THE LISBON TREATY AND ITS IMPLICATIONS FOR THE COMMON SECURITY
DEFENSE POLICY IN THE LIGHT OF THE EMERGING STRATEGIC
PARTNERSHIP BETWEEN NATO AND THE EU

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14. ABSTRACT

Common Security and Defense Policy (CSDP) of the European Union (EU) is the most dynamic concept promoting further European integration. Implementing the Lisbon Treaty has implications on the CSDP and subsequently impacts on the EU relationship with NATO. The study analyzes the Treaty and assesses whether its changes will promote a complementary relationship between both organizations by focusing on the impact of the Treaty for the strategic orientation of CSDP, for its institutions, and for military capability development. The most significant outcomes in these three areas are the following. First, the EU missed the chance to resolve the Union's lack of strategic culture, which hinders the Union's ability to carry forward its CSDP more progressively. On the political level, a major obstacle for a strategic partnership with NATO remains the unsolved Cyprus conflict. Second, the study sees great potential of the adapted and streamlined institutional level of CSDP for cooperation with NATO. Third, in respect to military capability development, the study calls for promoting the elevated European Defence Agency for future armament cooperation and using its great potential to accelerate European military capability development and to remove obstacles for a strategic partnership between NATO and the EU.

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ABSTRACT

THE LISBON TREATY AND ITS IMPLICATIONS FOR THE COMMON SECURITY DEFENSE POLICY IN THE LIGHT OF THE EMERGING STRATEGIC PARTNERSHIP BETWEEN NATO AND THE EU, by MAJ (GS) Andreas Christoph Winter, 129 pages.

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ACRONYMS

C4ISR	Command, Control, Communications, Computers, Intelligence, Surveillance, Reconnaissance
CFSP	Common Foreign and Security Policy
CIVCOM	Committee for Civilian Aspects of Crisis Management
CMPD	Crisis Management and Planning Directorate
CPCC	Civilian Planning and Conduct Capability
CSDP	Common Security and Defense Policy
DCI	Defense Capabilities Initiative
EC	European Communities
EDA	European Defence Agency
EEAS	European External Action Service
ESDI	European Security Defense Identity
ESS	European Security Strategy
EU	European Union
EUBG	European Battle Group
EUMC	EU Military Committee
EUMS	EU Military Staff
HG 2010	Headline Goal 2010
HHG	Helsinki Headline Goal
HR	High Representative of the EU for Foreign Affairs and Security Policy
NATO	North Atlantic Treaty Organization
NRF	NATO Response Force
PCC	Prague Capability Commitment

PSC	Political and Security Committee
PSCD	Permanent Structured Cooperation in Defense
SC	Strategic Concept
US	United States
UK	United Kingdom
WEU	Western European Union

CHAPTER 1

INTRODUCTION

America and Europe together are the axis of global stability, the locomotive of the world's economy, and the nexus of global intellectual capital as well as technological innovation. Just as important, they are both home to the world's most successful democracies. How the U.S.-European relationship is managed, therefore, must be Washington's highest priority.[1]
— Former U.S. National Security Advisor Zbigniew Brzezinski

More Europe is not a strategy directed against anyone. No one has any reason to fear Europe, but everyone should be able to depend on Europe.[2]
— Federal Minister of Foreign Affairs of Germany Guido Westerwelle

Introduction

The political situation for Europe changed dramatically after the breakup of the

Soviet Union and led to comprehensive economic and diplomatic integration of European

countries. Today, the European Union (EU) seeks to extend this integration by

implementing a Common Foreign and Security Policy (CFSP) as well as a Common

Security and Defense Policy (CSDP).[3] The EU issued its own European Security Strategy

(ESS) and aspires to act not only with civil means in crisis management operations, but

also militarily to take more responsibility in areas that threaten common interests.[4]

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[1]Zbigniew Brzezinski, "An Agenda for NATO–Toward a Global Security Web," *Foreign Affairs* 88 no. 5 (September/October 2009): 69.

[2]Guido Westerwelle, quoted in Robert Hunter and Sven Biscop, "The United States, NATO and the European Union: Partnership in the Balance," *Atlantic Council Issue Brief* (February 2010): 3.

[3]Until implementing the Lisbon Treaty in December 2009, CSDP was known as European Security and Defense Policy. Both terms can be used synonymously.

[4]The number of EU-led military and civilian operations is truly significant. Since 2003, the EU has undertaken twenty-four engagements in the framework of CSDP: seven

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However, many non-EU members fear that the desire to be capable of independent military operations will further weaken the main institution that provides security for most European countries, the North Atlantic Treaty Organization (NATO).[5] NATO already struggled to define its role after the fall of the Iron Curtain eliminating the main threat for the organization. The Alliance had to adapt to the new challenges, as revealed by the Balkan Wars in the 1990s and the terrorist attacks on the World Trade Center. The consequences of 9/11 were tremendous for NATO. The Alliance had to transform its large, conventionally focused units to fight a Cold War into agile and deployable expeditionary forces to meet the new threats. Thus, the NATO member states decided to build up rapid, high readiness and world-wide deployable forces to fulfill their responsibilities and to increase particularly European contribution to the organization. Furthermore, the alliance reached out to the east: Poland, Bulgaria, and Albania–among other countries–joined NATO in 1999, 2004, and 2009. With this outreach, NATO nearly doubled the number of members in barely ten years. However, European countries have not yet aligned their efforts and resources to support the Alliance sufficiently; NATO still remains heavily dependent on United States' (US) forces and capabilities.

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military and seventeen civilian/civilian-military operations with over 20,000 personnel deployed. Fourteen of these operations are still ongoing; ten were successfully accomplished as of October 2010. See: Sven Biscop and Jo Coelmont. Egmont Paper No. 37, "A Strategy for CSDP–Europe's Ambitions as a Global Security Provider," Royal Institute for International Relations (October 2010): 8, http://www.egmontinstitute.be/paperegm/ep37.pdf (accessed 11 October 2010); LTC (GS) Peter Fischer, "European Security and Defense Policy (ESDP) After Ten years-Current Situation and Perspectives" (Monograph, School of Advanced Military Studies, Fort Leavenworth, KS, 2010), 26, 52, and 53.

[5]NATO is also often referred to as the "Alliance." Both terms will be used synonymously in this thesis.

The conditions in foreign and security policy in the world have significantly changed in the last twenty years, particularly for NATO and the EU. Both organizations still adapt to meet today's challenges in international security and their members agree that a strategic partnership between both organizations is the key to achieve this.[6] How this shall be implemented though is undetermined yet and national political decisions as well as the attitude of both organizations remain sometimes counterproductive to such a partnership.

<u>Background</u>

The European Integration

The fall of the Iron Curtain in 1989 accelerated Europe's integration process dramatically. At that time, the EU literally did not exist. Until 1992, western European countries mainly focused on general economic co-operation and free trade, nuclear energy co-operation, and a consolidation of European coal and steel industries. In these three areas the European countries established international institutions, referred to as the European Communities (EC): the European Economic Community, the European Atomic Energy Community, and the European Coal and Steel Community. Besides these economic initiatives, European countries agreed to a defense arrangement, the Western

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[6]That a strategic relationship between EU and NATO is needed was common sense in EU countries as early as 2003. Today countries of both organizations agree that a strategic partnership is needed to meet today's challenges in international security. See: European Union, *A Secure Europe in a Better World–European Security Strategy* (12 December 2003), 9, and 12, http://www.consilium.europa.eu/uedocs/cmsUpload/ 78367.pdf (accessed 11 September 2010); NATO, "Strasbourg/Kehl Summit Declaration," *Press Release* 044, 4 April 2009, http://www.nato.int/cps/en/ natolive/news_52837.htm?mode=pressrelease (accessed 9 August 2010), paragraph 20.

European Union (WEU).[7] The WEU, formed in 1948, was the "first attempt at a common

European defense alliance,"[8] but was stillborn one year later due to the forming of

NATO.

Signing the Treaty of Maastricht in 1992, the members of the EC decided to

merge the EC into the EU and to expand the level of co-operation among the members.

Between 1992 and 2009, the EU was described by three pillars: the first and strongest

pillar represented the original EC and was characterized by supranational treaties. The

second and third pillars represented the CFSP and the Justice and Home Affairs, which

was later transferred into Police and Judicial Co-operation on Criminal Matters.[9]

However, in the Union's early years, the Yugoslavia Wars in the Balkans

demonstrated that economic prosperity and power alone could not prevent conflicts in

Europe and that EU members were unable to resolve crises without external assistance.

NATO's intervention in Bosnia clearly revealed the imbalance between Europe and the

US regarding their military capabilities. As a result, the US President Clinton's

administration favored creating a European pillar within NATO, referred to as the

European Security Defense Identity (ESDI).[10] The ongoing conflicts in the Balkans made

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[7]The member states of the WEU (modified Brussels Treaty of 1954) were: Belgium, France, Germany Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, and United Kingdom.

[8]Margarita Mathiopoulos and István Gyarmati, "Saint Malo and Beyond–Toward European Defense," *Washington Quarterly* (Autumn 1999): 65, http://www.twq.com/ autumn99/224Mathiopoulos.pdf (accessed 6 July 2010).

[9]This was implemented by the Treaty of Amsterdam in 1997.

[10]See Europa, *European Security Defense Identity*, 2010, http://europa.eu/scadplus/glossary/european_security_defence_identity_en.htm (accessed 6 July 2010).

Europe's inability to mount independent military operations increasingly clear. The Europeans soon realized that under these circumstances any political decision on European defense cooperation would always require de facto US approval.[11]

Consequently, the British-Franco Saint Malo initiative of 1998 "proposed that Europe's joint defense [should] be handled through the EU"[12] rather than be represented through ESDI within NATO. The initiative was launched to increase Europe's military capacity and to correct imbalances in Euro-American security operation. It is "often referred to as the 'birth certificate' of the [CSDP]."[13]

Only three years later, the Treaty of Nice reformed the institutional structure of the EU. The most important innovation was the introduction of quality majority instead of unanimity voting. The new voting system mainly applies to technical questions; unanimity voting still remains for addressing important issues of particular member state interests, such as security policy affairs.

In 2004, the members established a European constitution, but the Treaty was not ratified due to referendums in France and Luxembourg. The proposed change was finally

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[11]The Kosovo conflict in 1998 did not only demonstrate European inability to react without massive US engagement, it also convinced Europeans that they must be capable to provide security in the geographical realm of the continent in future, in particular if the US does not want to be engaged. Consequently, the Kosovo conflict was one major contributing factor to the British shift in attitude towards European Defense within the EU rather than ESDI within NATO (the St. Malo initiative). See: Mathiopoulos and Gyarmati, 66, and 68.

[12]Ibid., 67.

[13]Asle Toje, Occasional Papers No.74, "The EU, NATO and European Defence– A Slow Train Coming," European Union Institute for Security Studies, December 2008, http://www.iss.europa.eu/uploads/media/OP-74.pdf (accessed 10 April 2010), 11.

implemented by the reform Treaty of Lisbon in 2007,[14] which eventually merged the EC

into the EU. With ratification of the Lisbon Treaty, the EU assumed the functions of the

WEU,[15] which was eventually dissolved and integrated into the EU on 31 March 2010.[16]

Due to the huge impact of the Lisbon Treaty, the three pillar model that described the EU

became obsolete. After a tremendous effort of European integration since 1992 the EU is

today best described as an international organization of countries, bound through a hybrid

system of supranational institutions and intergovernmental treaties. The most important

organizations representing the EU are the European Council, the Council of the EU, the

European Commission, the Parliament, the Court of Justice, and the Court of Auditors.[17]

The North Atlantic Treaty Organization

The final breakup of the Soviet Union in 1991 changed the situation for NATO

decisively. The direct threat, the reason why the Alliance was once founded, disappeared.

NATO successfully deterred the massive conventional threat posed by the Soviet Union

and the Warsaw Pact. But after the fall of the Berlin Wall in 1989, NATO struggled to

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[14]The treaty was greed signed by the member states on 13 December 2007 and eventually implemented on 1 December 2009. The text of the Treaty can be found under http://www.consilium.europa.eu/showPage.aspx?id=1296&lang=EN.

[15]The WEU dissolved almost unseen. See Die Zeit, *WEU beschließt Auflösung– Ende des Kalten Krieges,* 1 April 2010, http://www.zeit.de/newsticker/2010/4/1/iptc-bdt-20100401-20-24392640xml (accessed 6 July 2010), 1.

[16]See Western European Union, *Statement of the Presidency of the Permanent Council of the WEU*, 31 March 2010, http://www.weu.int/Declaration_E.pdf (accessed 10 April 2010).

[17]See European Union, *Institutions and Other Bodies,* 2010, http://europa.eu/institutions/inst/comm/index_en.htm (accessed 3 July 2010).

define its role in a unipolar or multipolar world.[18] The violent conflicts in former

Yugoslavia between 1991 and 1995 and the Kosovo War from 1998 and 1999 caused a

change in NATO's strategic orientation. The Alliance issued a new Strategic Concept

(SC) in Washington in 1999, which defined wider security risks for the Alliance and

aligned the organization more globally in security matters.[19] But issuing a new strategy

was only one side of the coin. The European armies were still structured and equipped to

fight the Cold War on the plains of Europe. Thus, during the Washington Summit, the

political leaders endorsed the Defense Capabilities Initiative (DCI), an effort to "ensure

the effectiveness of future multinational operations across the full spectrum of Alliance

missions in the present and foreseeable security environment with a special focus on

improving interoperability among Alliance forces."[20] Two years later, the 9/11 events

forced Americans and Europeans to respond together. The resolute reaction in the

aftermath of the terrorist attacks demonstrated that NATO is capable and willing to make

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[18]The question, whether we live today in a unipolar or multipolar world order shall not be discussed here. To get further information on this issue see Frank Umbach, "Multipolarität gestalten?" *KAS-Auslandsinformationen* No. 7 (Berlin: Konrad-Adenauer-Stiftung, 2006), 80-101, http://www.kas.de/wf/doc/kas_8895-544-1-30.pdf (accessed 10 April 2010).

[19]"Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources." NATO, *The Alliance's Strategic Concept*, 24 April 1999, http://www.nato.int/cps/en/natolive/official_texts_27433.htm?selectedLocale=en (accessed 20 April 2010).

[20]NATO, *Defence Capabilities Initiative (DCI) Overview*, *Fact Sheets,* December 1999, http://www.nato.int/docu/comm/1999/9912-hq/fs-dci99.htm (accessed 5 July 2010), 1.

decisions when threatened. The declaration of collective defense[21]--for the first time in

NATO's history--was a clear sign to the world that the Alliance is willing to react and

fight terrorism globally. The 9/11 events and the following war in Afghanistan made the

gap between US and European military capabilities even more visible. During the 2002

Prague Summit, the Alliance agreed upon improving their military capabilities in eight

specified areas.[22]

This initiative became known as Prague Capability Commitment (PCC) and

focused on enabling European military to participate in expeditionary wars.[23] But

defining the military gap was not the only outcome of the Prague Summit. Prior to the

summit, the US Secretary for Defense, Donald Rumsfeld, had proposed a NATO rapid

reaction force. According to this proposal, the nations introduced at Prague the high

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[21]On the evening of 12 September 2001, less than 24 hours after the attack, the Allies declared that they would invoke Article 5 of the Treaty, if it were clear that the attack was directed from abroad. On 2 October 2001 the Council determined–on the results of the investigation of 11 September attacks–that the attack was directed from abroad and invoked measures to support the United States two days later. See NATO, *Topic: NATO and the Fight Against Terrorism,* http://www.nato.int/cps/en/natolive/topics_48801.htm (accessed 14 March 2010).

[22]These areas are: (1) Chemical, biological, radiological, and nuclear defense, (2) Intelligence, surveillance, and target acquisition, (3) Air-to-ground surveillance, (4) Command, control and communications, (5) Combat effectiveness, including precision guided munitions (PGM) and suppression of enemy air defenses, (6) Strategic air and sea lift, (7) Air-to-air refueling, and (8) Deployable combat support and combat service support units. See NATO, *Prague Summit Declaration,* 21 November 2002, http://www.nato.int/docu/pr/2002/p02-127e.htm (accessed 20 April 2010), 1.

[23]The following Istanbul Summit then refined the commitment by agreeing upon a certain percentage of NATO Members' land forces being prepared for deployment or committed to deploy. See LTC (GS) Christian J. Nawrat, "A Model to Transform NATO's Operational Level Military Capabilities" (Monograph, School of Advanced Military Studies, Fort Leavenworth, KS, March 2008), 38-40.

readiness NATO Response Force (NRF).[24] The NRF is designed as a high quality

expeditionary force, capable of responding to any crisis and self-sustainable for 30 days.

It is not a permanent force, but composed of units designated by the member states.

These units are assigned "in rotation, for set periods, and trained and certified together."[25]

But closing the military capability gap between Europeans and Americans was not the

only challenge the Alliance had to face. Former communist countries sought to join

NATO; three waves almost doubled the number of member states from 16 to 28 in 1999,

2004, and 2009. With this, NATO encountered additional challenges. The interoperability

concerning military procedures and equipment of former Warsaw Pact members needed

to improve. Consequently, the NRF became much more important in its role as "a

catalyst for focusing and promoting improvements in the Alliance's military

capabilities."[26] Furthermore, smaller countries soon realized that contributing specialized

forces which fit niche capabilities might be a more feasible solution to improve NATO's

expeditionary capability.[27] Nevertheless, the majority of European NATO Members

struggle with developing the necessary capabilities to close the gap defined in Prague

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[24]See NATO, *Prague Summit Declaration*, 1.

[25]NATO, *NATO Handbook* (Brussels: NATO Public Diplomacy Division, 2006), 177.

[26]NATO, *Prague Summit Declaration*, 1.

[27]See MAJ Walter E. Richter, "Challenges Facing New NATO Member States: An Analysis of the Ongoing Enlargement" (Master's Thesis, Command and General Staff College, Fort Leavenworth, KS, 2006), 67-68.

2002. Moreover, this gap seems to be widening steadily due to an increasing lack of sufficient funding.[28]

European Integration through CSDP

The integration of the EU was primarily "achieved in the area of trade and finance, symbolized by the Common European Market . . . and the Common European Currency."[29] Following the Saint Malo initiative of 1998, the organization tried to deepen integration by implementing the CFSP and CSDP. But this initiative could also jeopardize NATO as a collective defense organization. Thus, the US policy towards CSDP was spelled out in Secretary of State Madeleine Albright's concerns as the "three Ds": she warned European leaders not to "Duplicate" NATO assets, not to "Discriminate" against non-EU NATO Members (in particular Turkey) and not to "Decouple" the US from Europe.[30] Donald Rumsfeld repeated this warning addressing a security conference in 2001; he expressed the skepticism US policy-makers and defense experts shared regarding the value of CSDP. Hence the Prime Minister of the United

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[28]See COL Brian J. Preler Brian, "Transatlantic Transformation: Building a NATO-EU Security Partnership for the 21st Century" (US Army War College, Carlisle Barracks, PA, 2008), 19.

[29]LTC (GS) Nikolaus Carstens, "The Value of a European Security and Defense Policy" (Monograph, School of Advanced Military Studies, Fort Leavenworth, KS, March 2007), 8.

[30]See Kori Schake, "Constructive Duplication: Reducing EU Reliance on US Military Assets," *Centre for European Reform Working Paper* (January 2002): 5, http://www.cer.org.uk/pdf/cerwp12_cd.pdf (accessed 18 April 2010); Toje, 13.

Kingdom (UK), Tony Blair, reaffirmed that CSDP would be limited to peacekeeping

missions, "where NATO as a whole chooses not to be engaged."[31]

Indeed, Blair referred to peacekeeping missions that were described as

"Petersberg Tasks" and initially established as the Petersberg Declaration by the

Ministerial Council of the WEU in June 1992. These tasks comprised humanitarian and

rescue missions, peace-keeping missions, and tasks for combat forces in crisis

management (including peacemaking).[32] The EU adopted these tasks from the WEU

through the Treaty of Amsterdam of 1997, which amended the Maastricht Treaty.[33]

Michael Barnier suggested in a report in 2002 creating a European Civil Protection Force,

which led to an update of the Petersberg Tasks. In addition to the original tasks, these

extended Petersberg Tasks include joint disarmament operations, military advice and

assistance, conflict prevention, and post-conflict stabilization, but were not adopted by

the EU until the Lisbon Treaty came into effect.[34]

Nevertheless, in order to fulfill the Petersberg Tasks (and later the extended

Petersberg Tasks) the member states of the EU still had to transform their militaries into

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[31]Schake, 5.

