

# **Senator Helms drags NATO back toward its Cold War mission**

Tasos Kokkinides & Alistair Millar

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*During this debate, I listened to some of the debate of my colleagues on the other side of this issue. Very interesting. I thought for a moment that I was in a time warp, that I was back in the 1950s and somehow privy to the debate here. I heard terms like "Cold War." I hear terms like "evil empire," "Iron Curtain," and Stalin was mentioned, as was Yalta and the Soviet Union. Unless I am missing something I don't see the same situation today*  
– Senator Bob Smith, during the Senate Debate on NATO expansion, 27 April 1998.

## **Introduction**

Conservatives in the US Senate, led by Senator Jesse Helms have distorted the process of NATO expansion and the future of the NATO-Russia relationship. The Senate Resolution on NATO Ratification has been submitted within the Senate Foreign Relations Executive Report (105-14). The Senate Resolution attaches a number of conditions that have an adverse impact on NATO's relationship with Russia and NATO strategy in the post-Cold War era. In parts, the Senate Resolution reads like a Cold War document.

This paper reviews the NATO expansion ratification debate in the Senate, assesses the likely impact of the key conditions attached (see Appendix I), and recommends that other NATO member states, especially those that have not yet ratified NATO enlargement, should carefully consider the negative implications of the Resolutions of Ratification just passed by the Senate.

The Senate ratified NATO expansion on 30 April 1998. The result of voting was 80 in favour to 19 against. The Senate vote clears a major hurdle for the admission of Poland, Hungary and the Czech Republic into NATO. The United States is the only NATO country where at least some substantive debate on NATO expansion took place. To date Germany, Canada, Denmark and Norway have ratified expansion. However, the ratification process in those countries failed to address the issues raised by the expansion of the Alliance.

## **Influence of Senator Helms**

Senator Jesse Helms is the Republican Majority Chairman of the Senate Foreign Relations Committee, which is responsible for convening hearings on international treaties and amendments to them in the United States Congress. As a result, his influence in the legislative branch of the US government on these issues is second to none.

In September 1997 Senator Helms offered to endorse NATO expansion, provided that his ten conditions were accepted (see Appendix II). The US Administration accepted Helms' conditions in exchange for the Senator's vital support for NATO expansion. On 27 April 1998, Sen. Helms announced,

The Foreign Relations Committee began working with Secretary Albright to make the necessary course corrections in the Administration's approach to expansion. I can report that we have successfully made those course corrections. When we finally vote on the Senate's Resolution of Ratification, we are not just voting to expand NATO - we are voting to expand NATO the right way.

## **The impact of the resolution on NATO–Russia relations**

The Senate Resolution will have a negative impact on NATO's relations with Russia. It will limit substantive discussions on subjects such as Bosnia, arms control and military cooperation. Russia will be confronted with already agreed-upon NATO decisions. NATO-Russia consultations on the areas of cooperation agreed under the workplan of the Permanent Joint Council would have to be stopped until a NATO consensus is

established. In addition, the resolution would prevent rapid joint action if a crisis in Europe erupts.

The Senate resolved that, "NATO will not discuss any item with the Russian Federation prior to agreeing to a NATO position within the North Atlantic Council on that agenda item." The Resolution goes on to say that, "the Permanent Joint Council will not be a forum in which NATO's basic strategy, doctrine, or readiness is negotiated with the Russian Federation." (emphasis added)

Under the NATO-Russia Founding Act, signed in May 1997, a Permanent Joint Council was established "to provide a mechanism for consultations, co-ordination and, to the maximum extent possible, where appropriate, for joint decisions and joint action with respect to security issues of common concern... The shared objective of NATO and Russia is to identify and pursue as many opportunities for joint action as possible." NATO and Russia have already agreed on an agenda for the Permanent Joint Council that includes consultations on topics such as the Balkans, peacekeeping, military strategy and doctrine.

Senator Helms said of the Senate Resolution, "[It] builds impenetrable 'fire walls' in the NATO-Russia relationship, ensures that Russia will have neither a voice nor a veto in NATO decision-making and that the NATO-Russia Permanent Joint Council be a forum for explaining - not negotiating - NATO policy decisions." In contrast, NATO's Secretary General Javier Solana said, "The Founding Act has created a mechanism to... consult, coordinate and act jointly. Through the NATO-Russia Permanent Joint Council, it gives Russia a voice, not a veto on Alliance activities."

White House spokesman Michael McCurry recently explained, rather awkwardly, that there is no contradiction between the Senate resolution and the NATO-Russia Founding Act. He stated, "NATO would retain its full prerogatives, and while Russia will work closely with NATO, it will not work within NATO."

