

The Territory of the NATO

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ABSTRACT

With the demands from Finland and Sweden to join the NATO (North Atlantic Treaty Organization) and the Russian military invasion of Ukraine the public opinion and media are often relating to the borders of this Western military alliance. This article analyses the territory of the NATO.

INTRODUCTION

This study examines the following questions concerning this military alliance, namely:

- What is the territory of the NATO, based at the treaty?,
- What are the consequences of these borders for the present member states of the NATO?,
- What's the impact of article six in relation with the NATO-treaty article four and five?

HISTORY

The NATO was founded with the Washington DC treaty of 1949 (signed 4 April 1949 and into force at 24 August 1949) and was signed by twelve countries: Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States of America. (NATO, 2022/3)

Art. 11 of the NATO treaty says that this signed agreement shall enter into force between the countries as soon as the majority of the signatories have been deposited. The archives of the US government are the depository of this treaty (art. 14 NATO treaty). In 1949 a majority of member states was 7/12, but art. 11 mentions also that the two North-American states (Canada and the USA) and the countries of the "Treaty of Brussels" (West European Union) of 1948 (the three Benelux countries, the French republic and the United Kingdom) have to be agree. In other words these seven countries were absolutely necessary for the ratification.

In the fifties of the past century Greece and Turkey joined the NATO in 1952 (importance of Mediterranean sea and the access of the black sea) and West-Germany in 1955 (rebuilt of a German army and the direct border with the Soviet administrated area). (NATO, 2009/1 & 2009/2)

After the end of the "Franco" dictatorship and the democratization of Spain this country joined the NATO in 1982. Remarkable is that the military government of Portugal could join the NATO in the first wave of 1949 and not Spain. But the reason over here is the second world war in which 'Franco – Spain ' did have a at least "bizarre" relationship with Nazi-Germany. Portugal was officially a neutral country in this WWII and the British and the US armed forces could use

the strategic locations of Portugal in the Atlantic Ocean (f.e. Azores, Cape Verde etc.). In 1982 the NATO did have 16 members or the half of the present total!

After the dissolution of the Soviet-Union and the introduction of western political and economic systems in eastern Europe the following countries joined the alliance in several wave of accession:

- 1999: Czech republic, Hungary and Poland;
- 2004: Bulgaria, the three Baltic states (Estonia, Latvia and Lithuania), Romania, Slovak republic and Slovenia.

Several of these new members of the NATO were the result of separatist process: the split of the Czechoslovakia confederation in the Czech and Slovak republics, Slovenia as an old part of Yugoslavia, the three Baltic states as a former part of the Soviet-Union.

In the middle of the first decade of this century the NATO did have already 26 members!

In the year 2009 Albania (an old communist pro-China country) and Croatia (and old part of Yugoslavia) joined the NATO. After Slovenia and Croatia two other parts of Yugoslavia joined the military alliance, namely: Montenegro (2017) and North-Macedonia (2020). At present it's waiting at the ratification process concerning the accession of Finland and Sweden.

Art. 10 of the NATO treaty dictates the process by which other countries may join the alliance. Every present member has to agree with a new member. There is a need for an unanimous agreement or 30 (!) ratifications in accordance with their respective constitutional processes. In the case of Finland and Sweden the Turkish state has a "veto"! But there is no example of such a "veto" in the past.

Turkey did have remarks concerning the demand from Finland and Sweden to the NATO and specific related with possible support/sympathy in these Scandinavian countries for Kurdish persons/organizations.

With the accession of Finland and Sweden it's the first time that neutral countries are joining the military alliance. The Scandinavian extension of the NATO brings the total of member states at 32.

Through it 23 of the 27 members of the European Union are also a member of the NATO. The four EU neutral states (Austria, Cyprus, Ireland and Malta) aren't yet a NATO member and that is also the fact for two EFTA (European Free Trade Association) members (Liechtenstein and Switzerland) and other mini- states (Andorra, Monaco, San Marino and Vatican city)

ARTICLE SIX

Article six of the NATO treaty gives the definition of the territory of the military alliance. Only this part of the member states falls under the possible help as mentioned in article 5.

