

EU-NATO Relations: Time to Thaw the 'Frozen Conflict'

Stephanie Hofmann / Christopher Reynolds

The EU-NATO relationship has rightly been characterised as a 'frozen conflict'. With formal cooperation between the two organisations remaining highly restricted in scope, achieving a genuine strategic partnership has been fraught with difficulties. The seriousness of the problem is illustrated by ongoing diplomatic efforts seeking to lift Turkey's veto over the implementation of EU-NATO cooperation agreements ahead of the deployment of European Security and Defence Policy (ESDP) police missions alongside NATO military operations in Afghanistan and Kosovo. So what exactly is this 'frozen conflict' and what are the implications for the EU and NATO, both politically and 'on the ground'? Moreover, what can and should be done to move beyond the current impasse?

Twenty-one states are members of both the EU and NATO, pay dues to both organisations and are committed (to a varying degree) to both. And yet behind closed doors, significant amounts of time and energy are wasted when it comes to the planning and conduct of crisis management operations as well as to organising informal joint meetings whose only success is apparently to avoid discussing and taking decisions upon the issues that really matter. That this has been overlooked in public debates is illustrated by the fact that Jaap de Hoop Scheffer's Berlin speech in January 2007 was the first time that either side had formally admitted to the problem.

So how did we get here? Pre-ESDP, the informal division of labour between the EU

(economic power) and NATO (military power) largely rendered unnecessary any relationship between the two organisations. However, with the EU setting out to acquire military (and later civilian) crisis management capabilities, it directly challenged NATO's military mandate and competence. One NATO official pointed out that 'by definition, the ESDP had to be a problem for NATO'.

To manage this overlap—in membership and competence—some form of institutionalised arrangement was needed, particularly since both organisations relied on the same sets of national forces. Achieving a formal agreement, however, took far longer than had been expected.

Concluded over the course of 2002–2003,

the resulting 'Berlin Plus' agreements comprise a series of separate accords on the modalities and procedures through which the EU can undertake crisis management operations with recourse to NATO assets and capabilities as well as the exchange of confidential information, albeit only to states with a security agreement with the respective organisation.

Turkey's role proved to be a stumbling block throughout the negotiations. Fearing that it would be marginalised, and willing as it was to block EU access to NATO capabilities through its veto power in the Alliance, Turkey held out for a number of reassurances, including confirmation that the ESDP would not be used in its geographical vicinity without prior consultation, nor without inviting it to participate.

Hailed as a landmark agreement at the time, Berlin Plus conspicuously avoided the problematic questions of whether there should be a division of labour between the two organisations and whether either would have a right of first refusal over engagement in crisis management operations. It did, however, introduce the ever since contested concept of 'strategic cooperation' as a guiding principle of the EU-NATO relationship. Certain NATO member states understand every interaction between the EU and the Alliance as 'strategic cooperation' and to which only states with respective security agreements can be invited, while EU member states (admittedly to a greater and lesser degree) insist that the concept applies only to those instances where the Union has recourse to NATO assets and capabilities. All in all, allowing such concepts to remain ambiguous has enabled member states both to interpret and act upon them in different ways.

Differing visions of how to coordinate the EU-NATO relationship continue to be a matter of dispute. Such is the case with talk of a NATO 'right of first refusal', particularly in the UK and US, with the implication being that the EU should only act once NATO itself has decided not to. The statement that the ESDP would only be deployed

'where NATO as a whole is not engaged', reiterated by the EU at its Helsinki Summit in 1999, proved highly ambiguous in this regard, allowing the British Prime Minister to imply before parliament that this meant NATO would first have to decide not to act for the ESDP to become an option, while most other EU member states strongly denied that this would be the case.

Further debate has surrounded the question of a 'division of labour'. In order for the EU and NATO not to compete with each other, it has been suggested—by Jaap de Hoop Scheffer, among others—that there should be some sort of a functional distribution of tasks between them, with NATO perhaps assuming responsibility for high-intensity operations, and the EU for lower-intensity Petersberg Tasks. While no such division of labour has ever been formally agreed, it remains a bone of contention.

