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Can NATO Members Learn Something From Australia?

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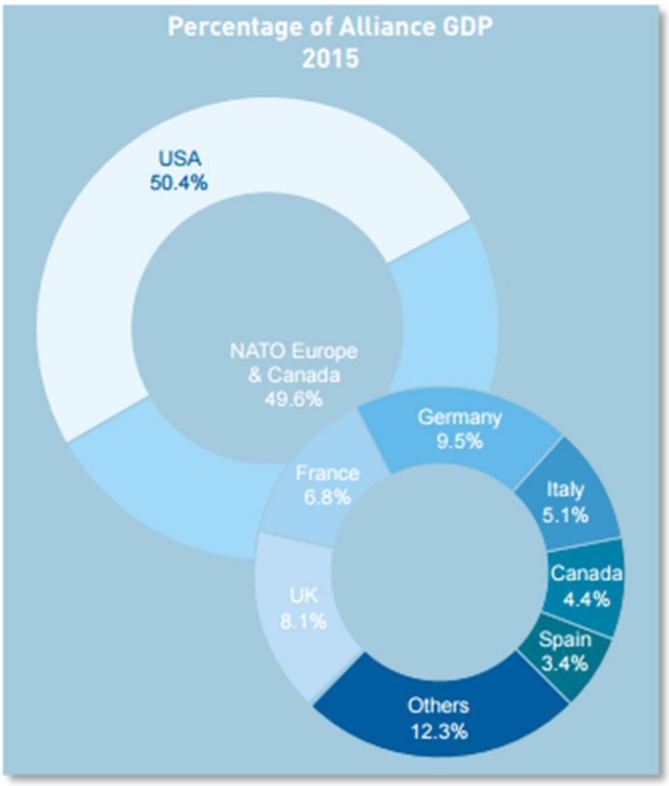
At a time when NATO is facing threats from its South and East, and as primary member-states face mounting challenges from the West, it is distressing to witness the continued lethargy demonstrated by some Alliance members towards issues of defence. Not only does the imperative of investing in collective defence continue to be lost on some members, but the very real necessity of individual investment in national defence continues to lag. The impetus of egocentric self-preservation is lost

on many Western states which continue to act as if safety from harm is a presupposed and assured reality, and one to which they are entitled without concomitant investment.



The United States continues to support the Alliance in a wholly inequitable fashion. As of 2015 72.2% of the Alliance's defence expenditures were attributed to the US, while the UK contributed 6.6%, France 4.9%, Germany 4.4%, Italy 2.0%, Canada 1.7%, Spain 1.2%, and the total of all others' contributions amounted to 6.9%.[1] Such an imbalance cannot be maintained and the US is understandably weary of underwriting much of its partners' defence – especially at a time when geostrategic focus is shifting from the Atlantic to the Pacific. The NATO *Secretary General's Report of 2015* states that "while there are many ways in which Allies demonstrate solidarity, one is through investing in defence."[2] There is no confusion as to how Allies can achieve this solidarity. If members actually met their targets of investing 2% of their GDP into defence, that would go some way to alleviating growing discontent within the Organization.

Addressing the problem of lack of defence spending requires a political rather than military solution. The militaries of NATO countries strive to meet the commitments which are made by their governments, oftentimes without the corresponding political and financial support necessary to achieve those goals. The dilemma of freeriding in NATO is not a result of military lassitude. Indeed,

[1] Jens Stoltenberg. 2016. *The Secretary General's Annual Report 2015*. NATO. P. 26.
[2] Ibid.

there is ample evidence to suggest that many armed forces are 'punching above their weight' and achieving great results with inadequate equipment and funding. Rather, the problem arises from political disinterest in defence investment from governments who do not view it as a priority. While nations do face many domestic challenges which stretch finances, forgoing investment in defence and other foreign commitments to balance domestic budgets is wrongminded. For a nation to develop well-funded and robust domestic policies by ignoring its collective defence commitments to its allies is unfair to those nations who provide a defensive umbrella for the rest. This is not to suggest that smaller nations should seek to match investments made by the US or other major members, but rather they should demonstrate solidarity to the goal of collective defence by meeting that basic threshold of investment. Because political and economic circumstances of NATO members vary wildly, it would be somewhat fruitless to suggest that smaller members can learn lessons from larger members like the US, Germany, UK, or France. However, if we look outside the Alliance, medium and small member states might well find some useful lessons from an increasingly important NATO partner – Australia.[3]

In 2015, only five NATO members met their stated defence investment targets of 2% of their GDP.[4] To compound the problem, only eight members adequately met their targets of spending 20% of their defence budgets on investment in new equipment and modernization.[5] There is a clear lack of political will to meet defence spending commitments, but why? Undoubtedly, there are immediate crises which our European members have to face. Ballooning migration, political strife, and economic uncertainty continue to test the resolve and efficacy of the EU and European Allies have, understandably, become preoccupied with extinguishing the increasing discord within the Union.