The text of article 6 is as follows (NATO , 2022/3)

"For the purpose of article 5, an armed attack on one or more parties is deemed to include an armed attack:

- On the territory of any of the parties in Europe or North America, on the Algerian departments of France, on the territory of Turkey or on the islands under the jurisdiction of any of the parties in the North Atlantic area north of the tropic of cancer,
- On the forces, vessels, or aircrafts of any of the parties, when in or over these territories or any other area in Europe in which occupation forces of any of the parties were stationed on the date when the treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the tropic of cancer”.

The text of the beginning of this article was changed in 1952 with the accession of Turkey and since then the article speaks about Turkey. (NATO, 2009/2)

First of all in the year 1949 several members (Belgium, the Netherlands, Portugal, France and the United Kingdom) did have colonies.

But the non-colony owned countries were not in favor to cover the colonies with this treaty.

This article six defines the NATO territory as follow:

- Territory of a NATO member situated in Europe,
- Territory of a NATO member situated in North America,
- Territory of the Algerian departments,
- Territory of Turkey,
- Territory of the member states which are islands situated in the North Atlantic ocean and north of the tropic of cancer.

Hereby some comments concerning the studied article.

(I) Most of the NATO members are situated at the European map and there are fully secured by this article six. It concerns all the European members with partly exceptions for France, the Netherlands, Norway, Portugal, Spain and the United Kingdom. Because these six NATO members do have territories outside the European continent. But the Spanish canary islands, the Faroes and Greenland concerning Denmark, Svalbard (in the north artic) and Jan Mayen as Norwegian land are all NATO territory.

But the Norwegian territories in the southern pole region (Peter the first Island, Bouvet Island and Queen Maud land in Antarctica) are not secured by the NATO. At a possible war situation these three parts of Norway, can't count at the NATO solidarity!

(II) The territory of the United States in North America is secured by the NATO treaty. The exceptions are the US state of Hawaii, the US territories (Guam, Samoa and the Northern Mariana Islands) and possessions in the Pacific ocean and the Caribbean US territories, (Puerto Rico and the US Virgins) because they are located south of the tropic of cancer.

Canada is completely located in Northern America and all the Islands are very north of the tropic. The conclusion is that the complete Canadian territory is NATO ground.

(III) Algeria was never a French colony, but a part of the French (third, fourth and begin fifth republic). After the “De Gaulle referendum” Algeria became an independent country in 1962 and the rest of the French republic stayed in the NATO. The North Atlantic council noted, on 16 January 1963, that the treaty had become inapplicable concerning the French Algerian departments and this from 3 July 1962.

(IV) The greatest part of Turkey is situated in Asia (eastern side Bosphorus). That's the reason why Turkey is named in the NATO treaty. It was the protocol to the North Atlantic treaty on the accession of Greece and Turkey that modified art. 6 of the NATO treaty with the indication of Turkey as territory of this military alliance.

(V) The tropic of cancer is situated in North Mexico, North of Cuba, southern part of the Bahama's, southern part of the Moroccan Sahara, south Algeria, south Libya and Egypt.

The localization of this tropic of cancer has consequences on the NATO territory. Indeed, the US territories in the Caribbean Sea (Puerto Rico and Virgin Islands) are south of the tropic of cancer. The same remark is applicable for the United Kingdom with the Cayman Islands, Turkish and Caicos Islands, UK Virgins, Anguilla and Montserrat. Bermuda is located north of this tropic and therefore NATO territory. Also the French Caribbean territories are located south of this tropic of cancer. It concerns: Guadeloupe, Martinique, Saint Martin and Saint-Barthelemy Island. All these parts of the French republic are not secured by the NATO treaty. Also French Guyana, the ESA (European Space Agency) launch location, is not a NATO territory. But the French Islands near Canada: Saint Pierre and Miquelon are NATO territory.

The six Dutch Antillean Islands located in the northern part of the Caribbean Sea (Sint-Maarten, Sint-Eustatitus and Saba) and in the southern part (Aruba, Bonaire and Curaçao) can't count at article 5 of the NATO treaty for support.

