

NATO AND THE WAR IN UKRAINE LIMITED ROLE BUT REINFORCED LEGITIMACY?

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ABSTRACT

This analysis proposes a new reading of NATO's role, based on what appears to be a paradox: while the Alliance is playing a very limited role in this war, its attractiveness and legitimacy have been greatly enhanced since the outbreak of war in February 2022. Furthermore, NATO seems to be at the heart of the conflict which is taking place on the organization's eastern flank, it opposes two countries with partnership programs with the organization, namely Russia and Ukraine; and one of the Russian government's main misleading narratives is to accuse NATO of being responsible for this conflict because of its enlargement policy.

Indeed, NATO's role is limited to a deterrent posture, which means that it is implementing policies to protect the territorial integrity and sovereignty of member states. However, the Alliance's attractiveness and legitimacy have been greatly enhanced since the outbreak of the conflict, as evidenced by the willingness of two neutral countries, Finland and Sweden, to join NATO. The European Union, on the other hand, has not benefited from this renewed legitimacy, even though it is far more involved in the conflict through its policy of arms supplies to Ukraine (European Peace Facility); through sanctions on Russian individuals and companies; and through aid to Ukrainian refugees.

CONTENT

Introduction	2
At the center of Russian false narratives: NATO enlargement policy.....	3
The defensive and prudent posture of NATO	5
The failure of the policy of partnership with Russia	7
Strengthening NATO's legitimacy through membership applications.....	9
Conclusion: The paradox of NATO or how to be considered as a key player while being less active than the EU	10

INTRODUCTION

Russia's invasion of Ukraine in February 2022 fundamentally questions the role of the Atlantic Alliance on the European continent. The war is taking place on the organization's eastern flank, on the borders of several member states. It pits Russia and Ukraine – two countries with partnership programs with NATO – against each other. Finally, one of the Russian government's main misleading narratives is to accuse NATO of being responsible for this conflict because of its enlargement policy, even though Ukraine is not included in the Alliance's pre-accession program, the Membership Action Plan.¹

While the Atlantic Alliance seems to have played a central role in this conflict, its role has not been the subject of many publications, although a few researchers have attempted to put some aspects into perspective. Some have shown the impossibility of finding a negotiated solution following the Russian government's demands in the winter of 2021 for assurance that NATO would not expand any further.² Others, with a view to the future, have attempted to determine the possibility of a Russian attack on NATO.³ The Turkish government's sometimes contrary stance towards other Alliance members has also been the subject of particular interest, with the Turkish stance demonstrating both a desire for dialogue and a desire to dissuade Russia.⁴ Others have shown that, while this conflict has strengthened cohesion between Allies and led to important measures to reinforce the Eastern flank, tensions are still latent due to the posture of Viktor Orbán's Hungarian government and the possibility of a Trumpist victory in the United States.⁵ Finally, while the China factor and NATO's involvement in the Indo-Pacific zone were put on NATO's agenda at the end of the 2010s, the war in Ukraine is now focusing the Alliance's commitment on territorial defense in Europe, to the detriment of these more global issues.⁶

This analysis proposes a new reading of NATO's role, based on what appears to be a paradox. Indeed, while the Alliance is playing a limited role in this conflict, its attractiveness and legitimacy have been greatly enhanced since the outbreak of the conflict in February 2022.

The primary function of an alliance is to guarantee the security of its member states in the face of an external threat, and to ensure the coordination of their defense policies (Schmitt, 2017). In the specific case of the war in Ukraine, this primary function takes the form of reinforcing the deterrent posture on the eastern flank. In this case, the aim of NATO

1. Amélie Zima, Zima, "OTAN-Ukraine: quelles perspectives d'adhésion?", Brève n°32, 2022, IRSEM (<https://www.irsem.fr/media/5-publications/breves-strategiques-strategic-briefs/bs-32-zima-ukraine.pdf>).

2. Wolfgang Richter, "NATO-Russia Tensions: Putin Orders Invasion of Ukraine", *SWP Comment*, 2022.

3. Bryan Frederick, Samuel Charap, Scott Boston, Stephen J. Flanagan, Michael J. Mazarr, Jennifer D. P. Moroney, Karl P. Mueller, "Pathways to Russian Escalation Against NATO from the Ukraine War", *Perspective*, Rand Corporation, 2022.

