective defense and crisis management operations; ?organizational and management concerns, to include defining the responsibilities and overseeing the operations of the IS, International Military Staff, and various NATO agencies; and resource and budgeting issues involving NATO collective assets, personnel, infrastructure, and operational funding.

While sacrosanct in principle, the rule has proved flexible in practice, as demonstrated by three specific cases.

3.1. The French Connection

Following France's decision to withdraw from the NATO Integrated Military Structure in 1966, the other Allies turned increasingly to the Defense Planning Committee (DPC) to consider and decide upon most defense matters and issues related to collective defense planning. Created in 1963, the DPC was seldom used before the French withdrawal. Similarly, a Nuclear Planning Group (NPG), with the same membership as the DPC, was established soon after the French withdrawal to discuss specific policy issues associated with nuclear forces. Although remaining active in the NAC, France was neither bound by, nor did it seek to impede, decisions made by consensus in the DPC or NPG.

In 1992, NATO considered whether to launch its first out-of-area crisis response Operation; these were maritime and air surveillance operations in the Adriatic in support of a United Nations Security Council (UNSC) Resolution, which imposed an embargo on arms deliveries to Yugoslavia. The Allies in the DPC agreed by consensus to discuss the issue in the NAC. This move eased the way for French participation in the operation, which was favored by Paris and broadly welcomed by other Allies. This also set the precedent for the de facto leading role of the NAC (versus the DPC) in subsequent crisis response operations in Bosnia, Kosovo, and Macedonia.

Thus, while remaining formally outside the Integrated Military Structure, France has been a major

player in decisionmaking and planning—as well as a leading force contributor—for all three of those non-Article-5 NATO operations. It also took part in the April 2003 NAC decision to bring the UNSC-mandated International Security Assistance Force (ISAF) in Afghanistan under NATO command and control in August 2003. France, which joined ISAF when it was formed in January 2002, has continued to participate in NATO-ISAF in various command positions as well as a major troop contributor.

3.2. Kosovo

The 1999 NATO air campaign, *Operation Allied Force*, against the Federal Republic of Yugoslavia has been widely described—and decried by some—as a “war by committee.” Accounts differ somewhat regarding the NATO decisionmaking process during the campaign, but few challenge the existence of severe intra-Alliance strains; these ranged from issues regarding the legitimacy of NATO military action without an explicit UNSC Resolution to the military strategy and tactics pursued during the conflict.⁸ On balance, however, the consensus rule probably did more to help than hinder an ultimately successful NATO effort.

The rule allowed Allies with differing views—some emphasizing the humanitarian crisis and human rights abuses, others worried by the precedent of NATO “offensive” action against a sovereign state—to find enough common ground to endorse, or at least not to block, *Allied Force*. The rule was particularly important for the Greek government, which ultimately decided not to break silence on key NAC decisions authorizing the use of force despite polls showing that some 95 percent of its public opposed NATO intervention. At the same time, Greece opted out of direct involvement in the combat operations.

The nuance between a decisionmaking procedure that allows an Ally to acquiesce in a collective decision (despite its public or private reservations) and a procedure that would oblige that state to cast a “yes” or “no” vote in the NAC may appear, at first glance, insignificant. In practice, the nuance matters enormously. If Perm Reps had been required to “raise hands” to approve *Allied Force*, the Greek government likely would not have been able to resist the domestic political pressure to vote against it. Such a move by Greece might have made it easier for one or two other reluctant Allies to follow suit.

The inherent flexibility of the consensus rule also was demonstrated in decisionmaking on the timing, strategy, and tactics of *Allied Force*. For example, during the crisis, the NAC frequently decided not to engage subordinate committees. This kept sensitive NAC discussions as private as possible and facilitated rapid decisions, normally with a 48-hour (or less) turnaround. Then Secretary General Javier Solana played a key role in reconciling divergent views within the NAC using a "summary of discussions," one of several techniques devised to avoid putting an unwelcome spotlight on any single Ally. Furthermore, the NAC delegated to Secretary General Solana the authority to implement, suspend, or terminate the Limited Air Response—the first phase of the air campaign. In this way, the NAC ceded (by consensus) the decision to the Secretary General to initiate a pre-approved spectrum of air strikes. There were differences later among Allies over target selection and mission assignments, but these generally were solved through bilateral channels outside NATO and involved only the parties directly concerned.

