

USAWC STRATEGY RESEARCH PROJECT

**RECONSIDERING NATO'S DECISION MAKING PROCESS**

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## **ABSTRACT**

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NATO's strategic environment has changed dramatically: from Cold War, static confrontation via operations inside NATO member states' borders to the existence of a highly mobile, expeditionary NATO Response Force. Does NATO's decision making process adequately support timely decisions before and during operations on sensitive military actions with strategic impact? This project explores the current decision making process in the North Atlantic Council and the Military Committee and considers necessary realignments to improve the process. Recommendations are provided to adjust the existing decision making process in a way that NATO retains credibility and validity as a reliable institution in the security policy arena.



## RECONSIDERING NATO'S DECISION MAKING PROCESS

NATO celebrated its 50<sup>th</sup> anniversary in 1999 and was feverishly celebrated by many as “being the most successful military alliance in the history of the world.”<sup>1</sup> The celebrations marked the end of a decade of change that began with the collapse of the Berlin Wall and effectively declared victory in the Cold War. Unfortunately the euphoria of victory was shortlived, as the celebrations preceded the terrorist attacks on New York's Twin Towers of the World Trade Centre only by a few months, clearly indicating the challenges to the world's security in the 21<sup>st</sup> century. In this context, looking behind the scenes of the internal procedures in NATO Headquarters at Brussels, it is time to consider whether the procedural dealings established over fifty years during a geographically static defense of Europe against an ideologically motivated attack from Russia executed via the Warsaw Pact – named the Cold War - remain suitable to counter an increasing number of very different threats distributed world wide. Is the Alliance still well positioned to fight an enemy whose intent is clearly hostile, but whose ways and means are irregular or terrorist in nature? And especially: do the extant decision making procedures in the Alliance allow for a timely decision and an effective preparation and execution of that decision with military means?<sup>2</sup>

### Historical Review

NATO's internal strategic situation, and the structural understanding used in this assessment, has been relatively constant since Dr. Klaus Wiesmann, a former German Military Representative to NATO, outlined it in 1991:<sup>3</sup>

The Alliance has brought and kept together nations with utmost diversity:

- An economical, industrial, technological and military superpower together with states with large, medium, small or miniature potential,
- Countries with or without nuclear weapons and a permanent seat in the United Nations' Security Council,
- States with global obligations and ambitions or a colonial heritage and others with an only limited sphere of interest,
- World war initiators, victims, winners and losers,
- Homogenous nation states and countries with an interim status and limited sovereignty,
- States with permanent, historically based rivalry and mutual claims, including disputed territories,

- Old and new democracies.

This quotation best describes the different interests and backgrounds developed over time and still developing by the nations forming the Alliance. NATO membership evolved over the years of its existence from 12 to 16 to 26 nations, with variances from full membership to a (time limited) special status like Spain and Greece held it or, still, France withholding her full cooperation in the integrated military structure. The huge enlargement of NATO member state numbers after the collapse of the Warsaw Pact, which brought the Alliance to its current 26 members have only added to its complexity.

External changes to the security policy situation, especially the availability of weapons of mass destruction and the changing technological aspects of their delivery, have also influenced strategies and internal structures of the organization over the years. From its beginnings, NATO planned and was prepared for one huge confrontation in Western Europe that would have directly impacted the homeland of many of the Allies, though it never had the need to execute any operation except during exercises. The monolithic enemy all defense efforts focused against had a uniting effect on the alliance: the “ends” were recognized unanimously by all member states, making it easier to create consensus about the “ways” and required “means” to achieve the goal (despite the fact that the actual availability of agreed means always remained a point for discussion between NATO members). Furthermore the danger was visible every single day; the enemy was on the frontier and the potential impact was directly on the homeland of at least all of the European member states, forcing them to agree to a solution for a better defense of their own territories.

For nearly fifty years these parameters also influenced NATO’s decision making concept: the consensus rule. Consensus in this context means that decisions are taken if no member opposes the proposal, although for national political reasons the member state might not support the proposal at hand.<sup>4</sup> The discussions leading to consensus included the opportunity of forming an option with the least common denominator for all member states.<sup>5</sup>

As long as the somewhat static defense of Western Europe was the driving factor, this concept had clear benefits: it formed and demonstrated solidarity amongst the member nations and it contributed to a better suited and supported solution through the discussions in the consensus building<sup>6</sup> process. As long as the key decisions<sup>6</sup> were related to the adaptation of a new strategy (Massive Retaliation 1954 to Flexible Response 1967 to Forward Defense) with relevant operational plans well prepared in advance of any, or better no, execution, with only adjustments to the layout of the organizational structure of the Alliance, timely decision was rarely, if ever, a crucial factor.<sup>7</sup>

This clearly changed with the collapse of Yugoslavia and the first NATO led operation starting in 1992 and culminating in the Kosovo engagement in 1999 to stabilize an area neighboring the European Allies. The Alliance's strategic leadership was faced with the need to decide upon the operational conduct of the conflict, uniting the member nations behind a single operational plan to fight a war outside NATO member countries to the direct benefit of a third party (admittedly with direct impact on NATO members as well). These decisions had to be taken against strategic targets on short notice to meet operational windows of opportunity while still having to deal with the internal decision making processes of 16 Allies, each of which had to deal with internal political rivalries as well as relations with the parties in the conflict zone. Because national survival was no longer at stake, national political interests got far greater emphasis. Finally, nations were forced to take decisions for operational actions that, due to the increased media presence, were immediately visible to the whole world.

