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EU-NATO Cooperation: A case of institutional fatigue?

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This article considers the ongoing institutional relations between the European Union and the North Atlantic Treaty Organization. Although institutional relations have been evolving since the Saint-Malo Declaration in 1998, efficient and coherent cooperation is still lacking; most notably at the political level. This paper goes beyond the narrative of blockage caused purely at the political level in order to illustrate the true nature of both formal and informal EU-NATO cooperation at both the centre (Brussels) and on the ground (missions). In doing so, this paper also addresses cooperation in terms of the actors involved at three different levels: state actors, international staff, and military personnel. This paper seeks to argue that, although, much has been done to advance cooperation between international staffers in Brussels and between those on the ground in common mission areas, the lack of a political agreement - one that moves beyond the limited scope of Berlin Plus - is causing severe fatigue; most notably at the level of international staff. Furthermore, the informal and ad hoc cooperation that has been the underlying facilitator of synergy between the two organizations outside of Berlin Plus missions could start to atrophy if a grand or intermediary bargain is not achieved in the near future.¹

Introduction

The EU and NATO have had formal institutional relations since 1999.² However, an informal relationship between the two organizations has existed dating back to at least 1996 and it could be argued for even longer. Today, official texts and communiqués speak of a relationship whereby the ‘two organizations share common strategic interests and cooperate in a spirit of complementarity and partnership’³ or that ‘the EU and NATO have built a genuine strategic partnership that is now well established and deep-rooted’.⁴ However, when ones speaks to staff working inside both of these organizations, a more accurate description of the relationship can be depicted as ‘institutional fatigue’⁵, ‘abnormal’⁶ and ‘very bad’.⁷

¹ This paper is based on a series of interviews conducted at the European Union Council and Commission as well as at NATO HQ and SHAPE in January 2009 and February 2010. The interviews reflect all three levels of actors involved. The author would like to thank all of those in the institutions who went well beyond the call of duty and gave up very substantial amounts of time to provide a wealth of in-depth information.

² Please see: European Union Council Cologne, 3-4 June 1999; European Council Helsinki, 10-11 December; The Washington Declaration, 23-24 April 1999.

³ As outlined in *NATO-EU: a strategic partnership* on the NATO Website. Available at: http://www.nato.int/cps/en/natolive/topics_49217.htm.

⁴ As outlined in *EU-NATO: THE FRAMEWORK FOR PERMANENT RELATIONS* on the ESDP website. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>.

⁵ Interview EU Commission 12-02-2010.

In fact, the political disagreements that have caused institutional deadlock have been well documented.⁸ This paper seeks to go beyond this narrative of blockage caused purely at the political level in order to illustrate the true nature of both formal and informal EU-NATO cooperation at both the centre (Brussels) and on the ground (missions). In doing so, this paper also addresses cooperation in terms of the actors involved at three different levels: state actors, international staff, and military personnel. This paper argues that, although, much has been done to advance cooperation between both the civilian and military international staff in both institutions and on the ground in common mission areas, the lack of a political agreement - one that moves beyond the limited scope of Berlin Plus - is causing severe fatigue within the common institutions. Ultimately, it argues that the informal and *ad hoc* cooperation that has been the underlying facilitator of synergy between the two organizations outside of Berlin Plus missions could start to atrophy if a grand or intermediary bargain is not achieved in the near future.

This paper proceeds as follows. The rest of the introduction gives a brief background to EU-NATO cooperation. Once this is achieved, there is a brief outline of the different actors involved and what can be expected from their various interests and identities within EU-NATO institutions. The main section of the paper looks at formal and informal cooperation in Brussels and in common mission areas. Finally, the concept of institutional fatigue is addressed and some proposals are suggested that may help to ameliorate cooperation between the two international organizations (IO's).

From Maastricht to Berlin (1990-1996)

With the end of the Cold War and the perennial problems in the Balkans resurfacing in the early 1990's, both the EU and NATO initiated processes of reform that are still ongoing today. NATO began a process of reform that was needed in order to readjust itself to the post-Cold War world and even to defend its legitimacy in opposition to those who expected its demise as part of a great peace dividend. The Article 5⁹ backbone of NATO did not disappear. However, its new highlighted rationale would be to serve as a 'transatlantic forum for Allied consultations on any issues that affect their vital interests'.¹⁰ In other words, it began the transformation process from a military alliance, overwhelmingly concerned with defence, into a political/military alliance with a refurbished *raison d'être* of a retained commitment to defence but with a new added value as a provider of security as well. This

⁶ Interview EU Council 09-02-2010.

⁷ Interview NATO HQ 11-02-2010.

⁸ For further background please see: Daniel Keohane, "Unblocking EU-NATO Cooperation," *CER Bulletin*, Issue 48 (June/July 2006); Yost, D.S, (2007) *NATO and international organizations*. Rome: NATO Defence College; Asle Toje, "The EU, NATO and European Defence- A slow train coming," *EUISS Occasional Paper* 74, (December 2008).

⁹ The North Atlantic Treaty, April 1949. Available at:
http://www.nato.int/cps/en/natolive/official_texts_17120.htm

¹⁰ The Alliances New Strategic Concept (07-08 November 1991). Available at:
http://www.nato.int/cps/en/natolive/official_texts_23847.htm

transformation and revised formation has been grounded on a secondary function – ‘that of a political community’.¹¹

At the time, the European Union was primarily focused on integration concerning its economic realm. However, the time also seemed appropriate to address its political Union and even went as far as introducing a Common Foreign and Security Policy (CFSP) that would ‘include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide’.¹² However, these reforms led to two divergent visions of the future of European security. The NATO vision, led by the US and other Atlanticist states, set out to ‘reinforce’ a European pillar within the Alliance through the concept of a European Security and Defence Identity (ESDI) while the Europeanist camp, led by France, set out to attain an ‘independent’ planning and operational capability.¹³

The first real attempts at reconciling these two views began in 1994 and crystallized in the 1996 NATO Berlin Ministerial that sought to establish the Western European Union (WEU) as the organization responsible for any European-led military crisis missions. Furthermore, ESDI was rationalized as ‘separable but not separate military capabilities in operations led by the WEU’.¹⁴ This left the Europeans able to engage in ‘humanitarian and rescue tasks’, ‘peacekeeping tasks’, and ‘tasks of combat forces in crisis management, including peacemaking’; the so-called Petersberg tasks.¹⁵ This seemed to help reduce the differences emanating from both sides of the Atlantic. However, events would change the structure of this completely.

From Saint-Malo to Bosnia (1998-2004)

The Saint-Malo Declaration brought about an end to the concept of the WEU as the lead organization - if not an end to any real function for this organization at all- for European-led crisis management. At Saint-Malo, the UK and French proposed the process that would give the EU a capacity for ‘autonomous action’ while retaining the atlanticist commitment to ‘unnecessary duplication’.¹⁶ The product of this Anglo-Franco agreement would be the

¹¹ Smith, S J. and Kavalski, E., ‘NATO’s Partnership With Central Asia: Cooperation *a la carte*’ in E. Kavalski (ed), *The New Central Asia: The Regional Impact of International Actors* (Singapore: World Scientific, 2010) p. 32.

¹² The Treaty of the European Union, Title V, Article 17.

¹³ Fabrizio W. Lucioli, ‘NATO-EU Relations: Present Challenges and Future Perspectives’, Paper presented at: Netherlands Atlantic Association conference ‘NATO’s New Strategic Concept: moving past the status quo’, The Hague, 27-28 May, 2009.

¹⁴ Ingo Peters, ‘ESDP as a Transatlantic Issue: Problems of Mutual Ambiguity’, *International Studies Review* Vol. 6, 2004, pp. 381-401.

¹⁵ The Western European Union Council of Ministers, Petersberg Declaration: 19 June 1992. Available at: <http://www.weu.int/>.

¹⁶ Joint Declaration on European Defense, French-British Summit, Saint-Malo, 4 December 1998. Available at: [http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews\[pS\]=978303600&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&cHash=ca903e9011](http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews[pS]=978303600&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=ca903e9011).

creation of the European Security and Defence Policy (ESDP) as documented in the 1999 European Union Council meetings in Cologne and Helsinki.¹⁷ The recognition of this shift in policy from ESDI to ESDP was also prominent in the NATO 1999 Washington Summit Communiqué, whereby, NATO acknowledged ‘the resolve of the European Union to have the capacity for autonomous action so that it can take decisions and approve military action where the Alliance as a whole is not engaged’.¹⁸ Furthermore, the February 2001 Nice Treaty gave ESDP the legal basis it required.

