

# NATO decision-making: Is the “consensus rule” still fit for purpose?

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With limited exceptions, the 1949 North Atlantic Treaty does not specify how Alliance decisions are to be made. Absent any voting procedure, NATO has developed a set of practices known as its “consensus rule,” which is not mentioned in the Treaty but nevertheless has become a core part of NATO’s culture and day-to-day functions. The rule is intended to produce general agreement among all Allies on positions or actions taken in the name of NATO. Understanding how the rule works is key to assessing its power to facilitate or constrain pragmatic and timely decision-making. In 2003, some US senators proposed to eliminate the rule following a dispute among the Allies over the war in Iraq. But cooler heads prevailed, and NATO has moved to reduce the risk of such disputes in the future. Theoretical options exist to change the consensus rule, especially for decision-making regarding operations. But no Ally will agree fundamentally to change the rule in a manner deemed contrary to its interests.<sup>1</sup>

## INTRODUCTION

NATO officials can empathize with the essayist Mark Twain who, when asked by a reporter to confirm rumors of his ill health, famously quipped: “Reports of my death have been greatly exaggerated.” After all, over the past 75 years, NATO has had to navigate many serious disputes among its members. Most recently, foot-dragging by Türkiye and Hungary on their ratification of NATO’s Accession Protocol for Sweden generated widespread exasperation, with especially sharp rebukes from US senators.<sup>2</sup>

However, no Allied government questioned Article 10 of the Treaty, which requires “unanimous agreement” to invite a state to join NATO. Nor did any question Article 11, which specifies that Treaty provisions shall be “carried out by the Parties in accordance with their respective constitutional processes.” Article 10 and, by inference, Article 11 represent the only clear guidelines on how decisions are to be made. Any suggestion to

circumvent them to deal with a recalcitrant Ally would be a direct challenge to the Treaty.

Yet, enlargement issues represent a tiny percentage of the thousands of decisions NATO makes every year. Those decisions fall into five categories: (1) broad political and military strategies (e.g., the Alliance Strategic Concept); (2) military posture and planning; (3) authorization and oversight of collective defense and crisis response operations; (4) management of NATO staff and agencies; and (5) resourcing for NATO’s collective assets and operations. Whether momentous or mundane, all are tied, directly or indirectly, to a consensus procedure that is not mentioned in the Treaty but has become a core part of NATO’s culture and day-to-day functions.

This paper explains how the rule works, why the “silence procedure” allows the rule to be followed even when Allies have disagreements, and the power of the rule to push the Allies towards diplomacy. Brief case studies highlight how diplomatic finesse can be

1 This paper is a revised and updated version of Michel, Leo, “NATO Decision-Making: The ‘Consensus Rule’ Endures Despite Challenges”, in Mayer, Sebastian (ed.), *NATO’s Post-Cold War Politics: The Changing Provision of Security*, Palgrave MacMillan, 2014.

2 Türkiye and Hungary completed their ratifications in January and March 2024, respectively. Senate Foreign Relations Committee, Chair Cardin Statement on Concerns over Hungarian Government and Future of U.S.-Hungarian Relations, 1 February 2024; Ward, Alexander, Berg, Matt & Ukenye, Lawrence, “Sen. Van Hollen: Turkey is an ‘unfaithful ally’”, *Politico*, 2 February 2023.

used to effectively sidestep an impasse and reach a consensus-based solution. Finally, the paper argues that while the consensus rule slows some decisions there is no realistic practical alternative.

### HOW THE RULE WORKS

Proposals may be initiated by the Secretary General, International Staff (IS), or individual Allies.<sup>3</sup> As a practical matter, the IS has a preeminent role in this process. The tabling of proposals is routinely preceded by consultations in various fora, including one or more of dozens of committees and working groups established by the North Atlantic Council (NAC), bilateral and multilateral discussions among national missions at NATO headquarters, and meetings in Allied capitals.<sup>4</sup> Such consultations serve to identify possible concerns or objections among Allies and float possible compromises. The preponderance of decision-making occurs before issues reach the NAC.