[3] NATO. 2015. *NATO's Relations with Australia*. Retrieved 20 February 2016, from http://www.nato.int/cps/en/natohq/topics_48899.htm.
[4] Jens Stoltenberg. 2016. *The Secretary General's Annual Report 2015*. NATO. P. 28.
[5] Ibid.

However, while these problems are very acute in the region, European states are not alone in facing a tough political climate.

As a geographically distant state, Australia, admittedly, does not directly face these same problems. It does, however, grapple with its own issues of migration and an electorate which is becoming increasingly intolerant of political refugees. As a Pacific power it also faces economic and political vulnerabilities which come from being resident in an increasingly volatile region and being dependent on trade relationships within that region. Despite this, Australia has tabled a robust Defence White Paper for 2016 outlining defence strategies and investment which, if achieved, will ensure that it remains a significant regional player. These strategies are based on a public willing to spend 2% on their defence because, as Matthew Fisher explains, "there is a strong public expectation political parties and their leaders will set aside their differences and work together".[6] Because of this expectation, there is continuity in defence policies as political whims tend not to be as disruptive to the process as in other nations. Because of pan-political agreement that defence is a high-priority for the government, Australia is "expecting an unprecedented investment in Australia's defence capability of approximately $195 billion over ten years."[7] Development of military capabilities can take 15-20 years[8] and political parties must commit to procurement strategies which will outlast administrations.

[6] Matthew Fisher. 2016. "Matthew Fisher: Lessons on National Defence from Down Under." *National Post*. 17 February 2016.
[7] Australia: Department of Defence. 2016. *2016 Defence White Paper*. Commonwealth of Australia. P. 9.
[8] Jens Stoltenberg. 2016. *The Secretary General's Annual Report 2015*. NATO.

The Australian White Paper of 2016 clearly indicates that the nation is taking a holistic approach to its defence expenditure and is investing in new submarines, destroyers and frigates, drones, strike fighters, electronic warfare aircraft, increased personnel and training. In addition, the paper indicates that the defence community is looking increasingly at cyber and space capabilities. The obvious rationale for this expenditure is that Australia finds itself in a potentially hostile region. As Robert Kaplan states, Southeast Asian defence budgets have increased by a third over the past 10 years and "arms imports to Indonesia, Singapore, and Malaysia have gone up by 84 percent, 146 percent, and 722 percent respectively since 2000."[9] However, the most potent source of disquiet for regional players is undoubtedly the economic and corresponding military growth of China. Not only is its growth in capabilities alarming, but the brazenness China has demonstrated in its land reclamation scheme in the South China Sea suggests that it may become increasingly assertive as it seeks to cement its regional hegemony. Indeed, Australia's investment in 12 new modern submarines is likely aimed at balancing against Chinese investment in its own submarine fleet; investment which includes an underground base which can accommodate 20 nuclear submarines on Hainan Island.[10]

Although many potential challenges face Australia we must ask why its electorate is more willing than those of many NATO countries to invest in defence. This question is especially poignant as the Australian public is investing in measures to protect themselves from *potential* threats while many NATO nations are reluctant to invest in defence despite facing *existing* threats. Furthermore, despite its location in a possibly unstable region, Australia benefits from the fact that it is an island nation which has the protection which vast expanses of water afford. Kaplan distinguishes between the 20th and 21st centuries by explaining that the former was defined by conflict centred on the land masses

[9] Robert Kaplan. 2015. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House.
[10] Andrew Marshall. 2010. "Military Maneuvers." *Time*. 27 September 2010. Retrieved 22 February 2016, from http://content.time.com/time/magazine/article/0,9171,2019534,00.html.

