

DCU

Institiúid Bhaile Átha Cliath um an Dlí Eorpach  
Dublin European Law Institute

Working Paper Series

Federica Fazio

*Collective defence in NATO  
A legal and strategic analysis of Article 5 in  
light of the war in Ukraine*

No. 2/2024

# Collective defence in NATO

## A legal and strategic analysis of Article 5 in light of the war in Ukraine

*Federica Fazio\**

### Abstract

The return of traditional high-intensity warfare to Europe has led to important changes in the European security apparatus. Russia's full-scale invasion of Ukraine has certainly re-emphasised the importance of the North Atlantic Treaty Organization (NATO) and collective defence. When NATO was founded in 1949, territorial defence was its only *raison d'être*, but, from 1991 onwards, deterrence and defence came to be included into a broader range of tasks and progressively put on the back burner. Since the Russian Federation illegally seized and annexed Crimea in 2014, however, the Alliance's focus has progressively shifted from crisis management and cooperative security back to its original deterrence and collective defence mission, enshrined in Article 5 of NATO's founding document, the North Atlantic Treaty. The article pledges its signatories to the common defence, which means that an attack on one will be regarded as an attack on all. This simple proposition has been the cornerstone of Europe's security, peace and stability for the last seventy-five years. Yet, this norm has seemingly attracted little to no attention from legal scholars. With war raging in Ukraine and the possibility of conventional attacks on European allies becoming a reality again, understanding how credible this mutual defence commitment is and how it would play out in practice is of the utmost importance. Therefore, this chapter seeks to examine NATO's mutual defence clause through a law-in-context approach, giving special attention to the strategic context in which Article 5 was adopted and has come to operate. The chapter is structured as follows. Section 1 introduces the topic and discusses the methodology. Section 2 analyses collective defence in NATO from a legal perspective, while Section 3 from a strategic standpoint. Section 4 concludes.

### Keywords

NATO, Collective defence, European security, War in Ukraine

### Acknowledgments

I would like to thank the editors for allowing me to contribute to this volume. I am indebted to Professor Federico Fabbrini at Dublin City University. I would not have been able to produce this chapter without his invaluable guidance and assistance. I am also grateful to Professor Ben Tonra, Doctors Ken McDonagh, James Gallen, Niels Kirst as well as soon-to-be Doctor Daniel Keohane, who read and commented on this chapter.

*"NULLA DIES UMQUAM MEMORI VOS EXIMET AEVO." — VIRGIL, AENEID IX.447*

---

\* Federica Fazio is a PhD Candidate in the School of Law and Government at Dublin City University. Her research interests lie at the intersection of international law and international relations, with a substantive focus on transatlantic security and defence and EU-NATO relations. She is affiliated to the Dublin European Law Institute.

A shorter version of this chapter is forthcoming in *The Palgrave Handbook on the Contemporary International Security: Complexities, Geographies, Governance and International Law* edited by Francisco Leandro *et al.* for Palgrave Macmillan.

## Acronyms

|                          |  |
|--------------------------|--|
| AIRCOM                   | Allied Air Command   |
| ARF                      | Allied Reaction Force  |
| Brussels Treaty          | Brussels Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence |
| EU                       | European Union   |
| ISAF                     | International Security Assistance Force  |
| NAC                      | North Atlantic Council   |
| NAT                      | North Atlantic Treaty  |
| NATO                     | North Atlantic Treaty Organization   |
| NATO-Russia Founding Act | NATO-Russia Founding Act on Mutual Relations, Cooperation and Security                     |
| NFM                      | New Force Model  |
| NRC                      | NATO-Russia Council  |
| NRF                      | NATO Response Force  |
| MARCOM                   | Allied Maritime Command  |
| PJC                      | NATO-Russia Permanent Joint Council  |
| Rio Treaty               | Inter-American Treaty of Reciprocal Assistance   |
| TEU                      | Treaty on European Union   |
| UK                       | United Kingdom   |
| UNC                      | Charter of the United Nations  |
| UNGA                     | United Nations General Assembly  |
| UNSC                     | United Nations Security Council  |
| US                       | United States of America   |
| USSR                     | Union of Soviet Socialist Republics  |
| VJTF                     | Very High Readiness Joint Task Force   |

## 1. Introduction

A political and military alliance created to “keep the Soviet Union out, the Americans in and the Germans down”, to use the words of its first Secretary General Lord Hastings Ismay<sup>1</sup>, NATO has been the cornerstone of Europe’s collective defence for seventy-five years<sup>2</sup>. Today, deterrence and collective defence, is one of the Alliance’s three core tasks, the others being crisis management and cooperative security. However, this has not always been the case. Originally, NATO was created for reasons of collective defence, which can be defined as “the act by two or more sovereign entities of unifying against an exogenous threat or threats.” (Deni, 2023, p. 209). Enshrined in Article 5 NAT, collective defence is, therefore, the Alliance’s *casus foederis*. Although it is not explicitly mentioned in the treaty, throughout the Cold War the exogenous threat NATO was created to defend against was primarily represented by the Soviet Union and the Warsaw Pact, a military alliance formed in May 1955 as a counterweight to NATO, in response to the remilitarisation of West Germany and its accession to NATO.

After the end of the Cold War, NATO had to “go out of area or go out of business” (Asmus, Kugler & Larrabee, 1993, p. 31; Lugar, 1993, p. 7). In order to survive and not slide into irrelevance, especially following the outbreak of conflict in the Balkans, the Alliance had to adapt and transform (Medcalf, 2024, pp. 55-56). It evolved “from an alliance based on collective defense against a specific threat into an alliance committed to projecting democracy, stability and crisis management” outside the territory of its members (Asmus, Kugler & Larrabee, 1993, p. 32). Additionally, it opened up to new members and sought to develop a strategic partnership with Russia, with the signing in 1997 of the NATO-Russia Founding Act and the establishment of the PJC, later replaced by the NRC. Russia’s descent into revisionism, culminating into its 2014 invasion and illegal annexation of the Crimean Peninsula first and 2022 full-scale aggression of Ukraine later, however, has made it a threat again, forcing the Alliance to refocus on its primary deterrence and defence mission (Apps, Deni, 2017, pp. 28-37; Deni, 2023, pp. 208-221; Rynning, 2024a, pp. 65-76).

In light of these developments, a legal and strategic analysis of NATO’s collective defence mechanism is in order. To this end, the mutual defence clause will be examined and discussed by looking at its formulation, interpretation and evolution over time. In terms of methodology, the chapter embraces a law-in-context approach, which is the most appropriate methodology in the legal and social sciences to analyse the law or legal phenomenon in the larger political, social, historical and economic context in which it is embedded (Cane, 2020; Donaldson, 2022). Given the topic, it will draw insights from international relations and international security scholarship.

The legal analysis of Article 5 and resulting collective defence responsibilities will be performed first. It will be followed by the strategic analysis of NATO’s collective defence doctrine and its evolution throughout the eight Strategic Concepts. These analyses aim to address the following question: What kind of legal obligations does Article 5 entail for NATO allies? The objective is to assess the credibility of this mutual defence commitment in the event of an attack on NATO territory amid Russia’s invasion of Ukraine and to explore how it would play out in practice.

The next sections will show that Article 5 envisages an obligation of result, not of means. However, no disciplinary measures are contemplated in the event of inaction or inadequate action by one or more NATO allies. As a result, the credibility of the mutual security guarantee ultimately depends on allies’ (particularly the US) readiness and willingness to come to each other’s defence.

## 2. Legal Analysis of Article 5

As pointed out by Deni (2017, p. 14), “Article 5 is the most well-known and arguably most important part of the Treaty of Washington”, as the NAT is also known after the place of its signature. This is because this article provides “a direct link between the possibility of aggression against member states and the conventional and nuclear capabilities of the United States.” (Sloan 2024, p. 214).

---

<sup>1</sup> Reference to this famous quote by Lord Hastings Ismay can be found at [https://www.nato.int/cps/en/natohq/declassified\\_137930.htm](https://www.nato.int/cps/en/natohq/declassified_137930.htm).

<sup>2</sup> For a comprehensive and detailed account of NATO’s history, please see Apps, P. (2024). *Deterring Armageddon: A Biography of NATO*. Wildfire.

This key provision states:

*“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-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.*

*Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.”*

For the purpose of this study, two issues seem to deserve particular attention:

- The use of the words “armed attack” and the express reference to “the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations”;
- The framework of response: “individually and in concert with other Parties”.

## **2.1 Armed Attack and Right to Collective Defence**

As already mentioned above, Article 5 is the heart of the NAT because it contains the famous Musketeer clause “an attack against one is an attack against all”. However, what exactly constitutes an *armed attack* is not clear. In *jus ad bellum* that of armed attack represents the threshold for the legitimate use of force in self-defence. Art. 5 NAT makes express reference to Art. 51 UNC, under which a member state is entitled not only to act in its own self-defence (individual self-defence) but also that of another member state (collective self-defence) in presence of an armed attack<sup>3</sup>. In instances of self-defence, the UNSC will consider the use of force as a legitimate act, assuming that it gets immediately informed by the state(s) of the actions taken in the exercise of this right and that the state(s) concerned refrain from taking further action upon UNSC intervention. Therefore, unlike Art. 53, which applies to enforcement action carried out by regional organisations, Art. 51 requires no prior UNSC authorization for acts of collective defence exercised by defensive alliances<sup>4</sup>.