Another factor indicating the need to review NATO's decision making process is the substantial increase in member states after the collapse of the Warsaw Pact at the end of the Cold War. The inherent increase in the diversity of interests was not accompanied by a substantial increase in assets available to NATO due to shrinking national assets and capabilities. The "Peace Dividend" demanded by the citizens of many of NATO's original members resulted in decreasing defense budgets and a reduced availability of armed forces. At the same time the number and complexity of conflicts that could require NATO involvement increased dramatically – all of them requiring military operations no longer static but expeditionary in nature.

In short, the Alliance was forced to permanently consider operational issues and decide upon them with little or no adjustment to the internal set-up in NATO Headquarters and the internal decision making process.

#### NATO's Decision Making Process Inside the Organizational Structure

The basis for all NATO related activities is the 1949 Washington Treaty. However, the Treaty itself provides no prescribed way for how NATO decisions are to be made and is focused on the consultative, vice decision making, aspects of the Alliance. Over time, three elements have emerged to form the cornerstones of NATO's decision making process: Consultation, Consensus and the Indivisibility of Alliance Security.<sup>8</sup>

Consultation is the starting point for any official security policy activity in the political-military arena of the Alliance. Article 4 of the Washington Treaty describes the method of consultation, providing every member the possibility to bring to the other members' attention any

issue regarding its political independence or threat to its own security. The Forum for these formalized exchanges of views on members' security concerns is the Council. The consultation process has proven to be crucial to understand other member countries' points of view and through these discussions starting to approach a common view of all member nations, ending up in consensus on the issue at hand.

Consensus has become NATO's key decision making principle, although not explicitly requested or prescribed in the Washington Treaty - it is an informal working procedure that has developed over the years of NATO's existence and is commonly agreed practice. Consensus is clearly to be differentiated from unanimity, which NATO normally does not seek: while unanimity states the full, actively stated support of all members to the subject in question, consensus leaves the door open to those who are not fully in support, but prefer not to oppose the execution: they agree not to disagree.<sup>9</sup> The consensus method provides NATO with a tool to come to the best decision to which all nations can agree, which might well be less than the best suited decision for the situation. Consensus provides a compromise carried by all members. There is the clear understanding that there is more of a cost to consensus decision making than the quality or full suitability of the decision: consensus building requires time to align the individual interests of the members and to reach a compromise as common denominator. But as a value as such,

[the consensus rule] reflects the NATO structure as an alliance of independent and sovereign countries, as apposed to a supranational body. Under consensus, no Ally can be forced to approve a position or take an action against its will.<sup>10</sup>

Although the indivisibility of Alliance security, the "all for one and one for all" dictum has no direct impact on the decision making process as such in NATO, this basic idea very much impacts NATO's understanding of how and why it is requested to act and through this indirectly impacts the method of choice to come to a decision. The announcement of a NATO decision expresses the collective will of all member states of the Alliance: it expresses the solidarity of the member states in the subject in question based on the individual members' own national background and the respective governments' own political will. This third principle is directly supported by the before mentioned mechanisms of consultation and consensus, leading – if necessary - to solidarity amongst the members to help each other under Article 5 of the treaty in national defense efforts.<sup>11</sup> This solidarity makes NATO attractive for other nations to join and also drives the nations to strive for consensus in their decisions.



## How Does the Decision Making Process Work in the Current Structures in NATO Headquarters?

In general terms, there are three strategic decision making layers within NATO.<sup>12</sup> At the top is the North Atlantic Council (NAC), with permanent representation by all member states,<sup>13</sup> headed by the Secretary General (SecGen) and supported by the International Staff (IS). Second is the Military Committee (MC), again with a permanent representation from all member nations, headed by its Chairman (CMC) and with a supporting International Military Staff (IMS). Both are located at NATO Headquarters in Brussels, Belgium.<sup>14</sup> As an external, second source of advice on, amongst others, military operational matters, the third decision making level includes the Supreme Allied Commander Europe (SACEUR) who heads Allied Command Operations (ACO) with its headquarters at SHAPE, in Mons, Belgium.

The principal forum of NATO's operational decision making process is the NAC,<sup>15</sup> where consensus is achieved through consultation. As mentioned above, any problem seen by a member state can be brought to the attention of all members. Through open discussions, steered by the SecGen, an exchange of views of member states should lead to a harmonized view on the issue. This harmonized view and the common understanding of individual nations' positions form the basis for the consensus decision of the NAC, while not all nations might have unanimously agreed and not even wish to openly agree to the way ahead, for internal, national reasons.

SecGen, as the facilitator of the NAC, plays a pivotal role in shaping the final outcome of the consultation process. One method established to reach consensus without openly pressing on nations who are not yet in full support is the so called silence procedure. Under this concept, a draft decision, mostly based on a prior verbally approved solution, is circulated amongst the nations by the SecGen, requesting any objections to the proposal by a set date via a written response to him. While the silence procedure is the normal way of formalizing all NATO decisions, it also provides a forum for not openly taking opposition to a proposed way/course of action, but to shape the proposal in a way that the own, national will is reflected best.

Credible security policy requires, amongst others, military means to enforce the political will. The Military Committee is the senior military authority in NATO's organizational structure and forms the link between the political discussion in the NAC and NATO's integrated military structure – headed for operations by SACEUR as the strategic military commander in all of NATO's operations. How does the political decision making process impact the operational planning and vice versa? Or in other words: how is NATO political control exerted over NATO military operations?