The EU-NATO Problem in Practice: The Scope for Formal Discussions

The Berlin Plus arrangements have therefore proven to be of only limited success in institutionalising EU-NATO relations, not least because certain EU member states, as well as non-member states, have actively sought to block the relationship from developing further. They have done so based on

1. different interpretations of the agreements' comprehensiveness in managing the EU-NATO relationship—something exacerbated by their ambiguity;
2. varying understandings of whether NATO has the 'right of first refusal' when it comes to crisis management operations and missions;
3. different ambitions for both organisations regarding a division of labour.

One therefore has to wonder whether, as one NATO official put it, the agreements were 'only a solution for a particular phase of the relationship'?

The Europeanists

Some Allied EU member states appeared to take such a view quite early on and soon pushed for the EU to gain greater autonomy from NATO. This was most manifest at the so-called Chocolate Summit in April 2003 when—with the Berlin Plus agreements just implemented and the EU on the cusp of taking over from NATO's Task Force Fox in the Former Yugoslav Republic of Macedonia (Operation Concordia)—France, together with Germany, Belgium and Luxembourg, proposed the creation of a permanent EU operational headquarters to be located at Tervuren, Belgium. This 'EU SHAPE' did not materialise, however, primarily due to British concerns regarding EU-NATO duplication and the belief that an autonomous EU planning-structure was unnecessary given the existing Berlin Plus arrangements. This suggests that one of the crucial players in the ESDP, the UK, is acting upon an implicit division of labour under the assumption that if the EU acts autonomously, it should engage only in low-intensity crisis management. It also reinforces the view that France and other Europeanist member states want to keep NATO at 'arm's length' lest it, as RAND's Bob Hunter put it, 'unduly influence EU policy and decisions.'

Confronted with two contrasting interpretations of what the ESDP should encompass and be able to do, EU member states agreed to a compromise which resulted in the creation of a Civilian-Military Cell inside the EU's Military Staff (EUMS) and a small-scale Operations Centre (OpsCen) with a limited number of permanent staff, as well as coordinating liaison teams across the two organisations (NATO's International Military Staff to EUMS and EUMS at SHAPE). The Operations Centre has been operational only since January 2007, while the Civilian-Military Cell began its work in 2005.

The addition of these new bodies to the ESDP's institutional architecture means that the EU now has three possibilities for conducting an ESDP operation:

1. under Berlin Plus, thereby using NATO planning and operational headquarters at SHAPE (the liaison teams would improve their coordination in such cases);
2. autonomously, using an earmarked national operation headquarters (OHQ), of which there are currently five: those of France (Mont Valérien), Germany (Potsdam), Greece (Larissa), Italy (Rome) and the UK (Northwood). Such OHQs are best equipped for low-intensity crisis management operations, however;
3. autonomously, using the Civilian-Military Cell and an augmentation of the OpsCen (up to a maximum of 89 staff). This would be sufficient for operations up to battalion size (approx. 2,000 troops).

The Turkey-Cyprus Question

While Turkey only agreed to the implementation of the Berlin Plus agreements in the spring of 2003, for the following year the formal EU-NATO relationship functioned comparatively smoothly on the political-strategic level. A range of topics could be discussed between the two institutions through their 'strategic cooperation', and the presence of non-allied EU member states—namely the 'ex-neutrals' of Austria, Ireland, Finland and Sweden—was unproblematic since each had already concluded security arrangements with NATO through membership in its Partnership for Peace (PfP) programme.

With the EU accession of Malta and, more particularly, Cyprus in 2004, however, a new problem was encountered. In contrast to the other acceding states, Malta and Cyprus were neither members of the Alliance, nor participants in PfP (although Malta had joined back in 1994/5 only to subsequently withdraw). Consequently, neither had a security agreement with NATO to receive Alliance documents. With the Annan Peace Plan having been rejected on the eve of Cyprus' accession to the EU, and Turkey's concomitant refusal to recognise Cyprus diplomatically, the wording of

