

Shaping the Treaty

Within a very short period of time, a small team of people was able to draft and agree on the founding treaty of one of the most long-lasting international organisations that has ever existed: the North Atlantic Treaty Organization (NATO).

The secret Pentagon meetings

Between 22 March and 1 April 1948, tripartite meetings took place in secrecy on the creation of a collective defence arrangement for the North Atlantic region. The three countries involved – Canada, the United Kingdom and the United States – remained the core negotiators throughout the entire process. The result of these secret Pentagon meetings was the so-called ‘Pentagon Paper’.

“Shirt-sleeve diplomacy”

Based on this, exploratory talks began on 6 July 1948, starting with the formation of an Ambassadors’ Committee that would negotiate the actual treaty. Signatories of the Brussels Treaty - Belgium, France, the Netherlands and the United Kingdom (minus Luxembourg, which was represented by Belgium) sat down for talks with representatives from Canada and the United States (the Brussels Treaty, signed on 17 March 1948, was a defence pact that also aimed to strengthen economic, social and cultural ties).

Known as the six-power talks, these discussions eventually produced the ‘Washington Paper’. Issued on 9 September 1948, it contained an initial outline of articles for the treaty. The negotiations had raised a plethora of questions. One concerned “graded membership”, preferred by the United States. This meant that aid could be dispatched without having to declare war. It would also permit different levels of commitment should there be a security incident. From the start, America was wary of being drawn into a conflict through treaty obligations of collective defence, which would become Article 5 of the treaty and provide the spirit in which the future organisation would function.

The discussions were only made public on 10 December 1948, principally to avoid public debate before the US presidential elections in November. Formal negotiations of the treaty then began. With Luxembourg joining in they became known as the seven power talks.

The negotiations were informal and conducted by a small group around a table. It was “shirt-sleeve diplomacy” literally and figuratively. During the discussions, one of the US representatives, John Dewey Hickerson, maintained that the treaty should be written in such simple language that even a milkman in Omaha could understand it. This fictional reader became the stylistic godfather of the treaty (see John Dewey Hickerson courtesy of the Truman Library: www.truman/library.org/oralhist/hickerson.htm).

Key issues of contention

The seven powers tried to determine the depth and breadth of the proposed alliance. Simple questions such as who should be invited to join and how far the treaty should reach had huge implications and needed considerable attention.

The references in the following paragraphs are taken from a compilation of telegrams, minutes, memoranda and correspondence between principally American, Canadian, British and French drafters of the treaty (Documents on Canadian External Relations, Volume 15, 1949).

Mutual assistance

Every participating country agreed that mutual assistance was at the heart of the treaty, making Article 5 on collective defence a key component of the negotiations. However, if there was consensus on the principle, there was fundamental disagreement on its implementation.

The Europeans wanted to ensure the United States would automatically come to their assistance. But the Americans did not want to make such a pledge, believing US public opinion would not accept it. The difference lay in a few words: whether to write “as may be necessary” or “as it deems necessary”. The latter was adopted. It meant that the decision to act to defend a member country would be left to the judgment of the members, rather than depending on a declaration of war or a military commitment by a member.

Some members believed this weakened the deterrent effect of the treaty. Others, such as the Canadian representative Lester Pearson, eerily predicted the situation on 12 September 2001, when the principle of Article 5 was invoked in support of the United States:

“It seems to us that the opponents both in Canada and the United States of an ‘automatic commitment’ to take action, subject of course, to constitutional processes, are still thinking in pre-war terms of the North American nations being producers and not consumers of security. They are not, in our opinion, thinking in realistic terms; for surely it is only realism to recognise today that the Western European countries are allies whose assistance we in North America may well need in order to defend ourselves and our freedom. Today these Western European countries are more exposed to direct Russian attack than is North America. However, in ten years’ time it may be that the first shock of aggressive attack will be against the industrial centres of North America which are the arsenal of the whole Western world.”

More than military?

From the start, some drafters insisted that the treaty include economic and social cooperation to broaden the scope beyond military concerns. Canada supported by most other participants, was in favour of a broader role for the future Alliance, principally to gain acceptance of the treaty by the Canadian public. The Americans thought this would divert attention from the “straight defence arrangements” they wanted to put in place.

Eventually the idea of a broader role went through, forming Article 2. Despite their original objections, the Americans later used this article to justify the treaty to their citizens. Moreover,

NATO's political role, as well as what has been coined its "third dimension" (non-military activities) expanded in later years to form a crucial part of the Alliance's work. The importance of non-military activities is reflected, for instance, in NATO's science programme and its civil emergency planning capabilities to provide assistance in times of disasters – natural or man-made.

Area of responsibility

Regional or global?