However, 1999 to 2003 was a tumultuous time for both organizations as the negotiations for what would eventually be called the Berlin Plus arrangements were worked out. This arrangement, based on those earlier agreements worked out at a 1996 Berlin ministerial, was designed to give ‘assured EU access to NATO planning capabilities’ in the event of an EU-led crisis management operation. These negotiations were delayed due to what has subsequently been termed the ‘participation problem’ due to existential differences between certain states that are either in the EU but not NATO or vice-versa. This ‘participation problem’ usually refers to differences between Cyprus-Greece-Turkey and is further addressed below.¹⁹

The Berlin Plus arrangements were further settled upon in December 2002 owing to an agreement whereby Cyprus and Malta²⁰, then both soon to join the EU, would not take part in EU operations that involved ‘using NATO assets’.²¹ An EU-NATO Joint Declaration was released in December 2002, and in March 2003 both the EU and NATO stated that they had finally worked out Berlin Plus.²² With compromises and arrangements in place to facilitate the EU’s access to NATO planning and capabilities, plans were drawn for two EU-led missions in the Balkans; operation CONCORDIA in the former Yugoslav Republic of Macedonia (fYROM) and ALTHEA in Bosnia and Herzegovina (BiH). To date, of the nine EU military missions conducted since ESDP’s inception, these two remain the only operations to be conducted utilising the Berlin Plus arrangements.

¹⁷ These documents can be read in full at the Institute for Security Studies Website, entitled European Defence Core Documents. Available at: [http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews\[pS\]=978303600&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&cHash=ca903e9011](http://www.iss.europa.eu/nc/actualites/analysisbooks/browse/1/select_category/10/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews[pS]=978303600&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=ca903e9011).

¹⁸ Available at: http://www.nato.int/cps/en/natolive/official_texts_27440.htm.

¹⁹ For the best summary of the ‘participation problem’ see : Daniel Keohane, “Unblocking EU-NATO Cooperation,” *CER Bulletin*, Issue 48 (June/July 2006); Yost, D.S, (2007) *NATO and international organizations*. Rome: NATO Defence College.

²⁰ This is no longer the case for Malta as it signed a bilateral security agreement with NATO and rejoined the Partnership for Peace programme in April 2008. However, this circumstance still applies to Cyprus.

²¹ See: EU Council Meeting, Copenhagen 12 December 2002; Copenhagen European Council meeting, 12 and 13 December 2002; North Atlantic Council decisions, 13 December 2002. Available at: <http://www.iss.europa.eu/uploads/media/chai57e.pdf>.

²² The EU-NATO Joint Declaration available at: <http://www.iss.europa.eu/uploads/media/chai57e.pdf>.

From Bosnia to Deadlock (2004-2010)

From 1999 until the ‘big-bang’ enlargement of the EU, regular EU-NATO meetings took place between the North Atlantic Council (NAC) and the Political and Security Committee (PSC) as well as at the foreign minister level.²³ Furthermore, these meetings covered the ‘full spectrum of common interest’ such as terrorism, proliferation, and even Afghanistan.²⁴ However, owing to the ‘participation problem’, no formal ministerial meetings have taken place since 2003. When NAC-PSC meetings take place, Cyprus is not in attendance, and no issues outside of the Berlin Plus framework are discussed. The result of this 28-26 mechanism is that Berlin Plus has become more of a ‘straitjacket than a liberator’²⁵ and operation ALTHEA and some discussion of EU-NATO capabilities is the extent of the agenda at these rather stilted occasions.

Regarding missions, nothing further has been conducted utilising the Berlin Plus framework, even if both CONCORDIA and ALTHEA are generally touted to be successful operations. The coordination stage between the EU and NATO leading up to operation ALTHEA, seemingly left ‘a sour feeling’ within the EU²⁶; the result of which has led some to believe that, going forward, Berlin Plus would be the exception and not the norm.²⁷ Two other issues are salient. First, unexpectedly at the time of ESDP’s inception, the EU has since heavily pursued its civilian crisis management capabilities alongside its military ones. This is an added-value that NATO lacks and the EU is keen to play up. While the Berlin Plus arrangements do not refer to civilian capabilities per se, it has led some (mostly in NATO circles) to call for a Berlin Plus in reverse. Second, the reality of all this political deadlock and reduced scope, means that both the EU and NATO have personnel in common mission areas (Afghanistan & Kosovo) without the formal tools to discuss cooperation in what are, especially with regard to Afghanistan, volatile areas. The casual but rational observer could be forgiven for thinking that it is an inexcusable situation that sees 21 coinciding member states unable to cooperate in this way.

Differentiating between state, International Staff, and military actors

At this point, it is germane to outline the different levels of actors working within EU-NATO institutions. The first are state actors. These actors work in both the EU and NATO institutions as well as in the national capitals, be it in the ministries of defence (MOD’s) or foreign ministries (MOFA’s). Within NATO, there are the national delegations of all 28 member states headed by an ambassador to the organization. In the EU Council, you have the permanent representatives from the 27 member states also headed by an ambassador (26: baring in mind that Cyprus is not present at the formal level of EU-NATO discussions). The highest level of cooperation involving these actors is the bi-monthly NAC-PSC meetings

²³ Meetings at the NAC-PSC level take place once every 1-2 months (this is currently still the case). Meetings at foreign minister level have not taken place since 2003. Between 2001 and 2003, 6 (one informal) of these meetings took place. Meetings also take place between: NATO Sec/Gen & the EU’s SG/HR; EU & NATO International Staff; There is also a wide range of informal meetings taking place.

²⁴ Interview at NATO HQ 10-02-2010

²⁵ Interview at NATO HQ 09-02-2010

²⁶ Interview at EU Council 09-02-2010

²⁷ Interview at NATO HQ 09-02-2010

which convene at the level of ambassador. As mentioned above, the foreign ministers have not met since 2003, however, there are the so-called ‘Transatlantic Events’ (see below) through which the relevant foreign ministers engage each other on an informal basis. It is at the level of nations that NATO-EU cooperation is currently at deadlock owing to the participation problem.

Second, there is the level of the international staff. There are contacts between the two organizations at the secretariat level, both civilian and military. The International Staff at NATO are recruited from member countries, either directly by the organization or seconded by their governments.²⁸

The International Staff supports the process of consensus-building and decision-making between member and Partner countries and is responsible for the preparation and follow-up of the meetings and decisions of NATO committees, as well as those of the institutions created to manage the different forms of bilateral and multilateral partnership with non-member countries established since the end of the Cold War.²⁹

On the EU side, there has been a restructuring of the institutions, particularly post-Lisbon Treaty. The EU Council Secretariat has rationalized DG 8 (military) and DG 9 (civilian) into one new directorate called the Crisis Management Planning Directorate (CMPD).³⁰ Contacts between the EU and NATO staff are open and transparent, while always having to work within the red lines caused by the participation problem. It is expected that these actors would generally work with the interests of their respective institutions in mind. However, they are operating in more of a support capacity and, therefore, do not usually retain the clout to overcome the impasse brought about by the political deadlock.

Finally, this paper addresses the military actors involved. Crucially, it is concerned with both military staff working in Brussels within both military and civilian roles, as well as military commanders working within mission areas where both the EU and NATO are engaged. This includes formal Berlin Plus operations (CONCORDIA & ALTHEA), non-agreed framework missions where both organizations occupy the same geographical space, albeit performing different functions (Kosovo & Afghanistan), and non-agreed framework missions where they are performing similar duties in the same operational theatre without formal arrangements for cooperation (NATO: Operation Ocean Shield & the EU: Operation ATALANTA).

In NATO, there are of course meetings between the Ministers of Defence. However, in order to assist the highest level civilian bodies there are ‘senior military officers’ who serve as national Military Representatives and on the Military Committee. This body also meets at the level of Chiefs of Defence (CHODs). However, the day to day work of the Military Committee is managed by the Military Representatives who support their CHOD’s. According to the NATO Handbook, the Mil Reps ‘work in a national capacity, representing the best interests of their nations while remaining open to negotiation and discussion so that

²⁸ See the NATO Handbook. Available at <http://www.nato.int/docu/handbook/2001/pdf/handbook.pdf>.

²⁹ *ibid.*

³⁰ For a more detailed description of ESDP institutional restructuring see: http://www.isis-europe.org/pdf/2009_artrel_272_esr44-civmil-integration.pdf.

consensus can be reached'.³¹ Within NATO there is also the International Military Staff (IMS) who are made up of both military and civilian personnel. As with the International staff, they are supposed to work towards the overall common interest of the Alliance and not on behalf of their respective nations.³² Finally, this paper notes the understated (in the literature) importance of the Deputy Supreme Allied Commander Europe (DSACEUR) regarding this post's proclivity to initiate action in the face of political blockage. This post is double-hatted (NATO-EU) and is always a European³³ commander. DSACEUR has the responsibility of command once the EU avails herself of NATO assets and capabilities under arrangements known as the Berlin Plus Agreement.³⁴ However, staff in both organizations have commented that it is through this office that the 'real business'³⁵ of EU-NATO cooperation is being sustained, especially with regard to facilitating informal cooperation for non-Berlin Plus operations where both organizations are deployed.