[32]For more information concerning the Petersberg Tasks see Europa, *Petersberg Tasks*, http://europa.eu/scadplus/glossary/petersberg_tasks_en.htm (accessed 15 March 2010).

[33]See Julian Heß, *Das Verhältnis von NATO und EU–Eine Analyse unter Berücksichtigung des Lissabonner Reformvertrages* (Munich: AVM-Verlag, 2009), 4.

[34]See Martin Reichard, *The EU-NATO Relationship–A Legal and Political Perspective* (UK, Hampshire: Ashgate, 2006), 73; European Union, *Consolidated Version of the Treaty on European Union,* 9 May 2008, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF (accessed 12 July 2010), 27.

expeditionary forces. To be able to deploy military forces under the head of the EU, the

organization also needed access to the military planning capabilities and forces of NATO.

To meet these two requirements, the Helsinki Headline Goal (HHG) of 1999, transferred

into the Headline Goal 2010 (HG 2010) by 2004, and the "Berlin Plus" agreements of

2002 were adopted. The HHG set out a general capability requirement with the objective

to be able to deploy forces up to corps level (50,000-60,000 personnel) within 60 days

and then to sustain them for at least one year. These forces should be capable of the full

range of Petersberg tasks and deployable by the year 2003.[35] An additional pool of units

that provides replacements for initial forces as well as supporting elements should be

available to complement the initial deployment of forces. This goal was intended to act

"largely as a starting point and framework for discussions on how to rectify capability

shortfalls."[36] Subsequent analysis identified five key shortfalls in European military

capabilities: strategic and tactical air lift, sustainability and logistics (including air-to-air

refueling), "effective engagement" technologies including precision weapons, rescue

helicopters, and Command, Control, Communications, Computers, Intelligence,

Surveillance, and Reconnaissance (C4ISR) systems. These capabilities are acquired

under the European Capability Action Plan, which monitors progress.[37] By 2003, the EU

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[35]See European Council, *Annex IV to Presidency Conclusions,* 10-11 December 1999, http://www.consilium.europa.eu/uedocs/cmsUpload/Helsinki%20European%20 Council%20-%20Annex%20IV%20of%20the%20Presidency%20Conclusions.pdf (accessed 12 July 2010), 2.

[36]European Parliament, *The European Security and Defence Policy: From the Helsinki Headline Goal to the EU Battlegroups,* 12 September 2006, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede030909note esdp_/sede030909noteesdp_en.pdf (accessed 12 July 2010), 4.

[37]See Ibid., 10-11.

issued its Security Strategy[38] that set a policy framework for CSDP. In view of this strategic framework, the HHG was adapted to the HG 2010 and introduced the European Battle Group (EUBG) concept. The HG 2010 focused, first and foremost, on interoperability of military forces among European members, including civilian and civil-military aspects and the ability to deploy high-readiness force packages (EUBGs) in response to a crisis. Additionally, the HG 2010 identified the following specific milestones to be accomplished by 2010:

1. Establishing a civil-military cell within the EU Military Staff (EUMS)[39] as early as possible in 2004,

2. Establishing the European Defense Agency (EDA) until 2004,

3. Implementing EU strategic lift coordination beginning by 2005,

4. Developing a European Airlift Command fully efficient by 2010,

5. Developing rapidly deployable Battle Groups by 2007,

6. Tasking of an aircraft carrier with its associated air wing and escort by 2008,

7. Developing appropriate compatibility and network linkage of all communications equipment and assets, both terrestrial and space by 2010,

8. Developing quantitative benchmarks and criteria for national forces committed to the HG 2010.[40]

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[38]See European Union, *A Secure Europe in a Better World–European Security Strategy*.

[39]The EUMS is the only permanent integrated military structure of the EU and provides military expertise for the organization.

[40]See European Council, *Headline Goal 2010*, 17-18 June 2004, http://www.consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20Goal.pdf (accessed 15 March 2010), 3.

In the context of the HG 2010, a EUBG is defined as a combined arms, battalion sized force of approximately 1,500 troops, reinforced with combat support elements, and associated with a Force Headquarters and pre-identified transport and logistics elements. EUBGs are deployable within fifteen days of a political decision to use military force and sustainable for 120 days. To date, EU member states have made initial commitments to form 13 EU Battle Groups.[41]

However, the EU still did not have a command structure to lead military missions. To enable the Union in this regard, NATO provided access to its command structure under the "Berlin Agreement" of 1996. This agreement was established as part of ESDI– the attempt to strengthen the "European pillar" within NATO[42] and the arrangements needed to be adapted when CSDP became part of the EU. Consequently, the "EU-NATO framework for permanent relations"[43] was set with Berlin Plus in 2002.[44] Establishing

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[41]See European Union, *The EU Battlegroups and the EU Civilian and Military Cell*, February 2005, http://www.consilium.europa.eu/uedocs/cmsUpload/ Battlegroups.pdf (accessed 12 July 2010), 1.

[42]As mentioned before, the Clinton administration favored a higher 'visibility' and cooperation between European countries within NATO, as demanded by European countries: "An essential part of this adaptation is to build a European Security and Defence Identity within NATO, which will enable all European Allies to make a more coherent and effective contribution to the missions and activities of the Alliance as an expression of our shared responsibilities; to act themselves as required; and to reinforce the transatlantic partnership." NATO, *Final Communiqué,* 3 June 1996, http://www.nato.int/docu/pr/1996/p96-063e.htm (accessed 20 April 2010).

[43]Javier Solana, High Representative for the Common Foreign and Security Policy, "Remarks on the Establishment of EU-NATO Permanent Arrangements," 16 December 2002, http://www.consilium.europa.eu/uedocs/cmsUpload/73803%20-%20Solana%20-%20Permanent%20arrangements%20+%20NATO%20declaration.pdf (accessed 20 April 2010).

[44]The agreement eventually became effective on 17 March 2003.

EU access to NATO's strategic resources was most notably hindered by the Turkish-Greek conflict on Cyprus and resulted in three years of difficult negotiations.[45] This contributed significantly to the fact that neither NATO nor the EU meets expectations in resource and capability planning today. Despite that Berlin Plus sets rules under which European countries could have access to NATO assets, the discussion regarding NATO-EU relations continues.[46]

<div align="center">Assumptions</div>

In order to address the problem, I assume that the foreign policy of countries of the EU and NATO will not change drastically. Furthermore, it is my assumption that NATO will continue to remain vital for transatlantic security. Additionally, I believe that the integration process of the EU will continue, and that member states of the EU and NATO will strive to optimize their relations concerning military cooperation.

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[45]Turkey, as a non-EU but NATO member, feared that an autonomous EU force (without US control, but with automatic access to NATO assets) would endanger its own security interests. In particular, Turkey's concerns were that potential EU-member Cyprus (which eventually became a member in May 2004) could use NATO resources against Turkish forces who have occupied the northern part of the island since 1983. Finally, Turkey agreed over the terms of Berlin Plus, after the EU Presidency interpreted the EU Treaty's Article 17.1 in its conclusions of 24-25 October 2002 and stated that "under no circumstances, nor in any crisis, will ESDP be used against an Ally." European Council, *Presidency Conclusions*, 24-25 October 2002, http://eeep.pspa. uoa.gr/cn-Brussels%20Octob%202002.pdf (accessed 12 July 2010), 17. Furthermore, non-EU Members (again aimed at Turkey) were now allowed to participate in ESDP in wide areas, including the preparation, planning and management of an EU-led operation. See Reichard, 284, 286, 287.

[46]As examples for further reading see Carsten Kestermann, *Die ESVP als Konkurrenz zur NATO?–Entwicklungen, Analysen und Strategieaussichten einer europäischen Verteidigungsdimension* (Potsdam: University of Potsdam, 2006), http://opus.kobv.de/ubp/volltexte/2006/810/ (accessed 18 April 2010); Schake.

<u>Limitations</u>

The study reflects only information that is available through unclassified sources published in English and German.

<u>Thesis Question</u>

To what extent does the Lisbon Treaty promote a complementary relationship between NATO and the EU in the field of Security and Defense Policy?

<u>Secondary Questions</u>

1. How did the NATO-EU relationship evolve before the Lisbon Treaty?

2. How do NATO and the EU currently cooperate and coordinate their actions?

3. What is the impact of the Lisbon Treaty on EU institutions and procedures responsible for implementing CFSP and CSDP?

4. Has the CSDP after Lisbon the potential to mitigate NATO's capability gap?

<u>Summary</u>

Today, NATO remains a vital component of the global security framework and more particularly for both the US and the European countries.[47] But the EU seeks further integration by a CSDP. The demand for consistency[48] in European relations is natural and

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[47]See NATO, "Letter from President Obama," 20 January 2009, http://www.nato.int/docu/speech/2009/s090120a.html (accessed 15 March 2010).

[48]The aim of the European integration process is not yet determined. The ambitions of European countries differ widely in this aspect. Simon Duke provides an example of how the use of "consistency" and "coherence" sets (legal) implications when used in official EU documents. See Simon Duke, "Consistency as an Issue in EU External Activities," *Archive of European Integration Working Paper* (1999): 3, http://aei.pitt.edu/542/01/99w06.pdf (accessed 18 April 2010).

desirable to allow Europe the ability to take higher responsibility in a globalized world.[49]

In order to achieve this–and not to duplicate NATO's role and force structure–the EU

relies on the Alliance's existent structure with its sixteen headquarters and approximately

10,000 military personnel.[50] The European NATO countries have not fully adapted to the

new situation yet, even if the efforts of CSDP show first successes, such as the European

Air Transport Command[51] and the employment of EUBGs.[52] Overall, European forces

are still not sufficiently equipped and capable to conduct military operations without the

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[49]Wagner also looks at the legitimacy of ESDP for EU Members. See Wolfgang Wagner, *The democratic legitimacy of European Security and Defence Policy*, European Union Institute for Security Studies, April 2005, 29-30.

[50]See Volker Heise, *Zehn Jahre Europäische Sicherheits- und Verteidigungspolitik: Entwicklung, Stand und Probleme* (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, October 2009), 10.

[51]EATC was launched on 25 February 2010 and will be operational in September this year. General Klaus Naumann, former chairman of NATO's military committee, suggested this initiative to increase European capabilities by limited duplication of means in an article published by the Centre for European Reform in 2000. According to the website of EATC, the initiative goes back to the German-Franco Summit at Strasbourg in November 1999. See Klaus Naumann, "Europe's Military Ambitions," *Centre for European Reform Bulletin* Issue 12 (June/July 2000): 1, http://www.cer.org.uk/articles/n_12_2.html (accessed 6 July 2010); EATC, *European Air Transport Command*, https://www.eatc-mil.com (accessed 13 July 2010); Bundeswehr, *Startschuss für das Europäische Lufttransportkommando*, (Münster/Eindhoven, 25 February 2010), http://www.luftwaffe.de/portal/a/ luftwaffe/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLNzKId_dxB8lB2F7O-pFw0aCUVH1vfV-P_NxU_QD9gtyIckdHRUUAl64xJQ!!/delta/base64xml/ L2dJQSEvUUt3QS80SVVFLzZfMjBfR0xH?yw_contentURL=%2F01DB060000000001 %2FW282ZJHK174INFODE%2Fcontent.jsp (accessed 13 July 2010).

[52]The EUBGs are established, even though the employment has of room for improvement. Overall, about 13 to 15 Battle Groups are operational. Two EUBGs are always held in high readiness, and the responsibility between 'framework' nations rotates. See Gustov Lindstrom, *Chaillot Paper* No. 97, "Enter the EU Battlegroups," European Union Institute for Security Studies, February 2007, http://www.iss. europa.eu/uploads/media/cp097.pdf (accessed 13 July 2010), 6ff.

support of NATO. In other words, the EU seeks global responsibility by military means but is not able to act due to European shortfalls within NATO. However, the EU does possess civilian and civil-military tools, which is increasingly perceived as invaluable for NATO to respond to complex security challenges.[53] Today, twenty-one of twenty-seven EU and of twenty-eight NATO member states are participating in both organizations.[54] But neither organization meets expectations in resource and capability planning, which created an unhealthy and unproductive relationship between both in the past.[55] Strengthening NATO without regard to the CSDP will be not successful and a CSDP that duplicates NATO in its role and force structure is no option either. A complementary strategic partnership between both organizations would be desirable, but the issues that hindered negotiations over the Berlin Plus accords still exist.

With the Lisbon Treaty, the EU implemented major changes particularly in the field of CSDP. Among others, the Treaty changed institutions and procedures regarding foreign policy with the aim of giving the Union's diplomacy more clout and visibility.[56] Furthermore, it introduced new and adapted existing institutions linked to CSDP and took over all the tasks of the WEU. On the one hand, these changes could potentially strengthen CSDP and may offer a chance of reducing the capabilities gap among

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[53]See Fischer, 48.

[54]See: Appendix A, NATO and EU Member States.

[55]See European Parliament, *EU and NATO–Co-operation or Competition?* October 2006, http://www.chathamhouse.org.uk/files/3379_nato_eu.pdf (accessed 20 April 2010), 5.

[56]See Europa, *Foreign and Security Policy*, http://europa.eu/pol/ cfsp/index_en.htm (accessed 10 March 2010).

European countries within the EU and NATO. On the other hand, strengthening CSDP could also damage the already tense relationship between NATO and the EU.

In order to answer the research question it is necessary to look at the NATO-EU relationship in the field of security and defense before the Lisbon Treaty became effective. The literature review in chapter 2 will provide an overview of NATO's role and structure and the CSDP previous to the Lisbon Treaty. This will allow a better understanding of how the desire for a strategic partnership between both organizations evolved.[57] Chapter 3 will then provide a definition of how the term "complementary" is used in this thesis and will explain the methodology that is used to analyze the Lisbon Treaty and answering the research question in chapter 4. The thesis will close with conclusions and recommendations presented in chapter 5.

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[57]Thus, the literature review already answers the first secondary research question: How did the NATO-EU relationship evolve before the Lisbon Treaty?

CHAPTER 2

LITERATURE REVIEW

The material available on NATO's and EU's relationship concerning security and defense policy is diverse and voluminous as well. The following subchapters will give an overview and will also discuss the literature in the various parts of NATO-EU relationship.

Overview

The researched literature can be divided into three distinguishable levels of NATO and EU relations, following the dimensions of the "formal" framework of action of the CSDP: (1) the strategic frame, (2) the institutional and procedural structures, and (3) the forces and capabilities.[58] First, there is literature that discusses the strategic implications of European Security and Defense Policy, the macro-level. Publications on this level discuss the ESS, the political policy of EU states and political relations between NATO and EU Members as well as external policies. On the middle-level, the literature deals with NATO and EU political institutions and procedures. This includes literature that focuses on the political-military decision making process as well as planning for EU civil and military operations. On the micro-level, literature discusses NATO and European Security and Defense forces and capabilities. This is composed of publications debating military capabilities of NATO Members, the military deficiencies of European

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[58]As described by PhD Sibylle Lang, assistant lecturer of the Department of Political Sciences at the University of the Bundeswehr in Munich. See Sibylle Lang, *Bestimmungsfaktoren und Handlungsfähigkeit der Europäischen Sicherheits- und Verteidigungspolitik* (Frankfurt a. M.: Peter Lang Verlag, 2007), 15.

states and the success in closing the capability gap between European and US forces. On this level, the EDA plays a major role for the European states to close this gap. In addition to the three levels of formal framework of action of CSDP one can add literature that covers the "real" framework of action of CSDP. This includes publications about the civil and military missions under the framework of CSDP since 2003.

Not all literature fits clearly into just one of the categories presented above. A logical reason for this is that the development of CSDP has first and foremost political implications for European and NATO countries and clearly followed a bottom-up approach.[59] European countries started building capabilities after launching the CSDP in 1998/1999. This created the need for a strategic foundation, which was provided by the ESS in 2003. This explains why most literature has focused on CSDP strategic implications for NATO, EU member states, and EU forces and capabilities.

In order to answer the research question, a review of literature that discusses the real framework of action of CSDP seems to be irrelevant. Thus, the following subchapters will focus on the various publications of the formal framework (the strategic frame, the institutional and procedural structures, and the forces and capabilities) of CSDP. Before discussing the literature in these levels, it is necessary to provide an overview of NATO's current role and structure.

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[59]"Capability-building in ESDP is a fundamental bottom-up process." Sven Biscop, "A 'European Army' for the EU and NATO?" Royal Institute for International Relations (3 March 2007), 3, and 12.

NATO's Role and Structure

In reviewing NATO's role, it is necessary to consider its current SC of 1999, which doesn't reflect major events that changed the world decisively, such as the 9/11 events, the wars in Afghanistan and Iraq, or the terrorist attacks in London, Madrid and Mumbai. At the 2008 Strasbourg/Kehl Summit in France and Germany, NATO tasked the Secretary General to develop a new SC, which will determine the Alliance's purpose and role in the 21st Century. The Alliance's last official documents reveal that the new SC will primarily be based on NATO's Comprehensive Strategic Guidance of 2006 and the Declaration on Alliance Security of 2009.[60] The current NATO-Handbook of 2006 also provides a good overview of NATO's role and structure. According to these documents, Article 5 and collective defense are and will remain the cornerstone for NATO. This primary role is complemented by the Alliance's commitment to peace and stability for the wider Euro-Atlantic area, based on the growth of democratic institutions and peaceful solution of disputes.[61] Furthermore, NATO provides a transatlantic forum for Allied consultations on security issues, deters and defends aggressions against their members, contributes to effective conflict prevention and crisis management, and

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[60]In its summit declaration the Alliance announced that the new SC should be completed towards the end of 2010. See NATO, "Strasbourg/Kehl Summit Declaration," 42, 62. See also: NATO, "Declaration on Alliance Security," *Press Release* 043, 4 April 2009, http://www.nato.int/cps/en/natolive/news_52838.htm?mode=pressrelease (accessed 7 September 2010); NATO, "Comprehensive Political Guidance," *NATO Basic Texts*, 29 November 2009, http://www.nato.int/docu/basictxt/b061129e.htm (accessed 5 September 2010).

[61]The Alliance will continue to protect its people, to defend its values and to meet common threats and challenges "from wherever they may come." Doing this, the Alliance still adheres to the purposes and principles of the Charter of the United Nations and seeks to associate its military assets with civilian means in a comprehensive approach in today's crisis management operations. See Ibid., 18.

promotes wide-ranging partnership with other countries.[62] Joseph M. Mouer, in his

monograph "NATO, SOF and the Future of the Alliance" provides a pretty good

description of NATO's dilemma shifting from collective defense versus collective

security. Mouer also addresses NATO's continuous relevance as a multinational

organization that provides Europe security based on unanimity.[63] Meanwhile, NATO

serves as a common security arrangement of twenty-eight members. The participants of

the Individual Partnership Action Plans of the Ukraine, Georgia, Azerbaijan, Armenia,

Kazakhstan, Moldova, Bosnia-Herzegovina, and Montenegro are likely to extend this in

the future. But the enlargement also comprises challenges for NATO's political

structure.[64] It will be more difficult to come to a common decision and this will make it

more difficult to change NATO's strategy or to launch a new military operation. The

notion that the organization talks too much and acts too little is probably an expression of

this challenge.[65]

 Christian J. Nawrat in his monograph "A model to transform NATO's operational

level military capabilities" provides another good summary of NATO's role and its

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[62]See NATO, *NATO Handbook*, 18-20.

[63]The principle of NATO, that action is agreed and not made by voting or majority will remain. See MAJ Joseph M. Mouer, "NATO, SOF and the Future of the Alliance" (Master's Thesis, Command and General Staff College, Fort Leavenworth, KS, May 2007), 10-13.

[64]The political structure is represented by the North Atlantic Council, which is chaired by the Secretary General. The Council is comprised of representatives from each alliance member. The SG is appointed by member nations to a four-year term. See NATO, *NATO Handbook*, 74.

