# CRS Report for Congress

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# NATO's Decision-Making Procedure

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## Summary

This report provides a brief analysis of NATO's decision-making procedures, with several examples of how the allies have handled sensitive issues in the past. It describes the February 2003 dispute over providing NATO defense planning and equipment to Turkey, and analyzes the debate over the decision-making process, including possible alterations of that process. This report will be periodically updated. See also CRS Report RS21354, *The NATO Summit at Prague, 2002.*

## Background[1]

In February 2003, the United States asked that NATO begin planning to provide Turkey with defensive systems in the event of an attack by Iraq during the impending war with Saddam Hussein's regime. The request also asked that NATO members backfill for some U.S. forces in the Balkans, needed for the possible conflict with Iraq. France, Germany, and Belgium objected in the North Atlantic Council (NAC), NATO's supreme political body. They contended that granting the request would be the equivalent of acknowledging that Iraq had impeded U.N. weapons inspections, as yet unproven in the view of the three governments, and be a pretext for war. NATO Secretary General Robertson at that point invoked the "silence procedure," under which any member government objecting to the request must send him a formal letter stating its opposition. The three governments sent such a letter in the stated time frame, stymieing the U.S. request. Turkey itself then asked for consultations concerning its defense needs under Article IV of the North Atlantic Treaty.

The United States asked that Turkey's request for assistance be discussed in the Defense Planning Committee (DPC), where France is not a member. The German government was willing to grant the request for assistance to Turkey, and dropped its

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[1] There is virtually no literature on these issues. This report is based primarily on interviews of U.S. and European officials, and of NATO officials, March-April 2003. An earlier version of this study was provided as a memorandum to Senator Richard Lugar, and has been printed as a CRS report with his permission.

opposition. The Belgian government, now isolated, dropped its objection. The DPC then granted the request for defense planning, which resulted in the deployment of AWACS, Patriot missiles, and other defensive systems to protect Turkey.

## Consensus in the NATO Decision-Making Process

Consensus in the NAC is generally sought when allied governments must formulate policy on an important strategic issue. Examples include approval of NATO's Strategic Concept (NATO's document that serves as a strategic guideline), relations with Partnership for Peace countries, the NATO budget, deployment of forces for peace operations, and invocation of Article V. Consensus is clearly differentiated from "unanimity," which NATO does not seek. Unanimity would require an actively stated vote in favor of a measure.

**Structure and Process.** NATO has a civil and a military structure. The supreme political decision-making body, the North Atlantic Council (NAC), sits in Brussels, and is chaired by the Secretary General. Each of the 19 member states has a representative on the NAC.

Key proposals for military decisions are made by the Military Committee (MC). A senior European military officer chairs the Military Committee. The MC has 18 members because France withdrew from the alliance's integrated military structure in 1966. France sends an observer, without a vote, to the MC. France has full representation on the NAC, however, as Paris did not withdraw from NATO's political decision-making structure. The NAC has the authority to approve all key MC documents.

Normally, any government may have two opportunities to influence a major NATO decision. For example, the MC established a working group at the level of colonel to work out the deployment and responsibilities of NATO member state forces to be sent to Bosnia for peace operations in the 1990s. The 18 representatives on the working group met for eight months, and eventually drafted a document that was approved by the MC. The MC then sent the document to the NAC's international staff. Ultimately, all 19 representatives on the NAC refined the document's language, and approved it.

Reaching consensus is therefore a process in which member governments have ample opportunity to provide language to NATO documents and decisions that reflect national governments' individual views.

**The North Atlantic Council (NAC).** The NAC achieves consensus through a process in which no government states its objection. A formal vote in which governments state their position is not taken. During the Kosovo conflict, for example, it was clear to all governments that Greece was uncomfortable with a decision to go to war. NATO does not require a government to vote in favor of a conflict, but rather to object explicitly if it opposes such a decision. Athens chose not to object, knowing its allies wished to take military action against Serbia. In contrast to NATO, the EU seeks unanimity on key issues. Unanimity characterizes EU decision-making when, for example, new members are invited to join, or revisions to the Union's governing treaties must be adopted.

At NATO, the "silence procedure" may be used for any decision requiring a consensus. At times, the procedure allows governments in opposition to a measure to

avoid confronting other allies around the table during a session of the NAC. The procedure can also provide cover for a government from unwanted press reporting that might characterize its policy as out of step with other allies. By not sending a letter to the Secretary General within a specified time period, a government can avoid the step of stating its explicit objection to a policy if it believes other allies are set on a course of action. This procedure failed in the effort to begin defense planning for Turkey when three governments were in opposition. The procedure can be more successful if only one government is put in the position of having to take the formal step of sending a letter of opposition to the Secretary General, and may refrain from doing so to avoid being isolated.