4. Galip Dalay and Daria Isachenko, "Turkey's Stakes in the Russia-Nato Rivalry: the Ukraine Crisis and Beyond", *SWP Comment*, 2022.

5. Laurent Borzillo, "The Resurrection of Lazarus, or the Second Youth of NATO", Réseau d'analyse stratégique, Queen's University, n°17, 2022.

6. Ibid.

policy is to prevent Russia from invading or attacking a member country after it has challenged Ukraine's sovereignty.

This deterrent, which is strictly limited to protecting the territorial integrity and sovereignty of member states, nevertheless reinforces NATO's attractiveness and legitimacy. In the spring of 2022, two neutral countries – Sweden and Finland – announced their intention to join the organization. Even though these countries are partners of NATO and members of the EU, which has a common security clause in Article 42.7 of the TFEU, the deterioration of the European security environment following the invasion of Ukraine has led them to seek to strengthen their protection and security guarantees by joining the organization that maintains the transatlantic link.

To understand this paradox, several hypotheses, not mutually exclusive, are envisaged. The first hypothesis concerns the attractiveness of the Alliance. The Alliance is strengthened because its members are protected by the nuclear umbrella and the guarantee of Article 5, which stipulates that an attack against one member state is considered an attack against all. The second hypothesis is that the European Union is not perceived as a provider of hard security. Despite recent developments, such as the Strategic Compass, it is not perceived as the best equipped to ensure a policy of deterrence and territorial defense of its member states. The final hypothesis is that the United States is playing an important role in the war in Ukraine by stationing troops in Europe and transferring equipment. NATO, as the organization that guarantees the transatlantic link, enjoys renewed legitimacy as a result of American actions.

To test these hypotheses, this article uses a qualitative approach, drawing on a variety of primary sources. These include official texts such as the minutes of NATO summits, as well as strategic concepts and speeches by key players.

AT THE CENTER OF RUSSIAN FALSE NARRATIVES: NATO ENLARGEMENT POLICY

Russian false narratives focus on the question of Ukraine's membership of NATO. Yet, Ukraine is only a partner to NATO. Indeed, Ukraine's rapprochement with NATO took place just after the break-up of the USSR and the country's independence. Ukraine joined NATO's partnership structures as soon as they were created: the North Atlantic Cooperation Council (NACC) in 1991 and the Partnership for Peace (PfP) in 1994. The main framework for cooperation between NATO and Ukraine is the Commission set up in July 1997. It meets at the level of Heads of State and Government, Ministers and Chiefs of Staff, and more regularly at ambassadorial level. It serves as a forum for the exchange of political and security issues of common interest, as well as for the implementation of programs aimed at reforming the defense sector, ensuring economic security, and cooperating in scientific and environmental fields. Since 2002, under the presidency of Leonid Kuchma, NATO integration has been an objective of Ukrainian foreign policy. Nevertheless, internal political changes have disrupted the Ukrainian Atlantic agenda. While Prime Minister

and then President Yanukovich reiterated his willingness to cooperate, he also affirmed that the Ukrainian people were not ready to join. This statement paved the way for an abandonment of Euro-Atlantic policy, symbolized in 2010 by the abandonment of the goal of NATO integration. Nevertheless, the most remarkable move away from Euro-Atlantic institutions was the refusal to sign the association agreement with the European Union, which was the main trigger for the EuroMaidan movement in late 2013-early 2014. The Alliance then backed the demonstrators, condemning the use of force by the security forces. The North Atlantic Council (NAC), the Alliance's most important decision-making body bringing together heads of state and government, declared the referendum held in March 2014 allowing Crimea to be attached to Russia to be illegal and illegitimate. Meetings of the NATO-Russia Council, a forum for dialogue between the two sides created in 2002, were suspended before resuming very sporadically from 2016. Following the EuroMaidan regime change, the Ukrainian Parliament passed a law in June 2017 making NATO membership a strategic foreign and security policy objective. From an operational point of view, Ukrainian soldiers have taken part in several NATO operations: peacekeeping missions in the Balkans (KFOR), counter-terrorism operations (Active Endeavour in the Mediterranean) and counter-piracy operations off the coast of Somalia.

