



A CRITICAL APPRAISAL OF THE ACTIVITIES OF NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND THE RIGHTS OF NATIONS FROM THE PRISM OF INTERNATIONAL LAW

By

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Abstract

This paper critically examined the activities of North Atlantic Treaty Organization (NATO) and the rights of member states, from lens of international law viewpoint. NATO is an international alliance of countries from Europe and North America. It is an organization that has provided the link between these two continents for ease of consultation and cooperation, essentially in the field of defence and security, and in the conduct of multinational crisis management operations. The alliance is indeed committed to the principle that an attack against one or several members is considered as an attack against all. This solemn principle of collective defence is expressly captured enshrined under article 5 of the Washington Treaty. The head of the alliance is usually a civilian Secretary-General. The Supreme Allied Commander of Europe, who is also coincidentally, the Commanding-General of the Stuttgart-based U.S European Command, leads the alliance militarily. NATO main function is to primarily ensure the freedom and security of the alliance members through political and military means. Politically, the paper found that NATO promotes democratic values and enables members to consult and cooperate on matters of security and defence to solve various challenges, build trust, and prevent conflict. Militarily, it is committed to the peaceful resolution of disputes. However, where the diplomatic efforts failed, it has the military capacity always needed to undertake crisis-management operations. This paper adopted the doctrinal method of research, with primary sources of information, including secondary sources of law. The paper found that Africa could benefit from the operations of NATO and its organs in several ways. NATO's military capabilities could be used to support peacekeeping and humanitarian operations in Africa and promote peace and security in the region. The paper carried out a critical study of the functions of NATO and the corresponding rights of the members of the organization. The paper made some salient recommendations, some of which were that NATO should firmly guard its strength, with an enduring focus on deterrence and keeping the Alliance militarily strong, as well as a renewed commitment to Allied solidarity and democratic principles. To achieve the above, NATO will also need to embrace change, by combining a more holistic understanding of security with a more balanced transatlantic core and a truly global mindset. NATO should provide a leadership to discuss on global issues such as climate security and space governance. Member States should commit themselves to 2% defence target because there is no better way to incentivise allies to spend on areas such as climate security, anti-hybrid warfare ore economic resilience than making it count as a contribution to common defence, NATO must become a Resilience Pathfinder. NATO needs a global partnership for peace with an open horizon to the world and an active approach to partnerships with

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democratic nations, also outside the North Atlantic region. NATO needs to understand the conflict and instability implications of climate change implications.

Keywords: *NATO, Right of Nations, Security, and International Law*

1.0 Introduction

Before the creation of NATO, the world was still recovering from the devastation of World War II. The Soviet Union had emerged as a global superpower, and tensions between the Soviet Union and the Western powers were high. The Berlin Blockade of 1948-1949 had shown that the Soviet Union was willing to use military force to achieve its goals. The Korean War of 1950-1953 further heightened tension, and the Soviet Union was rapidly expanding its military capabilities. In this context, many countries in Western Europe felt vulnerable and sought a collective defence agreement to protect themselves from Soviet aggression.

In response to these concerns, the North Atlantic Treaty Organization (NATO) was founded in 1949. The original members of NATO were the United States, Canada, the United Kingdom, France, Belgium, the Netherlands, Luxembourg, Iceland, Denmark, Norway, Portugal, and Italy. The treaty's primary purpose was to provide collective defence against the Soviet Union, and it committed the member states to come to the aid of any member state that was attacked. This commitment was seen as essential to deterring Soviet aggression and maintaining peace and security in Europe. There were several actions taken by the Soviet Union (and later Russia) that posed a threat to the United States and its allies in Europe. One of the most significant was the Soviet Union's development and testing of nuclear weapons. The Soviet Union exploded its first atomic bomb in 1949, and the US and its allies responded by forming the North Atlantic Treaty Organization (NATO) the following year. In the 1950s, the Soviet Union developed and tested hydrogen bombs, which were significantly more powerful than atomic bombs.

In addition to its nuclear weapons program, the Soviet Union also took several other actions that raised concerns in the West. These included soviet support for communist uprisings in Eastern Europe, such as the 1956 Hungarian Revolution and the 1968 Prague Spring, the installation of intermediate-range nuclear missiles in Cuba in 1962, which led to the Cuban Missile Crisis, soviet invasion of Afghanistan in 1979, which led to a lengthy and costly war.

