

# North Atlantic Treaty Organization 2015

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## North Atlantic Treaty Organization

Dear Delegates,

Welcome to the North Atlantic Trade Organization Committee! Founded in 1949, this proud collective defense alliance continues to face a broad range of issues of security that we are excited to address. As part of our commitment to safeguard our allies, we will be examining issues regarding the new terrorist threat, the Islamic state; cyber security and warfare and the situation in Ukraine and our relations with former USSR countries.

My name is Manon Rouanet and I will your chair for the committee at SSUNS 2015. This will be my 6<sup>th</sup> year participating in SSUNS, first as a delegate and later as a staffer. This year sees my 7<sup>th</sup> year involved in Model UN, and I'm very excited to be chairing the first committee I ever participated in as a delegate 7 years ago. I was born in Paris and later moved to Canada; first Toronto, and finally Montreal for my studies. I'm in my 3<sup>rd</sup> year at McGill studying Cognitive Science with a minor in International Relations. It's always a pleasure to be at SSUNS and I'm looking forward to meet all of you and seeing the great ideas you all come up with!

It's also my pleasure to introduce this year's vice-chairs:

Udita Samuel is currently in her third year at McGill University, studying Political Science and Sociology. Her passion for debate and international politics began at SSUNS, where she attended her first conference in 2011. Udita is currently a Floor Fellow/Resident Advisor at McGill, where she does a fantastic job making sure first year students are having an enjoyable experience. Udita is very much looking forward to getting to know all of you!

Our next vice-chair is Akshara Date. Akshara is from Mumbai and is entering her fourth (and last) year at McGill, studying political science and international development. She has eight years of Model UN experience, both as a delegate and as a member of the dais. Akshara is also looking forward to meeting everyone, to insightful debate, and to a memorable last SSUNS!

Rounding out the front of our dais is Andrew Marrocco. Andrew is in his second year studying Political Science with a minor in Economics. He has been involved with Model UN for 5 years now, participating in conferences in Europe and in Canada as both a delegate and a staffer. This is his first time chairing at SSUNS and he is looking forward to a great conference filled with fruitful debate and ideas.

We're all looking forward to seeing you at SSUNS 2015!

Best Regards,  
Manon Rouanet  
Chair



### Topic 1: The Islamic State

Terrorism has reached an all time high with the latest emerging threats of the militant state, the Islamic State. The North Atlantic Treaty Organization (NATO) has become a key resource to the twenty-eight countries that are part of its membership. One of NATO's pillars is to "safeguard the freedom and security of its members through political and military means."<sup>1</sup> Through the political and military involvement, NATO strives to "promote democratic values and encourages consultation and cooperation on defence and security issues to build trust and in the long run, prevent conflict"<sup>2</sup> The military involvement strives to be "committed to the peaceful resolution of disputes, only if diplomatic efforts fail, [NATO] has the military capacity [needed] to undertake crisis-management operations."<sup>3</sup> The military route will only be carried out through strict observance of "Article 5 of the Washington Treaty or under a UN mandate."<sup>4</sup> One of NATO's central principles is Article 5 of the Washington Treaty which declares that an attack on one or more of the member states is considered an attack on all members and consequently agree that each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations.<sup>5</sup> This basic pillar to the alliance is essential to uphold and by extension raises important questions in how to deal with threats to its member states.

NATO's commitment to protect its member countries must consider the question of Turkey, a member country facing a new imminent terrorist threat. NATO must now decide effective policy and action that will allow member states to move forward in handling the threat of ISIS to Turkey. The economic, social and political nature of the policies present and in the future must be a key component in addressing the threat. NATO's relationship with the European Union and United Nations as well as other member countries must be taken into account in the steps moving toward to handle the imminent danger to the Turkish border.

### Section 2: A Recent Look at ISIS

The Islamic State is a jihadi-salafist group that believes in a deeply extremist interpretation of Islam that adheres to fundamentals Islamic tenets<sup>6</sup>. On June 29, 2014, following the take over of Iraq's second largest city Mosul, the organization appointed itself as the worldwide Caliphate, a theocratic one-world government with authority over all Muslims. The leader, Abu Bakr al-Baghdadi was announced its Caliph, a successor to the prophet Muhammad. The organization is incredibly pedantic when it comes to doctrine, and unlike al-Qaeda the Islamic State is uncompromising with doctrinal matters promoting an incredibly rigid strain of Salafism. By announcing themselves as the Caliphate, the requirement is that Muslims throughout the world must pledge an oath of

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<sup>1</sup> "What is NATO?" *NATO*.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

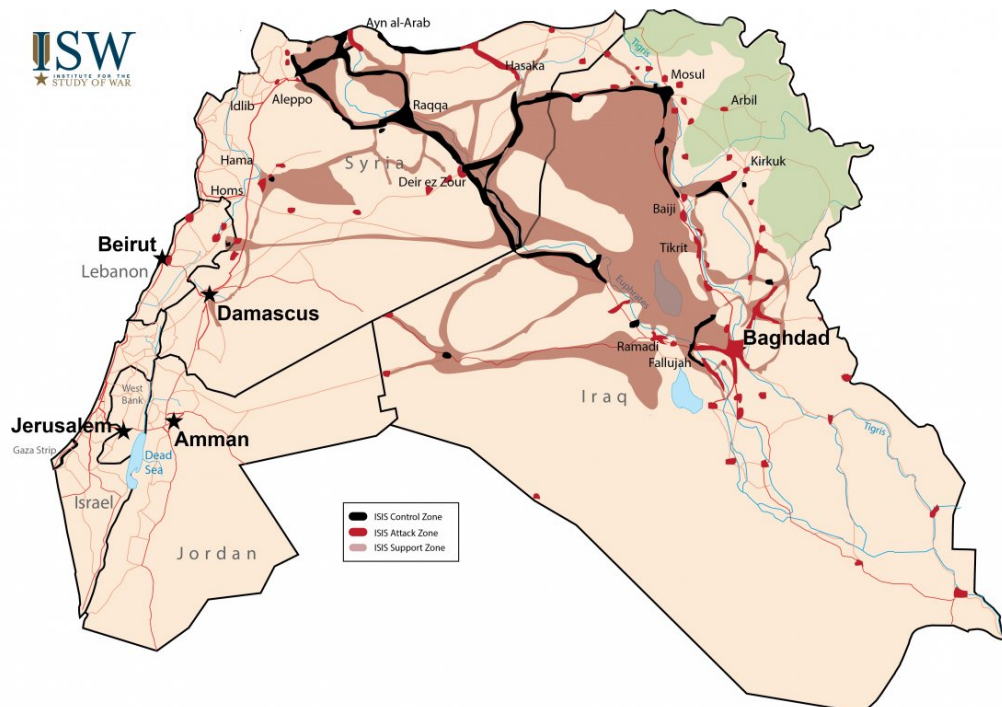
<sup>5</sup> "What is Article 5?" *NATO*.

