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MAJOR NON-NATO ALLY STATUS - CHANCE FOR SURVIVAL OR A VISION DOOMED TO FAILURE?

NINO LEZHAVA

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EXPERT OPINION





საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი
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Summary

The ongoing war in Ukraine has confirmed that NATO as an institution of 30 members still lacks the readiness to integrate Ukraine and Georgia into the Alliance, continuing to avoid confrontation with Russia.¹

The unprecedented tragedy taking place in Ukraine was not a surprise and there were several lessons for the West to learn such as the August War in Georgia in 2008, Russia's invasion of Crimea in 2014, the open letters and statements from Russia's president drawing a new world order,² Russian military drills and so-called peacekeepers in and around neighboring countries. Nevertheless, 14 years have passed since the NATO Bucharest Summit³ and Georgia and Ukraine are still paying for their independence and sovereignty with blood. Meanwhile, NATO's promise of eventual membership for both countries is fading.⁴ Russia's so-called "military operation" has revealed that the Kremlin does not need Casus Belli to start waging a full-scale war against independent countries and, now more than ever, Ukraine and Georgia⁵ need to strengthen their defense capabilities and search for an alternative foreign security policy until NATO provides well-deserved places for them.

In this light, many believe that in the absence of NATO unity, the United States is the only strategic partner that can protect Ukraine and Georgia by designating them as Major Non-NATO Allies (MNNA).⁶ Indeed, the impact of a timely provided designation could have a decisive political and practical role for Ukraine and Georgia's security, especially when both countries⁷ are reliant on US defense sales and actively cooperate with the US while transforming their defense capabilities.⁸

What is MNNA?

Major Non-NATO Ally (MNNA) status is a designation under US law that provides foreign partners with certain benefits in the areas of defense trade and security cooperation.⁹ It is a powerful symbol of the close relationship the United States shares with those countries to which it is extended. It is noteworthy that **while MNNA status provides military and economic privileges, it does not entail any security commitments to the designated country and does not provide guarantees such as NATO's Article 5 for the allies.**

US legislation provides two ways to designate the MNNA status.¹⁰ The first one is under Title 10 US Code¹¹ and the second is under Section 517 of the Foreign Assistance Act of 1961.¹² The difference between these two are the main actors designating the MNNA status and the specific conditions and terms.¹³ According to the US Code, the Secretary of Defense, with the concurrence of the Secretary of State, designates MNNA for the purposes of participating with the Department of Defense (DOD) in cooperative research and development programs. As for the Foreign Assistance Act, it requires the President of the United States to notify Congress at least 30 days before designating a country as a major non-NATO ally for purposes of this Act and the Arms Export Control Act.¹⁴ At the same time, framework is for the termination of the MNNA status.

Currently, there are 17 MNNA countries worldwide: Afghanistan, Argentina, Australia, Bahrain, Egypt, Israel, Japan, Jordan, Kuwait, Morocco, New Zealand, Pakistan, the Philippines, the Republic of Korea, Thailand, Tunisia and Brazil.¹⁵ Just recently, the White House announced it would designate Colombia and Qatar as MNNA, bringing the total number of countries to receive the title up to 19.¹⁶

The history of the MNNA format begins in 1987 under the presidency of Ronald Reagan and the initial MNNA countries designated by him under the Foreign Affairs Act were Australia, Egypt, Israel, Japan, and South Korea.

Ukraine and Georgia's Historical Record

Ukraine, along with Georgia, already has a historical record regarding the MNNA. On May 1, 2014, the Republican Senator Bob Corker with the support of his colleagues¹⁷ introduced the *Russian Aggression Prevention Act* in the Senate to grant Georgia, Ukraine and Moldova MNNA status.¹⁸ Unluckily, his intention turned out to be unsuccessful as the bill did not receive enough votes.¹⁹

The second trial to gain MNNA status was in September 2014. A draft bill entitled the *Ukraine Freedom Support Act of 2014* was introduced to the United States Congress in order to address the Russian military intervention in Crimea and again grant MNNA status to Ukraine, Georgia and Moldova.²⁰ This time, the act had bipartisan support and was signed by the US President Barak Obama; however, it only authorized Washington to send lethal and non-lethal aid to Ukraine²¹ as lawmakers dropped a clause in the bill that would have designated the abovementioned former Soviet

states as MNNA countries before finalization. As President Obama²² told his Ukrainian counterpart, the level of US-Ukraine security and defense cooperation was much higher than just the status of the MNNA.²³