In response to these actions, NATO took several steps to deter Soviet aggression and strengthen its own defence capabilities. These included stationing of US nuclear weapons in Europe, including in West Germany, formation of the Strategic Defence Initiative (SDI) in 1983, which aimed to develop a system that could protect the US and its allies from a Soviet nuclear attack, deployment of Pershing II missiles in West Germany in the early 1980s, which could reach targets in the Soviet Union.

North Atlantic Treaty Organization (NATO) was created in 1949. The treaty, a model of brevity and clarity, paved the way for the Alliance's adaptation to the constantly changing dynamic of international security. It is an inter-state collective defence alliance created according to Article 51 of the United

Nations Charter for the defence of member states¹. It was the first peacetime military alliance the United States entered into outside of the western hemisphere². Before the creation of NATO, the Western European countries were willing to consider a collective security solution. In quick response to the increasing tensions and security concerns, representatives of several countries of Western Europe met to create a military alliance. Great Britain, France, Belgium, the Netherlands, and Luxembourg signed the Brussels Treaty on March 1948. Their treaty provided collective defence, if any one of these nations was under attack. These nations joined NATO on its creation with current membership of 30.³ In accordance with the Treaty, relations between North American and European Members of the Alliance are the bedrock of NATO. These countries share the same essential values and interests and are committed to the maintenance of democratic principles, making the security of Europe and that of North America indivisible.⁴

NATO remains an intergovernmental organization in which each member country retains its sovereignty. All NATO decisions are taken jointly by the member countries based on consensus. NATO's most important decision-making body is the North Atlantic Council, which brings together representatives of all the Allies at the level of Ambassadors, Ministers, Heads of State, and governments. Each member country participates fully in the decision-making process based on equality, irrespective of its size or political, military and economic strength.⁵ The Allies, therefore, retain scope for independent action with respect to joint decisions and joint actions. However, Allied decisions, once taken, enable unified and concerted action to be reinforced by political solidarity. This was manifest, for instance, in the decisions taken to aid the United States after the attacks of 11 September 2001. For the first time in its history, NATO invoked Article 5 of the Washington Treaty, which stipulates that an armed attack against one or more members of the Alliance is considered as an armed or attack against all⁶.

From the original 12 nations, NATO has grown to an alliance of 30, and it is currently negotiating with several others such Sweden, Ukraine, and Georgia. The Warsaw Pact dissolved in 1991 following the fall of the Berlin Wall and the ratification of Germany, but NATO continued to expand. It now counts all seven non-Soviet former Warsaw Pact nations as part of its membership. The end of the Cold War did not mark the end of the alliance; however, it is an alliance in expansion in the Central and Eastern Europe and is trying to find itself new role, although the treaty has not been modified since its ratification in 1949. However, the changing role of NATO raises the question of what type of coordinated actions will be taken by this military alliance. As part of the changing process, NATO has embarked on the twin process of enlargement and transformation. Its expansion is ongoing. It also began its transformation when the alliance expanded its mission to include conflict prevention and conflict

¹ P Bator, *North Atlantic Treaty Organization* (Centre for European and North Atlantic Affairs 2013); 20-30.

² (n 1) 35.

³ C Bigg, NATO: 'What is a Membership Action Plan' accessed on September 5, 2021. Retrieved from <http://www.rferl.org/content/article/1079718.html>.

⁴ (n1).

⁵ Ibid.

⁶ Ibid.

management throughout Europe, including areas outside the boundaries of the NATO treaty era. Its eastward expansion is seen as the encirclement of the Russia⁷

The main function of NATO is ensuring the freedom and security of the alliance members through political and military actions. Politically, it promotes cherished democratic values and enables members to consult and cooperate on matters of security and defence to solve challenges⁸. These are carried out under Article 5 of the NATO's founding treaty or under UN mandate, alone or in cooperation with other countries and the international organization. So far, Article 5 has been invoked once, in response to the 9/11 terrorist attack in the United States⁹. Defending its members from the attacks is the charter defined function of alliance. The very rationale behind the creation of the alliance was the Soviet Union. NATO's charter protection does not extend to civil wars or internal coups within member states.¹⁰

Further, created as a bulwark against perceived Soviet threats and expansionism, NATO became a fixture of the European security landscape, one that anchored the United States in Europe and formed the institutional framework for political and military cooperation between United States and its Western European allies.¹¹ NATO helped to keep Western Europe secure, democratic, and prosperous through the Cold War years. The alliance served to protect the stability of the region from the threats of expanding communism in Europe. It was used by the United States as an instrument of containment both ideologically and militarily against the Soviet Union. The United States also wanted to maintain a presence in Europe to prevent the resurgence of aggressive nationalism and foster political union¹².

