

**The European Union and NATO**  
**Beyond Berlin Plus:**  
**the institutionalisation of informal cooperation**

**By**  
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# Abstract

For a decade, the EU and NATO have both claimed to have a relationship purported to be a 'Strategic Partnership'. However, this relationship is widely understood by both academics and practitioners to be problematic. Although not denying that the relationship is problematic, it is claimed here that the argument, whereby the EU and NATO simply do not cooperate, is very limited in its value. In fact, it is argued that the two organisations cooperate far more, albeit less efficiently, outside of the formal Agreed Framework for cooperation. According to the formal rules of Berlin Plus/Agreed Framework (BP/AF), the EU and NATO should not cooperate at all outside of the Bosnia Herzegovina (ALTHEA) context. This is clearly not the case. The fundamental aim of this thesis is to investigate how this cooperation - beyond the BP/AF - has emerged. Above all, it asks, within a context where formal EU-NATO cooperation is ruled out, what type of cooperation is emerging? This thesis attempts to explain the creation and performance of the informal EU-NATO institutional relationship beyond Berlin Plus.

This thesis, drawing on insights from historical institutionalist theory and by investigating EU-NATO cooperation in counter-piracy, Kosovo and Afghanistan, puts forward three general arguments. First, in order for informal EU-NATO cooperation to take place outside of the BP/AF, cooperation is driven spatially away from the central political tools of Brussels, towards the common operational areas and hierarchically downwards to the international staffs and, in particular, towards the operational personnel. Second, although the key assumptions of historical institutionalism (path dependency, punctuated equilibrium and critical junctures) help to explain the stasis of the EU-NATO relationship at the broad political and strategic level, a more complete understanding of the relationship is warranted. Including theoretical assumptions of incremental change helps to explain the informal cooperation that is now driving EU-NATO relations beyond Berlin Plus. Finally, this thesis makes the fundamental claim that the processes of incremental change through informal cooperation reinforce the current static formal political and strategic relationship. Events and operational necessity are driving incremental change far more than any theoretical debates about where the EU ends and NATO begins. Until events force a situation whereby both organisations must revisit the formal structures of cooperation, the static relationship will continue to exist, reinforced by sporadically releasing the political pressure valve expedited through the processes of informal cooperation. If the EU and NATO are to truly achieve a 'Strategic Partnership', it will stem from an existential security critical juncture and not from internal evolutionary processes.

**Key Words:** European Union, NATO, Common Security and Defence Policy, Historical Institutionalism, Transatlantic Security, International Organisations, European Security.

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Dedicated in loving memory to Kathleen Dyer

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# List of Acronyms

<b>ACT</b>	Allied Command Transformation
<b>AFSOUTH</b>	Allied Forces South Europe
<b>AMISOM</b>	African Union Mission in Somalia
<b>ANP</b>	Afghan National Police
<b>AO</b>	Area of Operations
<b>AVF's</b>	All-Volunteer Forces
<b>AWACS</b>	Airborne Warning and Control System
<b>BP/AF</b>	Berlin Plus/Agreed Framework
<b>BiH</b>	Bosnia and Herzegovina
<b>C2</b>	Command and Control
<b>CBRN</b>	Chemical, Biological, Radiological, Nuclear
<b>CESDP</b>	Common European Security and Defence Policy
<b>CEUMC</b>	Chairman of the European Union Military Committee
<b>CFSP</b>	Common Foreign and Security Policy
<b>CGPCS</b>	Contact Group for Piracy off the Coast of Somalia
<b>CHoD</b>	Chiefs of Defence
<b>CIC</b>	Capabilities Improvement Conference
<b>CIED</b>	Counter Improvised Explosive Devices
<b>CIMIC</b>	Civilian-Military Cooperation
<b>CiS</b>	Common Communication and Information Systems
<b>CJA</b>	Council Joint Action
<b>CJTF</b>	Combined Joint Task Force
<b>CMC</b>	Crisis Management Concept
<b>CMF</b>	Combined Maritime Forces
<b>CMPD</b>	Crisis Management Planning Directorate
<b>COC</b>	Committee of Contributors
<b>CoC</b>	Chain of Command
<b>COMJFCN</b>	Commander of Joint Force Command Naples
<b>COMKFOR</b>	Commander KFOR
<b>CONOPS</b>	Concept of Operations
<b>COREPER</b>	Committee of Permanent Representatives
<b>COS</b>	Chief of Staff
<b>CP</b>	Counter Piracy
<b>CA</b>	Comprehensive Approach
<b>CPCC</b>	Civil Planning and Conduct Capability
<b>CSDP</b>	Common Security and Defence Policy
<b>CSIS</b>	Centre for Strategic and International Studies
<b>CTF</b>	Combined Task Force
<b>DGE</b>	Directorates-General
<b>DGEUMS</b>	Director General EUMS
<b>DSACEUR</b>	Deputy Supreme Allied Commander Europe
<b>EAR</b>	European Agency for Reconstruction

<b>EBAO</b>	Effect Based Approach to Operations
<b>ECAP</b>	European Capabilities Action Plan
<b>EDA</b>	European Defence Agency
<b>EOD</b>	Explosive Ordnance Disposal
<b>EPC</b>	European Political Cooperation
<b>ESDI</b>	European Security Defence Identity
<b>ESDP</b>	European Security and Defence Policy
<b>ESS</b>	European Security Strategy
<b>EU</b>	European Union
<b>EU Civ/Mil</b>	European Union Civilian & Military Cell
<b>EU NAVFOR</b>	European Union Naval Force
<b>EU SG/HR</b>	Secretary-General of the Council of the European Union/High Representative Common Foreign and Security Policy
<b>EUCE</b>	European Union Command Element
<b>EUCI</b>	European Union Classified Information
<b>EUFOR</b>	European Union Force
<b>EUISS</b>	European Union Institute for Security Studies
<b>EULEX</b>	European Union Rule of Law Mission in Kosovo
<b>EUMC</b>	European Union Military Committee
<b>EUMM</b>	European Union Monitoring Mission
<b>EUMS</b>	European Union Military Staff
<b>EUNAVCO</b>	EU Naval Coordination Cell
<b>EUPM</b>	European Union Police Mission (FYROM)
<b>EUPOL</b>	European Union Police Mission (Afghanistan)
<b>EUPT</b>	EU Planning Team
<b>EUSG</b>	European Staff Group
<b>EUSR</b>	European Union Special Representative
<b>EUTM</b>	European Union Training Mission
<b>FHQ</b>	Force Headquarters
<b>FLT's</b>	Field Liaison Teams
<b>FOR/COM</b>	Force Commander
<b>FRY</b>	Federal Republic of Yugoslavia
<b>FYROM</b>	Former Yugoslav Republic of Macedonia
<b>GAC</b>	General Affairs Council
<b>GAERC</b>	General Affairs and External Relations Council
<b>HG</b>	Headline Goal
<b>HHG</b>	Helsinki Headline Goal
<b>HI</b>	Historical Institutionalism
<b>HoM</b>	Head of Mission
<b>HQ</b>	Headquarters
<b>IAC</b>	International Advisory Council
<b>IED'S</b>	Improvised Explosive Devices
<b>IFOR</b>	Implementation Force
<b>IMO</b>	International Maritime Organisation

<b>IMS</b>	International Military Staff
<b>IO'S</b>	International Organisations
<b>IPCB</b>	International Police Coordination Board
<b>IPU</b>	Integrated Police Unit
<b>IR</b>	International Relations
<b>IRTC</b>	Internationally Recognised Transit Corridor
<b>ISAF</b>	International Security Assistance Force
<b>JEUAM</b>	Joint Council/Commission EU Assessment Mission
<b>JSC</b>	Joint Security Concept
<b>KFOR</b>	Kosovo Force
<b>KLA</b>	Kosovo Liberation Army
<b>KPC</b>	Kosovo Protection Corps
<b>LL</b>	Lessons Learned
<b>MDB</b>	Ministerial Development Board
<b>MIIC</b>	Ministry of the Interior International Coordination Cell
<b>MILREPS</b>	Military Representatives
<b>MNBG'S</b>	Multinational Battle Groups
<b>MNTF</b>	Multinational Task Forces
<b>MOD'S</b>	Ministry of Defence
<b>MOFA'S</b>	Ministry of Foreign Affairs
<b>MOU</b>	Memorandum of Understanding
<b>MPA</b>	Maritime Patrolling Area
<b>MPAs</b>	Maritime Patrol Aircraft
<b>MSC-HOA</b>	Maritime Security Centre – Horn of Africa
<b>MTA</b>	Military-Technical Agreement
<b>NAC</b>	North Atlantic Council
<b>NAC-PSC</b>	North Atlantic Council - Political and Security Committee
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NATO-PLT</b>	NATO Permanent Liaison Team
<b>NTM-A</b>	NATO Training Mission-Afghanistan
<b>OAF</b>	Operation Allied Force
<b>OEF</b>	Operation Enduring Freedom
<b>OHQ</b>	Operational Headquarters
<b>OP/COM</b>	Operation Commander
<b>OP/PLAN</b>	Operations Plan
<b>OSCE</b>	Organisation for Security Co-Operation
<b>PfP</b>	Partnership for Peace
<b>POLADS</b>	Political Advisors
<b>PRTs</b>	Provincial Reconstruction Teams
<b>PSC (COPS)</b>	Political and Security Committee
<b>RCI</b>	Rational Choice Institutionalism
<b>ROE</b>	Rules of Engagement
<b>SEA</b>	Single European Act
<b>SEC/GEN</b>	Secretary General (NATO)

<b>SFOR</b>	Stabilisation Force
<b>SHAPE</b>	Strategic Headquarters Allied Powers Europe
<b>SNMG's</b>	Standing Naval Maritime Groups
<b>SPAG</b>	Senior Police Advisory Group
<b>TEU</b>	Treaty of the European Union
<b>TFG</b>	Transitional Federal Government
<b>TOR</b>	Terms of Reference
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNMIK</b>	United Nations Interim Administration in Kosovo
<b>UNSC</b>	United Nations Security Council
<b>UNSCR</b>	United Nations Security Council Resolution
<b>WEU</b>	Western European Union
<b>WFP</b>	World Food Program
<b>WMD</b>	Weapons of Mass Destruction

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## Chapter One

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### Introducing the Research Design and Methodology

#### Introduction

The EU and NATO have had formal institutional relations since 1999.<sup>1</sup> However, an informal relationship between the two organisations has existed since at least 1996 and, it could be argued, even earlier. Today, official texts and communiqués speak of a relationship whereby the ‘two organizations share common strategic interests and cooperate in a spirit of complementarity and partnership’<sup>2</sup> or that ‘the EU and NATO have built a genuine strategic partnership that is now well established and deep-rooted’ (NATO Office of Information and Press).<sup>3</sup> However, this relationship is widely understood by both academics and practitioners to be problematic. In fact, the formal relationship has become effectively a straitjacket for EU-NATO cooperation, since the EU will not meet formally with NATO to discuss issues that fall outside of the formal framework for cooperation (currently, the only operation ALTHEA in Bosnia and Herzegovina) without all 28<sup>4</sup> of its members present. Yet both the EU and NATO have conducted various missions in common areas of operation. This suggests that there could be cooperation outside of the formal structures. Therefore, the fundamental objective of this thesis is to investigate for evidence of EU-NATO cooperation beyond the formal structures, often referred to as the Agreed Framework, and how that cooperation has evolved despite the political blockage that

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<sup>1</sup> Please see: European Union Council Cologne, 3-4 June 1999; European Council Helsinki, 10-11 December; The Washington Declaration, 23-24 April 1999.