<sup>6</sup> Bunzel, From Paper State to Caliphate: The Ideology of the Islamic State

fealty, or *bay'a*, to Baghdadi – more importantly all other existing jihadi groups are expected to accept the Islamic State's authority voiding them of legitimacy if they do not<sup>7</sup>. Since this big move, the Islamic State has gained territory in Libya, and has confirmed military presence in Afghanistan, Algeria, Pakistan, Uzbekistan, and Yemen<sup>8</sup>. In March 2015, Boko Haram pledged formal allegiance to ISIS giving the organization official presence in Niger, Nigeria, Chad and Cameroon<sup>9</sup>.

In terms of financial resources, ISIS is one of the richest jihadist groups in the world. It is estimated the following the taking of Mosul, ISIS was worth \$2b USD. The organization depends highly on the money that has been looted from banks in captured cities, and oil revenues. It is estimated that the exportation of oil from captured oil fields (often sold illegal in Turkey) brings in \$1mil USD every day to the organization. In April 2015, after ISIS lost control of Tikrit it equally lost control of three large oil fields which could reduce its ability to sell oil. Other means to obtain funds come from donations, extortion, and the 'jizya' tax on religious minorities.

In terms of military capacity, ISIS largely made up of foreign fighters from all over the world. UN estimates pegs the number of fighters at 15,000, US estimates suggest it is higher at around 20,000 militants. ISIS draws its conventional weaponry from Saddam Hussein's stockpiles from the Iraq insurgency and from opposition forces fighting in Syria.



<sup>7</sup> *Ibid.*

<sup>8</sup> Fadel, Leila. "With Cash and Cachet, The Islamic State Expands its Empire". *NPR.com*. November 18, 2014

<sup>9</sup> "Nigeria's Boko Haram pledges allegiance to Islamic State". *BBC*. March 7, 2015.



### Section 1: Background Information

As said by Ambassador Haydar Berk, the Permanent Representative of Turkey to the North Atlantic Council, “NATO is one of the essential dimensions of Turkish foreign and defence policy. Turkey has been an important member of the Alliance and a reliable Ally for 60 years.”<sup>10</sup> The Islamic State is considered as “one of the most dangerous jihadist groups” after its momentous support in Syria and Iraq. The formation of ISIS in 2013 through the Islamic State in Iraq and the Levant (ISIS), was followed with increasing economic and social support out of al-Qaeda. After its original formation, al-Qaeda has since denounced the group, but the group is fighting against the governments in Syria and Iraq. The organization’s leader is “Abu Bakr al-Baghdadi” who joined the uprising that began in Iraq after the 2003 US-led invasion.

In December 2014, the town of Kobani in Syria was under attack by the Islamic State of Iraq and Syria (ISIS) militants. The continuous fight is key to the militant group to control the border city. The battle has raged over two months between the ISIS and Kurdish fighters to ensure the militant group does not take control of the city. The fight has affected men and women both in Syria and Turkey. One of the Kurdish supporters, Hasan Kara was worried that the fight will lead to ISIS controlling Kobani, he said “As a Kurd I can’t just wait here and watch. Actually as a human being... they shouldn’t expect anyone to stand here and do nothing.”<sup>11</sup> In the weeks of November to December 2014, the United States of America led coalition forces to pilot “a series of air strikes near the border city and have dropped weapons, ammunition, and medical supplies in the Kurdish held areas.”<sup>12</sup> Unfortunately, Turkey has refused to seek help from NATO, or the United Nations or to assist the Kurds in their fight against the radical group. Although, the fight has been continuous, there is no victor yet. Due to the constant fighting, the Syrian refugees have “attempted to escape the war-torn town to reach refugee camps in neighbouring Turkey.”<sup>13</sup>

Turkey is the only NATO member in the area, and sharing a border with the so-called caliphate gives the country a disproportionate amount of power when dealing with ISIL. However, it remains the most hesitant. Despite the creation of the ‘core coalition’ consisting of Turkey, the United States as well as Britain, France and several other countries, Turkey’s interest do not seem to align with its western counterparts and appears to play a largely symbolic role.<sup>14</sup> Fighting the Islamic State is in conflict with Turkey’s foreign policy, they are more interested in managing their border, dealing with the huge influx of refugees from war-torn Syria and not strengthening the Assad regime they have strongly condemned.<sup>15</sup>

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<sup>10</sup> “Turkey-NATO Anniversary. *NATO*. 2012.

<sup>11</sup> Laurent Laughlin. “The Fight Against ISIS on the Border Between Turkey and Syria,” *Time Magazine*, December 15, 2014.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Masi, Alessandra. “NATO Coalition Against ISIS: Turkey Role Mostly Symbolic”. *International Business Times*. September 7, 2014.