A NATO official in Brussels was more forthcoming. He said:

"There is no contradiction... between a 'consultation', which is basically an exchange of views without commitment, and the 'conditions' set by the Senate... We would listen to the Russians, inform them and 'come back home' to decide whatever we want. The [North Atlantic Council] will decide after having heard the Russian point of view, without any obligation to take it into account."

Although there has been no official response from Moscow, a Russian official said that the Senate resolution is a "unilateral interpretation of the Founding Act" which could jeopardize the "spirit of cooperation between NATO and Russia." He went on to say that, "there are certain elements in the Senate that are trying to poison the political atmosphere... The Founding Act says that we would work together and make joint decisions. The political interpretation of the Senate would render the document meaningless."

The Senate's Resolution will make it much harder to develop a substantive and cooperative relationship with Russia. The language used may restrict the relationship between NATO and Russia to only information exchange. Even if this is not against the letter, it is certainly against the spirit of the Founding Act.

Some Senators were more aware of the ramifications of alienating Russia. One of the 19 Senators that voted against NATO enlargement, Daniel Patrick Moynihan, a New York Democrat, noted before the vote, "We'll be back on hair-trigger," warning that enlargement would rekindle a new Cold War. "We're talking about a nuclear war." Further, Senator Robert Torricelli remarked, "Russia was a great power for more than 1,000 years, it will be a great power again. Its affairs are part of the calculus of American security and its views cannot be ignored."

## **Impact on NATO Strategy**

### **Article V**

The Senate resolution asks NATO to conduct business as usual. The resolution states, "In order for NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members."

Article V of the North Atlantic Treaty, which stipulates that an attack on one member of the Alliance shall be considered an attack on all, is the bedrock upon which NATO rests. The Senate concedes that NATO must meet the requirements for other non-Article V missions, but these should be conducted "in a manner that first and foremost ensures under the North Atlantic Treaty the ability of NATO to deter and counter any significant threat to the territory of any NATO member."

According to Senator Helms, peacekeeping or "the achievement of so-called 'non-military' goals", are of secondary importance. "What we need to prevent is the dilution of NATO's mission and purpose... NATO defense planning [should] remain focused on territorial defense, and tied to the security of NATO members, not vague concepts like 'stability' in Europe."

In contrast, NATO declared in May 1997 that, "while preserving the capability to meet the commitments undertaken in the Washington Treaty, NATO has expanded and will continue to expand its political functions, and take on new missions of peacekeeping and crisis management in support of the United Nations [UN] and the Organization for Security and Cooperation in Europe [OSCE]."

## **NATO's Role in Post Cold War Europe**

Since the end of the Cold War, NATO has been painstakingly emphasizing its political functions in conflict-prevention, democratic accountability and human rights. These goals are fundamental principles of the relationship NATO has developed with all countries of Central and Eastern Europe through the Partnership for Peace programme (PfP) and the Euro-Atlantic Partnership Council (EAPC). NATO countries are currently reviewing the Alliance's strategy, which was written in 1991 when the Soviet Union was still in existence. The review of NATO's strategy is deemed necessary precisely because there is a need to adapt NATO and adjust its mission and force structure to reflect the new security environment in Europe. The Senate resolution, however, will pre-empt on-going discussions and may hinder NATO from becoming a more flexible alliance in the future.

The Senate's insistence that NATO concentrate on its military function may allow the development of the OSCE. The OSCE, which has been starved of funds and increasingly marginalised by the ever-expanding NATO agenda, may regain some of the lost ground in promoting conflict prevention, democracy and human rights in Europe. The reluctance of the Senate to promote peacekeeping and other peace-support operations instead of territorial defence as the primary Alliance function may allow the development of the OSCE's peacekeeping capabilities.

## **Threats in Europe**

Whilst NATO officials increasingly talk about risks to European security, the Senate refers to threats. According to the Senate, the strategic rationale for NATO expansion rests on the assumption that the "United States and its NATO allies face threats to their stability and territorial integrity", and that "the invasion of Poland, Hungary, and the Czech Republic, or their destabilization arising from external subversion, would threaten the stability of Europe."

The implication of the Resolution is that Poland, Hungary and the Czech Republic should be prepared to meet an attack. This gives the green light for a military build-up in

Central Europe, at a time when there is no foreseeable military threat to the security of the three invitees.

The Senate resolved that, "the US is under no commitment to subsidize the national expenses necessary for Poland, Hungary or the Czech Republic to meet its NATO commitments." The Senate should now clearly state that the US would not subsidize these countries in any way with the purchase of modern offensive military equipment. This should explicitly include loan export guarantees and "hidden" costs, over and above what is estimated in the NATO and Pentagon cost studies (US\$1.5 billion over the next ten years).