In line with the principle of state sovereignty, the Alliance leaves it up to the aggressed state(s) to determine what constitutes self-defence as different countries have slightly different definitions and interpretations of the term (Cooper, 2020, p. 95). The determination of whether an armed attack has taken place, and, therefore, the determination of the *casus foederis*, is also left to the individual judgement of each ally. There is, however, no definition of armed attack in Art. 5, the other thirteen articles of the NAT, or even international law. Moreover, the gravity or type of force that meets the threshold has never been conclusively clarified by international courts (Blank, 2020, p. 7; Cooper, 2020, p. 259; Schmitt 2019, p. 101). Art. 5 only affirms that the attack must have been committed in “*Europe or North America*”, with Article 6 widening the geographical range of the armed attack that can trigger the mutual defence clause<sup>5</sup>. In the collection of 1947-1949 telegram exchanges between the UK Foreign Office and the US State Department published by Insall & Salmon (2015, n. 281, p. 428 and n. 287, p. 435) though, it is reported that NATO founding members agreed that “*an armed attack is understood to mean one of sufficient gravity to constitute an attack by one State upon another*” and “*endanger the maintenance of international peace and security*”.

---

<sup>3</sup> A detailed analysis and discussion of collective defence in international law is outside the scope of this paper. A brief overview is, however, deemed necessary to better understand NATO’s collective defence obligations and how they relate to UN principles.

<sup>4</sup> As rightly pointed out by Hakimi (2007, p. 651), “This distinction (between regional organisations and defensive alliances), however, has essentially been rendered obsolete, as agencies traditional conceived in terms of Chapter VIII have assumed functions of collective self-defence, and military alliances have assumed Chapter VIII functions.”

<sup>5</sup> Article 6 was originally conceived as paragraph 2 of Article 5. Please, see the draft of NAT dated 14 January 1949. Available at <https://www.trumanlibrary.gov/library/research-files/revised-draft-north-atlantic-security-arrangement?documentid=NA&pagenumber=2>.

As indicated by Schmitt (2019, p. 101), “the meaning of the term as used in Article 5 cannot be broader than that which applies to Article 51 of the U.N. Charter.” Not every action involving the use of force should rise to the level of an armed attack. As highlighted by Dinstein (2012, p. 196) “It is particularly striking that the framers of the text (of the UNC) preferred in Article 51 the coinage ‘armed attack’ to the term ‘aggression’, which appears in the Charter in several contexts”, as well as in the French version of the article itself. In the NAT, instead, there is no reference to “armed aggression” in Art. 5 or any other article. The only mention was in Art. 3, but, a few weeks before the treaty was signed, the drafters decided to switch from “armed aggression” to “armed attack” (Insall & Salmon 2015, n. 286, p. 433; Office of the Historian, 1949, p. 219).

As discussed in the 18<sup>th</sup> Meeting of the Washington Exploratory Talks on Security (Office of the Historian, 1949, pp. 221-222), to Europeans armed aggression had a “broader meaning” than armed attack, while to Americans they seemed to have the exact same meaning. This is confirmed by the fact that the US Law of War Manual (2015, para. 1.11.3.1, p. 44) describes aggression as “the most serious and dangerous form of the illegal use of force”. The implication is that the threshold between armed attack and armed aggression might be somewhat different depending on who is on the receiving end of the attack. An agreed definition of aggression was provided by the UNGA in 1974 though, and is still considered as the most authoritative source on the subject<sup>6</sup>. In Article 1 of Resolution 3314 (UNGA, 1974, GAOR, 29<sup>th</sup> Sess., Supp. 31, p. 143) aggression is defined as “the use of armed force by a State against *the sovereignty, territorial integrity or political independence of another State*, or in any other manner inconsistent with the Charter of the United Nations.” Article 4 of the Washington Treaty similarly states that: “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.” While Article 5 provides for consultations after a NATO member has been attacked, the Article 4 procedure is set in motion before an attack has taken place. Therefore, the invocation of Art. 4 is likely to have a deterring effect as it should come before that of Art. 5. Based on the fact that almost identical language is used in Art. 1 of UNGA Resolution 3314 and Art. 4 NAT, and that the latter’s invocation is supposed to precede that of Art. 5, it can be concluded that the two terms “armed attack” and “armed aggression” are, in fact, synonyms. An “*armed attack*” is a form of “*aggression*”, as can also be deduced from Art. 3 of Resolution 3314, which clearly identifies what constitutes an act of aggression (UNGA, p. 143).

There is no reference to a specific enemy in the NAT. However, considering the context in which the Atlantic Pact was negotiated and signed, at the time the only threat on the horizon was represented by a conventional (and later nuclear) attack by the Soviet Union. It is, therefore, reasonable to think that the language of Art. 5 was deliberately kept vague so that any military action by the USSR could have been considered as an armed attack, potentially triggering a US military response (Grady, 2002). This, it was thought, would have been enough to deter the USSR. Today, however, NATO faces unprecedented threats, which are not limited to classic attacks by the armed forces of another state.

The elusive formulation of Art. 5 has provided NATO with some flexibility, allowing the organisation to adapt to the post-Cold War ever-evolving threat landscape and broaden the interpretation of collective defence to include all kinds of armed attacks, including those perpetrated by non-state actors (NATO, 2001d and 2001e), in the cybersphere (NATO, 2014a, para. 72; NATO, 2019; NATO 2022, para. 25, p. 7), as part of hybrid warfare (NATO, 2016, para. 72; NATO, 2022, para. 27, p. 7) and to, from or within space (NATO, 2021, para. 33; NATO 2022, para. 25, p. 7). Indeed, the mutual defence clause was invoked for the first (and so far only) time in its history, not in response to a traditional military attack by a Warsaw Pact member, but rather in response to an attack by a non-state actor, the terrorist group led by Osama bin Laden and harboured by the Taliban regime in Afghanistan known as Al-Qaeda. Additionally, contrary to Cold-War expectations, Art. 5 was invoked by European allies in defence of the United States, not the other way around, as the attack took place on US soil, not in Europe.

The fact that “The United States has long taken the position that the inherent right of self-defence potentially applies against *any illegal use of force*” as the US Law of War Manual (2015, para.1.11.5.2, p. 47 and para.16.3.3.1, p. 1030) unequivocally states, seems to point in the direction that not only an armed attack, but anything the US considers as an illegal use of force could potentially

---

<sup>6</sup> This is demonstrated, among other things, by the fact that the exact same definition will be adopted over three decades later by the International Criminal Court (ICC). See Article 8 bis of the ICC Rome Statute adopted at the 2010 Kampala Review Conference. Available at <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.

trigger Art. 5. Since there is no precedent though, it is unclear how the NAC would react to a US request to invoke Art. 5 in response to a use of force which is not regarded as high-level (Schmitt, 2019, pp. 102-103). Decision-making in NATO is, in fact, intergovernmental, which means that all thirty-two members of the Alliance need to unanimously agree in the NAC that the action against one or more of them qualifies as an armed attack. If consensus is not reached, no action can be taken under Art. 5, even if only one ally opposes it (Green, 2024, pp. 237-238). Some scholars have suggested that the Alliance should develop a “more operational definition of ‘consensus’” to cover instances in which “an overwhelming majority” of members favours action (Brzezinski, 2009, p. 15). As Sloan (2024, p. 217) has highlighted, however, “votes at NATO are ‘weighted’, not ‘counted’, and the United States has always carried the greatest weight in the decision-making process”.

## 2.2 *Collective and Individual Action*

Following Art. 5 consultations in the NAC, the Secretary General takes the political decision to take military action and NATO military structures execute NAC’s decision (national parliaments’ approval might be required in some member states, such as the United States) (Verhelst & Trifunovska, 2020, p. 66). Then allies take collective action, which can also be complemented by individual action. This is precisely what happened after 9/11. As explained in the previous section, at the time of writing Art. 5 has only been invoked once in the history of NATO, following the coordinated hijacking of four commercial airliners into the World Trade Centre in New York City, the Pentagon and the US Capitol in Washington, DC (thwarted and crashed in rural Pennsylvania) that resulted in the death of almost 3,000 people.

As Lord George Robertson (2011 and NATO, 2016b), NATO Secretary General at the time of the attacks, recalls, while the Twin Towers were collapsing in New York City, an urgent, informal meeting of the NAC at ambassador level was being called at NATO headquarters in Brussels; it was during that meeting in the Secretary General’s office that the option of invoking Art. 5 in response to the attack was raised for the first time (NATO, 2001a). In his account of the events leading up to the article’s invocation, Edgar Buckley (2006), then Assistant Secretary General for Defence Planning and Operations, highlighted that one of the first questions raised was whether a civilian airplane could be considered as a weapon. As discussed in section 2.1, in order to meet the Art. 5 threshold, in principle an attack conducted against a NATO ally must be “armed”. In this case, the attack was indeed “armed” since commercial aircraft had been used as “missiles” (Buckley, 2006). Another question concerned the difference between the 9/11 terrorist attacks and terrorist attacks by international organisations such the IRA or the ETA that allies did not seem to regard as falling within the scope of Art. 5. Two criteria were identified that set the attack apart from previous attacks: the scale of the attack and the fact that it was externally directed (Buckley, 2006). A second meeting, this time formal and at foreign minister level, took place the next day, in which the Secretary General put forward a draft statement invoking Art. 5 on the basis of the abovementioned criteria.