Regarding accession to NATO, Ukraine does not benefit from NATO's pre-accession program, the Membership Action Plan. Indeed, the Allies refused to grant it at the NATO summit in Bucharest in 2008.⁷ The arguments put forward at that time were that Ukraine needed to carry out numerous reforms to establish the rule of law, put an end to corruption, and modernize its armies. Furthermore, the granting of MAP is now conditional on the settlement of the Russian-Ukrainian conflict. Indeed, to obtain MAP, applicant countries must have settled "ethnic disputes or external territorial disputes including irredentist claims or internal jurisdictional disputes by peaceful means in accordance with OSCE principles and to pursue good neighbourly relations."⁸ In fact, Russia's illegal annexation of Crimea, the continuing conflict in the Donbass region and the war launched by Vladimir Putin's government in February 2022 are all obstacles to Kiev joining NATO.

At the NATO summit in Vilnius in July 2023, the Allies did not invite Ukraine to join NATO, since, as a country in conflict, this would mean triggering NATO's collective defense clause and bringing all the Allies into the war against Russia. Refusing to extend the conflict to the whole of Europe, the Allies adopted a minimalist formula indicating that, "We will be in a position to extend an invitation to Ukraine to join the Alliance when Allies agree and conditions are met."⁹ Three gestures were made to ease the disappointment of the Ukrainian authorities: the mention for the first time in a NATO communiqué of the term "invitation", the deepening of cooperation with the transformation of the NATO-Ukraine Commission into the NATO-Ukraine Council and the abolition of the Membership Action Plan. if this erases the disappointment felt by the Ukrainian authorities at the 2008 Bucharest

7. Bucharest summit declaration: https://www.nato.int/cps/fr/natohq/official_texts_8443.htm?selectedLocale=en.

8. Membership Action Plan: https://www.nato.int/cps/fr/natohq/topics_37356.htm?selectedLocale=en.

9. Vilnius summit communiqué, July 2023: https://www.nato.int/cps/en/natohq/official_texts_217320.htm?selectedLocale=en.

summit, this does not mean that Ukraine will be a member once the war with Russia is over. Indeed, the communiqué clearly states that while Ukraine has “become increasingly interoperable and politically integrated into the Alliance, and has made substantial progress towards reform”, “Allies will continue to support and review Ukraine’s progress towards interoperability as well as further necessary reforms in the fields of democracy and security”, “NATO Foreign Ministers will regularly assess progress under the Adapted Annual National Program”.

All this means that the Alliance has no intention of bringing Ukraine on board any time soon. Ukraine remains a partner country not covered by the article 5 guarantee. Even in the light of recent developments, the Russian narrative proves to be false.

Another false narrative concerns NATO’s promise not to enlarge. This narrative is based on discussions on NATO enlargement policy held in the early 1990s between several Western and Soviet leaders, including US Secretary of State James Baker, German Foreign Minister Hans-Dietrich Genscher and CPSU General Secretary Mikhail Gorbachev. These discussions took place against the backdrop of German reunification, which meant the *de facto* entry of the GDR into NATO. Recently declassified archives prove that discussions did indeed take place on the question of NATO enlargement.¹⁰ They are, however, of no significance for several reasons.

On the one hand, these discussions took place in 1990, at a time when the Central European countries, still members of the Warsaw Pact, were not even asking to join NATO. Secondly, they were only discussions, since no formal agreement or treaty had been signed between these political leaders. Finally, bilateral acts or discussions between political leaders, whether ministers or presidents, are not binding on NATO, since these decisions are taken by consensus at the North Atlantic Council, where all member states are represented.

THE DEFENSIVE AND PRUDENT POSTURE OF NATO

Since the start of the conflict, NATO’s role has been mainly limited to ensuring the protection of its member states by reinforcing its deterrent posture on the eastern flank. Indeed, the principal function of an alliance is to guarantee the security of its member states in the face of an external threat, and to ensure the coordination of defense policies.¹¹ NATO’s action since the start of the conflict has been in line with this principle, as it consists in reinforcing its deterrent posture on the eastern flank. The aim is to prevent any Russian attack on a member country.

10. M. E. Sarotte, *Not One Inch. America, Russia and the Making of Post-Cold War Stalemate*, Yale University Press, 2022.

11. Olivier Schmitt, “Alliances (coalitions)”, in Benoît Durieux, Jean-Baptiste Jeangène Vilmer and Frédéric Ramel (eds), *Dictionnaire de la guerre et de la paix*, Paris, PUF, 2017, p. 56-64.