On the EU side, the European Union Military Committee (EUMC) is the highest military body within the Council. This body, like the NATO equivalent, is made up of the CHOD's and is assisted by the permanent military representatives.³⁶ This body is the primary advisory body to the PSC. Within the EU framework there is also the European Union Military Staff (EUMS). This body, again like NATO's equivalent, is made up of both civilian and military personnel through secondment to the Council Secretariat by the member states. Alongside these bodies is the newly formed CMPD; an integrated Civ/Mil unit as outlined above.

Before moving on to the main section of this paper, a few comments are germane. First, the most efficient cooperation between EU-NATO military actors falls within Berlin Plus agreed operations. However, for non-Berlin Plus operations, generally speaking, the further cooperation gets from the centre (Brussels) and the political implications that it entails, the more likely cooperation will be transparent but purely at the informal level. In other words, commanders in the field of non-Berlin Plus operations **do** work together despite the lack of official agreements to do so. However, this is not without some implications. Second, like relations between the EU and NATO International Staff, cooperation between the International Military Staff is more synergetic and productive than those at the purely political level. Relations at the level of MOD's, especially including Cyprus, have difficulties cooperating and at the level of MILREPS, even informal cooperation is problematic, owing once again, to the participation problem. Finally, to date, the EU does not have a completely autonomous operations headquarters similar to NATO's Supreme

³¹ See the NATO Handbook (pg 239) . Available at <http://www.nato.int/docu/handbook/2001/pdf/handbook.pdf>.

³² See the NATO Handbook (pg 242). Available at <http://www.nato.int/docu/handbook/2001/pdf/handbook.pdf>.

³³ The position of Supreme Allied Commander Europe (SACEUR) has always gone to an American.

³⁴ NATO Website. Available at: <http://www.nato.int/shape/about/structure.htm>.

³⁵ Interview at NATO HQ 11-02-2010.

³⁶ For a more detailed description of ESDP military bodies see: <http://www.consilium.europa.eu/showPage.aspx?id=279&lang=en>.

Headquarters Allied Powers Europe (SHAPE). However, there is an EU cell³⁷ at SHAPE as well as a NATO liaison team at EUMS to help facilitate open and transparent cooperation. Some have suggested that these two bodies are asymmetrical. Furthermore, you have both a NATO and an EU command centre at Northwood, England operating side-by-side to tackle their respective anti-piracy missions (Ocean Shield & ATALANTA). These are examples of EU and NATO personnel working, if not in the same room, then in close proximity to each other.

EU-NATO Cooperation at the Centre

The main body of this paper addresses the various levels of EU-NATO institutional relations at the centre (Brussels) and on the ground (mission areas). These relations are examined with regard to both their formal institutions and as informal and *ad hoc* arrangements that supplement for blockages that occur at the formal level. All three levels of actors outlined above are considered.

The highest point of formal institutional contact between the EU and NATO is at the level of nation-states. The institutional gathering that facilitates EU-NATO cooperation at this level is the NAC-PSC ambassadorial meetings; the first of which took place on 5 February 2001 (before 2001 PSC was an interim body). Since 2001, these events have taken place regularly, with varying frequency of between four and ten times per year.³⁸ From 2001 until 2003, these two bodies met with an agenda that covered the full spectrum of common issues. For example, the NAC-PSC discussed geographical issues such as Afghanistan, Moldova, and Kosovo as well as issues of proliferation, energy security, and trans-national terrorism.³⁹ However, 2004 and the enlargement of the EU changed the political situation causing a drastic contraction of the issues allowed on the formal agenda. This contraction was caused by what has commonly been referred to as the ‘participation problem’.

The ‘participation problem’ refers to various political obstacles that have, since 2004, drastically reduced the scope of effective cooperation between the EU and NATO. The Presidency conclusions from the 2002 EU Copenhagen Council state that:

“the Berlin Plus” arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or

³⁷ Many mistakenly believe that this is an EU-NATO integrated cell. It is more appropriate to see this cell as the EU’s own Operational Headquarters (OHQ) facility to operate at the strategic level, provided by NATO and within SHAPE as a bolt on but with access to full NATO capability for a Berlin Plus operation. When Javier Solana went to visit this facility for the first time he was very clear that he was going to visit his (the EU’s) OHQ and not SHAPE. There was a lot of emphasis within SHAPE to make sure that this was just not cosmetic but a reality. The DSACEUR office was instrumental in this process.

³⁸ Original agreements between the EU and NATO called form NAC-PSC meetings no less than three times a semester (one Presidency).

³⁹ Interview at NATO HQ 10-02-2010

parties to the “Partnership for Peace”, and which have consequently concluded bilateral security arrangements with NATO.⁴⁰

This agreement has resulted in Berlin Plus becoming effectively a straitjacket for EU-NATO cooperation since the EU will not meet formally with NATO to discuss issues that fall outside of the Berlin Plus format (currently only operation ALTHEA) without all 27 of its members present. NATO will not meet with the EU in a formal setting with nations that are not at least members of the PfP. Therefore, the broad scope of issues that were once on the formal agenda has since disappeared. The ‘participation problem’ is directly related to the existential dispute existing between Turkey (member of NATO but not the EU) and Cyprus (member of the EU but not NATO). Turkey uses its membership of NATO to block Cyprus joining the PfP, while Cyprus uses its membership of the EU to ensure that no matters outside of Berlin Plus are discussed at the NAC-PSC level. Both sides of this divide have seized on this issue to leverage the other in any future settlement of Cyprus. Formal EU-NATO cooperation will stay dysfunctional until the issue is resolved; in this way it has become ‘collateral damage’⁴¹ of the 2004 Cypriot Annan Plan Referendum.⁴²

The ‘participation problem’ and its resulting ‘scope problem’ should not be underestimated. Still another casualty of this political blockage was the bi-annual EU-NATO foreign ministers meetings as called for in the 2001 exchange of letters between the EU Presidency and the NATO Sec/Gen. From 2001 to 2003, these meetings took place in line with this request and all common issues of concern were on the agenda. The last of these official foreign ministers meetings took place on 4 December 2003. However, since September 2005, these meetings have continued in an informal setting known as the ‘Transatlantic Events’.⁴³ This attempt to overcome blockage at the formal and political level was initiated by US Secretary of State Condoleezza Rice in 2005. She used the excuse of a United Nations General Assembly meeting to invite all of the EU and NATO Foreign Affairs Ministers (including Cyprus and Turkey) to informally discuss and hopefully overcome the EU-NATO deadlock. These meetings have since been conducted on average twice a year, either in New York or in a European capitol. At the time of writing, the last such meeting took place on 9 December 2009.⁴⁴ These meetings have been productive, but so far, unsuccessful in overcoming the impasse. As time has gone on, these meetings have been used less and less to discuss overcoming EU-NATO deadlock and the focus has shifted to other issues such as nuclear proliferation and Iran.

⁴⁰ Available at: <http://www.iss.europa.eu/uploads/media/chai57e.pdf>.

⁴¹ Interview at NATO HQ 10-02-2010.

⁴² This referendum refers to a joint Greek-Cypriot and Turkish-Cypriot vote aimed at settling the Cyprus dispute. The referendum was rejected by the Greek-Cypriot side in 2004. The failure of this referendum came as a shock to many and has had major implications for EU-NATO relations as the Island joined the EU with this dispute unresolved.

⁴³ Interview at NATO HQ 10-02-2010.

⁴⁴ Interview at NATO HQ 10-02-2010.