It is appropriate to state that NATO was initially largely a political alliance. After the Soviet Union detonated a nuclear device in 1949 and the Korean War broke out in 1950, NATO began to focus more on military means of defence. These events prompted the member states to swiftly integrate forces, establish a centralized headquarters, and commit to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law.¹³ The collective defence arrangements in NATO effectively placed the whole of Western Europe under the American 'unclear umbrella'. In the 1950s, one of the first military doctrines of NATO emerged in the form of massive retaliation or the idea that if any member were attacked, the United States would respond with a large-scale unclear attack. The threat of this form of response was meant to serve as a deterrent against Soviet aggression on the continent.

2.0 Historical Development of NATO

The development of the Alliance can only be fully appreciated after the appraising the history of NATO. The historical development can be divided into the following four periods: Cold War (1949-1989), Post-

⁷ Ibid, n1.

⁸ T G Carpenter, *The Future of NATO* (London and New York: Routledge Publishers 2013); 20.

⁹ (n 4) 25.

¹⁰ (n 4) 27-30.

¹¹ P Belkin and D E Woehrel, *NATO: Response to the Crisis in Ukraine and Security Concerns in Central and Eastern Europe* (Congressional Research Service Production 2014); 20-25.

¹² A Croft, 'Ukraine Crisis Forces European Defence Spending Rethink' Reuters accessed from <http://www.reuters.com/article/2014/08/27/us-nato-summit-spending-idUSKBN0GR1EB201082>.

¹³ (n 8) 20.



Cold War period (1989-2001), Post-9/11 period (2001-2014) and Post-Ukrainian Crisis/Russian-Ukrainian War period (2014-ongoing).

a. Cold War Period (1949-1989)

The Cold War period can be characterized as a permanent competition between the West and East blocs, or between the United States and its allies, and the Soviet Union and its satellite states.¹⁴ The Cold war period can be divided into the following 3 areas: first-military competition and nuclear deterrence. At the start of the Cold War, the army of the Soviet Union's Red Army, excluding its satellite states, "consisted of 4,100,000 men and had stabilized at about 175 line divisions, all effectively organized for combat and supported by substantial tactical air force", all of which could be used in the armed attack against Western Europe. On the other hand, the merit of conventional forces of the Soviet Union over the West was balanced by the nuclear deterrence capabilities of the United States.¹⁵

Second, the Cold War represented the ideological confrontation between the Western and Eastern bloc or between democratic values and communism. The Western bloc promoted free trade, human rights, democracy and freedom of speech, whereas the Eastern bloc promoted centrally planned economy, collective ownership, and the rule of one-party system. Additionally, the media in the Eastern bloc were under strong censorship and monitoring.¹⁶

Third, economic isolation, the Cold War period was also characterized by the economic isolation of the Western and Eastern bloc. Each bloc tried to weaken its opponent by deliberately imposing economic sanctions.¹⁷

b. Post-Cold War Period (1989-2001)

The Soviet Union had dissolved in 1991 and soon afterwards, NATO lost its main conventional enemy and strategic opponent. Therefore, NATO aimed its activities at cooperation with the former Soviet Union satellite states and their integration into the organization as well as into other international organizations, such as the European Union, as well as to widening the zone of security and stability in Europe. The major change in this period was the shift from the strictly defined territorial defence to the defence of the security interests of the Alliance. In this period, NATO engaged in missions outside its borders, for instance, through the Implementation Force (IFOR) in Bosnia and Herzegovina in 1995, Stabilization Force (SFOR) in Bosnia and Herzegovina in 1996, followed by air campaign in Kosovo and Serbia in 1999 and many others.¹⁸

c. Post 9/11 Period (2001-2014)

After the 9/11, the threat of terrorism, proliferation of weapons of mass destruction, rogue states and failed states became the discussed issues at the international arena. The main transformation in this period was that NATO had re-focused its attention to "active engagement in operations out of area of the Alliance (outside the European territory)".

¹⁴ I Daadler, 'NATO's Finest Hour: The Day the Alliance Stood Up for America' [2011] Wall Street Journal; 25-40.

¹⁵ (n 10) 25-40.

¹⁶ (n 10) 25-40.