<sup>2</sup> As outlined in *NATO-EU: a strategic partnership* on the NATO Website. Available at: [http://www.nato.int/cps/en/natolive/topics\\_49217.htm](http://www.nato.int/cps/en/natolive/topics_49217.htm).

<sup>3</sup> As outlined in *EU-NATO: The Framework For Permanent Relations* on the ESDP website. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>.

<sup>4</sup> Please note that the EU had a membership of 27 (and not 28) during the majority of the time that the research for this thesis was being conducted.

*prima facie* should exclude such cooperation. In order to do this effectively, this thesis will elucidate the EU-NATO relationship comprehensively and unpack the discrepancies between the rhetoric and reality of this relationship. To be clear, it is the EU-NATO relationship beyond the formal agreements that is the focus of the thesis and it asks the following: Within a context where formal cooperation is ruled out, what kind of cooperation is emerging?

This thesis, drawing on insights from historical institutionalism, puts forward three general arguments to this question. First, in order for informal EU-NATO cooperation to take place outside of the Berlin Plus and Agreed Framework (BP/AF), cooperation is driven spatially away from the central political tools of Brussels, towards the common operational areas and hierarchically downwards to the international staffs and, in particular, towards the operational personnel responsible for such operations. Second, although the key assumptions of historical institutionalism (path dependency, punctuated equilibrium and critical junctures) help to explain the creation and the persistence of the BP/AF at the macro level, these analytical tools are less useful when it comes to investigating EU-NATO cooperation where formal cooperation is ruled out. For this, we need to consider processes of incremental change, learning and socialisation. Finally, this thesis makes the fundamental claim that these processes of incremental change through informal cooperation, in fact, reinforce the stasis of the current formal political/strategic relationship. Events and operational necessity are driving incremental change far more than any theoretical debates about where the EU ends and NATO begins. Until such events force a situation whereby both organisations must revisit the formal structures of cooperation, the static relationship will continue to exist, reinforced by sporadically releasing the political pressure valve which is expedited through processes of informal cooperation.

This first chapter aims to accomplish the following. First, it will establish the significance of the subject matter under investigation, and present the general research puzzle and research questions. Second, this chapter will present both the analytical and empirical focus. It will then lead on to the methodology and case selection criteria before finally outlining the structure of the thesis going forward.

## The Rationale

Since events at the 1998 St Malo summit helped clear the path for the creation of the European Security and Defence Policy (ESDP),<sup>5</sup> the question of how much autonomy ESDP should have vis-à-vis NATO has been central to both the transatlantic and internal European debates. Since St Malo, ESDP has carried out missions within and outside Europe, both autonomously and with recourse to NATO assets through the Berlin Plus agreement.

Research undertaken on the current relationship between the EU and NATO has shown that structured cooperation is effectively blocked at the political level in Brussels owing mainly, but not exclusively, to an external conflict between Turkey and Cyprus. Since the finalisation of the Berlin Plus agreements in 2003, the EU has conducted two missions, one completed and one ongoing (Concordia and ALTHEA), through that mechanism. Yet, military operations that would seem to be ideally suited and closer to the original intentions of Berlin Plus have been conducted without recourse to NATO assets (Operation Artemis in the Democratic Republic of Congo and Operation EUFOR Tchad/RCA in Eastern Chad & Central African Republic). There are also ongoing crisis management operations where both the EU and NATO are deployed in the same space, albeit performing different tasks, but no formal institutionalised agreement is in place to facilitate their joint efforts.

Realist and functionalist analyses have helped to explain the top level barriers to cooperation, but what is lacking in the literature is an investigation into the cooperation taking place in mission areas where no Berlin Plus agreements have been implemented, or where they may be deemed inappropriate, and why Berlin Plus has persisted (even though it has been referred to as a 'straitjacket'). It has been a decade since any new EU operation has been agreed and conducted through Berlin Plus. Therefore, it is appropriate for the EU, NATO, as well as academics, to investigate its relevance.

Since 1999, the EU and NATO have attempted to cooperate on various issues and in a range of different types of operations. Cooperation between the two

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<sup>5</sup> Please note that the European Security and Defence Policy (ESDP) changed to the Common Security and Defence Policy (CSDP) after the signing of the Lisbon Treaty in 2009. The acronyms are often used interchangeably in this thesis.

organisations is seen in both the academic literature and by policy-makers as problematic in light of the common challenges which face both institutions. The Berlin Plus arrangement, finalised in 2003, is the only structured and institutionalised form of cooperation between the EU and NATO. This arrangement has been successful in enabling structured cooperation in two EU-led missions to date: the EU mission in Bosnia and Herzegovina (BiH) and the EU mission in Macedonia. However, further attempts at cooperation have been thwarted due to political controversy and operational deficiency. Therefore, cooperation outside Berlin Plus should not exist.

Historical institutionalism: Institutional literature has three main variants in Political Science, namely rational choice institutionalism (RCI), sociological institutionalism (SI) and historical institutionalism (HI). HI is a pluralistic approach that combines insights from RCI and SI, while adding a distinctive interpretation that relies upon historical interpretation to ask how institutions shape political behaviour and outcomes over time. HI posits the idea that policy choices made when an institution is being formed, or when a policy is being initiated, will have a continuing and largely determinate influence over policy far into the future. This phenomenon is termed path dependency. HI defines institutions as rules, both formal rules and organisations, as well as informal rules and norms. This distinction is important as it determines just which actors are involved in the decision-making process and their strategic behaviour. HI stresses agency (i.e. it allows for choice within institutional settings) but emphasises that choice is conditioned by that setting (and notably by expectations, socialisation and, more formally, rules which endure over time). How an actor behaves depends on the individual, the context and the rule. Investigators pursuing an HI approach go to the historical record (utilising methods such as process tracing) to try and determine whether or not decisions taken were self-interested (i.e. rational), altruistic/collective, or simply habitual. Finally, HI looks at the mechanisms of institutional change and how ideas are influential within the institutional setting.

HI addresses the following: (1) The behaviour of actors at different stages of institutional development - for instance, at the pre-institutional, the design and persistence stages. Each is relevant to the historical development of not only Berlin Plus but the EU-NATO relationship as a whole. (2) What institutions do. By looking at all three stages, HI helps to determine how institutional constraints have shaped



outcomes. Here, institutions are seen to provide certainty of expectations ('the shadow of the future'), as well as moral and cognitive templates to guide behaviour. The choice in favour of Berlin Plus is thus explainable as a consequence of previous patterns of interaction between NATO and the EU and, therefore, we should expect to find that any processes of cooperation beyond the Berlin Plus context could also be explainable as a consequence of previous patterns of interaction as set by the formation and persistence of that framework. The functional purposes of the mechanism might, similarly, be viewed as a functional extension of existing prerogatives. That these are problematic, meanwhile, can be viewed as a consequence of institutional inefficiencies which have been carried forward. (3) Institutional persistence. HI permits a dependency analysis of Berlin Plus. This has both a rational dimension ('sunk costs') and sociological one (Berlin Plus obtains the character of a social institution).

It is assumed that a good degree of *informal* decision shaping and making will be discovered between the two organisations. Therefore, this study considers the EU-NATO relationship as a holistic one and assumes this relationship to be an institution in its own right, as well as the individual EU and NATO sub-sets of institutions and collections of bureaucracies. As will be outlined in more detail within the chapter that lays out the analytical framework, this thesis assumes an institution in the broad sense and will operationalise EU-NATO cooperation as a formal institution with formal bureaucratic structures, formal rules and operating procedures, while also allowing for the informal norms and practices that underline any *ad hoc* and informal EU-NATO cooperation.

By approaching the EU-NATO relationship holistically, the analysis is not reduced or limited. It is assumed that there are many subset relationships contained within this holistic context or umbrella EU-NATO framework and these will be actively investigated as a means to explain the wider EU-NATO relationship. The EU-NATO relationship has often been described by observers as problematic, but this thesis is not designed to test or quantify the problematic relationship as a dependent or independent variable *per se*. The thesis is purposefully using this description only as a starting point. The base line of this thesis is that there is a formal relationship between the EU and NATO but, although it persists as the only formal structure for cooperation, both institutionally and operationally, it is very limited in its use.

Furthermore, cooperation outside of this context should be ruled out and, therefore, this thesis problematises cooperation outside of that formal structure.

By first establishing that the formal EU-NATO framework of Berlin Plus/Agreed Framework (BP/AF) is blocked and therefore problematic for facilitating EU-NATO cooperation post 2004, key questions arise: Does EU-NATO cooperation take place outside of the BP/AF? If so, why and how does EU-NATO cooperation proceed when the formal mechanisms for cooperation are supposedly blocked at the political and strategic level? Or, to put it another way, with regard to the formal relationship (the Agreed Framework), it would appear that the EU-NATO relationship has remained stagnant and unchanged since the Berlin Plus arrangements were finalised in 2003 (barring the decision to add the EU Cell and NATO Permanent Liaison Team in 2005). But, is it the case that the EU-NATO relationship has been fixed on a course of inertia unchanged in its current format as the academic literature suggests? Given the fact that both the EU and NATO have missions in the same operational spaces (Kosovo, Afghanistan and Counter-Piracy of the Horn of Africa), but without a notable change to the Agreed Framework, this would seem to suggest that the formal relationship is not the whole story.

Therefore, it is appropriate to investigate whether the static Agreed Framework is indeed the entire picture, or whether there could be elements of incremental change taking place within a broader understanding of EU-NATO relations. In other words, is there an adaptive, interactive, and interdependent evolutionary process between individuals, micro-level institutions and the organisations as a whole going on below the surface of the seemingly stagnant formal and Agreed Framework? If so, how has any cooperation outside of the BP/AF evolved? To what extent is the BP/AF the normative and institutional reference point for EU and NATO actors attempting to cooperate outside the formal structures? What are the conditions for the growth of cooperation outside the BP/AF? Finally, if there are micro processes of evolutionary change transpiring, then what impact does this have on the EU-NATO at the macro static level? This is the lacuna that this thesis aims to address. What this thesis claims is that the argument, one so often purported, whereby the EU and NATO just do not cooperate, is very limited in its value. In fact, the EU and NATO cooperate a great deal; it is just not predominately within the formal mechanisms. As Steinmo suggests, evolutionary approaches move beyond equilibrium methodologies because 'any given institutional arrangement is part of an adaptive process in which

multiple agents operate within a dynamic context' (Steinmo, 2010, p. 16). Therefore, it is assumed that, by looking at EU-NATO cooperation within an historical context and within its specific operational environment, a more accurate picture of this relationship will emerge.