NATO's official cost study, reiterated by the US Department of Defense in February 1998, is based on the assumption that there will not be any significant threat to NATO "for at least five years." If the Senate is concerned that there will be a significant threat to the Alliance, should that not be figured in to the low-ball cost study the Senate has used as the financial basis for supporting NATO expansion?

## **Transparency and accountability**

One positive side of the Senate Resolution is that it will facilitate greater transparency and accountability. The Senate ruled that the US Administration will provide regular and detailed progress reports on the process of expansion. This measure may add pressure on NATO to become more transparent. It is likely that European parliaments will become more assertive in asking for regular information and consultation on these issues. The Senate has resolved that the President shall submit classified and unclassified reports on the costs to the US of admitting the three new members and the amount contributed by each NATO member. These reports should also assess the amount of surplus former Warsaw Pact military equipment that is being cascaded into Africa and other less stable regions where conflict will be increased by the influx of such equipment.

## **Appendix I: Senate Resolution on NATO Expansion**

The following resolution of ratification were first adopted on March 3, 1998, by the Senate Foreign Relations Committee on a vote of 16 in favour, two against. It was later passed by the full Senate vote, 80 to 19 on 30 April 1998.

### **VI. RESOLUTION OF RATIFICATION**

Resolved (two-thirds of the Senators present concurring therein),

#### **... SEC.3.CONDITIONS**

The advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary and the Czech Republic is subject to the following conditions, which shall be binding upon the President:

#### **(1) THE STRATEGIC CONCEPT OF NATO.-**

##### **(A) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE DEFENSE. -** The Senate declares that-

(i) in order for NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members; and

(ii) NATO may also, pursuant to Article 4 of the North Atlantic Treaty, on a case-by-case basis, engage in other missions when there is a consensus among its members that there is a threat to the security and interests of NATO members.

**(B) DEFENSE PLANNING, COMMAND STRUCTURES, AND FORCE GOALS.-** The Senate declares that NATO must continue to pursue defense planning, command structures, and force goals to meet the requirements of Article 5 of the North Atlantic Treaty as well as the requirements of other missions agreed upon by NATO members, but must do so in a manner that first and

foremost ensures under the North Atlantic Treaty the ability of NATO to deter and counter any significant military threat to the territory of any NATO member.

(C) REPORT.- Not later than 180, days after the date of adoption of this resolution, the President shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the Strategic Concept of NATO. The report shall be submitted in both classified and unclassified form and shall include-

- (i) an explanation of the manner in which the Strategic Concept of NATO affects United States military requirements both within and outside the North Atlantic area;
- (ii) an analysis of all potential threats to the North Atlantic area up to the year 2010, including the consideration of a reconstituted conventional threat to Europe, emerging capabilities of non-NATO countries to use nuclear, biological, or chemical weapons affecting the North Atlantic area, and the emerging ballistic and cruise missile threat affecting the North Atlantic area;
- (iii) the identification of alternative system architectures for the deployment of a NATO missile defense for the region of Europe that would be capable of countering the threat posed by emerging ballistic and cruise missile systems in countries other than declared nuclear powers, together with a timetable for development and an estimate of costs;
- (iv) a detailed assessment of the progress of all NATO members, on a country-by-country basis, toward meeting current force goals; and
- (v) a general description of the overall approach to updating the Strategic Concept of NATO.

(D) BRIEFINGS ON REVISIONS TO THE STRATEGIC CONCEPT.- Not less than twice in the 300-day period following the date of adoption of this resolution, each at an agreed time to precede each Ministerial meeting of the North Atlantic Council, the Senate expects the appropriate officials of the executive branch of Government to offer detailed briefings to the Committee of Foreign Relations of the Senate on proposed changes to the Strategic Concept of NATO, including-

- (i) an explanation of the manner in which specific revisions to the Strategic Concept of NATO will serve United States national security interests and affect United States military requirements both within and outside the North Atlantic area;
- (ii) a timetable for implementation of new force goals by all NATO members under any revised Strategic Concept of NATO;
- (iii) a description of any negotiation regarding the revision of the nuclear weapons policy of NATO; and
- (iv) a description of any proposal to condition decisions of the North Atlantic Council upon the approval of the United Nations, the Organization for Security and Cooperation in Europe, or any NATO-affiliated forum.

(E) DEFINITION.- For the purposes this paragraph, the term "Strategic Concept of NATO" means the document agreed to by the Heads of State and Government participating in the meeting of the North Atlantic Council in Rome on November 7-8, 1991, or any subsequent document agreed to by the North Atlantic Council that would serve a similar purpose.

