



## **Would temporary suspension of NATO's Article 5 over Abkhazia and Tskhinvali Region eliminate Russia's de facto veto on Georgia's North-Atlantic aspirations?**

On September 10, while attending the 5th Annual Tbilisi International Conference organized by the McCain Institute and Economic Policy Research Center, former NATO Secretary General Anders Fogh Rasmussen stated that the Georgian government and the Georgian people should consider joining the North Atlantic Treaty Organization with a temporary suspension of Article 5 over the de facto occupied territories of Abkhazia and Tskhinvali Region/South Ossetia. The issue of Russia's occupation of Georgian territories is often underlined as a stumbling block to Georgia's aspiration to join NATO.

The statement sparked controversy in Georgian society as well as in media insofar as crucial questions still need to be answered. NATO membership is widely perceived as a security guarantee for Georgia against the threats to the country, which are primarily coming from Russia. At the same time, the problems of the occupied regions constitute an extremely sensitive internal issue that no political actor dares to approach foolhardily. The scenario of joining NATO with Article 5 applied only to the territory currently controlled by the Georgian central government has a number of key elements including the domestic response, the Northern reaction and the Western reception.

At the request of the Georgian Institute of Politics (GIP), a selection of experts from Georgia, the United Kingdom, and the United States responded to the following three questions:

- **Provided the Georgian government takes this decision (which is not the case at the moment), how realistic would that formation make Georgia's accession into NATO?**
- **What could be Russia's possible response?**
- **Would this formation eliminate the excuse that skeptics often use, namely Georgia's unresolved conflicts as an obstacle to NATO membership?**

**DR. NEIL MACFARLANE**, *Lester B Pearson Professor of International Relations and Fellow, St Annes College, University of Oxford*

Rasmussen is a former Secretary General. His suggestion has nothing obvious to do with NATO policy. That is to say, there is no decision for Georgia to take, because no offer has been made, and there have, to my knowledge, been no discussions on this topic between Georgia and NATO. By the way, taking that suggestion would be, in effect, acknowledging Russia's view that Georgia needs to accept the "facts on the ground." Finally, I guess the Georgian government would have to weigh the risk that any decision to propose such a thing might provoke significant internal unrest, notably amongst IDPs, but also in the sector of Georgian public opinion that enjoys any opportunity to bash the government.

What might make a difference in the Georgian-Russian bilateral relationship would be Georgia's recognition of Abkhaz and South Ossetian sovereignty. That is not going to happen, and rightly so. In general, insofar as I understand Russia's position on NATO enlargement, it is the general principle, rather than the specifics of Georgia's situation, that matters to them. They do not want any more Article 5 guarantees (or NATO troops) along their immediate border. So, if for some reason NATO did this, instead of Russian tourists, you might well have Russians of a different kind on the streets of Tbilisi. Armed and in uniform. That would be a direct challenge to Article 5, which is the basic underpinning of the Alliance. Very few members of NATO want a serious prospect of war with Putin, not least because if they did respond, they would be dealing with a fait accompli, and, because if an Article 5 member falls to aggression, that would weaken the guarantee.

If memory serves, the NATO enlargement paper (1995) stated that aspiring members needed to resolve their internal conflicts prior to acceding to membership. Georgia has not resolved those conflicts. Therefore, an enlargement of this type would violate the original criteria. They have not ignored these criteria in the past and it is not obvious why they would do it now.

A couple additional points. Agreeing to this idea might mean people would think that the Georgian government was abandoning Georgia's legitimate claim to sovereignty over its full (internationally recognized) territory. In taking such a decision, Georgia would be implicitly legitimizing the fruits of Russian aggression. And such an action might well produce further international recognition of the two breakaway territories.

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**DR. ROBERT HAMILTON**, *Associate Professor, Department of National Security and Strategy, U.S. Army War College Black Sea Fellow at the Foreign Policy Research Institute*

An important question to ask about admitting Georgia to NATO with a temporary suspension of Article 5 over Abkhazia and South Ossetia is, "What would it change?" It would have little effect on Georgia's security and any liability it would present to NATO. A NATO-member Georgia that attacked its separatist regions—a highly unlikely scenario—would not trigger Article 5 since Georgia would be the aggressor. And a NATO-member Georgia that is attacked by Russia from these regions should trigger Article 5 whether or not Georgia's admission to the Alliance came with that caveat. A key point about Article 5 is that each NATO member determines individually how it will respond—going to war is not automatic.

Such a caveat would also have little effect on Russia's reaction. Whether or not Article 5 covers the breakaway regions, Russia will react to an announcement that NATO is prepared to admit Georgia by strengthening its hold over those territories and escalating tensions with Georgia between the announcement and the time it actually joins. Russia's goal would be "prove" that Georgia is erratic and unreliable, and might drag NATO into a war with Russia—the same tactics Russia used successfully in 2008.

The caveat might be useful in eliminating the "unresolved conflicts" reason skeptical NATO members use to justify their resistance to Georgia's membership. In truth, these countries are motivated by fear of war with Russia, exacerbated by their view of Georgia as politically unstable and unpredictable. Georgia can best assuage these countries' concerns by consolidating its democracy and moderating its norms of political behavior, both of which matter for Western perceptions of stability and predictability. It is ironic—given the political crises and erosion of political norms in the West—that Westerners are lecturing Georgians about these things. But most of the countries doing the lecturing don't border Russia. And that brings up something else that matters: geography.