[65]See Dr. Karl-Theodor Freiherr zu Guttenberg, "Speech at the 46th Munich Security Conference," 7 February 2010, http://www.securityconference.de/zu-Guttenberg-Theodor.460.0.html (accessed 15 March 2010).

military force structure. Nawrat clearly underlines the importance of NATO's continuous role as an Alliance. He also emphasizes the Alliance's urgent need to transform and adapt itself constantly to fight contemporary and future threats, which are not necessarily shared by all its members, in order to meet the challenges of the rapidly changing environment. Nawrat therefore focuses on DCI, PCC and the employment of NRF, as already discussed in the introduction of this thesis. Lastly, he reviews NATO's command structure[66] and provides a good view on NATO's lack in providing unity of command and effort, and the necessity to integrate civil-military and interagency coordination on its tactical and operational level command and control structure.[67]

This review of NATO's role and structure is prerequisite for further analysis and answering the research question. In order to complement the basis for the analysis it is further necessary to have a look at the literature covering the development of CSDP.

<u>CSDP Previous to the Lisbon Treaty</u>

The Strategic Frame

The Union issued the ESS in 2003. As already indicated, this was the logical consequence of the bottom-up approach the European states followed to develop capabilities in the framework of CSDP. The Union's aim was to "reach an agreement

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[66]NATO adapted its command structure as a result of the Prague Summit in 2003. See NATO, *NATO's Command Structure–The Old and the New*, 1 June 2004, http://www.nato.int/ims/docu/command-structure.htm (accessed 14 July 2010), 1. Regarding the current structure of Allied Command Operations see Appendix B of this thesis.

[67]Nawrat determines lacking interoperability of Command, Control and Communications capabilities and missing coherence between NATO Members is due to an absent unifying threat. See Nawrat, 24ff, 37, 42-44.

sufficiently broad to include widely varying strategic traditions but precise enough to become a motor of international action; to maintain credibility in the eyes of other major international actors, above all the US; and to address the new threats without renouncing the Union's particular *acquis* and identity."[68] The EU was and still is determined to play a more active role in international relations. In order to achieve this, the EU needs to become a producer and not only a consumer of security.[69] Due to this vague definition, it is hard to determine whether this goal has been eventually accomplished issuing the ESS. Following a report from the EU Institute for Security Studies it was first necessary to frame strategic thinking in European terms in order to identify common interests and to implement them effectively.[70] The ESS therefore "provides the EU with a set of principles, such as effective multilateralism and a secure neighbourhood,"[71] even if the strategy lacks clearly defined priorities and convergence of EU member states around key objectives. Despite that the ESS is described as a key instrument in identifying strategic challenges and threats, the ISS paper clearly underlines that sub-strategies and action-plans will have to be developed in order to be more prescriptive and less descriptive.[72]

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[68]Nicole Gnesotto, ed., *European Defence–A Proposal for a White Paper,* Institute for Security Studies, May 2004: 26, http://www.iss.europa.eu/uploads/media/wp2004.pdf (accessed 20 June 2010).

[69]See CPT Franco Del Favero, "The European Battle Groups: Operational and Strategic Implications for NATO" (Master's Thesis, Command and General Staff College, Fort Leavenworth, KS, June 2009), 90-91.

[70]See Álvaro De Vasconcelos, "The European Security Strategy 2003-2008–Building on Common Interests," *EUISS Report* No. 5 (February 2008): 32, http://www.iss.europa.eu/uploads/media/ISS_Report_05.pdf (accessed 10 June 2010).

[71]Ibid., 45.

[72]Ibid., 53, and 57.

The reviewed literature generally follows this analysis. Sibylle Lang, for instance, underlines that the ESS provides a good first common threat analysis,[73] with imperative implications for European member states.[74] But she also highlights the limitations of the ESS due to compromises that have been made among European states with respect to their transatlantic relationship. These compromises did not allow a logical development of strategic ends from the threat analysis and a consequent determination of ways and means to achieve the strategic goals, especially in regard to the use of military force. Lang sees the reason for this in the bottom-up approach developing the strategy and the different experiences and lessons learned by member states during international crises like the Kosovo conflict, 9/11, and the Iraq War in 2003.[75] From her point of view, the ESS nevertheless has its external and internal symbolic value, but clearly lacks practical value with regard to a common approach in conflict management, purposeful capability development and long term vitalization of the transatlantic partnership and external deterrence effect.[76] These shortages have caused François Heisbourg to deny the ESS the true character of a security strategy. Nevertheless, he also points out that the ESS has its strengths,[77] but focuses mainly on the weaknesses. He also explains the shortcomings in

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[73]Key threats defined by the ESS are: Terrorism, Proliferation of Weapons of Mass Destruction, Regional Conflicts, State Failure, and Organized Crime. See European Union, *A Secure Europe in a Better World–European Security Strategy*, 3-4.

[74]Lang, 58.

[75]Ibid., 57.

[76]Ibid., 59.

[77]These are the following: (1) A global approach to Europe's security interests and threats. (2) A concise list of the primary threats to European security. (3) An explicit link between EU security and the economic development of poorer countries. (4) A triple

the ESS as "a consequence of what the EU is and is not," [78] in foreign affairs still

intergovernmental organized and therefore dependent on the ability and willingness of

member states to pursue their national interests more through the EU. He also

emphasized that this situation will not change soon and that it would make no sense to re-

write the ESS due to a lack of CFSP within the EU.[79]

In order to complete the review at the strategic level it makes sense to look at the

strategic interests of major European players. Most active in CSDP matters are France,

Germany and the UK. With the idea of CSDP going back to the British-French initiative

of St. Malo, the strategic interests of these countries shall be reviewed first. A closer look

at the neutral (non-NATO) countries Austria, Finland, Ireland, and Sweden as well as the

implications of the Cyprus-Turkey conflict and the US view on CSDP will complement

the review.

Like Asle Toje mentioned, the overall purpose of CSDP was to increase Europe's

military capacity "linked to imbalances in Euro-American security operation."[80] But the

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emphasis on the need to improve European military capabilities. (5) A clear recognition that the EU needs to do more than use the economic and diplomatic resources of its "soft power" to sort out security crises. François Heisbourg, "The 'European Security Strategy' is not a Security Strategy," *A European Way of War* (Centre for European Reform, May 2004), 29, http://www.cer.org.uk/pdf/p548_way_ofwar.pdf (accessed 11 June 2010).

[78] Ibid., 33. For Heisbourg the weaknesses are how the ESS addresses Alliance politics, internal security, effective multilateralism, and the Middle East.

[79] Bendiek already sees the idea of a European Common Foreign and Security Policy failing and the member states becoming more powerful with the provisions of the Lisbon Treaty. See Annegret Bendiek, "Neuer Europäischer Realismus–Abschied von der Idee einer einheitlichen Außen-und Sicherheitspolitik," *SWP-Aktuell* No. 10 (February 2010), 1-4; Heisbourg, 28, and 33.

[80] Toje, 11.

analysis of NATO Research Fellow Kenneth Payne and Alyson J. K. Bailes, former

Director of the Stockholm International Peace Research Institute, shows that this is only

half the story. The UK intentions in CSDP were and still are to create a less autonomous

CSDP, while France seeks to make CSDP more autonomous in order to serve as

"reinsurance ready in case NATO should collapse of its own accord."[81] And the French

position on this aspect has not changed yet, as Julian Heβ's view on CSDP and NATO

underlines.[82] France still strives for an autonomous planning headquarters for military

CSDP missions and greater EU military capabilities. From a French perspective, this

would enable the EU to become "a viable alternative political and military pole to offset

US hegemony."[83] Ronja Kempin gives a reason that could explain French intentions on

CSDP. From her point of view, the French public opinion sees NATO as a relic of the

Cold War rather than accountable for French external security.[84] In contrast to these

perspectives, Janne Haaland Matlary sees 'tactical adaptations' in French interests in

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[81]Alyson J. K. Bailes, *Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP): Challenges and Prospects* (Hamburg: IFSH, 2005), 2; see Kenneth Payne, *The European Security and Defense Policy and the Future of NATO* (BBC News Analysis and Research, November 2003): 21, http://www.nato.int/acad/fellow/01-03/payne.pdf (accessed 20 April 2010).

[82]France is looking for an autonomous development of CSDP without the involvement of the US. See Heß, 14.

[83]Payne, 23.

[84]See Ronja Kempin, *Could France Bring NATO and the EU Closer Together? Options for the French EU Presidency* (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, May 2008): 2, http://www.swp-berlin.org/common/get_document.php?asset_id=4989 (accessed 17 November 2010).

CSDP. She justifies her point of view with France's possible full return to NATO[85] and the changing talks towards NATO-EU relationship. Instead of an "autonomous EU military capacity", the French politics today emphasize a more pragmatic approach to NATO and "no other interests than the close complementarity of the two organizations."[86]

For the UK the relationship with the US remains vital to its own interests. It also seeks to promote a closer transatlantic relationship between Europeans and the US. UK's intent in CSDP is therefore to remedy European military deficiencies and get Europe ready to bear more of its own security burdens. When initiating CSDP, the UK at a higher level believed and maybe still believes that the desired positive long-term impact of CSDP for European capability development and its positive impact for NATO would eventually outweigh the negative short-term concerns of the US regarding a duplication of NATO's role and force structure.[87] UK's idea still is that military planning will be done primarily by NATO, with the option to compensate European deficiencies with US equipment and capabilities. Lastly, to complete the review on strategic implications for

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[85]That France's full return to NATO will simplify generating political consensus is not common sense between scholars. "French re-integration into the military command structure seemed like plain-sailing. . . . [It] seems likely that France's higher-profile presence in the Alliance will henceforth complicate rather than facilitate the generation of political consensus." Jolyon Howorth, "NATO and ESDP: Institutional Complexities and Political Realities," *Politique étrangère* No. 5 (Institute Français des Relations Internationales, 2009): 104, http://www.ifri.org/downloads/pe42009howorth.pdf (accessed 25 July 2010).

[86]Janne Haaland Matlary, "European Union Security Dynamics–In the New National Interest," in *New Security Challenges*, ed. Stuart Croft (London: Palgrave Macmillan, 15 March 2009), 103, and see Ibid., 106-107.

[87]See Bailes, 2.

CSDP it is also necessary to recall that both countries, France and the UK, are the only

countries in Europe which continue to adhere to the ability to act autonomously; others

do not.[88]

The national agenda of Germany, to make CSDP more active, more capable of

acting, and more coherent, basically does not oppose British or French interests. From a

German perspective, the CSDP is the central point for the EU's foreign policy and a

further integration process among European countries in order to preserve peace in

Europe and to promote peace beyond its borders.[89] As a possible end state, the

Chancellor of the Federal Republic of Germany, Angela Merkel provided in 2007 a

vision for European Security and Defense Policy: the European Armed Forces.[90]

Germany's main problem promoting this might be its own lack of vitality in the area of

security policy when it comes to strategic action.[91] Nevertheless, Germany's reputation in

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[88]See Volker Heise, *The ESDP and the Transatlantic Relationship* (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, November 2007), 20.

[89]See Manfred Lange, "Militärische Aspekte der ESVP aus der Perspektive des deutschen EU-Vorsitzes," *Militärische Aspekte der Europäischen Sicherheits- und Verteidigungspolitik im Lichte der EU-Ratspräsidentschaft*, ed. Michael Staack (WIFIS no. 26, 2008), 12.

[90]See Angela Merkel, "Frieden und Demokratie sind nicht selbstverständlich– Interview mit der Bild-Zeitung" (23 March 2007), http://www.eu2007.de/de/News/ Speeches_Interviews/March/0323BKBild.html (accessed 11 June 2010).

[91]The political system of the Federal Republic of Germany neglects an institutional basis to discuss strategic questions and capabilities. See Klaus Naumann, "Wie strategiefähig ist die deutsche Sicherheitspolitik?" *Aus Politik und Zeitgeschichte: APuZ* No 59, H. 48 (Bonn, 2009), 10-17.

Europe and its strong commitment to NATO could allow the country to act as mediator between France and the UK in the future and as a link to the US.[92]

Special positions within the EU do have the neutral countries Austria, Finland, Ireland, and Sweden. Their status allows them to participate militarily in EU operations but "a permanent future participation in a transnational armed forces structure would impose legal implications."[93] NATO member Denmark, on the contrary, will not take part in EU-led military operations and would have to withdraw their forces if an existing NATO mission is taken over by the EU.[94] This is due to Denmark's special position within the EU and specified by the Lisbon Treaty as follows: "Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications."[95]

To make the situation on the strategic level even more complicated, the conflict between Cyprus and Turkey has a huge negative impact on the NATO-EU relationship. Cyprus, on the one hand, blocks Turkey's participation in the EDA and the EUMS, to

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[92]See Daniela Schwarzer Nicolai von Ondarza, "Drei Zylinder für einen neuen Integrationsmotor?" *Discussion Paper* (Berlin: Stiftung Wissenschaft und Politik– German Institute for International and Security Affairs, September 2007), 31. The only factors that limit Germany to take more responsibility are their unwillingness to commit troops in missions abroad and their low defense spending. See Stephen F. Larrabee, "The United States and the Evolution of ESDP," *What Ambitions for European Defense in 2020?* (Paris: Rand Cooperation, 2009), 47, http://www.rand.org/pubs/reprints/ 2010/RAND_RP1404.pdf (accessed 21 August 2010).

[93]Heise, *The ESDP and the Transatlantic Relationship*, 20.

[94]As already happened in the Balkans. Ibid., 20.

[95]European Union, *The Lisbon Treaty–Protocol on the Position of Denmark* (13 December 2007): Article 5, http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/protocols-annexed-to-the-treaties/851-protocol-on-the-position-of-denmark.pdf (accessed 11 June 2010).

which Turkey, as a non-EU country, aspires. Turkey, on the other hand, uses its seat in

NATO to deny Cyprus a security treaty with the Alliance.[96] Another factor that clearly

influences Turkey's relationship to the EU is their involvement in the WEU. Turkey

already worked as a quasi-member within this organization. But in the second half of

2008, the French Presidency undiplomatically announced that Turkey would not be

involved in the same way within the CSDP, once the WEU functions were integrated into

the EU.[97]

Lastly, it is important to get the US view on CSDP in order to complete this

strategic review. Daniel Hamilton, Centre for Transatlantic Relations, described the US

attitude towards CSDP as ambivalent. On the one hand, "US political leaders have

expressed support, with varying degrees of enthusiasm, for a more cohesive Europe that

could act . . . as America's partner on the European continent and the wider world."[98] On

the other hand, the Europeans have been faced with American concerns that such

coherence might weaken the primacy of the Alliance or impede US leadership and

freedom to maneuver.[99] The attitude of both the Presidencies of Clinton and Bush

towards CSDP reflects this ambivalence. Additionally, Heise underlines another

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[96]See Heise, *Zehn Jahre Europäische Sicherheits- und Verteidigungspolitik: Entwicklung, Stand und Probleme*, 33-34.

[97]See Klaus Olshausen, "Zehn Jahre Europäische Sicherheits- und Verteidigungspolitik," *Der Mittler-Brief* 24. Jg (Herford, 2009), 3.

[98]Daniel Hamilton, "American Perspectives on the ESDP," in *The Politics of European Security*, ed. Jess Pilegaard (Copenhagen: Danish Institute for International Studies, 2004): 143, http://transatlantic.sais-jhu.edu/publications/articles/DH_Article_from_Dannish_Institute.pdf (accessed 12 June 2010).

[99]Ibid.

American perspective on CSDP, the marginalization of the European effort to develop

CSDP: "Why should we cooperate with an organization in which we have neither seat

nor vote, when we have NATO for this purpose."[100] However, according to Asle Toje

and Stephen F. Larrabee there is a change in American policy attention to CSDP in the

past few years. The shared understanding that America will face new challenges beyond

Europe and therefore needs both greater flexibility and more capable partners has created

a "wind of change" in America's attitude towards a stronger EU defense policy serving as

a catalyst to meet those challenges.[101]

<u>Tentative Summary</u>

The Literature Review provides a first impression how NATO's and EU's

relationship evolved and indicates difficulties defining and implementing a

complementary relationship between both organizations.

In the past, CSDP already developed duplications to NATO in certain fields. The

ESS as a strategic fundament of CSDP clearly states that the transatlantic relationship,

and with this NATO, remains as a core element of the international system. It emphasizes

the need of crisis management that provides a mixture of political, economic, military

and other (civilian) means, but also proposes to enhance the military capabilities of

European countries to act in a wider spectrum of missions, including "joint disarmament

operations, support for third countries in combating terrorism and security sector

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[100]Heise, *The ESDP and the Transatlantic Relationship*, 18.

[101]See Toje, 14; Larrabee, 46.

reform."[102] In particular, the intent to conduct military advice and assistance does overlap with inherent NATO tasks, exercised with the Partnership for Peace program.[103] In regard to NATO's Strategic Concept of 1999, this applies also for conflict prevention and post-conflict stabilization.[104] This underlines that a "complementary" relationship between both organizations today does not exclude duplications in the sense of Albright's three Ds anymore.

The review also depicts what the EU, particularly in the field of CSDP, lacks most: coherence. The struggle for a more or less autonomous CSDP has not ended yet, although France's full return to NATO and the "wind of change" in US policies mark a visible shift towards a common understanding. It is the lack of coherence in foreign policy due to various national interests of the European member states that made a bottom-up approach in developing CSDP necessary and prevents the Union continuously revising the ESS.[105]

Additionally, the review also laid out NATO's primary role and structure and indicated related deficiencies. NATO's role is built around collective defense with tendencies to "collective security" and is based on its SC of 1999. The new SC will be a revision of the current SC and will leave the core purpose of the Alliance–collective

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[102]European Union, *A Secure Europe in a Better World–European Security Strategy*, 12.

[103]For more information regarding the Partnership for Peace program see also: http://www.nato.int/issues/pfp/index.html.

[104]For a judicial view on this question see Heß, 58-59.

[105]See Biscop, "A 'European Army' for the EU and NATO?" 3.

defense–unchanged.[106] NATO's political composition altered due to NATO's enlargement and got even more powerful by the remaining principle of unanimity; simultaneously it suffered in its political decision making process due to a variety of national interests. Following the ESDI approach within NATO, the organization adapted its military structure in 2003 but did not consider the development of CSDP since 2002. Thus, NATO's main deficiencies remain its slowness in transforming European capabilities, its shortcomings in unity of command and effort due to missing coherence among its members, and its lack of integrated civil-military and interagency coordination on its tactical and operational level command and control structure.

Lastly, the review reveals a major obstacle to achieving a complementary relationship: the Cyprus conflict. Without mitigating the negative influence of this conflict on NATO and the EU it is very unlikely to accomplish any reasonable relationship between both organizations.

Institutional Structures and Procedural Aspects

To determine whether the changes by the Lisbon Treaty have a positive effect on the NATO-EU relationship or not, it is inevitable to review the organizational structures of the EU before the Treaty came into effect. The following subchapters will thus focus on EU institutions and procedures responsible for implementing CFSP and CSDP. A closer look at the Berlin Plus agreements shall provide a better understanding on how the NATO-EU relationship evolved.

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[106]See NATO, "Comprehensive Political Guidance," paragraph 5; NATO, "Strasbourg/Kehl Summit Declaration," paragraph 42.

Until the Lisbon Treaty came into effect, the EU was described by a three-pillar model. The first pillar was supranational organized and constituted by the EU communities. The other pillars were intergovernmental organized and comprised CSDP and the fields of police and judicial co-operation in criminal matters. Carsten Kestermann's analysis of NATO and EU relations of 2006 provides a good overview of the EU's political decision making before the Lisbon Treaty, particularly in the field of CSDP.[107] According to Kestermann, the main bodies of the EU in 2006 were the European Council,[108] the Council of the EU,[109] the European Parliament, the European Commission, and the European Court.[110]

The European Council consisted of the heads of the member states' governments and was chaired by a President, who rotated in accordance with the Presidency of the Council of the EU.[111] The European Council itself did not have formal legislative power, but it defines general political guidelines for the EU and is therefore often described as its

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[107]See Kestermann, 38-47.

[108]The European Council did not become an official institution until the Lisbon Treaty was effective.

[109]It is also often referred as to the 'Council of Ministers' or just as the 'Council'.

[110]The European Court is not regarded in the following review due to its subordinate role in CSDP.

[111]In this configuration, it meets no more than four times a year.