NATO's current operational planning process is a complex, nine-step process that begins with NAC consideration of the political-military environment. Consultation in the NAC, supported by input from NATO's Military Authorities (NMAs - the MC and SACEUR in this case) and intelligence and strategic warning provided by the NATO Indications and Warning System (NIWS), are designed to develop the common understanding mentioned previously as well as to provide an initial political justification for military planning. If the NAC reaches consensus for taking action, the process leads to a NAC Initiating Directive, which allows the NMAs to formally start operational planning leading to a Concept of Operations (CONOPS) and eventually to an operational plan (OPLAN), which includes force requirements and rules of engagement. These documents are prepared sequentially, and both require (consensus) NAC approval. Because of the political nature of NAC approval, both documents may also require one or more rounds of revision by the NMAs to address political concerns.<sup>16</sup>

It is important to note that SACEUR is not authorized formal operational planning prior to the NAC Initiating Directive. Based on lessons learned during the 2003 Defense Ministerial decision making seminar in Colorado Springs<sup>17</sup> and other events, attempts were made to speed the decision making process and have resulted in a requirement that SACEUR begin informal planning by adjusting existing contingency plans (COPs) to account for emerging issues. However, there remains significant uneasiness towards prudent military planning based on an evolving situation, without political consent to do the planning.

### Requirement for Change

Is there evidence that the current procedures established on the political –military level no longer suit the current challenges as NATO faces them? I will concentrate on four examples to explain in more detail the need to improve decision making procedures with special focus on the operational decision making for the better of an effective NATO.

#### NAC Direct Involvement in Execution of a Mission

As mentioned above, the first real challenge to the political decision making process in NATO arose out of the engagement in Kosovo, especially in support of the Kosovo air campaign, also known as Operation ALLIED FORCE. Here for the first time NATO faced the need to take operational decisions with high political impact on short notice. Political agreement on targets for air strikes to support the achievement of the agreed political end state became a cornerstone for a changed NATO.<sup>18</sup> Still, some international organizations blame NATO - and this is to say the nations taking the decisions - for the selection of some targets due to the collateral impacts on the Serbian population.<sup>19</sup> This clearly indicates the need to have a

common understanding on the political level for at least the most sensitive military operations. The lesson identified and the room for improvement should be: clearly, NATO nations have to have a word in some areas of the execution of a military operation, but the underpinning decision making process has to enable the political authorities to come up with their directions in time to support the conduct of the military operation, including the exploitation of time limited windows of opportunity for military action by the military commander.

Many nations use the operation in Kosovo to highlight the worst aspects of “war by committee,” pointing to the problems NATO had in coming to short term decisions to steer the operation through political advice. Nevertheless, General Wesley Clark, then the strategic military commander, highlights the value of NATO as the “consensus engine” that allowed an operation that no single nation – including the U.S. – could have done alone.<sup>20</sup> That said, he also sees the need to improve NATO’s procedures in some areas, including the ability to better plan for operations and cope with the time pressure of target development. It appears that NATO has learned this lesson based on the developments in political oversight over NATO’s operation in Afghanistan – where the NAC agreed to the basic operational documents, but to date has generally refrained from micromanaging the actual conduct of the operation.

#### Provision of National Forces for the Execution of a NATO Mission

Another area of concern must be the provision of the required force levels to support the political-military objective of an operation. The ISAF mission provides perfect examples. NATO decided at various stages throughout the overall execution to spread out the ISAF mission, starting in Kabul and eventually leading to ISAF responsibility all over Afghanistan. When these decisions were taken, the forces required to execute the reach-out in an unstable military environment did not play a sufficiently important role. Even the requested reinforcement of the in-place forces during the election process in Oct 2004 was not met completely, leaving the commander on the ground with too little force to execute a plan that he found necessary and for which he was held accountable. Along the same lines, to date the Alliance has failed to muster the forces requested by the NMAs for the expanded mission in southern and eastern Afghanistan, despite the deteriorating military situation in those areas. This failure includes an inability to generate a suitable strategic reserve. So despite a political statement to execute the mission, NATO nations have not had the political will to actually provide the required force for the execution of the mission.

This situation provides a clear lesson: the political decision to engage in an operation comes with costs - there always will be initial forces required and there always will be the need

to adjust force levels to the development of the situation on the operational and tactical level. Decision makers at NATO HQ need to take into consideration the dynamics of a military operation and cater for both sufficient operational force and a large enough “reserve” to support the operation before launching the operation. The decision making process needs to reflect this aspect more than currently established, especially when mounting a new operation. Wishful thinking that is not supported by the necessary resourcing (in all aspects, including budgets) undermines NATO’s credibility.

#### Preparation of Contingency Plans to Gain Warning Time

At the Prague Summit in November 2002, NATO Heads of State and Government decided to create the NATO Response Force (NRF). Subsequent work determined that the NRF would have a reaction time of 5 days notice to move (for some elements), require a joint stand by force of a substantial size (~25.000), and be able to deploy worldwide. This force achieved its initial operational capability in 2004 and was declared fully operational capable during the Riga Summit in November 2006, providing the full spectrum of its military capabilities to the political masters in the Council. Nevertheless, the availability of a trained and deployable force is a benefit that only pays off when a suitable level of preparedness regarding the availability of a political agreed operational plan to be executed is achieved.<sup>21</sup> Clearly, there is no way of preparing in detail for the multitude of crises that could result in NATO Response Force engagement, but military planners are able to indicate and prepare generic COPs (GCOPs) for the most pressing ones so that they would only be required to review existing GCOPs and adjust them according to developments in the global security environment. Prudent military planning in the hands of the strategic commander with involvement of his operational commands would create the level of preparedness in the military command chain that enables a quick adjustment of the existing plans to the real-world needs. Clearly, these plans can have high political sensitivity, which may explain why, as mentioned previously, it has proven difficult to get political agreement to the GCOPs and why the GCOPs that have been approved are only non-executable frameworks.<sup>22</sup>

For an improved political decision making process, there should be a more flexible approach regarding advance planning. Specifically, greater national willingness to let the strategic commander fulfill his specified tasks would result in the availability of more detailed military advice (including required force levels) from the military strategic level to the political decision makers on shorter notice, thereby providing a better basis for a feasibility and suitability check within existing limitations.