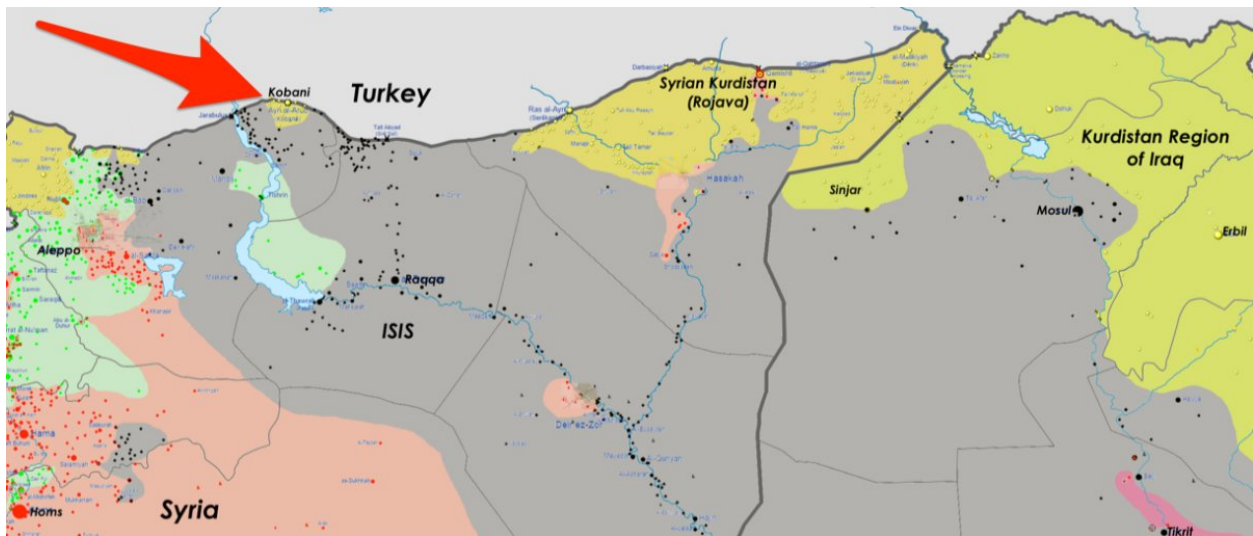
<sup>15</sup> *Ibid.*



## Section 3: The Issue of the Turkish Border

Turkey shares a porous 400-km border with Syria that proves to be a challenge to the fight against ISIS. This border is of strategic concern as it is the main gateway for the influx of foreign jihadi fighters and military equipment that is easily smuggled into Syria. It has also been an escape route for the some 800,000 Syrian refugees that have flooded into Turkey.<sup>16</sup> Turkey has recently reinforced its border, but has stated that there will be no incursion into Syria until there is an immediate threat to Turkish national security.

NATO continues to pressure Turkey to deal with the border holes, and Turkey has generated a no-enter list of over 6000 people. However, professional smugglers have suggested it remains very simple to cross this border, costing only about 50 lira (~20\$).<sup>17</sup>



## Section 4: The Issue of the Kurds

An important factor that is often overlooked is the issue of the Kurds. The future of the Kurdish people will dictate Turkey's approach to Syria. The Turkish government's main concerns are the future developments in Syria and Iraq, as Turkey maintains a delicate peace process with their own Kurdish people, but are worried about the "emergence of an independent Kurdistan."<sup>18</sup> The process in which the situation is handled will affect the capital of Turkey, Ankara. President Erdogan made his views very clear by stating, "for us [Turkey], the Kurdistan Workers' Party (PKK) is the same as ISIS. It is wrong to consider them as different from each other."<sup>19</sup> The unfortunate view of the Turkish government to distinguish between the Kurds fighting for their freedom and the militant fighters is not helping solve the problem. The people of Turkey are protesting to

<sup>16</sup> Ibid.

<sup>17</sup> Trofimov, Yaroslav. "Porous Syria-Turkey Border Poses Challenge in Fight Against Islamic State". *The Wall Street Journal*. February 19, 2015.

<sup>18</sup> Berivan Orucoglu. "It's Time for Turkey to Stop Denying that ISIS Is a Threat". *Foreign Policy*. October 9, 2014

<sup>19</sup> Ibid.



encourage their government to take action and help the Kurdish fighters. The Turkish government responded by “focusing on the violence of some of the protests, imposing curfews in several cities.”<sup>20</sup>

The Turkey-PKK conflict emerged in the 1980s and consists of an armed conflict between the Turkish republic and armed Kurdish groups. These insurgent groups demand the creation of a separate and independent Kurdistan, or for the people to have their own autonomy. The main rebel group is the Kurdistan Workers’ Party (PKK), which is considered a terrorist organization by NATO<sup>21</sup>, Turkey and the United States<sup>22</sup>. The European Union removed its status as a terrorist organization in 2008. In 2013, following what is known as a the ‘solution process’ a cease-fire was received and accepted by the PKK marking what most Turkish people consider to be the end of the conflict. In return for PKK’s withdrawal from Turkey, the government set in motion a collection of constitutional and legal changes for the recognition of the Kurdish population.

Though the conflict in traditional terms has ended, there remain tensions that can impede on the fight against ISIL. Recently, President Recep Tayyip Erdogan has authorized a change of rules of engagement by the Turkish parliament. The aim of these changes would be to establish a buffer zone for refugees and against ISIL.<sup>23</sup> However, the main goal would be to prevent the emergence of a Kurdish controlled state at Turkey’s border, the beginnings of a Kurdistan that the Turkish republic vehemently opposes. It is unclear currently whether this threat of intervention will be followed by affirmative action, as there remain many institutional reservations. The military would be unhappy to involve ground troops and would offer to join the bombing campaign against ISIL instead.

The issue is that if Turkey were to send these troops into northern Syria is that it could complicate the campaign against ISIL. Despite the deployment into Syria most likely driving away ISIL from the Turkish border, it proves equal opportunity to keep the Syrian PYD (an offshoot of the PKK) from taking full control on the region around the border. With the history of conflict with its own Kurdish population, Turkey’s deepest fear would be to return to civil war if the Kurds were to be emboldened by a Kurdish controlled-area on the Turkish-Syrian border.

Turkey has not come to realize yet that the Islamic State is more dangerous to Turkey than to Europe or the West. The immediate security threat that the Islamic State poses on Turkey’s borders is new to the country. Turkey has been fortunate to avoid the constant jihadist presence that is apparent in its neighbouring countries. But due to Turkey’s inaction, the Islamic State continues to fight at its borders and recruit members in Turkey. In July of 2014, hundreds of ISIS supporters gathered for Eid prayers in Istanbul’s Omerli district, where they prayed, “all holy warriors engaged in the jihad hit their targets.”<sup>24</sup>

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<sup>20</sup> *Ibid.*

<sup>21</sup> “NATO chief declares PKK terrorist group”. December 20, 2005.

<sup>22</sup> US Department of State. “Foreign Terrorist Organizations”.

<sup>23</sup> Spencer, Richard. “Turkey ‘planning to invade Syria’”. *The Telegraph*. June 29, 2015.

<sup>24</sup> *Ibid.*



### Section 5: NATO Involvement

In order to deal with the mounting new threats, NATO International Staff created a new division to handle situations of security. The new division is called “Emerging Security Challenges” or ESCs. The division is equipped to issues of “terrorism, proliferation of weapons of mass destruction, cyber attacks, piracy, and energy and environmental security.”<sup>25</sup> In order for NATO to systematically take action, both NATO and the European Union must work together. The European Security Review analyzes the cooperation between the two large entities.