In sum, while extraordinary efforts were required to maintain consensus throughout *Allied Force*, these arguably were vital to preserving NATO solidarity and ultimately achieving its stated objectives in Kosovo.

3.3. September 11, 2001 attacks

The consensus rule did not prevent NATO from acting quickly—in fact, within 24 hours of the terrorist attacks on September 11, 2001—to invoke, for the first time in its history, Article 5. Although the immediate operational impact of that action was negligible, the NAC decision was a powerful political statement of solidarity that was warmly welcomed by the United States. After all, the shock of the attacks was soon compounded by warnings of additional, imminent, and potentially catastrophic terrorist strikes.

Did the existence of the rule, however, prevent NATO from assuming a more prominent role in the campaign against terrorism, especially during the first several months after September 11? Probably not. Other factors clearly motivated the U.S. approach, such as America's unquestioned right to self-defense in response to a direct attack on its territory; an early recognition that NATO could not coordinate all the tools—diplomatic, intelligence, economic, financial, law enforcement, as well as military—needed for a sustained campaign against or-

ganizations such as Al Qaeda; and the need to enlist and maintain support from the vast majority of non-NATO and Muslim states who reject terrorism. (The latter goal made it critical to avoid sending any public signal that the campaign was NATO's war against terrorism—or worse, NATO's war against Muslims.)⁹ An additional factor in U.S. thinking with respect to the campaign in Afghanistan was the limited capability of most Allies to support long-range power projection. Thus, the United States supported an important but not lead role for NATO.

Still, the rule's existence did have some effects. It probably facilitated the October 4, 2001, NAC agreement on eight specific measures of assistance requested by the United States, including the deployment of five airborne warning and control system (AWACS) aircraft and crews to help defend U.S. airspace. The consensus procedure allowed every Ally to contribute to the collective effort in areas identified on the approved menu but did not obligate Allies to take action in every area. On the other hand, the consensus rule allowed one Ally—it was not the United States—to block a proposal in the NAC in late 2001 that would have directed NMAs to develop planning options for NATO support to humanitarian relief operations in Afghanistan.

4. Concern over the Consensus Rule

Although the consensus rule appeared to work relatively well through 2001, it came under critical scrutiny, especially in the United States, in 2002. Two types of concerns were responsible for this development: first, the anticipated effects of enlargement; and second, the prospect of a growing number of impasses over the planning and launching of NATO operations. While these concerns were interrelated, there were notable differences in their presumed targets.

4.1. Enlargement Jitters

Before September 11, key Members of Congress and some in the Executive Branch were of two minds on the breadth of a fifth round of NATO enlargement, although there was little doubt that the Alliance would issue invitations to at least a few Central and East European states at its November 2002 summit in Prague.¹⁰ On the one hand, the geopolitical rationale for a robust enlargement to help complete a "Europe whole and free" was widely accepted.¹¹ On the other hand, Congress repeatedly

signaled its concern—as it had prior to the 1997 invitations to the Czech Republic, Hungary, and Poland—that the Prague invitees must be prepared politically and militarily to become security “providers,” not just security “consumers,” vis-à-vis NATO.

The political jitters were symbolized by the so-called “Meciar problem” in the Slovak Republic. In 1998, Vladimir Meciar, the authoritarian and corrupt Slovak prime minister since 1992, was ousted by a broad coalition of opposition parties, but he remained an influential political force. Some in Washington wondered if NATO would risk embarrassment in the event Slovak voters were to return Meciar or his party to power once their country was invited to join. Others worried that, following Slovak accession to NATO, a new Meciar-dominated government might not hesitate to abuse the consensus rule and paralyze the Alliance if it served his narrow political interests. Moreover, Meciar was not a unique case; similar concerns were voiced, for example, regarding former Romanian and Bulgarian political figures.