Multilateral consultations can occasionally generate resentment. During the 1980s and 1990s, senior US, UK, French, and German officials met informally, in the “Quad,” to discuss sensitive issues before airing them in NATO. Italy’s annoyance with this practice led the Quad to include Italian officials on a case-by-case basis, giving birth to the “Quint.” Similarly, US officials were annoyed by suggestions, during the early 2000s, that EU member states who were also members of the Alliance should hold pre-consultations and, perhaps, act as a bloc within NATO. From Washington’s perspective, encouraging an “EU caucus” within NATO could marginalize US influence in the consensus-making process.

When a written decision or position statement is necessary, Allied representatives cannot always provide their authoritative national positions at the time of a NAC or committee meeting. In such cases, the Secretary General or IS chair may circulate the proposal under a “silence procedure.” If no Ally “breaks silence”—that is, notifies the IS in writing of its objection before the chair’s deadline—the proposal is considered to be approved. However, if one or more Ally breaks silence, the proposal is normally referred back to the relevant committee for further work to reach consensus.

By tradition, NATO does not publicly identify which countries break silence. However, national

positions are sometimes leaked by one or more of the Allies if public knowledge of the dispute is deemed politically useful. Moreover, as there is no formal voting procedure, there is no formal abstention procedure, either.

The Secretary General can play a helpful role in consensus-building through informal discussions with Allies’ Permanent Representatives to NATO.<sup>5</sup> He also can try to shape deliberations through public statements and private meetings with heads of state and government, their senior advisors, and legislators. However, the Secretary General and IS officials cannot overrule an Ally’s position.

### THE RULE’S POWER

The consensus rule is more than a mechanistic procedure. It reflects NATO’s fundamental structure as an alliance of independent and sovereign countries rather than a supranational body. NATO decisions express Allies’ collective will and exemplifies their “one for all, all for one” ethos. No Ally can be forced to approve a position or take an action against its will. This is vitally important for decisions on the use of military force.

Even Article 5, the Treaty’s key collective defense provision, stops short of mandating the type of assistance to be provided by each Ally in the event of an attack against the territory of another. In fact, the United States insisted on its qualified language to assuage concerns in Congress that its constitutional power to declare war not be ceded to any multilateral organization.

The consensus rule allows NATO to respect distinctive policies or national legislation that may affect Allies’ abilities to contribute to certain missions. For instance, Norway and Denmark historically have not allowed the basing of nuclear weapons on their territory in peace time. German law requires a simple parliamentary majority to approve military deployments for non-Article 5 operations outside NATO territory, whereas Hungarian law requires a two-thirds majority. Through the rule, NATO can build political and military solidarity without imposing “one size fits all” standards.

Moreover, the rule generally encourages Allies to consult with others to build support for their ideas. No Ally, large or small, can be taken for granted. Notwithstanding its prominent role in NATO, the United States relies on the rule to protect its national interests, shape the views of others, and accommodate Allied

3 This paper focuses on NATO’s civilian structure, but the consensus rule also generally applies to the NATO Military Authorities (NMAs), headed by the Military Committee (MC)—NATO’s senior military authority—and its executive body, the International Military Staff (IMS).

4 Most committees and working groups are chaired by a member of the IS. One exception is the Nuclear Planning Group’s “High Level Group,” composed of national policy makers sent from Allied capitals and always chaired by a US official.

5 To date, all the Secretary Generals have been men. Since 2016, two women have served as Deputy Secretary General.

perspectives. As former US Secretary of Defence James Mattis noted with regard to the 2018 National Defense Strategy: “Not all good ideas come from the country with the most aircraft carriers.”

### A FLEXIBLE RULE

While sacrosanct in principle, the rule has proved flexible in practice.

### France’s role

Following France’s decision in 1966 to withdraw from NATO’s Integrated Military Structure, the other Allies turned to the seldom-used Defense Planning Committee (DPC) to decide issues related to collective defense planning. They also established the Nuclear Planning Group (NPG) to discuss policy issues associated with nuclear forces. France opted not to participate in either group but did not seek to impede their decisions.