NATO and the European Union serve two different purposes. The understanding between the two groups focuses on the “nature of the principal security challenges of the 21<sup>st</sup> century.”<sup>26</sup> The European Union role is to focus on the “regional conflicts and instability derived from state failure internationally, and in its immediate neighbours.”<sup>27</sup> While NATO will focus on the security issues that cross borders and continents, and span from military to technological issues, for example, cyber warfare and missile defense. The clear distinction made is that “NATO has always been a military defense Alliance focusing on the security and defense dimensions of foreign policy.”<sup>28</sup> Despite NATO’s original purpose and nature of creation, the recent involvement in the member states has ensured NATO will focus on security and defense of the member states.

As the conflict has unfolded, NATO has made a clear statement of its commitment to protect Turkey in its fight against the militant state. NATO’s secretary-general, Jens Stoltenberg stated that, “Turkey should know that NATO will be there if there is any spill over, any attacks on Turkey as a consequence of the violence we see in Syria.”<sup>29</sup> The signs that the fight is escalating are present to this day, from the constant causalities, to the black flag of the Islamic State being raised. The alliance, NATO has made it clear that it will support all its allied countries, despite the complex issues of ISIS. “Turkey is a NATO ally and our main responsibility is to protect the integrity, the borders of Turkey and that is the reason why we have deployed Patriot missiles in Turkey to enhance, to strengthen the air fence of Turkey,” Stoltenberg said during a visit to Poland.<sup>30</sup> The border that separates Turkey and Syria is over 900 kilometres; the protection of the border is vital to ensure that ISIS does not gain access to Turkey. NATO delivered six Patriot missile batteries in early 2013 to Ankara to help the security concerns. The Turkish government has been hesitant to seek for assistance in the world community, even voice their concerns of the militant group. But, “Turkey’s parliament authorized the presence of foreign forces on the country’s territory.”<sup>31</sup>

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<sup>25</sup> Myrto Hatzigeorgopoulos. “The EU, NATO and Emerging Security Challenges in 2012,” *European Security Review*, May 2012.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid*, page 2.

<sup>28</sup> *Ibid*, page 2.

<sup>29</sup> Ben Plessner, “NATO: We’ll Protect Turkey If ISIS Battle Spills Over Syria Border,” *NBC News*, October 6, 2014.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*





### Questions to Consider

1. How will NATO balance member countries interests, Turkey and the European Union to handle the threat of ISIS?
2. Before taking military action, how will NATO utilize other democratic means to eliminate the threat of ISIS?

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### Topic 2: Cyber Security

The North Atlantic Treaty Organization members face new threats in this digital age. It is undeniable that the introduction of computers and Internet has led to a powerful and sweeping revolution to the way we communicate and the nature of international relations. However, with powerful tools come new threats that are elusive to the restrictions of traditional warfare and international law. In accordance with Article 4 of the treaty, NATO must now consider more than ever how to deal with cyber operations that can be disruptive and even dangerous to states and their populations.

#### Section 1: Background Information

The international community has made two main efforts to define what a cyber attack is, and what it entails. The first definition comes from the United States of America's understanding of the concept, and the second from the Shanghai Cooperation Organization led by China and Russia. The government of the USA has not officially declared its definition of cyber warfare, but the Joint Chiefs of Staff in various meetings have defined terms that are very closely associated with it.<sup>32</sup> "Information warfare" is said to include operations that "influence, disrupt, corrupt, or usurp adversarial human and automated decision making while protecting [one's] own"<sup>33</sup> and computer warfare is defined as the "employment of Computer Network Operations with the intent of denying adversaries the effective use of their computers, information systems, and networks."<sup>34</sup> The U.S. National Research Council provides yet another definition of a cyber attack: "deliberate actions to alter, disrupt, deceive, degrade, or destroy computer systems or networks or the information and/or programs resident in or transiting these systems or networks".<sup>35</sup> Evidently, there is no uniform definition endorsed by the U.S. government, hinting at there being overlap and confusion as to what constitutes a cyber attack, and therefore uncertainty as to what the appropriate response policy should be.

While the American definitions are largely technical in their nature, the Shanghai Cooperation Organization takes a much more expansive approach, defining information war as "mass psycholog[ic]al brainwashing to destabilize society and state, as well as to force the state to take decisions in the interest of an opposing party."<sup>36</sup> The organization specifically identifies the promotion of information harmful to "social and political, social and economic systems, as well as spiritual, moral and cultural spheres of other states"<sup>37</sup> as one of the main threats to information security. Critics argue that this broad definition (that considers the use of technology to undermine political stability as a cyber

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<sup>32</sup> Hathaway, Oona, Rebecca Crootof, Philip Levitz, Haley Nix, Aileen Nowlan, William Perdue, and Julia Spiegel. 2011. *The Law Of Cyber-Attack*. Ebook. 1st ed. Yale University. <http://www.law.yale.edu/documents/pdf/cglc/LawOfCyberAttack.pdf>, p 7.

<sup>33</sup> *Ibid*, p 8.

<sup>34</sup> *Ibid*.

<sup>35</sup> *Ibid*, pg 9.

<sup>36</sup> *Ibid*.

<sup>37</sup> *Ibid*.

**FIGURE 1. ESSENTIAL CHARACTERISTICS OF DIFFERENT CYBER-ACTIONS**

Type of Cyber-Action	Involves only non-state actors	Must be violation of criminal law, committed by means of a computer system	Objective must be to undermine the function of a computer network	Must have a political or national security purpose	Effects must be equivalent to an "armed attack," or activity must occur in the context of armed conflict
Cyber-Attack			✓	✓	
Cyber-Crime	✓	✓			
Cyber-Warfare			✓	✓	✓

action taken to undermine the functions of a computer network for a political or national security purpose.”<sup>39</sup> This definition is far more useful as it defines a cyber attack by its objective and not its means. For instance, a remotely controlled drone strike is an example of technologically advanced conventional warfare, but the use of submarines to destroy underwater Internet cables would be considered a cyber attack. There are three broad categories that cyber attacks can be classified under; distributed denial of service (DDOS), planting inaccurate information (semantic attack), and infiltrating a secure computer network. While cyber espionage is not considered a cyber attack, once hackers have gained access to the system, they can actively do damage.<sup>40</sup> See the figures below for an overview of the distinction between a cyber attack, cyber crime, and cyber warfare.