## NATO's Internal Management Structure and Method of Work

The Munich Security Conference<sup>23</sup> in February 2005 stirred the debate in NATO Headquarters for a number of reasons, not least of which was German Chancellor Schroeder's comment that NATO was losing its value as the forum for transatlantic consultation. This led to an initiative by the SecGen to study NATO HQ reform. With NAC support, he created a working group headed by Ambassador Vahr to review the current set up and methods of work of NATO Headquarters. The initial, still unofficial findings caused sufficient consternation among the nations that the Vahr report was never finalized or formally released,<sup>24</sup> but a small amount of its recommended activities were implemented on a trial basis. The resistance to Vahr's efforts, which went beyond consultation to develop consensus and resulted in complete blockage of the effort (if not all its details) clearly indicates the unwillingness of NATO nation's (and in some cases its bureaucrats) to adjust to new challenges for a multitude of different reasons. In particular, it highlights the propensity in NATO to keep existing procedures in place, especially when a change might impact aspects of national sovereignty. Decision making related to the involvement of national forces in an international operation clearly would fall in this category.

This political (and bureaucratic) resistance to change means that any realistic proposal to adjust the current political-military decision making process in NATO Headquarters must take the underpinning national sensitivities into account. While this does not rule out radical proposals, it does emphasize the need to identify the right point in time to promote such options and the required accompanying policies to prepare the grounds for any significant, much less drastic, change.

### Options for Change/Improvement on NAC/MC - Level

As Paul Gallis rightly states, there is no simple fix to the current situation due to national sensitivities and the impact on national sovereignty.<sup>25</sup> In as much as critics of the existing decision making procedures request a change, there is little constructive discussion about what these adjustments could look alike beyond using a coalition of the willing under a NATO flag. Unfortunately, it is simply not good enough to advocate a change into the direction of a coalition of the willing for the execution of NATO missions.<sup>26</sup> While this might work for purely national forces (though arguably to the detriment of Alliance solidarity), as long as there are NATO assets or other resources involved, there will be secondary effects related to the indirect contributions of nations not participating in the coalition. For example, if elements of the existing NATO military structure are used, such as headquarters in the existing NATO command structure (NCS), military personnel from non-coalition nations could be involved in the execution

of the mission. Would the respective nation agree to “use” its personnel in the command structure to support an operation the nation has not agreed to? Given the resistance of some nations to allow their NCS personnel to participate in the NATO Training Mission in Iraq (NTM-I), which was approved by all nations, it is difficult to imagine nations allowing their personnel to participate in a NATO-based coalition.

Leaving out the less than helpful coalition approach, there are three different issues impacting NATO’s operational engagement that merit attention due to their impact on a timely military response: the dogma of the existing consensus rule; the national processes in member capitals that create views to be fed into the consensus building process, to include national force contributions; and the staff procedures in NATO supporting the consensus building process.

#### Change the Consensus Rule?

As elaborated on information presented previously, the consensus practice has become one of the cornerstones of NATO, displaying solidarity and cohesion amongst NATO member countries. While never formally established, it would none the less require consensus to abandon it<sup>27</sup> and establish another regime, like a majority vote (as requested by some as early as 1977<sup>28</sup>), an EU like model of a qualified majority vote (QMV),<sup>29</sup> voting by a committee of contributors or the “Threatened Ally” rule (for details see below).

As recently as the Riga Summit in November 2006,<sup>30</sup> nations voiced their unwillingness to change the consensus rule. To the contrary, there is agreement to stick to the rule while making efforts to reduce the time required to achieve decisions. Such efforts include, inter alia, circulation of national positions in writing prior to ministerial and permanent meetings to allow for more time and open discussion in session, focus of the NAC discussions on the strategic decisions and delegation of aspects of lesser relevance to sub-committees, an increased use of the silence procedure in the permanent sessions of the NAC and the use of footnotes to express a nation’s reserved position on the decision.

