NATO's Return: Implications for Extended Deterrence

Schuyler Foerster

Introduction

The crisis in Ukraine that exploded in violence in 2014 marks a significant watershed for NATO, in particular with respect to its strategy of extended deterrence on behalf of all of its members. The argument here is not that this strategy has fundamentally changed, but that it has taken on renewed importance, including a sober reflection on its limits, as the Alliance continues its post-Cold War enlargement and seeks to address the much more complex security challenges of the 21st century.

As of this writing, the Ukraine crisis seems to have stabilized—some would say "frozen." After the December 2015 meeting of NATO Foreign Ministers, NATO Secretary General Jens Stoltenberg noted, "although there has been some progress in the implementation of the Minsk agreements, there is a real risk of resumption of violence."[1] In the first half of 2016, the Ukraine crisis became overshadowed in the public eye by heightened Russian military engagement in an escalating Syrian Civil War and the broader challenges of dealing with ISIS and coping with the accompanying refugee crisis in Europe. Nonetheless, Russia's annexation of Crimea in February 2014 and active support and intervention on behalf of Ukrainian separatists in eastern Ukraine signaled an end to what had been a period of hopeful collaboration with Russia in assuring peace and security in a post-Cold War Europe.

The Minsk Protocols agreed in September 2014 by Russia, Ukraine, and the Organization of Security and Cooperation in Europe (OSCE) created a set of ceasefire lines, along with a political process to attempt to resolve the underlying conflict.[2] In January 2015, fighting in eastern Ukraine escalated, with increasing Russian military activity in support of Ukrainian separatists in the Donbas region, widening *de facto* separatist control beyond the Minsk ceasefire lines. Within the U.S., there was significant pressure on a reluctant Obama Administration to send "lethal defense assistance," alongside growing opposition in some NATO quarters—including the leaders of France and Germany—to any kind of lethal military assistance.

The debate about whether to send weapons to Ukraine masked a more fundamental question for NATO, relating to the Alliance's security guarantee and NATO's ability to reconcile that guarantee with an aspiration of "a Europe whole and free, and sharing common values, ... best served by the eventual integration of all European countries that so desire into Euro-Atlantic structures."[3] While NATO struggles with how it should deal with threats to Ukraine—a NATO "partner," but not a NATO member—it also has to come to terms with limits on how it expresses that guarantee with respect to its front line members.

The Ukraine crisis—in tandem with Russia's 2008 invasion and occupation of part of Georgia—reflected a clear Russian challenge to NATO's practice of enlarging its membership to the east, particularly as it involved former territory of the Soviet Union.[4] In part to rebut that challenge, NATO's North Atlantic Council agreed in December 2015 to invite Montenegro to begin accession talks to become the 29th member of the Alliance.[5] Russian President Vladimir Putin's office issued an inevitable but telling protest in response to NATO's invitation to Montenegro: "The continued *eastward expansion* of NATO and NATO's military infrastructure cannot but

result in retaliatory actions from the east, *i.e.,* from the Russian side, in terms of ensuring security and supporting the parity of interests."[6] NATO is clearly determined to demonstrate that Russia cannot exercise a veto over NATO's right to enlarge its membership. Nonetheless, Montenegro's accession to NATO relates more to a Balkan strategy and does not actually move NATO's borders further to the east.

All of the 13 countries (including Montenegro) invited to join NATO since the end of the Cold War have graduated to membership from the status of NATO "partners," which have been able to develop, at their discretion, a close relationship with NATO that potentially mirrors membership in many substantive respects. The Ukraine crisis, however, has demonstrated that there remains a significant difference between being a "partner" and a "member," with members enjoying the benefits of NATO's extended deterrent and partners decidedly less so. Decisions on new NATO members are really decisions about whom NATO would be willing to defend in the case of war and, indeed, on whose behalf NATO would implicitly threaten nuclear retaliation as an essential part of NATO's deterrent.

This chapter argues that the Ukraine crisis has demonstrated that NATO's current strategy extended deterrence cannot reasonably be sustained if NATO were to extend its membership further to the east. To the extent that NATO is willing to freeze eastward enlargement of its membership and to accentuate the distinction between "member" and "partner," it will be able to preserve the extended deterrent guarantee largely in traditional terms; however, further enlargement to include countries such as Ukraine or Georgia will necessitate a substantial and potentially dangerous dilution—in fact, if not in rhetoric—of that guarantee.

This conclusion may be uncomfortable for NATO, but it should not be surprising. In this regard, Montenegro's membership (and, similarly, prospective membership by Bosnia Herzegovina, Macedonia, and even Serbia) may be the exception that proves the rule. This is not to suggest that NATO would "surrender" to an increasingly aggressive Russian posture, which opposes NATO enlargement on principle. Rather, it reflects a realistic assessment of both the limits of NATO's military capabilities and the importance of NATO's overarching political role.

Reconciling NATO's Twin Political and Military Functions

Since its inception, NATO has seen itself as not just a military alliance but also a political alliance among like-minded states "determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."[7] From NATO's beginning in 1949, this political function focused on rebuilding and strengthening those states in Western Europe that were members of the Alliance, both for their own sake and as a political and economic bulwark against the Soviet Union and its allies. By 1967—by which time NATO had embraced its new defense strategy of "flexible response," and as an East-West détente had begun to take shape in Europe—NATO commissioned the Harmel Report to outline the future tasks of the Alliance. That report concluded:[8]

> *"The Atlantic Alliance has two main functions. Its first function is to maintain adequate military strength and political solidarity to deter aggression and other forms of pressure and to defend the territory of member countries if aggression should occur. Since its inception, the Alliance has successfully fulfilled this task...*

"In this climate the Alliance can carry out its second function, to pursue the search for progress towards a more stable relationship in which the underlying political issues can be solved. Military security and a policy of détente are not contradictory but complementary. Collective defense is a stabilizing factor in world politics... The participation of the USSR and the USA will be necessary to achieve a settlement of the political problems in Europe."

With the end of the Cold War, NATO considered those political problems in Europe largely to have been "settled," and the Alliance began to treat states of the former Soviet Union and its former allies in eastern Europe as "newly independent states" who could be brought together to share, at a minimum, an interest in a Europe at peace, "whole and free."