**NATO-EU official meetings at Ministers of Foreign Affairs' level
& informal transatlantic events**

Official meetings (2001 – 2003)	
30 May 2001	Budapest (HU)
6 December 2001	Brussels – EU Justus Lipsius Bldg
14 May 2002	Reykjavik (IC)
3 April 2003	Brussels – NATO HQ (informal NATO-EU working lunch)
3 June 2003	Madrid (SP)
4 December 2003	Brussels – NATO HQ

Informal Transatlantic Events (2005 – ...)	
20 September 2005	New York (lunch)
7 December 2005	Brussels (dinner)
27 April 2006	Sofia (BU) (dinner)
22 September 2006	New York – in the margins of UNGA (dinner)
26 January 2007	Brussels (dinner)
26 April 2007	Oslo (dinner)
26 September 2007	New York – in the margins of UNGA (dinner)
7 December 2007	Brussels (dinner)
24 September 2008	New York (dinner)
2 December 2008	Brussels (dinner)
4 March 2009	Brussels (dinner)
22 September 2009	New York – in the margins of UNGA (dinner)
3 December 2009	Brussels (dinner)

This is a symptom of the greater problem of institutional fatigue described below regarding EU-NATO cooperation. As Yost has pointed out; ‘while such informal dialogue is obviously superior to having none at all, the prospects of informal NATO EU mechanisms are inherently limited and less than fully satisfactory’.⁴⁵ For example, Turkey seem happy to meet within this ‘Transatlantic Event’ format at the level of foreign ministers, however, they have rebuffed proposals to carry this informal framework to the level of Ministers of Defence as well.⁴⁶ What all these problems have created are the political ‘redlines’ that encompass all of EU-NATO relations. These ‘redlines’ are the lines of demarcation that the International Staff have to work within and be mindful of on a day to day basis.

⁴⁵ David S. Yost, ‘NATO and International Organizations’ (Rome: NATO Defence College, 2007), pp. 97-98.

⁴⁶ Interview EU Council 09-02-2010.

When asked where the greatest synergy exists between the EU and NATO in Brussels, one interviewee responded, ‘between staff to staff and between Secretary-General/High Representative and the NATO Secretary General’.⁴⁷ However, before addressing cooperation through these actors, it is important to outline just how ‘redlines’ affect actors’ ability to execute work on a day to day basis. There has been a vast amount of energy and goodwill spent trying to circumvent political blockage in order to facilitate EU-NATO cooperation. However, unrewarded efforts can last only so long before they begin to atrophy from fatigue.

The most notable ‘redline’ caused by the ‘participation problem’ relates to the exchanging of documents between the organizations. A NATO restricted document (classified) can only be sent to EU member states that have signed security agreements with NATO. The Berlin Plus agreement itself was made classified at the time of its initiation for exactly this reason. Therefore, when a confidential document is to be sent to the EU, NATO has two options. First, if the material is covered by the agreed framework (Berlin Plus and some capability issues), then NATO staff send it to the EU knowing that it will only be disseminated to 26 member states (Cyprus is excluded). Second, if the material is classified but is not covered in the Berlin Plus framework, for example Kosovo, Afghanistan, terrorism, or energy security, then NATO staff recognize that these issues are dealt with at 27 EU member states and, therefore, they will not pass on the document to their EU staff counterpart. This issue is further complicated because documents that are under the control of the originator, for example NATO non-classified documents, are also held back as these too would be released to all EU 27 member states. The result is that only documents related to Operation ALTHEA and certain capability issues are officially passed between staff.

Since the EU enlargement of 2004, contacts between staff have increased to try and ‘compensate but not substitute’ for the political deadlock.⁴⁸ EU and NATO staffers are constantly trying to ‘compensate’ for the lack of political contacts, while always mindful of redlines set by nations. One NATO interviewee stated that, he was on the phone with his EU counterparts ‘on a regular basis’ and that there is a ‘common enough interest and belief in the staff that this is what we do, so we just have to find away’. Not all personnel shared the same opinion and one even described them as merely ‘talk and banalities’. Of course turf wars play a part in this equation as well. When NATO staff meets with staff in the EU Commission, their Council counterparts can often get ‘upset’.⁴⁹ In fact, when staff in the Council was asked their opinion regarding a potential Berlin Plus in reverse (whereby the EU transfers civilian capabilities to NATO) one answer was ‘that makes no sense’.⁵⁰ Yet, when posed the same question in NATO or the Commission, the answers were more supportive of such a concept. However, there seems to be no consensus within the Alliance to lead a civilian-crisis mission at the moment.

Some observers may find the level of interaction between NATO and the EU Commission surprising as the ESDP is a second pillar EU competence. Certainly, the relationship is adolescent and a history of ‘zero security culture’ prevented any relationship in

⁴⁷ Interview EU Council 09-02-2010.

⁴⁸ Interview at NATO HQ 10-02-2010.

⁴⁹ Interview at NATO HQ 11-02-2010.

⁵⁰ Interview EU Council 09-02-2010.

the 1990's.⁵¹ Since the inception of Berlin Plus, however, this former 'house of glass' has been heavily securitized in some departments allowing for a relationship to develop. Before 2004, seminars that included issues such as terrorism began to take place between NATO, the Council, and the Commission. However, post 2004 only Berlin Plus classified materials that are passed to the EU Council are then shared with the Commission, for example through the DG for External Relations.

The Commission is also part of the NAC-PSC relationship through representation when these institutions meet. However, if the Council and the Commission do not agree, then they cannot talk for each other.⁵² The Commission has a further role through joint Commission Council bodies. Through these bodies, information feeds through to the Commission as an 'unintended consequence but a welcomed one'. This is a very important formal link, as are the informal get-togethers on the margins of these meetings. This is the only real link the Commission has with NATO or EU-NATO cooperation and as such, they are 'all very much attached to it'. Of course, since 2004, this relationship has also been affected due to the reduction in volume and scope of information filtering through. There has been an appetite by the Commission as well as NATO to develop relationships. However, these moves of rapprochement have been blocked 'harshly' by Turkey, Cyprus, and to some extent, Greece'.⁵³ It would seem that the Commission is the victim of the same political developments in this issue area since enlargement.

What this suggests is that institutional relations are instrumental in facilitating what EU-NATO cooperation there is in the face of such political posturing, even if issues outside of the Berlin Plus arrangements must be kept informal and under the radar. Staffers exchange information, compare notes, but they are 'chats only'.⁵⁴ Much of EU-NATO business between staff and experts is unofficial and, therefore, it is impossible to have 'concrete' outcomes rewarded in official policy. Ultimately, these exchanges based only on a certain degree of reciprocity may be viewed as exercises in futility, especially if certain actors start to believe that information is only heading in one direction as some staff have suggested.

As mentioned, the relationship between the NATO Sec/Gen and the EU SG/HR⁵⁵ has also been crucial for cooperation and synergy between the two organizations. At a purely formal level, the NAC-PSC meetings are co-chaired by both of these posts. The SG/HR has also been invited to all meetings of the NAC at the level of foreign and defence ministers. However, the NATO Sec/Gen is usually only invited to EU defence ministerial meetings.⁵⁶ More important than the formal settings for overcoming deadlock are the one-to-one

⁵¹ Interview EU Commission 12-02-2010.

⁵² David S. Yost, 'NATO and International Organizations' (Rome: NATO Defence College, 2007), p. 91.

⁵³ Interview EU Commission 12-02-2010.

⁵⁴ Interview EU Commission 12-02-2010.

⁵⁵ Note this position has changed to the High Representative of the Union for Foreign Affairs and Security Policy post-Lisbon Treaty December 2009.

⁵⁶ David S. Yost, 'NATO and International Organizations' (Rome: NATO Defence College, 2007), p. 91.

meetings that take place regularly between the Sec/Gen and the EU SG/HR as well as the pressure these actors bring to bear in order to overcome self-interested demands from the member states.

The personal relationship that develops between them, and how they prioritize each other's organization, has real implications. By all accounts, the SEC/GEN and the SG/HR meet very regularly, although at the time of writing, the relationship between Sec/Gen Anders Fogh Rasmussen and the new H/R of the Union for Foreign Affairs and Security, Baroness Ashton, has yet to be set. Given time, however, there does seem to be a broad feeling that this relationship will be productive in this area. As for the relationship between Javier Solana and Jaap de Hoop Scheffer, although they met quite regularly, comments on their personal relationship have varied from 'not very nice' to 'inefficient'. That aside, a series of meetings between Solana and de Hoop Scheffer led to calls for more robust EU-NATO cooperation and to comments such as: 'it is astounding how narrow the bandwidth of cooperation between NATO and the Union has remained' and that NATO-EU relations have not really arrived in the 21st century yet. They are still stuck in the '90s'.⁵⁷

The pressure in Brussels emanating from member states often stems from the competition over the initiation of missions and over which organization should take the lead. To be clear, this is not as much about competition between the organizations or between Sec/Gen and H/R, although there can be some 'ego problems' in this regard, as it is about nation states using either NATO or the EU as a tool for their own political purposes.⁵⁸ One case in point is Darfur. This crisis situation, one in which both the EU and NATO ran autonomous operations simultaneously, is often touted as a 'beauty contest'.⁵⁹ It can be more accurately described as a fight between Paris and London: Paris trying to avoid NATO (US) involvement in Africa and London trying to avoid the marginalization of NATO in any major conflict. This led to a lot of pressure on the Sec/Gen (from London) and the EU H/R (from Paris) in the lead up to these missions. Ultimately, this was more about tasking by mission for these two actors. The coordination and initiation periods of these operations was 'a mess'⁶⁰, but this could have been avoided. With less pressure from the two capitols, the situation could have been handled in a much smoother way. It should be noted that France has reintegrated into NATO (2008), so political wrangling over sequencing should be reduced going forward.