In 1992, as NATO debated its first “out-of-area” crisis response operation—a maritime and air surveillance operation in the Adriatic supporting the UN arms embargo on Yugoslavia—the DPC agreed by consensus to discuss the issue in the NAC. This eased the way for French participation in that operation as well as subsequent non-Article 5 operations in the Balkans, and, beginning in 2003, a NATO-led operation in Afghanistan.

France rejoined NATO military structures in 2009. The DPC was dissolved in 2010 and its functions taken over by the NAC. France did not join the NPG, given its policy of strict “autonomy” in decision-making regarding its independent nuclear forces. But the French absence has not materially affected the NPG’s work. Indeed, within the NAC, France has been a leading advocate for a strong nuclear deterrence posture.<sup>6</sup>

### Kosovo

The 1999 NATO air campaign, *Operation Allied Force*, against the Federal Republic of Yugoslavia has been widely described as a “war by committee.” Accounts differ on details of NATO’s decision-making over targeting and mission tasks, but these were mostly solved through bilateral channels involving the parties directly concerned. Ultimately, few experts contest that the

consensus rule, on balance, did more to help than hinder NATO’s efforts.<sup>7</sup>

The rule allowed Allies with differing views—some emphasized humanitarian arguments for armed intervention, while others worried NATO would be perceived as taking “offensive” action against a sovereign state—to find enough common ground to launch *Allied Force*. The distinction between a procedure allowing an Ally to acquiesce in a collective decision and a procedure requiring a “yes” or “no” vote may appear insignificant. But in practice, the nuance matters enormously. In the Kosovo case, the consensus rule was especially important for the Greek government, which ultimately decided not to break silence despite polls showing that 95 percent of its public opposed NATO intervention. At the same time, because joining consensus to launch an operation does not carry any hard obligation to participate in it, Greece opted not to join in *Allied Force* combat missions.

### September 11

The consensus rule has often been cited as an impediment to timely decision-making. Yet, it did not prevent NATO from acting within 24 hours of the September 11, 2001 terrorist attacks to invoke Article 5 for the first time in history and—even more unexpectedly—in defense of the United States. To be sure, the immediate effects of that decision were limited, in part, because NATO accepted it could not coordinate all the diplomatic, intelligence, military, financial, and law enforcement tools needed for a sustained campaign against al Qaeda. However, the rule facilitated the October 4 NAC agreement on eight specific assistance measures requested by the United States, including deployment of NATO airborne warning and control aircraft and multinational crews to help patrol US airspace.

### Afghanistan

Over the following two decades, the consensus rule played an important role in NATO’s long, difficult and costly engagement in Afghanistan, which was not formally an “Article 5” mission. The strategic, operational, and tactical “lessons learned” from NATO’s experience there have been extensively studied within

6 See NATO, NATO’s Nuclear Sharing Arrangements, Factsheet, February 2022. Note that: “However, a nuclear mission can only be undertaken after explicit political approval is given by NATO’s Nuclear Planning Group (NPG) and authorisation is received from the US President and UK Prime Minister. Within NATO, the NPG provides a forum for consultation, collective decisionmaking, and political control over all aspects of NATO’s nuclear mission, including nuclear sharing. By design, therefore, NATO’s nuclear sharing is the sharing of the Alliance’s nuclear deterrence mission and the related political responsibilities and decision-making. It is not the sharing of nuclear weapons.”

7 For a description by a former SACEUR of NATO’s messy decision-making during the Kosovo war, see: General (retired) Clark, Wesley, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*, New York: Public Affairs, 2001.

NATO structures and among Allied militaries, ministries, and think-tanks.<sup>8</sup> Such efforts are complicated by the fact that critical decisions shaping the conduct and eventual outcome of the war were made outside NATO—especially in Washington.

Assessing the rule’s impact on NATO’s collective performance in Afghanistan is no simple matter. For example, the rule arguably made it easier for some Allies to impose national restrictions (“caveats”) on how and where their forces were employed by NATO commanders, prompting some Allied military leaders to complain that their nation’s troops were bearing a disproportionate share of the combat risks and casualties. On the other hand, once NATO commanders applied public and private pressure on the issue, the number and use of caveats diminished.

