



FOREIGN AFFAIRS

A Better Path for Ukraine and NATO

What Kyiv Could Do Now for a Place in the Alliance

BY M. E. SAROTTE July 8, 2024

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We know what will not happen at NATO's 75th anniversary summit in Washington this week: Ukraine becoming the alliance's 33rd member. U.S. officials are talking instead about giving Ukraine "a bridge to NATO," as National Security Council Senior Director for Europe Michael Carpenter put it recently. But when it comes to membership, many of the alliance's leaders—including the United States and Germany—remain concerned that a formal move will be impossible as long as Kyiv is at war, given the centrality of the alliance's Article 5 guarantee that an attack against one will be considered an attack against all.

Yet such concerns, while understandable, do not take sufficient account of either the current state of U.S. politics or the war itself. Ukraine's "bridge to NATO" could easily become a bridge to nowhere if Donald Trump wins the November U.S. presidential election. Trump has threatened to withdraw from the alliance—or, as former NATO and Trump administration officials

wrote together in *Foreign Affairs* recently, he could undermine the alliance by “withholding funding, recalling U.S. troops and commanders from Europe, and blocking important decisions in the North Atlantic Council.” He has also pledged to end the war in Ukraine in a single day.

Even without a Trump victory, it is unlikely that the flow of assistance from the U.S. and European governments will continue at anywhere near the levels of the past two and a half years. Chances of a major Russian advance or breakthrough will grow. Those could cause destabilizing refugee movements and panic among Russian border states (and beyond). Some countries might respond by doing what French President Emmanuel Macron proposed—sending their own forces to Ukraine, which could provoke retaliation against their NATO-protected home territories.

For the United States and its allies, securing Ukraine’s future shouldn’t be dismissed as an altruistic act that can be put off until later; it’s an act of self-defense that demands implementation now. Although bilateral accords are useful, they lack staying power at a time when elections scramble governments on both sides of the Atlantic. It’s hard to avoid seeing NATO membership as the most enduring solution to a conflict with potentially catastrophic consequences.

So how could Ukraine join the alliance in the near future, given that Russian troops are almost certain to occupy portions of its sovereign territory for years to come? History provides answers and precedents as to how to grant membership to a divided state—even one on the frontline. These historical models aren’t a perfect fit, their chances of working are far from certain, and the costs involved would be gut-wrenchingly high, because they include Ukraine ending major combat and provisionally tolerating division of its territory. Yet despite the costs, it’s time to consider these models seriously—

because if any country deserves a hearing on some kind of creative way to become an ally as soon as possible, it's Ukraine.

There's room for creativity, because although NATO's 1949 founding treaty does obligate allies to treat an attack on one as an attack on all, it doesn't impose one-size-fits-all membership requirements, meaning that some countries have been able to negotiate bespoke terms. France, for example, remained an ally even after President Charles de Gaulle committed seemingly the ultimate dealbreaker in the mid-1960s—withdrawing from NATO's integrated military command. Two other examples are even more relevant: Norway and West Germany, which both found ways to join the alliance despite, respectively, proximity to and conflict with Moscow.

NORTHERN EXPOSURE

Seventy-five years ago, Norway wanted what Ukraine wants today: to become an ally despite bordering Russia (then in the Soviet Union). Although Moscow wasn't invading Norway at that time, or ever—in fact, the Red Army had even helped liberate some northern Norwegian territory from the Nazis—Norwegians had bitter memories of how their onetime neutrality had ended in brutal Nazi occupation. And they were horrified as Czechoslovakia—another formerly occupied country between East and West—fell under Moscow's control in 1948. These experiences diminished the attractiveness of continued neutrality.

Norwegians debated two options: stronger Nordic defense cooperation or a transatlantic alliance—despite the risk of becoming the only NATO founding member with a Soviet border, thereby bearing responsibility for bringing the alliance to Russia's door. Norway settled on the second option, but with a twist. The Norwegian government issued a unilateral declaration on February 1, 1949, two months before the formation of the alliance,

stating that it would not “make available for the armed forces of foreign powers bases on Norwegian territory, as long as Norway is not attacked or subject to the threat of attack.” It later added similar restrictions on nuclear weapons.

There was allied grumbling about this then and afterward. During post-Cold War NATO enlargement, the Clinton administration’s National Security Council even argued against “a ‘Norway’ status for new NATO members.” But there has been broad consensus among Norwegians that this strategy has served their national security interests well, resulting not in “NATO lite” but in full Article 5 status, with the option of changing Norway’s posture in response to new developments. To this day, Oslo can react to threats by altering or dropping these self-imposed restrictions, providing a mechanism for signaling and deterrence.