⁵⁷ Jaap de Hoop Scheffer key note speech 'NATO and the EU: Time for a New Chapter': Available at: <http://www.nato.int/docu/speech/2007/s070129b.html>.

⁵⁸ Interview at NATO HQ 10-02-2010.

⁵⁹ Giovanni Grevi, Damien Helly, Daniel Keohane (ed) 2009, *European Security and Defence Policy: The first 10 years (1999-2009)*, European Union Institute for Security Studies, Paris (131); Yost, D.S. (2007) *NATO and international organizations*, NATO Defence College, Rome (81).

⁶⁰ Interview at NATO HQ 10-02-2010.

There is a relationship between NATO and the Commission as noted above. Although Sec/Gen Robertson was not concerned with this relationship, de Hoop Scheffer went out of his way to change this and to make NATO 'politically universal'. There are meetings between NATO Sec/Gen and the EU Commission President, however, they are kept quiet and without 'beef' and 'real purpose'.⁶¹ In the end, EU-NATO cooperation at the level of staff in Brussels does get done at the level of the Secretariat, be it civil or military. Nevertheless, once this work reaches a certain level, one that calls for the political translation of work, it comes up against the political blockage that prevents real integrated cooperation from occurring. However, when there is a good relationship between the Sec/Gen and the EU H/R, this does lead to enhanced cooperation, albeit *ad hoc* and informal, and can reduce the problems created by the political impasse to a certain extent.

Lt. Gen. David Leakey (Director General of the EUMS), is keen to draw attention to the fact that 'the cause of the problem in the EU-NATO relationship lies at the very highest level, in the fixed positions of certain states rather than within the machinery of the Organizations themselves'.⁶² Although this may be an over simplification of the matter, this paper is in line with his perception. When it comes to formal cooperation between the military bodies in Brussels, these too are the victim of the political blockage as described above. The EUMC is the highest military body in the EU.⁶³ This body is highly co-operational in one respect as 21 of the CHOD's are double-hatted as military representatives to the NATO military committee as well. They meet as a body twice a year in their EU capacity and at least three times a year at NATO. More often the EUMC is convened at the level of military representatives (MILREPS) who are also double-hatted to assist their NATO representatives.⁶⁴ Furthermore, the Chairman of the EUMC attends meetings of the NAC-PSC, the Council, and the NATO Military Committee.

Within the EU Council Secretariat, there are the DGE 8 (military) and DGE 9 (civilian) bodies which play a fundamental role in the conception and development of ESDP (these two institutions have been migrated into the newly formed CMPD). It is DGE 8 that navigates the 'sensitive dossier' of ESDP-NATO relations as well as 'the application of the Berlin Plus agreements and the negotiation of the technical arrangements necessary to streamline EU-NATO cooperation in the theatre'.⁶⁵ Finally, for purposes here, within the Council Secretariat there is the EUMS which is directly attached to the SG/HR, and works under the direction of the EUMC.⁶⁶ Clearly, under Berlin Plus operations, there are EU-

⁶¹ Interview EU Commission 12-02-2010.

⁶² Leakey, L.G.D, 'Joint and separate priorities for the EU and NATO in 2008 in Revisiting NATO ESDP relations', 2008. Available at: <http://www.securitydefenceagenda.org/Portals/7/2009/Publications/NATO-ESDPRelationsDP.pdf>.

⁶³ Jolyon Howorth, *Security and Defence Policy in the European Union* (New York: Palgrave MacMillan, 2007), p. 74.

⁶⁴ *Ibid.*

⁶⁵ Giovanni Grevi, Damien Helly and Daniel Keohane (eds), *European Security and Defence Policy: The first 10 years (1999-2009)*, (Paris: European Union Institute for Security Studies, 2009) p. 37.

⁶⁶ *Ibid* p.40.

NATO contacts (28-26) between all these bodies and they are ‘formal and agreed’.⁶⁷ On the EU side, it is not fully agreeable as they would prefer to operate at 27. Yet, as with their civilian counterparts, this is the situation in which they find themselves.

At the level of the MOD’s, for political directors of MOD’s and MILREPS, the situation is **only** formal at the 28-26 format. There have been some attempts to overcome the political impasse in the military arena as well, but it has been met with mixed results. There was an attempt to meet informally at 28-27 with the Political Directors, but this attempt failed due to the Turkish representative declining to participate.⁶⁸ At the level of MILREPS, there has also been no success at bringing them together, even at the informal level. However, it is the office of the DSACEUR through which the real business of EU-NATO cooperation is getting done.⁶⁹

Under the Berlin Plus agreements, when the EU makes a request to NATO for a ‘NATO European command option’ for an EU-led operation, it is the DSACEUR who is the primary candidate for the EU operational commander.⁷⁰ This mechanism is supposed to allow the DSACEUR to assume his European responsibilities ‘fully and effectively’. For example, this agreement cleared the way for the DSACEUR to become the operational commander in operation ALTHEA which ‘enabled the transition of responsibility’, ‘optimised’ the use of forces, and avoided ‘duplication’.⁷¹

In the 1990’s, it seemed like a whiz-bang idea. You avoid duplication, you put the whole thing in SHAPE, and the EU uses NATO military capabilities, and is therefore subject to NATO planning. You use the DSACEUR as the strategic commander and that seemed to be the sense of where we ought to go at that time. Now, 15 years down the line, we realise that this was incredibly short sighted.⁷²

For a Berlin Plus operation this is coherent and efficient. The overall mission is under the responsibility of the Council, but the operational chain of command (CoC) runs directly through the DSACEUR’s office at SHAPE, through Allied Joint Force Command Naples (in the case of ALTHEA), and to the ground in Sarajevo. In the early years, there were worries in the EU that this arrangement would preference NATO over the EU. The EU had to know that the DSACEUR would answer to them first and foremost with EU-led operations. Starting from Admiral Feist, who commanded Berlin Plus operations in Macedonia to the

⁶⁷ Interview at NATO HQ 10-02-2010.

⁶⁸ Interview at NATO HQ 10-02-2010.

⁶⁹ Interview at NATO HQ 11-02-2010.

⁷⁰ As noted in section 7 of the EU-NATO: The Framework for Permanent Cooperation and Berlin Plus. Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>.

⁷¹ NATO Handbook, 2006, p. 146. Available at: [http://www.reliefweb.int/rw/lib.nsf/db900sid/HMYT-6R8PNL/\\$file/nato-handbook-jun2006.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/HMYT-6R8PNL/$file/nato-handbook-jun2006.pdf?openelement).

⁷² Interview at NATO HQ 09-02-2010.

current DSACEUR, this has been the case.⁷³ However, there are now cases where the EU is operating in the same space as NATO (Afghanistan & Kosovo) without an agreed framework. Here too the DSACEUR seems to be invaluable. Regarding the initial Berlin Plus operations, a link was created between the EU Council Secretariat (DG8) and the DSACEUR. They held regular meetings and a pattern was established. Once this link was customary, they kept up the pattern of meetings even for non Berlin Plus operations - in fact for all operations - and at the highest levels (now CMPD and DSACEUR).⁷⁴

According to Jamie Shea at NATO, one dilemma diplomats experience is that when they realize problems can be figured out at the working level, they often question whether it really matters if they find political solutions; ones that may seem idealistic but are not necessary for carrying out operations. His opinion, based on the advice from the highest military levels, is that yes it does matter.⁷⁵ Without formal agreements and docking mechanisms at every level from the top down, you are left with individual bi-lateral agreements which are very time consuming. There is always a problem or disconnect in terms of information and intelligence sharing. Although the military can find work-a-rounds, they prefer a single agreement which would allow all this to be done at SHAPE and with one memorandum of understanding (MOU).

Yet this is the situation commanders find themselves in. The DSACEUR's office, both current and past, has been instrumental in finding solutions where there are no agreements. General Sir. John McColl, the current DSACEUR, has performed as a key interlocutor between the EU and NATO in order to get requests approved around the NAC-PSC political problems,⁷⁶ utilising his dual hat obligations even concerning non-Berlin Plus issues. However, questions arise as to whether the office of the DSACEUR is enough to facilitate cooperation in those mission areas in which EU and NATO both find themselves. It is to this subject that this paper now turns.