### RULE UNDER FIRE

Support for NATO enlargement gained momentum in the late 1990s, but by 2003, some US members of Congress were raising concerns that a “robust” enlargement might bring more “free riders” into the Alliance, eroding its effectiveness. However, it was a contentious intra-Alliance dispute over Iraq that convinced prominent members of Congress and parts of the US foreign policy “establishment” that the consensus rule must be changed.

The dispute arose from disagreements within the UN Security Council in January 2003, over a proposed resolution authorizing the use of force against Iraq. The US and British governments supported the resolution, while France and Germany opposed it. The dispute came to a head in early February, when Türkiye, feeling under threat from Iraq, formally requested the NAC to direct the NATO military authorities (NMAs) to prepare plans for Türkiye’s defense.

Three Permanent Representatives—soon revealed by leaks to be from France, Germany, and Belgium—objected, leading the Secretary General to circulate a formal decision sheet. The stand-off lasted several days before Belgium and Germany agreed to a face-saving compromise: the Turkish request was moved from the NAC to the DPC, where France was not represented.

The DPC quickly reached consensus, directing the NMAs to prepare the defense plans and implement the agreed assistance, including air defenses, to Türkiye.

NATO officials put the best face possible on the clash among Allies; the Secretary General described it as “damage above, not below the waterline.” Washington’s reaction was swift and harsh. In their March 2003, committee hearings on the NATO Accession Protocols for seven East European countries, several senators cited NATO’s disputes over defense planning for Türkiye and the conduct of *Operation Allied Force* as reasons to “reexamine” the consensus rule. A few senators went so far as to propose its “elimination.”<sup>9</sup>

Reacting to such demands, Secretary of State Colin Powell wrote senators that “the current decision-making procedures work well and serve US interests...no NATO member, including the United States, would allow Alliance decisions to be made on defense commitments without its agreement.” Eventually, cooler heads prevailed. The Senate approved a non-binding provision accompanying the Accession Protocols. The provision recommended, but did not require, that the President seek a NAC “discussion” of the consensus rule and “the merits of establishing a process for suspending (NATO membership) of a country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law.”<sup>10</sup>

Debate over the consensus rule faded but did not disappear after the 2003 furor. NATO’s intervention in Libya in 2011 renewed some of the concerns heard during the Kosovo and Afghanistan operations, including doubts (especially in Germany) about the “legitimacy” of NATO’s out-of-area commitment, and complaints by President Barack Obama and his defense secretary of unnamed “free riders” among the Allies. But the relatively short duration of the conflict and minimal NATO losses probably helped to limit the debate.

### IS THE CONSENSUS RULE STILL FIT FOR PURPOSE?

As two NATO experts observed in 2010, “NATO is often seen to be too slow, lumbering and underperforming. Mainly, the problems reflect underlying

8 See, for example: Mustasilta, Katariina, Karjalainen, Tyyne, Stewart, Timo R., & Salo, Mathilda, *Finland in Afghanistan 2001-2021: From stabilization to advancing foreign and security policy relations*. Helsinki: Finnish Institute of International Affairs (FIIA), 2022; Hooker Jr, Richard D & Collins, Joseph J., *Lessons encountered: Learning from the long war*, National Defense University Press, 2015; Manza, John, *I wrote NATO’s lessons from Afghanistan. Now I wonder: What have we learned?*, Atlantic Council, 2022.

9 Senate Foreign Relations Committee, Executive Report on the North Atlantic Treaty of 1949 on accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, 2003; Senate Hearing on the future of the North Atlantic Treaty Organization (NATO), 2003.

10 Note that the provision gave the President up to 18 months to raise the issues at the NAC, possibly signaling that the Senate did not, in fact, consider them to be a particularly urgent matter.



political disagreement and under-investment rather than inefficiencies in the decision processes.”<sup>11</sup> Indeed, a brief look at NATO’s record over the past decade or so would indicate that the consensus rule, on balance, has been more helpful than harmful.