"supreme political authority."[112] In regard to military and civil missions, the European

Council is the institution which decides unanimously whether to act or not.

The Council of the EU represents one of two halves (besides the European

Parliament as a second but less powerful supranational organ) of the Union's legislative

body. Its presidency rotates every six months among the member states. The Council is

responsible for decision making and coordination of the actions of the Member States and

broad economic policies, it passes laws, constitutes the budgetary authority (together with

the Parliament), concludes international agreements with other states or international

organizations, and it defines and implements the EU's CSDP based on the guidelines set

by the European Council.[113] The Council of the EU is assisted by the General Secretariat,

also known as the Council Secretariat. The Council Secretariat plays a particularly

important role in CFSP/CSDP and has the necessary means to deal with external and

political military affairs.[114] When CSDP was implemented in 1999 with the Treaty of

Amsterdam, the Secretary-General also exercised the role of the High Representative for

CSDP and occupied this post simultaneously. In this position, he had a coordinating role

among the Council of the EU, the European Council, and the European Commission.

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[112]David Harrison, "Time to shake up the European Council," *CER Bulletin* Issue 52 (Centre for European Reform, February/March 2007), http://www.cer.org.uk/articles/52_harrison.html (accessed 4 July 2010).

[113]See Council of the European Union, *The Council of the European Union,* http://www.consilium.europa.eu/showPage.aspx?id=242&lang=en (accessed 14 July 2010).

[114]The main body within the Council Secretariat was Directorate-General E 'External and Political-Military Affairs' (one of eight directorates).

The European Commission is described as the executive arm of the EU and plays a decisive role due to prerogatives in supranational decision making.[115] The Commission is responsible for implementing the Council's decisions and managing its day-to-day business including running the Union's programs and spending its funds.[116] However, the executive power within the EU is not entirely held by the Commission. With a view on the roles of the European Council and the Council of the EU, this is particularly true in the field of CFSP/CSDP.

The Political Level of CFSP and CSDP

The Political and Security Committee (PSC) represents the highest political body of CSDP and is responsible for all matters that might affect CFSP and CSDP. The body is comprised of the ambassadors or high ranking representatives of the member states and meets regularly two times a week. The purpose of these meetings is to inform the members about the political situation in the world and to provide the European Council

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[115]The Commission is politically accountable to the Parliament and committed to act in the interest of the European Union, rather than according to instructions given by their national governments. See George Bermann, "Executive Power in the New European Constitution," in *Altneuland: The EU Constitution in a Contextual Perspective,* Jean Monnet Working Paper, 5/04, eds. J. H. H. Weiler and Christopher L. Eisgruber (New York: 2004), 1-2, http://www.jeanmonnetprogram.org/papers/04/040501-13.html (accessed 2 July 2010); see European Union, "Institutions and other bodies," (European Commission).

[116]According to the European Union's website, "the European Commission has four main roles: to propose legislation to Parliament and the Council; to manage and implement EU policies and the budget; to enforce European law (jointly with the Court of Justice); [and] to represent the European Union on the international stage, for example by negotiating agreements between the EU and other countries." Ibid.

with recommendations regarding CSDP measures. The responsibilities of the committee can be best explained with the following interrelated roles:[117]

1. Analysis and Conception. The PSC researches and analyzes international politics in consideration of the ESS. In this regard, it links the outcome of the military and civilian crisis management bodies and other working groups with the European Council.

2. Advice and guidance. The PSC issues recommendations to the Council and instructions the EUMC, the Committee for Civilian Aspects of Crisis Management (CIVCOM)[118] and other subordinate working groups.

3. Coordination and Monitoring. The committee coordinates and monitors the accomplishment and implementation of agreed actions.

4. Dialogue. The PSC is the responsible body for negotiations and dialogue with other organizations.[119]

With regard to these four roles, the committee is the central body within the EU handling crisis management situations and determining EU actions and reactions.

Military Crisis Management Bodies in the EU

The EU has two military institutions for crisis management planning in its military aspects: the EU Military Committee (EUMC) and the EUMS. The EUMC is the

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[117]See Lang, 72-73.

[118]The subchapter "Civilian Crisis Management Bodies of the EU" explains the tasks and the role of CIVCOM in CSDP.

[119]In this respect, the PSC also negotiates access to NATO capabilities and structures with the North Atlantic Council in case that the EU wants to employ military means. See Heß, 40.

highest military body within the Council of the EU and provides the PSC with advice on all military matters.[120] "It also exercises military direction of all military activities within the EU framework."[121] The EUMC is composed of the Chiefs of Defense of the Union's member states, who are regularly represented by their designated Military Representatives. The EUMC selects its chairman who is then appointed by the European Council for a term of three years. Usually meetings are held two times a week, and, in regard to military aspects of ongoing crisis management, the council then issues recommendations to the PSC and leads the military activities in the framework of CSDP.[122]

The EUMS is supposed to support and assist the EUMC with military expertise under its military direction particularly in the main operational functions of early warning, situation assessment, and strategic planning.[123] Established on 11 June 2001, the EUMS is the only permanent integrated military structure of the EU and therefore the

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[120]This includes the following: the overall concept of crisis management in its military aspects; military aspects relating to political control and to the strategic direction of operations; the risk assessment of potential crises; the military dimension and implications of a crisis situation; the elaboration, assessment and review of objectives; the financial estimation for operations and exercises; military relations with applicant countries, third countries and international organizations. See Europa, *Military Committee of the European Union* (29 October 2006), http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/r00007_en.htm (accessed 22 June 2010).

[121]Gustav Hägglund, "EU's Challenge to Guarantee Civil-Military Co-ordination in its Future Field Operations" (Seminar on Crisis Management and Information Technology, Helsinki, 30 September 2002), 2, http://www.itcm.org/pdf/Hagglund_EUMC.pdf (accessed 21 June 2010).

[122]See Lange, 20.

[123]Ibid.

only board that provides inherent military expertise for the [High Representative] of the EU. With this, the EUMS receives its tasks from the EUMC, which are developed on the basis of political directives from the PSC. The EUMS' main organization follows the functions of concepts and capabilities, intelligence, operations, logistics, communication and information systems.[124] Furthermore, the EUMS established relations with NATO's Supreme Headquarters Allied Powers Europe[125] and a civilian-military cell to better coordinate strategic planning in response to crises "with a view to joint civilian/military operations."[126]

Civilian Crisis Management Bodies of the EU

The EU possesses two institutions for civilian crisis management planning, comparable to the military bodies: CIVCOM and Civilian Planning and Conduct Capability (CPCC). CIVCOM, created in May 2000, assists and supports the PSC and other Council bodies in basic questions of civil crisis management. In this regard, the committee develops statements and civil action plans and is also responsible for the implementation of them.[127] CIVCOM coordinates civilian crisis management in four

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[124]Council of the European Union, *EU Military Staff*, June 2010, http://www.consilium.europa.eu/showPage.aspx?id=1039&lang=en, http://www.consilium.europa.eu/showPage.aspx?id=1041&lang=en (accessed 22 June 2010).

[125]The EUMS already hosts a NATO liaison team and has established an EU cell in NATO's Supreme Headquarters Allied Powers Europe. See European Union, *Military Staff of the European Union (EUMS)*, 22 January 2001, 1, http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_impl ementation/r00006_en.htm (accessed 20 July 2010).

[126]Ibid.

[127]See Lange, 20.

priority areas: "the police, the rule of law, civilian administration and civil protection."[128] To align civilian crisis response capabilities of EU member states, the body is supported by a Coordination Mechanism. This mechanism "was created to enhance and better coordinate the Union's and Member States' non-military crisis management tools"[129] and runs a database with potentially available assets. This allows the setup of an ad hoc center, in event of a crisis, to coordinate the members' contributions and to deploy rapidly the civilian instruments of the EU.

Creating CPCC goes back to an initiative launched in 2005 by EU Heads of State and Governments. In order to strengthen crisis management structures within CFSP and in response to this initiative, the EU High Representative Javier Solana proposed in June 2006 specific adjustments within the Secretariat of the Council of the EU. These adjustments comprised "the appointment of a Civilian Operations Commander . . . in response to the need for a clearer chain of command for civilian [CSDP] missions."[130] In June 2007, the EU Council then agreed to introduce the proposed changes. The newly created Civilian Operations Commander, exercising command and control at the strategic level, is supported by approximately sixty staff and is responsible for the planning and conduct of civilian missions. The staff personnel consist of experts and staff from the Council Secretariat and from member states. The CPCC acts under the overall authority

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[128]Hägglund, 2.

[129]Emma J. Stuart, *The European Union and Conflict Prevention: Policy Evolution and Outcome* (Berlin: Kieler Schriften zur Friedenswissenschaft, Lit Verlag, Bd. 12, 2006), 124.

[130]European Union, *The Civilian Planning Conduct Capability*, May 2010, http://www.consilium.europa.eu/uedocs/cmsUpload/100217%20Factsheet%20-%20CPCC%20-%20version%201_EN%20-%20DRAFT.pdf (accessed 4 July 2010).

of the High Representative and is under the political control and strategic direction of the PSC. CPCC's supporting role to CIVCOM is similar to the EUMS's assisting role to the EUMC; both are tasked with operational planning. The CPCC, moreover, is responsible for conducting, coordinating, and supporting missions.[131]

Consequences Negotiating Berlin Plus

As indicated in the introduction, European perspectives on the Berlin Plus agreements remain controversial. Martin Reichard, a legal expert on European Defense, provides a good view on the evolution of these agreements and their legal implications in his book "The EU-NATO Relationship". Since December 2002, the EU can count on NATO's planning capabilities necessary to conduct crisis-management operations on an "assured" basis. The EU initially demanded a "guaranteed" permanent access to NATO' planning capabilities (without case-by-case NATO authorization), the presumption of availability of pre-identified assets and capabilities (where NATO retained the last decision on their release), and the identification of a series of command options made available to the EU. This caused concerns for non-EU countries, because "NATO would have no legal obstacles to refusing an EU request outright."[132] However, from an EU perspective, an assured access makes it still impossible to act without the approval of non-EU countries, such as the US or Turkey. Under Berlin Plus, every EU-led operation needs approval of the North Atlantic Council to release NATO assets and capabilities,

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[131]See Bastian Richter, *Common Security and Defence Policy (CSDP)–Interactive Guide* (Berlin: Zentrum für Internationale Friedenseinsätze–Informationsprodukte, Powerpoint Presentation, May 2009), http://www.zif-berlin.org/de/analyse-und-informationen/veroeffentlichungen.html (accessed 3 July 2010).

[132]Reichard, 283; and see Ibid., 275.

which then could always be withdrawn by each NATO Member. CSDP therefore practically depends on the national interests of non-EU Member States.[133] This situation is not acceptable, in particular for countries such as France and Belgium, and contradictory practical experiences of Berlin Plus seem to confirm this notion.[134]

The political situation, tense because of the different views on Berlin Plus, culminated during the Iraq crisis in 2002/2003, when the Belgian-French-German-Luxembourgian mutual statement to develop military planning and command structures within CSDP boosted EU and NATO internal division.[135] The four countries proposed to set up a nucleus of a permanent European operational headquarters and announced further initiatives to strengthen CSDP.[136] This caused irritations in the US and also further divided European countries in EU and NATO. As a compromise of the "Chocolate Summit," the EU introduced a civilian-military planning cell in the EUMS.[137]

Tentative Summary

The literature review of the institutional level reveals the following three major findings necessary to analyze the effects of the Lisbon Treaty on CSDP and to determine

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[133]See Lang, 176-179.

[134]See Heß, 31.

[135]This meeting in Tervuren, Belgium, became commonly known as "Pralinengipfel" ("Chocolate Summit"). See Heise, *The ESDP and the Transatlantic Relationship*, 17.

[136]See Johannes Varwick, *NATO und EU: Partnerschaft oder Konkurrenz?* (4 October 2006): 142-144, http://www.johannes-varwick.de/wp-content/nato-eu-varwick-dgap.pdf (accessed 14 July 2010).

[137]See Olshausen, 6.

whether they promote a complementary relationship between NATO and the EU. First, it becomes clear that institutional power regarding CFSP and CSDP is shared by the main decision making bodies of the EU. The division of responsibilities still reminds us of Henry Kissinger's famous quote: "Who do I dial up when I want to talk to Europe?"[138] From a US perspective, the only recognized constant in Europe's CFSP was Javier Solana, who occupied the office of the High Representative for CSDP from 1999 until 2009.[139] Second, the review pointed out the role and importance of the PSC and the military and civilian crisis management bodies of the EU. This is necessary to better understand EU capabilities in relationship to NATO. Third, it revealed additional rivalries between both organizations regarding the mechanism Berlin Plus accessing NATO's capabilities, which will help later in defining a "complementary" NATO-EU partnership.

<div align="center">NATO and EU Forces and Capabilities</div>

This subchapter will focus on the question whether the HHG and the HG 2010 have a negative impact on NATO's effort to close the capabilities gap between the US and European countries, and will provide reasons why this gap seems to be widening rather than closing.

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[138]Henry Kissinger, cited in: Beate Neuss, "Asymmetric Interdependence–Do America and Europe Need Each Other?" *Strategic Studies Quarterly* (Winter 2009): 116, http://www.au.af.mil/au/ssq/2009/Winter/Neuss.pdf (accessed 6 September 2010).

[139]See Ibid.

A year after the EU members agreed on the HHG, David S. Yost, today a Professor at the Naval Postgraduate School in Monterey, California, assessed the capabilities gap of NATO with regard to the HHG announced by the EU. In his article, he mainly focused on the HHG's relation to NATO's DCI. First, Yost tries to operationalize the gap defined by DCI's comparing the capabilities of the "EU five" (UK, France, Germany, Italy, and Spain) with the US. Above all, he defines a heavy imbalance in naval tonnage (particularly aircraft carriers and submarines), modern combat aircrafts, airlift and tanker capabilities, attack helicopters, and ground attack aircraft. He assesses that the "asymmetries are also acute in C4ISR capabilities such as submarines, intelligence and communication satellites, aircraft for intelligence and reconnaissance, and offensive electronic warfare."[140] From his perspective, the reason for this goes back to the late 1970s and increasing European unwillingness "to invest in military forces, notably in modernization and research and development, at levels approximating those in the United States."[141] Compared to the DCI, the HHG was cast in much too broad terms to be really a challenge for EU member states. In his eyes, the reason for this is the EU's focus on undertaking stability operations like SFOR and KFOR peacekeeping missions, but not combat operations like Operations Allied Force.[142] Comparing the DCI and HHG, Yost describes the HHG as a lot less ambitious, despite overlaps in both initiatives. From

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[140]David S. Yost, "The NATO Capabilities Gap and the European Union," *Survival* 42, no. 4 (2001): 101.

[141]Ibid., 102.

[142]See Ibid., 115.

his view, there are three major reasons for this. First, HHG places less emphasis on improvements in "effective engagement" such as power projection and precision strikes. Second, in contrast to the HHG, the DCI clearly highlights the need to defend against the threat of cruise and ballistic missiles and against weapons of mass destruction. Yost also points out that more ambitious capability goals would not only entail greater overlaps with the DCI, but would be much more expensive. He thus concluded that, due to continuous sliding defense budgets, narrowing the gap might be difficult[143] and that the "EU as a whole is likely . . . to remain heavily dependent on US forces for [command, control and communications], aerial refueling, electronic attack, precision strike, intelligence, and other functions."[144]

General (ret.) Klaus Naumann, Chief of the German Armed Forces from 1991 to 1996 and until 1999 Chairman of the NATO Military Committee, provides a good European view on the EU's HHG. In an article published in Centre for European Reform in June/July 2000, Naumann emphasizes how extremely difficult it will be to fulfill the 60,000-strong rapid-reaction force by 2003. He also highlights the most urgent needs in EU capabilities, particularly in C4ISR, a European strike capability, higher interoperability among European NATO Members, and commonly-funded military investments.[145]

Only a year later, the European Council stated that in "quantitative terms, Member States' voluntary contributions confirm the existence of a body of resources

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[143]See Ibid., 119-120.

[144]Ibid., 115.

[145]See Naumann, "Europe's Military Ambitions," 1-2.

consisting of a pool of more than 100,000 men, around 400 combat aircraft and 100

ships, fully satisfying the requirements defined by the [Helsinki] headline goal to conduct

different types of crisis-management operations."[146] With this, the EU gave a positive

outlook on the development of military capabilities and initiated the new HG 2010 as a

follow-on program as early as 2004.

This step was broadly criticized. Dr. Julian Lindley-French, today Professor of

Military Art and Science at the Royal Military Academy of the Netherlands, who

challenged the new HG 2010 and the development of EUBGs in its relation to the HHG

of 1999, provides a good example in an article published in 2005. Lindley-French clearly

criticized the "methodology of Headline Goal of 2010 . . . [as to] make the most of what

Europeans have got and are likely to get."[147] He pointed out that in contrast to the HHG

the new goal was developed in a strategic consensus over the role of military in security

within the EU and "the relative value to be assigned to hard security over the demands of

social security."[148] With this, the HG 2010 seems to depict the possible, as opposed to the

required military capabilities goal.

Moreover, the HG 2010 can not only be criticized with a view to the HHG of

1999. The HG 2010 can also be seen as competing against NATO's PCC. While the PCC

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[146]European Council, *Statement on Improving European Military Capabilities* (November 2001): 2, http://www.consilium.europa.eu/uedocs/cmsUpload/ European%20Capability%20Action%20Plan%20-%20Excerpt%20Press%20Release% 20November%202001.pdf (accessed 6 July 2010).

[147]Julian Lindley-French, *Headline Goal 2010 and the Concept of the EU Battle Groups–An Assessment of the Build-up of a European Defense Capability* (University of Munich: Center for Applied Policy, 9 December 2005), 4.

[148]Ibid.

initiated the NRF as a quick reaction force as discussed in the introduction chapter, the

HG 2010 proposed the employment of EUBGs. Franco Del Favero discussed the question

of whether these two forces are comparable and competing in resources against each

other. He reasoned that the NRF and the EUBG are basically comparable forces with

regard to their operational concept, despite significant differences in size, composition,

and capabilities. But he also concluded that the EUGBs "cannot be considered as a mere

duplication of the NRF."[149] Christian Mölling draws similar conclusions in an article

published in 2007.[150] Mölling underlines the reinforcing and complementary military

potential of both forces but also mentions that the NRF and the EUBGs may become a

hostage of political disputes over strategic interests and competing resources, especially if

more forces are being committed to operations.[151] Both NATO and the EU draw from the

same force pool–understandably with a view on avoiding unnecessary duplications. But

European contributions to this force pool are unlikely to increase,[152] as the financial

implications of the economic crisis of 2007-2010 for Europe and the discussion in

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[149]Del Favero, 43-44.

[150]Mölling also emphasizes the different (multinational) approach in creating these forces. The NRF follows a typical top-down approach: military forces are committed according to agreements made on the political level of NATO. This approach results in a very detailed roster, which has then to be filled by countries. On the contrary, generation of EUBGs follows a bottom-up approach; a EUBG is based on the initiatives of EU Members, who agree upon their contributions and then offer the full force package to the EU. See Christian Mölling, "NATO and EU Rapid Response: Contradictory or Complementary?" *CSS Analyses in Security Policy* 2, no. 22 (October 2007): 2.

[151]Mölling mentioned as an example here the Turkey-Cyprus dispute and different strategic views on this topic between France and the U.S. See Ibid., 3.

[152]This is derived from the assumption that European defense budgets likely will be decrease in the next years. See Olshausen, 9.

Germany about the next step transforming its forces clearly indicates. Moreover, there is

clear evidence that core capabilities of NATO, such as infantry forces, are more and more

stretched due to the ongoing commitment in Afghanistan.[153]

Discussing the capabilities gap between US and European countries, another

study, published in 2004, is noteworthy. With a view on the oft-cited C4ISR capabilities

gap, scholars of the George Washington University provide a totally different perspective

on the topic. The study principally concludes that a significant technology gap applicable

to the needs of C4ISR technically does not exist. According to the authors, arguing that

there is an outright C4ISR capabilities gap is oversimplified, and, to some degree, a

misperception.[154] They conclude that the C4ISR capabilities gap can be better described

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[153]See Independent, *British forces stretched to the limit by the fight against the Taliban* (11 November 2007), http://www.independent.co.uk/news/world/asia/british-forces-stretched-to-the-limit-by-the-fight-against-the-taliban-399924.html (accessed 7 September 2010); and see Frankfurter Rundschau, *Afghanistan-Einsatz: Infantrie ist die Archillesferse* (4 July 2010), http://www.fr-online.de/politik/-infanterie-ist-die-achillesferse-/-/1472596/2686064/-/index.html (accessed 7 September 2010).