But the Spanish Canary Islands, before the coast of Morocco, are situated in the NATO territory. On the other hand the two Spanish enclaves in Morocco, Ceuta and Melilla, are not situated in Europe but in Africa and outside the NATO support.

The Portuguese Islands Madeira and the Azores are situated north of this tropic and are NATO territory.

Also the UK and French territories in the south Atlantic (f.e. Falklands, south pole), Africa (f.e. Mayotte, Réunion, Ascension), Indian Ocean (f.e. Diego Garçia), the pacific (f.e. Nouvelle Caledonia, Tahiti - Polynesia, Pitcairn) are not under the NATO treaty.

Finally this NATO treaty is fully applicable on the territory of 26 members and not in 6 countries: France, the Netherlands, Norway, Spain, the United Kingdom and the USA. The French conservative Charles de Gaulle left the military part (SHAPE) in 1967, but hasn't rescinded the membership of the main political NATO part. In other words the French armed forces, and in that time the created French nuclear force – "Force de Frappe", came back under full French Command.

It was President Sarkozy, member of the same party as De Gaulle, who placed the French military back in the military part of the NATO. This decision of President De Gaulle was not modified by his successors the Presidents Pompidou (Conservative), Giscard (Liberal), Mitterrand (Socialist) and Chirac (Conservative).

But France did never leave the NATO treaty and followed during these decades the political meetings in the NATO.

This article mentioned already the “Algeria” questions, when a part of a member went for an independent nation. The same situation was on the table with the independence of Cyprus in 1960 from the United Kingdom and Malta in 1964 from the UK. These two EU states are – at present – neutral countries. The NATO has still political problems with Cyprus and the fact that Turkey invaded this Island in 1974 with as result a division between a Turkish, not recognized, part and the Hellenic part, which is the official state of Cyprus. On a few maritime and mountain locations at Cyprus the United Kingdom still has military bases as result of the independence agreement. It’s not evident to say if these UK territories can be considered as NATO territory? It was the first and only time in the history of this military alliance that NATO countries made war between them. At present the Cyprus question is not clear for a solution between the Hellenic republic and the Turkish island republic.

West Germany was after WW II the present territory of the eight western states and a part of Berlin (West-Berlin). In 1954 the treaty of Brussels from 1948 (supra) was modified and the five original members invited West-Germany and Italy to join the new “West European Union”.

It was also the end of the official occupation of West-Germany. From that moment the western troops stayed in West-Germany as military support against the Soviet aggression and threats from the east. (NATO, 2009/1) The territory of West-Germany was divided in three areas:

- French area: Saarland, part of Berlin, Rheinland-Pfalz and part of Baden-Württemberg;
- UK area with support of Belgian, Canadian and Dutch troops: Schleswig-Holstein, Hamburg, part of West-Berlin, Niedersachsen and Nord Rhein Westfalen;
- USA area: Hessen, Bayern, part of West-Berlin, Bremen and part of Baden-Württemberg.

In the seventies and in the nineties, after the German unification, a lot of foreign troops left Germany. Due to the expansion of the NATO the eastern border moved away from Germany-Poland too Poland – Belarus. The Federal republic of Germany is the only NATO member in which the national territory has increased as result of the acquisition of East-Germany. The expansion of the NATO from 1999 results in the takeover of armies, public administrations and economic structures formed by the Warsaw pact.

ARTICLE FOUR

The fourth article of the NATO treaty says: “The parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the parties is threatened”. (NATO, 2022/2).

This article gives the possibility to a member to demand a consultation inside the NATO concerning an item that is a problem for the member state of the military alliance. This can be a (civil) war in a neighbor country, attacks, terrorism, migration problems etc. The following countries demanded a consulting of the NATO partners:

- Turkey: Iraq War (2003), Syrian War (2 x in 2012), ISIS attacks (2015), Syrian and Russian air strikes on Turkish troops (2020);
- Latvia, Lithuania and Poland: crime and crises (2014);
- Three Baltic states, Romania, Bulgaria, Slovak republic, Czech republic and Poland (2022): Russian invasion Ukraine.