## Section 2: Some Notable Examples of Cyber Attacks

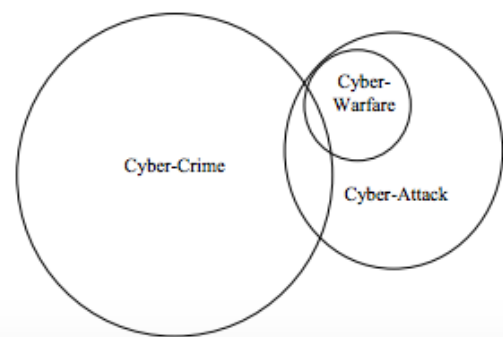
### “Titan Rain” (2005)

Titan Rain was the name assigned to a series of coordinated attacks on American computer systems between 2003 and 2005 by the federal government of the United States. The attacks were thought to have Chinese origins, although their precise nature and the identity of the attackers remain unknown,<sup>41</sup> Titan Rain hackers gained access to U.S. defence contractor computer networks including organizations such as Sandia National Laboratories, Lockheed Martin, and NASA.<sup>42</sup> Consequently, these attacks have caused friction in the US-China relations, due to the sophistication of the attacks suggesting they originated from the People’s Liberation

attack) represents an effort by governments to justify the censorship and suppression of free political expression on the Internet.<sup>38</sup>

The dichotomies of the two definitions above indicate that there is an absolute lack of consensus. Some scholars propose the following definition: “a cyber-attack consists of any

**FIGURE 2: RELATIONSHIP BETWEEN CYBER-ACTIONS**



<sup>38</sup> *Ibid*, p 10.

<sup>39</sup> *Ibid*.

<sup>40</sup> *Ibid*, p 25.

<sup>41</sup> Thornburgh, Nathan. 2005. 'Inside The Chinese Hack Attack'. *TIME.Com*.

<sup>42</sup> *Ibid*.



Army. Though the attacks have attacked high-profile targets, no sensitive or classified information has been reported stolen.<sup>43</sup>

### Estonia (2007)

Estonia experienced a three-week long wave of massive attacks in 2007, widely thought to have originated in Russia.<sup>44</sup> The attack was triggered by the Estonians' removal of a Soviet war memorial statue in Tallinn.<sup>45</sup> The cyber attacks mainly targeted the Estonian presidency and its parliament, government ministries, political parties, banks, and news organizations.<sup>46</sup> The onslaught of cyber attacks succeeded in disabling many websites and online databases. They were classified as Distributed Denial of Service (DDoS) attacks.<sup>47</sup> The intensity of the cyber attack raised alarm in Europe, and caught the attention of the North Atlantic Treaty Organization (NATO), prompting them to add matters of cyber security to their agenda officially.<sup>48</sup>

### Israel (2007)

Israel bombed a military construction site in Syria in September 2007. The site is located deep in the territory, and questions arose as to how the bombers entered Syrian airspace without detection. Many experts pointed toward the *Suter* airborne network attack system, which many believed were employed by Israeli armed forces to hack into enemy defences. The technology allowed the Israeli military to invade communications networks, and take over administrative controls to manipulate sensors and effectively hide the approaching aircrafts.<sup>49</sup>

### Georgia (2008)

Georgia experienced a coordinated barrage of DDoS attacks as early as July 2008, with servers being bombarded with millions of requests. The attack effectively overloaded the servers, and caused them to shut down. This was followed by an all-out cyber war between Georgia and Russia, and was the first known instance of a cyber war coinciding with a conventional war. The attack spread to computers across the government after Russian troops breached the Georgian territory. The National Bank of Georgia's website was breached, and images of 20<sup>th</sup> century dictators as well as an image of Georgia's president were placed on the site.<sup>50</sup>

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<sup>43</sup> Brenner, Bill. 2005. "The Lesson of Titan Rain". *Homeland Security*.

<sup>44</sup> Traynor, Ian. 2007. 'Russia Accused Of Unleashing Cyberwar To Disable Estonia'. *The Guardian*.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> msnbc.com, 2009. 'A Look At Estonia's Cyber Attack In 2007'.

<sup>49</sup> Leyden, John. 2015. 'Israel Suspected Of 'Hacking' Syrian Air Defences'. *The Register.Co.Uk*.

<sup>50</sup> Markoff, John. 2015. 'Before The Gunfire, Cyberattacks'. *Nytimes.Com*.

## Stuxnet 2011

Stuxnet is a sophisticated malware that targets industrial programmable logic controllers. It has been suspected that Stuxnet is of Israeli origin and aimed to attack Iranian nuclear facilities. The researcher who discovered Stuxnet in 2010, Ralph Langner, speculated that due to the costly nature of the malware and the amount of man-hours required for its development that the United States was most likely involved in its inception as a cyber superpower. It is suspected that the target of the Stuxnet malware was specifically the Natanz nuclear facility in Iran, which suffered from decrease in operational capacity, and several seizures of activity due to major technical failures. The implications of this are very significant as technical failure could result in serious nuclear accidents, with human consequences. Stuxnet, by the Institute for Science and International Security, was found to attack the centrifuge rotor speed, altering the speeds in such a manner that the centrifuge would be destroyed.



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## Epsilon 2011

On March 4<sup>th</sup>, 2011 the world's largest email marketing service company, Epsilon was targeted. Computer hackers obtained the names and email address of millions of customers of Barclaycard US, Capital One and a variety of other large firms. Though only compromising emails and clients names, this was one of the largest Internet security breaches in US history.<sup>51</sup>

## South Korea 2013

On March 20<sup>th</sup>, 2013 several South Korean television stations, ATMs, mobile payment services and banks suffered what is suspected to be an act of cyber warfare. North Korea, having launched similar attacks in 2009 and 2011 was blamed for this attack as well.<sup>52</sup>

## **Section 3: NATO's Response**

The North Atlantic Treaty Organization did not take many measures to aid Estonia in 2007, because it lacked both "coherent cyber doctrine and comprehensive cyber

<sup>51</sup> Halliday, Josh. 2011 "Epsilon email hack". *The Guardian*.

<sup>52</sup> Branigan, Tania. 2013. "South Korea on alert for cyber-attacks after major network goes down". *The Guardian*.





strategy.”<sup>53</sup> In 2008, NATO convened the Bucharest Summit to address this issue, and attending parties decided upon the creation of two new divisions. The Cyber Defence Management Authority (CDMA) aimed to centralise cyber defence capabilities across member states, and the Cooperative Cyber Defence Centre of Excellence (CCDCOE) has the mandate of advancing the development of long-term NATO cyber defence doctrine and strategy.<sup>54</sup> The North Atlantic Council controls both organizations, and the language invokes Article 4, which calls on member states to consult together in the face of an attack, but does not cite Article 5, which calls on member states to assist one another.<sup>55</sup> While the creation of these bodies is a step in the right direction, critics remain unsure if it is a strong enough deterrent to prevent attacks in the future.