[154]To justify this conclusion, they provide six major reasons. (1) There is no uniform focus on modern C4ISR and networked capabilities across European countries. (2) No NATO member intends to develop a fully network centric military force or to deploy these forces globally. (3) There are still major interoperability gaps both within and among European countries. All NATO Members focus on achieving some form of interoperability with the US through NATO. Where interoperability exists, it is provided through common (NATO) programs. (4) A major piece of national investments in C4ISR of European countries is still in research, technology exploration, and development stage. Generally, Europeans have C4ISR capabilities–but these emerge at a far slower and more limited pace than in the US. (5) A lack of common trans-European strategic policy. Uncertainty about Europe's military role and missions has a negative impact on investments in new capabilities at the national defense planning level. (6) Unclear defense priorities and major non-defense budgets commitments make it enormously difficult to redirect public resources to investments in modern C4ISR and networked capabilities. See Gordon Adams et al., eds., *Bridging the Gap–European C4ISR Capabilities* (Washington, DC: The George Washington University, October 2004), 142-145.

as a budget gap. Devoted resources might not necessarily be inadequate, but existing budgets are rather committed to legacy equipment, making it difficult to redirect resources to C4ISR capabilities.[155]

A European Defense Market

A broad assessment of a European defense market provides a Chaillot Paper issued by the EU Institute for Security Studies in November 2008. The paper discusses the principles of European defense co-operations, chances and limitations of the EDA, the transatlantic defense market and international regulations.[156] Joachim Rohde and Andrew A. James give another view on this topic in their article "The Future of Transatlantic Armaments Co-operation." It focuses mainly on two different models to close the capability gap between the US and European countries: a balanced transatlantic partnership, or a strong US dominance. The article underlines the urgent need to broaden and deepen armament cooperation in Europe and to remove obstacles between the US and European defense markets.[157] Rohde also researches constraints and opportunities to optimize European armaments processes in another article issued the same year. In this

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[155]See Ibid.

[156]See Erkki Aalto, et. al., Chaillot Paper No. 113, "Towards a European Defence Market," European Union Institute for Security Studies, November 2008.

[157]See Joachim Rohde and Andrew D. James, *The Future of Transatlantic Armament Co-operation* (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, July 2004).

article, he also recommends how to implement these processes in the existing institutions within the EU.[158]

To support the EU Member States and the Council in their effort to improve the military capabilities of their members in the field of crisis management the EU created the EDA on 12 July 2004 by Council Joint Action.[159] The EDA shall support CSDP in the following four functions: capability development, armament cooperation, industry and market, and research and technology.[160] This aims at promoting coherence among member states to achieve a more comprehensive and systematic approach defining and developing European defense capabilities and to overcome obstacles in developing military capabilities. In this context, the agency could serve as "a European–as opposed to national–actor that can take the initiative and propose concrete solutions for specific EU-level capability shortfalls."[161]

Tentative Summary

The review of NATO and EU capability development gives a good impression of the problems the EU faces in this particular field. With a view on the research question three major findings are noteworthy. First, the HHG and the HG 2010 primarily do not have a negative impact on capability development within NATO. Both initiatives neither

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[158]See Joachim Rohde, *Armament in Europe* (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, June 2004).

[159]See Council of the European Union, *On the Establishment of the European Defence Agency*, 17 July 2004, http://www.consilium.europa.eu/uedocs/cmsUpload/l_24520040717en00170028.pdf (accessed 22 June 2010).

[160]See Biscop, "A 'European Army' for the EU and NATO?" 5.

[161]Ibid.

aim at creating European Forces nor do they commit forces (of NATO) to future crises. But, as pointed out, the HG 2010 is much less ambitious than the HGG and does not reflect military forces necessary to address today's security challenges. Rather, it provides European countries an excuse not to put more effort meeting NATO's ambitions. Thus, the HG 2010 has secondary negative effects on NATO's efforts to close the capabilities gap. Furthermore, both organizations draw from the same force pool, and the competing interests due to shortfalls in capabilities are likely to increase. Second, the capability gap between European and US forces is caused by two reasons. On the one hand, the highly fragmented European defense industry market simply does impede European countries to close the gap.[162] On the other hand Europeans still have committed financial resources to long-term capability development orienting on Cold War scenarios, which is one side effect of the non-competitive defense industry. Third, the review introduced the EDA, which was created to address these problems.

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[162]See Olshausen, 9.

CHAPTER 3

RESEARCH METHODOLOGY

This chapter pursues three goals. It provides a brief summary of conclusions and major findings from the literature review, defines how the term "complementary" is used in this thesis, and explains the methodology used to answer the research question.

NATO is a core element of the international system providing a security framework beyond its borders and it will continue to be so. Article 5 and collective defense are and will be the cornerstones of the Alliance when the twenty-eight members adapt their SC in 2010, even though a shift towards collective security is foreseeable. A look at NATO's structure reveals that it needs to be amended in order to better provide unity of command and effort and to integrate civil-military and interagency coordination. Furthermore, the Alliance, contrary to the EU and its CSDP, does not have civilian means to act with a comprehensive approach in crisis management. The EU on the other hand is divided carrying forward CSDP. In this regard, the British-French dispute over a more or a less autonomous CSDP and the recent shift in French politics fully returning to NATO are worth recalling. This underlines that the EU lacks coherence and a strategic culture in order to refine the direction for further development of CSDP,[163] as already demanded by the ESS.[164] This is the reason why CSDP probably will go forward in a bottom-up

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[163]See Ibid., 5.

[164]"We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention."European Union, *A Secure Europe in a Better World– European Security Strategy*, 11; and see Lange, 17.

approach,[165] even though the reverse might be more feasible. Other important factors for

the NATO-EU relationship are the Cyprus conflict and the "wind of change" in US views

carrying forward CSDP. Resolving the Cyprus issue and support from the US are vital for

implementing a strategic partnership between both organizations. On the institutional

level of CSDP, the literature review introduced the EU's main bodies and the responsible

institutions in civilian and military crisis management operations. With this the review

highlighted necessary adaptations and the EU's capability for civil-military planning on

the political-military level and with this the applicability of an integrated effort to manage

crises, in the sense of the "whole of government approach."[166] With a view of capability

development, the EU will remain heavily dependent on the US launching military

operations. European countries are hindered in closing the capabilities gap mainly due to

a significantly lower outcome of investments caused by a highly fragmented military

industrial market. Investments in military equipment are hindered because countries

committed their military budgets in long term rather than short term projects to get more

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[165]The Office even describes the bottom-up approach as one of the 'core values of the EU's external policies', besides the primacy of human rights, a regional approach, transparency, legitimacy, and multilateralism. See European Peacebuilding Liaison Office, *Roundtable on the European External Action Service*, 11 September 2009, 2, http://www.eplo.org/documents/EPLO_Statement_on_EEAS_January_2010.pdf (accessed 21 June 2010).

[166]In European countries also referred to as "comprehensive approach." For further readings and shortfalls of UN, EU, and NATO applying this approach compare: Crisis Management Initiative, "Comprehensive Approach–Trends, Challenges, and Possibilities for Cooperation in Crisis Prevention and Management" (Seminar Presentation, Helsinki, 17 June 2008), 11-14, http://www.defmin.fi/files/1316/ Comprehensive_Approach_-_Trends_Challenges_and_Possibilities_for_Cooperation_in_ Crisis_Prevention_and_Management.pdf (accessed 22 July 2010).

out of their limited resources. As a result, Europeans get much less out of their money and struggle to develop their military capabilities as quickly as needed.

In order to analyze the Lisbon Treaty and to determine whether it promotes a complementary relationship between NATO and the EU, it is necessary to define the term "complementary" as it will be used in this thesis. The word "complementary" is commonly used to describe two or more elements as "mutually supplying each other's lack"[167] or forming "a satisfactory or balanced whole."[168] Based on this definition, a complementary relationship does not exclude that elements overlap forming a balance and supplying each other. As indicated in the literature review, NATO and the EU already developed duplications in certain fields. This duplication is–to a limited extent– healthy and necessary to allow Europeans further developing their military capabilities. On the political level, the line between a healthy and an unhealthy duplication can be seen as crossed when one organization attempts to take on a role already performed by the other. This would clearly undermine the idea of complementarity, and rather promote competition.[169] On the institutional and military-strategic level, an unhealthy duplication can be described as a development of bodies and structures that would inevitably draw on already scarce resources. For example, duplicating NATO's military integrated structure as proposed during the Chocolate Summit in 2003 would be non-complementary in this

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[167]http://www.britannica.com/bps/dictionary?query=complementary (accessed 16 September 2010).

[168]http://dictionary.reference.com/browse/complementary (accessed 16 September 2010).

[169]The reviewed literature shows that in international relations "competition" is predominantly used in a negative sense of "rivalries" and opposing interests. The thesis will follow this definition.

sense.[170] With a view of NATO and EU forces and capabilities the definition of a complementary relationship must be defined in an even broader sense. Due to the fact that most EU countries are also NATO Members, both organizations already draw from the same pool of forces. A trend developing exclusive capabilities for NATO or the EU would therefore damage the idea of a complementary relationship.[171] On the contrary, every progress directed to make NATO and the EU more capable of acting can be seen as complementary as long as both organizations benefit.

The thesis will answer the research question using the following approach. First, it is necessary to have a closer look at the Alliance's relations to the EU and its CSDP and the existing cooperation between both organizations.[172] Official documents of the last NATO summits will provide a thorough and current transatlantic perspective on this topic. This perspective will–beside the definition of a complementary relationship between NATO and the EU–serve as the basis for analyzing the Lisbon Treaty.

The second step of the analysis will then cover the decisions implemented by the Lisbon Treaty and determine their impact on a complementary relationship between NATO and the EU. The subchapter will give a brief overview of the Lisbon Treaty and then provide an analysis of the official treaty document to extract major changes in regard to CSDP. Within the formal framework of CSDP, the analysis will determine whether

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[170]The inversion of this argument would be that an imaginable development of civilian structures within NATO drawing on EU resources in civil crisis management is also non-complementary.

[171]In this sense an 'autonomous EU military capacity' would be non-complementary.

[172]This will answer the secondary research question: How do NATO and the EU currently cooperate and coordinate their actions?

these changes' impact on the relationship between NATO and the EU is complementary.[173]

Summarizing these detailed considerations in a third step will finally allow answering the primary research question. This will also indicate areas in which the Lisbon Treaty serves the interests of NATO Members and will suggest the potential of mitigating the military capability gap between US and European countries.[174] The conclusions of the analysis together with recommendations will be presented in chapter 5.

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[173]This will answer the secondary research question: What is the impact of the Lisbon Treaty on EU institutions and procedures responsible for implementing CFSP and CSDP?

[174]This will answer the secondary research question: Has the CSDP after Lisbon potential to mitigate NATO's capability gap?

CHAPTER 4

ANALYSIS

<u>The Alliance's Relations to the EU and the CSDP</u>

NATO and the EU are based on common values and strategic interests, particularly in the fields of security, defense and crisis management. The Alliance's relations to the EU are directed to support the fight against terrorism, to strengthen the development of coherent and mutually reinforcing military capabilities, and to cooperate in the field of civil emergency planning. From a NATO perspective, there is no doubt that a "stronger EU will further contribute to our common security."[175] NATO strives for improvements in the strategic partnership with the EU, which can be summarized by the following four premises: closer cooperation, higher transparency, greater efficiency, and continual autonomy.[176] To achieve a closer cooperation NATO took various initiatives within the NATO-EU Capability Group[177]–a forum established in 2003 to allow formal

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[175]NATO, "Riga Summit Declaration," *Press Release* 150 (29 November 2006): paragraph 41, http://www.nato.int/docu/pr/2006/p06-150e.htm (accessed 5 September 2010). This statement can be seen repeatedly in newly released NATO documents. As proof of success in NATO-EU cooperation the Alliance presents the cooperation in the Balkans, e.g. the EU-led military operation Althea in Bosnia and Herzegovina, which is conducted under the Berlin Plus arrangements.

[176]See Ibid; NATO, "Bucharest Summit Declaration," *Press Releases* (3 April 2008): paragraph 14, http://www.nato.int/cps/en/natolive/official_texts_8443.htm (accessed 18 September 2010); NATO, "Strasbourg/Kehl Summit Declaration," paragraph 20.

[177]An example for such an initiative is the successful increase of numbers of available helicopters in operations, particularly in Afghanistan. See Paul Sturm, "NATO and the EU: Cooperation?" *European Security Review* no. 48 (February 2010): 1, http://www.isis-europe.org/pdf/2010_artrel_445_eu-nato-capabilities.pdf (accessed 20 September 2010).

coordination between both organizations besides the existing informal NATO-EU staff-to-staff dialogue. The Alliance also concluded that it needs to apply its military capabilities together with civilian means in a comprehensive approach. Considering the scarce resources of its members, the Alliance cannot afford to develop its own civilian capabilities and thus relies on cooperating in this field with other organizations, namely the EU.[178] This needs trust between both organizations (and its nations), and therefore higher transparency to overcome political obstacles that hamper a true strategic partnership. Avoiding unnecessary duplications would also allow greater efficiency to get more (capabilities) out of less (resources). Particularly, NATO encourages nations to re-prioritize financial resources, "including through pooling and other forms of bilateral or multilateral cooperation."[179]

NATO's view on the EU and, particularly, the CSDP strongly reflects the national interests of major players of the Alliance; the practical cooperation between NATO and the EU is thus fraught with substantial political obstacles. Naturally, the official NATO documents represent only the lowest common denominator among its Members. The different political interests of France and the UK regarding the end state and further implementation of CSDP are one major political obstacle strengthening the cooperation. NATO thus struggles to define how the Alliance wants to shape an efficient strategic partnership with the EU and how CSDP could effectively contribute to NATO's missions and vice versa. Furthermore, the practical cooperation within the NATO-EU Capability Group is often criticized because of its limitations to Non-NATO EU members that have

[178]See NATO, "Comprehensive Political Guidance," paragraph 7e.

[179]Ibid., paragraph 15.

a security agreement with NATO, as insisted upon by Turkey. The same issue hinders

effective cooperation between NATO and the EDA. In return, there is still no

administrative arrangement for Turkey to work with EDA, as opposed by Cyprus and

Greece. Despite few successes, the meetings within the NATO-EU Capability Group

have only marginal results and the formal cooperation can be described as merely

effective. Therefore it is understandable that the cooperation between NATO and the EU

relies mainly on its informal mechanisms.[180] The described political problems do not

allow the Alliance to achieve greater transparency in its relation to the EU. Information

and intelligence sharing, particularly in support of NATO missions and operations,[181]

would be a very important requirement for successful NATO-EU cooperation. The

missing security agreement between NATO and Cyprus (as well as Malta) involving

intelligence or sensitive information is again the major obstacle to accomplishing this.[182]

Similar restrictions apply to the intent of achieving greater efficiency developing and

employing capabilities. Pooling of forces, bilateral/multilateral cooperation in capability

development and concentrating on certain niche capabilities as the consequent ways to

achieve greater efficiency are subject to the same political issues. The political tensions

become even more obvious due to a highly fragmentized industrial defense market

dominated by national economic interests. Most of NATO's current political issues are

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[180]See Sturm, "NATO and the EU: Cooperation?" 1-2.

[181]NATO repeatedly stated the need to strengthen cooperation in this area. See e.g.: NATO, "Strasbourg/Kehl Summit Declaration," paragraph 14.

[182]See Paul Belkin, et. al., CRS Report for Congress, "NATO's 60th Anniversary Summit," 20 March 2009: 11-12, http://www.fas.org/sgp/crs/row/R40454.pdf (accessed 18 September 2010).

actually unlikely to be resolved within NATO itself. In this sense, all NATO Members, and in particular the US, have much broader interests in promoting CSDP to achieve a true strategic partnership with the EU. The Lisbon Treaty, therefore, has a high significance for NATO.

<div align="center">The Lisbon Treaty and CSDP</div>

The effect of the Lisbon Treaty on the EU and in particular on the Union's CSDP is considerable. The Union adapted its strategic goal for CSDP, implemented major changes on its institutional structures with its main decision making bodies and the political bodies responsible for implementing CFSP and CSDP, and officially adopted already existing cooperation procedures into the EU.

<div align="center">A New Strategic Orientation for CSDP?</div>

The Lisbon Treaty neither provides specific changes for the ESS as the strategic frame of CSDP nor does the Treaty explicitly link itself to the Strategy. The Treaty, though, provides a specific set of provisions for CSDP that can be linked to the strategic guidelines set by the ESS. The Treaty text underlines that its members are determined to assign the organization the authority to define, implement, and progressively frame CSDP, covering "all areas" of foreign policy. This will eventually "lead to a common defence, when the European Council, acting unanimously, so decides:"[183]

> If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by

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[183]European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community* (3 December 2007): 45, http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf (accessed 20 September 2010).

all the means in their power, in accordance with Article 51 of the United Nations Charter.[184]

With this, the EU assumes the function of collective defense[185] from the obsolete WEU, even though the Lisbon Treaty determines this function more generally and does not dictate military means in particular.

In addition to the mutual defense clause, the Treaty also introduces a solidarity clause encouraging the Union and its Members to "act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster."[186] In this case, the Union would seek to use all its instruments, including military force, to meet such threats cooperatively within the EU territories. Furthermore, the Treaty changes the tasks of CSDP. Now as an integral part of CFSP, CSDP shall provide an operational capacity of civilian and military assets used by the Union on missions outside its territories "for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter."[187] Following this general provision, the Treaty more precisely defines these tasks. They now include "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces

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[184]Ibid., 47.

[185]The EU nevertheless recalls that CSDP will respect the obligations of those members which are part of NATO and see the collective defense realized in the Alliance rather than in the framework of CSDP. See Ibid., 62.

[186]Ibid, 131.

[187]Ibid., 45.

in crisis management, including peace-making and post-conflict stabilisation"[188]–the

extended Petersberg Tasks. In this context the Treaty explicitly mentions the possibility

that these tasks may be executed within the Union framework only by a group of member

states "which are willing and have the necessary capability for such a task."[189]

New and Adapted EU Institutions and Procedures

The Lisbon Treaty implemented considerable amendments to the EU's structure,

particularly its main decision making bodies and the political bodies of CFSP and CSDP.

First, the Treaty establishes the European Council as an official institution, which is now

chaired by a long term and full time President in contrast to the former six months

rotating Presidency.[190] This aimed at more continuity in the work of the European

Council and shall facilitate cohesion and consensus among the heads of the member

states. The European Council's main task is to provide "general guidelines and strategic

lines"[191] for the Council of the EU, which then is supposed to "frame the [CFSP] and [to]

take the decisions necessary for defining and implementing it."[192] The President of the

European Council is not allowed to hold a national office and shall represent the Union

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[188]Ibid., 47.

[189]Ibid.

[190]The President is elected by the European Council for a 2.5 year term. Today this is Herman Van Rompuy, former Prime Minister of Belgium. One has to take into account here, that the President serves *primus inter pares*, and not as a head of state.

[191]Ibid., 35.

[192]Ibid.

externally on issues concerning its CSDP, "without prejudice to the powers"[193] of the

High Representative of the EU for Foreign Affairs and Security Policy (HR). Besides

modifying the post of the HR, the Treaty creates the European External Action Service

(EEAS) and introduces Permanent Structured Cooperation in Defense (PSCD) as a

concept directed to increase cooperation in military capability development in the

framework of the EDA. In 2008, the EU adapted its civilian and crisis management

structures at the strategic planning level.[194] With this, the Lisbon Treaty implemented a

series of innovative institutional and conceptual changes, all aimed to increase coherence

in EU's security cooperation and the capability development of its members.