EU-NATO Cooperation on the Ground

The aim of this section is to briefly overview the five missions that best sum up the totality of EU-NATO cooperation in the field: this includes formal Berlin Plus operations (CONCORDIA & ALTHEA), non-agreed framework missions where both organizations occupy the same geographical space, albeit performing different functions (Kosovo & Afghanistan), and non-agreed framework missions where they are performing similar duties in the same operational theatre, but without formal arrangements for cooperation (NATO: Operation Ocean Shield & the EU: Operation ATALANTA). The Berlin Plus operations have an integrated command structure running from the EU Council through NATO capabilities and directly to on the ground operations. In these cases, the framework of cooperation is agreed from the highest levels down. Regarding Kosovo and Afghanistan,

⁷³ Interview EU Commission 12-02-2010.

⁷⁴ Interview NATO HQ 26-03-2010.

⁷⁵ Interview at NATO HQ 09-02-2010.

⁷⁶ Interview EU Commission 12-02-2010.

both the EU and NATO are operating in the same hostile or semi-hostile space, performing different duties, but without an agreed framework for cooperation. In both cases, the EU is operating a civilian mission while NATO is conducting a military component. Moreover, the EU is reliant on NATO for the protection of its civilian personnel in-theatre. This section also briefly looks at the anti-piracy missions being run in the Gulf of Aden simultaneously by the EU and NATO. The second aim of this section is to address both formal and informal cooperation as it pertains to these missions and with all three levels of actors outlined above. It should be noted that this is only intended to be a brief overview in order to allow for a contrasting of both formal and informal cooperation.

Although two EU-led missions have been operationalized utilizing the Berlin Plus arrangements, it could be argued that neither were initiated in line with the original intentions of this agreement. Berlin Plus makes available the full spectrum of NATO collective assets and capabilities for EU-led crisis operations where 'NATO as a whole is not engaged'. However, in both CONCORDIA and ALTHEA, the EU assumed command of operations that NATO was previously conducting.⁷⁷ That being said, CONCORDIA was the EU'S first involvement in military crisis management when it agreed to take over command from NATO on 18 March 2003.⁷⁸ This mission, in terms of military intensity, was rather modest, consisting of 350 personnel working in 22 light field liaison teams.⁷⁹ However, it was a key test of both the EU's ability to undertake military crises missions and of the fledgling EU-NATO relationship.

Eva Gross has pointed out that EU-NATO relations regarding this mission presented significant 'external coordination challenges'.⁸⁰ Besides the operational challenges consisting of a CoC schematic running from the Council, SHAPE, AFSOUTH/ Naples to the regional headquarters on the ground, there were also coordination elements 'required in the field'. The fact that NATO maintained its own presence in the country, and that intelligence sharing had not been approved before the launch of the mission, caused considerable challenges. Essentially, the EU was forced to make difficult decisions between closer cooperation with NATO or its own civilian/political bodies. However, it must be remembered that this was the EU's first attempt at military crisis-management and, overall, this mission was a success due to integrated command from the top down allowing for cooperation at all levels. There was the political will and all three organizations in the area

⁷⁷ The alternative scenario (and the one Berlin Plus was designed for) would be a military mission in which it was agreed that the EU would take the lead but utilise the full spectrum of NATO collective assets in capabilities to execute the operation, for example, potentially in Africa. To date no such scenario has transpired. The EU military operation in the Congo (ARTEMIS) could have been conducted as a Berlin operation, however, the EU decided to conduct this operation in complete autonomy from the NATO.

⁷⁸ The EU Council's decision to launch operation CONCORDIA (18 March 2003). Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/Council%20Decision%20launch%20of%20the%20EU%20Military%20Operation.pdf>.

⁷⁹ Giovanni Grevi, Damien Helly and Daniel Keohane (eds), *European Security and Defence Policy: The first 10 years (1999-2009)*, (Paris: European Union Institute for Security Studies, 2009) p. 176.

⁸⁰ *Ibid*: 177.

(EU-OSCE-NATO) worked well to complement each other.⁸¹ However, this model of ‘chemistry’, it could be argued, has not been reproduced or replicated since Macedonia.

By the time the EU implemented operation ALTHEA (December 2004) as a takeover mission from NATO’s SFOR in Bosnia-Herzegovina (BiH), NATO had already scaled back troop numbers from around 60,000 to just 7,000.⁸² However, in matching the latter number, the EU mission is still the largest military operation the EU has undertaken to date. Currently, troop strength is just under 2,000.⁸³ As with CONCORDIA, the EU operation in BiH is carried out with recourse to the collective assets and capabilities of NATO (SHAPE) through Berlin Plus, utilising the DSACEUR as the operational commander. The CoC is also the same as in CONCORDIA, running from the Council, through SHAPE, to Naples and down into the operational theatre. This means that cooperation on the ground is clearly stated and agreed through an operational framework that sees cooperation at every level. There are contacts between ambassadors, military committees and experts.

As noted, operation ALTHEA is currently the only formal topic of discussion at the NAC-PSC level, barring some capability issues. However, this operation has been going on for so long and with a level of military intensity so low, that NAC-PSC meetings have become less infrequent as there is not enough business to justify or sustain them. There has been discussion for some time now about ending the military mission in BiH and replacing it with an EU non-executive civil mission.⁸⁴ This raises two key issues regarding EU-NATO cooperation: (1) Berlin Plus was not designed for civil-military cooperation and (2) since NATO retains a security sector reform (SSR) mission in Bosnia, it would mean that both organizations would essentially be performing civil missions in the same area with an agreed framework that is not designed for this type of cooperation. Berlin Plus has been successful in allowing the implementation of two key EU-led military operations. It has allowed the EU to carefully expand its nascent ESDP structures and to test-run its military crisis management capabilities with a relatively soft introduction in this area. However, certain nation states have sought to keep EU-NATO cooperation directly tied to Berlin Plus and thus not allowing for a broadening of scope regarding issues of common interest. The lack of formal EU-NATO cooperation in Kosovo and Afghanistan are the micro expression of that failure.

Currently, there are just under 10,000 NATO troops detailed to NATO’s KFOR mission in Kosovo in order to maintain a ‘safe and secure environment’.⁸⁵ The EU, through their EULEX rule-of-law mission, has 1,650 international staff and 1,050 local staff under its

⁸¹ Interview at NATO HQ 11-02-2010.

⁸² Jolyon Howorth, *Security and Defence Policy in the European Union* (New York: Palgrave MacMillan, 2007), p. 235.

⁸³ For the ALTHEA Fact Sheet see:
http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/100121%20Factsheet%20EUFOR%20Althea%20-%20version%2020_EN02.pdf.

⁸⁴ Interview at the Permanent Representation of Sweden to the EU (28-01-09).

⁸⁵ NATO website. Available at: http://www.nato.int/cps/en/natolive/topics_48818.htm.

own authority to assist the reform of the local civil and police institutions.⁸⁶ Although the environment is not as dangerous as it has been in years past, the potential for trouble that could demand a kinetic military response is very real. The EU's civil mission is, therefore, ultimately dependent on NATO for their protection. To be clear, it is the political deadlock in Brussels that has created the situation whereby all EU-NATO cooperation regarding Kosovo is *ad hoc* and informal. It is a situation where the actors working at the level of nation states turn a blind eye, the international staffs do what they can, and military operational commanders work it out on the ground because, 'necessity is the mother of all invention'.⁸⁷

As stated, there is no political agreement regarding EU-NATO cooperation over Kosovo, as proposals in this area have been blocked by Turkey as they object to EU-NATO cooperation, beyond Berlin Plus, that involves all 27 EU states.⁸⁸ Instead, there are four technical agreements that were signed on the ground in order to facilitate cooperation.⁸⁹ However, there is not one set of documents signed by representatives of both organizations. Two separate, but identical, documents worked their way down the CoC to be signed separately in the field. States like Turkey turn a blind eye to these agreements and allow cooperation to transpire under the radar screen. They are fully aware that the EULEX and KFOR commanders are working together. They are also aware that if there were EU casualties due to some EU-NATO disconnect, then a major scandal would ensue. However, some have stated that these agreements are weak and time consuming, to the extent that they potentially put people's lives at risk.⁹⁰ As demonstrated below, this is even more the case in Afghanistan due to the nature of its hostile environment.

At the staff to staff level, if there are problems between the NATO HQ and the EU HQ, again they are dealt with on the ground, under the radar, and without high political visibility. In this case, EU civilian staff is working with NATO military staff, so they do not really have the right tools to cooperate. What is not well documented, is the fact that there are both Turkish experts and Cypriot experts working within EULEX.⁹¹ This reality is not found in any official document relating to this mission and certain parties are rather keen to keep this away from the press and public opinion. Cyprus is officially stated as a non-contributor to the mission and most academic literature notes this as well. This demonstrates that differing states are somewhat able to work together and do not oppose the situation on the ground. This is done to show flexibility in the face of increasing frustration by staff, experts, and military personnel voiced through proposal papers and through informal institutional channels.