The result of all these seven questions was an augmentation of defense systems, diplomatic-technical-logistic support to the country, defensive built-up in the country, to elevate issues and provide member states as means of deterrence.

There were also three examples concerning art. 4 of the NATO treaty, but not formally requested.

In November 2021 the three Baltic states and Poland did have the idea to invoke art. 4 due to the migrant crisis coming from Belarus.

In the same year Spain would demand art. 4 concerning the security and migration problems in the two enclaves in North-Africa. After the missile struck in the Polish area with Ukraine (15 November 2022) there was a intensive talk between the NATO and the Polish government. But there was no official call for an art. 4 convention.

ARTICLE FIVE

The key part of the NATO treaty is article five. This article says:

“The parties agree that an armed attack against one or more of them in Europe or North America shall be considered as an attack against them all and consequently they agree that if such an armed attack occurs, each of them, in exercise of the right or individual or collective self -defense recognized by article 51 of the charter of the United Nations, will assist the party or parties so attacked by taking forth with, individually and in concert with the other parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

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

The most important part of this article is: “as it deems necessary”. This means that there would be no automatic declaration of war or obligation to commit military support on the part of member countries. It's up to each member state of the NATO if they join to a military response or offers civil and/or diplomatic assistance.

This article 5 has been invoked after the 11 September 2001 attacks at Washington DC and New York city. The US government demanded the taking effect of article 5, what resulted in sending ‘ ACWACS-NATO’ planes for the security of the US area space and a naval operation in the Mediterranean Sea to prevent the movement of terrorists with weapons of mass destruction.

At present the 9/11 attacks are the only example of an official demand of a member to invoke this article 5 of the NATO treaty.

What's important in this article 5?

- the attacked state has to ask the implementation of article 5,
- article 5 can only take effect by an attack at a NATO member and if its territory is related with art. 6,
- this article says nothing concerning the obligation of military support,

- the help of a member to the attacked country can also be diplomatic and/or civil,
- is an amazing cyber-attack also an attack in the sense of article 5?,
- after the demand of a member, it's up to the NATO council to decide if there will be an application of this article 5,
- the response of a member state will be also related with the way of thinking by the national public opinion and the meaning of the media.

Finally this article five doesn't keep automatic a military answer of all the other members. In a NATO group of 32 members the chance is definitely existing that the countries can be divided about a joint answer and what then?

But in priority order it's important to know what the three nuclear powers (USA, UK and France) are thinking about such a demand for the entry into force of article 5 of the NATO treaty. During the Ukraine invasion of Russia in 2022 the NATO said always that the military alliance cannot interfere in this situation because the war is outside the NATO territory.

But what will/can the NATO do if the nuclear installations in Ukraine and the related Russian attacks on these sites will have influence for the public health in NATO countries?

CONCLUSION

This study does study the impact of art. six concerning the territory of the NATO. The description of the NATO territory in this sixth article has consequences for several members and certainly for the most important countries in the NATO: the United States of America, the United Kingdom and France or the three nuclear powers; but also for the Netherlands, Spain and Norway.

This means that these NATO members cannot invoke art. five for the solidarity support concerning parts of their territory.

All the territories outside the European continent, except Turkey, and not situated in North America and under the tropic of cancer are not secured by the NATO treaty.

But the definition of the NATO treaty regarding its territory results in the fact that the complete north arctic area of the United States (Alaska), Canada (the three territories), Greenland (Denmark), Jan Mayen and Svalbard (Norway) are under the protection of the NATO treaty. Regarding the future economic opportunities in the Nordic arctic area is the foregoing a very important fact concerning the military security.

Finally this article also underlines the relationship between this article of the NATO treaty and the studied article six. The current extension with the two Scandinavian countries (Finland and Sweden) does not require a modification of the territory definition of article six. But a membership of Caucasus countries (f.e. Armenia) or North African countries brings the discussion at the political table for a new text of article six. At present (1949-2023) the NATO is on his way to his 75th birthday and making it the longest existing military alliance in the modern history.

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