During the NAC, the majority of allies were in favour of adopting the statement. However, Buckley (2006) reported that a group of states expressed concerns over the legal implications of invoking the mutual defence clause; in particular, they requested reassurances that “the nature, scale and timing of actions deemed necessary” would be theirs to decide and that “additional consultation and decision in the Council” would be required before any collective action could be taken by the Alliance as a whole. Later that day, the NAC reassembled, and legal reassurances were provided by then NATO’s legal adviser, Baldwin De Vidts. In a classified memorandum, De Vidts clarified that it would be left to each country to decide what course of action to take, but that this action would need to be “appropriate to the scale of the attack” (Buckley, 2006). As for collective action, De Vidts concluded that, indeed, prior collective consultation would be required. Satisfied with these explanations, NATO allies unanimously agreed that “if it (were) determined that this attack was *directed from abroad* against the United States, it (would) be regarded as an action covered by Article 5 of the Washington Treaty” and signalled their readiness “to provide the assistance that may be required” (NATO, 2001c). This readiness was further emphasised by Lord Robertson at a later press conference, where he declared that the allies were ready to take “such actions as deemed necessary, including the use of force”, adding that “(they) shall respond commensurate with their judgement and resources” (NATO, 2001c). The NATO Secretary General then proceeded to inform then UN Secretary General Kofi Annan, as required by paragraph 2 of Article 5 NAT.

The invocation of the mutual defence clause was confirmed and came into full effect on 2 October 2001, after a US investigation into the attacks determined that they had been directed from abroad as they had been planned and executed by Al-Qaeda. (Bensahel, 2003, pp. 6-7; NATO, 2001d). Two days later, NATO allies convened again in the NAC and agreed on eight specific collective measures to operationalise Art. 5 and assist the US<sup>7</sup>. According to Marty (2007, para. 92, p. 18), the measures had been requested and even drafted by the US government. In application of these measures, NATO launched its first counterterrorism operations: Operation Eagle Assist and Operation Active Endeavour. Between 9 October 2001 and 12 May 2002, seven Airborne Warning & Control System (AWACS), a fleet of Boeing 707s provided with radar for air and maritime surveillance under the operational control of AIRCOM, were sent to patrol US skies as part of the former (NATO, 2002). As for the latter, it was launched a couple of weeks later, on 26 October 2002, when elements of the Standing Naval Force, a fleet of rapidly deployable frigates or destroyers under the operational control of MARCOM, were sent to detect and deter potential terrorist activities in the Mediterranean Sea. The operation was terminated in 2016 and replaced by Operation Sea Guardian. Although NATO was not involved in the initial stage of the campaign in Afghanistan, when the US-led and UK-backed Operation Enduring Freedom was launched to destroy Al-Qaeda strongholds and training camps in Afghanistan roughly a month after the attacks, NATO member states strongly supported the military mission and all of them would later contribute troops to the UN-mandated and NATO-led ISAF mission (NATO, 2014b).

Ten years after the conclusion of the ISAF mission, international security scholars and practitioners are now wondering what would happen if the scenario that Art. 5 was originally designed to address were to suddenly materialise in the context of the war in Ukraine. Would the United States be able and willing to come to the defence of a European ally were it to be attacked by Russia? Article 6 clause 2 of the US Constitution, the so-called supremacy clause, states that “all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land”. The US President has legal authority to make binding commitments and use all the powers of the US federal government, including that of deploying military force and declaring war, subject to Senate authorisation. Art. 5 is one such commitment.

Two treaties were used as models in drafting Art. 5: the 1947 Rio Treaty and the 1948 Brussels Treaty (Grady, 2002, p. 177; Insall & Salmon, n. 94, para. 4, p. 193; Reichard, 2006, pp. 181-182; Tetrais, 2016, p. 2). The former is still valid to this day and obliges nineteen North and South American countries to “undertake to assist in meeting the attack” (Rio Treaty, 1947, Article 3), but leaves them free to choose the means of such assistance (Insall & Salmon, n. 95 para. 7-8, p.147). The latter, on the contrary, is no longer in force as it used to commit the Benelux countries, France and the UK to “afford the party so attacked all the military and other aid and assistance in their power” in the event of Soviet aggression (Brussels Treaty, 1948, Article 4). In other words, the Rio Treaty contemplated only an *obligation of results* while the Brussels Treaty an *obligation of means*. Art. 5 represents a compromise norm: the drafters took the freedom of choice in terms of forms of aid from the Rio Treaty, to satisfy Americans and specifically the US Senate, but included references to military support, provided for in the Brussels Treaty, to appease Europeans (Insall & Salmon, para. 9-10, p. 147). As such, the norm envisages *a binding obligation of result, to be achieved through different means, including but not limited to military action*. This is because, for the treaty to be ratified by the US Congress, the clause had to be phrased in a way that would not suggest an automatic commitment on the side of the US government to go to war in the event of an attack on any of the other parties (Insall & Salmon, para. 233-234, pp. 370-371). It is for this reason that US Senators Vandenberg and Connolly replaced the phrasing “*as might be necessary*”, which appeared in the previous draft by the US State Department, with “*as it deems necessary*”<sup>8</sup> (Insall & Salmon, n. 245, para. 1, p. 384 and n. 251, para. 1, p. 393). As De Vidts further clarified in 2001, “the nature, scale and timing of actions deemed necessary” is something for member state governments to decide (Buckley 2006).

Fifteen years later, former US President Donald Trump shockingly claimed that the US would only come to the defence of NATO allies that “fulfill their obligations to us” (New York Times, 2016), meaning that they must have reached the 2% GDP defence spending goal agreed to at the 2014 Wales

---

<sup>7</sup> For the full list, please see *Statement to the Press by NATO Secretary General, Lord Robertson, on the North Atlantic Council Decision on Implementation of Article 5 of the Washington Treaty following the 11 September Attacks against the United States on 4 October 2001*. Available at <https://www.nato.int/docu/speech/2001/s011004b.htm>.

<sup>8</sup> See Table 1.



Summit (NATO, 2014, para. 14). During his presidency, Trump repeatedly expressed his conviction that the Alliance was overly burdensome on the US, threatening, at the 2018 Brussels Summit, to even withdraw from it altogether if allies did not meet the 2% spending target by 2024 (Foy, 2024; The White House, 2018). The possibility of withdrawal is contemplated by Article 13 NAT. However, the clause has never been triggered. In December 2023, as part of the Fiscal Year 2024 National Defence Authorisation Act, the US Congress (2023) approved legislation that would bar any president from unilaterally withdrawing from NATO without “the advice and consent of the Senate or pursuant to an Act of Congress”. More recently, a bipartisan resolution was introduced to the House floor to reaffirm the US “full and unwavering commitment” to NATO and Article 5 (US Congress, 2024). These steps notwithstanding, there is fear among European allies that, were Trump to be re-elected, the US would not honour the mutual defence commitment.

As previously mentioned, the obligation arising from Art. 5 is one of results, not of means, and De Vidts made clear in his memorandum that decisions about “the nature, scale and timing of actions deemed necessary” belong to individual allies. As a result, in the event of an attack, US assistance might not necessarily be military in nature, be too little, or come too late. Therefore, the credibility of the Art. 5 security guarantee is contingent, not only on NATO’s capabilities but also on allied cohesion. Allies’ political will (and particularly that of the US, whose nuclear umbrella remains the ultimate foundation of allied security) to intervene in defence of another ally is considered to be the main reason why, since the Alliance’s founding, none of them has suffered major military attacks.

As outlined by Buckley (2006), in his memorandum De Vidts also stated that the action taken must be “appropriate to the scale of the attack”. However, no punitive action is envisaged in Art. 5, should a member of the Alliance not take appropriate action or refrain from taking any action at all to assist a fellow ally. In addition, as pointed out by former US Ambassador to NATO, Kurt Volker, although, thanks to the NDAA, Trump could not technically abandon NATO if re-elected, there are other initiatives that he could take as US Commander in Chief that would be equally damaging for the Alliance (Wolf, 2024). These include limiting US participation in NATO joint exercises, reducing US troops presence in Europe, lowering US defence spending, and even stopping US contributions to NATO infrastructures. For these reasons, repeated calls have been made to “Trump-proof” the Alliance ahead of the 2024 presidential elections (Boswinkel, 2024; Kendall-Taylor, 2024).

**Table 1 – Key changes made to Art. 5 the negotiations of the NAT**

|   |   |
|---|---|
| <p><b>Draft by the US State Department</b></p> <p>January 14, 1949</p>                      | <p>“The parties agree that an attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently that, if such an attack occurs, each of them, in exercise of the right of individual and 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 such <i>military or other action</i>, individually and in concert with the other parties <i>as may be necessary</i> to restore and assure the security of the North Atlantic area.”</p>       |
| <p><b>Redraft by the US Senate Foreign Relations Committee</b></p> <p>February 14, 1949</p> | <p>“The Parties agree that an armed attack against one of more of them in Europe or North America shall be considered as an attack against them all; and consequently that, if such an attack occurs, each of them in exercise of the right of individual or collective self-defense recognized by Article 51 of the United Nations, will assist the party or parties so attacked by taking forthwith such <i>action including the use of armed force</i>, individually and in concert with other parties, <i>as it deems necessary</i> to restore and assure the security of the North Atlantic area.”</p> |

### 3. Strategic Analysis of Article 5

In order to understand what the invocation of Article 5 would entail and how NATO's approach to deterrence and defence has evolved with the changing strategic landscape, one set of documents seem to require particular attention: NATO Strategic Concepts. Over the last seven decades and a half, NATO has adopted eight Strategic Concepts. The first four were issued during the Cold War as classified information (later declassified in 1997), while the last four were adopted after the end of the Cold War and immediately made public.