In response to Russian aggression against Ukraine, NATO began in 2014 to strengthen its deterrence and collective defense posture by, for example, updating its strategy, forward positioning NATO forces with improved command, control, and intelligence, pre-positioning equipment, and arranging more resilient and mobile logistical support. Since Russia’s full-scale invasion in February 2022, NATO has broadened and intensified such lines of effort.<sup>12</sup>

Of note, NATO agreed in 2023 on new operational plans for its northern, eastern, and southern regions, which will be linked to specific capabilities and combat-ready forces prepared for high-intensity collective defense. Combined with anticipated enhanced authorities for the Supreme Allied Commander, Europe (SACEUR), the Alliance will have gone a long way toward correcting delays and impediments that it faced with Türkiye’s defense in 2003.<sup>13</sup> All of these dramatic changes, which are part of the most important transformation of NATO since the end of the Cold War, have been decided under the consensus rule.

In the area of nuclear policy, to date the consensus rule has not prevented certain needed improvements in NATO’s deterrent posture and messaging in response to Russian nuclear modernization and “saber rattling.” Since 2014, NATO summit declarations have progressively strengthened their language dealing with the deterrence role of nuclear weapons, the importance of “nuclear-sharing” arrangements, and the provision of conventional forces and military capabilities in support of the nuclear deterrence mission. Meanwhile, several Allies are modernizing their dual-capable aircraft (DCA), older US nuclear gravity bombs deployed in Europe will be replaced with a more modern, reliable, and capable

version, and NATO has become more transparent regarding its annual nuclear exercise, *Steadfast Noon*.<sup>14</sup>

In coming years, NATO likely must address how Allies who have joined NATO since 1997 will contribute to the deterrence mission.<sup>15</sup> In doing so, NATO’s consultative and consensus-based procedures will need to be synchronized with US bilateral agreements governing its nuclear weapons deployments in European “host” nations. Core principles governing any potential use of nuclear weapons almost certainly will not change. Among these are: (1) only the US president, UK Prime Minister, and French president can authorize the employment of his/her nation’s nuclear weapons; and (2) “if a crisis or conflict with Russia in Europe should reach the stage where the United States asked NATO to agree to authorize SACEUR to conduct one or more DCA nuclear strikes, and consensus could not be attained in a timely manner, the United States retains a range of unilateral ‘non-strategic’ and ‘strategic’ nuclear strike options.”<sup>16</sup>

To be sure, when fundamental political differences arise, especially over launching a military operation, calls to change the consensus rule are likely to follow. But NATO has good reasons to tread carefully, as illustrated by two hypothetical options.

#### **Option 1: Empowering coalitions within NATO**

Under this approach, a NAC consensus would still be required to authorize a NATO operation. But departing from current practice, the NAC could mandate a “NATO committee of contributors” (NCC), chaired by the Secretary General, to carry out the operation on behalf of the Alliance. The NCC would be formed by Allies prepared to contribute national forces and/or capabilities to the operation, and it would enjoy full access to NATO’s common assets and infrastructure. The Secretary General might periodically brief non-participating Allies, but those Allies would not participate in the daily management of the operation.

11 Buckley, Edgar & Volker, Kurt, *NATO Reform and decision-making*, Atlantic Council, 2010.

12 For a useful summary of NATO measures, see: NATO, Deterrence and defense, [https://www.nato.int/cps/en/natohq/topics\\_133127.htm](https://www.nato.int/cps/en/natohq/topics_133127.htm).

13 These might include SACEUR authority to move or otherwise increase NATO’s force readiness to strengthen its deterrence posture, while preserving the NAC’s political responsibility for deciding their possible employment.

14 For background on NATO’s nuclear deterrent, see: Kristensen, Hans M, Korda, Matt, Johns, Eliana & Knight Mackenzie, ‘Nuclear weapons sharing, 2023’, *Bulletin of the Atomic Scientist*, Vol 79. 2023: 393-406; Michel, Leo, *NATO as a nuclear alliance: background and contemporary issues*, Helsinki: Finnish Institute of International Affairs (FIIA), 2017.

15 Edelman, Eric S & Miller, Franklin C., *An ongoing and necessary renaissance: NATO’s nuclear posture*, Center for Strategic and Budgetary Assessment (CSBA), 2024.