The ability and willingness of some NATO aspirants to meet their defense capabilities commitments to the Alliance also worried American lawmakers and officials. The so-called “burdensharing” debate was as old as NATO itself, and Members of Congress were well aware that several longtime Allies—as well as newer Allies such as Hungary—had disappointing records when it came to providing the forces and capabilities the Alliance required. Would a robust enlargement, some worried, bring more “free riders” into the Alliance, eroding its military effectiveness? The consensus rule clearly was not the cause of any Ally’s military deficiencies. Yet it did complicate efforts to exert peer pressure within NATO on weak performers, who not surprisingly resisted efforts by the United States, the Secretary General, and some other Allies to publish more data on the defense capabilities performance of individual members.

In the months following September 11, such political and military concerns over enlargement receded as the aspirants demonstrated support for the U.S.-led campaign against terrorism and, in most cases, willingness to address defense reform and modernization issues. During their 2002–2003 hearings on enlargement, Senate and House committees turned to other issues. Would the addition of several new members, albeit well-intentioned, slow down the urgent transformation needed to give NATO the capabilities and structures to meet 21st-century

threats such as terrorism, its state supporters, and the proliferation of weapons of mass destruction? Or would enlargement make it even harder to reach a consensus on threats to the Alliance, the strategy and capabilities necessary to meet those threats, and—most of all—a decision to take military action promptly, perhaps preemptively, to protect common security interests?

4.2. The Rule under Fire

If enlargement jitters first focused Congressional attention on NATO decisionmaking, the contentious intra-Alliance dispute over Iraq in early 2003 apparently convinced some Senators that the consensus rule must be changed. The dispute was an extension of differences at the time within the UN. The United Kingdom, with American support, favored a new UNSC Resolution explicitly authorizing the use of force against Iraq, while France and Germany opposed such a step. When the U.S. Perm Rep first suggested in late January that NMAs begin planning for the defense of Turkey in view of the potential threat from Iraq, Belgium, France, Germany and, initially, Luxembourg balked. Such planning, they argued, was premature at best; at worst, in their view, it would send a harmful political signal that NATO accepted what French officials termed the “logic of war” with Iraq, thus prejudicing their nations’ positions at the UN.

The dispute came to a head with Turkey’s formal request, on February 10, for consultations in the NAC.¹² As part of those consultations, the Chairman of the Military Committee briefed the NAC on the potential Iraqi threat and explained the timelines necessary to prepare plans to reinforce Turkish defenses. When Turkey’s Perm Rep requested that the NAC direct the NMAs to prepare such plans for consideration by the NAC, three allied Perm Reps—soon revealed to be those of Belgium, France, and Germany—again objected. Then Secretary General Lord Robertson quickly circulated a decision sheet, whereupon those three Allies formally broke silence. The argument, which by now had become public, lasted several more days before Belgium and Germany agreed, for a variety of reasons, to a face saving compromise: Turkey’s request was moved from the NAC to the DPC, where France is not represented. The DPC quickly reached consensus, on February 16, on guidance to the NMAs to prepare plans to help protect Turkey through, for example, the deployment of NATO AWACS and support to Allied deployments of theater missile and chemical and biological defense capabilities. The NMAs completed

the planning in the next few days, and on February 19, the DPC authorized the NMAs to implement the agreed assistance to Turkey.

Although NATO officials understandably tried to put the best face possible on the incident—Secretary General Robertson described it as “damage above, not below, the waterline”—its impact, particularly in Washington, was very serious.¹³ For some, at least, the consensus rule appeared to have outlived its usefulness. As Senator Jack Reed told his colleagues on May 8: “First, I agree that we must eliminate the ‘consensus rule,’ the antiquated requirement in the NATO charter that nearly prevented NATO from protecting one of its own members, Turkey, before the commencement of *Operation Iraqi Freedom*. . . . Second, I support the need for a new rule in NATO that authorizes the members of the Alliance to suspend the membership of any country in NATO which no longer supports the ideals of the Alliance. The recent refusal of support on the part of some of our NATO Allies during the build-up for and execution of *Operation Iraqi Freedom* has shown the need for such a change.”¹⁴