NATO uses the same principle of consensus in the DPC, where 18 members make proposals on such matters as force structure. Normally, the DPC's proposals are sent to the Military Committee or to the NAC for approval. When France withdrew from the Military Committee in 1966, it also surrendered its seat on the DPC. NATO in the past has made important preliminary decisions on military operations in the DPC. However, in 1992, when NATO decided to enforce the arms embargo in the Adriatic Sea against the countries of the disintegrating Yugoslavia, France wished to participate in the decision and to send forces as part of the operation. For this reason, NATO transferred the decision to the NAC, where France could play a role. This practice set a precedent for subsequent NATO military operations. The NAC made the decisions to establish SFOR, approve the plan for *Operation Allied Force* in Kosovo, and establish KFOR in the conflict's aftermath, each time because France wished to participate in these operations. When France (and Belgium and Germany) objected in February 2003 to military assistance to Turkey, however, the United States was instrumental in the maneuver to move out of the NAC and back to the DPC to approve Ankara's request for assistance under Article IV. The maneuver raised the question of whether the United States, and other allies, were attempting to avoid or weaken the principle of consensus.

## Assessment of the Use of Consensus

Within the U.S. government and in allied governments, there is varied support for preserving decision-making by consensus. Most senior U.S. officials associated with NATO affairs contend that they support the principle of consensus, although some acknowledge that forging consensus in an era when NATO may go out-of-area is likely to be difficult.

Support for preserving the principle of consensus centers upon a desire to maintain political solidarity for controversial measures. In this view, the consent of 19 sovereign governments, each taking an independent decision to work with other governments, is a formidable expression of solidarity. At the same time, there can be political costs due to the sparring and the time involved in reaching consensus. NATO's decision to go to war against Serbia in 1999 was an example of such an instance. Military action against Serbia had been postponed for a number of days, while civilians were losing their lives in Kosovo. The allies first made an effort to achieve legitimization for the operation in the U.N., but did not submit the requisite resolution when Russia signalled that it would cast a veto. The allies decided to debate in the NAC the issue of going to war without such a resolution, in the end deciding that 19 governments consenting to the use of military force supplied a measure of political legitimacy. Officials involved in that NAC debate say that the need for obtaining consensus outweighed the need for acting quickly.

The Kosovo conflict illustrated some of the difficulties involved in maintaining consensus. Some critics of management of the conflict, including some Members of Congress, criticized the target-selection process. Press reports indicated that all governments in the NAC had to approve NATO's individual targets for Serbia. France, in particular, was singled out in press reports for criticism for objecting to specific targets. In fact, NATO was following a very different procedure for target selection. Member governments, including the United States, wished to be careful to avoid civilian casualties, particularly in the absence of a U.N. resolution that might be cited to legitimize the ends used to compel the Milosevic government to cease ethnic cleansing. They made a decision before the conflict began, after an initial operational plan produced by the MC, to attack targets in three phases. Each phase marked an escalation over the previous one; stepping up to the next phase – and not individual targets – required consent from the NAC. Phase I targets were indisputably military targets, such as air defense systems, airfields, and troop concentrations, and there was strong agreement that these must be struck. Phase II targets were infrastructure, such as bridges and petroleum depots, that might serve both civilian and military usage, and were therefore more controversial. Phase III targets were "the more significant targets associated with Serb repression," such as police headquarters involved in ethnic cleansing, often located in urban centers such as Belgrade. According to then SACEUR General Wesley Clark, and to sources interviewed, it was the Pentagon and the White House, as well as the British government, that above all raised barriers and sought delays before attacking Phase II and III targets, with France and other governments raising occasional objections.[2]

The Kosovo conflict underscores the political pressure placed on the NAC in maintaining consensus when military action comes into play, and the fact that the French government has often been singled out when disagreements arise. Different governments place varying degrees of emphasis on civilian control of the military, and on the reactions of their own populations when there are civilian casualties. The United States government tends to have more confidence in its armed forces in target selection and in making decisions on the battlefield than do most allied governments. Some allies, given the recent history of their militaries stepping into political affairs or using excessive force against civilians, place greater restraints on their armed forces. In France, the effort by army officers to overthrow President de Gaulle's government in 1960-62, and in Germany, excesses of the *Wehrmacht* and the *Gestapo* in the Second World War, are within the memory of many leaders and populations, and affect how these governments seek to manage military conflict. The diversity of viewpoints in the NAC means that constant negotiation is necessary in providing authority to the SACEUR to plan and execute a military operation. Wrangling over precise phrasing of a document can be a means to provide clarity for decision-makers; in contrast, it can also be meant to provide vagueness that gives political cover to a member government that may give its own interpretation to its populace about the purpose of a NATO decision.