the Berlin Plus agreements came back to haunt the EU by enabling Turkey to block the sharing of NATO security information with Cyprus and Malta and the formal discussion of any matters of 'strategic cooperation' in the presence of the two. For its part, Cyprus objected to the EU formally discussing any issues with NATO other than Berlin Plus operations when it and Malta were not present. This 'double veto' has had two practical consequences: Firstly, it has meant that formal EU-NATO meetings take place 'within the agreed framework', which is to say without the presence of Cyprus and Malta. And secondly, it has meant that the agenda of such meetings is limited solely to issues relating to Berlin Plus operations (currently only Operation Althea). The formal discussion of much broader issues of common concern, such as Afghanistan, Kosovo, terrorism or the proliferation of weapons of mass destruction, is therefore not possible.

The problem runs deeper, however, since certain other EU member states have used the Turkey-Cyprus dispute and the resulting 'frozen' relationship between NATO and the EU as a cover for their own broader policy ambitions. This is the case most particularly with France (although other states hide behind its position), which appears content to use the breakdown of EU-NATO relations to push for the EU to be the primary actor in regard to crisis management as well as to seek to restrict NATO's role solely to that of collective defence.

What should therefore be relatively routine activities, such as the exchange of documents or the conduct of joint crisis-management exercises, have instead become highly complicated affairs and progress is routinely blocked. Plans for a joint EU-NATO Military Exercise later this year, for example, were dropped after the two organisations could not even agree on a scenario, while the application by both the North Atlantic Council (NAC) and the Political and Security Committee (PSC) of case-by-case unanimous decision-making on

the release of documents has meant that member states in both organisations have been able to stifle cooperation by vetoing the release of documents from either side to the other.

The Status Quo: How Is Coordination Taking Place in Practice?

At the Political Level

One of the most interesting facets of EU-NATO relations, however, is how the imperative of coordination has proven to be a stronger force than that of the willingness of certain member states to block the development of a functioning relationship between the two organisations. Certainly NAC-PSC meetings, despite the best efforts of the respective secretariats, have proven to be a weak method of coordination, given the formal constraints imposed by the restricted participation, narrow agenda and recurrent cancellation of meetings. Thus, in order to circumvent them, new, *informal* channels have emerged in an attempt to engage both organisations in dialogue, albeit on an infrequent and case-by-case basis.

The principle value of such informal meetings is that, for all intents and purposes, they do not exist. With no published agenda, no minutes, no communiqué, and no formal decision-making powers, they enable EU and NATO member states to openly discuss issues of mutual interest, yet essentially without having to admit to having done so. This means that they should not, formally speaking, pose a problem for countries such as Cyprus or Turkey (since there is no formal acknowledgement that either has attended a meeting at which the other was present). However, because they are informal, they also allow certain member states—France especially—to argue that the issues at stake are too important to be discussed in such a forum. This results in a vicious circle: at times, Cyprus and Turkey block formal meetings; at others, France the informal meetings.

When they do take place, however, informal meetings occur in one of three formats:

1. NAC-PSC meetings
2. EU-NATO Military Committee (MC) meetings
3. EU-NATO Foreign Ministerial meetings

The informal NAC-PSC meetings have thus far been dedicated to discussing Darfur (June 2005, April and May 2006) and Kosovo (February 2007), while the joint Military Committee meetings also addressed Darfur (June 2005 and April 2006). The so-called Transatlantic Dinners comprising of EU-NATO Foreign Ministers, which have thus far taken place four times, also constitute a broader EU-NATO dialogue even though they are not dedicated solely to that theme: The Transatlantic Dinner held in Brussels in December 2005, for example, only discussed the question of CIA renditions.

It is doubtful, however, that the use of such informal and indeed infrequent institutional mechanisms to discuss and resolve formal coordination and cooperation problems is an effective solution to the wider EU-NATO 'problem'. One Canadian official argued that 'an informal solution is no solution', while a NATO official said that the current arrangements are 'sub-optimal, to put it mildly.' This suggests that these informal meetings do not represent a suitable working arrangement in the long run. With no formal meetings taking place, no formal decisions can be taken and no strategic coordination can take place. This places clear limits upon what the two organisations can agree to do together as well as to the kind of routine cooperation and consultation that they can engage in. Without formal agreements—on the exchange of documents or the undertaking of coordinated operations on the ground, for example—such questions become complicated and highly political affairs. Even organising an informal meeting can be an arduous task and requires high-level engagement and pressure from both sides

in order that Turkey and Cyprus give their consent.