Senator Reed’s remarks were delivered during the Senate’s debate on ratification of the Treaty protocols on NATO enlargement. The resolution on ratification, which passed 96–0, contained a “Sense of the Senate” amendment that, while not endorsing Senator Reed’s harsh prescriptions, clearly reflected an undercurrent of impatience with customary NATO decisionmaking procedures. The amendment recommended that the President place two subjects on the NAC agenda during 2004: the NATO consensus rule; and “the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law.” The amendment also provided for a Presidential report on such discussions to the appropriate congressional committees. The report was to include: “methods to provide more flexibility to the Supreme Allied Commander Europe (SACEUR) to plan potential contingency operations before the formal NAC approval of such planning”; and “methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.”

Additional legislative action related to the consensus rule followed over the summer. Specifically, the fiscal year 2004 Defense Authorization Bill pending before Congress was amended to require the Secretary of Defense to report to appropriate committees on his recommendations for “streamlining

defense, military, and security decisionmaking within NATO.” At least some sponsors of the amendment appeared to favor increased, perhaps exclusive, reliance on the DPC (versus the NAC) for any decision affecting Alliance defense capabilities and force structures, to include the NATO Response Force (NRF). Then Secretary of State Colin Powell expressed reservations regarding the Congressional actions, stating that: “We believe that the current decision-making procedures work well and serve United States interests. . . . NATO is an Alliance, and no NATO member, including the United States, would agree to allow Alliance decisions to be made on defense commitments without its agreement.”¹⁵

5. Subsequent Developments and Future Prospects

Secretary Powell left the Bush Administration in January 2005, but his position on the consensus rule has by-and-large prevailed—helped by a trend on both sides of the Atlantic, which was evident by late 2004, to cool the intra-Allied tensions created by the war in Iraq. For its part, the United States has not actively pursued any major alteration of the consensus rule. Nor did it pursue the Senate’s suggestion to raise the possibility of expelling members from the Alliance.¹⁶

At NATO headquarters, the February 2003 dispute over contingency planning for Turkey did spur some interest in change. Following a review suggested by Secretary General Robertson, the NAC approved greater (albeit still limited) authority for NMAs to initiate contingency planning, while the NAC retained the authority to approve all operational plans developed in response to an actual or fast-breaking crisis. For these and other critical decisions, such as whether to dispatch the NRF or enlarge the NATO-ISAF mission, NAC approval by consensus remains a political requirement. Even the suggestion of modest changes to the consensus rule for handling less critical issues—such as NATO personnel management and budgetary reforms—rings alarm bells in Allied capitals and at NATO headquarters; in 2005, proposals along these lines by a NATO panel of experts were quietly shelved.

This is not to suggest that the consensus rule should or will remain immutable. As ongoing or proposed NATO operations have become more diverse, extensive, and demanding, reaching consensus over how and when to commit the Alliance as a whole has not been easy. In addition, the increased number of NATO operations makes it more difficult

for individual Allies, particularly smaller states, to decide where and how to allocate their limited capabilities. While not matching the intensity of the February 2003 episode, several Allies locked horns, for example, over the proposal to offer NATO training assistance for Iraqi security forces in 2004; whether to dispatch the NRF to assist relief efforts following the Pakistani earthquake in late 2005; and how to improve NATO's cooperation with non-NATO countries (such as Australia and Japan) in late 2006.

Unfortunately, the stresses on NATO decision-making are likely to continue, if not increase, in coming years. For example, if NATO is to meet its stated goal for the NRF—that is, the capability to deploy it anywhere in the world within five days of a NAC decision and sustain itself for up to a month on a wide range of missions—several Allies will have to adjust domestic laws or established practices requiring parliamentary approval before their government may dispatch forces to its national territory. Otherwise, if an Ally making a critical contribution to the NRF in its six-month operational stand-by phase were to delay or withhold its agreement to deploy the force, NATO would be obliged to look for a substitute capability or significantly change the concept of operations. In addition, given the prospects for continuing instability in Central Asia and the broader Middle East, threats from international terrorist networks, and the still uncertain prospects for parts of the Balkans, there is little prospect that the demand for NATO's services will decline anytime soon.