¹⁷ W Wallace and R A Clark, *Comecon, trade and the West* (London: Frances Printer Publishers 1986)

¹⁸ A Good, *The FP Survey: The Future of NATO* (Foreign Policy Survey 2012); 20-35.



Furthermore, NATO adjusted its efforts from the relative short air operations to the long-term ground offensives far away from its territory. The relative secure environment in Europe allowed these strategic changes, because NATO states had lost a big military opponent in their neighbourhood, although the main threat to the Alliance at that time came from Afghanistan and the broader Middle East. To be successful in foreign operation NATO needed to reform itself. It is apt to note that foreign operations also contributed to better interoperability between member states, who have sought cooperation that is more effective.¹⁹

For instance, NATO long-term operation out of Europe was the International Security Assistance Force (ISAF) in Afghanistan launched based on Resolution 1386 of the United Nations Security Council in December 2001.²⁰

In 2003, NATO took over the operation from the UN and the ISAF mission and expanded same through all the territory of Afghanistan. The main goal of the ISAF mission was to train and develop the Afghan National Security Forces to be able to provide security across the territory of Afghanistan. In Afghanistan, the allied forces were also deeply involved in the counter insurgency missions, which called on NATO to develop the capabilities to be able to project force and equipment to the state far away from Alliance territory. According to NATO, 48 nations had contributed to the ISAF mission with 34, 512 troops in 2014, but more than 100,000 at its peak, just a few years before.²¹

d. Post-Ukrainian Crisis/Russian-Ukrainian War Period (2014-ongoing)

The current crisis in the Eastern Europe can be characterized as the fourth and the most recent period of NATO's development. There are three main transformations in this period from the previous ones. First, the Russian aggression against the Ukrainian territory and the annexation of the Crimean Peninsula showed that Russia is still a security threat for Europe and for the Alliance.²² Second, NATO member states were unable to effectively react to this situation, and there were not set, so-called effective "red line" at the first phase of the Russian invasion. Third, most of the NATO member states lacked sufficient military capabilities to defend their own territories, Central Europe was missing strategic infrastructure.²³

Firstly, majority of the member countries promised to increase defence spending. Many NATO members announced, even before the NATO summit, that they would spend more on defence to secure the territory of Alliance against Russia. Poland aimed to increase the defence spending to 2% as at 2016, Latvia and Lithuania had pledged and increased by 2% target in 2020, Romania also promised, together with Czech Republic.²⁴

¹⁹ (n 14) 28.

²⁰ M Majer, *NATO in Afghanistan* (Centre for European and North Atlantic Affairs 2014); 20.

²¹ (n 16) 25-30.

²² R Ondrejcsak, *How Russia has Changed the European Security?* (Centre for European and North Atlantic Affairs 2014); 10-15.

²³ (n 18) 15-17.

²⁴ (n 8) 17-20.



Secondly, the building of new strategic military infrastructure in Central Europe and Baltic state. The joint military exercises. The aim of this exercise was to strengthen the interoperability of the armies, which is one of the most important goals for the Alliance after the Wales Summit.²⁵

Thirdly, strengthening of the military presence of the Alliance forces on the territory of its eastern members. The Wales Summit Declaration stated that the measures to strengthen the security of the Alliance would include the continuous air, land and maritime presence and meaningful military activity in the eastern part of the Alliance, both on a rotational basis.²⁶ They will provide the fundamental baseline requirement for assurance and deterrence and are flexible and scalable in response to the evolving security situation. Some of these measures were already taken. For instance, the deployment in March and April of an additional six F-15 fighter jets to the Baltic Air Policing mission; deployment in March of an aviation detachment of 12 F-16s and 300 personnel to Task Air Base in Poland; deployment of 175 marines to Romania to supplement the Black Sea rotational force and deployment of 150 paratroopers each to Poland, Lithuania, Latvia and Estonia.²⁷

Fourthly, the creation of NATO Very High Readiness Joint Task Force where NATO member states commit to enhance the NATO Response Forces “by developing force packages that are able to move rapidly and respond to potential challenges and threats”. Therefore, this is part of the Readiness Action Plan, which is aimed at strengthening the collective defence of its states.