#### 3.1 Cold-War Strategic Concepts

##### *a. The 1949 Strategic Concept for the Defense of the North Atlantic Area*

Adopted by the Defence Committee on 1 December 1949 and known in military circles as DC 6/1, NATO's first Strategic Concept outlined the basic principles, objectives, and military measures for NATO collective defence planning (NATO, 1997a). The objectives of the Concept were twofold: 1) to allow NATO allies to coordinate their military and economic forces to *deter* any potential aggressor in peacetime; and 2) to develop plans to employ the available military resources to *defend* NATO member states' territories and citizens in wartime. (NATO 1997a, para. 6a and 6b, p. 62). These two objectives were to be achieved through: first, the development of "the ability to carry out strategic bombing promptly *by all means possible with all types of weapons, without exception*", something which was considered to be "*primarily a U.S. responsibility*" (deterrence by punishment); and second, in case of attack, the employment of "all means available including air, naval, land and psychological operations", to be mostly provided by the European members of the Alliance (forward defence or deterrence by denial) (Monaghan, 2022, pp.1-2; Rynning, 2024a, p. 93).

The development of nuclear weapons was deemed necessary in light of Soviet conventional force advantages over NATO nations. However, neither the Soviet Union nor nuclear weapons were explicitly mentioned. The document only referred to a generic "enemy" or "nation or group of nations threatening the peace, independence and stability of the North Atlantic family of nations" (NATO, 1997a, para 6a, 6b and 7b, p. 62, and para. 7c, p. 63).

##### *b. The 1952 Strategic Concept for the Defense of the North Atlantic Area*

Adopted by the NAC on 3 December 1952, following the addition of Greece and Turkey, NATO's second Strategic Concept, MC 3/5(Final), was in many ways identical to the first and retained the implicit reference to both the USSR and to nuclear deterrence (NATO, 1997b, 7a and 7b, p. 190).

##### *c. The 1957 Overall Strategic Concept for the Defense of the North Atlantic Organization Area*

The third Strategic Concept, unlike the first two, made specific reference to both the Soviet Union and nuclear weapons; the words "Soviet" and "nuclear" are mentioned fifty-six and fifty-five times respectively (NATO, 1997c). Adopted on 21 February 1957 as MC 14/2, the Concept acknowledged that the development of nuclear weapons had fundamentally changed the nature of war (NATO, 1997c, para. 10, p. 287). As a consequence, deterrence would be based on resort to an integrated and "fully effective nuclear retaliatory force", while defence on "the ability to carry out an instant and devastating nuclear counter-offensive" in the event of all-out war (para. 15, p. 298, and para. 25a, p. 293). Additionally, the fact that land, sea and air operations could involve "nuclear strategic campaign(s)" was expressly stated (para. 14, p. 289).

The reason behind the use of such bold language is presumably that, following the outbreak of the Korean War and the failure to implement the 1952 Lisbon Force Goals, considered too costly and unachievable (Enthoven & Wayne Smith, 1971, p. 120), then US Secretary of State John Forster Dulles had called for NATO "to use atomic weapons as conventional weapons against the military assets of the enemy whenever and wherever it would be of advantage to do so" when addressing the NAC on 23 April 1954 (Office of the Historian, 1954, p. 512). This doctrine of *massive retaliation* inevitably made its way into MC 14/2 (Pedlow, 1997, pp. 17-18; Pedlow 2024, p. 34).

Importantly, NATO's third strategy document was also the first to clarify the geographical scope of Article 5: "Continental Europe (consisting of Western Europe, flanked by Scandinavia and Southern Europe), Algeria, Asian Turkey, Iceland, the British Isles and North America. The security and defense of these involves also the Seas and NATO Islands in the NATO area. In particular this includes the North Atlantic, Davis Strait, Denmark Strait, Norwegian Sea, North Sea, English Channel, Western Baltic, and the Mediterranean and Black Seas." (NATO, 1997c, Appendix, para. 2, p. 295).

#### ***d. The 1968 Overall Strategic Concept for the Defense of the North Atlantic Organization Area***

The Alliance's fourth Strategic Concept, MC 14/3, was adopted on 1 January 1968 and reiterated the importance of nuclear deterrence and forward defence for the collective defence of the Alliance (NATO, 1997d, para. 1 and 2, p. 351, para. 10, p. 355, and para. 18a and 18b, pp. 359-360). The ultimate goal remained to avert war by building a potent deterrent to all forms of Soviet aggression. However, this deterrent would consist of both nuclear and conventional capabilities. This *flexible response* strategy was embraced by the allies because Soviet advances in nuclear weapons and intercontinental ballistic missiles had led to nuclear parity with the US, affecting the applicability of the doctrine of massive retaliation due to the risk of mutually assured destruction (Monaghan, 2022, p. 4; Rynning 2024a, p. 93; Sloan 2020, p. 152; Sloan, 2024, p. 215).

Adopted in the aftermath of the Berlin and Cuban missile crises, this last strategic document of the Cold War era underscored how NATO should be prepared for a surprise attack of either non-nuclear or nuclear nature, both inside and outside its area, by increasing its conventional force levels (deterrence by reinforcement) (Monaghan, 2022, p. 5). Addressing the NAC on 14 December 1962, then US Secretary of Defence Robert McNamara had argued that NATO strategic concepts were risking getting "out of touch with international and technological developments", and called for the Alliance to develop a "stronger non-nuclear posture" since nuclear forces "did not serve as a universal deterrent against all forms of Communist political and military aggression" (Office of the Historian, 1962, pp. 439 and 444). The nuclear option, therefore, would be both the "ultimate deterrent" and the "ultimate military response" (NATO, 1997d, para. 17c, p. 359). According to the Concept, NATO retained its first-use policy, while at the same time opting to activate the nuclear button following consultations under Art. 4 (except in the event of a nuclear attack), only after "direct defence" and "deliberate escalation" had been tried and failed (para. 17a and 17b, p. 358, 22a, p. 362 and 35a, p. 367). The former aimed to stop aggression at whatever level the enemy chose to engage in combat, while the latter to counter aggression by purposefully stepping up the fight and making the prospect of a nuclear escalation more likely.

By the end of the 1960s, flexible response was complemented by the *Harmel doctrine* (Hope, 2024, p. 42; Pedlow, 2024, p. 37). The Harmel report, as it came to be known, was approved by the NAC in December 1967 and advocated for a two step-approach of deterrence/defence and détente/dialogue in East-West relations (NATO, 1967). A balanced reduction of military forces was not yet considered feasible at the time, mostly due to the unsolved issue of German reunification. Therefore, the study suggested that the Alliance "maintain adequate military strength and political solidarity to deter aggression...and to defend the territory of member countries if aggression should occur", while also pursuing "a greater relaxation of tensions" with the USSR (Flanagan, 2024, p. 347; NATO, 1967, para. 5, p. 2; Rynning, 2024a, pp. 99-103).

Collective defence, and specifically deterrence and defence would, therefore, remain the Alliance's "first function", allowing for stabilisation and improvement in relations with the Soviet Union and Eastern European countries, NATO's "second function" (NATO, 1967, para. 5, p. 2; Rynning 2024a, pp. 99-103). This doctrine is the one currently governing relations with Russia in the context of the 2022 war in Ukraine (Rynning, 2024a, p. 100; Rynning, 2024c).

### **3.2 Post-Cold War Strategic Concepts**

#### ***a. The Alliance's New Strategic Concept 1991***

At the 1990 London Summit, allies agreed to abandon the idea of *forward defence* in favour of a *reduced forward presence* and reduce reliance on nuclear weapons. NATO took stock of the profound

political and security changes that had taken place in Central and Eastern Europe since the fall of the Berlin wall in 1989 and decided to undergo an in-depth strategic review to develop a “broad approach to security” (NATO, 1991, para. 14, 24 and 34). As part of this new approach, the 1991 Strategic Concept added to the Harmel formula of collective defence and dialogue/cooperation, crisis management and conflict prevention (NATO, 1991, para. 28, 29, 30 and 31).

With the end of the Cold War, NATO was increasingly looking to disarm itself as the risk of simultaneous large-scale attacks on different European fronts had seemingly disappeared with the disintegration of the USSR. However, although seeking a “non-adversarial and cooperative relationship” with the former enemy, NATO was looking to keep a “strategic balance” and maintain an adequate military capability sufficient to prevent war and provide for effective collective defence (para. 13, 36 and 38).

At the same time, the Alliance was starting to face new “multi-faceted and multi-directional” threats “including proliferation of *weapons of mass destruction...and actions of terrorism and sabotage*” (para. 8 and 12). To address them, NATO would serve as a framework for Art. 4 consultations, allowing allies to decide and coordinate on the appropriate measures to *manage crises and to prevent conflicts*. Deterrence and defence, therefore, increasingly became a low priority and were included into a wider range of tasks.

#### **b. *The Alliance’s Strategic Concept 1999***

Adopted eight years later at the 1999 Washington Summit, the sixth Strategic Concept reiterated and elaborated on many of the elements and principles expressed in the previous strategy, such as the new broad approach to security. This approach would enable NATO to accomplish its now *three core tasks: security, consultation, and deterrence and defence* (NATO, 1999, para. 10). The Alliance sought to deepen cooperation and dialogue with both Russia and Ukraine, who played a “unique role” and occupied a “special place” in Euro-Atlantic security, respectively (para. 36 and 37). The NATO-Russia Founding Act aimed at fostering common interest with the Russian Federation, as well as reciprocity and transparency, while the NATO-Ukraine Charter was a first step towards strengthening the Alliance’s partnership with Ukraine, who had joined the Partnership for Peace programme alongside Georgia in 1994.