## **Methodology**

This thesis utilises historical institutionalism (HI), premised on an assumption that institutional settings have a historical quality that influences their conception and development. It utilises the notion of path dependency to suggest that institutional formation is a consequence of prior choices (such that options are narrowed) and that subsequent institutional development proceeds in a manner partly determined by the circumstances of an institution's foundation. This approach has enjoyed considerable influence in the study of Comparative Politics to explain cross-national variations (Pierson, 2007, 2000; Steinmo, 2010; Steinmo et al., 1992; Thelen, 1999) and has had a growing impact in International Relations – being used, for instance, to plot over time the development of EU external action (Smith, 2004; Juncos, 2007). However, this thesis proposes that, although the key assumptions of historical institutionalism (path dependency, punctuated equilibrium and critical junctures) help to explain the creation and the persistence of the BP/AF at the macro level, these analytical tools are less useful when it comes to investigating EU-NATO cooperation where formal cooperation is ruled out, i.e. the type of cooperation that is being problematised in this investigation.

This thesis, therefore, follows a qualitative case study approach and is premised on an interpretivist epistemology, which is derived from the general research questions outlined above and clearly generated by the analytical framework in the next chapter. An interpretivist approach is one whereby observation techniques are employed 'which seek to make sense of actors' actions and language within their natural setting' (Williams, 2000, p. 210). Furthermore, this epistemology is justified as this thesis investigates the EU-NATO relationship and informal cooperation between them by directly engaging with those actors who work and socially interact within an EU-NATO context. The research questions also determine the process of

data collection outlined below. These include: secondary and primary documentation, interviewing techniques and process tracing.

HI involves an inductive method through the collection of qualitative data in order to ascertain trends in institutional development. Such data, in turn, permit the use of process tracing – a means by which causal processes of institutional development might be inferred (George and Bennett, 2005) through the accumulation of materials derived from primary documents, interviews and secondary literatures. Process tracing can be understood as a ‘detailed narrative or story presented in the form of a chronicle that purports to throw light on how an event came about’ (George and Bennett, 2005, p. 210). In the context of this thesis, process tracing allows the researcher to investigate and interpret the steps and processes that led to EU-NATO informal cooperation outside the BP/AF context, as well as the conditions for the growth of that cooperation. The process-tracing approach has led, in this investigation, to the observation that not only does path dependency help us to understand the mechanisms of stasis in the EU-NATO relationship at the macro level, but also how learning and socialisation have contributed to processes of incremental change in the relationship. Furthermore, a process tracing approach helps to understand the relationship between the HI causal mechanism of path dependency, which led to stasis, while juxtaposing this with the casual mechanisms of incremental change, learning and socialisation that are linked to processes of informal cooperation. As a qualitative method, process tracing allows the researcher to acquire and interpret data that may have linkages and connections. It has been noted that process tracing allows ‘for the study of complex causal relationships such as those characterised by multiple causality, feedback loops, path dependencies, tipping points, and complex interaction effects’ (Falleti, 2006, p. 13). Ultimately, process tracing enables the researcher to unravel the connections between events and situations in a methodical manner (Haastrup, 2010).

Table 1.1: List of Primary and Secondary Sources

**Primary Sources:**

EU Treaties  
ESDP/CSDP Presidency Conclusions  
EU Council Decisions  
EU Council Joint Actions  
Political and Security Committee Decisions  
EU Operation Factsheets

NATO Summit Declarations  
NATO Strategic Concepts  
NAC Ministerial Decision Sheets  
NATO Terms of Reference Sheets  
NATO and EU Memorandums of Understanding  
Joint EU-NATO Secretary General & High Representative Letters  
Internal SHAPE Decision Sheets  
Internal EU and NATO Permanent Representation Non-Papers  
Internal Political Correspondence  
Internal Reports and Memos  
UNSC Resolutions  
Speeches  
Press Releases  
Internal EU and NATO reports and presentations  
European Union Institute for Security Studies publications  
NATO Review Publications

**Secondary Sources:**

Academic Literature (Books, Journals, Blogs)  
Newspaper Articles  
PhD Theses  
Official Briefing Reports from various think tanks and policy organisations

As Yin notes, a 'case study does not imply the use of a particular type of evidence. Case studies can be done by using either qualitative or quantitative evidence. The evidence may come from fieldwork, archival records, verbal reports, observations, or any combination of these' (Yin, 1981, p. 58). Furthermore, he notes that a case study is an 'empirical inquiry' and it is an investigation of a 'contemporary phenomenon within its real-life context' (Yin, 2003, p. 13). One benefit of employing a research framework that utilises the case study approach is that it permits 'a holistic observation of the phenomenon being investigated' (Andrade, 2009; Creswell, 2009; Hastrup, 2010).

Case selection is always a real challenge for case study research design (Creswell, 2007). Clearly, if this thesis is pursuing an investigation of EU-NATO cooperation where formal cooperation is ruled out, then case studies have to be chosen where the formal relationship or the BP/AF is not present. However, further rationale informing the case study selection of counter-piracy, Kosovo and Afghanistan is warranted. First, these are all cases where both the EU and NATO are operating in common operational areas and, therefore, cooperation is potentially possible. It should also be noted that these cases involve areas of operation with much different levels of hostility and belligerence on the ground. The selection of these three cases also allowed for an investigation of cooperation in a broad spectrum of operational types, i.e. military to military cooperation, civilian to military

cooperation and, in the case of Afghanistan, cooperation that existed in a real complex mixture of different civilian and military postures.

The three case studies were also chosen because they represented the best possible temporal examples to search for the evolution of cooperation and the conditions of informal cooperation due to the length of their respective missions. However, there were other possibilities. For example, potential EU-NATO cooperation in Darfur, where both organisations supported the African Union's Mission in Sudan (AMIS), was a potential case study. However, owing to the fact that both the EU and NATO missions lasted less than two years, this particular case did not fit the temporal assumptions of HI as outlined in the chapter devoted to the analytical framework. A case study design is also appropriate for an analytical approach based on the assumptions of HI because it teases out the appropriate observations for analysis in a historical/temporal context to which this approach is inclined (Haastrup, 2010). Ultimately, what are being investigated are potential cases where new rules have been created whereby agents are creative enough, over time, to adapt to the limits of BP/AF (because formal cooperation has been ruled out).

Finally, these three case studies were the best options allowing for the hierarchical and spatial approach this investigation outlines. The assumption here is that cooperation will be most prominent away from the political strategic level and hierarchically downwards towards the international staffs (and especially the operational agents); also, spatially away from the central tools of Brussels towards operational HQs and the areas of operation. All three case studies provided opportunities to investigate for cooperation between three levels of different actors: political/strategic, international staff working in Brussels, and actors working on the ground in an operational context. Furthermore, any evidence of the institutionalisation of cooperation was also expected to take place most prominently hierarchically downwards towards the international staffs and especially the operational agents and, again, also spatially away from the central tools of Brussels towards operational HQs and the areas of operation.

The interviews for this thesis were numerous (72). Addressing the research questions meant conducting interviews with actors that were attached to, or involved in, the negotiation periods leading up to the inception of Berlin Plus and the Agreed Framework as a whole. This posed certain challenges, the most obvious being the locating of those individuals who may have relocated or changed jobs. A second

issue of concern in this regard was the reliability of memories as they pertain to the subject; these negotiations took place over 12 years ago in some instances. However, the most challenging aspect was to structure a line of questioning that adequately adopted the assumptions of historical institutionalism into the collection of empirical data. For example, it was necessary to formulate questions that not only sought to address exogenous interests, but that also took into account any endogenous interests as well as any learning processes that had occurred. For example, questions that tried to juxtapose how actors might attempt to cooperate beyond the BP/AF due to functional or situational necessity, while simultaneously being constrained by the limitations of the BP/AF due to exogenous political interests. Furthermore, it was important to design questions that accounted not only for the traditional assumptions of HI, such as path dependency, but also for assumptions of incremental change, learning and socialisation.

Addressing the research questions also involved interviewing a variety of actors. The selection list of interlocutors was chosen so that they would be representative of the totality of the three levels of practitioners within the EU-NATO umbrella (political strategic/international staffs, both civilian and military, and operational, civilian and military) and in line with the hierarchical and spatial approach. The research involved interviews with personnel who work, or have worked, within the political-military institutions of both CFSP/ESDP and NATO. Furthermore, it was necessary to conduct interviews with actors representing states that had joint membership with both the EU and NATO, but also those who are members of one organisation but not the other. This was vital in assessing what effect working inside both Berlin Plus operations and non-Berlin Plus operations had on those actors not party to the total amount of available intelligence, as well as to assess whether the BP/AF was as an institutional and/or normative reference point for those actors attempting to cooperate where the BP/AF was not present. This raised obvious problems of time and logistics. However, numerous research trips were conducted in Brussels and at both EU and NATO operational HQs over the research period.

The total number of interviews with EU interlocutors was 30 and a total of 37 with NATO. The remaining four consisted of: two DSACEURs, two DSACEUR aides (both double-hatted EU/NATO), UK MOD officials and an interlocutor with the US Mission to the EU. With regard to the three levels of analysis, 19 interviews were conducted with actors working at the political/strategic level, 30 working at the

international staff level (both civilian and military personnel), and 23 interviews were conducted with operational level personnel (both civilian and military) working in all three case studies devoted to informal and non BP/AF cooperation. In order to properly set the baseline chapter of the formal EU-NATO relationship, interviews were also conducted with actors who worked within the BP/AF context; specifically those actors involved with the CONCORDIA and ALTHEA missions. This was also imperative for investigating to what extent these actors and institutional linkages overlap between the formal and informal environments.

Those interviews conducted at the political/strategic level were with staff working within the permanent representations to either NATO or the EU. They ranged from the ambassador level down to counsellor grade. At the international staff level, interviews were conducted with interlocutors working within NATO HQ, SHAPE, EUMS, CMPD, the Commission, CPCC, the EU Cell at SHAPE, EU Staff Group at SHAPE, and the European Security and Defence College. Interviews were also conducted with the permanent liaison teams that work between the two organisations. These interviews ranged from NATO Secretary General level, NATO Assistant Secretary General level, Political Affairs sections, Political/Military Affairs units, Crisis Management, Heads of Section, Defence Policy and Planning, and down to Counsellor level. Finally, interviews with operational level interlocutors ranged from EU and NATO Operational Political Advisors, Branch Heads, Legal Advisors, Military Cooperation Units, Chief of Staff, Political Advisors to Head of Missions as well as Operational Commanders.

Although this list of interviews is a comprehensive sweep of the EU and NATO as a whole, as well as the sub-set of institutional arrangements, both in terms of hierarchy and spatially representative of all three levels, and from the centre (Brussels) to the periphery (in-theatre), financial and time limitations meant that interviews with actors from some bodies were not possible. The most important of these, in terms of EU-NATO cooperation, would be the European Defence Agency (EDA) and Allied Command Transformation – NATO (ACT). Multiple attempts were made to secure interviews both with the Chief Executives and POLADS, but to no avail. However, as this research was focused primarily on EU-NATO cooperation in the field of crisis management, it is hoped that this shortcoming will not impact the overall significance of the data. It is worth noting, however, that cooperation in the area of defence procurement and the defence markets would make for a further



interesting study; this is especially so since 'smart defence' and 'pooling and sharing' have become a central focus for both organisations in lieu of the recent economic and austerity constraints impacting member states.