In the mid-1990's, all those states—as well as erstwhile "neutral" states—were invited to join NATO's new Partnership for Peace. Some (including Ukraine) became eager and active NATO "partners," while others (including Russia) were only nominally so. In time, the Soviet Union's European allies became full NATO members—as did the three Baltic States—and Georgia and Ukraine began knocking at NATO's door.

Although the Soviet Union had accepted in 1990 that a unified Germany in NATO actually contributed to strategic stability in Europe, Russia was never comfortable with the further eastward enlargement of NATO, which began with the entry, in 1999, of the Czech Republic, Hungary, and Poland. Russia's concerns were muffled, in part, by the reality of its own weakness—politically, economically, and militarily—and mollified, perhaps, by the creation of its own "special relationship" with NATO through the NATO-Russia Charter.[9] At the same time, NATO also created the NATO-Ukraine Charter,[10] which envisioned a "distinctive partnership" as well as a much more substantive defense relationship than that envisioned by the NATO-Russia Charter.

Both the NATO-Russia Charter and the NATO-Ukraine Charter reinforce commitments to preserve the peace and respect the political independence and territorial integrity of all states, while establishing consultative mechanisms that echo NATO's own Article 4 and NATO's Partnership for Peace.[11] But it is also clear that these are two different relationships. The language of the NATO-Russia Charter is largely aspirational, outlining areas for prospective dialogue and cooperation; the NATO-Ukraine Charter, on the other hand, incorporates concrete measures to deepen ongoing defense cooperation. In short, the NATO-Russia relationship was a potentially (and traditionally) adversarial relationship to be managed through a series of confidence-building measures designed to minimize actions that would antagonize the relationship; the NATO-Ukraine relationship, on the other hand, anticipated closer cooperation to reassure Ukraine in *its* potentially (and traditionally) adversarial relationship with Russia.

On its 50th anniversary (1999), NATO's Heads of State and Government approved a new Strategic Concept that sought to reconcile some of these evolving conceptual tensions. On the one hand, the document described Russia as playing "a unique role in Euro-Atlantic security," and anticipated that NATO and Russia "*will give* concrete substance" to their cooperation. Referring to Ukraine in the present tense, on the other hand, the document continued, "Ukraine occupies a special place in the Euro-Atlantic security environment and *is* an important and valuable partner..." As for NATO enlargement, the document affirmed, "No European democratic country whose admission would fulfill the objectives of the Treaty will be excluded

from consideration."[12] Clearly, NATO saw a more positive potential relationship with Ukraine, but, in 1999, Russia was in a deep financial crisis and could offer no alternative.

Over the next several years, Russia faced its own internal challenges—a weak but recovering economy, civil war in Chechnya, terrorist attacks, and substantial social problems—as Vladimir Putin succeeded Boris Yeltsin and consolidated his own power. Although Moscow was consistently critical of NATO's enlargement (seven additional states, including the three Baltic States, joined NATO in 2004, and another two in 2009), Russia seemed powerless to block it. At the same time, notwithstanding its strategic disquiet over NATO enlargement, Russia also engaged successive U.S. administrations in strategic arms talks, leading to the Strategic Offensive Reductions Treaty in 2002 and the New START treaty in 2010.

Until the Ukraine crisis, and particularly after 9.11, NATO was focused on two sets of missions—its traditional "Article 5" missions of collective defense of its members, and "out of area" missions, especially in the Balkans and then in Afghanistan. These focal points were largely independent of each other, because there was little sense of a direct military threat to European security, except that Allies' investments in support of NATO operations in the Balkans and Afghanistan were largely at the expense of resources earmarked for European defense.

NATO's 2010 Strategic Concept sought to integrate these segregated strands by identifying NATO's three core missions of collective defense, crisis management, and cooperative security.[13] Nonetheless, there remains a tension among these missions. These are missions, as the title of the Strategic Concept specifies, "for the Defence and Security of the *Members* of NATO," and "collective defense" is a core task focused exclusively on NATO's member states. NATO's missions of "crisis management" and "cooperative security" do involve non-member states, but these two core tasks are designed to "contribute to safeguarding Alliance members." Hence, even in NATO's core tasks, there is an implicit recognition that NATO's crisis management and collective security tasks cannot be at the expense of collective defense.

As other chapters in this volume elaborate, NATO's expanded partnership efforts have grown into an essential element of NATO's collective security mission in the quarter century since the fall of the Soviet Union. In addition, just as the Ukraine crisis has thrown traditional problems of regional defense into stark relief, other global security threats have not allowed NATO's "return to Europe" to be an exclusively regional endeavor. In the words of the 2016 Warsaw Summit Communiqué:[14]

> *"There is an arc of insecurity and instability along NATO's periphery and beyond. The Alliance faces a range of security challenges and threats that originate both from the east and from the south; from state and non-state actors; from military forces and from terrorist, cyber, or hybrid attacks. ...*
>
> *"The changed and evolving security environment demands the ability to meet challenges and threats of any kind and from any direction. ... The greatest responsibility of the Alliance is to protect and defend our territory and our populations against attack, as set out in Article 5 of the Washington Treaty. ... At the same time, NATO must retain its ability to respond to crisis beyond its borders, and remain actively engaged in projecting stability and enhancing international security through working with partners and other international organisations."*

Within this much more complex security environment, the political component of NATO's strategy is all the more important. Hence, notwithstanding especially strong and detailed condemnation of Russian political and military behavior in the Warsaw Summit Communiqué, the document nonetheless affirms NATO's openness to political dialogue with Russia in addition to extant military lines of communication. Effective collective defense—as well as successful crisis management and cooperative security—ultimately requires some kind of longer-term *modus vivendi* with Russia that, at a minimum, does not threaten to throw Europe back into an arena of cataclysmic military conflict. At the same time, NATO's political missions—including enlargement of NATO's membership—are not ends in themselves, but have to be weighed against NATO's ability to sustain an effective collective defense of its members.

The prospect of Ukraine signing a Ukraine-European Union (EU) Association Agreement in 2013 may have triggered the events that ultimately led Putin to intervene, first politically and then militarily, in Ukraine. Yet, by the end of 2014, a new Ukrainian government—along with the Moldovan and Georgian governments—was able to ignore Russian opposition and sign Association agreements with the EU.[15] In the meantime, the OSCE and key NATO Allies have been able to work through the Minsk process with Russia and Ukraine towards a political outcome, including elections in eastern Ukraine that would respect Kiev's sovereignty and territorial integrity.[16] Hence, Putin may have succeeded in bringing Crimea back to Russia and shaping the political conversation between Kiev and the Russian communities in eastern Ukraine, but he has, at best, only blunted efforts by Ukraine (and Georgia and Moldova) to move toward a closer association with Europe.