At the Military-Strategic Level

Established as a result of the Chocolate Summit compromise, the respective permanent liaison teams at both SHAPE and the EUMS—consisting of military officials from each organisation being placed within the working structures of the other—are ostensibly intended to ensure better coordination, particularly in operational terms. That said, the blockage on the release of documents between the two organisations clearly impedes this work and their effectiveness remains limited, again for political reasons. An obvious example of the problem was when, in 2006, member states charged the two respective joint liaison teams with drafting a joint 'stock-taking' report on their activities. The resulting document, even after much watering down on both sides, proved to be so politically sensitive that it never saw the light of day: The presentation of the NATO document to the Alliance's military committee in January 2007 was met with a French veto over its release to the EU, while an EU meeting the following day to discuss the corresponding EU draft was concluded with a French veto over the release of the document to NATO. France's justification? That since NATO refused to release documents to the EU, then the EU should do the same to NATO.

Yet the question remains: How can an EU officer be expected to effectively coordinate with SHAPE, and vice-versa, if he can only handle documents on a strictly case-by-case basis? Again, the solution appears to be informal. As is the case with staff on the ground in crisis areas, liaison teams exchange documents between themselves informally, given the blockage at the formal (political) level. Documents are therefore instead exchanged between liaison officers and within administrations, that is, German military officials based at the EU will receive NATO documents via

their German counterparts at NATO. Indeed, the two branches are even based in the same building at NATO HQ.

On the Ground/In Operation

Where NATO and the EU are both deployed, military officials seek to ensure that the relationship between the two organisations is as effective as possible, even though they are bound by the political mandates handed to them by their respective political leaderships. Such officials have freely admitted that their operational work is impacted by the EU-NATO 'frozen conflict'. Not only have NATO and the EU not agreed on any conceptual delineation of civilian and military operations—as can be seen in the recent discussions about ESDP police missions in Afghanistan and Kosovo—but the drafting of EU-NATO 'lessons-learned' documents, which would normally be standard practice after any military operation, is hindered since any conclusions that might be perceived as a 'victory' for one vision of EU-NATO relations or the other must invariably be watered down or deleted.

If there is a benefit for operational commanders which stems from the blockage at the political level, however, it is that they are more likely to be charged with reaching satisfactory outcomes amongst themselves. This was the case in Bosnia and Herzegovina, where member states on both sides realised that while a delineation of tasks between NATO and the EU 'on the ground' was required, this could not be achieved at the political level. It was therefore agreed to charge the respective force commanders with reaching such an agreement amongst themselves. Compelled to find a satisfactory arrangement, and perhaps also based on the fact that both force commanders were British, an acceptable bottom-up solution ensued which was later formalised in an exchange of letters and approved by both the North Atlantic Council and the EU's General Affairs and External Relations Council. It is not yet clear if the same will

apply to the ESDP missions in Kosovo and Afghanistan: While the NAC and PSC met informally to discuss Kosovo at the end of February 2007, they have not yet managed to agree on how to delineate the EU's police missions from NATO's military operations, nor on codes of conduct. With the EU's 160-strong EUPOL Afghanistan mission now underway, diplomats in Brussels remain nervous regarding how coordination will work on the ground.

Perspectives and Prospects

It is clear from the above that reconciling the arrival of the ESDP with the established presence of NATO has been a constant pre-occupation. It has also been further complicated by the fact that both actors clearly aspire to a global role. With NATO now employed 'out of area' and the EU already having undertaken military crisis-management operations as far afield as sub-Saharan Africa and civilian missions in South-East Asia, the functional and geographical overlap between the two organisations has only increased over time. But is the current situation sustainable? One national official suggests that it is, simply because most future EU operations will, in any case, be of a civilian rather than military nature and hence will not *a priori* require an EU-NATO dialogue based on Berlin Plus.