The High Representative of the EU for Foreign Affairs and Security Policy

       The office of the HR arose from the post of the High Representative of CSDP and

constitutes the most notable changes of the Lisbon Treaty. Often described as foreign

minister of the EU, the HR actually merges the bureaus of the European Commissioner

for External Relations and the HR of CSDP. Hereby, the HR unifies two former areas of

EU foreign relations, which were divided between the Council of the EU and the

European Commission. The bureau of the HR is in fact a new and independent office,

which is no longer occupied by the Secretary-General of the Council Secretariat, but

nevertheless is equipped with much greater responsibility.[195] The HR's main duty is not

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     [193]Ibid., 25.

     [194]Though not amended by the Lisbon Treaty, the changes must be taken into account and discussed in this thesis because of their simultaneous implementation with the Lisbon Treaty and their significant importance for CSDP.

     [195]See Ibid., 201.

only to coordinate but also to conduct CSDP under the authority of the Council and in close and constant coordination with the PSC.[196] To do this, the HR still takes part in the work of the European Council. He now serves also as a Vice President of the Commission, as President of the Foreign Affairs Council (a configuration of the Council of the EU), as President of the EDA, and as head of the EEAS.[197] With this, the HR plays a key role in EU's foreign and security relations and gives the Union the opportunity to overcome the fragmentation of competencies in this important area. The HR has the following responsibilities:

1. Governing and monitoring the implementation of CFSP and CSDP.

2. Acting for the EU with regard to foreign policy issues.

3. Representing the Union in the political dialogue with other countries, international organizations and conferences.[198]

Most notably, the HR has now a formal right to take initiative to fulfill these responsibilities. Article 27.3 of the Treaty of the EU describes best the HR's central role in developing common policies: "The Council shall act on a proposal from the [HR] after consulting the European Parliament and after obtaining the consent of the

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[196]See Ibid., 47.

[197]See Ibid., 24, 27, and 29.

[198]See Claudia Major, "Außen-, Sicherheits- und Verteidigungspolitik der EU nach Lissabon: neue Möglichkeiten, aber kein grundlegender Wandel," *SWP Aktuell* Vol 7 (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, January 2010), 2.

Commission."[199] In order to enable the HR to do this, the EU created the EEAS, which

acts directly under the authority of the HR.

European External Action Service

The EEAS is a newly established institution and is supposed to assist the HR and

to work in close cooperation with the diplomatic services of the Member States. It

comprises officials from relevant departments of the Council Secretariat, the European

Commission and staff from each of the national diplomatic services.[200] The intent is to

provide the High Representative an "innovative, post-modern foreign policy

instrument"[201] that enables the Union to promote their values and views in the world and

helps to protect common interests of EU member states. In the past, the Council

"frequently had a political agenda, while the Commission had the structures and the

financial means to implement policy."[202] In the EEAS, civil servants from the relevant

departments of the Council of the EU and the European Commission, as well as staff

personnel from the national diplomatic services of the member states will serve together

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[199]Cited in: Council of the European Union, *Background–The High Representative for Foreign Affairs and Security Policy & The European External Action Service*, November 2009: 2, http://www.consilium.europa.eu/uedocs/ cms_data/docs/pressdata/en/ec/111301.pdf (accessed 2 July 2010).

[200]See European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, 37.

[201]Ulrike Guérot, "After Lisbon: Is Europe Becoming a Global Power?" *Internationale Politik–Journal of the German Council on Foreign Relations* No 11, H. 1/2 (2010), 40.

[202]Ibid., 42.

and enable the HR to fulfill his responsibilities.[203] Thus, the EEAS "offers an

unprecedented opportunity for the EU to put in place the institutions and policies to meet

its commitments to conflict prevention and building peace."[204] The EEAS also assists the

President of the European Council, the Members of the Commission, and cooperates

closely with the member states in the field of external relations.[205] Both, the HR and the

EEAS are supposed to ensure consistency of the Union's external action.

Permanent Structured Cooperation in Defense

Beside these changes on its institutional structures, the Treaty also officially

introduces the protocol of PSCD[206] as a possible framework of cooperation in capability

development for those members, "whose military capabilities fulfill higher criteria and

which have made more binding commitments to one another in this area with a view to

the most demanding missions."[207] The first article of the Protocol sets conditions for

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[203]These two areas made two of three pillars of the previous pillar structure of the European Union. EEAS therefore represents best the overcoming of the pillar-model that described the EU until the Treaty of Lisbon came into effect.

[204]European Peacebuilding Liaison Office, *Statement on EEAS,* 15 January 2010: 1, http://www.eplo.org/documents/EPLO_Statement_on_EEAS_January_2010.pdf (accessed 21 June 2010).

[205]See Council of the European Union, *Presidency Report to the European Council on the European External Action Service*, 23 October 2009: 2, http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf (accessed 21 June 2010).

[206]PSCD was actually proposed as early as 2004 and should have been implemented with the European Constitution. It eventually came effective with the Lisbon Treaty on 1 December 2009.

[207]European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, 46.

member states to participate in a PSCD. Generally, the cooperation is open to any

member states of the Union, which undertake "to proceed more intensively to develop its

defence capacities through the development of its national contributions and

participation, where appropriate, in multinational forces, main European equipment

programs, and the [EDA]."[208] The country furthermore must have either the capacity to

supply or to participate in one of the EUBGs.[209] With this, the Lisbon Treaty clearly

connects PSCD to the goals set by the HG 2010. The second article then focuses on the

necessary steps to achieve the objectives mentioned in the first article. According to this,

participating nations in PSCD must commit to the following five measures:[210]

1. To agree on objectives for the level of investment in defense equipment and to
   review these regularly.

2. To align their defense apparatus by harmonization, pooling and, where
   appropriate, by specialization of military needs, means and capabilities–including
   higher cooperation in the fields of training and logistics.

3. To identify common objectives regarding the commitment of forces, including a
   possible review of their national decision-making processes with a view to
   enhance availability, interoperability, flexibility and deployability of their forces.

4. To strengthen multinational approaches, without prejudice to NATO, and to
   address the shortfalls identified by the Capability Development Mechanism.

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[208]European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, Protocol on Permanent Structured Cooperation–Article 1, 12.

[209]See Ibid.

[210]See Ibid., 13.

5. To intensify the development of equipment in the framework of EDA, where appropriate, and to strengthen EDA's role in the assessment of Member States contributions.[211]

The EU does not provide a limit in quantities for PSCD. A PSCD can be established by qualified majority voting (a minimum of fifteen EU member states representing a minimum of sixty-five percent of EU's population) in every area under the conditions above-mentioned. Once established, only members participating in the PSCD are eligible to vote and to determine ends, ways, and means of their cooperation. The Lisbon Treaty also put measures into effect to ensure that participating Member States which no longer fulfill the criteria or are no longer capable of meeting the commitments necessary to take part in a PSCD can be suspended by the Council.[212]

Crisis Management and Planning Directorate

After the Lisbon Treaty,[213] the European Council agreed to integrate EU civilian and crisis management structures at the strategic planning level introducing the Crisis Management and Planning Directorate (CMPD). The initiative goes back to December, 2008, when Javier Solana, High Representative at this time, proposed changes in this

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[211]EDA "shall report thereon at least once a year" to assess "particular contributions made in accordance with the criteria to be established." Ibid.

[212]See European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, 49.

[213]Analyzing the introduction of CMPD and its impacts does not directly contribute answering the research question. Nevertheless, the changes are very important for gaining a better understanding of the Treaty's impact adapting its institutional level. This will round off the possibilities the HR and EEAS can provide in the future.

regard.[214] He recommended establishing a new directorate, which should consist of

military and civilian planners in a ratio reflecting EU's commitments in CSDP.[215]

Although the structure of the CMPD is not yet determined, it will merge two former

directorates within the Council Secretariat, responsible for defense aspects and civilian

crisis management, and will unify civilian military planning at the strategic level.[216]

Integrated in the EEAS, the directorate will serve as the highest institution of civilian

crisis management planning within the EU,[217] including the preparation of the Crisis

Management Concepts for the Union, and will deal with "horizontal issues" such as

concepts, capabilities and training of CSDP.[218]

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[214]See European Peacebuilding Liaison Office, *Statement on Civilian-Military Integration in European Security and Defence Policy*, 6 January 2009: 8, and 14, http://www.eplo.org/documents/EPLO_Statement.pdf (accessed 21 June 2010).

[215]"For example, as most ESDP missions are civilian, then most of the planners in the CMPD should be civilian experts, i.e. have extensive experience of civilian response to conflict." Ibid., 2.

[216]CMPD will probably comprise personnel from the EUMS (from its civilian-military cell) and the Commission, forming so-called Crisis Response Coordinating Teams, which have been convened on a case-by-case basis so far. See Carmen Gebhard, "The Crisis Management and Planning Directorate: Recalibrating ESDP Planning and Conduct Capacities," *CFSP Forum* 7, no. 4 (Vienna, Institute for Advanced Studies, July 2009): 8, http://carmengebhard.com/CFSP_Forum_vol_7_no_4_Gebhard.pdf (accessed 3 July 2010).

[217]In July 2009, Gerhard assumed that CMPD will serve as civilian counterpart for the EUMS, and "put into place to support the CIVCOM in its work." This assumption seems to be invalid, due to the fact that CMPD is supposed to do *strategic* rather than *operational* planning. According to the Center of International Peace Operations, beside EUMS, the CPCC will still be responsible for operational planning. See Ibid., 9; see Bastian Richter, "Common Security and Defence Policy (CSDP)–Interactive Guide. Update 2010."

[218]See Ibid.

Implications for European Military Capability Development

With a view on military capability development the Lisbon Treaty introduced significant changes to the already operational EDA with the objective to develop the military capabilities of EU members. The most visible change is that the agency is elevated from Joint Action to Treaty level. This provides a much firmer legal base and clarification of existing practices in armament cooperation in the four sectors: Capabilities, Research and Technology, Armament and Industry and the Defense Market. EDA "shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities."[219] Furthermore, the Treaty translates these purposes in specific tasks for EDA. According to Article 28 D of the Treaty, these tasks are to identify military capability objectives of EU members and to evaluate the observance of their capability commitments; to promote the harmonization of operational needs through effective and compatible procurement methods; to propose multilateral projects and to coordinate and manage their national realization; to support, coordinate, and plan the (joint) research of defense technology meeting future operational needs; and to contribute identifying and implementing measures for strengthening the industrial and technological European defense sector.[220]

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[219]European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, 46.

[220]See Ibid., 48.

All EU Member States wishing to be part of EDA are eligible to participate. The

Lisbon Treaty actually emphasizes the link between its concept of PSCD and the EDA to

provide more flexibility among their Member States contributing to the Agency's sectors

of cooperation. According to the Lisbon Treaty, EDA acts under the authority of the

Council, which defines by a qualified majority the Agency's statute, seat and operational

rules.[221] The head of the EDA becomes the HR, currently Catherine Ashton.[222] In this

function, Ashton also serves as chairman of the Steering Board, the Agency's decision-

making body.[223]

The Lisbon Treaty in the NATO-EU Relationship

Strategic Implications

The Lisbon Treaty constitutes a very important juncture for CSDP and its

strategic orientation, even though the Treaty does not resolve the Union's lack of

strategic culture. First, unifying the EC and the EU, the Treaty finally ends the debate

among scholars about the legal status of the EU particularly in foreign relations. The EU

undoubtedly assumes a single legal personality, which strengthens the organization's

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[221]See Ibid., 48.

[222]See European Defence Agency, *Treaty of Lisbon Enters into Force*, 1 December 2009, http://www.eda.europa.eu/newsitem.aspx?id=573 (accessed 7 October 2010).

[223]The Steering Board is composed of the Defense Ministers of the twenty-six participating member states (all but Denmark) and a member of the European Commission. With regard to its functions, the board also meets regularly at sub-ministerial levels and works together with third party, such as the OCCAR (fr. Organisation Conjointe de Coopération en matière d'ARmement), LoI (Letter of Intent), and NATO as well. See European Defence Agency, *Background*, 3 May 2007, http://www.eda.europa.eu/genericitem.aspx?area=Background&id=122 (accessed 22 June 2010).

position in negotiating international agreements (the treaty making power) using its entire means. [224] It also allows the Union to establish bilateral diplomatic relations with international actors. With this the EU is able to speak as one organization and to take action as a single authority. Furthermore, the Lisbon Treaty provides a possible end state for CSDP (the mutual defense), amends its spectrum of future missions (the extended Petersberg Tasks), and specifies its strategic vision of a "more active, more coherent, and more capable"[225] Union (giving itself the competencies to define, implement, and progressively frame CSDP due to amendments of its institutions and procedures as well as the innovations in capability development). The impact of these changes in relation to the research question shall be discussed in the follow-on subchapters.

Any analysis of the Lisbon Treaty's influences on a strategic partnership between NATO and the EU, however, needs to concede what the Treaty does not address.[226]

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[224]For further information regarding the debate about the single legal personality of the EU before the Lisbon Treaty became effective compare: Rafael Leal-Arcas, "EU Legal Personality in Foreign Policy?" *International Law Journal* Vol. 24 (Boston University): 165-212, http://www.bu.edu/law//central/jd/organizations/journals/international/volume24n2/documents/165-212.pdf (accessed 10 October 2010); see Philippe de Schoutheete and Sami Andoura, "The Legal Personality of the European Union," *Studia Diplomatica* Vol. LX (Royal Institute for International Relations, 2007): 7-9, http://aei.pitt.edu/9083/01/Legal.Personality.EU-PDS-SA.pdf (accessed 10 October 2010).

[225]European Union, *Treaty of Lisbon–Amending the Treaty on European Union and the Treaty Establishing the European Community*, 11.

[226]That does not mean that the Lisbon Treaty necessarily *fails* to address the following discussed issues. The Treaty is an international agreement supposed to *amend* the existing Treaties of the EU and the Treaty establishing the EC. With a view on the complexity of the EU and the Union's remaining rapid development and adaptation, particularly in the field of foreign policies, there was no reason to expect that the Union would address all its shortcomings. The analysis nevertheless would be short-sighted without summarizing remaining flaws in CSDP's strategic frame.

Assessing its strategic implications, it is equally important to address remaining shortcomings in European Strategy development. The EU has not initiated a continuous progression in its strategic thinking, although already demanded by the ESS and a variety of international scholars.[227] With a view on the remarkably rapid development of CSDP,[228] this led to a widening disconnect among the strategic vision set by the ESS, the EU's ambitions as illustrated by the HHG as well as the HG 2010,[229] and the reality of EU operations. The absence of corresponding objectives for the Union's political, diplomatic, military and civilian, and trade and development activities to the political vision actually fosters internal disputes and internal division about when and where to act.[230] It also let EU's actions appear unpredictable to external actors, although the commitment of its scarce resources and its limited capabilities merits commonly identified strategic objectives and priorities.[231] The Treaty also did not answer the

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[227]See e.g.: Olshausen, 5-6, Lange, 17, and Biscop, "A 'European Army' for the EU and NATO?" 12.

[228]Evidence for this rapid development is certainly the high number of twenty-four missions that has been launched in the framework of CSDP since 1999. See Biscop and Coelmont, "A Strategy for CSDP–Europe's Ambitions as a Global Security Provider," 8.

[229]See Biscop, "A 'European Army' for the EU and NATO?" 12.

[230]The divide between the EU Member States is the "main obstacle for the CFSP/[CSDP], most notably with regard to peace enforcement and crisis management." Ibid.

[231]Without an operational translation of its political objectives (prioritized regions and issues for the EU, long term political objectives and political roadmaps for those regions and issues, and possible scenarios in which launching an operation would be appropriate) the EU jeopardizes CSDP's effects due to three main reasons. First, a missing or incomplete strategic framework makes it difficult to define and declare success beyond the tactical and operational level. Second, it reinforces the ad hoc nature in decision making of the EU. Third, it makes it hard to justify the prioritizing of

question of how the EU would actually apply a comprehensive approach as demanded by the ESS.[232] Creating CPCC, the EU has established a permanent operational Commander and Headquarters for civilian operations, but still lacks the integration of military planning capabilities.[233] In this context, the Lisbon Treaty does neither institutionalize strategy development nor determine how to frame NATO-EU cooperation applying its means in a comprehensive approach. This once again confirms the bottom-up nature of CSDP and does not reveal a purposefully oriented approach towards an implementation of the desired strategic partnership with NATO. With this, the Treaty does not primarily address implementing a complementary relationship with the Alliance. Thus, to answer the research question, it is necessary to analyze the changes of the Lisbon Treaty and to focus on the secondary effects they have for NATO and the EU.

Mutual Defense and the Solidarity Clause

At first glance the intent of mutual defense duplicates NATO's core principle and seems to be directed to take on the Alliance's role in providing a common defense for its members. This would be contradictory to achieving a complementary relationship and probably promote competitiveness between both organizations. However, the EU as

operations. See Biscop and Coelmont, "A Strategy for CSDP–Europe's Ambitions as a Global Security Provider," 7-9.

[232]The ESS actually stated the need of a "mixture of intelligence, police, judicial, military and other means" in crisis management. See European Union, *A Secure Europe in a Better World–European Security Strategy*, 7.

[233]At the strategic level, this is actually accomplished by introducing CMPD, and thus shall be addressed later. At operational level and below this shortcoming is primarily the result of the NATO Members' concerns about unnecessary duplication (permanent military structures as proposed during the chocolate summit), as introduced in Chapter Two.

another provider of collective defense is questionable–and there are two good reasons for this. First, the Lisbon Treaty explicitly defines NATO's primacy in this regard. The Treaty clearly states that the EU respects "the obligations of certain Member States, which see their common defence realized in [NATO]"[234] and that its policy will "be compatible with the common security and defence policy established within that framework."[235] Second, the Lisbon Treaty does not reveal a change in the distinct national defense policies of the EU's six neutral Member States[236] concerning a participation in CSDP with a collective defense mechanism among EU Members. This will in practice not allow the EU to organize its military forces for a territorial defense, which moreover lacks–regarding the ESS's threat assessment–a rationale. There might be, with a view on the solidarity clause, legal aspects for the Union implementing this clause in its theoretical sense. Terrorism, especially in conjunction with proliferation of Weapons of Mass Destruction remains one of the key threats for the EU. The mutual defense may constitute a possible use force within the EU cooperatively to meet inside threats, such as terrorist attacks and their consequences, natural disasters and accidents or collapses of supply networks and communications. The mutual defense clause may also help to overcome widely varying national rules using military forces inside the EU. Additionally, mutual defense signalizes that solely nationalistic approaches in defense planning of EU Member States are not longer feasible.[237] The clause reveals the need to

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[234]European Union, *Consolidated Version of the Treaty on European Union*, 26.

[235]Ibid.

[236]As introduced in the literature review.

[237]See Bailes, 3-4.

assign EU planners effective competencies to address the role of military and civilian capabilities of the Union to streamline resource commitment between internal and external, territorial and non-territorial defense functions. Even though the Lisbon Treaty does not give EU planners these competencies, the lack does become obvious in implementing the mutual defense.

In light of these reasons, the mutual defense clause is not directed to duplicate NATO's role and will certainly not promote competitiveness between NATO and the EU. The legal and secondary implications could actually encourage EU Member States to focus on more streamlined capability planning. This would simultaneously have positive effects on NATO as well. In this sense the mutual defense clause could even promote a complementary partnership between both organizations, if the EU does not decide to decouple military defense planning from NATO's procedures and if the organization translates the political goal of common defense in operational terms. This question again emphasizes the urgent need for NATO-EU cooperation to ensure regularly and effective conversation and consultation between both organizations as well as the necessity to develop political consensus within the EU regarding the future of CSDP and to determine how the cooperation with NATO shall be institutionalized.[238]

The Extended Petersberg Tasks

Adopting the extended Petersberg Tasks for CSDP the EU partly took over tasks, in particular military advice and assistance and conflict prevention, which were already

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[238]A prerequisite to do this remains resolving the "participation problem" in NATO-EU cooperation, such as the NATO-EU Capability Group, which leads inevitably to the Turkey-Cyprus conflict. See Sturm, 1, and 3.

fulfilled by NATO's Partnership for Peace program since 1994. This expressly creates an

overlap in tasks between NATO and the EU,[239] but this duplication of tasks does not

necessarily lead to competition between both organizations. The credo of Berlin Plus–to

launch EU-led operations only "where NATO as a whole is not engaged"[240]–still

determines whether the EU can actually fulfill these tasks or not. EU-led operations such

as CONCORDIA in Macedonia (completed on 15 December 2003) and EUFOR

ALTHEA in Bosnia (still ongoing) have shown that the agreement can be successfully

utilized enabling the EU to act. In both operations, NATO's Deputy Supreme Allied

Commander Europe acted as Operational Commander for the EU and the Union launched

its missions following a terminated NATO mission (like ALLIED HARMONY and

SFOR).[241] In contrast to these positive examples, the duplication of tasks can also lead to

negative examples, such as the "beauty contests" between NATO and the EU over West

Sudan. Both organizations were divided due to a US-French argument about the question

of whether NATO or the EU was supposed to lead management of the crisis. At the end

both organizations conducted an airlift concurrently.[242] Another example highlights the

lessons learned during the operation ARTEMIS, launched in 2003. For the first time the

EU showed that CSDP was able to deploy military forces outside the EU, without NATO

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[239]See also: Heß, 59.