European institutions have the benefit of offering flexible arrangements for handling political crises. Institutionally, NATO effectively closed its doors to substantive engagement with Russia when it suspended all practical civilian and military cooperation under the NATO-Russia Council in April 2014. Yet regular and high level political engagement has continued through the auspices of OSCE and in bilateral summit meetings with both German Chancellor Angela Merkel and French President François Hollande. In this regard, the "spirit" of Harmel has continued. NATO will not "solve" the Ukraine crisis, and Ukraine will not have a "military solution," but its leading European members will work through other contexts to facilitate a political solution that preserves a reasonably stable, if not amicable, relationship with Moscow.

In the meantime, NATO's particular challenge in the Ukraine crisis has shifted from one of defending Ukraine to one of deterring Russia from escalating the conflict and threatening NATO member states, while seeking to reassure those same NATO member states. This is the context in which Ukraine has become a watershed for thinking about extended deterrence.

Extended Deterrence in NATO—The Cold War Model

Deterrence is a complex, contextual concept. Because it is about reinforcing existing behavior— in this case, reinforcing a potential adversary's apparent preference <u>not</u> to resort to military force—its efficacy cannot be demonstrated; rather it can only be inferred by the fact that the behavior being deterred (*e.g.,* going to war) is not happening. It is contextual, because one must be specific about who is deterring whom, from what, and with what threatened consequences, all of which may change over time as a function of the political relationship or of changing technology, policy, and doctrine.

Since the beginning of the nuclear age, when Bernard Brodie famously wrote that the "chief purpose of our military establishment" must be to "avert" war,[17] deterrence for NATO has been a concept riddled with contradictions. Article 5 of the NATO Treaty provides:[18]

> *"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them ... will assist the Party or Parties so attacked by taking forthwith ... such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."*

To be sure, Article 5 does not *oblige* any of the Allies to use force if a NATO member is attacked, but, since its inception, NATO's policies and structures, including NATO's integrated military command structure, common defense planning procedures, consultative mechanisms in the Nuclear Planning Group, and repeated political and military exercises have been designed to reinforce (especially among Allies on the front line) that this security "guarantee" is real, and that, indeed, the security of the Alliance is "indivisible."

The first contradiction posed by deterrence in the nuclear age is that one dissuades a potential adversary from attacking by invoking the virtual certainty that the attacker would be subject to a punitive retaliatory strike that would be totally unacceptable. Yet, such a strategy—known in the 1950s as "massive retaliation"—meant that any aggression would almost certainly end up in a total war in which there would be no winners. This, in turn, placed into question the credibility of whether such a massive retaliatory strike would be launched in the first place.

The alternative to such a "deterrence by punishment" strategy is "deterrence by denial," in which a potential adversary is deterred from aggression out of recognition that the objectives of aggression would not be achieved. In the missile age, however, the absence of an effective defense capability negates any real denial strategy. Unless one can successfully preempt—which is obviously quite contrary to deterrence—there is no prospect of limiting damage to oneself regardless of which side starts the war.[19]

These two contradictions become even more complicated—and historically more problematic—in the context of extended deterrence, in which the entity making a deterrent threat is doing so, not to deter an attack on oneself, but to extend that threat on behalf of another. In this case, NATO's Article 5 guarantee relates most poignantly to the United States, whose nuclear capabilities constitute the ultimate deterrent within NATO. NATO's Strategic Concept, adopted in Lisbon in 2010, elaborated this reality in language unchanged since the Cold War:[20]

> *"Deterrence, based on an appropriate mix of nuclear and conventional capabilities, remains a core element of our overall strategy. ... The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States...."*

Deterrence requires both the *capability* to carry out a threat and the *credibility* that the threat will be carried out. In the Cold War stand-off between NATO and the Warsaw Pact, NATO's capability to defeat a conventional attack was always questionable; the "supreme guarantee," however, rested on the <u>certain</u> U.S. *capability* to destroy the Soviet Union. Yet, throughout the Cold War, NATO was plagued by persistent doubts about the *credibility* of that ultimate U.S.

deterrent: would the United States engage the Soviet Union with strategic nuclear weapons, in the event of an attack on our European Allies, even though U.S. territory had not been attacked? Would the United States fulfill its "supreme guarantee," even though mutual nuclear annihilation was considered inevitable?

The problem of extended deterrence in NATO was compounded by the reality that the Soviet Union and its allies had deployed a superior conventional force on NATO's border, leaving NATO two choices. NATO could threaten escalation to nuclear weapons—and therefore be the first to employ nuclear weapons in a conflict—but that created a near-certainty that Soviet nuclear weapons would be used both in Europe and against the United States. Or NATO could muster the conventional capability to "deny" Soviets their victory on a battlefield in which nuclear weapons might not be used. The problem, however, was that a modern conventional war in the middle of Europe would be just as catastrophic to Europe, while both the Soviet Union and the United States might conceivably remain untouched. Hence, for our European Allies— especially West Germany, which was the front line state—a robust conventional defense of Europe could never be a substitute for the "supreme guarantee" of U.S. nuclear weapons. NATO's nuclear debates over the years were always about how to resolve that contradiction, summarized by the quip that, in a war, NATO would escalate to nuclear weapons "as late as possible, but as early as necessary."[21]

Over thirty years ago, Sir Michael Howard articulated the now-classic distinction between "deterrence" and "reassurance," noting that it was one thing to deter an adversary, but it was altogether a different—and significantly more difficult—challenge to reassure one's allies about the efficacy of that deterrent.[22] The Soviet Union might well have been deterred even by the *remote* possibility that the United States would use nuclear weapons in response to a Soviet attack on the United States or its Allies. Allies, on the other hand, were never fully satisfied that the United States would in fact fulfill that guarantee, and they were constantly seeking "reassurance" on that score. In an alliance of sovereign states, each of which retains the right to withhold military forces from the common defense, any significant uncertainty about whether allies would actually engage in the defense of others can be corrosive. Hence, the need to reassure allies that this extended deterrent endures—especially the "supreme guarantee" of American strategic nuclear forces—was a persistent, almost existential, challenge for NATO.[23]

Extended Deterrence in NATO—After the Cold War

The end of the Cold War brought relief that this inherently insoluble strategic problem had receded in a post-Cold War world in which Germany was reunited and the Warsaw Pact had dissolved. Even before the Soviet Union disintegrated into a collection of heterogeneous states, NATO recognized that its security situation had markedly improved, and adjustments in its attitude about military forces and the "supreme guarantee" were possible.