Altering or abandoning the principle of consensus at a moment when NATO may accept new members poses other problems. For candidate state governments, the prospect of such a change raises the question of whether the United States and other current members lack confidence in the candidates to participate in the full range of allied

[2] Wesley K. Clark, *Waging Modern War* (New York, 2001), pp. 164, 176-178, 215-219, 224-225, 249-256.

decision-making. Representatives of some of these governments also express displeasure with the tendency of some Administration officials to divide the continent into an "old" and "new" Europe, even if the characterization is meant to favor them. Such a division suggests a possible marginalization of France and Germany, and of an alliance where member states are set against each other, implicit for some in any abandonment of the consensus principle. Some officials view any prospective effort by the United States to move away from the consensus principle as a version of U.S. "unilateralism," in which Washington might pressure weaker or small-state governments to follow its lead, an issue raised when the Bush Administration sought support of several allied governments in the coalition against Iraq.

## Suggestions for Alteration of NATO Decision-Making

The political complexities inherent in NAC and MC debates mean that there is no simple fix to improve NATO decision-making. At the same time, some U.S. officials believe that the growing necessity for out-of-area missions indicates a clear need to develop a new process to permit participation under NATO auspices by willing allies in such operations.[3]

Some U.S. officials, without enthusiasm, suggest an EU model, where member states' votes are weighted, based on their populations. This form of "qualified majority voting" (QMV) gives greater influence to the largest countries, but small states may still band together to block an initiative. Critics of adopting such an approach for NATO point out that the alliance is a mutual defense organization, where supreme national interests such as the survival of a country and the lives of a government's soldiers are at issue. In such circumstances, they believe that the EU's mechanistic approach to decision-making over less momentous issues is inappropriate for NATO. The EU is different in nature from NATO. The EU must grapple with issues involving the sharing of national sovereignty on a wide range of issues. As a result, extensive deal-making has been part of the EU (earlier, the European Community) since its origins, but has not been prevalent in NATO. Nonetheless, QMV in NATO could lead, as it often does in the EU, to faction-building or extended horse-trading.

However, one system used in elements of EU decision-making is drawing interest from those in NATO who support coalitions of the willing and capable. For issues that involve only selected governments, the EU has devised "committees of contributors." In this concept, governments that wish to participate in a project receive general approval from a principal EU governing body to proceed among themselves, while the other governments take a general interest and a responsibility that might involve oversight. An element of the concept involves "constructive abstention," in which governments with interests not directly affected stand aside and permit action by those with interests that are directly in play.

A "committee of contributors" in NATO might follow a similar outline, and might appeal especially to governments that are both NATO and EU members. Countries on

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[3] For a discussion of a range of options in NATO decision-making, see Leo Michel, "NATO Decision-Making: au revoir to the consensus rule," *Strategic Forum*, INSS, National Defense University, August 2003.

the committee for a military operation, for example, would be those willing to contribute troops and other assets. The committee would formulate a general plan for operations, and submit it to the NAC for a "blessing." The NAC might allow the committee to use NATO assets, such as AWACS and the planning staff. The NAC, in effect, would endorse the right of committee members to act in their own interests, but not specifically endorse the operation itself. Committee members among themselves could then make key decisions, possibly based on consensus, such as how much authority to delegate to SACEUR for contingency planning and target selection. The committee would keep the NAC informed on a regular basis. Should the NATO Response Force (NRF), comprised of 25,000 troops, be fully developed for "expeditionary" operations beyond the Treaty area, "committees of contributors" could be a means to streamline decision-making and keep it within the ken of interested governments.

Such committees could serve to avoid the recent maneuver of having to go to the DPC, since that step is effective only for sidelining France. France, after all, has been involved in virtually all key NATO military operations, and might in the future wish to participate in missions. France's forces constitute a large component of the Eurocorps, one of the high-value multinational military formations available to NATO. France, with Britain, has the only other continental "expeditionary" military able to serve in high-intensity conflicts. The "committees of contributors" might isolate small countries such as Belgium, which in recent times has increasingly criticized NATO as a "toolbox" of U.S. policy, and opposed out-of-area operations, but has only minimal military capability to contribute in any event.

Some officials who have served at NATO make a contrary argument to the possible usefulness of "committees of contributors." They believe that small countries such as Belgium might insist that any out-of-area mission be decided by the NAC as a whole, since assets (AWACS, intelligence) being used would belong to NATO as a whole, and would thus be assets for which, in part, each country pays.