[240]European Security and Defense Assembly, "The EU-NATO Berlin Plus Agreements," *Assembly Factsheet* No. 14 (November 2009): 1, http://www.assembly-weu.org/en/documents/Fact%20sheets/14E_Fact_Sheet_Berlin_Plus.pdf (accessed 12 October 2010).

[241]CONCORDIA and EUFOR ALTHEA were actually the only missions conducted under Berlin Plus. See Ibid., 1.

[242]See Larrabee, 50.

support, utilizing Berlin Plus. For the EU this was an important accomplishment,[243] but simultaneously raised annoyance among some NATO Members because of a lack of consultation of the Alliance by the EU.[244]

The Lisbon Treaty, adopting the extended Petersberg Tasks, neither promotes a complementary relationship between both organizations nor does it let to more competiveness. Like the mutual defense clause, the actual utilization of a task and its perception will depend upon communication and consultation between NATO and the EU. This again underlines how important it is for NATO and the EU to agree upon a standard protocol in this regard and to institutionalize their cooperation.

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Adapted Institutions and Procedures and their
Effects for a Strategic Partnership

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This subchapter will determine to what extent the Lisbon Treaty's institutional changes on CSDP affect the common intent to carry forward the development of a strategic partnership between NATO and the EU. The officially introduced European Council, the widely adapted tasks and responsibilities of the HR, the newly introduced EEAS and the adopted EDA as an official body of the Union as well as PSCD as a concept for more flexibility are remarkable amendments in EU's institutions framing and exercising CSDP. All of these changes will have significant effects for the future of the EU and its relations to NATO as well. These effects need to be addressed and assessed determining whether they actually contribute to a complementary relationship between both organizations using the definition in chapter 3 of this thesis.

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[243]See Fischer, 27-28.

[244]See Larrabee, 50.

The European Council as a Intergovernmental Institution

Officially introducing the European Council and its new presidency[245] as the main

body responsible for developing general guidelines and strategic lines for CSDP does

strengthen the intergovernmental character of CFSP/CSDP. The principle of unanimity as

a cornerstone of security and defense cooperation in the EU will remain, although

qualified majority voting applies for some areas of CSDP. The Treaty explicitly regulates

that consensus in decisions with military or defense implications apply. This has positive

as well as negative aspects for CSDP. On the one hand, consensus in decision making

sends out strong and firm messages to its Members and external parties, once the

guidelines for CSDP are adopted by the European Council. The clearly defined

responsibility of the body in setting the strategic lines for CSDP also provides a high

degree of reliability of agreed political objectives. On the other hand, unanimity also

provides great power to its national member states and implements barriers for CSDP. [246]

With a view on the Treaty's definition of national security as a "sole responsibility of

each Member State"[247] the EU simultaneously provides anchors for nations opposing

further development of CSDP. There is, nevertheless, a good chance that strategic issues

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[245]The president of the European Council is supposed to give the EU a profile European citizens can identify with. He will act as the Union's foreign representative and has de facto restricted executive power. With a view on CSDP, the HR will head the European diplomatic service and act as a foreign minister. The Treaty does not specify the tasks of the president in detail and has not determined whether he will receive his own administrative apparatus. See Guérot, 41.

[246]See Center For Security Studies, "ESDP after Lisbon: More Coherent and Capable?" *CSS Analyses in Security Policy* 3, no. 28 (ETH Zurich, February 2008): 2-4, http://se2.isn.ch/serviceengine/Files/ESDP/46839/ipublicationdocument_singledocument/ 9BDF5F23-3BC5-49A6-9DDA-F9CB1414FBC0/en/28e.pdf (accessed 8 October 2010).

[247]European Union, *Consolidated Version of the Treaty on European Union*, 14.

between the Member States could be mitigated by the other institutions created and amended by the Lisbon Treaty and that CSDP will be more capable in the future.[248] It again shows the bottom-up nature of CSDP even though the reverse would be desirable in addressing security issues sufficiently.

Intergovernmentalism for CFSP/CSDP neither fosters nor hampers a complementary relationship between NATO and the EU. Nevertheless, there are risks that existing political issues between EU Members as well as between EU and non-EU Members may become institutionalized. This is neither in the interests of nations participating in NATO nor the EU, and will not allow a strategic partnership between both organizations. EU's definition of national security as sole responsibility for their Members also undermines the organization's attempt to create a common security. This reduces the power of its adapted institutions and creates obstacles to aligning military and civilian capabilities as well as to creating a competitively viable European industrial defense market. On the contrary, the Treaty explicitly provides possibilities to delegate specific defense policy tasks and functions to a group of states. This mitigates the risks of internal issues for the conduct of CSDP and can lead to multinational cooperation between willing and more capable EU Member States. In view of capability development and a strategic partnership with NATO, this can only be appreciated.

The New HR and the EEAS as "Foreign Ministry" of the EU

The most prominent and probably most important institutional amendments by the Lisbon Treaty are the "new" HR and the introduction of a diplomatic service for the

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[248]See Major, 5.

Union. The office of the HR was clearly strengthened and can–in tandem with the

EEAS–function as a "transmission belt for national foreign policy goals, which the

smaller member states in particular stand to profit from,"[249] while the EEAS could

benefit from the nations' experiences, networks, and traditions. Both the HR and the

EEAS as a single structure have great potential to bring external actions and foreign

policies of the EU together. Due to the diversity of national interests of its Members this

will probably not lead to a unified face in foreign policy for the Union. However, the

importance of the new HR for CSDP is truly significant. Merging former divided

responsibilities and fragmented competencies, the HR will ensure much more consistency

and coherence within the EU in regard to foreign policies. Additionally, the formal right

to initiate proposals will make the HR even more powerful in view of the bottom-up

nature of CSDP. Of central role is the HR's interconnectedness among the European

Commission, the Council, the European Council, and the EDA. These links truly provide

the HR the possibility of exercising CSDP more consistently and coherently–from

initiating political objectives down to promoting multinational cooperation in capability

development. The EEAS, directly supporting the HR, will facilitate its work and further

consolidate the ties to the main decision making bodies of the EU. With this, the HR and

EEAS can significantly affect and effectively conduct CSDP within the framework of the

other EU institutions.

  In view of a complementary relationship with NATO, the HR and the EEAS are

likely to play a significant role as well. Adapting the HR and introducing the EEAS the

EU does not create additional duplications in view of NATO's role and functions.

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[249]Guérot, 43.

Unifying responsibilities in the two offices will contribute significantly to more

coherence and transparency in all fields of CSDP. Clear responsibilities will also foster

establishing continuous communication and cooperation between NATO and the EU,

even though the Lisbon Treaty does not address this explicitly. Thus, the new adaptations

are likely to have a positive effect creating higher transparency and establishing closer

cooperation between both organizations–two of NATO Members' main goals in CSDP.

However, to what an extent the new Foreign Minister of the EU will actually shape

CSDP will depend mainly on personalities exercising the adapted post. In this regard, the

"grotesque dispute over personnel"[250] in appointing the first HR for the EU does not

really raise hopes that the Member States fully recognize the importance and the chances

the HR and the EEAS allow for the EU, CSDP and NATO.

Permanent Structure Cooperation in Defense
for a More Flexible and Capable CSDP

  The Lisbon Treaty's most important, innovative, and ambitious amendment is

certainly the introduction of PSCD as a tool to deepen the cooperation of its Member

States in various areas of CSDP. Overcoming the self-blockade of member states within

the framework of NATO and EU and accelerating the transformation of military

capabilities with a view on the HG 2010 was urgently required and PSCD seems indeed

to be the Union's solution for this issue.[251] Key provisions of the PSCD are the

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[250]Ibid., 40. Nations circulated second name rates and prominent candidates were refused nomination in order not to jeopardize their national careers.

[251]See Christian Mölling, "Ständige strukturierte Zusammenarbeit in der EU-Sicherheitspolitik: Auswirkungen des Lissabon-Vertrags auf die Entwicklung von Fähigkeiten und die Rüstungskooperation in der Europäischen Union," *SWP Aktuell* Vol

prerequisites it demands of a nation to join a PSCD, the measures to assess progress, and

the possibility to suspend a country participating in PSCD. In this regard the Treaty

provisions are not consistently persuasive, although initially high standards were set.

However, the proposed prerequisites to join a PSCD were soon lowered on the initiative

of smaller countries during the Treaty text negotiations, which virtually eliminated the

barrier in this regard.[252] With a view on the explicitly stated provision to open PSCD

basically to all Members who wish to participate this will probably be of no serious

consequence. PSCD must be inclusive anyway, allowing as many nations as possible to

participate. Translating the five measures and commitments of the Protocol[253] into rules

for participating Members will probably be of higher importance in carrying out a PSCD.

Only the right balance of a "critical mass of Member States"[254] will allow progress.

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13 (Berlin: Stiftung Wissenschaft und Politik–German Institute for International and Security Affairs, February 2010), 3.

[252]Major critizes first and foremost the lowered standards to join a PSCD. First, the Treaty does not clearly define how to measure the "willingness" of a country to develop its capabilities. Second, she argues that all EU countries but Denmark and Malta already marginally supplied or participated in a EUBG. See Major, 3.

[253]As already introduced in this chapter: (1) to agree on objectives for the level of investment in defense equipment and to review these regularly; (2) to align their defense apparatus by harmonization, pooling and, where appropriate, by specialization of military needs, means and capabilities–including higher cooperation in the fields of training and logistics; (3) to identify common objectives regarding the commitment of forces, including a possible review of their national decision-making processes with a view to enhance availability, interoperability, flexibility and deployability of their forces; (4) to strengthen multinational approaches, without prejudice to NATO, and to address the shortfalls identified by the Capability Development Mechanism; (5) to intensify the development of equipment in the framework of EDA, where appropriate, and to strengthen EDA's role in the assessment of Member States contributions.

[254]Pierre Hougardy, "Permanent Structured Cooperation," in Sven Biscop and Franco Algieri eds., "The Lisbon Treaty and ESDP: Transformation and Integration," *Egmont Paper* No. 24 (Brussels: Egmont–Royal Institute for International Relations, June

Ideally, though unlikely, a PSCD would have twenty-seven willing members actively

participating. On the contrary, too many participants will pose the risks of slowing down

the pace due to varying degrees of willingness and too few participating nations will

widen the divide between EU countries. Thus, the bar for Member States to participate

must be set very wisely. In this regard, EDA will have to play a major role in creating

concrete criteria assessing the progress of a PSCD, determining whether the objectives

are reached, and issuing recommendations to the Council as well as to Member States

where to initiate cooperation. To make PSCD successful, this must include proposals how

to suspend a country from cooperation. The Lisbon Treaty does provide the theoretical

conditions to do this; whether the EU will be able to achieve this in practice is uncertain.

This applies also to the question of whether a PSCD can be established if it violates

particular interests of another EU Member State.[255] However, the concept of PSCD does

have the potential to generate a top-down approach[256] in CSDP and to accelerate

capability development for the Union. It is not the "silver bullet"[257] solving EU's

problems, but a good concept to begin with.

2008): 12, http://www.egmontinstitute.be/paperegm/ep24.pdf (accessed 10 October 2010).

[255]See Mölling, "Ständige strukturierte Zusammenarbeit in der EU-Sicherheitspolitik," 3.

[256]See Hougardy, 11-12.

[257]Sven Biscop, Egmont Paper No. 20, "Permanent Structured Cooperation and the Future of ESDP: Transformation and Integration," (Royal Institute for International Relations, 18-19 September 2008): 16, http://www.egmontinstitute.be/paperegm/ep20.pdf (accessed 22 June 2010).

With a view on the research question, the introduction of PSCD clearly favors NATO Members' interests in achieving higher efficiency in capability development and thus promotes a complementary relationship between both organizations. The Protocol explicitly targeted increasing the deployability of European forces and at reducing military capability redundancies among EU countries.[258] With this, the Lisbon Treaty implements a concept that could open new possibilities in strategic NATO-EU cooperation, particularly in armament cooperation.

Streamlining Civilian Crisis Management Planning

With the introduction of CMPD the EU reduces fragmentation of civilian-military crisis management planning capacities at the political level, provides a more coherent and efficient capability for the HR and the EEAS exercising their responsibilities, and institutionalizes the comprehensive approach at the strategic level planning. CMPD succeeds the compromise solution of the suboptimal civil-military planning cell in the EUMS which failed to "truly act as a 'system integrator' that would unify the civilian and the military strand of ESDP." [259] In addition to its CPCC, the Union consequently developed the institutions of CSDP to better effectiveness, coherence, and efficiency during the last few years. Today, the EU has a civilian counterpart to the military chain of

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[258]Scholars assess that only 10-15 percent of over two million men and women in uniform in the EU-27 are actually deployable force. See e.g.: Ibid., 3.

[259]Gebhard, 12.

command available and unifies these introducing CMPD. These changes truly imply a

basic reconception of its planning and conduct at the strategic level.[260]

Streamlining its planning and conduct as well as an autonomous EU's capability

to apply a comprehensive approach to strategic crisis management planning on the

strategic level will contribute to more efficiency and coherence in CSDP. The use of this

capability is in NATO Members' best interests and has thus the potential to benefit a

complementary relationship with the Alliance. What is needed, though, is a link to

NATO's strategic planning capabilities. Yet again, this calls for institutionalized

coordination and cooperation between both organizations.

<u>Berlin Plus as a Framework for a Successful</u>
<u>Comprehensive Approach?</u>

At this point it does make sense to reflect on the EU's existing procedures to

actually apply its means in a comprehensive approach as introduced earlier. As shown,

the provisions of the Lisbon Treaty do integrate permanent military and civilian planning

capabilities on the strategic level of CSDP. However, the EU does not possess the

capabilities to actually plan and lead a military operation on the highest military level.

For its civilian operations, the Union can rely on ad hoc structures to form an Operational

and Force Headquarters, but in order to utilize a comprehensive approach in crisis

management the EU further relies on the Berlin Plus agreements for operating military

command structures. Experiences of Berlin Plus have also shown that the EU can

successfully access the military capabilities of NATO, but the issue of "guaranteed versus

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[260]Appendix C provides a concise overview of CSDP planning and conduct
institutions and their relationship.

assured" access and the virtual veto power of non-EU Member States of NATO for military crisis management under CSDP remain.[261] NATO and the EU repeatedly stressed the urgent need to address conflicts conducting crisis management operations utilizing a comprehensive approach, but this would require effective cooperation between the strongest military alliance and the most powerful civilian player in the world.[262] Some scholars already proposed an "inverse Berlin Plus" concept, under which NATO would be allowed to draw on EU civilian crisis management capabilities.[263]

The Lisbon Treaty does not provide specific provisions for how non-inherent capabilities can be accessed applying a comprehensive approach. The Union still depends on Berlin Plus which has been conducted successfully in the past but simultaneously raises competing interests among key players of both organizations. For a true strategic and complementary relationship between NATO and the EU this concept appears insufficient.

Effects on Military Capability Development

Introducing EDA as an official organization of the EU has the potential to be the most significant change of the Lisbon Treaty. Although at first glance unimposing,

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[261]Turkey already exercised this power delaying CONCORDIA in Macedonia as the first operation under Berlin Plus by more than five months. See Nile Gardiner and Sally McNamara, "The Bucharest NATO Summit: Washington and London Must Not Give in to French Demands," *Heritage Foundation* No. 1863 (24 March 2008): 2, http://www.heritage.org/research/reports/2008/03/the-bucharest-nato-summit-washington-and-london-must-not-give-in-to-french-demands (accessed 10 June 2010).

[262]See Jaap de Hoop Scheffer, "Die NATO und die EU–Zeit für ein neues Kapitel" (29 January 2007): 4, http://www.nato.int/docu/speech/2007/s070129c.html (accessed 10 June 2010).

[263]Also called "Brussels Plus" or "Berlin Plus Reversed." See Kempin, 3.

associating the EDA with the HR and integrating it in CSDP will offer a significant number of possibilities in three interacting areas: harmonizing, specializing and pooling of European military forces, overcoming the fragmented European defense market, and the proactive framing of multinational armament cooperation.

In the first field, the range of possibilities is certainly immense but at the same time hindered by the most significant political obstacles. Abandoning certain military capabilities and focusing on niche capabilities to specialize their forces do increase political dependence among partnering nations and can lead–in the worst case–to the inability to employ any military forces in case a nation cannot commit key capabilities. With a view on various political reservations and caveats launching a decision to deploy troops, this risk becomes very concrete. In this context, nations are substantially narrowed in the scope of cooperation mainly to pooling of non-expeditionary forces, the alignment of military doctrine and concepts, and the standardization of equipment and logistics. A positive example of a successful alignment of efforts among EU Member States through pooling is the European Air Transportation Command. Continuously decreasing military budgets[264] and constant high political ambitions, although remaining political obstacles, will force EU Member States to focus on further harmonization, specialization, and pooling of military forces. In the long run EDA will play a central role in this regard.

With a view on the second and third areas, EDA might possess much greater potential to accomplish short-term achievements, although significant political obstacles exist in these areas as well. The major reason for the increasing capability gap between

[264]See Olshausen, 9.

European and US forces is not primarily a lack of budgets and spending, but the relatively high costs European countries have to bear.[265] Disproportional costs for research, experimentation, and development as well as highly fragmented national defense programs are diminishing military interoperability and are consolidating an already fragmented industrial base for defense equipment in Europe.[266] Primary political obstacles in this regard are various degrees of government-industry relations among EU countries,[267] a high redundancy of industrial skills on the national level, and unresolved questions of the ownership of intellectual property rights of developed technology. This causes countries to run national research and development programs. Elevated to Treaty level and under direct lead of the HR the EDA is in the right position to address those issues and to overcome protectionism on the defense market.[268] In this regard, the EDA will probably perform first and foremost management and coordination tasks. Linked by the HR to the EU's main decision bodies, EDA can play a central role initiating such

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[265]See e.g.: François Heisboug, cited in: Yost, 99.

[266]See Jean-Pierre Darnis et. al., *Occasional Paper* No. 69, "Lessons Learned from European Defence Equipment Programmes" (European Union Institute for Security Studies October 2007): 18, http://www.iss.europa.eu/uploads/media/occ69.pdf, (accessed 18 October 2010).

[267]Special relationships of countries like the Czech Republic, France, Germany, Italy, Spain, and the UK comprise ownership, shareholding, or other forms of protectionism of national defense manufactures with the goal to preserve employment and the ownership of technology. See Darnies, 23-24.

[268]The EU has long recognized that protectionism on the defense market is not in the best interests of the Union and its Members. See Günter Verheugen, cited in: European Defence Agency, "Steering Board Decision in NADS Formation on EDA Input to the Commission's Consultation Process on the Green Paper" (2 March 2005): http://uu212-190-205-2.unknown.uunet.be/genericitem.aspx?area=Reference&id=142 (accessed 8 October 2010).

cooperation and utilizing PSCD as a tool to facilitate progress and to overcome political obstacles.

With a view on the goal of a strategic partnership between NATO and the EU, EDA is likely to play a crucial role in the future in the field of capability development and has great potential promoting a complementary relationship between both organizations. Embedding EDA in CSDP under the HR, the EU has accomplished significant amendments which are clearly directed towards more capable and deployable European forces. Overcoming the political obstacles among European countries towards more harmonized, specialized and pooled military forces, towards a competitive defense market, and towards more multinational cooperation will most certainly lead to an increase of European military capabilities. EDA furthermore provides NATO with a single point of contact to discuss and to align military capability development programs. Both are in all Alliance Members' best interests. However, limiting EDA to EU's Members concurrently excludes non-EU countries from participation. With a view on the Cyprus conflict, this is counterproductive to efforts to resolve strategic issues between NATO and the EU.