Some other methodological issues are also worth mentioning. First, securing interviews was a difficult challenge. However, added to this problem was the difficulty involved in trying to secure actors that were working in the institutions in the early creation stages of the EU-NATO relationship. Often, staff had moved on or were impossible to locate. However, although this was a limitation, it is believed that enough of the interlocutors interviewed were present in the earlier stages of the relationship formation. What was particularly helpful was that some of these individuals had worked in one IO before being posted to the other. This also helped objectively, as they could put the relationship into perspective from the institutional and organisational constraint posed by working in such an environment.

One aspect of the data collection that was particularly troublesome was getting access to classified information. Often, interlocutors would have to summarise documents as they were not able to show the actual document due to classified restrictions. Interestingly, this applied not only to the Berlin Plus documents, Terms of Reference and other Memorandums of Understanding concerning the formal Agreed Framework, but also to many of the documents that were 'worked out' in the field to accommodate for the lack of an official EU-NATO relationship in that specific area of operation. This was particularly the case with both the Kosovo and the Afghanistan case studies. The sensitivities involved in having commanders in the field even to put their signatures on the same document were so delicate that often attempts at these agreements were delayed for long periods of time. Furthermore, as they dealt with modalities and procedures for issues such as protection and evacuation, sensitive information exchanges, intelligence, medical support and even improvised explosive devices (IEDs), the ability for the researcher to look at the actual document was very limited.

Finally, interviews were conducted with personnel connected to each case study in this thesis. However, due to the particular hostile environment in Afghanistan and the Gulf of Aden, as well as budget constraints, the author was not able to visit these particular geographical regions. However, it was possible to visit all of the other active operational HQs as part of the research, including KFOR and EULEX in Kosovo and Northwood with regard to ATALANTA and Ocean Shield.

## Outline of the Thesis

Chapter One introduced the empirical topic under investigation and the analytical focus that will be employed to carry out this investigation. The former is the EU-NATO relationship and cooperation between the two posts of the BP/AF. The latter is a framework of analysis based on the assumptions of historical institutionalism. The fundamental objective of this thesis is to investigate for evidence of EU-NATO cooperation beyond the formal structures, often referred to as the Agreed Framework, and how that cooperation has evolved despite the political blockage that *prima facie* should exclude such cooperation.

This chapter then outlined the three key arguments put forth in this thesis. First, in order for informal EU-NATO cooperation to take place outside of the BP/AF, cooperation is driven spatially away from the central political tools of Brussels, out towards the common operational areas and hierarchically downwards to the international staffs and, in particular, towards the operational personnel responsible for such operations. Second, although the key assumptions of historical institutionalism (path dependency, punctuated equilibrium and critical junctures) help to explain the creation and the persistence of the BP/AF at the macro level, these analytical tools are less useful when it comes to investigating EU-NATO cooperation where formal cooperation is ruled out. For this, we need to consider processes of incremental change, learning and socialisation. Finally, this thesis makes the fundamental claim that these processes of incremental change through informal cooperation, in fact, reinforce the current static formal political and strategic relationship.

This chapter then further clarified the main rationale, the key research questions and the central research puzzles that this thesis will address. To reiterate, by first establishing that the formal EU-NATO framework of BP/AF is blocked and, therefore, problematic for facilitating EU-NATO cooperation post 2004, the central questions arise: Does EU-NATO cooperation take place outside of the BP/AF? If so, why and how does EU-NATO cooperation proceed when the formal mechanisms for cooperation are supposedly blocked at the political and strategic level? Essentially, this thesis investigates three contexts (counter-piracy, Kosovo and Afghanistan),

where formal cooperation is ruled out, in order to assess what type of cooperation is emerging. Therefore, it is assumed that, by looking at EU-NATO cooperation within an historical context and within its specific operational environment, a more accurate picture of this relationship will emerge.

The chapter also outlined the theoretical and methodological approach being applied to the topic. This thesis utilises HI and is premised on an assumption that institutional settings have a historical quality that influences their conception and development. It pursues a qualitative case study approach and is premised on an interpretivist epistemology, which is derived from the general research questions specifically generated by the analytical framework in Chapter Three. Finally, the justification of the case study selection was outlined.

Chapter Two establishes the key empirical puzzle under investigation: Why are the formal mechanisms of EU-NATO cooperation (BP/AF) static, while cooperation is continuing outside of that context? To set the baseline of the EU-NATO relationship, the chapter first outlines the historical trajectory underpinning the EU-NATO Agreed Framework, including Berlin Plus. This is critical, as the EU-NATO Agreed Framework must be established so that it is clear what the actual formal terms of these agreements are before an investigation of EU-NATO cooperation beyond Berlin Plus can be initiated. The chapter outlines the historical narrative behind the formalisation of the EU-NATO co-operational agreements and then seeks to demonstrate how the formal relationship was put into practice. The chapter then details the only two cases of formal Berlin Plus operations (CONCORDIA and ALTHEA). It then shows that, although the BP/AF persists as the only formal mechanism for EU-NATO cooperation, it has not been utilised in any other operations and has, therefore, essentially been static since 2004. This leads to the central research puzzle informing this thesis: Why does the BP/AF seem to stop or become static but cooperation between the EU and NATO does not?

The aim of Chapter Three is to clearly outline and argue why new institutionalism generally, and historical institutionalism more specifically, provide appropriate theoretical tools for investigating and analysing the EU-NATO relationship in both its formal and informal manifestations. It addresses the main theoretical arguments of new institutionalism based on the current literature and how these theories relate to the subject area of this research more specifically. It argues that historical institutionalism is an appropriate approach by which to tackle this research, as it is a

'pivotal' approach with one foot in the rationalist camp and another in the sociological one. In this way, HI can be developed to focus on the persistence of the EU-NATO relationship at its structured formal level while, at the same time, addressing the informal institutional procedures, within an historical context, to assess what incremental processes are at work within the specific environment in which the EU-NATO relationship exists.

This chapter outlines the key assumptions of what are putatively understood to be the traditional and central tenets of HI: path dependency, punctuated equilibrium and critical junctures. However, it is argued that, although these assumptions help to explain the stasis of the EU-NATO relationship at the broad political and strategic level, in order to gain a more complete understanding of the EU-NATO relationship, the incorporation of assumptions based on an understanding of incremental change, facilitated through learning and socialisation, is needed to further explain these processes. Theoretical assumptions based on incremental change, learning and socialisation are, therefore, outlined in the chapter. Finally, the chapter offers the specific research questions that will be investigated in all the three case studies as generated from these theoretical assumptions.

The central focus of Chapter Four is the case study of counter-piracy. This chapter draws from the baseline of the BP/AF that was established in Chapter Two, and the analytical framework addressed in Chapter Three, to investigate for evidence of cooperation beyond the formal structures in a specific area of operations, where both the EU and NATO have military operations deployed. This is to ascertain whether there are examples of informal norms and practices that support informal cooperation between the two organisations. In order to accomplish this task, the chapter seeks to analyse a case where both the EU and NATO are concurrently conducting very similar military missions in the same area of operations but lacking any formal institutions or mechanisms for cooperation. An in-depth analysis of cooperation, both at the macro and micro level, in the area of counter-piracy is undertaken in order to establish the nature of the EU-NATO relationship in an informal but operational setting. It seeks to establish any processes of continued institutionalisation with the formal relationship and, once these processes are established, to compare them to those processes that drove the formal mechanisms for cooperation outlined in Chapter Two. In this way, an overall assessment of any path-dependent features to the relationship can be teased out while, at the same

time, investigating for evidence of incremental change, facilitated by learning and socialisation, in the relationship as well.

The central focus of Chapters Five and Six is the case studies of Kosovo and Afghanistan. In order to understand the relationship more fully, an investigation is also needed in areas where the EU and NATO are operating in the same mission space (and potentially cooperating) but in different capacities. These two case studies seek to build on the counter-piracy case study by investigating the relationship in two areas where both the EU and NATO are present but conducting different types of operations. Therefore, the case studies of Kosovo and Afghanistan are critical. Both NATO and the EU are present on the ground in both cases. In Kosovo, NATO is conducting a military operation while the EU is engaged with a civil rule of law mission. Both operations are significant in size although they operate in a relatively non-hostile environment. Kosovo is a particularly interesting case to investigate for EU-NATO cooperation beyond Berlin Plus. Although there is no Berlin Plus operation in Kosovo, of the three cases in this thesis, Kosovo (and the KFOR mission, in particular) seems the most likely candidate for implementing the Berlin Plus arrangements. The EU taking over NATO's KFOR mission - with recourse to NATO assets and capabilities - could conceivably be not that different from the way Operation Althea is conducted in Bosnia Herzegovina. In the case of Afghanistan, the EU is present with a civil police training mission, while NATO/ISAF is responsible not only for creating an environment of overall security in the country but also for conducting its own police training through its NATO Training Mission Afghanistan. However, the EU Police Mission is dwarfed by NATO's ISAF mission and both operate in an extremely hostile environment.

Chapter Seven is devoted to illustrating the key findings of the empirical analysis and the broader significance of the analytical approach. The key empirical findings from the case studies will be extrapolated in order to illuminate a more complete picture of EU-NATO cooperation than is currently found in the literature. The empirical findings demonstrate that a focus on incremental change through informal cooperation, as well as the path dependent nature of the formal Agreed Framework, leads to a much more complete understanding of how these two organisations operate in the common field of security. The theoretical conclusions also comment on the overall utility and drawbacks to the analytical approach applied.

## **Conclusion**

The objective of the next chapter is to establish the key empirical puzzle under investigation. In order to do this, it must first clearly contextualise the EU-NATO relationship by outlining the historical trajectory underpinning the EU-NATO Agreed Framework, including Berlin Plus. It reveals how the formal relationship was put into practice and then demonstrates that, although the BP/AF persists as the only formal mechanism for EU-NATO cooperation, it has not been utilised in any other operations and has, therefore, essentially been static since 2004. This leads to the central research puzzle informing this thesis: Why does the BP/AF seem to stop or become static but cooperation between the EU and NATO does not? It is to this discussion that the thesis now turns.

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## Chapter Two

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### Establishing the Formal EU-NATO Framework

*'Why are NATO-EU relations still so problematic? Why do both institutions find it so hard to make the much-talked-about "strategic partnership" a reality? My answer to these questions is clear and unambiguous. NATO-EU relations have not really arrived in the 21st century yet. They are still stuck in the '90s' (Jaap de Hoop Scheffer, NATO Secretary General 2004-2009).*

#### **Context & Background**

The next section turns to the historical trajectory underpinning the EU-NATO Agreed Framework, including the creation of Berlin Plus and the Agreed Framework. It is critical to first establish the why, what and when of the EU-NATO Agreed Framework and to be clear what the actual formal terms of these agreements are before an investigation of EU-NATO cooperation beyond Berlin Plus can be initiated. This section lays out the historical narrative behind the formalisation of the EU-NATO co-operational agreements underpinning the relationship and then seeks to demonstrate how the formal relationship was put into practice. To accomplish the latter, this chapter will detail briefly the only two cases of formal Berlin Plus operations (CONCORDIA and ALTHEA). This chapter will then go on to illustrate that, although the BP/AF persists as the only formal mechanism for EU-NATO cooperation, it has not been utilised in any other operations apart from ALTHEA and has, therefore, essentially been static since 2004. This leads us to the central research puzzle informing this thesis: Why does the BP/AF seem to stop or become static but cooperation between the EU and NATO does not? However, let us first turn to the historical context in which the BP/AF was created.