(2) COST, BENEFITS, BURDENSARING, AND MILITARY IMPLICATION OF THE ENLARGEMENT OF NATO.-

(A) PRESIDENTIAL CERTIFICATION.- Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that-

- (i) the inclusion of Poland, Hungary, and the Czech Republic in NATO will not have a effect of increasing the overall percentage share of the United States in the common budgets of NATO;
- (ii) the United States is under no commitment to subsidize the national expenses necessary for Poland, Hungary, or the Czech Republic to meet its NATO commitments; and
- (iii) the inclusion of Poland, Hungary, and Czech Republic in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(B) ANNUAL REPORTS.-

- (i) REQUIREMENTS.- Not later than April 1 of each year during the five-year period following the date of entry into force of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, the President shall submit to the appropriate

congressional committees a report which may be submitted in an unclassified and classified form and which shall contain the following information:

(I) The amount contributed to the common budgets of NATO by each NATO member during the preceding calendar year.

(II) The proportional share assigned to, and paid by, each NATO member under NATO's cost-sharing arrangements.

(III) The national defense budget of each NATO member, the steps taken by each NATO member to meet NATO force goals, and the adequacy of the national defense budget of each NATO member in meeting common defense security obligations.

(IV) Any costs incurred by the United States in connection with the membership of Poland, Hungary, or the Czech Republic in NATO, including the deployment of United States military personnel, the provision of any defense article or defense service, the funding of any training activity, or the modification or construction of any military facility.

(ii) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.- As used in this subparagraph, the term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

(3) THE NATO-RUSSIA FOUNDING ACT AND THE PERMANENT JOINT COUNCIL.- Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate the following:

(A) IN GENERAL.- NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation with a veto over NATO policy.

(B) NATO DECISION- MAKING.- The NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation any role in the North Atlantic Council or NATO decision-making, including-

(i) any decision NATO on an internal matter; or

(ii) the manner in which NATO organizes itself, conducts its business, or plans, prepares for, or conducts any mission that affects one or more of its members, such as collective defense, as stated under Article 5 of the North Atlantic Treaty.

(C) NATURE OF DISCUSSIONS IN THE PERMANENT JOINT COUNCIL.- In discussions in the Permanent Joint Council-

(i) the Permanent Joint Council will not be a forum in which NATO's basic strategy, doctrine, or readiness is negotiated with the Russian Federation, and NATO will not use the Permanent Joint Council as a substitute for formal arms control negotiations such as the adaptation of the Treaty on Conventional Armed Forces in Europe, done at Paris on November 19, 1990;

(ii) any discussion with the Russian Federation of NATO doctrine will be for explanatory, not decision-making purposes;

(iii) any explanation described in clause (ii) will not extend to a level of detail that could in any way compromise the effectiveness of NATO's military forces, and any such explanation will be offered only after NATO has first set its policies on issues affecting internal matters;

(iv) NATO will not discuss any agenda item with the Russian Federation prior to agreeing to a NATO position within the North Atlantic Council on that agenda item; and

(v) the Permanent Joint Council will not be used to make any decision on NATO doctrine, strategy, or readiness.

(4) TREATY INTERPRETATION.-

(A) PRINCIPLES OF TREATY INTERPRETATION.- The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.- Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or

amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.- As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

## **Appendix II: Senator Helms' Conditions (September 1997)**

1. Outline a clear, complete strategic security rationale for NATO expansion.
2. Agree that no limitations will be placed on the numbers of NATO troops or types of weapons to be deployed on territory of new member states (including nuclear weapons).
3. Explicitly reject Russian efforts to establish a 'nuclear weapons-free zone' in Central Europe.
4. Explicitly reject all efforts to tie NATO decisions to UN Security Council Approval.
5. Establish a clear delineation of NATO deliberations that are of-limits to Russia (including, but not limited to arms control, further Alliance expansion, procurement and strategic doctrine).
6. Provide an immediate seat at the NATO table for countries invited to join the Alliance.
7. Reject Russian efforts to require NATO aid for Russian arms sales to former Warsaw Pact militaries joining the Alliance, a quid pro quo for NATO expansion - NATO must not become a back channel for new foreign aid to Russia.
8. Reject any further Russian efforts to link concessions in arms-control negotiations (including the antiquated ABM treaty and the CFE treaty to NATO expansion).
9. Develop a plan for a NATO ballistic missile defense system to defend Europe.
- 10 Get clear advance agreement on an equitable distribution of the cost of expansion, to make certain American taxpayers don't get stuck with the lion's share of the bill.