

EXECUTIVE SUMMARY

EFFECTS OF A POSSIBLE MEMBERSHIP IN A MILITARY ALLIANCE TO THE DEVELOPMENT OF THE FINNISH DEFENCE SYSTEM AND TO THE DEFENCE ADMINISTRATION

On 4 February 2003, Minister of Defence Jan-Erik Enestam appointed an expert group to prepare a report on the effects of a possible membership in a military alliance to the development of the Finnish defence system and to the defence administration. This was to be done in conjunction with preparing for the Report by the Government to the Parliament on the Finnish Security and Defence Policy (White Paper) of 2004. The report also responds to the need observed in the White Papers of 1997 and 2001, respectively, to develop the Defence Forces' international interoperability and to create provisions for being able to accept assistance in a crisis situation.

The report was prepared as part of the working group's daily duties and in cooperation with the Ministry of Defence and the Defence Staff. Guidance for preparing the report was given by a steering group chaired by the Head of Department, Director General Pauli Järvenpää from the Ministry of Defence. The vice chair was Major General Ari Puheloinen from the Defence Staff and members of the steering group were Mr. Eero Lavonen, Head of Department, Mr. Juha Martelius, Director of Research and Ms. Helena Partanen, Defence Councillor, all representing the MOD and Colonel Veli-Pekka Parkatti representing the Defence Staff. Executive assistant to the steering group was Mr. Janne Kuusela, Counsellor, representing the MOD.

As per the original tasking, the report was written according to the table of contents used in NATO's latest enlargement round MAP (Membership Action Plan) programme. This division evaluates a membership in a military alliance in five separate functional areas. These are: political and economical, defence and military, resource, security, and legal questions. During the writing of the report the steering group was assisted by subgroups, which were organized so that the political questions subgroup was led by Defence Councillor Helena Partanen, the military questions subgroup by Major General Hannu Herranen, the resource questions subgroup by Mr. Arto Koski, Commercial Counsellor, the security questions subgroup by Mr. Kalevi Mäkinen, Head of Security and the legal questions subgroup by Mr. Seppo Kipinoinen, Director of Legal Affairs.

The aim of the report was to research the effects of a possible membership in a military alliance to Finland's defence system and defence administration, based on facts at the group's disposal.

Another aim was to research the cost of the changes. The report does not present an opinion on whether or not Finland should join a military alliance or to continue non-aligned.

Most of the information used is public information and available from various NATO sources. Background material was also compiled during visits to NATO headquarters, various NATO military component headquarters and NATO member countries. During the course of writing the report it became evident that membership requirements and force goals as well as the effects of alliance membership would become entirely evident only if Finland were to declare its intention to seek membership in the alliance. However, the information available is robust enough that a relatively exact assessment of the required changes and costs incurred on the Finnish defence system could be made, should Finland decide to seek membership in an alliance.

The steering group and the chairpersons of the subgroups hereby respectfully present the report to the Ministry of Defence.

Helsinki, 27 February 2004

EXECUTIVE SUMMARY

1.1 Preface

The end of the Cold War resulted in a thorough re-evaluation of NATO's role. NATO had fulfilled its original function and prevented armed conflict between the Western Allies and the Warsaw Pact during the Cold War. The break-up wars of the former Yugoslavia in 1992 were a turning point for NATO, which was seeking its role and could prove its relevance even in a new security environment. NATO's structures and methods of cooperation, which formed over decades, were harnessed to provide solutions to new security challenges. In addition to the traditional task of defending the member nations of the Alliance, in the 1990's NATO's focus gravitated toward crisis management operations in the Balkans and cooperation with its former adversaries under the auspices of the Partnership for Peace (PfP) programme. Also, the Alliance began preparations for the acceptance of new members.

After the terrorist attacks in New York and Washington, D.C. on 11 September 2001, NATO formed its role again in a new phase of development. The Prague 2002 Summit lives in the Alliance's history as a "transformation summit", and as a result of the decisions made in that summit NATO began to develop capabilities to respond to new kinds of threats.

However, even in the new situation the fundamental task of collective defence based on mutual security guarantees remains NATO's core. The Alliance still functions as an international organisation in which decisions are made on the principle of unanimity, i.e. based on consensus. NATO's common stand on any given issue is formed by intensive and multileveled consultations among the member states.