Deterrence can be defined as a means of “diverting an adversary from an initiative by making him realize that the enterprise he is planning is irrational.”¹² But to be credible and effective, several criteria must be met:

- 1) the adversary will be sanctioned, i.e. he will suffer reprisals, the nature of which may nonetheless remain unclear
- 2) deterrence must mobilize resources commensurate with the objective to be achieved
- 3) it must be flexible and evolve according to the context: for example, the security context on the Eastern flank changed radically between 2014, following the illegal annexation of Crimea, and 2022, after Russia’s invasion of Ukraine.
- 4) the effectiveness of deterrence depends on its non-use: it works as long as the means mobilized are not employed.¹³

Following Russia’s aggression in February 2022, NATO has taken a number of measures to reinforce its deterrent posture and maintain the credibility of the system. The 40,000-strong NATO Rapid Reaction Force (NRF) was activated for the first time since its creation.¹⁴ This means that units from the armies of member countries are made available to reinforce the deterrent posture and, if necessary, to be able to intervene rapidly to defend the territory of member states. The number of aircraft assigned to air policing¹⁵ has been increased, and additional ships have been deployed in the Baltic Sea and Mediterranean (130 aircraft and 140 ships). Additional staff have been assigned to the enhanced Forward Presence¹⁶ (eFP) and new battalions have been established in Hungary and Slovakia.¹⁷ Still, this does not mean an over-militarization of the flank. By February 2022, eFP forces in Poland and the Baltic States totaled 4,957 soldiers, whereas in November 2022, the total troop number for all eight battlegroups on the Eastern flank was 10,232. With the creation of the two new battalions in Hungary and Slovakia, a certain unification has been achieved, since all the troops present on NATO’s eastern flank now make up “NATO’s forward presence”.¹⁸

12. General Lucien Poirier quoted by Joseph Henrotin, “Dissuasion”, in Benoît Durieux, Jean-Baptiste Jeangène Vilmer and Frédéric Ramel (eds), *Dictionnaire de la guerre et de la paix*, p. 382-388.

13. Ibid.

14. NATO’s deterrence architecture comprises several levels: 1) the eFP, multinational battalions of around 1,000 men stationed in Eastern flank countries; 2) the 20,000-strong VJTF (Very High Readiness Joint Task Force) and 3) the NRF. VJTF and NRF troops are made up of armed units from member countries, who are made available to reinforce deterrence and, if necessary, intervene rapidly to defend the territory of member states.

15. The air policing mission mainly cover the Baltic states, which have no fighter aircraft. As part of the reinforcement following the Russian invasion, aircraft, including French Rafales, were deployed in Poland.

16. eFP (enhanced Forward Presence) refers to the multinational battalions stationed in Poland and the Baltic States. The tFP (tailored Forward Presence) refers to the forces covering the Black Sea and stationed at Craïova in Romania. The distinction between the two has now been abolished, and all the troops present on NATO’s eastern flank make up NATO’s forward presence.

17. “NATO’s Eastern Flank: stronger defence and deterrence”, March 2022, https://www.nato.int/nato_static_fl2014/assets/pdf/2022/3/pdf/2203-map-det-def-east.pdf.

18. NATO’s military presence in the east of the Alliance: https://www.nato.int/cps/fr/natohq/topics_136388.htm?selectedLocale=en. See also NATO Forward Presence factsheet as of November 2022: https://shape.nato.int/resources/site16187/General/factsheets/221128-factsheet-efp_en.pdf and of June 2022: https://www.nato.int/nato_static_fl2014/assets/pdf/2022/6/pdf/2206-factsheet-efp_fr.pdf.

It should be emphasized that these measures only benefit member states. The same applies to the collective security clause, Article 5 of the Washington Treaty, which commits member states to protecting and helping each other in the event of an attack. This limited role corresponds to the very nature of NATO, which is a defensive territorial military alliance operating within the framework of the UN Charter.¹⁹ This means that NATO must notify the Security Council before taking armed action, but does not need Security Council approval to defend its territory. On the other hand, NATO does need Security Council approval to intervene in a third country, such as Ukraine. These clauses explain the reason NATO did not comply with Ukrainian President Zelensky's requests to set up a no-fly zone in the early days of the war was that a mandate from the Security Council was required.²⁰ Such a mandate is unobtainable, however, as Russia is a permanent member of the Security Council and has veto power.