Fifthly, the need for the stronger partnership with states outside of the Alliance should strengthen the existing partnerships; start to develop the new ones from Moldova to Central Asia and to re-launch the enlargement process.²⁸

3.0 Achievements of NATO through its Activities

Examination of military alliances from the last 500 years finds that collective defence alliances disbanded soon after threat, for which they originally formed together to deter or defeat and disappear. Specifically, 47 out of the 63 major alliances disbanded. Of those dissolved, the greatest number of them totalling 40, included collective defence as one of the core purposes and two third of the alliances formed around a collective defence promise dissolved due to the elimination of the threat. Consequently, with the loss of NATO’s principal threat, the Warsaw Pact, and with no new like threat of that scale emerging to take its place, NATO’s role as a collective defence alliance was largely voided. It was thought that NATO was likely to meet the same fate as the other collective defence alliances from the last five centuries. NATO rather opted for enlargement, filling the security void left by the dissolution of the Warsaw Pact.²⁹

NATO and the Warsaw Pact did not clash head-to-head during the Cold War. After the Cold War, it took up to identify new threats to counter act them to sustain and improve security for its members. For the last 30 years, the NATO alliance has been performing a myriad of security activities ranging from

²⁵ (n 18) 20-25.

²⁶ (n 7) 30-38.

²⁷ (n 7) 38-40.

²⁸ (n 7) 39.

²⁹ S Enlarger and M S Lee, *NATO Allies Oppose Bush on Georgia and Ukraine* (The New York Times, October 31, 2014).

humanitarian assistance to peace and stability operations³⁰. While these activities did not directly support the direct collective defence of any NATO member, they have buttressed NATO's ideological precepts of promoting democracy, individual liberty, and the rule of law. Thousands of its military personnel are currently engaged in NATO missions around the world, operating in Afghanistan and the Mediterranean.³¹

It conducted its first military intervention in Bosnia, implementing aspects of the Dayton Peace Agreement that marked the end of the 1992-1995 war. Its implementation Force, or IFOR, was deployed in Bosnia in December 1995, followed by a Stabilization Force, or SFOR, which ended in December 2004. It took over leadership of the ISAF mission in Afghanistan since 2003 and currently leads the follow-on Resolute Support Mission. It also supports the African Union in peacekeeping missions, has sent trainers to Iraq, assisted in counter-piracy missions in the Gulf of Aden and off the Horn of Africa, and enforced a no-fly zone over Libya, where it was in command and control of all military operations. It has also been involved in protecting public events like the Olympic Games in Greece in 2004 providing assistance in the aftermath of the Hurricane Katrina in the United States in 2005 and helping Pakistan after a devastating earthquake in 2005.³²

NATO participates in three alliances that expanded its influence beyond its 28 member countries. The first was the Euro-Atlantic Partnership Council that helped partners become NATO members. It included 23 non-NATO countries that supported NATO's purpose. It began in 1991. The second is Mediterranean Dialogue that sought to stabilize the Middle East. Its non-NATO members includes Algeria, Egypt, Jordan, Mauritania, Morocco, and Tunisia. It began in 1994. The Istanbul Cooperation Initiative works for peace throughout the larger Middle East region. It includes four members of the Gulf Cooperation Council, Bahrain, Kuwait, Qatar and the UAE. NATO also cooperates with eight other countries in joint security issues. There are five Asian countries which include Australia, Japan, Republic of Korea, Mongolia, and New Zealand. There are two cooperative countries in the Middle East Afghanistan and Pakistan.³³

a. Providing logistical support to the African Union in Sudan

In April 2005, the Chairperson of the Commission of the African Union, Mr. Alpha Oumar, wrote to the NATO Secretary-General requesting NATO assistance in the expansion of the African Union's peace keeping mission in the western region of Darfur, Sudan, in an attempt to halt the violence then in the region. The Alliance formally announced its support with airlift and training on 9 June, at a meeting of NATO defence ministers in Brussels, and started its first airlift operations on 1 July.³⁴

b. Fighting Terrorism

Allied governments, in their individual and collective efforts to confront the growing threat posed by international terrorism directly, have also launched initiatives aimed at curtailing terrorist activity in the

³⁰ (n 17) 30.

³¹ (n 17) 30.

³² (n 26).

³³ (n 26).

³⁴ (n 26).

Balkan region that are implemented by NATO forces on the ground, as well as operations such as Operation Active Endeavour in the Mediterranean and Operation Eagle Assist.³⁵

c. Working with other international organizations.

At the institutional level, international organizations including the United Nations, the European Union and the Organization for Security and Co-operation in Europe (OSCE) are recognizing the need to meet threats such as terrorism square on, with all the resources available, and to coordinate this effort rather than to rely on the resources of any single organization³⁶.