The commitment for NATO's collective defence, Article 5 of the North Atlantic Treaty, enables assistance of various means and nature to any member country subjected to an attack. The obligation for every member is to "assist the Party so attacked by taking such action as it deems necessary, including the use of armed force". NATO does not have troops of its own. Instead, the Alliance uses the troops and resources given to it by the member states. Every member makes an independent national decision on the nature and scope of the assistance it will give.

The first time Article 5 was invoked was after the 9/11 terrorist attacks in the United States. The other NATO nations pledged to support the United States, among other things, by letting the U.S.A. use their ports and airports and their national air space if and when needed. NATO's common AWACS surveillance aircraft and rapid deployment force vessels were also given counter

terrorist tasks. The real importance of the decision, however, was to signal the Alliance's strong resolve and unity in counter terrorist activities.

Participation in NATO's non-Article 5 operations is voluntary. Examples of these operations are, for instance, NATO-led crisis management operations and air strikes during the Kosovo crisis in 1999. Finland has participated in NATO-led crisis management operations since 1996. Initially Finland participated in the Balkans (IFOR, SFOR and KFOR) and subsequently in Afghanistan (ISAF). NATO's PfP programme is the instrument through which it has been possible for the Alliance and its Partners to form required cooperation arrangements and to develop and practice military interoperability.

In Prague, the Alliance also decided to conduct a "NATO Missile Defence Feasibility Study". The study was commissioned to produce answers on how to protect not only deployed NATO troops in areas of operation but also how to protect NATO nations and their populations from missile threats. Another of the central issues was the commitment to support the five main development areas in Chemical, Biological, Radiological and Nuclear protection (CBRN) and to support the NATO Weapons of Mass Destruction Centre. NATO's Civil Emergency Planning (CEP) especially focuses on how to develop civil defence against chemical and biological weapons.

NATO's various organs received tasking in Prague to prepare a new command structure for the Alliance, which was subsequently approved by Defence Ministers in June 2003. The reform resulted in abolishing such structures which were relevant only during the Cold War. Simultaneously, the goal was to improve NATO's rapid reaction capability, to improve its mobility necessitated by the new security situation and to enhance interservice cooperation, i.e. jointness.

The central issue in the reform, in addition to renewing the command structure, is to develop needed capabilities. The new security environment demands capabilities for more flexible and technologically more advanced military performance, which can, if needed, be deployed out of the Alliance's own area. One of the most important decisions of the Prague Summit was to launch a new capability development programme, the Prague Capabilities Commitment (PCC). The aim of this programme is to enhance capability development especially among the European allies so that they would invest resources in key capabilities and take advantage of multinational projects.

The essential issue in developing NATO's military capabilities is the NATO Response Force (NRF). NRF is the force which is the

highest in readiness and is able to deploy within five to thirty days from a decision. Its planned total size comprises approximately 20000 troops including naval and air force assets. A task force will be tailored from the NRF to suit any given operation. The planned size of the land component of the NRF is about 5000 troops.

NATO sees synergies in attempting to harmonize its own capability development with the European Union's capability development process because most member countries belong to both organisations and their overarching goals are very similar. The main focus is on strategic airlift, C4I systems, sustainability, logistics and defence against Weapons of Mass Destruction (WMD).

After the year 1999 ten countries applied for NATO membership, seven of which (Bulgaria, Latvia, Lithuania, Romania, Slovakia, Slovenia and Estonia) were invited to membership talks. The remaining three applicants; Albania, Croatia and Macedonia (FYROM) will for the time being continue with the Membership Action Plan (MAP) programme, which is the programme designed to prepare the applicant for NATO membership. The accession negotiations were conducted around the turn of the year 2002-03, after which membership documents were signed. The new members' final accession to membership will happen in the spring of 2004.

During the current enlargement round the PfP programme is also being renewed. Increased Partnership cooperation is directed especially toward supporting the Central Asian and Caucasus nations, as they have the most urgent need to revamp their structures and methods of operation in the entire security sector.

Finland, in cooperation with Sweden, has attempted to ensure that the PfP programme continues to acknowledge the interests of the more developed Partners. Finland has co-signed proposals with Sweden to emphasize that Partners should have effective ways of influencing decisions in those activities to which they participate and contribute resources. Examples of these are, for instance, exercises, crisis management operations and interoperability development.