## Characterising the EU-NATO Relationship

To understand the context of EU-NATO relations, it is helpful to look at this relationship in the context of three broad periods since 1998. The first period of EU-NATO cooperation is best captured by the reserved and apprehensive view held by many in Europe and America. Although there were those who argued that (1) ESDP should not be seen as a rival to NATO, (2) autonomy should be encouraged and (3) capability duplication should be discouraged, there were also senior officials in the George W. Bush administration and many in Europe who were sceptical over an ESDP with full-blown autonomy. When leaders such as George W. Bush and Tony Blair expressed their approval of ESDP, it was quickly followed by statements that 'NATO will remain the essential foundation of transatlantic security'.<sup>6</sup>

Since the 1998 St Malo declaration, four ESDP institutional bodies are of note: The Political and Security Committee (PSC), the European Union Military Committee (EUMC), the European Union Military Staff (EUMS) and, on the civil side, the Civil Planning and Conduct Capability (CPCC). It is important to highlight that ESDP, and especially the military component, is primarily an EU Council competence, although it does have responsibilities to the Commission and the European Parliament. It was made clear from the start of ESDP that this would be the only way that some member states could agree to the initiative. Moreover, any attempts to move ESDP military operations into Commission territory would be seen as crossing the 'red lines' of many member states.

The PSC is an ambassador -level body created by a Council decision in 2001. It is the most important of the post St Malo ESDP bodies and its chief aim is to: 'keep track of the international situation in the areas falling within the common foreign and security policy, help define policies by drawing up "opinions" for the Council, either at the request of the Council or on its own initiative, and monitor implementation of agreed policies' (EU Core Documents from 1998-2000, 2001, p. 191).

The EUMC is the 'highest military level body' within the ESDP and Council structures. The body is made up of all the military chiefs of EU member states and its

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<sup>6</sup> This quote is taken from a 23 February 2001 joint statement by President George W. Bush and Prime Minister Tony Blair. Accessed at: <http://www.whitehouse.gov/news/releases/2001/02/20010226.html>



primary obligation is to advise the PSC. EUMS is composed of military and civilian experts seconded to the Council Secretariat by the Member States. The CPCC falls within the remit of the Council Secretariat and is the permanent structure responsible for an autonomous operational conduct of civilian ESDP operations.<sup>7</sup>

However, the period 1999 to 2003 was a tumultuous time for both organisations as the negotiations for what would eventually be called the Berlin Plus arrangements were worked out. These arrangements, based on earlier agreements worked out at a 1996 Berlin ministerial, were designed to give 'assured EU access to NATO planning capabilities' in the event of an EU-led crisis management operation. These negotiations were delayed due to what has subsequently been termed the 'participation problem' due to existential differences between certain states that are either in the EU but not NATO, or vice-versa (Yost, 2007, p. 92).

The Berlin Plus arrangements were further settled upon in December 2002 owing to an agreement whereby Cyprus and Malta,<sup>8</sup> then both soon to join the EU, would not take part in EU operations that involved 'using NATO assets' (EU Core Documents from 2002, 2003, p. 171).<sup>9</sup> An EU-NATO Joint Declaration was released in December 2002 and, in March 2003, both the EU and NATO stated that they had finally worked out Berlin Plus (EU Core Documents from 2002, 2003, p. 178; EU Core Documents from 2003, 2003, p. 48).<sup>10</sup> With compromises and arrangements in place to facilitate the EU's access to NATO planning and capabilities, plans were drawn for two EU-led missions in the Balkans: operation CONCORDIA in the Former Yugoslav Republic of Macedonia (FYROM) and ALTHEA in Bosnia and Herzegovina (BiH). To date, of the nine EU military missions conducted since ESDP's inception, these two remain the only operations to be conducted utilising the Berlin Plus arrangements.

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<sup>7</sup> Further information can be obtained by visiting the ESDP website on ESDP structures and instruments. [http://www.consilium.europa.eu/cms3\\_fo/showPage.asp?id=279&lang=en&mode=g](http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=279&lang=en&mode=g)

<sup>8</sup> This is no longer the case for Malta, as it signed a bilateral security agreement with NATO and rejoined the Partnership for Peace programme in April 2008. However, this circumstance still applies to Cyprus.

<sup>9</sup> See: EU Council Meeting, Copenhagen 12 December 2002; Copenhagen European Council meeting, 12 and 13 December 2002; North Atlantic Council decisions, 13 December 2002. Available at: <http://www.iss.europa.eu/uploads/media/chai57e.pdf>.

<sup>10</sup> The EU-NATO Joint Declaration available at: <http://www.iss.europa.eu/uploads/media/chai57e.pdf>.

The second period of EU-NATO cooperation was characterised by the strategic disagreements concerning the post 9/11 world and the fractious diplomacy leading up to the Iraq War. Although cooperation at one level progressed within the framework of EU missions in Macedonia and Bosnia - missions that, for the first time, utilised EU access to NATO assets through the Berlin Plus arrangements - the political atmosphere was clouded by events on the international stage. To reiterate, the Berlin Plus arrangements were (and still are) the framework through which the EU and NATO communicate institutionally and cooperate. Through these arrangements, the EU has 'assured access' to NATO planning as well as 'presumed access' to NATO assets and capabilities. The arrangements were first discussed at a WEU-NATO ministerial meeting in Berlin (1996). After the NATO-EU Declaration on ESDP was announced, and after drawn-out political process, these arrangements were finalised on 17 March 2003 (see Table 2.1). However, the lead up to the Iraq War brought the different views on ESDP-NATO relations to a boiling point and they were branded in an overwhelmingly caricatured fashion (Cornish, 2004). Any hope for a political compromise over a strategic partnership between the EU and NATO seemed impossible. The French agenda under Chirac was seen as pursuing ESDP as an alternative to NATO as the primary forum for discussing global security issues while, at the same time, curtailing US hegemonic ambitions (Valasek, 2008, p. 1). On the other side of the fence were those European officials drawing 'red lines' in the sand when it came to marginalising NATO as the primary organisation responsible for European security and defence.

Table 2.1 Berlin Plus

- Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
- The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
- Identification of a range of European command options for EU-led missions;
- The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations;
- A NATO-EU agreement covering the exchange of classified information;

- Procedures for the release, monitoring, return and recall of NATO assets and capabilities;
- NATO-EU consultation arrangements in the context of an EU-led crisis management operation making use of NATO assets and capabilities.

The argument over ESDP autonomy reached its zenith with the so-called 'Chocolate Summit'. When four EU and NATO member states (Belgium, France, Germany and Luxembourg) met and agreed to establish a separate planning headquarters for EU missions - something in itself not prohibited by the Berlin Plus arrangements if the EU was declared the lead nation in a crisis - this independent decision was seen as an 'attempt to divorce ESDP operations from the need to rely on NATO capabilities' (Merlingen and Ostrauskaite, 2008). Although the main obstacles to ESDP-NATO cooperation at this time were political and related to issues such as Iraq (Zaborowski, 2006) as well as other existential political considerations, this is not to say that institutional relations were not also troubled. The Berlin Plus arrangements themselves also placed limitations on ESDP-NATO cooperation.

Many saw these arrangements as too limited in scope. They did not guarantee EU access to NATO assets as the member states were not identical in both organisations and, therefore, a potential veto was crippling. A further limitation is that Berlin Plus did not have any mechanisms for combining civil-military capabilities. Finally, Berlin Plus did not identify which organisation should lead a mission, and it is enacted only when that decision has been made (Burwell et al., 2006). This led to what has putatively been understood as a 'beauty contest' between two relative newcomers to crisis management and resulted in both the EU and NATO vying to demonstrate their relative added value in this competency. This scenario became most apparent in the lead up to the ESDP and NATO Darfur missions, which saw independent and duplicated EU as well as NATO efforts because agreements could not be reached in such short notice and institutional competition was rampant (Burwell et al., 2006; Michel, 2007; Tardy, 2006). The realisation that these divisive issues were causing damage to both the EU and NATO has since urged a more pragmatic approach from all sides. Nonetheless, the formal EU-NATO relationship has been essentially frozen since the 2004 Cypriot Annan Plan Referendum, which allowed Greek Cyprus to join the EU with the Turkish Cypriot question unresolved.

Turkey uses its membership of NATO to block Cyprus from joining the Partnership for Peace (PfP), while Cyprus uses its membership of the EU to ensure that no matters outside of Berlin Plus are discussed at the NAC-PSC level. Both sides of this divide have seized on this issue to leverage the other in any future settlement of Cyprus. Formal EU-NATO cooperation will stay problematic until the issue is resolved. Although Cyprus was not yet a member of the EU, it was widely recognised in all the relevant capitals that this would be a reality in 2004. However, what was as yet still undecided was how Cyprus would join the Union: with its *acquis communautaire* applying to the whole island or just to the Greek Cypriots in the south of the island. Although the Annan Plan for Cyprus was later rejected on 24 April 2004, the expectations in most of the relevant capitals were mostly positive at that time. In the words of one interviewee, 'the expectation was that the people on both sides of the island would find an agreement. So the referendum came as a shock, it was a total failure' (Interview 5, 2010). This unintended consequence will be revisited in the next chapter when the analytical framework is addressed.

A third period in EU-NATO relations can be discerned after the crisis over Iraq began to quieten and a new pragmatic approach was adopted towards ESDP-NATO relations. In 2005, a Centre for Strategic and International Studies (CSIS) report noted that any debate over this relationship should not be about US power and EU weakness, but 'over how a combination of American and European power can best contribute to global order in spite of the weaknesses found on each side of the Atlantic' (Serfaty, 2005, p. 4). With coalition troops engaged in Iraq, NATO forces being increasingly challenged in Afghanistan, and EU-NATO cooperation over counterterrorism almost nonexistent, the need to focus on what was required to meet current security risks became urgent (Cornish, 2006). In 2006, a paper released by the Atlantic Council of North America outlined the key principles to the EU-NATO relationship. Although it identified NATO as the 'essential' and 'primary' forum for transatlantic security discussions, it also acknowledged the EU as having a 'vital role' as a security actor. Furthermore, it added that the relationship should not be based on a grand bargain that saw a civil-military division of labour (Burwell, 2006, p. 6). This more pragmatic approach also incorporated the lesson that, if sequencing decisions were not made prior to a crisis, the situation could lead to a 'beauty contest' scenario as it did in the run-up to the Darfur missions (Burwell et al., 2006, p. 14).