Despite the many differences between Norway in the Cold War and Ukraine today, the Norwegian model remains relevant, because it shows how a country sharing a border with Russia can join NATO: by carving out targeted, unilateral exceptions to mitigate the risk of a hostile response from Moscow. And there’s another benefit to the Norwegian model. Both former Russian President Boris Yeltsin and President Vladimir Putin, his successor, decried NATO expanding its membership. But when push came to shove in various negotiations, they revealed a different bottom line: opposition to NATO expanding its infrastructure. For example, on December 17, 2021, Putin issued a de facto ultimatum to NATO—the “sign here or else Ukraine gets it” treaty—demanding not the rollback of NATO memberships but of its infrastructure, specifically “military forces and weaponry,” along with a block on deploying “land-based intermediate and short-range missiles.”

This distinction presents an opening. In 1997, it enabled NATO to make post–Cold War enlargement minimally tolerable to Moscow by declaring, in the NATO–Russia Founding Act, that the alliance would carry out missions in new member states by means other than the “permanent stationing of substantial combat forces” and associated infrastructure and weapons. Norway’s homegrown strategy had long since achieved the same—without preventing the country from building a headquarters for Allied Forces Northern Europe and stockpiling heavy military equipment for U.S. and Canadian forces, among many other preparations.

DIVIDED WE STAND

The West German path to membership in 1955 is relevant for a different reason: it shows how a country can become an ally despite being divided. Advocating for this model requires strong disclaimers. Ideally, Ukraine would repel Russian invaders and restore its 1991 borders. Yet despite their courage, Ukrainian forces have heartbreakingly little chance of doing so through military means in the near term. The odds will become even smaller if Trump wins the November election.

Accordingly, it’s a matter of awful but urgent necessity to consider membership consistent with division—although not in the way proposed by commentators during the 2023 NATO summit in Vilnius. They argued that, since a divided Germany had joined NATO, a divided Ukraine could, too—immediately and as-is. That’s a serious misreading of history, however, because a divided Germany was not in NATO. West Germans got into NATO; East Germans got left in the lurch.

Simply put, no state without clear borders can join NATO because, for Article 5 to be credible, the extent of its coverage must be clearly defined. Yet having a defined border does not mean having an irrevocable or even an

internationally recognized border, as long as a country follows West Germany's example and adopts a strategy of provisionality—that is, making clear from the start that the border is provisional.

The best way to understand this strategy is to recall how West German leaders executed it. They realized that they had to tolerate division for an open-ended period and to renounce “recourse to force to achieve the reunification of Germany.” But they made clear that they were enduring, not accepting, that division by refusing to recognize the inner German border. They adopted not a constitution but a temporary “basic law,” calling on “the entire German people . . . to achieve by free self-determination the unity and freedom of Germany,” and pledging to finalize the country's legal structure only after that event. They chose as their capital not a major city but a Rhineland town called Bonn, enhancing the notion of West Germany as a provisional construct; making a city like Frankfurt the capital would have seemed too permanent. And they upheld the goal of unification in diplomatic agreements from NATO accession to the Helsinki Final Act of 1975, which maintained the possibility of border changes at West German insistence.

Kyiv of course deserves better than this bitter model. But given that Ukraine and its backers have been unable to end the de facto division of the country, that division is for now a reality. Better to follow the West German example and achieve full NATO membership for independent Ukraine than to watch essential U.S. support dwindle as Congress bickers and Trump's reelection odds increase.

And Ukraine can hope to follow the West German model in another way. After joining NATO in 1955, West Germany solidified both its economic recovery and new democratic norms, becoming a major exporting state and

strong NATO ally—a future devoutly to be wished for Ukraine. As the historian Stephen Kotkin has put it: “The sine qua non of Ukraine winning the peace is an armistice and an end to the fighting as soon as possible, an obtainable security guarantee, and European Union accession. In other words, a Ukraine, safe and secure, which has joined the West.” NATO membership covering most of Ukraine would allow the country to begin moving toward such a future without having to wait for Putin to concede.