In addition to Partnership, the NATO-EU relationship is an important factor for Finland. Excluding Ireland, Austria, Sweden and Finland, the other EU countries have organised their defence arrangements through NATO. Also, the new EU members, other than Cyprus and Malta, already either belong to NATO or will join it in the spring of 2004.

The Prague Summit declaration states that NATO and the EU have common strategic interests and a high mark is given to good

practical cooperation in the Balkans' crisis management operations. A central feature of NATO-EU cooperation is EU's option to be able to request NATO assets in support of its own crisis management operations. This option is the so-called "Berlin Plus" arrangement.

Cooperation between NATO and Russia rose to new heights in the NATO-Russia Council (NRC), which was established in May 2002. Russia is now sitting at the table as an equal with NATO countries during most of the key security question discussions. Progress in the initial phase of this cooperation has been sought by concentrating on the least controversial issues for both sides. These are civil emergency planning, search and rescue, missile defence, antiproliferation of WMDs and antiterrorist activities.

NATO also plans to enhance partnership with countries which are situated on the South shore of the Mediterranean. The so-called Mediterranean Dialogue comprises seven North African and Middle Eastern countries (Algeria, Egypt, Israel, Jordan, Morocco, Mauritania and Tunisia). This dialogue differs from the PfP programme which is inherently an interoperability development programme. The Mediterranean Dialogue's aim is to increase knowledge and understanding of what NATO is in its strategically important neighbouring region. The Dialogue is also a high priority issue as part of NATO's own transformation.

1.2 Political questions

The principle of NATO's enlargement is based on Article 10 of the North Atlantic Treaty. According to the article, any European state, whose membership would further the principles of the Treaty and whose membership would contribute to the security of the North Atlantic area, can be invited to join the Alliance.

NATO published an enlargement study in 1995, in which preconditions for NATO membership are the following political and military criteria: a functioning democratic political system and a market economy, democratic control of the armed forces, treatment of minorities according to the principles of the OSCE, peaceful reconciliation of disputes among neighbours, participation in the Alliance's activities and a desire to achieve military interoperability.

According to the enlargement studies the new members also have to participate in collective defence and to share the inherent burdens and responsibilities. They have to participate in NATO's command and troop structures as well as participate in NATO exercises and to enable NATO exercises in their own territories. The new members have to accept the NATO strategic concept

and to contribute to the common budget and to adopt interoperability standards to the best of their abilities especially in the field of C4I.

NATO's Membership Action Plan was accepted in the Washington 1999 Summit. The MAP programme deals with five separate functional areas. These are: political and economical, defence and military, resources, security and legal questions. Political and economical questions in this context refer to solving international disputes involving ethnic minorities, border issues etc., by peaceful means as well as commitment to rule of law and human rights. They also refer to issues such as democratic control of the armed forces and a functioning market economy, fairness in social issues and responsible environmental policies. In addition to these, accession to NATO requires popular support for membership in the applicant country. These criteria are similar in nature to those set by the European Union as preconditions for new members.

Since the end of the Cold War NATO has changed fundamentally. It is no longer solely a defence alliance. Instead, it has evolved into the most important security policy cooperation organisation in the wider Euro-Atlantic area. It also engages the United States in European issues and provides Russia with an opportunity to participate in the discussion of key security questions. In addition, NATO is a vehicle for enhancing defence planning, military training and exercises and standardisation for its members and partners alike.

The Allies do differ in their respective views on what the current key security threats are, what the response should be and what NATO's role should be outside its own traditional operating area (i.e. outside North America and Europe). Europeans do not view the threat of terrorism as acutely and as strongly as the United States does. A major challenge for the Alliance will be to maintain popular support in its enlarged out-of-area operations in the future.

NATO's command structure is used for collective defence and crisis management operations and the Alliance is being developed into an agent capable of protecting its member nations from new threats as well. However, at the same time NATO remains the only organisation capable of providing security guarantees for its members against all kinds of military threats.

NATO expects all member states to be able, within their means, to participate in the whole spectrum of the Alliance's operations. The members are expected to participate in tasks that range from crisis management operations to war fighting even outside the Euro-Atlantic area. A commitment to developing military

capabilities needed in operations is also expected. Each member state makes a national decision on how it will participate in NATO operations. More demanding expeditionary operations will probably be conducted as US-led coalitions of the willing, in the future as well, in which NATO members can participate if they choose to do so.