and plains which separate Eastern and Western Europe while the latter will be defined by maritime conflict (including sea, air, and space) in the South China Sea.[11] However, he goes on to explain that conflict is not as explosive in a maritime environment as the buffers of waterways dampen the immediacy of action. Carrier groups or submarine fleets can be recalled and conflict can more easily be de-escalated in maritime operations. Such time to deliberate is not afforded to countries which border antagonistic neighbours, and the result of reactionary action is illustrated by the fallout which followed Turkey's downing of Russia's bomber in November of last year. While Russia did violate Turkish air space there might have been a more proportional response had there been more time to respond to the incursion. Thus, while Australia may face neighbours with growing capabilities and interests which counter its own, it does not face the same immediate and existential threats which many NATO members face.

Finally, the Australian Defence White Paper of 2016 indicates that it will continue to work with the United States as its primary partner in defence. This is important because it illustrates that while Australia might be relatively isolated geographically, it does not feel itself to be isolated politically. By recognizing the importance of its relationship with the US Australia highlights the defence partnership and makes it clear that the country is not investing in defence because it feels that it is solely responsible for its own welfare. Unlike some NATO members, Australia appears to be proactively establishing its own defensive capabilities rather than relying primarily on the defensive umbrella of the US.

Despite the promises of its 2016 White Paper, it remains to be seen if Australia's most ambitious defence project in its history will actually meet its targets. Australia is not free of the procurement

[11] Robert Kaplan. 2015. *Asia's Cauldron: The South China Sea and the End of a Stable Pacific*. New York: Random House.

woes and staffing issues which have adversely impacted many NATO militaries (its *Collins* class submarine programme has been controversial), but it does seem to have an electorate which is willing to invest 2% of its GDP into its own defence, and it is this latter point which sets it apart from many members whose investment in NATO is lacklustre. For those NATO members whose investment is lacking, a central point should be highlighted. Countries should not reasonably expect to maintain strong domestic policies without also meeting their foreign commitments. What we require now is the political will for our members' governing elites to recognize the importance of defence spending and explain to our electorates that far from being superfluous, this investment is an essential ingredient to ensuring the preservation of our values and our civic health. If Australians are content to invest in defence in relatively good times, it stands to reason that the electorates of many NATO states should see the logic of increasing their defence expenditures in the face of readily apparent threats. In this way, we might learn something from our antipodal friends.

Examining the Russo-Georgian War:
Eight Years On

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The Georgian-Russo war was a major armed conflict of the 21st century. The war took place in August 2008 and caused suffering and damage to civilians and properties in the region. This paper illustrates the historical roots of the conflict as well as provides a brief analysis of the 2008 war from the standpoint of International law.

Historical Background to the conflict

While they belong to different ethno-linguistic groups, Georgians and Ossetians are both Orthodox Christians. In the 1920s Ossetia, previously a part of the Russian empire, attempted, unsuccessfully, to establish its own Soviet republic. Following the Soviet invasion of Georgia in 1921, Ossetia became an autonomous province of the Georgian Soviet Socialist Republic.[12] The uprising of Georgian nationalism at the beginning of 1990s, just before the collapse of the Soviet Union led to the low-intensity clashes between the belligerents, followed by a cease-fire agreement in Sochi, Russia in 1992.[13]

[12] Antje Herrberg, Crisis Management Initiative, Conflict Resolution in Georgia: a Synthesis Analysis With a Legal Perspective 10 (2006), www.cmi.fi/files/conflict_resolution_georgia.pdf
[13] Ibid, at 11

The agreement on Principles of Settlement of the Georgian-Ossetian Conflict ("Sochi Agreement") signed between Russia and Georgia, in conjunction with the ceasefire and withdrawal of Russian armed forces, established the Joint Control Commission (JCC) composed of representatives from Russia, Georgia, North and South Ossetia as well as Joint Peacekeeping Forces (JPKF) comprising Russian, Georgian and Ossetian military units.[14] In 1994, the Organization for Security and Cooperation in Europe (OSCE) got the legal mandate to monitor JPKF.