MORE THAN HALF A LOAF

Given the lessons in these models, leaders of NATO member states should, in private, encourage Kyiv to do three things: First, define a provisional, militarily defensible border. Second, agree to self-limitations on infrastructure on unoccupied territory (such as the permanent stationing of foreign troops or nuclear weapons) with the important Norwegian disclaimer that these limits are valid only as long as Ukraine is not under attack or threat of attack. Third, and most painful, undertake not to use military force beyond that border except in self-defense, as the West Germans did, in order to assure NATO allies that they won't suddenly find themselves at war with Russia as soon as Ukraine becomes a member. The cost of this step would be acceptance of open-ended division, but the benefit would be to give most of Ukraine a safe haven in NATO.

Once settled, Kyiv and the alliance would go public with these agreements. NATO could amplify Kyiv's unilateral statement with a similar declaration. The goal would be for independent Ukraine to join NATO as soon as feasible, ideally before January 20, 2025—but, if need be, as part of Trump's “deal.”

While these announcements would, taken together, represent a *fait accompli*—that is, they would not be negotiated with Russia—there would still be an

implicit negotiation: instead of a land-for-peace deal, the carrot would be no infrastructure for peace. Raising this issue publicly would, at a minimum, have the benefit of revealing two key Russian preferences: whether Putin will once again negotiate over defense infrastructure, and whether Russian cooperation and NATO membership are mutually exclusive.

This proposal would come with significant risks and challenges. At least five initial ones come to mind: First, all allies would have to approve Ukrainian accession, which in the United States requires Senate approval. That's a steep uphill climb, but it's a climb on any path to NATO membership, so not a unique burden to this proposal.

Second, Russia will, to put it mildly, oppose Ukrainian NATO membership. Given that the former Russian president, Dmitry Medvedev, has called for the partition of Ukraine, however, Moscow would have the face-saving option of calling that a victory. And given that Putin's highest priority—even more than success in Ukraine—is the survival of his personal regime, a marketable version of Ukrainian alliance membership might be enough. The people who would suffer are those, tragically, already under Moscow's occupation. But unless the West decides it's worth significant escalation to reclaim occupied territories, that will be the case in any event.

Third, Moscow will boycott any real negotiations, not least because Putin senses time is on his side and so has little incentive to settle. But there's no document Putin could sign that would be believable, so this is less of a problem than it appears. Despite the recent circulation of an accord suggesting Russia wanted a deal in 2022, Moscow retains no credibility as a negotiating partner. Ukraine and its supporters can and should aim at a peace without Putin. The result would be the lack of an internationally recognized border for Ukraine—but, as West Germany shows, that's not an

obstacle to membership as long as borders are clearly demarcated and militarily defensible.

Fourth, many Ukrainians would attack their president, Volodymyr Zelensky, for taking these steps. He could and should blame the West in reply, in order to protect himself domestically. And there would be a major benefit to Ukrainians, one that becomes apparent in the work of the scholar Jade McGlynn, who argues that weary Ukrainian forces are increasingly losing hope and willingness to fight. Although hating to concede division, they would find inspiration in knowing that, for their families, a large part of Ukraine had become safe.

Finally, protecting independent Ukraine during the accession process would be enormously difficult. The recent decision to allow use of Western-provided weapons against some targets inside Russia, however, shows an increased tolerance for risk. As McGlynn has argued, that willingness could be pushed to cover the phased introduction of a no-fly zone over the provisional line of division during the accession process.

THE NEXT ALLY

This proposal rests, ultimately, on a belief in the staying and deterrent power of Article 5. For all of his seeming brashness and brutality, Putin has not launched any major attacks on Article 5 territory. Skeptics might argue, not without merit, that Ukraine joining NATO could be the event that causes him to change his mind, leading to catastrophic escalation. But even in the fall of 2022, as Russian troops fled humiliatingly before a rapid Ukrainian advance and Putin reportedly considered the use of nuclear weapons, he did not violate Article 5. Given that Russians have, despite heroic Ukrainian efforts, firmed up their lines, and that Ukrainian NATO membership would

come with a renunciation of use of force and a limit on military infrastructure, it's not unreasonable to believe Article 5 will hold.

The bottom line is that the clock is ticking, and remaining viable options are few. If Ukraine is not to be left scrambling as U.S. support dwindles—imploping Europeans to plug the gaps caused by congressional discord or second-term Trump cutoffs—it is necessary to consider all options, including less than ideal ones, for institutionalizing its security in NATO. Norway and West Germany show how. And taking this path would be far preferable, for Ukraine and the alliance, than continuing to put off membership until Putin has given up his ambitions in Ukraine, or until Russian has made a military breakthrough. This path would bring Ukraine closer to enduring security, freedom, and prosperity in the face of Russian isolation—in other words, toward victory.

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