NATO-EU relations have evolved in leaps and bounds in a very short space of time. On 16 December 2002, the EU and NATO adopted a joint declaration on the European Security and Defence Policy (ESDP), which provided a formal cooperation in the areas of crisis management and conflict prevention.³⁷

d. Strengthening and Widening Partnerships

With the need for greater solidarity in today's security environment, especially in combating terrorism and the proliferation of weapons of mass destruction, NATO's partnership policies have been steadily extended with a view to building closer and more effective relationships with a wide variety of countries and international institutions. This includes partner countries in the Euro-Atlantic area, countries in the Mediterranean region, "contact countries" such as Japan, Australia, Pakistan and China, and international organizations such as the European Union, the Organization for Security and Cooperation in Europe and the United Nations. These policies have put the spotlight on the major contribution to international security that strengthened cooperation can offer³⁸

4.0 The Principal Policy and Decision-Making Institutions/ Rights of NATO Member States

The principle of consensus decision making is applied throughout the Alliance, reflecting the fact that it is the member countries that decide and each one of them is involved in the decision-making process. This solemn principle is applied at every level of the Organization³⁹.

The principal policy and decision-making institutions of the Alliance are the North Atlantic Council, the Defence Planning Committee, and the Nuclear Planning Group. Each of these plays a vital role in the consultative and decision-making processes that are the bedrock of the cooperation, joint planning, and shared security between member countries that NATO represents.

The decisions taken by each of these bodies have the same status and represent the agreed policy of the member countries, irrespective of the level at which they are taken. Subordinate to these bodies are specialized committees also consisting of officials representing their countries. This committee structure provides the basic mechanism that gives the Alliance its consultation and decision-making

³⁵ (n 29).

³⁶ (n 18) 23.

³⁷ (n 18) 24.

³⁸ (n 1) 3.

³⁹ L French, *The North Atlantic Treaty Organization* (London and New York: Routledge 2007)

capability, ensuring that each member country can be represented at every level and in all fields of NATO activity.

i. North Atlantic Council

The North Atlantic Council (NAC) has effective political authority and powers of decision and consists of permanent representatives of all member countries meeting together at least once a week. The Council is the only body within the Alliance, which derives its authority expressly from the North Atlantic Treaty. The Council itself provides a unique forum for wide-ranging consultation between member governments on all issues affecting their security and is the most important decision-making body in NATO. The relevant divisions and offices of the International Staff support the work of the council, and in particular, by the Council Secretariat, which coordinates Council activities and ensures that Council mandates are executed, and its decisions recorded and disseminated.⁴⁰

ii. The Defence Planning Committee

The Defence Planning Committee is normally composed of permanent representatives but meets at the level of defence ministers at least twice a year and deals with most defence matters and subjects related to collective defence planning. The Defence Planning Committee provides guidance to NATO's military authorities and, within its scope of activity, have the same functions and attributes and the same authority as the Council on matters within its area of responsibility.⁴¹

iii. The Nuclear Planning Group

The Defence Ministers of member countries, which take part in NATO's Defence Planning Committee, meet at regular intervals in the Nuclear Planning Group (NPG), where they discuss specific policy issues associated with nuclear forces. This discussion covers a broad range of nuclear policy matters including the safety, security and survivability of nuclear weapons, communications and information systems, deployment issues and wider questions of common concern such as nuclear arms control and nuclear proliferation. The Alliance's nuclear policy is kept under review and decisions are taken jointly to modify or adapt it in the light of new developments and to update and adjust planning and consultation procedures⁴².

5.0 Challenges Facing NATO

a. New Security Threats for Alliance

Security threats such as terrorism, proliferation of weapons of mass destruction, cyber defence and energy security is NATO facing the security threat right in its neighbourhood in Ukraine. The Russian "invasion of Ukraine and the annexation of Crimean Peninsula changed not only the previous political realities of Eastern Europe, but also the strategic balance that had been in existence since the end of the Cold War and the Collapse of the Soviet Union."⁴³

⁴⁰ (n 39).

⁴¹ (n 39).

⁴² Ibid at 390

⁴³ (n 19) 23-24.