There are at least two caveats to this, however. The first is that Turkey argues that even in situations where both organisations are deployed in the same theatre but conducting different operations, such as in Afghanistan or Kosovo, the relationship between the two organisations should be considered as 'strategic cooperation' and therefore be conducted through the Berlin Plus agreements. This is based on the claim that since NATO clears the theatre for an EU police mission to enter, the EU ultimately relies on NATO assets and capabilities. Such a claim is nevertheless clearly aimed at maximising Turkey's leverage over the ESDP more generally. While in such

cases it cannot block the EU's activities *per se*, Turkey can nonetheless aggravate the relationship between the EU and NATO by obstructing initiatives such as the definition of police and military missions.

The second caveat is that since its Riga Summit in 2006, NATO has been working on a 'Comprehensive Security Approach' that brings together elements of both civilian and military crisis management. This was borne of experience in Afghanistan, where certain NATO members have combined both civilian and military specialists as part of their Provincial Reconstruction Teams (PRTs). Hence even if Berlin Plus is not the guiding principle for future missions, the questions about who will be involved, where, when and with what mandate will remain.

The above suggests that there are no easy fixes to increasing efficiency between the two organisations at both the political-strategic and military levels. But the problem is real and has an obvious and continuing impact upon the proper functioning of each organisation's crisis-management activities. So how to move forward?

Addressing the Turkey-Cyprus Problem

In the first instance, the Turkey-Cyprus dispute needs to be much more actively addressed. A lifting of the 'double veto' would not in itself be a panacea for the wider problems in the EU-NATO relationship, but being able to meet formally and discuss matters of joint interest would allow for clearer definitions of mandates and responsibilities.

The complication, of course, is that the Turkey-Cyprus dispute is not simply about security agreements: It is about the future of a divided island as well as Turkey's long-term relationship with the European Union. Admittedly, Turkey and Cyprus have agreed on a case-by-case basis—if only intermittently—to infrequent informal EU-NATO meetings. But without implementation of

the Annan plan, or some variant thereof, it remains unlikely that either side will agree to anything more institutionalised. Indeed, as long as Turkey remains unwilling to recognise the state of Cyprus, substantive progress seems unlikely.

That said, smaller and more immediate steps could be taken towards this goal in line with recent proposals from the International Crisis Group. On Turkey's side, for example, more efforts could be made to fully implement its Customs Union with the EU and, in so doing, open Turkish ports and airports to Cypriot-registered vessels. The EU, for its part, must deliver on the aid packages that it has promised to Northern Cyprus, as well as move forward with opening up to trade with the North. Further moves from the Turkish side might centre on a symbolic reduction in the number of Turkish troops stationed in the North in return for a clear articulation from Cyprus of its precise grievances with the Annan plan so that they can be addressed. Such concessions are needed—as much as anything—to restore faith in the island's stalled peace process. Movement from one side, however, will clearly have to be immediately reciprocated by the other.

Leadership

Active leadership will be a key factor in moving forward. And with Finland's committed engagement during its Council Presidency having ultimately come to nothing, it may well be that the degree of engagement forthcoming from the EU's 'Big Three' will prove to be crucial. But here is another problem: Although it was British engagement which led Turkey to drop its earlier veto over Berlin Plus, one official described the current position in London as one of 'realistic non-engagement.' Apparently not seeing any prospects for success, and with Blair standing down this June, the UK appears to have instead chosen to watch from the sidelines. The situation in France is little better. With Franco-Turkish relations already at a low following French

parliament controversial vote on Armenian genocide denial, and with Nicolas Sarkozy having won few friends in Ankara as a result of his open opposition to Turkish EU membership, it would be highly surprising to see France take the lead here, particularly given its apparent lack of interest in a functioning EU-NATO dialogue anyway. Which leaves Germany. And although the current coalition government is divided on the question of Turkish EU membership, greater German engagement could be well-received. Admittedly, the current upheaval in the UK and France, as well as forthcoming presidential elections in Turkey, means that Germany's EU Council Presidency may well have come six months too early.