Unfortunately, all of these approaches have been used in the past with limited success on issues of great political significance. It is difficult to envision this changing to allow approval with silence or footnote when the decision involves the operational employment of national forces. As long as nations see the need to provide consensus decisions, there will remain a direct impact on the execution of missions. While the moral support, the reaction of the political body as a whole, is kept, the impact on the operational execution might be severe.<sup>31</sup>

Clearly, if NATO did decide to change the consensus rule there are numerous options available. One possible option is the QMV model used in the European Union for some of its decisions. Under this approach, each nation's vote is given a relative weight based upon the nation's population, and then a qualified majority of votes (currently 232 of 321 votes) is required to reach a decision.<sup>32</sup> Another option is Leo Michel's "Consensus Minus" approach (basically a consensus variant), under which NATO would apply qualified majority voting if consensus was not achievable.<sup>33</sup> The key challenge with any majority voting would be that it marks a radical philosophical change to a critical concept in NATO decision-making - solidarity. When NATO solidarity – political as well as military - is at stake and the situation becomes visible to the public, nations would clearly object to the subject decision proposal in question. Moreover, nations that have consistently resisted QMV procedures in the EU, such as Spain and the UK, are unlikely to support such a move in NATO, and even nations such as France, which has generally been willing to support QMV because of its relative weight in Europe, would likely prove unwilling to support the procedure in NATO, where the U.S. would dominate voting by its sheer size. If the weighting did not create U.S. dominance, it is difficult to imagine any U.S. government (executive or legislative) appreciating the opportunity to be out voted by a qualified majority of smaller European countries if U.S. interests require a NATO led operation or the requested operation would not be in the U.S. national interest.<sup>34</sup> As a consequence, neither EU-style QMV nor Michel's Consensus Minus rule are particularly viable options for evolving the NATO decision making process.

Another option discussed is the "Threatened Ally" rule, basically expanding the provisions of Article 4 of the Washington Treaty so that a NATO member's request for "consultation" could include a request for operational planning and that request could only be blocked by a consensus vote by other nations.<sup>35</sup> Such an approach could minimize the type of crisis the Alliance experienced in 2003, when one nation blocked Turkey's request for preventive deployment under Article 4. One could consider this method as a slight change to the established procedure and the clear advantage is a rapid "decision" to start with proper operational planning in support of the requesting ally. The inherent danger is that it increases the possibility of an unwelcome political signal being sent by NATO as a whole. For an external threat, insufficient influence by member nations on the initial signal (planning), could easily exacerbate the already existing problems with force generation for the actual mission, creating (or enhancing) the perception that the Alliance is all bark and no bite. Possibly even more damaging from a political perspective would be application of the rule for a situation between Alliance members, such as during the 1974 Turkish invasion of Cyprus. With currently 26

member states of differing stages of development of a democratic culture, it is difficult to imagine NATO agreeing to this principle in due course.

Another option for a change of the consensus rule, discussed as early as 2003,<sup>36</sup> is a NATO Committee of Contributors (NCC). Consensus would be required only at an initial stage: the decision of NATO to engage in an operation and on a general operational plan. Subsequent decisions regarding the composition of the force, the operational planning in detail and the execution of the mission would be decided upon and supervised by a smaller committee, consisting of those who make a substantial contribution to the mission.<sup>37</sup> SecGen would head this committee and report to the NAC upon the developments. NATO in this case would act as a whole (taking the initial decision and making it a NATO operation, including access to NATO assets), but lengthy discussions on operational details would reside only with those who contribute. There are, however, some challenges with this approach as well. The most significant from a structural standpoint would be defining the “substantial contribution” required for a nation to become part of the committee. How would NATO weight force contributions, such as comparing a U.S. infantry battalion (a tiny portion of the entire national force) to a detachment from Luxembourg’s only battalion? In addition, there would be the political issue of non-participating nations still having to accept at least part of the responsibility for the execution of the operation. In more general terms, this model bears great similarity to a coalition of the willing model (including the use of NATO assets), and therefore faces the same critique of undermining NATO solidarity and providing an easy way to opt out of an operational (yet undefined) “obligation” that is part of a responsibility resulting from NATO membership.<sup>38</sup> As the coalition of the willing is not favored by many NATO members, this variant is unlikely to find broad support either.

#### Changes in National Procedures?

As mentioned previously, the time required to create a national position on a NATO subject is another crucial area in reducing the NATO decision making timeline, though NATO has limited knowledge of or leverage in those processes. The national decision making processes in the 26 member states differ tremendously, especially when it comes to the use of force and the employment of national military contingents. Germany, Hungary, The Netherlands and Turkey are just examples of nations whose constitution request parliamentary approval before national troops are sent into operations.<sup>39</sup> The time required to provide a national position/agreement is the price that has to be paid to achieve solidarity. While it would be unrealistic to expect this constitutional requirements to change in the short term, the outcomes



of the Colorado Springs seminar have led to successful efforts to streamline the parliamentary notifications/decisions as well as modifications to the requirements in some nations.<sup>40</sup> Continued national efforts to speed internal processes should continue to be encouraged in the longer term. Furthermore, there are historic examples for rapid decision making including deployment of the strategic reserve force to Kosovo within 24 hours of its request in 2004 and the invocation of Article 5 within only six hours after the 9/11 attack on the United States. These timeline successes, coupled with the sovereignty impacts of any radical changes to the national decision making processes that would enhance the power of either the NAC or the military commanders (perhaps perceived as a foreign officer acting under national direction), make it difficult to imagine achieving traction for anything beyond streamlining existing procedures.