In terms of partnership with other organisations, in line with statements made at the 1994 and 1996 Summits concerning support for the development of a European Security and Defence Initiative (ESDI) within NATO, the Concept stated that the EU’s decision to develop a Common Foreign and Security Policy (CFSP) and common defence policy under the 1997 Treaty of Amsterdam, was compatible with obligations made under the Washington Treaty and that it would allow European allies to make “a more coherent and effective contribution to the missions and activities of the Alliance” and to share responsibilities (para. 17).

Finally, the Concept focused on the Alliance’s open-door policy pursuant to Art. 10 NAT and stated that “nations willing and able to assume the responsibilities and obligations of membership, and...serve the overall political and strategic interests of the Alliance, strengthen its effectiveness and cohesion, and enhance overall European security and stability” could expect an invitation in the coming years (para. 39).

#### **g. *The 2010 Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization***

The seventh Strategic Concept was adopted at the 2010 Lisbon Summit. It stated that the Alliance would continue to adapt to the changing security environment and seek to fulfil essentially *three core tasks: “collective defence, crisis management, and cooperative security”* (NATO, 2010, para. 4a, b and c, pp. 7-8). This latter concept, cooperative security, was coined to englobe some of the elements mentioned in the previous strategy, namely the Alliance’s partnership, arms control, non-proliferation and disarmament, and open-door policies.

Like the previous Concept, the 2010 Strategic Concept acknowledged the low likelihood of a conventional attack on a NATO member state in this new strategic environment (para. 7, p.10). *Terrorism*, on the other hand, was mentioned more than once in the strategy and recognised as posing a “direct threat” to allied security (para. 10, p. 11). Already at the 2002 Prague Summit, the allies had

strived to carve a role for NATO in the fight against terrorism and adopted a package of measures designed to increase the Alliance's ability to counter this new security challenge, in line with the "Military Concept For Defence Against Terrorism", MC 472.<sup>9</sup> However, it will not be until after the adoption of the 2010 Strategic Concept that NATO would define its role in counterterrorism and adopt specific Policy Guidelines (NATO, 2012, Santamato & Beumler, 2013). Cyber attacks were also mentioned quite a few times in the Concept, which already perceived them as having the potential to "reach a threshold that threatens national and Euro-Atlantic prosperity, security and stability" (NATO, 2010, para. 12, p. 11).

In terms of partnerships, the EU was described as a "unique and essential partner for NATO" (para. 32, p. 28). The Concept recognised that "NATO and the EU should play complementary and mutually reinforcing roles" and welcomed the entry into force of the Lisbon Treaty in December 2009 (para. 32, p. 28). However, it is important to point out that the Concept did not provide any clarification concerning the relationship between the mutual defence clause enshrined in Article 5 NAT and its EU equivalent, Article 42.7 TEU, which had been introduced into the Lisbon Treaty in 2007 at the request of those member states who wanted to see the EU play a more active role in defence. Russia was also described as a "Euro-Atlantic partner" of "strategic importance" (para. 19, p. 16, and para. 33, p. 29) and the NRC was launched to enhance cooperation and consultations on common interests (para. 34, p. 30). The partnership with Ukraine as well as Georgia was also further deepened through the establishment of the NATO-Ukraine and NATO-Georgia Commissions. This was in line with NATO's decision at the 2008 Bucharest Summit to welcome the two countries' aspirations for NATO membership (para. 35, p. 31).

Finally, it is important to note that, unlike the first two post-Cold War concepts, the 2010 Concept stressed that *defence and deterrence* remained "the greatest responsibility of the Alliance" and that although "the Alliance does not consider any country to be its adversary... no one should doubt NATO's resolve if the security of any of its members were to be threatened." (para. 16, p. 14). In that event, NATO was to rely on a mix of nuclear and conventional forces, including the NRF, a land, air and sea rapid reaction force launched at the Prague Summit (NATO, 2002, para. 4a; NATO, 2010, para. 19, p. 15). This statement was possibly in response to Russia's decision to break the 1975 Helsinki Final Act by invading Georgia in August 2008 and recognising the breakaway regions of South Ossetia and Abkhazia as independent. Although the 2010 Concept still viewed Russia as a strategic partner, it can be argued that the 2008 Russo-Georgian war was an important point in the evolution of NATO-Russia relations from the post-Cold War era of dialogue and cooperation to today's new Cold-War atmosphere (Dickinson, 2021, Hirsh, 2022).

#### ***h. The NATO 2022 Strategic Concept***

The eight and current NATO Strategic Concept was approved at the 2022 Madrid Summit. Adopted in the aftermath of Russia's continued full-scale invasion of Ukraine, the strategy starts with a meaningful declaration in the preface, that "a strong, independent Ukraine is vital to the stability of the North-Atlantic area" and a reaffirmation of the Alliance's open-door policy and the decision made at the 2008 Bucharest Summit with regards to both Ukraine and Georgia (NATO, 2022a, p. 1, and para. 41, p. 10).

The Concept highlights the Alliance's intention to continue to fulfil all *three core tasks* identified in the 2010 Strategic Concept: "*deterrence and defence, crisis prevention and management and cooperative security*" (para. 4, p. 3). Building on the previous strategy, it further emphasises that NATO's "key purpose and greatest responsibility" remains to ensure the *collective defence* of its members, to which end deterrence and defence would need to be significantly strengthened since attacks on the sovereignty and territorial integrity of NATO allies appear now to have become a far less remote eventuality (Camus, 2024; Milne & Dunai, 2024; NATO, 2022a, para. 1, p. 3; Wintour, 2024). As a result, it can be noticed that the language used in reference to Russia has changed dramatically compared to the 2010 Strategic Concept. The Russian Federation is no longer considered as a strategic partner but rather as "the most significant and direct threat to Allies' security and to peace

---

<sup>9</sup> In 2016, MC472 was superseded by MC472/1. Please, see the *Final Decision on MC0472/1 MC Concept for Counterterrorism* by the North Atlantic Military Committee. Available at [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2016\\_01/20160817\\_160106-mc0472-1-final.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_01/20160817_160106-mc0472-1-final.pdf).

and stability in the Euro-Atlantic area” (para. 8, p. 4). Like the previous strategy, the document stresses that “NATO poses no threat to the Russian Federation” and is not looking for confrontation (NATO 2010, para. 33, p. 29; NATO, 2022a, para. 9, p. 4). However, the Alliance is prepared to “defend every inch of Allied territory, preserve the sovereignty and territorial integrity of all Allies” and has the capabilities and resolve to do so (para. 20, p. 6 and para. 28, p. 7).

“We will *deter and defend forward*” claims the 2022 Strategic Concept, making it clear that nuclear deterrence and forward defence are back at the forefront (para. 21, p. 6). This renewed emphasis on deterrence and defence can be traced back to the 2014 Russian illegitimate annexation of the Crimea, which prompted allies to adopt a number of measures as part of the Readiness Action Plan. These included, creating the VJTF as part of the NRF, increasing the latter from 13,000 to 40,000 troops, deploying four rotational battlegroups to the Eastern part of the Alliance as part of the Enhanced Forward Presence to reassure the Baltic states and Poland, approve regionally specific Graduated Response Plans, as well as committing to the 2% defence spending goal (NATO, 2014, para. 14 and 8; NATO, 2015a; NATO, 2015b; NATO, 2016, para. 40). Since the 2022 invasion of Ukraine, these multinational battlegroups have been augmented both in size and number, as the Alliance created four additional battlegroups in Bulgaria, Hungary, Romania and Slovakia (NATO, 2022b, para. 9; NATO, 2022c; NATO, 2024a, p. 26). Allies also renewed the Defence Investment Pledge and in Vilnius and, a year later, in Washington they agreed that “expenditure beyond the 2% of GDP will be needed” and, therefore, that 2% should be regarded “as a floor, not a ceiling” (NATO 2022a, para. 48, p. 11; NATO, 2023a and 2023d; NATO, 2024b and 2024d).

Moreover, the fact that NATO allies have adopted a specific Deterrence and Defence of the Euro-Atlantic Area (DDA) Concept, is *per se* proof of the profound transformation the Alliance has been undergoing. Adopted two years before the Strategic Concept as a classified document, the DDA Concept represents, in fact, “the first major redesign of Alliance deterrence and defence in three decades”, as it features collective defence plans that are “the most comprehensive NATO has had since the end of the Cold War” (Bauer, 2024; Covington, 2023). These strategic, regional and domain-specific military plans replaced the Graduated Response Plans with the aim of strengthening the Alliance’s deterrence and defence posture in all domains, by helping it refocus from out-of-area crisis management operations to large-scale collective defence operations in the NATO area (Loorents, 2024, p.1; NATO, 2023b, Rynning, 2024b, pp. 72-73; US Department of Defense, 2023). Endorsed at the 2023 Vilnius Summit, this “family of plans” should ensure that NATO is prepared to simultaneously address the two key threats identified in the 2022 Strategic Concept: Russia and terrorism, the latter considered as “the most direct asymmetric threat” that the Alliance faces (Deni, 2024b, p. 2; NATO, 2023c). It is to this end, that, as part of the new NFM, the NRF was replaced on 1 July 2024 by the ARF, a quick multi-domain reaction force capable, not only of conducting deterrence and defence operations, but also of supporting NATO with its other core tasks (Deni 2024, SHAPE, 2024).