In its first post-Cold War new Strategic Concept in 1991, NATO acknowledged that the "threat of a simultaneous, full-scale attack on all of NATO's European fronts has effectively been removed,"[24] and the Alliance began to contemplate a more global context for its strategy. As for nuclear weapons:[25]

> *"The fundamental purpose of the nuclear forces of the Allies is political: to preserve peace and prevent coercion and any kind of war. ... The circumstances in which any use*

of nuclear weapons might have to be contemplated ... are therefore even more remote."

Accordingly, NATO began to reduce the number of "sub-strategic nuclear forces," eliminated their routine deployment on surface vessels and attack submarines, and removed entirely all nuclear artillery or ground-launched short-range nuclear missiles. Its remaining in-theater nuclear capability was confined to dual-capable aircraft, with their nuclear munitions kept in storage.

Between 1991 and 1999, the United States and NATO in general enjoyed a relatively benign relationship with Russia, as Russia dealt with its own economic collapse and domestic political turmoil. In the wake of the 1995 Dayton Accords, Russia (along with Ukraine and several other NATO partner countries) participated in the NATO-led peacekeeping operations in Bosnia. Moreover, the 1997 NATO-Russia Founding Act gave Russia pride of place among NATO's partners by giving the appearance that Russia was an essential consultative partner with NATO on matters of European security. Hence, despite increased tensions between NATO and Russia over Kosovo, this evolving collaboration with Russia in a post-Cold War environment reinforced the earlier adjustment in NATO's thinking about nuclear weapons and the "supreme guarantee." As a consequence, the 1999 Strategic Concept reiterated 1991 language that "the fundamental purpose of the nuclear forces of the Allies is *political*," and that "the circumstances in which *any* use of nuclear weapons might have to be contemplated ... are therefore *extremely remote*." With respect to NATO nuclear weapons remaining in storage in Europe, "NATO will maintain ... adequate sub-strategic forces based in Europe, *which will provide an essential link with strategic nuclear forces, reinforcing the transatlantic link*."[26]

A decade later, NATO's global strategic environment had worsened, although Russia was not yet at the center of that change. NATO's 2010 Strategic Concept cited growing conventional military threats from "many regions and countries around the world" and the proliferation of ballistic missiles, nuclear weapons, and other means of mass destruction, especially "in some of the world's most volatile regions." Other threats included terrorism, regional instability, cyber attacks, dependency on energy and vulnerable lines of supply and communication, new weapons technologies with global effects, and growing environmental and resource constraints.[27] Unlike in the Cold War, the threats to NATO's security had become more global and multifaceted, and not predominantly military. With the obvious exception of ballistic missiles and weapons of mass destruction—focused more on the Middle East—the "supreme guarantee" was politically valuable, but less relevant as an instrument in addressing these threats.

Simultaneously, President Obama and Russian President Medvedev had managed to "reset" the U.S.-Russian relationship, signing, in April 2010, the New Start Treaty to reduce further each side's deployed strategic nuclear weapons. Hence, NATO's revised Strategic Concept—agreed in November 2010—affirmed in stronger terms the importance of relations with Russia, even as it cited "differences on particular issues":[28]

> *"NATO-Russia cooperation is of strategic importance as it contributes to creating a common space of peace, stability, and security. NATO poses no threat to Russia. On the contrary, we want to see a true strategic partnership between NATO and Russia, and we will act accordingly, with the expectation of reciprocity from Russia."*

The document also cited the importance of further reductions in both nuclear and conventional

weapons, as well as cooperation in strengthening efforts to fight proliferation.

Notwithstanding the "reset" to reduce further both U.S. and Russian strategic nuclear arsenals, the 2010 Strategic Concept did *not* repeat the disclaimer that "the fundamental purpose of the nuclear forces of the Allies is political." It reaffirmed the post-Cold War judgment that the use of nuclear weapons remained "extremely remote," but its language also reaffirmed in stronger terms its determination to fulfill its deterrent guarantee, perhaps directed as much to other countries (*e.g.*, a prospectively nuclear Iran) as it might have been to Russia:[29]

> *"The Alliance does not consider any country to be its adversary. However, no one should doubt NATO's resolve if the security of any of its members were to be threatened... The circumstances in which any use of nuclear weapons might have to be contemplated are extremely remote. As long as nuclear weapons exist, NATO will remain a nuclear alliance."*

The 2010 Lisbon Summit also commissioned the Deterrence and Defense Posture Review, published in 2012, which affirmed that "nuclear weapons are a core component for NATO's overall capabilities for deterrence and defense, alongside conventional and missile defense forces." It also repeated the same formulations about nuclear weapons use being "extremely remote," and insisted again that, "as long as nuclear weapons exist, NATO will remain a nuclear alliance."[30]

In sum, NATO's doctrine on nuclear weapons remained consistent throughout the post-Cold War world. The "supreme guarantee" of U.S. strategic nuclear forces remained, although—unlike during the Cold War—the existential doubts about the efficacy of that deterrent had receded. First, the Soviet Union and Warsaw Pact had both disappeared, taking away the threat of a full conventional attack on NATO Europe, for which the Alliance would have had to consider escalation and nuclear first use. Second, NATO's threat perception began to incorporate prospective nuclear threats from outside Europe, for which the "supreme guarantee," as well as missile defense, was especially relevant. Third, because those prospective threats were nuclear and did not involve the vexing challenge of how to respond to a conventional invasion of Europe, there were fewer doubts about whether the United States would use nuclear weapons.

Put another way, as long as the traditional threats to Europe had receded, and the focus was on new threats from outside Europe, NATO's extended "supreme guarantee" enjoyed greater credibility, even if it remained ambiguous. The Ukraine crisis, however, again brought the challenges of extended deterrence into focus.