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**DR. DANIEL HAMILTON**, *Austrian Marshall Plan Foundation Professor at Johns Hopkins University's School of Advanced International Studies (SAIS)*

Rasmussen's suggestion is intriguing. His intent is laudable: to generate momentum in Georgia's relations with NATO and to affirm that decisions regarding Georgia's eventual membership rest with Georgia and the Alliance, and not with Moscow or other capitals. Yet there are roadblocks.

First, Rasmussen is speaking only for himself; his suggestion is not a formal NATO proposal, nor is there consensus within the Alliance supporting such a course of action. The Georgian government would be best served by sounding out NATO member states on their views before locking itself into a position that could fail to win allied support.

Georgia has gone to great lengths to show that is able to assume the responsibilities of NATO membership. Nevertheless, there is no consensus within NATO to admit Georgia to membership. The reasons vary across the member states; some concerns have little to do with Rasmussen's proposal.

Second, Rasmussen's proposed strategy is not without risks. Even if there was a consensus that Rasmussen's path was right for NATO, Georgians must consider whether it is the right path for their country. Suspending the application of the provisions of the North Atlantic Treaty to parts of Georgian territory contested by Russia could anchor Georgia in the Alliance and enable it to address Russia from a position of strength. It could, however, stiffen Russian resistance to any formulas that may allow reintegration of Abkhazia and South Ossetia, and raise tensions.

The third and most important issue holding back Georgia's candidacy, however, is internal, not external: the growing prospect that Georgia could be sliding back from the democratic progress it has made as a country. NATO countries are concerned that last year's presidential elections were deeply flawed. There are questions about the integrity of democratic procedures and institutions. The 2020 parliamentary elections will be watched carefully.

**DR. SHALVA DZEBISASHVILI**, *Associate professor at University of Georgia (UG)*

The application of the Article 5 to the unoccupied part of Georgia, realistically, is far more controversial and problematic for Georgian society and its domestic "consumption" than for NATO. And when talking about NATO, we must distinguish NATO as an organizational entity/mechanism and NATO as a collection of nations. As an organization, the alliance technically does not have a problem with reflecting the nuances of applying an "amended" Article 5 to Georgia's "free" territory, due to its major function to reflect consensus-based decisions made by all member-nations. Thus it is ultimately up to an individual nation to calculate and decide whether the proposed solution can save NATO's credibility, advance the nation's interests and provide credible defense guarantees to Georgia (the unoccupied part). From this perspective, the question of credible defense guarantees to Georgia becomes the only important question NATO countries have to respond to, with two major factors to consider. First – there must be a major NATO-member willing to come to aid Georgia militarily. Second – it must be technically possible for the military aid to arrive in a timely manner. If NATO has a positive response to both questions, the accession of Georgia to the alliance will become a pure formality and happen very quickly. However, even when a consensus among allied nations is reached, MAP will remain the major accession mechanism. Therefore NATO has to make sure that, for the entire period of internal political consultations till the moment of formally extending MAP to Georgia, NATO has a physical, strong military presence in Georgia, defusing Russian military attempts and making further escalation or land grabs impossible. The most dangerous period for Georgia is clearly the period

before MAP is officially offered and consensus on Article 5 is reached. If it is not well prepared beforehand, NATO will invariably face actions, including military ones, by the Kremlin that will change facts on the ground and make both the consensus on Article 5 and MAP-offer to Georgia belated and irrelevant.

In terms of how this formation would influence the position of skeptics to Georgia's NATO membership, while they may have many excuses, this would definitely mean one less formal excuse in their arsenal.

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**DR. TRACEY GERMAN**, *Deputy Dean of Academic Studies (Research), Defence Studies Department, King's College London*

The suggestion made by former NATO Secretary-General Anders Fogh-Rasmussen is an interesting one, as it gets to the heart of one of the key obstacles to Georgia's accession to NATO: the issue of unresolved territorial disputes. According to the criteria for accession set out in NATO's 1995 Study on Enlargement, the peaceful resolution of territorial disputes is an important factor in determining whether to invite a state to join the alliance. There have been exceptions made when the strategic logic for the inclusion of a state has overridden specific accession criteria: Greece and Turkey in 1952 and West Germany in 1955 are the most obvious comparisons. However, the suspension of Article V over the territories of Abkhazia and South Ossetia prompts questions over the boundary lines that would be used to demarcate those areas not covered by Article V protection. Furthermore, although the suspension of Article V over these areas is intended to provide more time for conflict resolution, it could

be perceived as Georgian surrender of its territory.

Rasmussen's proposal was intended to emphasize Georgia's autonomy as a sovereign state, whilst simultaneously denying Moscow any influence in the decision-making process, but it could have the opposite effect. It is unlikely that Moscow would accept Georgian membership of NATO without any response and, at a time when relations between Russia and NATO continue to be characterized by competition and tension, the decision to invite Georgia to accede would likely

be portrayed as a provocation. Russian antipathy towards Georgian membership in NATO and any further enlargement of the alliance continues to act as a roadblock to accession. Consequently, whilst Rasmussen's suggestion has provoked debate, Georgia should concentrate on continuing the reform process necessary to satisfy accession criteria to ensure that membership does not remain a distant dream.

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Georgian Institute of Politics (GIP) is a Tbilisi-based non-profit, non-partisan, research and analysis organization. GIP works to strengthen the organizational backbone of democratic institutions and promote good governance and development through policy research and advocacy in Georgia.

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