Initially, there was a divide between the United States and the United Kingdom, both of which favoured a regional approach, and France, which felt NATO should have a global reach. The final version of Article 6 lists specific North Atlantic countries in the treaty area. It adds that, under certain conditions, NATO can act as far south as the Tropic of Cancer should islands, vessels or aircraft of any of the Parties be attacked in that area. However, according to one of the drafters, Theodore C. Achilles, there was no doubt in anyone's mind that NATO operations could be conducted south of the Tropic of Cancer:

"It is worth recalling today that the treaty area, as defined in Article 6, is simply that in which an armed attack would constitute a *casus belli*: there was never the slightest thought in the mind of the drafters that it should prevent collective planning, manoeuvres or operations south of the Tropic of Cancer in the Atlantic Ocean, or in any other area important to the security of the Parties. (...) It was understood by all that the scope of this article was worldwide." Theodore C. Achilles, "The Omaha Milkman: the role of the United States" in "NATO's anxious birth" p38.

In May 2002 foreign ministers reaffirmed the broad scope of NATO's operations in the fight against terrorism. They declared in the Reykjavik communiqué: "To carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, sustain operations over distance and time, and achieve their objectives."

The colonial question

Europe's colonial legacy was a source of major disagreement. The biggest bone of contention was France's insistence on including Algeria in the treaty, while Canada and the US wanted to exclude all colonial territories. They feared that tribal troubles in these areas would draw NATO into combat. Unlike Belgium with its colony in the Congo, France managed to secure a clause in the treaty that included the "Algerian Departments of France". This provision no longer held once Algeria gained its independence from France in 1962.

The invitees

Defining who was in and who was out revealed the security concerns important to the Atlantic powers. The United States, the United Kingdom and France all had diverging views. America saw the necessity of including countries likely to be threatened by Soviet domination (Italy and Scandinavia). The United Kingdom, on the other hand, wanted to keep the Alliance small, avoiding commitments to peripheral countries and the overextension of military capabilities.

France's principal concern was the protection of its territories, including North Africa, and an immediate commitment of military resources by the new Alliance.

Italy

At the time, the British and the Americans perceived Italy as an unreliable ally and potential drain on resources. France favoured Italy's inclusion to reduce exposure to the East. Italy was also a useful negotiating tool to argue for the inclusion of French North Africa since both were in the Mediterranean. In addition, should Norway join up, the French would demand the inclusion of Italy so as remain at the geographical centre of the Alliance.

On 12 January 1948, the Italian government officially stated its desire to become a NATO member, making Italy's case stronger. Furthermore, from a strategic point of view, its inclusion was necessary - something the United States accepted. The United Kingdom, wanting to secure American commitment for Western European defence, followed suit.

Greece and Turkey

The Americans and the British recognised that the inclusion of Greece and Turkey would stretch the limits of NATO feasibility. However, their security was essential to protect the Eastern Mediterranean and the Middle East. The US and the UK decided to issue separate statements, showing their concern about Greece and Turkey without making any formal commitments or provoking the Soviet Union.

Portugal, Iceland and Scandinavia

Portugal, Iceland, Norway and Denmark were highly valuable to the Alliance either for strategic communications, base facilities and aircraft refueling stations. Iceland and Greenland, in particular, were referred to as "stepping stones in the defence of Europe".

Portugal under a dictatorship at the time, had reservations about the use of its territory (including the Azores) for naval and air bases in peacetime. But it was assured that the government's full consent would always be requested. It then tried to make cases for the inclusion of its overseas territories and for extending membership to Spain. The reply was negative. Despite this refusal, Portugal accepted the invitation to join, but with a certain degree of apprehension.

Iceland, one of the least enthusiastic supporters of the Treaty, linked its membership to that of Denmark's and Norway's. Sweden had categorically refused to have any relation with NATO. In early 1949 it offered to form a defence pact with Denmark and Norway that would forbid them from collaborating with the Western powers. Though tempted by a "Nordic solution" and the neutrality it would bring, the two countries turned it down because it could not provide them with sufficient military supplies and protection.

Other cases

The United States also wanted to include Ireland. But the Irish wanted to be united first. Unification was too much to deal with so Ireland's case was dropped. Iran's membership, although raised at the beginning of the discussions, was also put to one side. It was decided that Spain, West Germany and Austria would be considered once their internal conditions were considered satisfactory.

Duration of the Treaty

At first glance a minor issue, the duration of the Treaty had a major public impact. In some countries, a long-term agreement was more reassuring than a ten-year pact. For others it would be seen as an unnecessary extension of war. In addition, certain governments wanted to see how the United Nations would evolve before committing to an organisation that could potentially duplicate its functions.

Proposals varied considerably. Portugal, one of the countries that did not participate in drafting the treaty, only wanted to be a member of the Alliance for ten years. Very late in the day – 21 March 1949 – it stated that a decade was sufficient and that signatories should review the treaty at that stage. The proposal was accepted and reflected in Article 12 of the Washington Treaty.

Finalising the Treaty

On 8 March 1949, the governments of Norway, Denmark, Iceland, Portugal and Italy were invited to the final sessions of the negotiations. They started to request modifications, which in turn generated more queries from the seven original negotiating powers. Some of these suggestions were taken on board. The final result was a carefully scrutinised collection of 14 articles. To this day their flexibility has enabled NATO to adapt to the changing security environment without having to modify the treaty.