Extended Deterrence in NATO—The Ukraine Crisis

Even in the best of times, the West's relationship with Russia has been uneasy, especially as NATO's Partnership for Peace evolved into a program of enlargement, alongside a parallel process in the European Union. Rhetoric and communiqués could paper it over, but Russia's self-perceived weakness—genuine during most of the 1990s—seemed only to fuel a determination to stave off the West's ever-increasing encroachment into Russia's "near abroad." Was the end of the Cold War a peaceful restructuring of international relations, or was it a humiliating defeat set against the triumph of democracy? As Angela Stent has noted, the United States and Russia continue to hold two substantially different understandings of their experiences

in the 1990's, and the United States has been "unable to provide a meaningful role—or stake—in the new Euro-Atlantic security architecture" for Russia.[31]

The crisis in Ukraine that began to brew in 2013 and boiled over in 2014 brought NATO back to a disturbing reality—perhaps Russia had fundamentally irreconcilable strategic interests that tolerated neither a continuing eastward expansion of institutions of Western integration nor a persistent assumption that Russia was a declining power that did not need to be taken seriously on the world stage. As Russia absorbed Crimea in February 2014, and became actively engaged militarily in securing, with Ukrainian separatists, a pro-Russian stronghold in the eastern Donbas region, the government in Kiev looked to its "partners" in Brussels for help, while Allies on NATO's new front line clamored for a concrete demonstration of NATO's security assurances.

The range of assessments regarding Russian intentions in this crisis has run the gamut from deliberate aggression to defensive posturing. On the one hand, some have seen this as a deliberate attempt by Russia to annex all of eastern Ukraine and flex its muscle in a "new Cold War" with the West. Some analysts pointed not only to the presence of Russian active duty military units in eastern Ukraine early in the crisis, but also to a three-fold increase in 2014 in Russian military air activity in European airspace, over the North Sea, Baltic Sea, Black Sea, and over the north Atlantic Ocean, as well as increased Russian air and naval activity along the U.S. Atlantic and Pacific coasts and in the Caribbean.[32] Not surprisingly, there have been strong voices urging a defiant response to Moscow, including those that would threaten a military response.

On the other hand, others have seen this as largely a defensive move by the Kremlin to block an attempt by the West to pull Ukraine into the EU, and potentially into NATO, and to signal to the West the need to come to some broader strategic accommodation with Russia.[33] These presumptions about Moscow's intentions would argue against a military response—whether direct or indirect—and suggest that the West should find suitable ways to accommodate Moscow's concerns and incorporate Russia into its institutional frameworks on terms that Moscow would find acceptable and sustainable.

Whatever messages NATO wished to send to Moscow, there were always two other important audiences—NATO "partners," such as Ukraine and Georgia, and the Allies themselves, especially those on the "front lines." Although not a formal member of NATO, Ukraine has been the beneficiary of repeated affirmations of support for its political independence and territorial integrity, including not only the NATO-Ukraine Charter but also the 1994 Budapest Declaration, signed by Russia, the United States, and the United Kingdom.[34] Although the Budapest Declaration contained no new assurances to Ukraine that had not been made within the UN, OSCE, or NATO partnership documents, they remained substantive assurances in Kiev's view. Yet, after Russia's annexation of Crimea, there remains no real prospect of enforcing that Declaration. Western economic sanctions, a 65 percent decline in the price of oil,[35] and a comparable decline in the value of the ruble certainly have increased the costs to Russia, but Putin seems to have been successful in maintaining domestic support and painting both the situation in Ukraine and the economic pain as simply more evidence of Western attempts to thwart Russia's rightful place in the European order and undermine Russian national security.[36] Frustrated about the West's—and particularly the United States'—inability to reverse Putin's *faits accomplis*, *The Economist* editorialized in May 2014, "What would America fight for? A nagging doubt is eating away at the world order—and the superpower is largely ignoring it."[37]

The question for the government in Kiev is whether there is much substance to the security assurances they have received, and whether they amount to a credible "extended deterrent" against Russian aggression. As separatists, with Russian support, pushed beyond the Minsk-agreed boundaries, and as the Ukrainian economy teetered on the brink of collapse, Western assistance was not especially extensive. [38] France and Germany have been intent on finding an elusive diplomatic solution and have been unwilling to send either arms or substantial economic assistance. The UK and the Obama Administration have been ambivalent about both. In December 2014, President Obama signed into law the "Ukraine Freedom Support Act of 2014," which imposed a variety of new economic sanctions on Russia and authorized the President "to provide Ukraine with defense articles, services, and training in order to counter offensive weapons and reestablish its sovereignty and territorial integrity."[39] That law also declared "that nothing in this Act shall be construed as an authorization for the use of military force." Although the President was subsequently authorized by law to send weapons to Ukraine, he continued to resist using that authority.

The debate about sending even defensive weapons to Ukraine is instructive. Those, like German Chancellor Merkel, who have opposed sending any weapons simply argued that it would be futile, and would only encourage more violence: "The progress that Ukraine needs cannot be achieved by more weapons."[40] Those who argue for such weapons have no illusion that Ukraine would ever be able to defeat Russian-backed separatists, but that it would cause Putin "to pay a much higher price."[41] It is not self-evident, however, that such weapons would increase the price beyond what Mr. Putin is prepared to pay. Russia is at the negotiating table and has demonstrated its inability to block Kiev's signature on the EU Association Agreement, but there is no evidence that Ukrainian military power enticed Russia to the negotiating table.

In reality, Russia has already accomplished much of its goals and could perhaps be content—as it is in Georgia's South Ossetia and Abkhazia—with the *status quo*: *de facto* control over a segment of another's territory and knowing that no countervailing force can dislodge it without political concessions in Moscow's interest. One can debate the extent to which Putin may have wanted more and now has to settle for less, or whether he found himself compelled to intervene more than he wanted and is anxious to extricate himself from a potentially more disastrous crisis. Nevertheless, there is little prospect that any course of action—a negotiated outcome agreeable to all parties, further economic sanctions on Russia, or military assistance to Ukraine—can compel an alteration of that *status quo*.

The answer to this crisis ultimately lies in Kiev, depending on its willingness to accommodate a degree of autonomy within eastern Ukraine sufficient for Putin to "declare victory" and withdraw his forces from Ukraine. But such an outcome will not be because a forceful response from the West persuaded Putin to retreat; it will be because Kiev concluded that it had to find its own political solution. Resolution of the crisis will come on political grounds; the military challenge was not to prevent Russian from intervening—that had already happened—but to deter Russia from escalating the crisis militarily and against NATO members, as part of their bargaining toolbox, while a political solution was sought.