Other issues were absorbed as well. NATO became even more interested in the idea of cooperation in post-conflict reconstruction as this issue was vital for stabilising Afghanistan. Dufourcq and Yost noted that both the EU and NATO should give much more consideration to the organising of combat operations as target selection has a direct impact with regard to the success of post-conflict reconstruction (Dufourcq et al., 2006). The lack of communication between the two organisations at the NAC-PSC level was further identified as counterproductive. Ideas, such as a potential Berlin Plus in reverse, were suggested, whereby NATO would have access to EU civil capabilities, an area which NATO lacked and to which the EU had shown some added value. However, this suggestion was also compromised by the same political issues that limited any further use of Berlin Plus beyond ALTHEA.

The relationship clearly has elements of both grand rhetoric relating to the so-called 'strategic partnership', as well as a common understanding in the public record that the relationship was and still is understood to be problematic. Therefore, this chapter will briefly look at examples of this contained in both the academic literature on the EU-NATO relationship as well as through a few primary source examples by relevant policy makers and practitioners. We start with the former.

Zaborowski is by no means the only academic to characterise the EU-NATO relationship as 'strained' or to use adjectives of a similar notion. In 2006, Paul Cornish came to the conclusion that, 'while there have been practical achievements in NATO-EU co-operation, the realisation of a mature and efficient security relationship is hostage to the illusion of a "grand bargain"; agreement at the highest political levels on the purposes and character of transatlantic security co-operation' (Cornish, 2006, p. 5). Similarly, Daniel Keohane of the European Union Institute for Security Studies (EUISS) noted that 'there is something rotten in the state of EU-NATO relations. Both organisations would benefit from working closely together on a range of security issues, from counter-terrorism to the proliferation of weapons of mass destruction' (Keohane, 2006, p. 1). Nicole Gnesotto has also commented that 'the political relationship between the two organisations is far from satisfactory' (Biscop et al., 2010, p. 10) and Koops (2010) has called it 'Unstrategic'.

Of course, much of this was observed during the negotiation period from 1999 to 2002. As Mark Webber notes, the development by the EU, from 1999 onwards, of ESDP resulted in a three-year diplomatic wrangle over the terms of Turkish

participation. Ankara used its position within NATO to block agreement between the EU and the Alliance on the grounds that the institutional arrangements for the EU-NATO link did not provide sufficient weight to the role of non-EU European NATO states (Webber, 2007, p. 190). The Security and Defence Agenda (SDA) released two papers entitled *Revisiting NATO-ESDP Relations - Part I & Part II*. In the first of these publications, the writer notes 'as over-lapping organisations, the EU and NATO need to find practical ways to cooperate better, especially when dealing with fragile and failing states' (Korski, 2008, p. 10). Furthermore, the UK House of Commons Defence Committee published a full report just before the undertaking of this study. Contained within this report are a myriad of examples illustrating a problematic relationship. Charles Grant suggests in his official testimony that 'it is extraordinary that there is a difficult relationship when the same governments are involved in the two organisations' (Charles Grant in House of Commons Defence Committee, 2008, p. 82). Furthermore:

A close relationship between NATO and the EU is essential. The lack of it is inexcusable given the importance of NATO to EU security. In practice, the relationship between NATO and the EU is fraught with difficulties. It is plagued by mistrust and unhealthy competition, and characterised by a lack of communication and cooperation. Little progress has been achieved in recent years in improving a relationship which remained stalled and inefficient. (House of Commons Defence Committee, 2008, p. 81)

Examples of scholars writing about this problematic relationship can also be found by academics working outside of Europe. In one report issued by the Rand Corporation, it notes 'unfortunately, in the pivotal EU-NATO relationship there are a range of both implicit and explicit problems' (Larrabee and Lindley-French, 2008, p. 43). Finally, David Yost, who devoted a whole chapter of *NATO and International Organizations* to NATO's relationships with the EU, said of this particular relationship, the 'participation problem' is shorthand for the conflict of principles that has, since the 2004 enlargement of the EU, limited effective cooperation between the members of the EU and NATO (Yost, 2007, p. 92). Furthermore, he quoted Simon Lunn (the Secretary General of the NATO Parliamentary Assembly) as saying:

Whenever a fresh crisis arises, there is always a strong sense of institutional rivalry and competition. Rivalries were, for example, apparent in the “beauty contest” between NATO and the EU about assistance to the African Union regarding Darfur in the spring and summer of 2005 (Yost, 2007, p. 81).

However, this description of the EU-NATO relationship, or ‘strategic partnership’, is not limited to academics writing on the matter. A number of instances can also be teased out of the public record with regard to policy makers and practitioners at the highest levels. For example, the former NATO Secretary General Jaap de Hoop Scheffer has, on more than one occasion, directly alluded to this problematic relationship. A NATO Parliamentary Assembly Committee report quotes him as saying, ‘how narrow the bandwidth of co-operation between NATO and the Union has remained. Despite many attempts to bring the two institutions closer together, there is still a remarkable distance between them’.<sup>11</sup> In a Speech in Berlin on 29 January 2007, he further alluded to the relational problems:

‘How do NATO-EU relations stand? Let me answer that by means of a little anecdote. A few weeks ago, one of my staff told me he had been invited to a conference on “frozen conflicts”. And then he added with a smile: “Of course it’s about the Caucasus, not about NATO-EU relations!”. It would undoubtedly be going too far to describe NATO-EU relations as a “frozen conflict”.

Why are NATO-EU relations still so problematic? Why do both institutions find it so hard to make the much-talked-about “strategic partnership” a reality? My answer to these questions is clear and unambiguous. NATO-EU relations have not really arrived in the 21st century yet. They are still stuck in the ‘90s’.<sup>12</sup>

The yearly Security Conference in Munich offered further examples of references to this problematic relationship. The following are some examples of such frustrations. NATO Secretary General Jaap de Hoop Scheffer has commented that

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<sup>11</sup> For full text see: <http://www.nato-pa.int/Default.asp?SHORTCUT=1168>

<sup>12</sup> Full text of the speech can be found at: <http://www.nato.int/docu/speech/2007/s070129b.html>

‘regulars here at the Munich Conference have heard me talk often enough about the impediments to better cooperation between the NATO and the EU’ (Scheffer, 2008).<sup>13</sup> David Miliband, the UK Secretary of State for Foreign and Commonwealth affairs, offered this critique: ‘We need to sweep away the obstacles to genuine NATO/EU partnership, in strategic dialogue, but also in practical co-operation’.<sup>14</sup> French President Nicholas Sarkozy has noted that, ‘to my mind, things are clear: it’s Defence Europe and NATO, not Defence Europe or NATO. Both together... It was a major error for people to think that by weakening one they could strengthen the other.’<sup>15</sup>

The section above notes the public record. However, as part of an attempt to establish that the BP/AF was understood by those working in EU and NATO institutions that it was problematic and static outside of the ATHEA context, an EU-NATO questionnaire/survey was sent, via email, to all of the interview participants (and at all three levels of analysis) involved in this thesis. Those who received the email were also asked to forward the survey to any personnel working within their respective institutions. A total of 18 respondents took part in the online survey.

There is no attempt to justify or defend this questionnaire/survey as a central methodological research tool, or to claim that the responses to these questions represent categorical or definite findings. It is only an informal addition with the sole purpose of gathering a limited amount of quantitative data to help establish the baseline of this thesis; i.e. that the formal EU-NATO relationship (BP/AF) has become static outside of ALTHEA. Only then can we ask what evidence is there of EU-NATO cooperation outside or beyond the BP/AF.

The first set of questions tried to quantify the perceived level of sub-optimality<sup>16</sup> of the EU-NATO relationship, to establish what the perceived primary cause of this blockage was, and to determine the secondary causes of the perceived impediments to the problematic relationship amongst those working in the EU and NATO

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<sup>13</sup> This is available at: <https://www.securityconference.de/>

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> It should be noted that the term sub-optimal in this thesis should be equated with ‘problematic’ and nothing more. Often, the terms are used interchangeably throughout the thesis and in the questionnaire found in the appendix.



institutions. In addition, the first set of questions tried to order these perceived primary and secondary causes. Overall, the limited amount of answers do seem to validate the understanding that the EU-NATO relationship is perceived by personnel to be sub-optimal (94.4% agreeing) and the understanding that the Turkey/Cyprus question is the primary cause; the vast majority of respondents listed this as their perceived primary cause of EU-NATO blockage.<sup>17</sup> However, it should be noted that, besides the Turkey/Cyprus issue, other primary impediments to the relationship were offered. For example, 'lack of trust between the two organisations', 'intra-European politics', 'imbalance and asymmetry', 'different objectives and agendas of each organisation', and 'lack of coordination on the strategic level'. When asked to list any further or secondary causes of a problematic relationship, answers ranged from different 'cultures' and 'working procedures' to 'competition' and the 'US agenda'.

The purpose of highlighting all of these comments, both in the public record and through additional data gathering, is to demonstrate that the relationship has elements of both grand rhetoric relating to strategic partnership, a common understanding that the relationship is understood to be problematic, and that EU-NATO cooperation has been limited to the formal rules of the BP/AF since 2004. What all of this establishes is an institutional relationship that is based on formal structures that are problematic because the stated aims of the partnership have not been achieved. Therefore, it is justifiable to ask why such a relationship has persisted for so long if the stated ambitions of each organisation have not been reached. Furthermore, it is appropriate to pose the question: Is this, in fact, the totality of the relationship? Or will investigating both the formal *and* informal elements of this relationship reveal a better understanding of the totality of EU-NATO relations? To reiterate, the fundamental objective is to investigate for evidence of EU-NATO cooperation beyond BP/AF and how that cooperation has evolved despite the political blockage that *prima facie* should exclude such cooperation.

Up until now, this thesis has been able to establish the meta narrative surrounding the political blockage of EU-NATO relations as reduced to the BP/AF. But what about that framework in practice? How does it work in reality? Just because the framework is not utilised outside of the ALTHEA context after 2004, it does not necessarily mean

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<sup>17</sup> See the full questionnaire in the appendix section of this thesis. It will be referred to again later in the study.

that the framework itself is inefficient. In fact, Berlin Plus worked rather well in CONCORDIA and continues to work well in ALTHEA. From this, we can infer that formal EU-NATO cooperation is limited outside of ATHEA, not because of some inherent flaw to BP/AF, but more to do with existential political obstacles. Therefore, we can ask if formal EU-NATO relations have become static due to political reasons and not necessarily institutional design; if so, then to what extent is BP/AF the institutional and normative reference point for actors attempting to cooperate beyond the formal structures? In order to assess this, we must turn to establishing the formal rules of the BP/AF and understand how they work in an operational setting. Only then is it possible to investigate cooperation beyond the formal relationship.