### Section 4: Examining Ambiguities and NATO Responsibility:

Despite several concrete steps having been taken at operational and strategic levels, there are more steps that can be taken to ensure a framework of cyber security that can withstand the increasing sophisticated cyber attacks.

In 1988, Carnegie Mellon researchers in the United States proposed the creation of national computer emergency response teams (CERTs). These CERTs would be centralized emergency response teams that could intervene with cyber threats before they escalate to the level of cyber emergencies.<sup>56</sup> Working towards equipping NATO members with CERTs could be an effective defensive measure in the cyber realm.

The largest issue that must be examined is the role of international law in in the cyber domain. The legality and complexity of these matters is still highly rudimentary legal research. The international laws of force between states, so called ‘jus ad bellum’ remain ambiguous in what context/circumstance a cyber operation can constitute:

- 1- a threat/use of ‘force’,
- 2- an ‘armed attack’ that justify proportionate force in self-defence
- 3- or finally, a ‘threat to international peace and security’ which would be subject to UNSC intervention.

The *jus ad bellum* body of law is deeply related to the UN Charter. The issue with recognizing cyber operations as a use of force and/or threat, specifically state-sponsored attacks, is that it would be prohibited under article 2(4) of the UN charter, and even more importantly would trigger international conflict.<sup>57</sup> There’s a threshold that must be defined when examining the ‘threat’ of a cyber attack, and what would it constitute a lawful proportionate counter-measure without being defined as an ‘armed attack’. Article 2(4) of the UN Charter states that ‘all members [of the United Nations] shall refrain in their international relations from the threat or use of force against the territorial integrity

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<sup>53</sup> Hughes, Rex. 2009. “NATO and Cyber Defense”.

<sup>54</sup> NATO,. 2015. ‘Cyber Security’.

<sup>55</sup> Hathaway et al. (2011); *op. cit.*, p 50.

<sup>56</sup> Cert Division at Carnegie Mellon University.

<sup>57</sup> Melzer, Nils. “Cyberwarfare and International Law”. Pg 6



## North Atlantic Treaty Organization

or political interdependence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>58</sup> This thus raises the debate to which extent a cyber operation constitutes a ‘use of force’ within this prohibition. By extension, once qualified as a use of force, to what extent do NATO members have in protecting its allies from these attacks.

It would also be important to address the both laws of neutrality and laws of armed conflicts, or *jus in bello*:

The former, laws of neutrality, would require an examination of the role of neutral states in dealing with non-state belligerents that conduct attacks using the telecommunication infrastructure of said state, or within their territory.<sup>59</sup> Article 2(4) of the UN Charter has jurisdiction over states and prohibits the use of force in terms of international relations, meaning that the use or threat of force must be attributable to a specific state and directed to one or several other states. These operations can be legally attributed to a state when carried out by state agents acting on behalf or with the authorization of the state. Ambiguities arise when agents not acting on behalf of the state in which they are working out of, or insufficiently linked to the state to suggest legal responsibility. The use of force by non-state actors can be examined through the lens of some international humanitarian laws, and sometimes, international criminal law but would not be prohibited by the charter. When examining this issue of neutrality, NATO members must address the extent to which this generally domestic issue becomes an operation of international concern. At what point should NATO intervene in non-state affiliated attacks that appear to pose a threat to the security of NATO allies? What would be proportionate and appropriate response in these cases?

The latter, *jus in bello* body of law, would concern itself with distinguishing between cyberwarfare, that is governed by humanitarian international law, and things like cyber criminality and cyberterrorism that aren’t necessarily governed by these laws.<sup>60</sup> The extent to which humanitarian law, typically used to govern traditional warfare, applies to this type of attack remains ambiguous. According to Article 51 of the UN Charter, “nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations”.<sup>61</sup> The ambiguity arises in the gap between the ‘use of force’ prohibited under Article 2(4) and the exception of an ‘armed attack’ in the aforementioned article. Article 2(4) is broader in scope, as it prohibits both the use and threat of armed and unarmed means of ‘force’, thus not every use of force prohibited by the Charter can be constituted as an armed attack justifying counter-measures that can be consider exempt from the Charter restrictions. Similar to the previous considerations, NATO must work towards appropriately defining the terms under which cyber operations can be considered a direct attack upon a member state and how to appropriately respond within the restrictions of international law.

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<sup>58</sup> Charter of the United Nations.

<sup>59</sup> Melzer. Pg 10

<sup>60</sup> Melzer. Pg 12

<sup>61</sup> Charter of the United Nations.



### Section 5: Other International Responses

#### United Nations

There has been very limited action on cyber security in the UN. The United Nations General Assembly has passed several resolutions on the issue, but the language remains vague, and does not call for specific action on the part of member states.<sup>62</sup>

#### Council of Europe

The Council of Europe is the only international organization that has taken specific action toward addressing and combatting the issue, with regards to cyber crime specifically. The CoE organized the Convention on Cybercrime in 2001, where participants agreed to a “common criminal policy aimed at the protection of society against cybercrime,”<sup>63</sup> primarily through legislation and international cooperation. The United States also ratified the Convention in 2006.

#### Organization of American States

The OAS has begun to take action to regulate cyber attacks. Member states approved a resolution stating that members should “evaluate the advisability of implementing the principles of the Council of Europe Convention on Cybercrime (2001)” in and should “consider the possibility of acceding to that convention” in April 2004. More recently, the Organization has created a Working Group on Cyber Crime that consists of experts that are mandated with providing assistance to member states in drafting and implementing laws that will punish cyber crime and protect information systems.<sup>64</sup>

#### Shanghai Cooperation Organization:

The SCO has been redefining cyberwarfare and effectively coordinating their efforts to generate consensus on not only definition but also appropriate responses to cyber attacks. In 2009, the organization adopted an accord that defined information that is considered “harmful to the spiritual, moral and cultural spheres of other states” should be considered a threat, and any undermining of a political economic or social system warrants a cooperative counter-measure on the part of the organization.<sup>65</sup>

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<sup>62</sup> *Ibid*, p 49.

<sup>63</sup> *Ibid*, p 51.

<sup>64</sup> *Ibid*, p 53.

<sup>65</sup> Gileten, Tom. “Seeing The Internet As An 'Information Weapon'”. *NPR.com*. 2010



### Further Questions

1. To what extent can cyber operations be qualified as a use of force under the UN Charter? What responsibility does NATO have in dealing with these attacks?
2. What are appropriate self-defensive measures NATO members can take to protect itself from cyber attacks? What are both international and domestic measures that must be considered?