THE FAILURE OF THE POLICY OF PARTNERSHIP WITH RUSSIA

Since the fall of the Berlin Wall, NATO has pursued a policy of partnership with the countries of Central and Eastern Europe, including Russia. The logic of this policy, known as the dual-track policy, was to extend NATO to the countries of Central Europe without building new walls in Europe.²¹ Although Russia was not destined to join NATO, this did not mean that it should be excluded from the new security architecture, but rather that it should be an indispensable pillar of stability on the Eurasian continent.²² Moreover, it was necessary to include Russia in such a way as to recognize its status as a nuclear power and a permanent member of the UN Security Council. Hence, the classic partnership framework created by NATO, the Partnership for Peace, was not the proper solution, and an *ad hoc* one had to be found. At the Noordwijk summit in May 1995, specific areas of cooperation were defined that went beyond the simple framework of the PFP.²³ By granting this *ad hoc* status to Russia, NATO had taken up French Prime Minister Alain Juppé's idea of signing a security treaty between NATO and Russia, which would include a reciprocal consultation mechanism. This idea was accepted by the EU foreign ministers at their informal meeting in Carcassonne in March 1995.²⁴ But whereas NATO accepted some of Moscow's proposals such as the establishment of permanent Russian military liaison at SHAPE and the setting

19. Relations with the United Nations: https://www.nato.int/cps/fr/natohq/topics_50321.htm?selectedLocale=en.

20. "Pourquoi l'OTAN ne veut pas mettre en place une zone d'exclusion aérienne en Ukraine?", Euronews, March 11, 2022 (<https://fr.euronews.com/my-europe/2022/03/10/pourquoi-l-otan-ne-veut-pas-mettre-en-place-une-zone-d-exclusion-aerienne-en-ukraine>). Press conference by NATO Secretary General Jens Stoltenberg, 4 March 2022: <https://www.youtube.com/watch?v=iK69WP9t4o0>.

21. "From an (onto)logical point of view, this is tantamount to the claim that NATO is able to create an inside without an outside", in Andreas Behncke, *NATO's Security Discourse after the Cold War: Representing the West*, London, Routledge, 2012.

22. Ronald D. Asmus, Richard L. Kluger, F. Stephen Larrabee, "Building A New NATO", *Foreign Affairs*, 72:4, p. 28-40.

23. The document is entitled: "Areas for Pursuance of a Broad, Enhanced NATO/Russia Dialogue and Cooperation" (http://www.nato.int/cps/fr/natolive/official_texts_24750.htm?selectedLocale=fr) and communiqué of the Noordwijk Summit, May 1995: http://www.nato.int/cps/fr/natolive/official_texts_24749.htm?selectedLocale=fr.

24. Jean-Claude Zarka, *L'OTAN*, Paris, PUF, 1997, p. 91.

up of a process of regular consultations, others, such as a guarantee that the former Soviet republics would not join NATO, were rejected, as was any possibility of having a say in the Alliance's internal decisions.²⁵ NATO also officially asserted that it would not make it necessary to its nuclear and military posture, thus neutralizing Russia's strongest opposition.

On that basis, the NATO-Russia partnership was institutionalized in 1997 with the signing of the NATO-Russia Founding Act and the creation of the NATO-Russia Permanent Joint Council.²⁶

The truly innovative aspect was the creation of this Council. This unique bilateral configuration was intended to provide a framework for consultations on all issues affecting the security of both parties, as well as enabling joint action to be envisaged in areas such as peacekeeping, disarmament and the fight against weapons of mass destruction. The name of this council, the Permanent Joint Council, was also intended to show that it was not to be a consultative forum, but the institution of a genuine partnership: "NATO and Russia do not see themselves as adversaries; the Founding Act is the expression of an enduring commitment, made at the highest political level, to build together a lasting and inclusive peace in the Euro-Atlantic area."²⁷ This Act aims to organize consultations on all security-related issues, and to consider joint action in areas such as peacekeeping, disarmament and the fight against weapons of mass destruction. The aim of the Act is to build "a stable, peaceful and undivided Europe, a Europe whole and free, for the benefit of all its peoples", and to strengthen "security and stability in the Euro-Atlantic area". The Act also clearly mentions respect for democracy, political pluralism and civil liberties, and a commitment to respect the sovereignty, independence and territorial integrity of all states.