The 2022 Strategic Concept also mentions China for the first time ever. The People’s Republic of China is described as posing “systemic challenges” to Euro-Atlantic security (NATO, 2022a, para. 14, p. 5) and its dangerous partnership with the Russian Federation is highlighted as a cause for concern (para. 13 p. 5). The 2024 Washington Summit declaration went a step further, describing China as a “decisive enabler” of Russia’s war of aggression against Ukraine. The Chinese government cannot hope that its interests and ties with the West will remain unaltered if it continues to fuel “the largest war in Europe in recent history”, the declaration warns (Fazio, 2024; NATO, 2024b, para. 26). The 2024 Summit Communiqué also points out that an “axis of upheaval”, as Kendall-Taylor & Fontaine (2024) labelled it, is forming between, not only Russia and China, who are clearly seeking to destabilise and upend the liberal international order, but also Iran and North Korea (NATO, 2024b). The 2022 Strategic Concepts had already called attention to the fact that Iran and North Korea were advancing their nuclear and missile programmes. The 2024 Summit declaration adds that they are now providing “direct military support to Russia”, which includes artillery shells and ballistic missiles in the case of North Korea. This could lead to a “substantial escalation” were Iran to start transferring ballistic weapons too. (NATO, 2024b, para. 25) In response to these alarming developments, NATO reaffirmed its commitment to “taking all necessary steps to ensure the credibility, effectiveness, safety and security of the Alliance’s *nuclear deterrence mission*”, which remains the “cornerstone of Alliance security” (NATO, 2022a, para. 30, p. 8; NATO, 2024b, para. 9).

Finally, as in the previous strategy, the partnership with the EU is regarded as “unique and essential” and has become even “more significant” amid the war in Ukraine (NATO, 2022a, para. 43, p. 10; NATO, 2024b, para. 29).

#### 4. *Conclusion*

This chapter has examined the formulation, interpretation and evolution of NATO’s Article 5 to understand the type of legal responsibilities it imposes on the members of the Alliance, as well as the credibility of these commitments.

The legal analysis has shown that, although originally created to deter and defend against a conventional or nuclear attack by the Soviet Union, there is no mention in Art. 5 or any of the other thirteen articles that compose the NAT of the USSR, which is only mentioned in strategic documents. In addition, no clear definition of armed attack or the specific threshold that the use of force must meet to be considered as such can be identified. Art. 5 was intentionally left ambiguous enough that any military action by the USSR could have been considered as an armed attack, justifying a US military response under Article 5. This vague formulation has allowed the Alliance to successfully adapt to the post-Cold War environment, broadening the interpretation of armed attack to include also non-traditional attacks, such as those by non-state actors, cyber attacks, hybrid attacks and attacks to, from or within space. Further broadening should be expected in the coming years as new threats continue to emerge. At the same time, the language used in Art. 5 NAT is unequivocal enough that its signatories, and particularly the US, retain sovereign control over how they would respond to an attack on a fellow ally. Art. 5, in fact, envisages an obligation of result, not of means. On 4 April 1949, the US pledged to assist its allies by taking the kind of actions it “*deems necessary, including the use of armed force*”. On these grounds and considering the additional explanations provided by De Vidts in the aftermath of the 9/11 terrorist attacks, it can be assumed that in the event of an attack on Europe, the US might not necessarily take actions that would be considered as appropriate in kind, extent or speed by the other allies. Furthermore, as no sanctioning mechanism is contemplated, nothing prohibits the US from not taking any action at all.

The strategic analysis has looked, instead, at what collective defence has meant for the Alliance at different moments in time. When the Cold War ended and the threat of nuclear annihilation disappeared, deterrence and defence were put to one side so that the Alliance could adapt to the new strategic reality and make room for other tasks. In the context of Russia’s ongoing war of aggression against Ukraine, however, conventional armed attacks on European allies are no longer a remote possibility and, looking at the latest Strategic Concept and the DDA Concept, they are scenarios the Alliance is increasingly preparing for. This strategic reorientation is reflected in the language change that characterises NATO’s 2022 Strategic Concept, and, to some extent, the 2010 Concept too. Likewise, NATO Summit declarations have become progressively stronger in their language, stressing the importance of the deterrent and defensive role of the Alliance. Further research into NATO Summit communiqués and statements by Secretary Generals could provide additional insight into how the Alliance’s approach to collective defence has evolved.

The credibility of Art. 5 depends on NATO’s (military) readiness to deter and defend every inch of allied territory through its escalatory arsenal of conventional, tactical and strategic nuclear forces. However, it ultimately rests on its allies’ (political) unity and determination to keep their security indivisible. Therefore, despite recent efforts to rebuild the Alliance’s deterrence and defence posture, the deterrent effect of the mutual security guarantee could be significantly impacted by the results of the 2024 US presidential elections.

## References

- Apps, P. (2024). *Deterring Armageddon: A Biography of NATO*. Wildfire.
- Asmus, R. D., Kugler, R. L., & Larrabee, F. S. (1993). Building a new NATO. *Foreign Affairs*, 72(4), pp. 28–40. Retrieved on August 28, 2024, from <https://www.foreignaffairs.com/articles/southeastern-europe/1993-09-01/building-new-nato>.
- Bauer, R. (2024, February 27). NATO in a new era of collective defence. *Institute of International and European Affairs*. Retrieved on February 29, 2024, from <https://www.iiea.com/events/nato-in-a-new-era-of-collective-defence>.
- Bensahel, N. (2003). The counterterror coalitions: Cooperation with Europe, NATO, and the European Union. *RAND Project Air Force*. Retrieved on August 28, 2024, from [https://www.rand.org/content/dam/rand/pubs/monograph\\_reports/2005/MR1746.pdf](https://www.rand.org/content/dam/rand/pubs/monograph_reports/2005/MR1746.pdf).
- Blank, L.R. (2020). Irreconcilable Differences: The Thresholds for Armed Attack and International Armed Conflict. *Notre Dame Law Review*, 96, pp. 1–45. *Emory Legal Studies Research Paper No. 20-8*.
- Boswinkel, L. (2024, March 7). Trump-proofing NATO: 2% won't cut it. Commentary, *Royal United Services Institute (RUSI)*.
- Brzezinski, Z. (2009, September/October). An Agenda for NATO: Toward a Global Security Web. *Foreign Affairs*, 88(5), pp. 2–20. Retrieved on January 8, 2024, from <https://www.foreignaffairs.com/articles/europe/2009-09-01/agenda-nato>.
- Buckley, E. (2006). Invoking Article 5. *NATO Review*. Retrieved on April 15, 2024, from <https://www.nato.int/docu/review/articles/2006/06/01/invoking-article-5/index.html>.
- Camus, N. (2024, January 19). Putin could attack NATO in '5 to 8 years,' German defense minister warns. *Politico*. Retrieved on January 20, 2024, from <https://www.politico.eu/article/vladimir-putin-russia-germany-boris-pistorius-nato/>.
- Cane, P. (2020). Context, context everywhere. *International Journal of Law in Context*, 16(4), pp. 459–463.
- Cooper, C.G. (2020). NATO Rules of Engagement: On ROE, Self-Defence and the Use of Force during Armed Conflict. *International Humanitarian Law Series*, 57. Brill Nijhoff.
- Covington, S.R. (2023, August 2). NATO's Concept for Deterrence and Defence of the Euro-Atlantic Area (DDA). Analysis and Opinions, *Belfer Center for Science and International Affairs, Harvard Kennedy School*.
- Deni, J.R. (2017). *NATO and Article 5: The Transatlantic Alliance and the Twenty-First-Century Challenges of Collective Defense*. Rowman & Littlefield Publishing.
- Deni, J.R. (2023). Collective defence. In S.Meyer (ed.) *Research Handbook on NATO*. Edward Elgar Publishing Limited.
- Deni, J.R. (2024, May 4). The new NATO Force Model: ready for launch?. *NATO Defence College War Series*, No. 04.
- Dickinson, P. (2021, August 7). The 2008 Russo-Georgian War: Putin's green light'. *Atlantic Council*.
- Dinstein, Y. (2012). *War, Aggression and Self-Defence*. Cambridge University Press.
- Donaldson, M. (2022). Peace, war, law: teaching international law in contexts. *International Journal of Law in Context*, 18(4), pp. 393–402.
- Enthoven, A.C. & Wayne Smith, K. (1971). NATO Strategy and Forces'. In A.C. Enthoven & K. Wayne Smith (eds.) *How Much Is Enough?: Shaping the Defense Program, 1961-1969*. RAND Corporation. Retrieved on April 19, 2024, from [https://www.rand.org/pubs/commercial\\_books/CB403.html#:~:text=A%20work%20of%20enduring%20value,inspired%20by%20that%20successful%20effort](https://www.rand.org/pubs/commercial_books/CB403.html#:~:text=A%20work%20of%20enduring%20value,inspired%20by%20that%20successful%20effort).
- Fazio, F. (2024). The NATO Washington Summit: Step Forward or Missed Opportunity?. Blog, *Dublin City University. Dublin European Law Institute*. July 18, 2024.
- Flanagan, S.J. (2024). Sustaining NATO's Political Cohesion. In J.A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.
- Foy, H. (2024, July 4). The untold Story of the most chaotic NATO summit ever, *Financial Times*.
- Grady, B.C. (2002). Article 5 of the North Atlantic Treaty: Past, Present, and Uncertain Future. *Georgia Journal of International and Comparative Law*, 31, pp. 167–198.
- Green, J.A. (2024). Collective Self-Defense Treaty Arrangements. In J.A. Green (ed.) *Collective Self-*



*Defence in International Law*. Cambridge University Press.

Hakimi, M. (2007). To Condone or Condemn? Regional Enforcement Actions in the Absence of Security Council Authorization. *Vanderbilt Journal of Transnational Law*, 40(3), pp. 643–685.

Hirsh, M. (2022, June 27). We Are Now in a Global Cold War: With NATO expanding its focus to China, new battle lines are being drawn. *Foreign Policy*. Retrieved on February 16, 2024, from <https://foreignpolicy.com/2022/06/27/new-cold-war-nato-summit-united-states-russia-ukraine-china/>.