In terms of military intervention, NATO has provided support to Ukraine in the form of training, equipment, and intelligence, but it has not directly engaged in combat. This has been a key issue of debate, as some have argued that a more active military role would be necessary to defend Ukraine, while others have warned against provoking further escalation with Russia. NATO has also faced challenges in balancing the need to provide support to Ukraine with the need to avoid a direct confrontation with Russia that could escalate into a nuclear conflict. NATO's response to the Russia-Ukraine conflict has also been shaped by the broader geopolitical context. One challenge has been managing relations with Russia, which has been increasingly antagonistic since the conflict began. Additionally, NATO has had to navigate its relationship with China, which has taken a more neutral stance on the conflict. NATO has also been affected by the shifting geopolitical landscape in Europe, with the rise of populist and nationalist movements in some member states. Finally, NATO's role has been shaped by the wider global context, including the rise of cyber warfare and other unconventional threats.

In terms of successes, one of the main achievements of NATO in the Russia-Ukraine conflict has been maintaining unity and cohesion within the organization. Despite the different views and interests of its member states, NATO has been able to maintain a united front and provide support to Ukraine. Additionally, NATO has been successful in deterring Russia from directly attacking any NATO member state, despite Russian President Vladimir Putin's rhetoric. Finally, NATO has been able to use the conflict to strengthen its partnerships with other countries, such as Ukraine and Sweden.

One of the main failures of NATO in the Russia-Ukraine conflict has been its inability to prevent the conflict from escalating. Despite efforts to deter Russia and impose sanctions, the conflict has continued to escalate, leading to loss of life and significant destruction. Additionally, the conflict has exposed some of the weaknesses of NATO, such as the dependence of some member states on Russian energy. NATO has also been criticized for not doing enough to support refugees fleeing the conflict, and for not providing a clear strategy for ending the conflict. Finally, the conflict has highlighted the limitations of NATO's capabilities in the 21st century. One of the main lessons from NATO's response to the Russia-Ukraine conflict is the need for greater coordination and cooperation between member states. While NATO has been successful in maintaining unity, there have been challenges in getting all member states to agree on a common approach. This has led to delays and inefficiencies in decision-making and action. Additionally, the conflict has highlighted the need for NATO to adapt its capabilities to new threats, such as cyber warfare and hybrid warfare. Finally, the conflict has shown the importance of communication and diplomacy in preventing and resolving conflicts.

To prepare for future conflicts, NATO needs to take several steps. First, it should continue to strengthen its defence capabilities and ensure that all member states meet their obligations. Second, it should invest in new technologies and adapt its strategies to meet the challenges of the 21st century. Third, it should work to build trust and cooperation among its member states, including through more frequent and robust exercises. Fourth, it should increase its engagement with non-NATO countries, including through enhanced partnerships and cooperation. Finally, it should focus on building resilience in member states, including through economic and social development. NATO has not directly intervened in the ongoing Israel-Hamas crisis, but it has expressed concern about the violence and loss of life. NATO has called on all parties to exercise restraint and pursue de-escalation. It has also offered to assist

in efforts to rebuild Gaza and work towards a long-term resolution of the conflict. While NATO does not have a direct role in the conflict, it has an interest in promoting stability and security in the region. Additionally, some NATO member states, such as the United States, have been involved in mediating the conflict⁴⁴.

Some experts have suggested that NATO could play a more active role in resolving the Israel-Hamas crisis, including through providing humanitarian assistance and helping to rebuild Gaza. Others have argued that NATO should not become directly involved in the conflict, as it could exacerbate tensions and lead to further violence. Additionally, some have suggested that NATO should focus on supporting the Palestinian Authority and working towards a two-state solution, rather than getting involved in the conflict itself. The debate over NATO's role in the conflict highlights the complex nature of the situation and the challenges of achieving a lasting resolution.

b. Proliferation of Weapons of Mass Destruction

NATO 2012 Chicago Summit emphasized that ‘proliferation threatens our shared vision of creating conditions necessary for a world without nuclear weapons in accordance with the goals of the Nuclear Non-Proliferation Treaty (NPT). The main tools used by NATO to prevent the proliferation of weapons of mass destruction are arms control, disarmament, and non-proliferation. However, NATO uses also all conventional measures to prevent the proliferation of the weapons of mass destruction, such as The Weapons of Mass Destruction, Non-Proliferation Centre; Combined Joint CBRN (chemical, biological, radiological and nuclear) Defence Task Force and development of the necessary capabilities⁴⁵. However, NATO contribution is strengthened by the cooperation with other states or international organizations⁴⁶.