The European security and defence cooperation continues to deepen with the EU draft constitution containing security guarantee clauses encompassing all members of the Union. However, NATO countries will continue to provide for their own security guarantees through NATO. The European Union will not create military structures mirroring those of NATO and, therefore, the EU will not acquire a credible capability to provide security guarantees. Instead, the EU's military crisis management capability is continuously being developed.

Participating in the EU's security and defence policy sets largely the same requirements for developing troops as NATO membership would because all troops meant for either EU or NATO-led operations are normally required to have similar equipment and capabilities.

When it comes to political questions it can be stated that Finland clearly fulfils the basic requirements for NATO membership. Finland is a democratic country with a market economy which operates on the principle of rule of law. Its defence forces are democratically controlled and it does not have territorial claims or any other border disputes with its neighbours.

In practice, NATO membership requires a clear and permanent popular support for alignment. Popular support is an essential membership criterion because NATO's ability to function is based on its legitimacy in the eyes of the citizens of its member states.

1.3 Military questions

Common defence is still the core of NATO, even though the current centre of gravity of its military development focuses on capabilities for out-of-area operations and counter terrorist activities. The command structure of the Alliance is being developed with this focus in mind.

NATO does not require any particular defence concept from its members. Therefore, the Alliance does not hinder the maintenance of conscription-based armed forces or territorial defence. NATO requires that its member states provide interoperable forces, which can function in territorial defence operations or in NATO-led crisis management operations.

Finland's current crisis management troops are being developed under the auspices of NATO's Planning and Review Process (PARP), during which process Finland and NATO agree on Partnership Goals (PG). NATO members agree only on so called Force Goals (FG). The FGs apply to the Alliance's wide spectrum of operations, including Article 5 operations, and, therefore, are not only linked to crisis managements operations. All NATO members earmark only a part of their national armed forces to NATO.

In order to further international interoperability, Finnish Defence Forces' long-term plans stipulate that Finnish troops will be developed to be NATO interoperable. This can be seen, among other things, in procurement plans, in which key military materiel and especially Command and Control systems are required to be internationally interoperable. This is to enhance Finland's capabilities to participate in international crisis management. The security and defence policy White Paper of 2001 also gives guidance that national capabilities need to be developed so as to be able to receive international assistance in a crisis situation. Even though Finland bases its defence on national defence, the national defence must enable alignment and thus provide for maximum freedom of action to the national political leadership.

When effects of military alignment for the Finnish defence system are being evaluated, it can be stated that the greatest development requirements would apply to command and control systems. The Defence Forces' Command and Information Systems (CIS) systems should be developed to be interoperable with certain NATO and NATO countries' CIS systems. Therefore, the greatest financial burden to the Finnish national defence would come from upgrading defence networks and CIS systems to NATO interoperability. The costs of NATO membership are being discussed further below in conjunction with resource questions.

It is estimated that participation in Article 5 operations outside Finland would most probably require the Finnish army to provide roughly a brigade-sized formation including ancillary combat support (CS) and combat service support (CSS) elements. In addition to its current capabilities, the Finnish air force would probably be required to be capable of air-to-air refuelling and it should provide the necessary ground support elements needed in flight operations and also develop an air-to-ground capability. The Finnish navy would probably not be expected to participate in operations beyond the Baltic Sea but certain navy capabilities (e.g. mine clearance) could possibly be developed so that they could be used in operations even outside of the Baltic Sea.

For non-Article 5 crisis management operations, Finland as a NATO member would probably be expected to participate roughly at current troop levels. In the winter of 2004, Finland had approximately 1000 troops deployed in various peacekeeping and crisis management operations. As a NATO member Finland would probably be expected to provide not only army units but also air force and navy units to crisis management operations.

If Finland would participate in NATO operations outside Finland we would have to develop troops that would be rapidly deployable and that could participate in more demanding operations even outside the Euro-Atlantic area. Participation in NATO's readiness forces would require fast national decision making capability and troops that could be deployed more rapidly than is the case at the moment. Similar requirements can be expected when the European Union develops its own rapid reaction capability.

A decision to participate in any NATO operation would still be a case-by-case national decision. This applies both to Article 5 operations and non-Article 5 crisis management operations.

A significant aspect of Finland's NATO membership would be the membership's deterrent effect. Being part of NATO would for its part prevent military pressure against Finland and it would deter anyone from threatening to attack or actually attacking Finland.