NATO's inability to mount a clear and united strategy in dealing with Ukraine stands in some contrast to its approach with its own Allies. NATO has demonstrated that there is a clear distinction between support for NATO members and for partners such as Ukraine. Meeting in Brussels, NATO Defense Ministers agreed in February 2015 to create a "Spearhead Force,"

consisting of a land brigade of some 5,000 troops supported by air, sea, and special forces, backed up by two brigades as a rapid reinforcement capability for a total "NATO Response Force" of approximately 30,000 troops. They also agreed to establish "immediately" six command and control units in Bulgaria, Estonia, Latvia, Lithuania, Poland, and Romania. As NATO Secretary General Stoltenberg noted:[42]

> *"If a crisis occurs, they will ensure that national and NATO forces from across the Alliance are able to act as one from the start. They will make rapid deployment easier, support planning for collective defense, and help coordinate training and exercises."*

Even though NATO's initial response on behalf of its Allies was substantive, it was also nuanced. The Spearhead force and larger Response Force were being "created," but not necessarily deployed. The near-term operational deployment was to establish a command and control unit in each of the six states, to be better able—"*if* a crisis occurs"—"to act as one from the start." In short, it was a restrained response—creating the infrastructure to support rapid deployment, without the actual deployment.

Not all of the front line states were satisfied with this outcome. In Warsaw in early June 2014, standing in front of a flight of F-16's there for a joint training exercise, President Obama announced a $1 billion "European Reassurance Initiative" to bolster U.S. military presence in Poland and in neighboring allied countries, including increased land, sea, and air military exercises and training missions.[43] But the U.S. and NATO had never agreed to a permanent allied combat presence in Central and Eastern Europe.[44] For Poland's Foreign Minister, Radoslaw Sikorski, that was not enough: "America ... has ways of reassuring us that we haven't even thought about. There are major bases in Britain, in Spain, in Portugal, in Greece, in Italy. Why not here?"[45]

By the time of the 2016 NATO Summit in Warsaw, NATO had demonstrated a renewed determination to give substance to its reassurances to its front line members. Among other measures, the Alliance announced the establishment of "an enhanced forward presence in Estonia, Latvia, Lithuania, and Poland to unambiguously demonstrate, as part of our overall posture, Allies' solidarity, determination, and ability to act by triggering an immediate Allied response to any aggression."[46] Ultimately, this would include four NATO combat battalions— including one from the U.S.—totaling 4,000 troops, as well as an additional 4,000 U.S. troops from a U.S. armored brigade rotating through Europe.

Significantly, these "rotational" deployments will occur within a framework of NATO-Russia relations established in 1997, in which NATO restricted its ability both to deploy nuclear weapons and to establish a permanent military presence in Central and Eastern Europe. According to the 1997 NATO-Russia Founding Act:[47]

> *"The member states of NATO reiterate that they have no intention, no plan, and no reason to deploy nuclear weapons on the territory of new members, nor any need to change any aspect of NATO's nuclear posture or nuclear policy – and do not foresee any future need to do so. ...*

> *"NATO reiterates that, in the current and foreseeable security environment, the Alliance will carry out its collective defense and other missions by ensuring the necessary*

interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces."

NATO could, of course, argue that these are unilateral declarations, and that "unforeseen" future needs and changes in the security environment could free them from these obligations, but the political consequences of doing so would be substantial. Arguably, NATO should contemplate such a step only if NATO were to decide that *any* form of reconciliation or coexistence with Russia was no longer possible; presumably, taking such a step would likely terminate any inclination on Russia's part for such reconciliation or coexistence. Several leading European politicians have already cautioned against treating Russia as a "threat" (French President François Hollande) and against NATO "sabre-rattling" and "warmongering" (German Foreign Minister Walter Steinmeier).[48] As long as NATO is determined both to ensure an effective collective defense and to sustain long term political engagement with Russia, in the spirit of Harmel, "permanent stationing of substantial combat forces," much less nuclear weapons in front line states such as Poland, is unlikely.

The Ukraine crisis is a unique challenge to the stability of the European security environment. Whether we look to Putin's imperiousness, Kiev's political ineptness, or Western hubris—or some combination thereof—for the cause of this crisis, one of the *consequences* of this crisis is to highlight the limits of NATO's own extended deterrent guarantee, especially as it applies to an enlarged NATO membership.

Are NATO Publics Willing to Defend?

The viability of NATO's extended deterrence ultimately depends on the willingness of NATO's sovereign member states to invest sufficiently to meet the conventional defense requirements of the Alliance so that the deterrent can be credible, plus to view the national security environment such that it warrants risking escalation to nuclear war. Russia's increasingly aggressive posture in recent years in both Georgia and, especially, in Ukraine has had its impact on public opinion.

First, whatever actions NATO might take to compel Putin to retreat on Ukraine, undermining domestic political support for Putin would not likely work. In the Pew Research Center's Spring 2015 Global Attitudes Survey, Russians overwhelmingly supported Putin's domestic and foreign policies, notwithstanding international political disapproval, economic sanctions, and the declining price of oil. With respect to relations with the United States, with Ukraine, and with the EU, Russian approval ratings ranged from 82 to 85 percent, and disapproval ratings ranged from 10 to 13 percent. Overall, Russians' confidence in Putin "to do the right thing regarding world affairs" soared from 69 percent in 2012 to 88 percent in 2015. Only 25 percent of Russians attributed worsening economic conditions to Russian government policies, with the rest blaming the West or falling oil prices. At the same time, half in Russia viewed NATO as a military threat to Russia.[49]

Public opinion in NATO countries demonstrated an understandable ambivalence in responding to the Ukraine crisis. When asked, in the same Pew Spring 2015 Global Attitudes Survey, whether they would support sending economic aid or arms to Ukraine, a fairly consistent 70 percent favored economic aid, but only 41 percent favored sending arms; only 19 percent of Germans favored sending arms, whereas 50 percent of Poles favored military assistance.[50]

That ambivalence extended to popular attitudes about using force to defend one's allies as well. In response to the question, *"If Russia got into a serious military conflict with one of its neighboring countries that is our NATO ally, do you think our country should or should not use military force to defend that country,"* the median response was fairly evenly split, with 48 percent saying they should use force to defend their ally and 42 percent saying they should not. However, the only two countries with over 50 percent in favor of defending their ally were the United States (56 percent) and Canada (53 percent). Germany—with 38 percent in favor and 58 percent opposed—was the most reluctant to use force in defending an ally that neighbored Russia.[51]

Lest one conclude from these numbers that NATO lacks the resilience to fulfill its extended deterrent guarantees, one must recall that there has always been ambivalence on that score, with marked differences among various NATO states. The more salient point is that the Ukraine crisis has brought this ambivalence back to the fore, whereas it had become more a historical memory in the years immediately following the Cold War. Having survived the Cold War and hoped that the subsequent two decades had ushered in a much more benign relationship between Russia and NATO in which "Europe" could consolidate its gains, Europe and the Alliance now have to consider the consequences of a less collaborative future.