#### Changing NATO's Administrative Constraints?

Finally, it is necessary to consider the more administrative aspects of staff support to NAC decision making. Despite the fact that the report of the Vahr committee, established 15 Mar 2005, has never been officially publicized, it is a good (perhaps the only) starting point for discussing options for change in the existing structure related to the conduct of operations. Ambassador Vahr's task was to research methods to make NAC consultations and decision making as efficient as possible, bring greater coherence to budgetary and resource processes and to organize the staff better in supporting these functions. The proposal as presented to the Ambassadors on 25 October 2005 were far reaching and radical, touching on the structures in NATO HQ as well as procedures. Kriendler considers them as logical, coherent, creative and far reaching.<sup>41</sup> They included, inter alia, structural changes in NATO HQ civilian staff including the creation of an operations division; support to the decision making of the NAC through establishment of a senior level body directly subordinate to the NAC that would prepare NAC discussions and supervise decision implementation; identification of lead committees with broad executive responsibilities for activities that require NAC decisions; alignment of civil and military budget procedures and a closer interaction between IS and IMS, to streamline efforts and ease the interaction between the NAC and the MC. While all of these individual changes had strong support by some nations or within some constituencies, the sweeping nature of the entire package and its potential impact on specific bureaucracies ("rice-bowls") led to limited support by nations. As a result, only a few of the recommended actions have been implemented, and those generally on a trial basis under the SecGen's authority. To allow even these modest changes, SecGen's selections were limited to those that did not require nations' approval – none of them touching operational decision making in detail.

While bureaucratic modifications have had limited success, there are other options for pragmatic improvements that support decision making under the consensus rule.<sup>42</sup> One of these is the request for enhanced political dialogue.<sup>43</sup> As mentioned earlier, the NAC already established an unofficial working procedure to pass out speaking notes for NAC meetings in advance to provide more room for a free and open discussion during the sessions. This approach must be applauded - increased political dialogue should lead to an increased understanding of other member's positions, will foster the exchange of views and ease the consultation mechanism as a precursor to consensus decisions. However, it will also require a cultural shift among the representatives at the table to get them away from prepared text and foster open debate. Coupled with the attempt to concentrate on strategic issues ready for NAC discussion while deferring discussions on less relevant or immature subjects to subordinate bodies, this could lead to significant improvements in working procedures and foster consensus building mechanisms.

Shared intelligence as a common baseline for discussions on the same level of knowledge is a prerequisite for an informed decision under any method. Currently, nations are reluctant to share national information in many areas. Concerns over the respective protection of sources and the methods of information collection restrain open sharing of intelligence. However, decision to engage in a new operation or to change an existing OPLAN substantially relies on a common operational picture in the decision making body, based on all relevant information available to all decision makers. There is substantial room for improvement and the Comprehensive Political Guidance of the Riga Summit emphasizes the need to enhance NATO's abilities in this area.<sup>44</sup>

The installation of a common Decision Support Tool in NATO, with connectivity to the member nation's capitals – a decision making network – would facilitate expedited decision making in capitals, to include early indication of “national red lines” and better informed guidance for discussions at NATO Headquarters in Brussels. To maximize the potential of this network, it should be linked with existing databases, such as the forces database used in defense planning, and should include information about national force availability. This would support both military planning and political decision making by indicating the general feasibility of executing a possible mission based on realistic data on the availability of NATO forces and lead to better informed decisions in the NAC.<sup>45</sup> Some nations already have national tools to support their decision making, so the concept as such seems to be feasible, and the SecGen has forwarded a similar concept for consideration.<sup>46</sup> However, the inherent transparency of such

a system would highlight national shortcomings, something that some nations have proven reluctant to do in previous attempts to enhance readiness data.

NAC development of the best possible informed decisions on a military operation also requires early availability of the outline operational plan, including force requirements to assess against available national assets. To accomplish this, SACEUR requires proactive military planning authority<sup>47</sup> to have detailed operational options at hand to support decision making. Authority already exists for SACEUR to start contingency planning (less detailed than operational planning) even without official NAC endorsement (only broad consent over the need to plan would be required), simply keeping the MC informed. Michel posits that this authority should be extended to detailed operational planning.<sup>48</sup> This procedure would support, in particular, a rapid deployment of the NRF after a political decision. So far, nations' willingness to give SACEUR this freedom of action is restrained by fear of the political implications should information become public about an existing "NATO plan" for military action in an area of crisis. Reducing the available military preparation time for the execution of the political decision decisively, this is by far the most important impact on the operational and tactical level execution of any NATO operation and requires an immediate fix.

Finally, the budgetary impact of a possible NAC decision for an operation needs to be scrutinized.<sup>49</sup> So far, the governing rule in NATO is "costs lie where they fall," which in this case means nations opting to engage themselves in an operation have to carry the cost of their engagement. NATO's common funding procedure therefore currently supports more those nations who do not participate in operations: they do not share the risk to the lives of soldiers in the contingent and they do not contribute to the overall cost arising from the operational deployment.<sup>50</sup> For obvious reasons this increases the unwillingness of nations to provide force contributions. If NATO sticks to the consensus rule to display solidarity, it would seem obvious that costs arising from executing the operation need to be covered by all member nations. The existing procedure is contradictory to NATO's overall aim and can be considered a relict of the Cold War.

### Summary and Recommendations

It is all about Nations and execution of national sovereignty!