Questions on whether troops, headquarters or materiel stores would be positioned in Finland would be solved during membership talks and they would be subjected to a national decision. During peacetime no allied permanent troops, nuclear weapons or permanent headquarters would be stationed in Finland. During the threat of war or in actual war fighting operations NATO could use its readiness forces in Finland. The military situation in a European crisis would naturally determine if the readiness forces themselves would be sufficient and how they would be deployed.

NATO would at the very least provide materiel support to Finland in a crisis situation and possibly support Finland with rapid reaction forces. NATO has the ability to provide all services' support to any member state which is being attacked. However, the first option would probably be assistance from NATO's air components to strengthen Finland's defence. If Finland would receive land forces' support in an Article 5 situation, the choices would be the NRF, other readiness forces or individual NATO countries' troops.

The amount and nature of assistance would form a basis for developing national plans to be able to receive and sustain the support. More exact studies would be required to determine what

logistic and materiel support would be needed. Based on this information the proper national assets could be earmarked to sustain allied troops. It would take several years to develop sufficient capability to receive assistance depending, of course, on the scope and volume of assistance Finland would seek from NATO.

The Alliance would not set limitations on maintaining conscript-based armed forces or on continuing with the territorial defence concept. Therefore, Finland would prepare for its own defence as it currently does. However, Finnish troops should be able to operate under NATO as well as more efficiently with troops of NATO countries compared to the present situation.

The military questions subgroup estimates that it would be possible for Finland to achieve the level of requirements, which Finland would probably receive in membership talks, in a normal four-year budgeting plan cycle after having applied for membership. However, maintaining a viable military performance capability would require constant efforts even after having become a member of the Alliance.

1.4 Resource questions

Specific NATO membership costs to a member state can roughly be divided into two main categories. On the one hand NATO members support certain common activities, described further below, and they cover the incurred costs according to a special commonly agreed formula, which is based on members' ability to sustain financial burdens. On the other hand members pay for creating and maintaining military interoperability, Alliance operations and for various headquarters' personnel. Therefore, by becoming a member in the Alliance, in the short term Finland would have to re-evaluate and refocus the resources of the defence establishment, including already existing procurement plans.

When the financial effects of potential NATO membership on the budget, personnel and materiel resources of the defence establishment were evaluated, Norway and Denmark were used as basic references in comparison because of reasonably similar economies and sizes of population. The fidelity of annual membership cost comparison figures is high. However, structural costs incurred on the defence establishment for Finland's troop contribution and national defence capabilities' development could only be evaluated more accurately during and after membership talks.

In general, it can be estimated that all NATO membership costs could be covered by current level defence budgets by refocusing annual operation and maintenance costs and procurement plans.

NATO does not give defence-spending requirements for its member states. In the end every member state determines its own defence spending level. The two percent GNP level should be construed as a target reference especially for countries that currently prepare for NATO membership and whose defence establishments require a complete overhaul.

Every NATO member state is responsible for maintaining and developing its own defence establishment. However, members do share costs where certain activities and infrastructures that benefit the entire Alliance are created, operated and renewed. The Alliance's civil budget, the military budget and/or the NATO Security Investment Programme (NSIP) cover these costs.

The individual share of every member state of NATO's common budget is agreed at membership talks. The share is determined, among other things, by the size of the country's economy. Based on Norway's and Denmark's individual shares, it can be estimated that Finland's share in NATO's common budget would be approximately 35 million euros per year. In this context it has to be mentioned that a country also receives return payment shares of such investments that benefit the entire Alliance (NSIP).

The most urgent materiel procurements needed for Finland's defence system would involve interoperability of the Defence Forces' Command and Control system, especially networks and CIS systems. Other significant individual items would go toward developing the interoperability and logistics concept and training the troops, which are earmarked for international operations.

If the Finnish army's force contribution would be roughly a brigade-sized formation (including CS and CSS units) and if our annual contribution to NATO-led operations would remain roughly at current levels (i.e. 1000-1500 troops deployed at any given time), the immediate costs for our defence system would be approximately 300 million euros. The necessary procurements could be completed, for instance, within 12 years. Current defence plans would have to be partially changed and rescheduled. Thus, annual additional procurement costs would be approximately 25 million euros.