Extended Deterrence in NATO—What Now?

In 1948, during negotiations to establish an "Atlantic Approaches Pact" (later, NATO), George Kennan wrote a memorandum to Under Secretary of State Robert Lovett and Secretary of State George Marshall, warning that a broader membership in this new alliance "... would amount to a *final militarization of the present line through Europe* ... [and] create a situation in which *no alteration or obliteration of that line could take place without having an accentuated military significance.*"[52] Forty years later, in an interview with Thomas Friedman, Kennan reacted to the U.S. Senate's ratification of NATO expansion:[53]

> *"I think the Russians will gradually react quite adversely, and it will affect their policies. I think it is a tragic mistake.... We have signed up to protect a whole series of countries, even though we have neither the resources nor the intention to do so in any serious way."*

To be fair, the aspiration behind NATO enlargement was, in fact, to erase "the present line through Europe," precisely because the end of the Cold War offered the opportunity to "alter or obliterate" that line without any "accentuated military significance." Although not an explicit mission within NATO's Strategic Concept, protecting and expanding a liberal political order is part of the Washington Treaty preamble and has been an implicit objective of both NATO and the EU. This, however, required that Russia accommodate an expansion of the Western liberal order as contributing to its own security rather than threatening it. The NATO-Russia Charter was a genuine attempt to mollify Russian concerns, in which Russia assumed a special—and putatively equal—status within the Alliance. But there was always ambivalence, on both sides. Russia never chose to be an active "partner" with NATO in defense planning or training and was never really viewed as an "equal" in the councils of NATO. There was, in short, a limit to how far that relationship could go, and both NATO and Russia knew it. In the 1990s, when Russia was politically, economically, and militarily weak, these contradictions could largely be ignored. After 2001, both NATO and the United States were focused elsewhere. But as the West returned to the enlargement agenda, with an eye to Georgia and Ukraine, these contradictions became

increasingly evident.

Even if one accepts the West's argument that NATO and EU enlargement has been a boon to democracy, economic development, and a comprehensive and stable base for peace and security in Europe, Kennan's 1948 argument is still relevant—at some point, NATO enlargement must come to an end. There are limits on resources and the applicability of one's commitment, and, at some point, those limits will be reached, with potentially deleterious effects on the whole. And, wherever that "new" line is, there is the danger that such a political line will become a militarized line, unable to be altered or obliterated without "accentuated military significance."

The Ukraine crisis has made that reality all the more evident. While the Alliance has taken substantive steps to deter Russian escalation of the crisis into the Baltics or other NATO front line states, the West has been unable either to deter or to reverse violations of Ukrainian sovereignty and territorial integrity, despite a series of assurances. There is no credibility to any "extended deterrent" guarantee in this context, precisely because—other than the "supreme guarantee"—there is no significant military capability that NATO is prepared to mobilize and sustain in protecting the territorial integrity and political independence of Ukraine. For NATO, of course, this is a more tolerable outcome, because Ukraine is a NATO partner, and not a member of the Alliance—a distinction blurred in creating NATO's partnership arrangements, but highlighted now in crisis.

NATO has, however, been quick to reassure its front line Allies, yet even that reassurance betrays its limits, as suggested in the preceding chapter. Since 2015, combat units have been rotating through Poland and the Baltic States, conducting training exercises and demonstrating their presence. Their purpose—like the "tripwire" of the Cold War—has been to demonstrate to Russia that any substantial aggression on the soil of those countries would provoke a more fulsome NATO response. Critics complained that this was an anemic response, focusing on symbols without real capability. In February 2016, the Obama Administration announced plans to quadruple U.S. military spending in Europe, from $789 million to $3.4 billion, and to send weapons and equipment to ensure that NATO can maintain at all times a full armored combat brigade in Central and Eastern Europe. As one senior Administration official noted, "This is not a response to something that happened last Tuesday. This is a longer-term response to a changed security environment in Europe. This reflects a new situation, where Russia has become a more difficult actor."[54]

The United States began to fulfill that reinforcement commitment in January 2017, as approximately two thousand armored military vehicles began to arrive in Europe, along with approximately thirty-five hundred troops on rotational deployment.[55] Yet the change in administration in Washington has raised a question about the durability of this reassurance initiative. As a candidate, Donald Trump suggested that NATO had become "obsolete" and repeated the charge in an interview with Germany's *Bild* and the *Times* of London shortly before his inauguration.[56] Yet, on Trump's first day in office, the newly confirmed secretary of defense, James Mattis—who, on active duty had served as NATO's supreme Allied commander transformation—placed phone calls to his Canadian and British counterparts, as well as to NATO secretary-general Jens Stoltenberg, emphasizing "the United States' unshakeable commitment to NATO."[57] White House comments on Mattis' phone calls suggested that the debate will continue to revolve around burden-sharing within the Alliance and not be about the desirability of maintaining the American commitment. Nonetheless, this new debate has made

Allies more anxious about America's commitment and more keen to receive steady signals of reassurance from Washington. In mid-February, Mattis, Secretary of State Rex Tillerson, and Vice President Mike Pence all went to Europe to reinforce again the same message: as Pence told the annual Munich Security Conference on 18 February, the United States "will be unwavering in our commitment to this trans-Atlantic alliance." In reality, what should have been an unremarkable statement reaffirming NATO's importance was a much-anticipated clear statement by U.S. leaders of the continuing American commitment, along with a still-lingering skepticism in Europe about the durability of that commitment.[58]

Even with the prepositioning of equipment and infrastructure to sustain an armored combat brigade, NATO is not suggesting that these force enhancements would enable the conventional defense of the Baltic States, Hungary, or Poland if Russia were to mount a full attack. Rather, NATO is responding to Russian political behavior—notwithstanding a relative quieting of the Ukraine crisis—by reinforcing the prospect that Russian adventurism against NATO members would come at a high price and, in the words of the Warsaw Summit Communiqué, "trigger an immediate Allied response to any aggression." In this respect, increasing NATO's conventional defense capability is not a substitute for NATO's ultimate extended deterrent guarantee, but a reminder—to reassure the Allies at least as much as to deter Putin—that it remains in force.