It is difficult to argue with Kriendler's assessment that there will be no imminent and substantial changes in the foreseeable future,<sup>51</sup> but as the pressure on nations from increasing operational requirements have grown, nations have been able to adjust. Transformation is taking place in the nations and in NATO, but transformation requires time and a political

agenda. The common will of NATO nations to become more capable in the field of crisis management, the capability to quickly respond, including improved planning processes and increased situational awareness was reiterated in the latest Comprehensive Political Guidance.<sup>52</sup> At the same time, the will to keep the consensus rule as the decision making process cornerstone was reinforced.<sup>53</sup>

The key area for improvement right now rests in the periphery of the political decision making - better decision support for the NAC. NATO is a relevant tool. Nations are clear that relevance is at stake whenever a new military operation is under political discussion or a decisive change to an ongoing operation is considered in Brussels, especially when requiring increased force contributions. The aim therefore must be to provide the military strategic commander with maximum flexibility to prepare for any contingency he feels necessary so that he can provide the best and most encompassing advice to his political masters. None of these plans would be executed automatically. NAC consensus on the when and how would still be the starting point for the preparation of the final executable plan, but the early involvement of military expertise, the staff mindset with the planners would lead to a better result in a shorter period of time. This is especially relevant regarding matching required force levels to available forces and has been reflected in the recent Comprehensive Political Guidance.<sup>54</sup>

Use of common NATO assets and the dogma that cost for operations fall to those participating also hamper easy access to national force contributions. It is this issue that NATO's Comprehensive Guidance 2006 refers to when it states the need for a "fair share of burden."<sup>55</sup> There is room for improvement in this area too without embarking on a national sovereignty debate.

Transformation of the political structure in NATO has just started, and it will be a slow and painful process with only advances in the details at first. More and better results will only occur if nations see benefit in an engagement through NATO as a matter of common interest.<sup>56</sup> More NATO is required, not less. And NATO nations must show more willingness to make NATO an even greater success – on the cost of national preferences, but to the benefit of all of NATO nations and the world's security environment as a whole.

## Endnotes

<sup>1</sup> Peter Duignan, *NATO – Its Past Present and Future* (Stanford, Hoover Institution Press, 2000), 124.

<sup>2</sup> While there are many types of decisions taken inside NATO, in this paper the focus is on the operational decision making as opposed to long term strategies, structural planning, resources, budgeting, etc.

<sup>3</sup> Rough translation of the original German text: Klaus Wiesmann, „Die NATO“, in: *Sicherheitspolitik in neuen Dimensionen* (Hamburg, Mittler und Sohn, 2001), 637.

<sup>4</sup> Actually, there are two approaches to consensus: 1) all agree to do something (how it has traditionally been viewed by many) and 2) nobody opposes (a more flexible approach but opposed by many). The first requires least common denominator, the second does not. This significant philosophical evolution in the context of decision making occurred over gained experience in operational issues over the last decade.

<sup>5</sup> Edward L Rowny, *Decision-Making Process in NATO* (Washington, The American University, 1977), 2.

<sup>6</sup> Leo G. Michel identified five strategic decision making categories: broad and military strategies, military structure and planning, authorizing, monitoring and adjusting collective defense and CM-Operations, organizational and management matters and finally resource and budget issues (for details see Leo G. Michel, *NATO Decisionmaking: Au Revoir to the Consensus Rule?* (Washington D.C., Strategic Forum 202, National Defense University, 2003), 5). One could argue, that resource and budget issues as well as organizational and management issues might allow for a majority decision. Nevertheless manpower and financial aspects in all of these considerations will drive nations to agree to those decisions impacting on them directly. In practice, this results in the consensus rule being applied, generally speaking, to all of Michel's decision making categories. Furthermore any change to the consensus rule will be regarded by many nations as breaking up NATO's solidarity. For details see Luciano Bastianel et al., *NATO decision making process improvement: why now and how?* (Rome, NATO Defense College, Course 107, 2006), 3-4.

<sup>7</sup> One might argue that timely decision making might have been critical in a few cases, such as the Soviet Union's suppression of the Hungarian uprising in 1956 and its invasion of Czechoslovakia in 1968. However, while these were certainly critical events for the individuals involved, in the context of the containment strategy being practiced at the time they were manageable within the existing decision making framework.

<sup>8</sup> Bastianel, 2.

<sup>9</sup> Paul Gallis, "NATO's Decision-Making Procedure," *CRS Report to Congress*, (Washington D.C, Congressional Research Service, 8 March 2004), 2.

<sup>10</sup> NATO Webpage: *Consensus decision making at NATO*, [<http://www.nato.int/issues/consensus/index.html>] quoted from Bastianel, 3.

<sup>11</sup> Although even in Article 5 situations, the ways and means to support the requesting member are unspecified, to the point that nations could provide to support with words but not with forces.

<sup>12</sup> NATO Handbook 2006, available from <http://www.nato.int/docu/handbook/2006/hb-en-2006.pdf>; Internet; accessed 15 Jan 2007, 33 - 39.

<sup>13</sup> The Council meets in both plenary and permanent formats. In plenary format, nations are represented by their Head of State/Government, their Minister of Foreign Affairs or their Minister of Defense depending on the subject for discussion. Permanent sessions include national representation at the ambassadorial level.

<sup>14</sup> It is worth noting, that NATO's Secretary General and the Chairman Military Committee preside over their relevant bodies in a facilitator role and in a representational function, but do not have a formal vote in the decision making process.

<sup>15</sup> The North Atlantic Council has actually met in three formats since the French withdrawal from the integrated military structure and nuclear planning. The NAC meets "at 26" (i.e. with all members) while the Nuclear Planning Group (NPG) and the Defense Planning Committee (DPC) meet "at 25." However, historically almost all operational decision have been made by the NAC, so for purposes of this paper "NAC" will be used for brevity.

<sup>16</sup> For more details see: Michel, 1-2, and also: John Kriendler, *NATO Headquarters Transformation: Getting Ahead of the Power Curve* (Camberley, U.K. Conflict Research Center, June 2005), 10.

<sup>17</sup> For background see remarks by NATO Secretary General Robertson and U.S. Secretary of Defense Rumsfeld during their joint press conference on 8 November 2003, available at <http://www.nato.int/docu/speech/2003/s031008a.htm> and <http://www.nato.int/docu/speech/2003/s031008b.htm> respectively, Internet; accessed 09 Feb 2007.