c. Cyber Defence

Cyber-attacks are the new phenomena in security. The 2014 Wales Summit incorporated cyber attacks to the Article 5 of the Washington Treaty, but every cyber attack on the NATO member state will be considered individually. Cyber attacks have a potential to pose threats at strategic level and seriously affect both civilian and military infrastructure. Wales Summit established cyber security as a part of the Alliance's core task of collective defence. NATO has an ambition to develop the capabilities to build effective defence against cyber attacks and to share these capabilities with other member states. In addition, the Alliance has developed NATO Computer Incident Response Capability (NCIRC), which protects NATO's own networks by providing centralized and round-the-clock cyber defence support to the various NATO sites. This capability is expected to evolve on a continual basis, to maintain pace with the rapidly changing threat and technology environment.⁴⁷

Therefore, one can say that all is not well with NATO, United States contributes three-fourths of NATO budget. It has objection to it. It demands that the alliance members should spend more on their military.

⁴⁴ NATO Review magazine: “The NATO-Russia Council: A platform for dialogue”, accessed at <https://www.nato.int/docu/review/articles/2023/07/28/the-nato-russia-council-a-platform-for-dialogue>.

⁴⁵ (n 19) 25.

⁴⁶ (n 1) 30.

⁴⁷ NATO Multimedia Library, Energy Security accessed on October 27, 2021. Retrieved from <http://www.natolibguides.info/energysecurity>.

This remains an unresolved issue as majority of its members are not even able to spend 2% of their GDP while US demands to increase it to 4% of their GDP. President Donald Trump once accused Germany of seeking United States protection. He even accused NATO of being obsolete. He focused his criticism on the fact that NATO focuses on defending Europe against Russia instead of combating terrorism. This generates a fear that Europe shall no longer rely on the United States as a trusted ally in case of Russian attack⁴⁸.

6.0 Conclusion

NATO's current engagement in international crisis management operations demonstrated the Alliance's important role in addressing the global security challenges. NATO and its members were involved in the Alliance's mission in Afghanistan since 2001 that ended in 2014, in the KFOR mission in Kosovo. In addition, the Alliance has staged two maritime missions in the Mediterranean Sea and spearheaded the anti-piracy mission ocean shield in the Gulf of Aden. NATO is still facing threats such as terrorism proliferation of weapons of mass destruction and energy security. This situation will definitely lead to a double-hatted role for the organization. On the one hand, NATO will put emphasis on its principal role as a guarantor of territorial integrity of its own members; on the other hand, it has to face other unconventional threats outside of the European and North Atlantic territory. For instance, NATO must extend the provision of Article V to unconventional threats, such as cyber attacks or attacks of non-state actors. In addition, NATO must maintain the "Open Door Policy" for the states with membership aspirations to continue the enlargement policy. These commitments will aid the organization to continue to be a reliable partner for other states and international actors.

7.0 Recommendations

This paper recommends the following:

1. NATO should firmly guard its strength, with an enduring focus on deterrence and keeping the Alliance militarily strong, as well as a renewed commitment to Allied solidarity and democratic principles. To achieve the above, NATO will also need to embrace change, by combining a more holistic understanding of security with a more balanced transatlantic core and a truly global mind-set.
2. NATO should provide a leadership to discuss on global issues such as climate security and space governance.
3. Member States should commit themselves to 2% defence target. There is no better way to incentivise allies to spend on areas such as climate security, anti-hybrid warfare or economic resilience than making it count as a contribution to common defence;
4. NATO must become a Resilience Pathfinder. By this, it simply means that NATO has a greater role to play in helping Allies achieve resilience across board.
5. NATO urgently needs modern military capabilities.
6. NATO needs a global partnership for peace with an open horizon to the world and an active approach to partnerships with democratic nations, also outside the North Atlantic region.

⁴⁸ (n 33).



7. NATO needs to understand the conflict and instability implications of climate change implications. NATO should lead by example and act as a catalyst for climate action by supporting Allies in their emissions reduction and adaptation efforts.
8. NATO should set green targets for defence planning, and such targets could include 25 % percent fuel efficiency increase, higher standards for military facilities or cleaner equipment and support solutions.
9. NATO should deepen its partnership with EU, as this would further cement the existing bonds within the Euro-Atlantic community and benefit both common members as well as single membership nations of both organizations.
10. NATO should engage in structured political consultations with key Indo-Pacific partners on areas that reflect shared interests, such as economic security, freedom of navigation and resilience.