The primary purpose of our international materiel cooperation is to develop national defence capabilities. Common procurement projects aim to standardise both the technical requirements and user requirements in order to achieve international interoperability. The Finnish national materiel management system is already

more or less in line with NATO requirements and, therefore, major investments in this system would be unnecessary if Finland became a NATO member.

Personnel requirements necessitated by membership would be handled in the Defence Forces' four-year budget planning cycle, and would be dealt with after a national decision to seek NATO membership. Personnel costs have been evaluated primarily in view of Finland's possible Force Goals involving rapidly deployable troops used in demanding operations.

NATO's recent command and troop structure changes mean that the number of various headquarters and their personnel in Europe will diminish. As NATO enlarges, its new members will also man some of the remaining billets. A member state the size of Finland would probably man at the most 80-100 billets (Defence Forces and MOD) in NATO headquarters and other headquarters. In addition to these, Finland would probably man some tens of civilian posts.

Manning these posts would incur approximately 10 million euros annual cost for Finland. Adding staff personnel to international posts would necessitate pulling these resources from somewhere else in the defence establishment. This could be done, for instance, by developing the current national command and control organisation so that personnel could be freed for new duties.

As far as personnel are concerned, no major changes would be necessary for military crisis management or peacekeeping. In an Article 5 situation, Finland would probably be required to provide a brigade-sized formation for collective defence, depending on the crisis, the need for troops and rotation principles. How to maintain enough personnel in this formation would have to be resolved separately. This would involve personnel commitments and contracts as well as training and exercises. In addition to this we would have to change our legislation. Preparing for Article 5 operations would then be a normal part of national defence and defence planning and would not need specific arrangements.

The following tables contain costs incurred by NATO membership divided by annual operation and maintenance (O&M) costs and by necessary materiel procurements.

a) Annual O&M costs (MOD and MFA)

MOD	Amount per year	Note
NATO's common budget	30 mill. Euro	NATO's military budget and NSIP programme
Staff personnel	10 mill. Euro	ca. 80-100 personnel

MOD together	40 mill. Euro	
MFA		
NATO's common budget	5 mill. Euro	NATO's civil budget
Total	45 mill. Euro	

b) Necessary materiel procurement (MOD)

Materiel procurement	25 million euros per year on average	Would be completed within 12 years by refocusing national defence plans
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1.5 Security questions

NATO's security structures contain common security standards and processes. NATO can release classified information to third parties only when there is a security agreement in place with the third party and the agreement regulates what classified information can be released. NATO countries coordinate their security arrangements through a National Security Authority (NSA), under which different government branches' Designated Security Authorities (DSA) operate.

International security cooperation is a fairly new field for the Finnish government, which is clearly reflected in certain deficiencies in the national security organisation structures and norms. The field of the National Security Authority needs to be reviewed and clarified. Of all government branches, only the defence establishment in Finland has a DSA.

The Finnish NSA mandated by international agreements is situated in the Ministry for Foreign Affairs. On a functional level it can be said that our most important national security authority does not meet all NATO and EU requirements nor does the Finnish NSA have sufficient resources available. The NSA lacks executive authority, which also reflects on the defence establishment's DSA functions. As a result of a possible NATO membership the NSA's executive authority, role, tasks and organisation structure would have to be re-evaluated. However, the level of our international cooperation is already putting pressure on re-inventing the role and tasks of the Finnish NSA

The NATO-EU security agreement binds Finland on the exchange of information between the two organisations and molds the defence establishment's security structures to resembling that of their NATO counterparts.

As a conclusion to the security questions, it can be said that Finland already fulfils basic requirements for member states. NATO membership would give extra requirements on our security system regarding how we would handle information with the highest classification. This would especially involve technical security systems. Membership in NATO would also require that we would, at the least, partially renew our secure connections and equipment. However, procurement projects that cover these requirements are already funded.

As an additional result of NATO membership we would also have to re-evaluate the responsibilities of the individual sub-sectors of total security. In addition, if we could increase the classified information handling capability of Finnish industries and companies, their competitiveness in international trade would improve significantly.

1.6 Legal questions

Legal questions pertaining to a possible NATO membership have been evaluated mainly in light of the Constitution of Finland. The assessment concentrates on the obligations deriving from the Article 5 of the North Atlantic Treaty to member states.