NATO's reinforcement of Central and Eastern Europe has additional purposes beyond deterrence and reassurance. Expanding U.S. investment in NATO's defense capabilities also signals to European Allies the need for them to fulfill their defense commitments, including raising defense spending to two percent of gross domestic product, for which the 2016 Warsaw Summit registered some improvement. Moreover, despite the increase in NATO's defense posture, expanded prepositioning still falls short of the "permanent" stationing of "substantial" NATO forces, which would constitute a more significant political shift in the NATO-Russia relationship. Hence, beyond deterrence and reassurance, there remains an additional objective that weighs in the balance. NATO is careful *not* to provoke escalation of the crisis by signaling either the intent or even the capability to engage on a significant military level from these countries. In the centennial of World War I, one can understand a heightened sensitivity, especially in Western Europe, to this additional consideration.

In reality, therefore, the efficacy of NATO's extended deterrent guarantee declines—at least in the eyes of intended allied beneficiaries—the further east one goes. It may be that NATO has found a new "front line," past which it will not be able—or even wish—to expand, at least under foreseeable circumstances. As long as NATO maintains existing boundaries, its extended deterrence still signals to Russia that NATO will not tolerate aggression against its members. Russian harassment can be met with existing resources. A Russian attack to re-annex the Baltic States, however, would pose a major military problem for the Alliance, simply because NATO's ability to thwart such an action would be limited and Russia's ability to mobilize massive forces from its homeland would be substantial. Yet, decisions taken at the 2016 NATO Warsaw Summit affirm that Russian actions against front line NATO member states would engage the Alliance in a direct defense, from which the Alliance would not likely retreat. The "supreme guarantee" remains in place; it may not be fully credible enough in the eyes of the Allies, but it may at least pose to Moscow the prospects of "incalculable" costs. This less-than-satisfactory reality is not fundamentally different from the strategic problem that endured throughout the Cold War. It is simply a reality that has returned to Europe, perhaps, with greater force and with

which NATO will again have to deal.

The alternative to this dilemma is to ensure that the Ukraine crisis does not result in hardened lines between Central and Eastern Europe, much further east than when the Berlin Wall fell twenty-five years ago. That would require that the West find imaginative ways to engage Russia in a pragmatic accommodation that resolves the crisis but finds an acceptable place for Russia within Europe's security architecture. At the 2015 Davos World Economic Forum, German Chancellor Merkel sought to placate Russia with a promise of a free trade agreement in exchange for peace.[59] Not surprisingly, that was not a sufficient carrot for Mr. Putin. Yet, Germany—like others in NATO and the EU—insist that any "integration" of Russia into European institutions must be on Western terms. As German Foreign Minister Frank-Walter Steinmeier noted, "the EU, NATO, and OSCE remain the cornerstones of European security... What has taken us for decades to build is not up for discussion."[60]

At the same time, while its key members seek to remain engaged with Russia over the long term, the post-Cold War hope of an enduring strategic partnership between NATO and Russia is not likely to materialize, even if there is some settlement in Ukraine that preserves Kiev's effective sovereignty in the east. This reality has brought back to the forefront many of those issues— including collective territorial defense and the role of nuclear weapons—that had receded since the end of the Cold War. As Paul Bernstein noted in his summary of a June 2015 Wilton Park conference on nuclear deterrence, European security, and Russian policy, "If Russia, as certainly now appears, sees itself as challenging the European security status quo in order to strengthen its own position, then NATO must reassess its own policies, capabilities and long-term outlook."[61]

Redefining Europe's security architecture to incorporate Russia may ultimately prove impossible. As a consequence, there will be "lines" in Europe. As long as those lines exist for NATO, its extended deterrent guarantee will be important, but inherently imperfect. NATO cannot enlarge beyond the point where that guarantee is demonstrably ineffective, without calling into question the enduring relevance of a model created in a different age. NATO can still enlarge—as it demonstrated by inviting Montenegro to begin accession talks in December 2015—but continuing to bring states of the former Yugoslavia into NATO does not extend NATO's borders to the east. As Russia has demonstrated in both Montenegro and in Serbia, it is quite capable of stirring and exploiting popular protests to NATO membership, but these are states that do not border on Russia and are therefore less susceptible to military threat from Russia, however much they may remain political targets for Moscow.

In short, with all of its contradictions, NATO's extended deterrence security guarantees are no less credible with respect to the Balkans as with other NATO states. Bringing Ukraine (or Georgia) into NATO, on the other hand, would put into sharp and potentially unhelpful focus the strengths and limitations of NATO's extended deterrence.

NATO's "return to Europe" occasioned by the Ukraine crisis has clearly refocused the Alliance back on its core mission of territorial defense of its member states. Yet, as the 2016 Warsaw Summit Communiqué demonstrates, NATO does not view this as a "pivot" away from its global responsibilities. Beyond NATO's commitment to remain in Afghanistan and its decision to engage directly in fighting ISIS and addressing migration and refugee crises, NATO has reasons to reexamine its capabilities for defense and deterrence that go beyond reinforcing its posture in its front line member states. While committed to the Iranian nuclear agreement, NATO must

also hedge against the possibility of substantial military threats from outside the European theater involving weapons of mass destruction and both state and non-state actors. Moreover, while focused on the classic dichotomy of conventional and nuclear threats to its members' territorial integrity, NATO must also develop the means to address cyber and other "hybrid" forms of warfare. In these contexts, nuclear weapons may or may not be an especially appropriate rejoinder, but they will remain the manifestation of the United States' "supreme guarantee" to the Alliance. Without that guarantee, it is difficult to imagine the Alliance being able to sustain itself in the long term.

ENDNOTES:

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26. *Ibid*., paras. 62 & 64. Emphasis added.

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