<sup>18</sup> Ryan C. Hendrickson, *Diplomacy and War at NATO* (Columbia, University of Missouri Press, 2006), 103-9.

<sup>19</sup> Frederic Borch, *Targeting after Kosovo: has the law changed for strike planners?* (Naval War College Review, Spring 2003, Vol. LVI, No. 2).

<sup>20</sup> Wesley K. Clark, "Neglected Allies," *Washington Post*, Washington D.C., 1 February 2002, A 25.

<sup>21</sup> The requirement to realign national decision making processes to support timely decision making in NATO became very clear in the October 2003 Colorado Springs high level NRF seminar (Dynamic Response '03).

<sup>22</sup> Even executable operational plans based on the existent and NAC noted 50+ DRR planning situations are not in the current scope of activities.

<sup>23</sup> The Munich Security Conferences are often referred to as the Wehrkunde conferences.

<sup>24</sup> John Kriendler, *Transforming NATO HQ: The latest Hurrah* (Camberley, U.K. Conflict Research Center, July 2006); pages 2 and 3 provide a detailed description of key findings and the state of implementation as of July 2006.

<sup>25</sup> Gallis, 5.

<sup>26</sup> Charles A Kupchan, "How to keep NATO relevant", *International Herald Tribune*, 5 October 2006, 2; see also: David S. Yost, *NATO Transformed* (Washington D.C., United States Institute of Peace, 1998), 243-5.

<sup>27</sup> Bert Koenders, *Securing Nato's Role And Relevance*, NATO Parliamentary Assembly, Committee Report 2005, para 13, available from <http://www.nato-pa.int/Default.asp?SHORTCUT=667>; Internet; accessed 21 October 2006.

<sup>28</sup> Rowny, 380.

<sup>29</sup> Also known as weighted majority voting, it is a system under which the relative value of a nation's vote is based on its population.

<sup>30</sup> Comprehensive Political Guidance (29 November 2006), available at <http://www.nato.int/docu/pr/2006/p06-150e.htm>; Internet; accessed 20 January 2007, para 6.

<sup>31</sup> It would be even worse if nations did not indicate reservations and still would not come up with a fair share of force contributions, as recently encountered by mounting the NATO training Mission to Iraq, where even personnel in the NATO Command structure was denied deployment into the operations area.

<sup>32</sup> It is important to note that qualified majority voting has not yet been expanded to cover issues related to the European Union's Common Foreign Security Policy, which remains under European Council purview and thus consensus voting.

<sup>33</sup> Michel, 7.

<sup>34</sup> Gallis, 5.

<sup>35</sup> Michel, 5.

<sup>36</sup> Michel, 6.

<sup>37</sup> Gallis, 6.

<sup>38</sup> Kriendler, *Power Curve*, 10.

<sup>39</sup> Kriendler, *Power Curve*, 8.

<sup>40</sup> At least German internal adjustments took place to ensure timely national decision making.

<sup>41</sup> Kriendler, *Latest Hurrah*, 2.

<sup>42</sup> For more details see: Bastianel, 16-21.

<sup>43</sup> For details see Henning Riecke, "The need for change," *NATO Review*, Spring 2005, available at [http://www.nato.int/docu/review/2005/issue1/English/art2\\_pr.html](http://www.nato.int/docu/review/2005/issue1/English/art2_pr.html); Internet; accessed 13 Nov 2006.

<sup>44</sup> NATO WebPage: *Comprehensive Political Guidance*, 29 Nov06, available at <http://www.nato.int/docu/basicxt/b061129e.htm>; Internet; accessed 01 Dec 06; para 7.b.

<sup>45</sup> The former Joint Force Commander for the Operation in the Balkans, Admiral Gregory G. Johnson has, based on his experiences as responsible Joint Force Commander, strongly advertised to overcome these shortfalls, see also: Gregory G Johnson, "Examining the SFOR experience," *NATO Review*, Winter 2004, available at <http://www.nato.int/docu/review/2004/issue4/english/art4.html>; Internet; accessed 7 Sep 2006, 3.

<sup>46</sup> Kriendler, *Power Curve*, 11.

<sup>47</sup> Kriendler, *Power Curve*, 10.

<sup>48</sup> Michel, 5.

<sup>49</sup> Michael Ruehle, "Reconstructing the Transatlantic Security Community," in: *NATO's nations and Partners for Peace* (Uithorn, 2006, Iss. 1), Available from ProQuest; accessed 2 October 2006, 13.

<sup>50</sup> Pardew, James and Christopher Bennett, NATO's evolving Operations, *NATO Review* Spring 2006, [<http://www.nato.int/docu/review/2006/issue1/english/art1.html>], accessed 7 September 2006, 4.

<sup>51</sup> Kriendler, *Latest Hurrah*, 8.

<sup>52</sup> *Comprehensive Political Guidance*, para 7.

<sup>53</sup> *Ibid.*, para 6.

<sup>54</sup> *Ibid.*, para 8.

<sup>55</sup> *Ibid.*

<sup>56</sup> An interesting spectrum of possible developments for the future of NATO is depicted in Stephan de Spiegelare and Rem Korteweg, "Future NATO's," *NATO Review*, Summer 2006, available at <http://www.nato.int/docu/review/2006/issue2/english/military.html>; Internet; accessed 7 Sep 2006.