From the constitutional point of view, the most important regulations in the foreign and security policy decision-making system, on grounds of principle, concern the sovereignty of the state, national defence and the status and authority of the President of the Republic. A possible military alignment would require that key statutory regulations concerning the defence establishment would have to be reviewed to conform to the treaty arrangements.

According to section 1, clause 1 of the constitution, Finland is a sovereign republic. The key purpose of national sovereignty is legislative power through which the state is capable of regulating how public authorities or other comparable actors exercise public power within the territory of the nation. According to section 1, clause 3 of the constitution, Finland participates in international cooperation for the protection of peace and human rights and for the development of the society. Such international obligations, which are commonplace in modern international cooperation and which only marginally would affect a nation's sovereignty, are not considered to be in conflict, per se, with provisions in the constitution concerning sovereignty. The possible NATO membership agreement details should, however, be evaluated in light of the section 1 of the constitution, even though they would seem to have a marginal effect on the State sovereignty under normal conditions.

According to section 127 of the constitution, every Finnish citizen is obligated to participate or assist in national defence, as provided by an Act. The constitutional defence obligation does not compel a Finnish citizen to defend any other country except Finland. Obligations deriving from a possible membership should be evaluated in relation to the national defence dimension.

According to section 93, clause 1 of the constitution, the foreign policy of Finland is directed by the President of the Republic in cooperation with the Government. Directing foreign policy requires close cooperation between the President and the Government. The basic expectation for the President's decision-making is that she or he makes all major foreign policy decisions based on Government preparation and together with the Government. A possible NATO membership would require that the national foreign and security policy decision-making process would be applied in NATO issues.

According to Section 128 in the constitution the President of the Republic is the commander-in-chief (a.k.a. supreme commander) of the Finnish defence forces. The exercise of commander-in-chief-power is a part of national security policy decision-making. This process has links to the President's foreign policy directing power. The President's decision-making power in chain-of-command (a.k.a. military order) issues is a part of the commander-in-chief-power. In possible crisis situations the commander-in-chief-power will be emphasised. Traditionally, the key element of the commander-in-chief-power has been the authority to issue military orders on operational and training issues. In relation to peacetime decision-making and participation in crisis management operations, NATO membership would not seem to significantly affect the content or execution of the commander-in-chief-power.

According to section 58, clause 5 of the constitution, the President makes decisions on matters relating to military orders in conjunction with a minister, as provided for in more detail by an Act. This particular provision extends the President's accountability to the Parliament in chain-of-command decisions. A possible NATO membership will most likely require that the Act on the Defence Forces would be reviewed, especially, on the President's chain-of-command decision-making regulations.

Decisions to deploy troops abroad are based primarily on either the Act on Peace Support Operations (peacekeeping operations) or the Conscription Act (peacekeeping training). The common defence obligation inherent in the membership of an alliance would likely require that both above-mentioned acts would be reviewed.

A foreign military person may enter Finnish territory only by permission granted by a Finnish authority or based on an international agreement. The permit procedure is defined in the Territorial Surveillance Act. Based on these regulations, also foreign troops have participated in peacekeeping exercises in Finland. A possible membership may require the territorial surveillance regulations to be reviewed.

According to section 94 of the constitution the acceptance of the Parliament is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by the Parliament under the constitution. A decision concerning the acceptance of an international obligation is made by a majority of the votes cast. However, if the proposal concerns the constitution or alteration of the national borders, the decision shall be made by at least two thirds of the votes cast.

Section 95 of the constitution regulates how international obligations are brought into force in Finland. A Government bill for the bringing into force of an international obligation is considered in accordance with the ordinary legislative procedure pertaining to an act. However, if the proposal concerns the constitution or a change to the national territory, the Parliament shall adopt it, without leaving it into abeyance, by a decision supported by at least two thirds of the votes cast.

According to the legal questions subgroup, a possible agreement concerning NATO membership would include issues concerning the constitution and, therefore, the agreement should be accepted and brought into force by a decision supported by at least two thirds of the votes cast in the Parliament.

All questions assessed by the subgroup would naturally require a more detailed evaluation, should Finland actually begin to prepare for membership at some stage. In addition to questions concerning the constitution, all relevant regulations related to the defence establishment, such as the Act on the Defence Forces, the Conscription Act, Act on Peace Support Operations, the Territorial Surveillance Act and national emergency powers legislation, should be reviewed.