Although, the agreement was successful in practical terms, as peace prevailed for several years, no formal political resolution of the Georgian-Ossetian conflict had been reached. In May 2004, Georgian President Mikheil Saakashvili failed to restore control over breakaway South Ossetia by an anti-smuggling operation and accused Russia of sending armed personnel and heavy equipment from North Ossetia into South Ossetia. In addition, the legal nature of Sochi Agreement was further threatened when the Georgian Parliament voted in favor of a non-binding resolution urging the government to review the agreement and to replace Russian troops in the JKPF with an international peacekeeping force.[15] However, for the unilateral withdrawal from a bilateral treaty, Georgia would have needed to prove that a "material breach" on the part of Russia occurred within the framework of the Vienna Convention on the Law of the Treaties.[16] In November 2006, South Ossetia passed an "Independence Referendum" from Georgia, which was then denounced by the latter and the International Community.

[14] Agreement on Principles of Settlement of Georgian – Ossetian Conflict, June 24, 1992. Available: http://peacemaker.un.org/sites/peacemaker.un.org/files/GE%20RU_920624_AgreemenOnPrinciplesOfSettlementGeorgianOssetianConflict.pdf

[15] Jean-Christophe Peuch, Georgia: Tbilisi, Moscow At Odds Over South Ossetia Resolution. *Radio Free Europe Radio Liberty*, Feb. 16, 2006.

[16] Vienna Convention on the Law of the Treaties, May 23, 1969, Art. 60, Available: https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf

The 2008 War

The war between Georgia and Russia took place in August 2008 after relations between them continued to worsen. While Georgia claimed that a Russian regiment crossed into South Ossetia early on August 7, Russia responded that it was part of a normal movement related to the peacekeeping operation[17]. Officially, Russia claimed that its military units entered South Ossetia only after President Saakashvili ordered "use of force" against Tskhinvali. In fact, according to the International Monitoring Team working under the mandate of OSCE, Georgia's inexperienced military attacked the isolated separatist capital of Tskhinvali on August 7 with indiscriminate artillery and rocket fire exposing civilians, Russian peacekeepers and unarmed monitors.[18]

Despite various uncertainties, it became clear that military actions would spread to other territories outside of the disputed region as Russia shelled the Georgian town of Gori and targeted an airport and aviation factory in Tbilisi. Estimates of dead and injured have varied, in part because Russia initially limited media and most NGO access to South Ossetia. According to Russian sources, 162 civilians, 64 military personnel were killed and 283 wounded in the region during the conflict, while Georgian government reported that 372 citizens had died, of which 168 were military servicemen, 188 civilians and 16 policemen.[19]

[17] C.J. Chivers, *Georgia Offers Fresh Evidence on War's Start*, N.Y. TIMES, Sept. 16, 2008, at A1

[18] C. J. Chivers & Ellen Barry. Georgia Claims on Russia War Called Into Question, *The New York Times*, Nov. 6, 2008; for the protection of civilians in armed conflicts see Geneva Convention IV, Common Article 3, 1977 Additional Protocol II.

[19] Jim Nichol. Russia – Georgia Conflict in August 2008: Context and Implications for U.S. Interests. Congressional Research Service, March 3, 2009, p. 15

Violations of International Law

First, there is evidence that both Russia and Georgia committed war crimes during the armed conflict. A 2009 Human Rights Watch (HRW) illustrated that Russia failed to ensure that objects to be attacked were military rather than civilian. In addition, following the withdrawal of Georgian forces, South Ossetian forces together with Russian forces arbitrarily detained hundreds of ethnic Georgians and attempted to ethnically cleanse several Georgian villages. Clearly, this is a gross violation of International Humanitarian Law and Human Rights Law constituting a crime against humanity under the Statute of the International Criminal Court.[20] Furthermore, the report also provided that Georgia employed methods or means of warfare that are indiscriminate.[21]

Secondly, though Russia claimed that its intervention was justified on the grounds of humanitarian purposes to protect civilians, the legality of such an intervention can give rise to a legal challenge under the governing provisions of Public International law. In particular, Article 2 (4) prohibits Members from using force against other nations, except when the UN Security Council authorizes the use of force or in the case of "self-defense". The Charter states: "[n]othing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations."[22] Regarding to the first notion, there had been no Security Council resolution authorizing "use of force" against a sovereign Member. Within the Customary International Law the Security Council may authorize military intervention for humanitarian purposes; that is to say to protect human rights and fundamental freedoms and to deliver

[20] Human Rights Watch. Humanitarian Law Violations and Civilian Victims in the Conflict Over South Ossetia, *Executive Summary*, Jan, 23, 2009.
[21] *Ibidem*; for the prohibition of "indiscriminate" methods of warfare see Hague Regulations API Article 51(4).
[22] UN Charter Art.51

humanitarian aid.[23] However, there are legal preconditions to be satisfied before the right of humanitarian intervention is exercised.