However, since the Act was signed at the end of the 1990s, Russia's political elite has been divided on its merits, and on NATO's legitimacy as a European security actor rather than an anachronistic relic of the Cold War.²⁸ According to a member of the Presidential Council of the Russian Federation, the Act was an arrangement in which Russia had agreed to lose out, since NATO countries had managed to keep their hands free on all sensitive issues.²⁹ On the Western side, opinions were equally divided. Secretary General Solana stressed that "if Russia follows the path of democracy, and if we work together, there will hardly be a security problem in the Euro-Atlantic area that we cannot solve".³⁰ But Gebhardt von Moltke conceded that the Act had not fully achieved its aim: "We wanted Russia to play the same role as all the others, to develop its democratic structures and civilian control over

25. Interview with Gebhardt von Moltke, NATO Deputy Secretary General for Political Affairs (1991-1997), German Permanent Representative to NATO (1999-2003).

26. NATO-Russia Founding Act: https://www.nato.int/cps/su/natohq/official_texts_25468.htm.

27. Ibid.

28. Evgueni Primakov, *Au cœur du pouvoir, mémoires politiques*, Paris, Éditions des Syrtes, 2002; Youri Roubinski, "La Russie et l'OTAN, une nouvelle étape?", *Politique étrangère*, 4, 1997, p. 543-558. See also Martin A. Smith, *Russia and NATO since 1991*, New York, Routledge, 2006.

29. Article of Andranik Migranyan in *Nezavisimaya Gazeta*, quoted by Martin A. Smith, *Russia and NATO*, p. 72-73.

30. Javier Solana's speech to the Russian Foreign and Security Policy Council: http://www.nato.int/cps/en/natohq/opinions_25189.htm?selectedLocale=en.

the armed forces. They were ready to cooperate with NATO not only politically, but also militarily. We were only partially successful”.³¹

Finally, the NATO-Russia partnership has been seen as a failure for many years, and for some member states, the Act is no longer valid. Indeed, Russia has violated the Act on three occasions: in 2008 in Georgia, and in 2014 and 2022 in Ukraine.³² Breaking the Act nevertheless precludes any sanctions, because it is a charter, as NATO wanted, whereas the Russian negotiators wanted it to be a legally binding treaty when they signed it. This is all the more paradoxical given that Russia has repeatedly breached the Act.

STRENGTHENING NATO’S LEGITIMACY THROUGH MEMBERSHIP APPLICATIONS

In Spring 2022, two neutral countries, Finland³³ and Sweden³⁴, expressed their desire to join the Alliance. Finland and Sweden are long-standing partners of NATO, having joined the Partnership for Peace in 1994. Moreover, Russia’s actions since the illegal annexation of Crimea in 2014 have led them to strengthen their partnership, which includes increased participation in joint military exercises and the decision to make their military equipment interoperable. Both countries have modern, downsized armies. Finland has a total defense model based on over 900,000 reservists and shelters to protect 4.5 million of its 5.5 million population, as well as huge food and medicine reserves and the best artillery in Europe. Sweden, which has reinstated military service, has a strong defense industry, producing ships and fighter planes. In fact, the two states would not be consumers of conventional security. There are major differences between the two countries, however. On the one hand, Sweden opted for neutrality after the Napoleonic wars, whereas Finland’s neutrality, known as Finlandization, was imposed after World War II in 1948 and is a constraint and a limit to the sovereignty sought by the USSR. On the other hand, Sweden has no common border with Russia, whereas Finland shares over 1,300 km of land borders, making it the longest of any NATO country.

Although these countries are NATO partners and members of the EU, which has a security clause in Article 42.7 of the TFEU similar to article 5³⁵, the deterioration of the European

31. Interview with Gebhardt von Moltke, NATO Deputy Secretary General for Political Affairs (1991-1997), German Permanent Representative to NATO from 1999 to 2003.

32. “Russia has walked away from the NATO-Russia Founding Act. They have violated it again and again. They violated it clearly back in 2014 when they illegally annexed Crimea and started to destabilise eastern Ukraine. And they have violated it when they moved into Georgia in 2008. And of course, the invasion of Ukraine now is a blatant violation of the NATO-Russia Founding Act”, press conference of NATO Secretary General Jens Stoltenberg, March 2022 (https://www.nato.int/cps/en/natohq/opinions_193610.htm).

33. Relations with Finland: https://www.nato.int/cps/en/natohq/topics_49594.htm. Finland became NATO’s 31st ally in April 2023.