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### Topic 3: Ukraine & Relations with Russia

The topic is one, which is central to the origins of NATO, as the organization was founded with a primary focus on the prevention of USSR and communist expansion in Europe<sup>66</sup>. As such, NATO has played a significant role in relations between the Western powers and Eastern Europe since its creation at the beginning of the Cold War and is a major figure in current relations. Currently, there is significant tension between Russia (the successor state of the USSR) and the West revolving around the Crimea region of Ukraine. Pro-Russian separatist movements, including active Russian state involvement, have led to major conflict in the region. This has led to Pro-Russian occupation in the region, including major cities such as Donetsk, as well as referendums of varying degrees of legitimacy in the affected areas in which citizens voted to join Russia<sup>67</sup>.

The current situation originated in late 2013 when President Yanukovych's cabinet pulled out of a trade agreement with the EU, which would have led to closer relations with the West, including NATO. Subsequently, he accepted a major deal that led to Russia buying off \$15 billion worth of Ukrainian debt, among other agreements.<sup>68</sup> This caused many protests in Kyiv, reaching nearly a million people at its peak, which eventually led to Yanukovych being forced out of power.<sup>69</sup> As a result, a more 'Western' temporary government was elected. Soon, pro-Russian forces, including Russian military, began taking control of the Crimea region. This has led to major conflict between pro-Ukrainian and pro-Russian fighters of various origins spreading throughout the region. The West has reduced Russian state involvement, with legislation authorising the use of Russian force being withdrawn, following sanctions and diplomatic action. However, the instability in the region remains high, especially in light of the Malaysian Airlines flight crash in the summer of 2014, the flight most likely having been down by a pro-Russian missile.<sup>70</sup> The resulting death of 298 people outraged the international community and shed light on the continuing instability.<sup>71</sup> Furthermore, while official Russian intervention has ceased, it is likely that they are giving significant support to the rebel forces in Eastern Ukraine<sup>72</sup>. In addition, Russian forces have been frequently reported near the Ukrainian border since Putin officially ended Russian intervention, with new president Poroshenko warned of imminent annexation as recently as June 4<sup>th</sup> 2015. Currently there are 50,000 Ukrainian troops in the region to protect the country's sovereignty<sup>73</sup>.

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<sup>66</sup> "NATO History," *NATO*.

<sup>67</sup> "Ukraine Crisis: Timeline," *BBC*.

<sup>68</sup> Krasnolutska, Daryna. "Ukraine Getting \$15 Billion From Russia Raises Questions" *Bloomberg Business*. December 17, 2013

<sup>69</sup> Taylor, Alan. "Ukraine's President Voted Out of Office, Flees Kiev". *The Atlantic*. February 22, 2014.

<sup>70</sup> Walker, Shaun. "Missile destroys Malaysia Airlines plane over Ukraine". *The Guardian*. July 18, 2014.

<sup>71</sup> *Ibid*.

<sup>72</sup> "Ukraine Crisis: Timeline," *BBC*.

<sup>73</sup> "Ukraine's Poroshenko Warns of 'full-scale' Russia Invasion". *BBC*.



Furthermore, Russia has expanded its military exercises significantly since the beginning of the crisis, engaging in large air force exercises near Nordic European countries<sup>74</sup>.



## Section 1: Ukraine & Crimea

The current situation can partially be explained by the ethnic makeup of Eastern Ukraine being primarily Russian, rather than ethnic Ukrainians. The country has been divided from east to west since the collapse of the Soviet Union in 1991.<sup>75</sup> In regions around and including Crimea, Russian is the main language spoken by more than 50% of

the population.<sup>76</sup> In Crimea especially, most residents identify themselves as ethnic Russians, up to 58.3% of the population, while only 24.3% identify themselves as Ukrainian.<sup>77</sup> In areas close to Europe in west Ukraine speak Ukrainian and identify with central Europe. Furthermore, both Russia and NATO pursue Ukraine as an allied force. The ethnic Russians seek to join Russia itself, which has been demonstrated in several referendums and by the significant separatist rebel presence.<sup>78</sup> Ukrainian nationals are reluctant to give up the significant amount of territory which is inhabited by ethnic Russians, particularly given its strategic importance in a military sense (it separates the Sea of Azov and the Black Sea and also occupies a large amount of coastal land).

Crimea and its surrounding area can be considered highly pro-Russian, with 2.3 million people identifying as ethnic Russians in the area. Aside these cultural and historical ties to Russia, it can equally be viewed of strategic importance to the Russian government. The port of Sevastopol is home to Russia's Black Sea fleet. Aside being Russia's only warm water harbour, its infrastructure and natural harbour qualities makes it one of the best naval bases in the Black Sea.<sup>79</sup> Giving Russia access to the Black Sea allows for substantial operational capabilities in the immediate area, especially over former USSR countries. In 2008, during the war in Georgia the fleet in the Black Sea was used to stage blockades<sup>80</sup>. Following the Syrian crisis, the Russian government was forced to close its base in the Syrian port of Tartus making Sevastopol even more valuable. In addition to this importance on naval force, Crimea can serve an additional strategic role, allowing Russia to regain influence over Ukraine after the loss of Yanukovich and the increasing westernization of the more 'Ukrainian' side of the country.

<sup>74</sup> "Russia Begins Massive Air Force Exercises". BBC.

<sup>75</sup> "Ukraine's sharp divisions". BBC.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> "Ukraine Crisis in maps". BBC.

<sup>79</sup> Schwartz, Paul. "Crimea's Strategic Value to Russia". CSIS. March 18, 2014

<sup>80</sup> Yuhas, Alan. "Ukraine crisis: Why Russia sees Crimea as its naval stronghold". *The Guardian*. March 7, 2014

## Section 2: NATO Expansionism

The conflict bears similarity to the Cold War, in that both NATO and Russia are seeking out alliances with Eastern and Central European countries. NATO has expanded significantly to the East following the end of the Cold War, admitting 12 new member nations. This includes Croatia, Czech Republic, Poland, Lithuania, and other post-Soviet states<sup>81</sup>. Furthermore, NATO has engaged in closer relations with countries such as Georgia and Ukraine (which both border Russia and have significant Russian ethnic populations) with the objective of eventual membership<sup>82 83</sup>. While these actions may appear to promote peaceful European relations, given NATO's previous relationship with the Soviet Union, its expansionism towards Eastern European countries, particularly those that border Russia, is likely perceived as threatening. This is an aspect that must be strongly considered when analysing both the current situation in Ukraine as well as the similar crisis in Georgia in 2008.