16 Bell, Robert G., *NATO Nuclear Burden-sharing post-Crimea: What constitutes “free-riding*, Dissertation, The Fletcher School of Law and Diplomacy, 2021; Bell, Robert G., *Modernize, expand or complement? NATO’s nuclear posture in the post-2022 strategic environment*, Brussels School of Governance, 2024.

In theory, this option would make it easier for Allies sharing a common view on a proposed operation to proceed with the Alliance’s political blessing. By removing the ability of those who are not engaged in the operation to influence its day-to-day conduct, this approach could accelerate decision-making and avoid the negative “war by committee” image attributed to *Operation Allied Force*. The NCC rules could be inclusive rather than exclusive: no Ally could block another’s participation.

However, this option would raise important practical issues. For example, NATO presumably would need transparent, meaningful standards that discourage some Allies from providing a minimal contribution simply to secure a seat at the NCC table. Ensuring rough parity between an Ally’s capabilities and its level of participation in an operation is not a new challenge. But past practice has been to deal with this behind the scenes on a case-by-case basis. Allowing the NCC to draw on NATO-wide assets also implies that non-participating Allies would agree to continue paying their financial share for those assets—an uncertain proposition.

A more difficult question is whether a NCC approach would erode the “one for all, all for one” ethos. Arguably, the NCC option could make it easier for Allies to opt out of more demanding NATO operations to placate domestic or foreign critics. It also could have the perverse effect of dissuading non-participants from investing in military capabilities for future NATO missions.

### Option 2: “Consensus minus” rule

Under this option, a NAC consensus would remain the preferred decision-making process. However, if consensus were not possible, the NAC could decide to launch an operation by a process of qualified majority vote (QMV.)

In theory, there is no inherent contradiction between a QMV procedure, if agreed among all Allies, and the principle that the NAC must authorize the proposed operation. Depending on its modalities, a QMV procedure could make it very difficult, perhaps impossible, for one Ally or a small number of Allies to block an operation desired by others. This option could be

combined with option 1, allowing a NCC to be mandated by QMV.

However, this option would represent a radical break with NATO tradition and carry the highest risk of undermining its political and military cohesion. The task of designing and negotiating QMV parameters appropriate for a political-military alliance of sovereign states would be daunting, at best, and bitterly divisive, at worst. A population-based formula (similar to the EU’s QMV) would be unacceptable to a number of small and middle-sized Allies, some of whom are among the most solid contributors to NATO operations and capabilities. Formulae based on indexes such as defense spending as a percentage of GDP or the size and readiness of national forces would be complicated and need adjustment on a regular basis.

Moreover, it would be extremely difficult—indeed, likely impossible—to gain NATO’s approval of a QMV formula guaranteeing that one Ally, the United States, could never be outvoted in the Alliance. Similarly, it is hard to imagine that Allies who have strongly opposed a QMV procedure for defense and security matters in the EU would find it easier to swallow in NATO.

### CONCLUDING REMARKS

As Sweden and Finland increase their presence in NATO bodies, especially in the IS, NPG, and NMAs, their opportunities to shape decision-making will increase accordingly. In the near term, senior Swedish and Finnish officials should consider whether and, if so, to what degree they might coordinate their approaches on the selection of the next Secretary General—a decision that likely will take place at or shortly before NATO’s July summit in Washington.<sup>17</sup> They are likely to find, however, that no Ally will agree to change current decision-making procedures in a manner deemed contrary to its interests. This poses a basic paradox, or “Catch 22”, for NATO: consensus would be needed to alter the consensus rule. To paraphrase Winston Churchill’s celebrated remark about democracy, the consensus rule is perhaps the worst way to manage the Alliance—except for all the others. ■

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<sup>17</sup> The Secretary General is a senior political figure (such as a former prime minister, foreign or defense minister) nominated by an Allied government and appointed by consensus for a four-year term. To date, only Europeans have held the Secretary General position. By tradition, the Supreme Allied Commander, Europe (SACEUR) has always been a US four star general or admiral.