That said, options exist that could facilitate decision-making on the planning and conduct of operations that would not fundamentally change the role of consensus. It might make sense, for example, to consider extending a prerogative to the SACEUR to allow him, in consultation with the Secretary General, to undertake in an emerging crisis advanced preparation and/or pre-positioning of key NRF support units in the potential area of operations. In this way, the NRF would be better poised to execute an operation quickly once the necessary NAC approval has been granted.

A more ambitious option would be to consider empowering "coalitions within NATO." Under this approach, a NAC consensus would continue to be required to authorize a NATO operation. In a departure from current practice, however, the NAC could mandate a NATO committee of contributors (NCC), chaired by the Secretary General, to carry out the operation on behalf of the Alliance. This committee would be comprised of those Allies prepared to con-

tribute forces or capabilities to the operation, and it would enjoy full access to NATO common assets and capabilities (for example, NATO AWACS and communications systems) and the NATO command structure. It would approve the concept of operations, rules of engagement, military activation orders given to the SACEUR, and other needed steps to implement the operation.

The Secretary General would periodically brief Allies who are not members of the NCC on significant developments affecting the operation, but those Allies would not participate in determining the daily management of the operation. Finally, those Allies who have elected not to belong to the NCC could not by themselves reopen its mandate in the NAC; to do so, they would need support from some threshold (for example, at least one-third) of the NCC membership.

This option would preserve the consensus rule for approving NATO operations. It would track with past practice, whereby an Ally with reservations about a particular operation will not break silence if there is overwhelming sentiment in the NAC to proceed. It also would take into account the potentially greater difficulty of reaching common threat assessments among all Allies involving non-Article-5 crises outside the Euro-Atlantic region. The NCC would make it easier for those Allies who do share a common threat assessment to draw on NATO assets and proceed with the Alliance's political blessing to implement non-Article-5 crisis response missions. By removing the ability of those who are not engaged in the operation to influence its day-to-day conduct, this approach could accelerate decisionmaking and avoid the image of war by committee attributed to *Operation Allied Force*. The NCC also would be inclusive rather than exclusive: no Ally could block another's participation, and Allies who are unable to contribute at the outset would retain the option of joining the NCC at a later stage. Finally, the NCC might be particularly appealing to Allies who are also EU members, as a similar "committee of contributors" arrangement exists in the EU European Security and Defense Policy to accommodate the potential contributions of non-EU members to EU-led operations.

6. Conclusion

To paraphrase Winston Churchill's celebrated remark about democracy, the consensus rule is perhaps the worst way to manage the Alliance—except for all the others. Yet the rule, as practiced thus far,

has not paralyzed the Alliance in the Balkans or Afghanistan. With some relatively straightforward adjustments, the rule, like NATO itself, can continue to adapt to the 21st-century security environment.

No Ally, however, will agree to change current decisionmaking procedures in a manner deemed contrary to its interests. Hence, a paradox exists: consensus will be needed to alter the consensus rule. ■

NOTES

1 Article 10 states: "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." The Riga Summit Declaration is accessible at: <http://www.nato.int/docu/pr/2006/p06-150e.htm>

2 Most NATO committees and working groups are chaired by a member of the NATO International Staff (IS); on occasion, with the agreement of other Allies, the chairman may be a senior official sent from his/her nation's capital or serving in one of the permanent national delegations to NATO.

3 Each Ally is represented on the North Atlantic Council (NAC) by an ambassadorial-level Permanent Representative (Perm Rep). Normally, the NAC meets at least once a week, and, depending on the issue, some Perm Reps may need guidance or approval from higher authorities in their capitals. The NAC meets several times annually at the foreign minister and defense minister levels and holds periodic summits at the heads of state/government level. The consensus rule applies as well to decisions made and statements issued at ministerial and summit meetings.