⁸⁶ For the Factsheet of this mission see:

http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/100209%20FACTSHEET%20EULEX%20Kosovo%20-%20version%2010_EN.pdf.

⁸⁷ Interview at NATO SHAPE 11-02-2010.

⁸⁸ Please see: <http://www.hurriyet.com.tr/english/domestic/10302092.asp>.

⁸⁹ Interview at NATO HQ 11-02-2010; Interview EU Commission 12-02-2010.

⁹⁰ Interview at the Permanent Representation of Sweden to the EU 28-01-09.

⁹¹ Interview at NATO HQ 10-02-2010.

At the military level, there are commanders in the field with contacts. EULEX is a comparatively bigger mission to that of EUPOL in Afghanistan for example, but the commanders are able to talk to each other despite official agreements, both at the HQ level and between nations. There has been increased frustration from these commanders over the lack of official cooperation. To date, however, this frustration has not reached the critical point whereby the political impasse is overcome. Due to the large number of EU and NATO personnel in Kosovo, if the situation on the ground were more volatile, this could change.

In Afghanistan, the only saving grace with regards to EU (EUPOL) and NATO (ISAF) cooperation is that the size of EUPOL/Afghanistan is quite modest and the commanders in the field have been able to cooperate in the open due to states turning a blind eye once again. The EUPOL mission only consists of 273 international staff and 160 local staff.⁹² Although EUPOL is quite modest and mainly entails police training of a 'qualitative nature, targeting mid-to-senior-levels of management'⁹³ in Kabul, it does also consist of personnel working out in the provinces. According to Luis Peral:⁹⁴

The absence of a comprehensive EU-NATO agreement on the provision of security for EUPOL staff through ISAF, and their inability to formally exchange classified information, due to the different membership of the two organizations, has hindered closer cooperation between the EU and NATO in the critical Afghan theatre.

Afghanistan is a very bad example of EU-NATO 'complementarity' and the technical agreements for cooperation, unlike with Kosovo, were not even drafted.⁹⁵ In place of a political arrangement, the EU has had to negotiate 14 separate MOU's on the protection of its personnel. These MOU's are not between EU states and NATO, they are between EU and individual lead nations; a situation that is 'absurd'.⁹⁶ Most of the cooperation in the field takes place at 'donor meetings' where all the organizations involved in Afghanistan are able to gather. These meetings are used as forums for information exchange whereby all those in-theatre are aware of what each other are doing and of any potential threats in the area. You have a reality whereby cooperation in the field is open and transparent, but in Brussels it is all 'discreet and secretive'.⁹⁷ Furthermore, EUPOL staff is dependent on NATO for travel in and out of the theatre. For example, if a EUPOL head of mission needs to go to Kabul, they must take NATO flights. However, due to the current CoC, the EUPOL delegate is low on the priority list and may spend a day waiting for transport.

⁹² To view the EUPOL/Afghanistan Factsheet, please see:

http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/100218%20FACTSHEET%20EUPOL%20Afghanistan%20-%20version%2017_EN.pdf.

⁹³ Giovanni Grevi, Damien Helly and Daniel Keohane (eds), *European Security and Defence Policy: The first 10 years (1999-2009)*, (Paris: European Union Institute for Security Studies, 2009) p. 333.

⁹⁴ *ibid*

⁹⁵ Interview at NATO HQ 11-02-2010.

⁹⁶ Interview at NATO HQ 09-02-2010.

⁹⁷ Interview EU Commission 12-02-2010.

At the military level, commanders are working well in the field and those nation states that are disruptive in Brussels are fully aware that EUPOL and ISAF commanders are cooperating. However, without a formal agreement between the EU and NATO, EU personnel are unable to be included in the NATO's *Blue Force* tracking system. This system allows NATO to know where all of its personnel are at any given moment. Instead, they have had to arrange individual agreements with provincial reconstruction teams (PRT's) for their security when working outside of Kabul.⁹⁸ There is growing frustration from both staff and military personnel regarding this situation. Yet, as with Kosovo, there does not seem to be the level of frustration to overcome the political impasse. If the EUPOL mission consisted of 3,000 to 4,000 personnel, the situation could be different.

The various anti-piracy missions deployed in the Gulf of Aden are more international in design and through this international process, EU-NATO cooperation is more hidden and, therefore, more effective.⁹⁹ What this means is that the 'redlines' described above relating to the transfer of classified material do not necessarily apply. This allows sensitive intelligence to be passed from ship to ship and over the table. However, both NATO and the EU are conducting simultaneous operation in the Gulf and this does lead to a certain amount of competition.

The main issue facing those EU or NATO member states wanting to insert a ship into an operation is which organization to 'be nice to'.¹⁰⁰ Most of the states that are members of both organizations have chosen to operate under the EU ATALANTA flag, as this mission is much better resourced: more ships, better maritime patrol aircraft, and the legal arrangements with countries in the Gulf to transport captured pirates. The real issue is for the non-EU member states of NATO, particularly Canada and Turkey. They have chosen to insert ships into NATO's Ocean Shield because they will retain full command and control, unlike if they were to deploy in ATALANTA.

The main operational HQ is situated in Bahrain where there is both an EU and NATO presence. There is also a joint situation cell operating in Northwood, England where EU and NATO personnel are working in close proximity to one another. This is a kind of fusion centre where intelligence (provided mainly by the US) is collected and passed on from NATO to the EU. The UK seems to have the ability to ensure that all the various forces work together. Some have maintained that certain actors in NATO want to collapse its mission and let the EU operation perform on its own. This is mainly due to the fact that the number one priority for NATO is currently Afghanistan. The EU is seemingly dependent on NATO and unwilling to see this operation go. However, the fact remains that only a 'gentleman's agreement' underpins EU-NATO cooperation at all levels.

⁹⁸ Giovanni Grevi, Damien Helly and Daniel Keohane (eds), *European Security and Defence Policy: The first 10 years (1999-2009)*, (Paris: European Union Institute for Security Studies, 2009) p. 333.

⁹⁹ Interview at NATO HQ 10-02-2010.

¹⁰⁰ Interview at NATO HQ 09-02-2010.

Institutional Fatigue

The main section of this paper has tried to develop three arguments. First, it is due to the fixed positions of nation states more than the design of the EU and NATO as international organizations that prevent real cooperation or the advancement of a strategic partnership between them. Second, it is the military actors, either in the field or in the centre, that get the real business of EU-NATO cooperation done. To achieve this, they often have to go beyond the level of formal arrangements, especially when both organizations find themselves in common mission areas but without the Berlin Plus agreed framework for cooperation. Finally, since the EU enlargement of 2004, contacts between staff as well as experts have increased to try and ‘compensate but not substitute’ for the political deadlock.

This section argues that it is the latter level of actors who are most susceptible to institutional fatigue because it is their actions that are the most unrewarded and often fruitless. In other words, nation states go about the business of protecting the interests of nation states and military commanders often have no choice but to find solutions for cooperation when political arrangements are lacking; otherwise, there is the real danger of casualties. However, it is the international staff, those who work with the interests of their respective institutions in mind, which experience the least compensation for their efforts. This leads to fatigue, and given human nature, the understandable pursuit of alternative areas in which one can see their efforts rewarded in real policy outcomes.

To be sure, there have been concentrated efforts on behalf of nation states to overcome the political deadlock that hampers true EU-NATO cooperation. One example is the myriad of ‘non-papers’ that have circled within the permanent representations of both the EU and NATO in the last few years.¹⁰¹ Yet, none of this nation state diplomacy has managed to be successful to date. It would seem that for countries like Cyprus and Turkey, there is a priority issue of national security and a well-rounded functioning EU-NATO strategic partnership that is ‘seamless or complete’¹⁰², is just subsidiary to these interests. Neither side appears willing to negotiate unless solutions come in the form of a package deal; one that incorporates a resolution to the Cyprus issue and Turkish EU membership. Furthermore, the increased frustration to overcome this impasse emanating from states, experts, international staff, and especially commanders in the field, has not yet reached a crescendo that tips the balance in favour of this partnership. This leads to fatigue at even the state level as best exemplified by the stilted NAC-PSC meetings and the reduction of EU-NATO cooperation on the agenda of the informal ‘Transatlantic Events’.