Summary

In implementing the Lisbon Treaty the EU, undertakes right and necessary steps to strengthen CSDP in its existing strategic frame through alignment and harmonization of its institutions, procedures and the framework for future military capability development. That does not mean that the Treaty resolves every shortcoming in CSDP and that all provisions are directed towards a complementary relationship with NATO. This anticipation would be beyond rational expectations.

On the strategic level, the EU still does lack an institutionalized strategic culture, which leads to a wide disconnect between the ESS and CSDP's reality in missions abroad. Although the introduction of the mutual defense clause and the extended Petersberg Tasks are not intended to replace NATO's role, the Union fails to provide the strategic frame which explains the rationale behind these amendments. With a view on the political division among European powers, this further promotes controversies on determining how far the EU and its Members are willing to go integrating in foreign relations and the defense sector.

The most significant effects of the Treaty are its provisions regarding the EU's institutions dealing with CSDP. The changes in this area will enable the Union to establish a strategic partnership with NATO but simultaneously reveal already existing political obstacles within the EU as well as the NATO-EU relationship. First, introducing the European Council as an official institution, the EU strengthens the intergovernmental character of CSDP and provides anchors for its Members to oppose further integration and to blockade important decisions. This dampens hopes for establishing a supranational CSDP and will continue to limit the EU to the least common denominator in this field. However, introducing the HR, the EEAS, the PSCD, and the CMPD, the Union undertakes innovative and ambitious steps to increase transparency, coherence, and efficiency of CSDP. The HR and the EEAS have the potential to be the driving forces in CSDP and to strengthen the interconnection with NATO towards a complementary partnership. The introduction of the PSCD provides the EU an appropriate tool to overcome the self-blockade of CSDP and clearly facilitates military capability development through multinational cooperation of those Members who are willing and

capable to do so. Streamlined planning and conduct and the EU's ability to apply a comprehensive approach in strategic crisis management planning offer great opportunities for future cooperation with NATO. All these changes are in the best interests of NATO and EU Members, if the EU will take appropriate measures to link its institutions, procedures, and planning capabilities to NATO.

With regard to military capability development, the Treaty furthermore introduces EDA as an official institution and embeds the Agency in CSDP appropriately. EDA is likely to play a crucial role in three areas: to harmonize, specialize, and pool European forces; to overcome the fragmentation of the European defense market towards more competitiveness; and to increase multinational cooperation in military capability development. The agency has the potential of being a cornerstone in future NATO-EU relations and cooperation between both organizations in capability development. This is in best interests of NATO Members, particularly the US. However, limiting EDA for EU Member States institutionalizes existing political issues and still hampers progress in this field.

Overall, the Lisbon Treaty creates the necessary institutional prerequisites for successful capability development among EU Member States and the vast majority of its implications are appropriate to promote a complementary relationship between NATO and the EU. With a view on the bottom-up nature of CSDP, the most promising way to achieve such a complementary relationship would be through the EDA.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

The only way for NATO to strengthen its European Members is to support the development of CSDP and to achieve a true strategic and complementary partnership between both organizations. From the EU's perspective, to become fully operable this is just as true. On the strategic level, strengthening the EU's common strategic thinking and resolving remaining political obstacles are keys for success. Of similar importance is to strengthen the cooperation and coordination between NATO and the EU through their institutions. A third important field is military capability development through enhanced mutual cooperation. Progress in these three areas can provide an advantageous framework for a strategic partnership and benefit NATO as well as the EU. The following subchapters will present conclusions and recommendations in these areas directed to achieve a true strategic partnership between NATO and the EU.

Resolving Strategic Issues

It is necessary to overcome the following two main strategic issues to accomplish a strategic partnership between NATO and the EU: the Union's lack of strategic thinking and the Cyprus conflict. In view of the nature of CSDP, it remains most likely that progress in this area cannot be achieved without being triggered from the bottom up. However, the deficiencies and the main issues at the strategic level have to be addressed to allow a more coordinated and target-oriented approach achieving a strategic partnership between both organizations.

In regard to strategic thinking of the EU, it is of utmost importance to link the ESS's political goals to priorities and objectives as well as to types of operations the Union likes to undertake, and to determine the capabilities necessary to conduct such operations. This revision of the ESS–or better its translation into a strategy for CSDP– must include a redefinition of the mutual defense clause. The EU's broad definition of the clause fuels speculation about the desired relationship with NATO and is an obstacle for a future strategic partnership. Higher cooperation in defense planning and the legal basis for the deployment of military force within the Union in the sense of the solidarity clause might be desirable, but still requires a more detailed provision. A strategy for CSDP must also provide regional priorities for the execution of specific Extended Petersberg Tasks in regard to its threat analysis. This will help to prioritize its means and to determine which operations the EU seeks to undertake and which not. To achieve such a strategy for CSDP, the Union needs to overcome tensions among European powers, namely between France and the UK. To bring France and the UK closer together, the French reintegration into the upper echelons of NATO provides an excellent opportunity. There are, nonetheless, clear indications that the UK does not greatly appreciate the reintegration and that the former dispute between France and the US has transformed into a rivalry between France and the UK today.[269] This confrontation is nothing other than an expression of remaining tensions between France and the UK about how to carry CSDP forward–the old question of a more versus less autonomous CSDP–and the lack of strategic culture within the EU. However, a reintegrated France in NATO and re-thinking

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[269]See Gardiner and McNamara, "The Bucharest NATO Summit: Washington and London Must Not Give in to French Demands," 2.

of NATO's strategy offer the opportunity to determine common political goals and objectives among the major players. The EU should take this opportunity and initiate an adaptation of the ESS or at least a discussion about its strategic orientation immediately, and the HR could take the lead in this regard. This would benefit both organizations; it ensures transparency and forces Member States to reflect upon their national strategic goals and objectives regularly and to align these with their partner nations. To develop aligned and harmonized strategies both organizations could be supported by both European and US "think tanks."[270] This would lead to a more comprehensive and more focused political discussion, even if proposals of those institutions are likely to be blurred in the discourse. On a long term perspective, NATO and the EU must also institutionalize cooperation and coordination at the highest level. This must comprise more than the exchange of information: a constructive debate is necessary.[271] One solution could be a periodical NATO-EU council with appropriate competences, accompanied by a permanent NATO-EU secretariat. [272] Another approach would be to give the NATO Secretary General and the HR the necessary competences to initiate cooperation between both organizations in the field of security and defense policy.

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[270]For a possible role of think tanks in strategy development compare: Olshausen, 10.

[271]See Scheffer, 4.

[272]Such a council must have the competences to take decisions and thus should comprise of the highest political leaders of their respective countries. A board between NATO and EU without competences will not improve the situation.

The second key for a successful NATO-EU relationship lies in the solution of the Cyprus conflict.[273] This will require a high effort at the political level. First and foremost, both NATO and the EU must acknowledge the urgent need to solve this conflict. Initiating this is a sole responsibility of major powers of both organizations. In a second step, a "wise group" of impartial and well-recognized personalities gathering facts and information could develop necessary steps for resolving the Cyprus issue. Ideally, this would lead to the development of a road map, whose implementation then needs to be facilitated by both organizations. A first step to overcoming the conflict and the blockade of cooperation between NATO and the EU could be to change Cyprus' attitude regarding Turkey's participation in EDA in exchange for a security agreement with NATO.[274]

CSDP Institutions and Procedures

In view of the European Council and the adapted HR with its EEAS, EU's difficulties to come to a common decision in the field of CSDP will remain, although the conduct of CSDP will be much more streamlined and offers various opportunities for future cooperation with NATO. In order to mitigate the risks posed by institutionalized intergovernmentalism in the field of CSDP, the Union might achieve more cohesion continuity in its guidelines through its long term and full time presidency. But the EU needs to specify the tasks of the president in detail and should provide him with the administrative apparatus which allows him to bring the heads of the nations together. In

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[273]This view is shared by scholars but not necessarily recognized by the political powers. See e.g.: Heise, *Zehn Jahre Europäische Sicherheits- und Verteidigungspolitik: Entwicklung, Stand und Probleme*, 34, and Fischer, 43.

[274]See Olshausen, 10.

this regard, the power of the president should be strengthened, but should not overlap with responsibilities held by the HR. The latter, in conjunction with the EEAS, must be sole responsible conducting CSDP. With a view on a strategic partnership with NATO, the HR should be embedded in the Alliance's political talks. This would serve two purposes; first, the post would become more attractive and important for the nations and, second, it would create an immediate cooperation on the existing institutional level between both organizations at the political level. Consequently, the already existing civil/military planning cell at the Allied Command of Operations should comprise key personnel of the EEAS. With a view on the embedded CMPD in the EEAS, this would ensure that civil-military planning at the strategic level is streamlined and conducted under appropriate authority. This would enable both the EU and NATO to conduct its missions in a true strategic partnership and along the lines of a comprehensive approach. In regard to EU's dependence on national ad hoc capabilities planning and commanding civilian (parts of) missions it might be feasible to establish permanent civilian command structures for the Union, which would provide more reliability deploying civilian means for future crisis management operations.[275] If interlocked with NATO's command structure, this would be a great benefit for the Alliance as well.

Besides its institutionalized cooperation, a cooperative strategic partnership also depends on sufficient procedures to provide access to either organization's capabilities. In regard to accessing capabilities, neither Berlin Plus nor its inverse approach appears

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[275]See Olshausen, 8, and Karl-Theodor, Freiherr zu Guttenberg, "Den Wandel gestalten," *Europäische Sicherheit: Politik, Streitkräfte, Wirtschaft, Technik* No. 59 (2010), 21.

suitable for utilizing a comprehensive approach for either organization.[276] NATO and the

EU must agree on a revised concept in the near future, if ongoing missions will benefit

from either's strengths. Signing a comprehensive NATO-EU agreement could solve this

issue and be the nucleus of a truly fertile strategic partnership. Such an agreement should

include standards for the exchange of sensitive information and determine both civilian

and military assets that either organization can assuredly rely on.[277] In this context, it is

also imaginable that NATO and the EU designate certain planning and command

capabilities with guaranteed access as a win-win for both sides. Furthermore, the

proposed NATO-EU agreement should provide technical and procedural standards for

mutual armament cooperation between European countries (of the EU and of NATO)

under the EDA.

Besides accessibility of capabilities, it is of similar importance for both

organizations to harmonize measures and mechanisms developing military capabilities.

With a view on DCI, PCC, HHG, and HG 2010 it is necessary to ask whether NATO and

the EU have sufficient mechanisms for capability development in place to achieve the

desired transformation within a reasonable timeframe.[278] Answering this would certainly

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[276]The existing political obstacles between Member States of both organizations remain and would probably lead to an agreement causing the same issues as Berlin Plus.

[277]It is certainly not feasible for NATO to command civilian activities in missions abroad. However, NATO-led missions must comprise civilian aspects and NATO thus could build on a coordinated and aligned deployment of actual needed civilian capabilities.

[278]See Biscop, "Permanent Structured Cooperation and the Future of ESDP," 1.

go beyond this thesis and must remain a question for future research. [279] However, the EU

has with PSCD made its first very important step in this regard, which might be key for

future armament cooperation. To apply this tool successfully, it will be necessary to set

higher and more detailed standards for participating nations. Another contributing factor

for success of PSCD will depend on the willingness of its Members to suspend a Nation

from participation. The EDA should set high standards for the exercise of PSCD and

could introduce automatisms suspending Member States from PSCDs. This would ensure

a continuous high commitment by participating nations and create an appropriate

mechanism for capability development.

<u>EDA and Capability Development</u>

In the short term, EU countries are limited in their effort harmonizing, pooling,

and specializing national military forces because of fundamental political obstacles. A

rapid development in this field would simultaneously diminish sovereign functions of

their respective nations. National caveats and parliamentary restrictions raise the question

of how reliable niche capabilities and pooled forces can be utilized in a NATO-EU-led

mission. A wide pooling and specialization of military capabilities would inevitably tie

nations together in their political decisions. However, the foundation of the European Air

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[279]Other areas for future research are: (1) to determine how the ESS could be translated into a strategy for CSDP and (2) how both organizations should interact with Russia and how the economic ties between EU Members and Russia influence a strategic partnership between NATO and the EU. Regarding the translation of the ESS for CSDP, Sven Biscop and Jo Coelmont provide a first attempt in a recent issued paper. See Biscop and Coelmont, "A Strategy for CSDP–Europe's Ambitions as a Global Security Provider," 9-27.

Transport Command[280] indicates areas in which such cooperation can be successful. This example shows that it takes initiatives of countries to cooperate in certain areas and that such initiatives could actually encourage others to participate. In a long term view, similar synergies could be generated through pooling of expensive national military training capabilities or the harmonization of logistical processes and procedures among European countries willing to do so. Another important area where harmonization could provide significant results in a short term is the alignment of national procurement cycles and procedures. Political initiatives of countries to achieve progress in this regard could create prerequisites for future fertile multinational cooperation.

With a view on the European defense market, the EDA has great potential to achieve significant progress overcoming the fragmentation in this area and fostering capability development through multinational cooperation. The Agency is thus likely to play a key role bringing NATO and the EU closer together in the sense of a strategic partnership in this area. A prerequisite achieving positive effects in a partnership between NATO and the EU is to avoid discrimination of non-EU Member States willing to participate in EDA. A broad approach (in the sense of a "privileged partnership") is necessary to avoid the duplication and/or decoupling of military capability development from NATO. Besides positive effects for the Cypriot-Turkish relationship, this would increase the effectiveness of cooperation for Member States of both organizations. In order to achieve a competitive European defense market, the primary aim is to overcome the various degrees of government-industry relations, to reach a feasible redundancy of

[280]The command was created by Belgium, France, Germany, and the Netherlands and replaces their respective national commands, although sovereignty of assigned aircrafts remains unchanged.

industrial skills on the national level, to resolve issues in ownership of intellectual property rights of developed technology, and to synchronize research and development among the EU Members.[281] To achieve significant progress, EDA must play a central role in managing these areas. Initially, it might take one or more EU countries to step forward in running their national procurement exclusively through EDA. However, the Agency as an official organization of the EU can also take initiatives via the HR and can propose a roadmap directed to achieve progress in the short and long term. Achievements such as the adopted framework for research and technology[282] indicate EDA's high potential in this area. Multinational cooperation in a broader spectrum should then result in standardized operational and technological requirements for defense capabilities, and much greater modularity of equipment throughout European armies.[283] This will not only result in higher interoperability and less operational friction but also in higher competitiveness for industries of the European defense market and will eventually decrease costs for the respective governments. In view of the bottom-up nature of CSDP, it is most likely that progress in capability development will end in a more pragmatic and coordinated approach on the political level as well. In this sense, the Agency should be promoted as the leading element to achieve a strategic and complementary partnership between NATO and the EU.
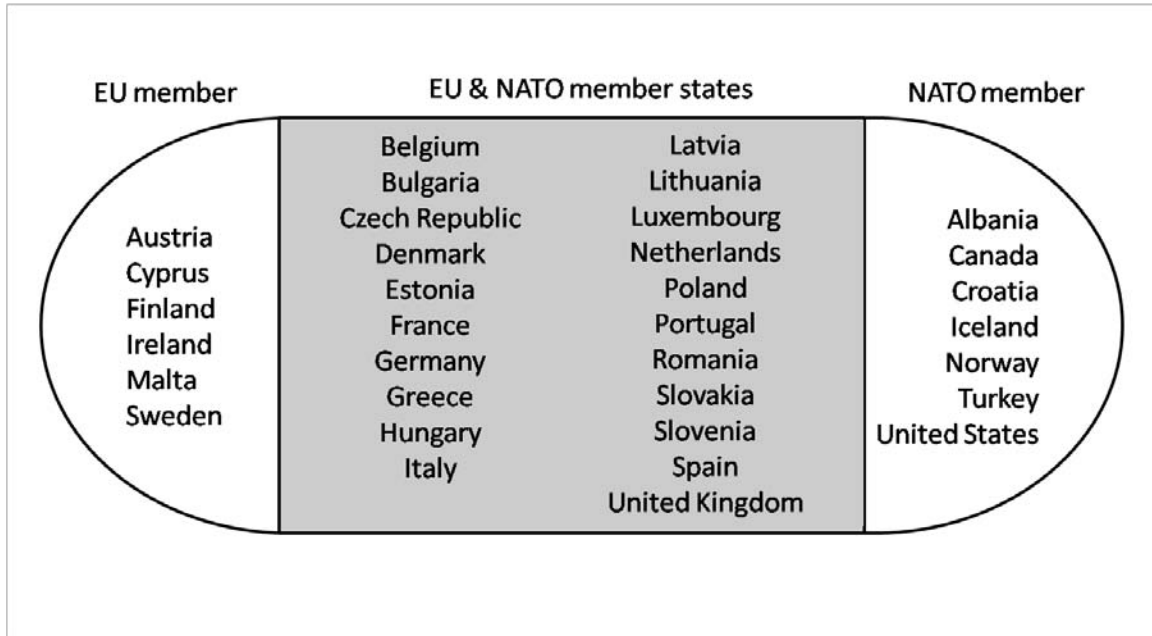
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[281]See Darnis, 23-24.

[282]See European Defence Agency, *EU Ministers Adopt Framework for Joint European Strategy in Defence R&T* (19 November 2007), http://www.eda.europa.eu/newsitem.aspx?id=287 (accessed 25 October 2010).

[283]First and foremost, attention should be given to standards for appropriate compatibility and network linkage of all communications equipment and assets as well as logistical needs.

APPENDIX A

EU and NATO Member States

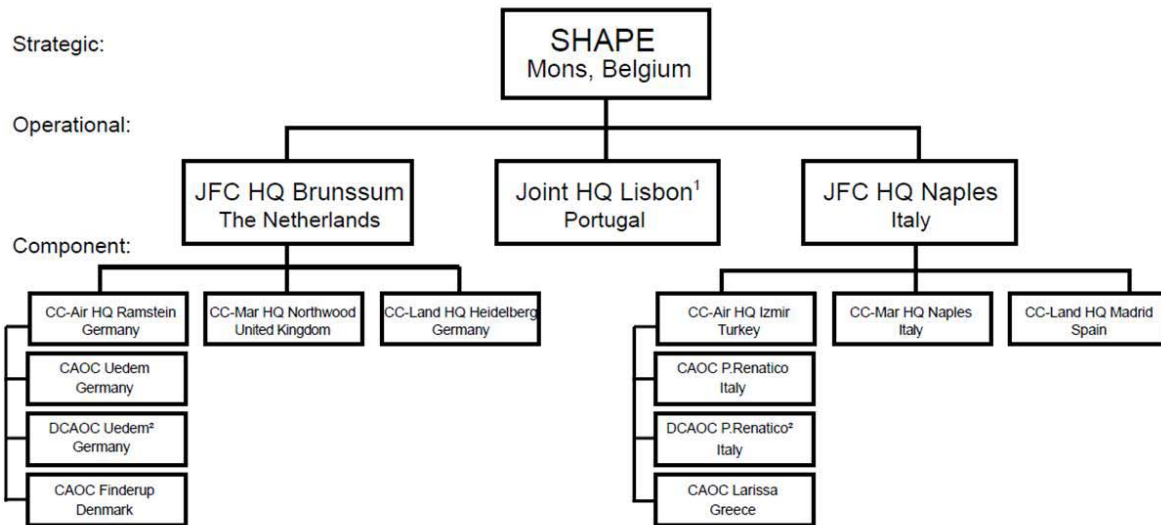| EU member	EU & NATO member states		NATO member
Austria Cyprus Finland Ireland Malta Sweden	Belgium Bulgaria Czech Republic Denmark Estonia France Germany Greece Hungary Italy	Latvia Lithuania Luxembourg Netherlands Poland Portugal Romania Slovakia Slovenia Spain United Kingdom	Albania Canada Croatia Iceland Norway Turkey United States

Source: Own Depiction.

APPENDIX B

NATO Command Structure (Allied Command Operations)

Source: NATO, International Military Staff, http://www.nato.int/ims/docu/aco.pdf (accessed 14 July 2010).

APPENDIX C

Decision Making Bodies in CFSP/CSDP

Source: Own Depiction.

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