4 Similar customary practices apply to the NATO military authorities (NMAs), headed by a Military Committee (MC). The MC includes a military representative from each Ally, and the chairman of the Military Committee reports to, and receives political guidance from, the NAC. The International Military Staff, Supreme Allied Commander, Europe (SACEUR), Supreme Allied Commander, Transformation, and various headquarters commands are part of the NMA structure.

5 The rallying cry "one for all, all for one" is found in Alexander Dumas, *The Three Musketeers*.

6 Article 5 reads, in part: "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 [emphasis added], including the use of armed force, to restore and maintain the security of the North Atlantic area."

7 The Croatian Constitution states that "[t]he armed forces of the Republic of Croatia may cross its borders or act over its borders only upon a prior decision of the Croatian Parliament." The Constitution also provides that decisions regarding the deployment of the armed forces "shall be passed by the Croatian Parliament by a two-thirds majority of all representatives." Together, these provisions would appear to set a very high threshold for deploying Croatian forces in a time-urgent contingency.

8 Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York: Public Affairs, 2001), offers the most extensive account to date on decisionmaking during the Kosovo air campaign.

9 Deputy Secretary of Defense Paul Wolfowitz discussed these points at the September 26, 2001, NATO Defense Ministerial. A transcript of his press conference remarks can be found at http://www.defenselink.mil/news/Sep2001/t09272001_t0926na.html. It should be noted that none of the other Allied ministers suggested at the time that NATO should assume leadership of military operations against Al Qaeda and the Taliban.

10 Since 1949, the Alliance has grown from 12 to 26 members in 5 rounds of enlargement, adding Greece and Turkey in 1952, the Federal Republic of Germany in 1955, Spain in 1982, and the Czech Republic, Hungary, and Poland in 1999. At Prague, NATO issued invitations to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia; all became members in 2004.

11 White House, Office of the Press Secretary, remarks by the President in an address to faculty and students of Warsaw University, Warsaw, Poland, June 15, 2001, accessed at <http://www.whitehouse.gov/news/releases/2001/06/20010615-1.html>.

12 Article 4 of the Treaty states: "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." A similar situation arose before the 1991 Gulf War. In that case, NATO deployed AWACS to eastern Turkey shortly after the invasion of Kuwait but was slow in responding to a subsequent Turkish request to deploy NATO air strike assets to protect against potential Iraqi threats. The latter issue was resolved without a Turkish invocation of Article 4.

13 Secretary General Lord George Robertson, speech to the European Institute, Washington, DC, February 20, 2003, accessed at <http://www.nato.int/docu/speech/2003/s030220b.htm>.

14 U.S. Congress, Congressional Record—Senate, May 8, 2003, S5882.

15 Colin Powell, letter to Senator Richard Lugar, Chairman, Committee on Foreign Relations, May 5, 2003.

16 The Treaty itself is silent on the question of suspension or expulsion, although Article 13 provides for an Ally to withdraw voluntarily 1 year after depositing a "notice of denunciation" with the United States. Still, the Alliance has dealt with members whose governments have not always supported democratic values. When such situations arose—for example, with Greek and Turkish military regimes in the late 1960s and early 1970s—other Allies effectively isolated or excluded them from sensitive discussions. In those instances, suspending either or both would have risked sparking a nationalist backlash against the Allies—or possibly a war between the two long-time adversaries. More broadly, American policy makers likely concluded that no Ally or aspirant country would be willing to endorse the notion—however disguised—that a policy disagreement with Washington could be grounds for suspending or expelling a member from the Alliance. In contrast, the European Union (EU) Treaty contains a detailed, three-stage process for suspension: first, a determination that there is "clear risk of a serious breach" of basic EU principles, including "respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights"; second, a determination that a serious breach has occurred; and finally, a decision (under "qualified majority voting" procedures) to suspend certain rights, including voting rights, of the EU member in question. The EU has never invoked the suspension process, although its members agreed to imited political sanctions against Austria in 2000.