Ukraine has taken steps towards pursuing NATO membership; the head of the national security council, Oleksander Turchynov, has stated that NATO membership is 'the only reliable external guarantee' to maintain the country's sovereignty and territorial integrity.<sup>84</sup> Thus far, NATO has not armed the Kiev government as Ukraine is not under the purview of the collective defense requirement of the alliance.

NATO must consider how to deal with the possibility of Ukrainian membership, especially considering any nation that has withstanding internal and/or external conflict or any sort of border disputes. Ukraine has already made strides towards NATO by repealing the country's non-aligned status on December 29, 2014.<sup>85</sup> There remain several reforms required for Ukraine to achieve the criteria needed for NATO membership and integrated into the Euro-Atlantic security space.

## Section 3: Past Actions

NATO and its member nations have taken several measures to counter the current situation. NATO has strengthened its relations with Ukraine by holding regular talks,

<sup>81</sup> "Member Countries," *NATO*.

<sup>82</sup> "NATO's Relations with Ukraine". *NATO*.

<sup>83</sup> "NATO's Relations with Georgia". *NATO*.

<sup>84</sup> Balmforth, Richard. "Ukraine sets sights on joining NATO". *Reuters*. April 9, 2015.

<sup>85</sup> "NATO's Relations with Ukraine". *NATO*.



such as the 2014 Summit in Wales, and by showing a unified stance against Russian expansion into what is now Ukrainian territory.<sup>86</sup> Furthermore, as part of this strengthened relationship, NATO has provided civilian, logistic and defensive support. However, this does not mean that NATO has taken an active role. Rather, according to official NATO publications, NATO is focused on capability development in Ukraine so as to allow it to strengthen its ability to maintain its sovereignty. This is done both through funding provided by member nations as well as through equipment and training. In addition, NATO is involving itself more actively on the state and government aspects of the country, providing 'advisory and financial support' to areas such as public diplomacy.<sup>87</sup> These measures have been continuously provided since the start of the crisis, with new agreements for 'Trust Fund projects' to improve medical rehabilitation and logistics coming as recently as April 2015. While these measures have improved the capabilities of Ukraine, they have had limited success in calming the crisis in Eastern Ukraine or deterring Russian expansionist action.

While these measures have come as a direct reaction to the crisis, NATO has been supporting and improving Ukraine's military and defensive structures for over a decade. This has led to a strong relationship between the two parties, as well as Ukrainian involvement in NATO military operations as a partner nation. Furthermore, NATO and Ukraine had begun to approach the possibility of membership.<sup>88</sup> However, a large portion of Ukraine was opposed to the fast movement towards Westernisation, and then Viktor Yanukovych was elected Prime Minister. He immediately made cooperation with NATO a lower priority and took actions, such as the debt buyout, to tighten relations with Russia.<sup>89 90</sup>

While NATO has been heavily involved with quelling the situation from the Ukrainian side, entities such as the EU, which includes a number of NATO member nations, have imposed sanctions on Russia. This has led to a large amount of economic struggle for Russia, coinciding with a drop in oil prices. As a result, Russia has taken steps that have deteriorated the diplomatic relations between itself and EU/NATO countries, such as banning many Western diplomats. This has hindered dialogue concerning the crisis. Other organisations, such as the UN, have done little, with Russia's position as a permanent member of the UN Security Council meaning any concrete progress is unlikely to come from the body. The UN Security Council's last significant publication on the issue is related to the Malaysian Airlines crash while other bodies of the UN have done little more than publish reports on human rights violations<sup>91</sup>.

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<sup>86</sup> "NATO leaders pledge support to Ukraine at Wales Summit". *NATO*. September 4, 2014.

<sup>87</sup> "NATO's practical support to Ukraine" *NATO*. February 2015.

<sup>88</sup> "NATO's Relations with Ukraine," *NATO*.

<sup>89</sup> *Ibid*.

<sup>90</sup> "NATO's Relations with Georgia," *NATO*.

<sup>91</sup> "UN Documents for Ukraine," Security Council Report, <http://www.securitycouncilreport.org/un-documents/ukraine/>.



### Section 4: Country Policies and Possible Solutions

The reason for NATO's involvement in the issue needs little explanation. Being an organisation focused on peace within the European continent as well as surrounding areas, any development that threatens to destabilise the continent is a prominent matter for NATO. Furthermore, NATO serves to protect the sovereignty and stability of its individual member nations and to deter any threats to the members' wellbeing.<sup>92</sup> The Ukrainian crisis certainly has the potential to do so, being presently in the early stages of civil war in parts of the country. This, along with the Russian militarisation in the area, along with already destabilising Ukraine threatens to impact NATO member nations in the surrounding area, such as Lithuania, Estonia and Latvia in the Balkans, as well as cause turmoil in the Eastern side of the continent. Furthermore, countries such as Ukraine and Georgia are partner nations of NATO with bipartisan desire for membership. While not entitled to NATO protection like member nations would be, this does mean that it is in NATO's interest to strive for a peaceful conclusion to the crisis in the area. The North Atlantic Council's objective then in regards to the Ukraine crisis is primarily to establish a strong relationship with a peaceful Ukraine as well as to promote healthier relations between Russia and other European countries, including Ukraine.<sup>93</sup>

To do so, there are several aspects of the issue that NATO must deal with. Primarily, it must focus on establishing a solution to the conflict in Eastern Ukraine and Crimea, with NATO's objective being for Ukraine to maintain its current borders. This involves satisfying the ethnic Russians' desire for secession, something which is not easily done while maintaining the current territorial distribution. Furthermore, NATO seeks to continue to support Ukrainian internal development as well as strengthening relations with both NATO and the EU to lead to a more stable Ukraine. In order for the situation to be resolved, Russian involvement in the crisis must be halted to allow Ukraine to focus on internal issues. Difficulties arise from Russia's negative relations with both NATO and Ukraine and the subsequent lack of dialogue.

Internally, NATO is unified in its approach towards the situation. The organisation and its member nations seek to resolve the situation and promote Ukrainian internal and international welfare. However, in terms of the quantity of support and funding, some member nations will be more reluctant due to internal economic constraints.

### Further Questions

1. How can NATO halt Russia's continued involvement in the crisis beyond the measures already taken given the negative diplomatic relations?
2. How can NATO provide additional support Ukraine's efforts to resolve the turmoil in the East of the country?

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<sup>92</sup> "What is Article 5?". *NATO*.

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