Hope, I. (2024). NATO, 1968-1989. In J.A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.

Insall, T. & Salmon, P. (2015). The Brussels and North Atlantic Treaties, 1947-1949: Documents on British Policy Overseas, Series I, Volume X. Routledge.

*Inter-American Treaty of Reciprocal Assistance*, Rio de Janeiro, February 9, 1947. Retrieved on December 9, 2023, from <http://www.oas.org/juridico/english/treaties/b-29.html>.

Kendall-Taylor, A. (2024, July 10). NATO leaders move to ‘Trump-proof’ the alliance in Washington, *Center for a New American Security (CNAS)*.

Kendall-Taylor, A. & Fontaine, R. (2024, April 23). The Axis of Upheaval. How America’s Adversaries Are Uniting to Overturn the Global Order. *Foreign Affairs*. Retrieved on May 26, 2024, from <https://www.foreignaffairs.com/china/axis-upheaval-russia-iran-north-korea-taylor-fontaine>.

Loorents, N. (2024, July). NATO’s Regional Defence Plans. Brief. *Washington Summit Series No. 5. International Centre for Defence and Security*.

Lugar, R. (2021) NATO: Out of Area or Out of Business. A Call for U.S. Leadership to Revive and Redefine the Alliance. Remarks Delivered to the Open Forum of the U.S. State Department, 2 August 1993. In B. Boxhoorn & G. Scott-Smith (eds.) *The Transatlantic Era (1989-2020) in Documents and Speeches*. Routledge.

Marty, D. (2007, June 7). Committee on Legal Affairs and Human Rights Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report. Explanatory memorandum. *Council of Europe Parliamentary Assembly*. Retrieved on August 28, 2024, from [https://assembly.coe.int/committeeDocs/2007/Emarty\\_20070608\\_noEmbargo.pdf](https://assembly.coe.int/committeeDocs/2007/Emarty_20070608_noEmbargo.pdf).

Medcalf, J. (2024). NATO, 1990-2013. In J.A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.

Milne, R. & Dunai, M. (2024, February 9). Russia could attack a Nato country within 3 to 5 years, Denmark warns. *Financial Times*. Retrieved on February 12, 2024, from <https://www.ft.com/content/b3101099-9516-4b0b-92c6-179997d7e4cf>.

Monaghan, S. (2022, June). Resetting NATO’s Defense and Deterrence: The Sword and the Shield Redux’, *Center for Strategic and International Studies (CSIS)*. Brief. Retrieved on January 29, 2024, from <https://www.csis.org/analysis/resetting-natos-defense-and-deterrence-sword-and-shield-redux#:~:text=The%20first%20such%20concept%2C%20“Strategic,nation%20or%20group%20of%20nations>.

NATO. (1949a, April 4). *The North Atlantic Treaty*. Retrieved on January 2, 2024, from [https://www.nato.int/cps/en/natolive/official\\_texts\\_17120.htm](https://www.nato.int/cps/en/natolive/official_texts_17120.htm).

NATO. (1967, December 13). *Future Tasks of the Alliance Report 1*, *NATO Confidential Document C-M(67)74(Revised)*. Retrieved on April 22, 2024, from <https://archives.nato.int/uploads/r/null/2/1/2110/65-V9.pdf>.

NATO. (1991, November 7-8). *The Alliance's New Strategic Concept agreed by the Heads of State and Government participating in the Meeting of the North Atlantic Council*. Retrieved on February 14, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_23847.htm](https://www.nato.int/cps/en/natohq/official_texts_23847.htm).

NATO. (1997a). The Strategic Concept for the Defence of the North Atlantic Area, DC 6/1, 1 December 1949. In G.W. Pedlow (ed.) *NATO Strategy documents 1949-1969*. NATO. Retrieved on January 29, 2024, from <https://www.nato.int/docu/stratdoc/eng/a491201a.pdf>.

NATO. (1997b). The Strategic Concept for the Defence of the North Atlantic Area, MC 3/5 (Final), 3 December 1952. In G.W. Pedlow (ed.) *NATO Strategy documents 1949-1969*. NATO. Retrieved on February 1, 2024, from <https://www.nato.int/docu/stratdoc/eng/a521203a.pdf>.

NATO. (1997c). Overall Strategic Concept for the Defense of the North Atlantic Treaty Organization Area, MC 14/2 (Rev) (Final Decision), 23 May 1957. In G.W. Pedlow (ed.) *NATO Strategy documents 1949-1969*. NATO. Retrieved on February 1, 2024, from <https://www.nato.int/docu/stratdoc/eng/a570523a.pdf>.

NATO. (1997d). Overall Strategic Concept for the Defense of the North Atlantic Treaty Organization Area, MC 14/3 (Final), 16 January 1968. In G.W. Pedlow (ed.) *NATO Strategy documents 1949-*

1969. NATO. Retrieved on February 7, 2024, <https://www.nato.int/docu/stratdoc/eng/a680116a.pdf>.

NATO. (1999, April 24). *The Alliance's Strategic Concept Approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C.* Retrieved on February 14, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_27433.htm](https://www.nato.int/cps/en/natohq/official_texts_27433.htm).

NATO. (2001a, September 11). *Statement by the North Atlantic Council*, Press Release (2001) 122. Retrieved on January 4, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_18863.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/official_texts_18863.htm?selectedLocale=en).

NATO. (2001b, September 12). *Statement by the North Atlantic Council*. Press release (2001) 124. Retrieved on January 4, 2024, from <https://www.nato.int/docu/pr/2001/p01-124e.htm#:~:text=The%20Council%20agreed%20that%20if,shall%20be%20considered%20an%20attack>.

NATO. (2001c, September 12). *NATO reaffirms Treaty commitments in dealing with terrorist attacks against the US*. Retrieved on April 15, 2024, from [https://www.nato.int/cps/en/natohq/news\\_18569.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/news_18569.htm?selectedLocale=en).

NATO. (2001d, October 2). *Statement by NATO Secretary General, Lord Robertson*. Retrieved on April 15, 2024, from <https://www.nato.int/docu/speech/2001/s011002a.htm>.

NATO. (2001e, October 4). *Statement to the Press by NATO Secretary General, Lord Robertson, on the North Atlantic Council Decision on Implementation of Article 5 of the Washington Treaty following the 11 September Attacks against the United States on 4 October 2001*. Retrieved on January 4, 2024, from <https://www.nato.int/docu/speech/2001/s011004b.htm>.

NATO. (2002, April 30). *Statement by the Secretary General on the conclusion of Operation Eagle Assist*, Press Release (2002) 057. Retrieved on April 15, 2024, from <https://www.nato.int/docu/update/2002/04-april/e0430a.htm>.

NATO. (2010, November 19). *Active Engagement, Modern Defence: Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization Adopted by Heads of State and Government at the NATO Summit in Lisbon 19-20 November 2010*. Retrieved on February 15, 2024, from [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_publications/20120214\\_strategic-concept-2010-eng.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf).

NATO. (2012, May 21). *NATO's Policy Guidelines on Counter-Terrorism - Aware, Capable and Engaged for a Safer Future -*. NATO Chicago Summit, May 20-21, 2012. Retrieved on April 24, 2024, from [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_topics/ct-policy-guidelines.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_topics/ct-policy-guidelines.pdf).

NATO. (2014a, September 5). *Wales Summit Declaration, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales*. Press Release (2014) 120. Retrieved on January 4, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_112964.htm](https://www.nato.int/cps/en/natohq/official_texts_112964.htm).

NATO. (2014b, November 7). *International Security Assistance Force (ISAF): Key Facts and Figures*. Retrieved on April 15, 2024, from [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2014\\_11/20141111\\_141107-ISAF-Placemat-final.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2014_11/20141111_141107-ISAF-Placemat-final.pdf).

NATO. (2015a, June 24). *Defence Ministers decide to bolster the NATO Response Force, reinforce collective defence*. Retrieved on April 23, 2024, from [https://www.nato.int/cps/en/natohq/news\\_120993.htm](https://www.nato.int/cps/en/natohq/news_120993.htm).

NATO. (2015b, June 24). *Press conference by NATO Secretary General Jens Stoltenberg following the meeting of NATO Defence Ministers*. Retrieved on April 23, 2024, from [https://www.nato.int/cps/en/natohq/opinions\\_120967.htm](https://www.nato.int/cps/en/natohq/opinions_120967.htm).

NATO. (2016a, July 9). *Warsaw Summit Communiqué: Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8-9 July 2016*. Press Release (2016)100. Retrieved on December 15, 2023, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_133169.htm](https://www.nato.int/cps/en/natohq/official_texts_133169.htm).

NATO. (2016b, November 2). *9/11 and Beyond: the Day After. Lord Robertson and the Self-Defence Clause*. Retrieved on April 12, 2024, from [https://www.nato.int/cps/en/natohq/declassified\\_137121.htm](https://www.nato.int/cps/en/natohq/declassified_137121.htm).

NATO. (2016c, January 6) *Final Decision on MC0472/1 MC Concept for Counterterrorism*. North Atlantic Military Committee. Retrieved on April 14, 2024 from [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2016\\_01/20160817\\_160106-mc0472-1-](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_01/20160817_160106-mc0472-1-)

[final.pdf](#).

NATO. (2019, August 29). *Nato will defend itself*. Article by NATO Secretary General Jens Stoltenberg published in Prospect's new cyber resilience supplement. Retrieved on April 16, 2024, from [https://www.nato.int/cps/en/natohq/news\\_168435.htm](https://www.nato.int/cps/en/natohq/news_168435.htm).