However, when the political circumstances allow for it, the creation of a quartet is conceivable, whereby the Secretary General of NATO, the EU's High Representative and perhaps two lead nations would seek to engage Cyprus and Turkey and move matters forward. This must take place at the highest level; with everyone from desk officers through to ministers and three-star generals currently at a deadlock, it seems that only the involvement of Heads of State and Government is likely to be successful.

Addressing the Different Visions of EU-NATO Relations

Even if the Turkey-Cyprus issue were successfully resolved, the broader philosophical differences among EU and NATO member states regarding the relationship between the two organisations would remain. And this makes such a problem even more difficult to solve. Certainly there is no one particular solution, but a number of measures might be considered.

No Division of Labour

In the first instance, any talk of a fixed or permanent division of labour between the two institutions needs to be abandoned. Instead, any delineation of tasks should

occur solely on a case-by-case basis. To limit the ESDP to purely civilian or lower-end military tasks would be to overlook one of the core reasons that it was established in the first place: that is, to be able to act across the military spectrum in the event that US leadership through NATO should not be forthcoming. Tellingly, ESDP's first capability target was the Helsinki Headline Goal, which is to say a force of between fifty and sixty thousand troops, rather than the later and smaller Battle Groups initiative or indeed the Civilian Headline Goal. The EU needs to aspire, if only eventually, towards undertaking the whole range of crisis management operations, from lower-end policing and civilian operations to, ultimately, robust and larger-scale military deployments. Thus there should not be an artificial 'upper limit' placed on the EU's ambitions.

That said, the continued weakness of European military capabilities means that the status quo of what is a widely understood if not articulated *informal* division of labour between the EU and NATO is likely to prevail for the time being since the EU remains far from being able—or indeed willing—to engage in high-intensity military operations. Therefore, a functional division of labour between the EU and NATO will, at least for the foreseeable future, occur by *default*, rather than *design*.

Meanwhile, any talk of a geographical division of labour must be regarded with suspicion. Certainly the EU is far more likely to deploy in some parts of the world than is NATO (in Africa, for example), and indeed vice-versa, but both sides should be cautious of this ever translating into something more formalised, which would invariably smack of the 'sphere of influence' politics of the last century.

Shared Right of Initiative

Should both the EU and NATO seek to become engaged in a crisis area—as has been the case in Darfur, and will be the case in Afghanistan and Kosovo—each organisa-

tion ought to retain a right of initiative 'on an equal basis' and a delineation of concrete tasks between them should occur on a purely case-by-case basis. In order for such an understanding to be institutionalised, a joint agreement stating that, in principle, both organisations maintain an equal right of initiative across the whole range of crisis management operations could represent a useful *end point*. Both organisations would benefit, with the EU's ambition to develop capabilities for higher-intensity operations and NATO's ambition to develop more civilian capabilities both being recognised in principle.

With such an agreement in mind, those states seeking a better working relationship between the two organisations should work towards the definition and delineation of military and police missions as well as the elaboration of a common code of conduct, should both organisations be deployed in the same operational theatre. This would represent a significant improvement since, as things stand, the EU and NATO cannot even discuss and agree on technical issues most of the time. As one NATO official pointed out, the danger is that a German KFOR soldier ends up deployed alongside a German EUFOR soldier, yet when a riot breaks out, both are faced with different rules of engagement.

Increased Communication and Coordination

There is also a clear case—and need—for increasing communication between different actors both before and during crisis management operations. In line with this, the EU has to find a way to communicate more coherently with NATO. With NATO just as likely to find itself deployed alongside European Commission resources as those of the ESDP, its interest in engaging in coordination beyond that which it currently undertakes with the Council Secretariat is self-evident. Afghanistan is a case in point: With Commission resources contributing to aid and reconstruction, and

NATO engaged in military (combat) operations as well as with the PRTs, clearly the danger is that poor coordination could lead to one undoing the work of the other. Better (informal) channels of communication could be established through which the Council and the Commission could agree on a common line as to how to approach NATO. And the Alliance has to recognise that, while it has to cooperate with the Commission or the Council on the ground, it cannot play one side off against the other on the political level.

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