### **The specificity of Berlin Plus: Establishing the formal EU-NATO institutional relationship**

At this point, it is germane to establish the formal EU-NATO institutional relationship and outline the different levels of actors working within EU-NATO institutions. The first to be acknowledged are the state actors. These actors work in both the EU and NATO Brussels institutions as well as in the national capitals, be it in the ministries of defence (MODs) or foreign ministries (MOFAs). Within NATO, there are the national delegations of all 28 member states headed by an ambassador to the organisation. In the EU Council, there are the permanent representatives from the 28 member states also headed by an ambassador (or 27, bearing in mind that Cyprus is not present at the formal level of EU-NATO discussions).<sup>18</sup> The highest level of regular EU-NATO institutional discussions involving these actors are the bi-monthly NAC-PSC meetings, which convene at the level of ambassador.<sup>19</sup> The EU and NATO foreign ministers have not met since 2003; however, there are the so-called

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<sup>18</sup> In 2014, there are 28 EU member states and 28 NATO member states. When they meet under Berlin Plus (where Cyprus is excluded), it is at EU 27 and NATO 28. However, for the majority of the time the research for this thesis was being conducted, the EU only had 27 member states. Therefore, formal Berlin Plus EU-NATO meetings were conducted at 26-28.

<sup>19</sup> Unlike the PSC, which always meets at the ambassador level, the NAC can also convene with the same decision-making authority at heads of state, as well as the foreign or defence ministerial level. However, when the NAC and PSC meet formally it is at the level of ambassador.

‘Transatlantic Events’ through which the relevant foreign ministers engage each other on an informal basis, as will be explained in the case studies of this thesis.

Second, there is the level of the international staff. There are contacts between the two organisations at the secretariat level, both civilian and military. The international staff at NATO are recruited from member countries, either directly by the organisation or seconded by their governments (NATO Handbook NATO Handbook, 2006, p. 75).

The International Staff supports the process of consensus-building and decision-making between member and Partner countries and is responsible for the preparation and follow-up of the meetings and decisions of NATO committees, as well as those of the institutions created to manage the different forms of bilateral and multilateral partnership with non-member countries established since the end of the Cold War. (NATO Handbook NATO Office of Information and Press, 2001, p. 221)

On the EU side, there has been a restructuring of the institutions, particularly post-Lisbon Treaty. The EU Council Secretariat has rationalised DG 8 (military) and DG 9 (civilian) into one new directorate called the Crisis Management Planning Directorate (CMPD) (Gya, 2009).<sup>20</sup> Furthermore, CSDP is now contained within the European External Action Service (EEAS) ‘under the authority of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP)’.<sup>21</sup> These actors work with the interests of their respective institutions in mind and not the specific interests of their nations. However, they operate in more of a support capacity and therefore do not usually retain the clout to overcome the impasse brought about by the political deadlock. Finally, there are the military actors involved. Crucially, this thesis is concerned with both military and civilian staffs, as well as military commanders working within mission areas where both the EU and NATO are engaged.

In NATO, there are of course meetings between the Ministers of Defence. However, in order to assist the highest level civilian bodies, there are ‘senior military

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<sup>20</sup> For a more detailed description of ESDP institutional restructuring see: [http://www.isis-europe.org/pdf/2009\\_artrel\\_272\\_esr44-civmil-integration.pdf](http://www.isis-europe.org/pdf/2009_artrel_272_esr44-civmil-integration.pdf).

<sup>21</sup> For more details on the restructuring of CSDP, see the CSDP website at [http://eeas.europa.eu/csdp/about-csdp/index\\_en.htm](http://eeas.europa.eu/csdp/about-csdp/index_en.htm) (last accessed 12/12/2013)

officers' who serve as national Military Representatives (MILREPS) and on the Military Committee. This body also meets at the level of Chiefs of Defence (CHoDs). However, the day-to-day work of the Military Committee is managed by the Military Representatives who support their CHoDs. According to the NATO Handbook, the MILREPS 'work in a national capacity, representing the best interests of their nations while remaining open to negotiation and discussion so that consensus can be reached' (NATO Handbook NATO Office of Information and Press, 2001, p. 239).

Within NATO, there is also the International Military Staff (IMS) who are made up of both military and civilian personnel. As with the international staff, they are supposed to work towards the overall common interest of the Alliance and not on behalf of their respective nations (NATO Handbook NATO Office of Information and Press, 2001, p. 242). Finally, this section notes the understated (in the literature) importance of the Deputy Supreme Allied Commander Europe (DSACEUR) regarding EU-NATO formal cooperation. This post is double-hatted (EU-NATO) and is always a European<sup>22</sup> commander. In a Berlin Plus operation, DSACEUR is the primary candidate to become the Operational Commander for any EU-led operation once the EU avails itself of NATO assets and capabilities under the Berlin Plus arrangements. According to the NATO MC 403/1 Military Decision sheet dated 5 March 2003, the responsibilities of the DSACEUR as the EU's Operational Commander are:

- (1) Act under the political control and strategic direction of the EU.
- (2) Once appointed by the EU:
  - a. Receive guidance and strategic directives from the EU.
  - b. Conduct all aspects of operational planning, including rules of engagement (ROE).
  - c. Direct the activation of the Operational Headquarters.
  - d. Form the force (including force generation).
  - e. Deploy, sustain, direct and recover the force.
  - f. Direct the operation under the political control and strategic direction of the EU.
  - g. Issue the EU-approved OP/PLAN and ROE to the Force HQ.
  - h. Manage the EU financial resources allocated to support the operation, according to EU procedures.

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<sup>22</sup> The position of Supreme Allied Commander Europe (SACEUR) has always gone to an American, while the office of DSACEUR is a European.

- i. Report and assess the operation to the appropriate EU bodies. (Interview 13, 2010)

However, the DSACEUR is also, according to the terms of reference, the Strategic Co-ordinator which, in addition to the role of EU Operational Commander, additionally tasks the office with European Security and Defence Identity (ESDI) responsibilities. The DSACEUR is 'the focal point within the Alliance for ESDI related issues' and is the 'EU's primary Alliance military strategic interlocutor' in relation to ESDP (Interview 13, 2010). As the DSACEUR sits at such a pivotal position at the nexus of EU-NATO relations, this office will be investigated in all three case studies. As such, it is expected that DSACEUR will have a direct impact on facilitating both formal (BP/AF) and informal (beyond BP/AF) EU-NATO cooperation.

On the EU side, the European Union Military Committee (EUMC) is the highest military body within the Council. This body, like the NATO equivalent, is made up of the CHoDs and is assisted by the permanent military representatives.<sup>23</sup> This body is the primary advisory body to the PSC. Within the EU framework, there is also the European Union Military Staff (EUMS). This body, again like NATO's equivalent, is made up of both civilian and military personnel through secondment to the Council Secretariat by the member states. Alongside these bodies is the newly-formed CMPD, an integrated Civ/Mil unit as outlined above. Finally, to date, the EU does not have a completely autonomous operations headquarters similar to NATO's Supreme Headquarters Allied Powers Europe (SHAPE). However, there is an EU cell<sup>24</sup> at SHAPE as well as a NATO liaison team at EUMS to help facilitate open and transparent cooperation.

Again, the highest point of formal institutional contact between the EU and NATO is at the level of nation-states. The institutional gathering that facilitates EU-NATO cooperation at this level is the NAC-PSC ambassadorial meetings, the first of which

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<sup>23</sup> For a more detailed description of ESDP military bodies see:  
<http://www.consilium.europa.eu/eeas/security-defence.aspx/>

<sup>24</sup> Many mistakenly believe that this is an EU-NATO integrated cell. It is more appropriate to see this cell as the EU's own Operational Headquarters (OHQ) facility to operate at the strategic level, provided by NATO and within SHAPE as a bolt-on but with access to full NATO capability for a Berlin Plus operation. When Javier Solana went to visit this facility for the first time, he was very clear that he was going to visit his (the EU's) OHQ and not SHAPE. There was a lot of emphasis within SHAPE to make sure that this was just not cosmetic but a reality. The DSACEUR office was instrumental in this process.

took place on 5 February 2001 (before 2001, PSC was an interim body). Originally, these events took place regularly, with varying frequency of between four and ten times per year.<sup>25</sup> From 2001 until 2003, these two bodies met with an agenda that covered the full spectrum of common issues. For example, the NAC-PSC discussed geographical issues such as Afghanistan, Moldova and Kosovo as well as issues of proliferation, energy security, and trans-national terrorism (Interview 5, 2010). However, the enlargement of the EU in 2004 changed the political situation, causing a drastic contraction of the issues allowed on the formal agenda. This contraction was caused by what has commonly been referred to as the 'participation problem'.

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

“the Berlin Plus” arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the “Partnership for Peace”, and which have consequently concluded bilateral security arrangements with NATO (EU Core Documents EU Core Documents from 2002, 2003, p. 170).

Once again, this agreement has resulted in Berlin Plus becoming effectively a straitjacket for EU-NATO cooperation; this is because the EU will not meet formally with NATO to discuss issues that fall outside of the Berlin Plus format (currently only operation ALTHEA) without all 28 of its members present. NATO will not meet with the EU in a formal setting with nations that are not at least members of the PfP. Therefore, the broad scope of issues that were once on the formal agenda has since disappeared. The 'participation problem' is directly related to the existential dispute existing between Turkey (member of NATO, but not the EU) and Cyprus (member of the EU, but not NATO). Turkey uses its membership of NATO to block Cyprus' attempts at joining the PfP, while Cyprus uses its membership of the EU to ensure that no matters outside of Berlin Plus are discussed at the NAC-PSC level. Both sides of this divide have seized on this issue to leverage the other in any future

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<sup>25</sup> Original agreements between the EU and NATO called for NAC-PSC meetings no less than three times a semester (one Presidency).

settlement of Cyprus. Formal EU-NATO cooperation will stay dysfunctional until the issue is resolved; in this way, it has become 'collateral damage' (Interview 5, 2010) of the 2004 Cypriot Annan Plan Referendum.<sup>26</sup>

The 'participation problem' and its resulting 'scope problem' should not be underestimated. Regarding the latter, still another casualty of this political blockage was the bi-annual EU-NATO foreign ministers' meetings, as called for in the 2001 exchange of letters between the EU Presidency and the NATO Sec/Gen. From 2001 to 2003, these meetings took place in line with this request and all common issues of concern were on the agenda. The last of these official foreign ministers' meetings took place on 4 December 2003. However, since September 2005, these meetings have continued in an informal setting known as the 'Transatlantic Events' (Interview 5, 2010), an attempt to overcome blockages at the formal and political level which was initiated by US Secretary of State Condoleezza Rice in 2005. We shall return to these events in the case study chapters.

It is also important to outline just how these 'red lines' affect actors' ability to execute work on a day-to-day basis which, of course, has had a direct impact on EU-NATO cooperation post 2004. The most notable 'red line' caused by the 'participation problem' relates to the exchanging of documents between the organisations. A NATO-restricted document (classified) can only be sent to EU member states that have signed security agreements with NATO. The Berlin Plus agreement itself was made classified at the time of its initiation for exactly this reason. Therefore, when a confidential document is to be sent to the EU, NATO has two options. First, if the material is covered by the Agreed Framework (Berlin Plus and some capability issues), then NATO staff send it to the EU knowing that it will only be disseminated to 27 member states (Cyprus is excluded). Second, if the material is classified but is not covered in the Berlin Plus framework - for example, Kosovo, Afghanistan, terrorism, or energy security - then NATO staff recognise that these issues are dealt with by the 28 EU member states and, therefore, they will not pass on the document to their EU staff counterpart. This issue is further complicated because documents that are under the control of the originator, for example NATO

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<sup>26</sup> This referendum refers to a joint Greek-Cypriot and Turkish-Cypriot vote aimed at settling the Cyprus dispute. The referendum was rejected by the Greek-Cypriot side in 2004. The failure of this referendum came as a shock to many and has had major implications for EU-NATO relations as the Island joined the EU with this dispute unresolved.

non-classified documents, are also held back as these, too, would be released to all 28 EU member states. The result is that, post-2004, only documents related to Operation ALTHEA and certain capability issues could be officially passed between the organisations. Investigating intelligence cooperation is a central component of this thesis. If intelligence sharing is formally limited to ALTHEA but cooperation is indeed going on outside of that context, then how actors attempt to manage this obstacle becomes highly important. In other words, in what way will agents be creative enough to adapt to the limitations of the BP/AF if attempting cooperation beyond the BP/AF? If cooperation is proceeding, then we should expect to find some evidence of these creative solutions.