34. Relations with Sweden: https://www.nato.int/cps/en/natohq/topics_52535.htm.

35. Article 42.7 TFEU: “If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.”

security environment following the invasion of Ukraine in February 2022 has led them to seek greater protection and security guarantees from NATO. There are several reasons for this choice. NATO is the organization that maintains the transatlantic link, offering a common security clause (Article 5) and a nuclear “umbrella”. Indeed, three member states – the USA, France and the UK – are nuclear powers, whereas only one of them remains in the EU since Brexit. In fact, NATO appears to be a provider of hard security. In return, the Swedish and Finnish armies are largely interoperable with those of Alliance member countries, since both countries participate in NATO exercises and operations and have deepened their cooperation with NATO since the illegal annexation of Crimea by Russia. Moreover, their entry would turn the Baltic Sea into a “NATO sea” to which Russia would have access only via Kaliningrad and St. Petersburg. The locking-in of the Baltic would be reinforced by the accession of Sweden, which has remilitarized the island of Gotland, a major strategic point in this regional area. Finally, the Baltic States would gain in strategic depth, as they are currently linked territorially to the rest of the Alliance only by the Suwalki Gap between Poland and Lithuania.

Thus, by expressing their wish to join NATO and abandoning their status as neutral states, Sweden and Finland are legitimizing NATO as the only European organization capable of guaranteeing the defense, territorial integrity and sovereignty of European states. Indeed, these demands suggest that the European Union is not in a position to do so in spite of Article 42.7. For these countries, the role of the European Union is fundamental to the development of capabilities, notably via new initiatives such as the European Defense Fund, and all the more so as the war in Ukraine, by the nature of the fighting but also because of the transfer of equipment to the Ukrainian army, demonstrates the need to invest in heavy equipment, artillery and anti-aircraft defense.³⁶

CONCLUSION: THE PARADOX OF NATO OR HOW TO BE CONSIDERED AS A KEY PLAYER WHILE BEING LESS ACTIVE THAN THE EU

The war in Ukraine reveals a paradoxical situation for NATO. Russia’s declamatory strategy places NATO at the heart of this conflict, making it one of its main causes. Yet, since the outbreak of the war in February 2022, NATO’s role has been limited to protecting the territorial integrity of its member states. However, its legitimacy and relevance as the main actor of the European security arena have been strengthened, notably by membership applications.

In contrast, the European Union is not benefiting from this renewed legitimacy and status as a key player in European security, even though it is much more active in many domains. Through the European Peace Facility, for example, the EU has made a major

36. Conference “Accession to NATO, war in Ukraine: what are the new security challenges for Sweden and Finland?”, with Esa Pulkkinen, State Secretary of the Finnish Ministry of Defense and Peter Sandwall, State Secretary of the Swedish Ministry of Defense, IFRI, February 9, 2023.

contribution to the supply of arms, munitions and logistics to Ukraine, to the amount of 3.6 billion euros since the start of the war.³⁷ The EU is also active through its trade policy, which enables it to impose sanctions on Russian individuals and entities (key regime personalities, people involved in war crimes, oil companies, banks, etc.).³⁸ Last but not least, the EU is also committed to helping refugees. According to the Council of the European Union, by March 2023 four million refugees from Ukraine have benefited from temporary protection granted by the EU.³⁹

Furthermore, it is possible to suggest that one of the triggers for the Russian-Ukrainian conflict was the prospect of the EU association, rather than an attempt to join NATO. Indeed, the Euro-Maidan movement in 2013-2014 emerged in the wake of former Ukrainian president Viktor Yanukovich's refusal to sign an association agreement with the EU in favor of a treaty with Russia. Following the Maidan, Crimea was illegally annexed by Russia and war broke out in Ukraine's Donbass region. Indeed, the EU presents a normative model based on the rule of law and liberal, democratic values. Above all, the EU can make a greater contribution to the transformation of a State than NATO ever could, as its spheres of action are much broader (rule of law, justice, economics, education...). Hence, despite the rhetoric, the EU seems to be a greater danger for the Russian government than NATO is.

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37. On European Peace Facility, see: <https://www.consilium.europa.eu/fr/policies/european-peace-facility/>.

38. See the EU measures against Russia since 2014: <https://www.consilium.europa.eu/fr/policies/sanctions/restrictive-measures-against-russia-over-ukraine/>.

39. See Council of the European Union: <https://www.consilium.europa.eu/en/policies/eu-migration-policy/refugee-inflow-from-ukraine/>.