Military personnel and especially the office of the DSACEUR have been instrumental in ensuring that political obstacles do not get in the way of cooperation on the ground. It has been helpful that those nation states that have been obstructionist in Brussels have also been willing to turn a blind eye to cooperation within common operational areas. But more significant is the common culture of EU-NATO military personnel. As mentioned above, the DSACEUR is ‘double-hatted’ as the lead commander for EU-led operations, and all common

¹⁰¹ There have been ‘non-paper’ proposals at overcoming the impasse circulated by the five Nordic countries, France, Greece, and Turkey in 2008/2009 alone. As yet none of these solutions have been adopted.

¹⁰² Taken from Ahmet Davutoglu’s (Minister of Foreign Affairs for Turkey) paper “Bridging an Unnecessary Divide: NATO and the EU”. Available at: http://www.iss.europa.eu/uploads/media/ISSues30_web.pdf.

EU-NATO member CHOD's are double-hatted in the EUMC, the NATOMC as well as most of the MILREPS. This leads to a common understanding, common expertise and the desire to get the job done on the ground. However, military personnel recognize that when you do not have agreements from the top-level down and you are forced to work with 14 separate MOU's or individual agreements between IO's and nation states, then this is all very time-consuming and there is always a problem or disconnect in terms of information and intelligence sharing. In a way, these commanders on the ground are fortunate that Kosovo is not extremely dangerous and that EUPOL is very modest in size, otherwise there would be a very real danger of casualties resulting from these *ad hoc* arrangements.

As with the military personnel, both experts and international staff have done a lot to circumvent political issues, while always working within their 'redlines'. This has its limits however. When always having to work within barriers that neglect the political translation of work, it is bound to lead to institutional fatigue. Furthermore, when political blockage restricts meetings at the highest levels, for instance between MOFA's and MOD's, it comes down to individual area-desks for exchanging information with either an EU or NATO counterpart. In the end, this leads to self-censorship and the rhythm of regular meetings will likely decrease if the perception is such that they are getting nowhere.

Although EU-NATO staff comments regarding the informal (and even formal) institutional cooperation have ranged from 'banalities' to 'welcomed cooperation', the truth is probably a mixture of both. If staffers merely exchange information and compare notes, but these meetings are 'chats only', and if much of EU-NATO business between staff and experts remains unofficial, it will be impossible to have 'concrete' outcomes rewarded in official policy. In this situation, a feeling of disillusionment is bound to set in.

Still another problem stems directly from the inability of NATO to pass classified documents to the EU outside of matters regarding BiH. As a result, some EU staff feel like cooperation is a one way street. Some have even gone so far as shutting down their cooperation until this issue is resolved. Due to fatigue, the unofficial line in the Commission is that they will not move until a grand bargain has been reached.¹⁰³ As one staffer at NATO put it, 'in the end you are either cynical and you think that if cooperation is a real problem, a solution has already been found. Or you are more realistic and you believe that the situation is still workable, still acceptable, and until there are casualties due to this disconnect, or a grand bargain is found, then people will work like this for weeks, months, or years'.¹⁰⁴

Thoughts on the Way Forward

Although it is becoming a somewhat hackneyed expression, we are living in an age where civilian and military instruments and capabilities go 'hand in hand'.¹⁰⁵ However, this does not make the statement any less true. Most commentators and actors (even those actors

¹⁰³ Interview EU Commission 12-02-2010.

¹⁰⁴ Interview at NATO HQ 10-02-2010.

¹⁰⁵ Fabrizio W. Lucioli, 'NATO-EU Relations: Present Challenges and Future Perspectives', Paper presented at: Netherlands Atlantic Association conference 'NATO's New Strategic Concept: moving past the status quo', The Hague, 27-28 May, 2009, p. 98.

not yet willing to see it go) agree that Berlin Plus is outdated and a straitjacket. In this sense, EU-NATO relations really are ‘stuck in the 1990s’. This final section comments on some recent proposals that have been put forward to reconcile EU-NATO differences and makes a number of recommendations of its own.

First, some have put forward the notion of a ‘Berlin Plus in Reverse’. This concept is based on the premise that NATO would be willing to lead a civil crisis mission utilising EU collective assets and capabilities. There are at least three problems with this idea. First, a Berlin Plus in reverse would be hostage to the exact same political setbacks as its military twin. Second, what this would really entail would be a much more developed relationship between the Commission (who have the money) and NATO which would be leading the operation. This is bound to aggravate an already troublesome internal turf battle between the Commission and the Council. Furthermore, there are those on both sides of the EU-NATO divide that do not want NATO participating in this type of mission as they see it as the sole competence of the EU. Leading on from this, there is still, as yet, no consensus within NATO to lead a civilian operation outside of the police training and security sector reform missions that it currently performs.

Others have suggested that instead of only fixating on a top-down grand bargain solution to EU-NATO co-operational problems, the focus should be much more bottom-up with an approach that envisions much more practical cooperation in the field. The main drawback to this argument is that it is no different from the current situation; it is the status quo. Although this is, in all likelihood, going to be the reality for some time to come, it is susceptible to the problems of institutional fatigue outlined above, especially at the level of staff to staff contacts. Therefore, a concerted effort must be made to overcome potential lethargy in this area. A few proposals are put forward.

First, there should be a concerted effort to hold more informal ‘transatlantic events’ and especially to design a similar format for MOD’s and MILREPS. They should be held with the understanding that EU-NATO issues will be a key part of the informal discussions. Second, Turkey must be invited to take part in individual projects of the European Defence Agency (EDA) initially, but with a view to giving them a full administrative arrangement in the near future. Furthermore, all non-EU contributors to ESDP missions should be given full participation rights within the Committees of Contributors for those operations in which they are engaged. Finally, there should be a standard framework arrangement that underpins all cooperation in the field between EU civil missions and NATO military missions and these issues should be addressed in NATO’s new strategic concept to be finalized later this year.

These proposals are intermediary at best and are intended to help take the small steps towards a *medium* bargain. David Yost¹⁰⁶ has correctly suggested that there are really only three solutions for obtaining a ‘grand bargain’. (1) Turkish membership in the EU, (2) the reunification of Cyprus, or (3) Cyprus becoming a member of PfP and signing a security agreement with NATO. It is the final option that is the most likely in the short to medium term. However, to achieve this, a *medium* bargain should be negotiated that encompasses Cyprus becoming a member of the PfP but balanced with Turkey’s administrative arrangements in the EDA, and full participation rights (along with Canada) in the Committee of Contributors for any mission in which they are currently engaged or plan to be in the

¹⁰⁶ David S. Yost, ‘NATO and International Organizations’ (Rome: NATO Defence College, 2007), pp. 93-94.

future. If need be, much of this could be worked out and agreed upon behind the scenes if it were to help facilitate progress. Not only would this help ease the deadlock of EU-NATO cooperation, it would likely go a long way towards the Turkish recognition of Nicosia that will have to necessitate any resolution of Cyprus or future membership of Turkey in the EU.

Conclusion

This paper has argued that it is the fixed positions of nation states more than the design of the EU and NATO as international organizations that prevent real cooperation; that military actors, either in the field or in the centre, get the real business of EU-NATO cooperation done, especially when there are no fixed agreements for cooperation; and contacts between staff as well as experts have increased to try and 'compensate but not substitute' for the political deadlock. However, there is a real concern that the lack of improvement in EU-NATO cooperation over such a sustained period of time will lead to institutional fatigue. Although no level of actor - state, international staff, or military - are immune to this difficulty, it has been argued here that the international staff are the most vulnerable.

There seems to be increasing calls from all sectors to address this issue and to look for various solutions to the problem. However, what is worrying is the lack of movement within the organizations themselves. Both the frustration and the solutions exist within EU-NATO institutions and the policy think tanks that surround them. Even those actors who have been the most obstructionist since 2003 have put forward non-paper policy solutions. However, the frustration does not yet seem sufficient to substitute the informal arrangements for more formal ones and to institutionalize those solutions that have been put forward to date. In other words, a big enough external shock (the resolution of the Cyprus issue or, potentially, deaths tragically occurring in the field which are attributable in some way to EU-NATO disconnect for example) has not yet transpired in order to change the current arrangements. This ties into a further puzzle, one that the researcher is attempting to answer elsewhere: why have sub-optimal arrangements continued to persist when they would seem to be so detrimental to the major actors involved?

The real worry is that no grand bargain will be reached until there is a resolution regarding Cyprus; one that encompasses all these issues in one package. For some it would seem that nothing is negotiated until everything is negotiated. But for those in the field depending on EU-NATO cooperation for their personal security, this may be too long of a wait. What is needed is a medium bargain that allows for cooperation to advance without giving away the negotiation chips that certain actors feel they must retain for future talks. What is clear, however, is that this will not happen if too much attention and fanfare is a part of the process.