First, an existing or potential humanitarian catastrophe must be identified. Secondly, the catastrophe and its wider effects must be such as to constitute, in the opinion of the Security Council, a threat to international peace and security. Thirdly, the Security Council must explicitly authorize any subsequent military intervention. Fourthly, the authorization and conduct must be an act of last resort.[24] None of those preconditions had been satisfied by Russia.

Russia also argued it had acted pursuant to Article 51 of the UN Charter as "Self-Defense" against a Georgian attack on the Russian peacekeepers deployed in South Ossetia, as fulfillment of the peacekeeping mission, as answer to an invitation by the South Ossetian authorities (Intervention by Invitation), as collective self-defense, as humanitarian intervention, and as action to rescue and protect nationals abroad. All these arguments were, however, refuted by the Independent International Fact-Finding Mission on the Conflict in Georgia with the exception of the argument of self-defense against a Georgian attack on Russian peacekeepers.[25] However, what is clear is that Russia, in doing so, did breach the principle of "Proportionality".[26]

[23] SC Res 929 (22 June 1994) – Rwandan Genocide; SC Res 794 (3 December 1992) – Somali; SC Res 770, 814, 816, 844, 871 – Bosnia - Herzegovina

[24] Spencer Zifcak. The Responsibility to Protect, ed. in Malcolm D. Evans. International Law, 4th edition, Oxford University Press, 2014, p. 512; Secretary General's High - Level Panel on Threats, Challenges and Change, UN Doc A/59/565, 2004.

[25] Angelika Nußberger. South Ossetia. Oxford Public International Law, January 2013.

[26] For the principle of proportionality see *Nicaragua v United States of America* (1986); ICJ - *Nuclear Weapons Advisory Opinion* (1996); *Islamic Republic of Iran v United States of America* [hereinafter Oil Platforms Case] (2003); *Democratic Republic of Congo v Uganda* [hereinafter Armed Activities on the Territory of Congo] (2005).

Peacekeepers are not authorized to provide any kind of military, financial or logistical support to one side of a conflict[27] or to carry out military action against a party to the conflict. More particularly, in *Nicaragua v USA*, the International Court of Justice held that the principle of non-intervention prohibits a State 'to intervene directly or indirectly, with or without armed force, in support of an internal opposition in another State.[28] Therefore, the duty of the peacekeepers as a neutral side is to ensure peace and security as far as they are able to. Russia clearly went beyond what was necessary to achieve its prime task.

Conclusion

After the collapse of the Soviet Union the Sochi agreement was introduced to put an end to the hostilities and clashes between Georgia and South Ossetia. Although an enduring peace has been secured, no formal political resolution to the conflict has been achieved. The relations between Georgia and Russia deteriorated to such a degree that the outbreak of war between them became inevitable. This war was marked with serious violations of international law on both sides.

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[27] *Congo v Uganda*
[28] *Nicaragua v USA*

NATO's Readiness Action Plan:
Benefits and Outstanding Challenges

Please find the link to the *Strategic Studies Quarterly* article, "NATO's Readiness Action Plan" below.

Abstract

In response to the reemergence of Russian military assertiveness and the rise of the Islamic State, the North Atlantic Treaty Organization (NATO) unveiled a major initiative—the Readiness Action Plan (RAP)—at its September 2014 summit in Wales. With only a few months until the next NATO summit in Warsaw, Poland, now is an opportune time to evaluate the RAP and the steps taken to implement it so far. This article argues that, despite the limited scale of some of its measures, the RAP offers four major strategic benefits, which collectively outweigh its drawbacks. Even so, its effectiveness faces a series of significant challenges. To address them, there are nine policy recommendations NATO leaders should consider before they convene in Warsaw in July 2016. These recommendations are designed to allow the RAP to achieve the benefits it promises, thereby bolstering NATO's ability to protect its members from aggression and to allow the alliance to respond effectively to crises.

The full article is available here: http://www.atlanticcounciluk.org/#!public-domain-research/xnl91