Nevertheless, the past experience did not stop Ukraine from striving for MNNA status.²⁴ In May 2019, US Republican Michael T. McCaul introduced the *US-Ukraine Security Cooperation Enhancement Act* to the House of Representatives to make Ukraine an MNNA, but this time independently from the other former Soviet countries.²⁵ The bill was immediately referred to the US House Committee on Foreign Affairs and had bipartisan support as well.²⁶ However, the *US-Ukraine Security Cooperation Enhancement Act* was drafted in the previous session of Congress²⁷ and was not resubmitted to the current one.²⁸

Benefits and Risks of MNNA for Ukraine and Georgia

MNNA status does not contradict Georgia and Ukraine's desire to become NATO members through the NATO MAP. Although, there is not a single example of a country in the history of the MNNA format that was designated as an MNNA and afterward became a member of NATO. Herewith, there is not even one European country presented on the list of the already designated MNNA countries or a country that strived towards Euro-Atlantic integration. Despite the diversity of the existing MNNA countries, none of them fits the abovementioned features. However, the lack of a precedent does not mean that there is a deadlock when the modern security environment and principles are drastically transforming; therefore, demanding new approaches from the international actors.

What could be the benefits and the negative consequences behind the MNNA status and is it worth fighting for?

As mentioned above, the MNNA format does not offer collective security or obligate the United States to assist Ukraine or Georgia in the event of a full-scale war. Although, this is an effective way to demonstrate Washington's political will and unwavering strategic partnership and proves that the commitment of the United States toward the Black Sea region and its stability has immense importance. Additionally, MNNA status would provide Ukraine and Georgia with the privilege to access the exclusive purchase of US military equipment and technology at a similar level to that currently enjoyed by NATO-member countries,²⁹ including free surplus material, expedited export processing and prioritized cooperation

on training and defense transformation.³⁰ The deployment of a US military base is also an option which could be discussed within the framework of the MNNA cooperation format but as Russia is against military placements of the West near its borders,³¹ partners could simply skip this topic at the initial stage.

Furthermore, different from the NATO MAP, it is easier to grant the MNNA status without membership requirements and consensus between the 30 allies. It is just a matter of political will.

On the other hand, considering the enlargement of the MNNA list, it is obvious that the US uses it as a game-changing geopolitical mechanism to guarantee its national security interests throughout the different regions of the globe.³² It is a chance and a commercial mechanism to sell military products, a way to fight terrorism and an opportunity to deploy its military bases, like in Israel and Jordan.³³ Additionally, if one takes a look at the MNNA list, one will discover that none of these countries is in an actual war with Russia.

As for the possible risks, there are several concerns related to MNNA status. Some of the opponents of MNNA doubt that officially becoming MNNA will close NATO's door forever as MNNA status is for countries that do not plan or cannot join NATO for political or geographical reasons³⁴ and there will not be any motive left for the Alliance to integrate Georgia and Ukraine. Herewith, Ukraine and Georgia may get financial and military assistance from Washington but they would not have a guarantee of help in the case of a further invasion of Russia.³⁵

Endnote

Russia's unprovoked and unjustified invasion of Ukraine shed a light on the vulnerabilities of countries being in both conventional and hybrid warfare with the Kremlin. Acquiring agile military-technical capabilities, an effective range of supplies and outer support is vital for Ukraine and Georgia's survival. As NATO is still pondering how to effectively translate the open-door policy, Ukraine and Georgia desperately need alternative security guarantees. In this context, the Major Non-NATO Ally Status could become the center of gravity of both countries, especially when they already enjoy a strategic partnership with the United States.

Unfortunately, it is less expected, especially during wartime, when the US is aiming not to escalate the Russian war against Ukraine into something more global. However, designating Georgia and Ukraine as MNAs would advance their military and defense capabilities and send a robust message to Russia. Nevertheless, discussing the alternative security guarantees should be on the foreign policy agenda of both Ukraine and Georgia.

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