NATO. (2021, June 14). *Brussels Summit Communiqué, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels 14 June 2021*. Press Release (2021) 086. Retrieved on January 4, 2024, from [https://www.nato.int/cps/en/natohq/news\\_185000.htm](https://www.nato.int/cps/en/natohq/news_185000.htm).

NATO. (2022a, June 29). *NATO 2022 Strategic Concept Adopted by Heads of State and Government at the NATO Summit in Madrid 29 June 2022*. Retrieved on January 6, 2024 from [https://www.nato.int/cps/en/natohq/topics\\_210907.htm#:~:text=The%202022%20Strategic%20Concept%20describes,and%20management%3B%20and%20cooperative%20security](https://www.nato.int/cps/en/natohq/topics_210907.htm#:~:text=The%202022%20Strategic%20Concept%20describes,and%20management%3B%20and%20cooperative%20security).

NATO. (2022b, June 29) *Madrid Summit Declaration Issued by NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Madrid 29 June 2022*, Press Release (2022) 095. Retrieved on December 15, 2023, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_196951.htm](https://www.nato.int/cps/en/natohq/official_texts_196951.htm).

NATO. (2022c, March 24) *Statement by NATO Heads of State and Government*, Press Release (2022) 061. Retrieved on December 15, 2023, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_193719.htm](https://www.nato.int/cps/en/natohq/official_texts_193719.htm).

NATO. (2023a, July 11) *Vilnius Summit Communiqué. Issued by NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Vilnius 11 July 2023*. Press Release 2023 (001). Retrieved on January 6, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_217320.htm](https://www.nato.int/cps/en/natohq/official_texts_217320.htm).

NATO. (2023b, September 18). *NATO Chiefs of Defence discuss executability of Regional Plans*. Retrieved on April 22, 2024, from [https://www.nato.int/cps/en/natohq/news\\_218538.htm](https://www.nato.int/cps/en/natohq/news_218538.htm).

NATO. (2023c, May 10). *Opening remarks by the Chair of the NATO Military Committee, Admiral Rob Bauer and NATO Secretary General Jens Stoltenberg at the start of the Military Committee in Chiefs of Defence session*. Retrieved on July 22, 2024, from <https://www.natomultimedia.tv/app/asset/690624>.

NATO. (2023d, October 25). *Speech by Secretary General Jens Stoltenberg at the NATO-Industry Forum*. Retrieved on July 22, 2024, from [https://www.nato.int/cps/en/natohq/opinions\\_219128.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/opinions_219128.htm?selectedLocale=en).

NATO. (2024a, March 14). *The Secretary General's Annual Report 2023*. Retrieved on March 18, 2024, from [https://www.nato.int/cps/en/natohq/opinions\\_223291.htm](https://www.nato.int/cps/en/natohq/opinions_223291.htm).

NATO. (2024b, July 10). *Washington Summit Declaration issued by the NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C. 10 July 2024*. Press release (2024) 001. Retrieved on July 11, 2024, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_227678.htm](https://www.nato.int/cps/en/natohq/official_texts_227678.htm).

NATO. (2024c, July 22). *Keynote speech Defense Industry Forum by NATO Secretary General Jens Stoltenberg at the NATO Industry Forum in Washington*. Retrieved on July 22, 2024, from [https://www.nato.int/cps/en/natohq/opinions\\_227389.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/opinions_227389.htm?selectedLocale=en).

Office of the Historian. US Department of State (1949, March 15) *Minutes of the Eighteenth Meeting of the Washington Exploratory Talks on Security, Foreign Relations of The United States, Western Europe, Volume IV, Document 112*. Retrieved on March 4, 2024, from <https://history.state.gov/historicaldocuments/frus1949v04/d112>.

Office of the Historian. US Department of State (1954, April 23) *Statement by the Secretary of State to the North Atlantic Council Closed Ministerial Session, Paris, Foreign Relations of The United States, 1952–1954, Western European Security, Volume V, Part I, Document 264*. Retrieved on February 2, 2024, from <https://history.state.gov/historicaldocuments/frus1952-54v05p1/d264>.

Office of the Historian, US Department of State (1962, December 14) *Address by US Secretary of Defense McNamara at the Ministerial Meeting of the North Atlantic Council', Paris, Foreign Relations of the United States, 1961–1963, Volume VIII, National Security Policy, Document 120*. Retrieved on February 10, 2024, from <https://history.state.gov/historicaldocuments/frus1961-63v08/d120>.

Pedlow, G.W. (1997). *The Evolution of NATO Strategy 1949-1969*. In G.W. Pedlow (ed.) *NATO Strategy documents 1949-1969*. NATO.

- Pedlow, G.W. (2024). NATO, 1949-1967. In J. A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.
- Reichard, M. (2006). *The EU-NATO Relationship: A Legal and Political Perspective*. Routledge.
- Robertson, G. (2011, September 4). Being NATO's Secretary General on 9/11. Retrieved on April 12, 2024, from <https://www.nato.int/docu/review/articles/2011/09/04/being-nato-s-secretary-general-on-9-11/index.html>.
- Rynning, S. (2024a). *NATO: From Cold War to Ukraine, a History of the World's Most Powerful Alliance*. Yale University Press.
- Rynning, S. (2024b). NATO, 2014-2024. In J.A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.
- Rynning, S. (2024c, March 7). Sweden and Finland Add Both Muscle and Risk to NATO', *Carnegie Europe*. Retrieved on April 22, 2024, from <https://carnegieeurope.eu/strategieurope/91922>.
- Santamato, S. & Beumler, M.T. (2013, February). The New NATO Policy Guidelines on Counterterrorism: Analysis, Assessment, and Actions, *Strategic Perspectives*, 13, *Institute for National Strategic Studies, National Defense University*.
- Schmitt, M.N. (2019). The North Atlantic Alliance and Collective Defense at 70: Confession and Response Revisited. *Emory International Law Review*, 34, pp. 84–120.
- SHAPE. (2024, July 1). *Stand Up of Allied Reaction Force Marks a New Era for NATO*. Retrieved on July 12, 2024, from <https://shape.nato.int/news-archive/2024/stand-up-of-allied-reaction-force-marks-a-new-era-for-nato>.
- Sloan, S.R. (2020). *Defense of the West: Transatlantic security from Truman to Trump*. Manchester University Press.
- Sloan, S.R. (2024). NATO and the United States. In J.A. Olsen (ed.) *Routledge Handbook of NATO*. Routledge.
- Tetrajs, B. (2016, May 11). Article 5 of the Washington Treaty: Its Origins, Meaning and Future. Research Paper no. 130, *Research Division, NATO Defense College*.
- The Constitution of the United States: A Transcription. (2023, August 14). *US National Archives and Records Administration*. Retrieved on December 9, 2023, from <https://www.archives.gov/founding-docs/constitution-transcript>.
- The White House. (2018, July 12). *Remarks by President Trump at Press Conference After NATO Summit | Brussels, Belgium*. Retrieved on February 11, 2024, from <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-press-conference-nato-summit-brussels-belgium/>.
- Treaty of Economic, Social and Cultural Collaboration and Collective Self-defence*, Brussels, March 17, 1948. Retrieved December 9, 2023, from [https://www.nato.int/cps/en/natohq/official\\_texts\\_17072.htm](https://www.nato.int/cps/en/natohq/official_texts_17072.htm).
- United Nations General Assembly. (1974, December 14). *Resolution 3314 (XXIX) on the Definition of Aggression*. GAOR 29<sup>th</sup> Sess. Supp.
- US Congress. (2023, December 6). *National Defense Authorization Act for Fiscal Year 2024, Sec. 1250A—Limitation on withdrawal from North Atlantic Treaty Organization*. Rederived on February 11, 2024, from <https://www.congress.gov/118/crpt/hrpt301/CRPT-118hrpt301.pdf>.
- US Congress. (2024, March 6). *H.Res.1063 - Reaffirming the United States full and unwavering commitment to the North Atlantic Treaty Organization in its 75th anniversary year and its goals of achieving collective security through transatlantic partnerships*. Rederived on April 18, 2024, from <https://www.congress.gov/bill/118th-congress/house-resolution/1063/text>.
- US Department of Defense. (2015). *Law of War Manual*. Updated July 2023. Retrieved on January 6, 2024 from <https://media.defense.gov/2023/Jul/31/2003271432/-1/-1/0/DOD-LAW-OF-WAR-MANUAL-JUNE-2015-UPDATED-JULY%202023.PDF>.
- US Department of Defense. (2023, May 10). *SACEUR Provides Update on Deterrence, Defense of Euro-Atlantic Area*. Retrieved on April 22, 2024 from <https://www.defense.gov/News/News-Stories/Article/Article/3391802/saceur-provides-update-on-deterrence-defense-of-euro-atlantic-area/>.
- Verhelst, A. & Trifunovska, S. (2020). *North Atlantic Treaty Organization (NATO)*. Wolters Kluwer.
- Wintour, P. (2024, February 26). Russia could attack Nato states if west fails to support Ukraine, Macron says. *The Guardian*. Retrieved on February 29, 2024, from <https://www.theguardian.com/world/2024/feb/26/emmanuel-macron-paris-conference-aims-to>

[show-the-west-has-means-to-defeat-putin.](#)

Wolf, Z.B. (2024, February 13). Congress acted to protect NATO. But it might not be enough to stop Trump. *CNN*. Retrieved on February 14, 2024, from [https://edition.cnn.com/2024/02/13/politics/congress-trump-nato-what-matters/index.html.](https://edition.cnn.com/2024/02/13/politics/congress-trump-nato-what-matters/index.html)