Some observers may find the level of interaction between NATO and the EU Commission surprising as ESDP/CSDP is a second pillar EU competence. Certainly, the relationship is adolescent and a history of 'zero security culture' prevented any relationship in the 1990s (Interview 11, 2010). After the inception of Berlin Plus, however, this former 'house of glass' was heavily securitised in some departments, thus allowing for a relationship to develop. Before 2004, seminars that included issues such as terrorism began to take place between NATO, the Council, and the Commission. Between 2004 and 2009, only Berlin Plus classified materials that were passed to the EU Council were then shared with the Commission; for example, through the DG for External Relations. Since the signing of the Lisbon Treaty, this has changed as the Commission now serves as head of the EEAS.

The Commission is also part of the NAC-PSC relationship through representation when these institutions meet. However, if the Council and the Commission do not agree, then they 'cannot speak for each other' (Yost, 2007, p. 91). The Commission has a further role through joint Commission Council bodies. Through these bodies, information feeds through to the Commission as an 'unintended consequence but a welcomed one' (Interview 11, 2010). This is a very important formal link, as are the informal get-togethers on the margins of these meetings. This is the only real link the Commission has with NATO or EU-NATO cooperation and, as such, they are 'all very much attached to it'. Of course, since 2004, this relationship was also affected due to the reduction in volume and scope of information filtering through. There was an appetite by the Commission as well as NATO to develop relationships. However, these moves of rapprochement were blocked 'harshly' by Turkey, Cyprus and, to some extent, Greece (Interview 11, 2010). It would seem that the Commission was



the victim of the same political developments in this issue area since enlargement, though somewhat mitigated by the Lisbon Treaty restructuring and establishment of the EEAS.

There is also a link between the NATO Sec/Gen and the EU SG/HR.<sup>27</sup> At the formal level, the NAC-PSC meetings are co-chaired by both of these posts. The SG/HR has also been invited to all meetings of the NAC at the level of foreign and defence ministers. However, the NATO Sec/Gen is usually only invited to EU defence ministerial meetings (Yost, 2007, p. 91). Moreover, a series of meetings between Solana and de Hoop Scheffer led to calls for more robust EU-NATO cooperation and to comments such as: 'it is astounding how narrow the bandwidth of cooperation between NATO and the Union has remained' and that 'NATO-EU relations have not really arrived in the 21st century yet. They are still stuck in the '90s' (Jaap de Hoop Scheffer, 2007). Therefore, it is expected that these two posts would be crucial for cooperation and synergy between the two organisations; the relationship is, therefore, investigated for evidence of cooperation beyond the context of the BP/AF in all three case studies. As such, the personal relationship that develops between them, and how they prioritise each other's organisation, has real implications for this study.

Lt Gen David Leakey (former Director General of the EUMS) was keen to draw attention to the fact that 'the cause of the problem in the EU-NATO relationship lies at the very highest level, in the fixed positions of certain states rather than within the machinery of the Organizations themselves' (Leakey, 2008). However, when it comes to formal cooperation between the military bodies in Brussels, these were also the victim of the political blockage as described above. The EUMC is the highest military body in the EU (Howorth, 2007, p. 74). This body is highly co-operational in one respect, as 21 of the CHoDs are double-hatted as military representatives to the NATO military committee as well. They meet as a body twice a year in their EU capacity and at least three times a year at NATO. More often, the EUMC is convened at the level of MILREPS, who are also double-hatted to assist

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<sup>27</sup> Note this position has changed to the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) post-Lisbon Treaty December 2009. Therefore, SG/HR refers to Dr Javier Solana and HR/VP to Baroness Catherine Ashton. Throughout the study, the reference to only the HR could refer to either of these actors depending on the timeframe in question.

their NATO representatives (Howorth, 2007, p. 74). Furthermore, the Chairman of the EUMC attends meetings of the NAC-PSC, the Council, and the NATO Military Committee.

Within the EU Council Secretariat, the DGE 8 (military) and DGE 9 (civilian) bodies played a fundamental role in the conception and development of ESDP (these two institutions have now migrated into the newly-formed CMPD since the signing of the Lisbon Treaty). It was DGE 8 that navigated the 'sensitive dossier' of ESDP-NATO relations as well as 'the application of the Berlin Plus agreements and the negotiation of the technical arrangements necessary to streamline EU-NATO cooperation in the theatre' (Grevi et al., 2009, p. 37). Finally, within the Council Secretariat, the EUMS is directly attached to the SG/HR and works under the direction of the EUMC (Grevi et al., 2009, p. 40). Clearly, under Berlin Plus operations, there are EU-NATO contacts (representing 27 EU and 28 NATO member states) between all these bodies and they are 'formal and agreed' (Interview 5, 2010). Of course, on the EU side it is not fully agreeable as they would prefer to operate at 28. Yet, as with their civilian counterparts in DGE 9, this is the situation in which they find themselves.

At the level of the MODs, for political directors of MODs and MILREPS, the situation is, once again, only formal at the 28-27 format. There were some attempts to overcome the political impasse in the military arena but it was met with mixed results. There was an attempt to meet informally at 28-27<sup>28</sup> with the Political Directors in late 2009, but this attempt failed due to the Turkish representative declining to participate (Interview 5, 2010). At the level of MILREPS, there was also no success at bringing them together. These actors are also investigated in the case studies. For example, to what extent does the formal rules of the BP/AF dictate cooperation between them? Is there any evidence of these actors attempting to bypass the formal rules and cooperate outside the BP/AF context?

Under the Berlin Plus agreements, when the EU makes a request to NATO for a 'NATO European command option' for an EU-led operation, it is the DSACEUR who is the primary candidate for the EU operational commander (European Union

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<sup>28</sup> This was before Croatia joined the EU, so the number 27 does represent the full EU membership, including Cyprus.

External Action Service, 2011a).<sup>29</sup> This mechanism is supposed to allow the DSACEUR to assume his European responsibilities ‘fully and effectively’. For a Berlin Plus operation, this is coherent and efficient. The overall mission is under the responsibility of the Council, but the operational chain of command (CoC) runs directly through the DSACEUR’s office at SHAPE, through Allied Joint Force Command Naples, and to the ground force commander. The role of the DSACEUR will also be investigated in all three case studies. It would be expected, given his positions at the nexus of EU-NATO strategic and operational relations, that the office of the DSACEUR would be vital for any informal cooperation beyond the BP/AF.

This section has outlined the EU-NATO institutional linkages for cooperation created through the Berlin Plus and the Agreed Framework negotiation process (see Table 2.2 for summation). This chapter will now turn to formal EU-NATO cooperation within the context of two operations (CONCORDIA & ALTHEA), both of which were (and in the case of ALTHEA, still is) facilitated through these linkages. However, before doing so, it is important to make one point: it is not technically possible to properly evaluate Berlin Plus because, in the strictest sense, it has never really been deployed. Berlin Plus was created so the EU could request from NATO assets and capabilities to engage with new operations. In the case of both CONCORDIA and ALTHEA, the EU merely took over missions that NATO had already been running, albeit they did then utilise NATO assets and capabilities. Therefore, since Berlin Plus has never really been used in the way it was intended, it cannot be properly evaluated as such. This thesis, therefore, must investigate actual EU-NATO cooperation as it exists. So what is the actual formal EU-NATO framework? This chapter now turns to illustrating the EU-NATO relationship in two formal operational contexts.

Table 2.2: Establishing Formal Cooperation (Agreed Framework)

03/06/1996	NAC Final Communiqué	The initial commitment from NATO to WEU that the NAC will approve the release of NATO assets and capabilities for WEU-led operations
3-4/12/1998	ST MALO Declaration	The establishment of a progressive framing of a common defence policy (CESDP/ESDP/CSDP) in the EU

<sup>29</sup> As noted in section 7 of the EU-NATO: The Framework for Permanent Cooperation and Berlin Plus. Available at <http://www.consilium.europa.eu/uedocs/cmsUpload/03-11-11%20Berlin%20Plus%20press%20note%20BL.pdf>.

23/04/1999	NATO Washington Declaration	Welcomes the strengthening of European Defence capabilities
3-4/06/1999	European Council Cologne	Establishes effective mutual consultations, cooperation and transparency between EU and NATO, and starts the process of arrangements for non-EU partners in NATO
10-11/12/1999	European Council Helsinki	Further outlines the modalities for consultation, cooperation and transparency/sets up the political and military structures for ESDP
7-9/12/2000	European Council Nice	Describes a genuine strategic partnership between the EU and NATO
29-30/12/2001	NAC Meeting	Further talks of a genuine strategic partnership and mentions the first FORMAL meetings of EU and NATO Foreign Ministers
12-13/12/2002	European Council Copenhagen	Sets the parameters for Berlin Plus: NATO members or those with Security agreements with NATO/PfP
13/12/2002	Classified NAC Decision Sheet	Confirms assured access for EU to NATO planning capabilities and provides the basis for a 'permanent framework for joint action'
16/12/2002	EU-NATO Joint Declaration	Outlines the 'principles' of the 'strategic partnership'
24/02/2003	GAERC	Notes that the three main elements of Berlin Plus had been concluded
05/03/2003	NATO restricted Document	The Terms of Reference for DSACEUR (1) EU-NATO Strategic Coordinator and (2) EU's Operations Commander
17/03/2003	Statement by NATO Sec/Gen	Berlin Plus finally Implemented
31/03/2003	CONCORDIA	Launching of first Berlin Plus Mission
02/12/2004	ALTHEA	Launching of second Berlin Plus Mission
19-25/11/2003	Agreed by both the NAC and PSC	First joint EU-NATO crisis management exercise based on Berlin Plus
03/10/2005	Confirmed EU Council 15-16/12/2005	Establishing military permanent arrangements NATO Liaison Team at EUMS and EU Cell at SHAPE

## Operation CONCORDIA<sup>30</sup>

### *Background and Context*

The military operation CONCORDIA, which was mandated to contribute to a stable and secure environment in the Former Republic of Macedonia (FYROM), lasted from 31 March 2003 until 10 December 2003. It operated on a budget of 6.2 million Euros and had a modest troop strength of just above 350. In total, 13 EU Member States and 14 non-EU States contributed. CONCORDIA operated in a theatre where the UN, EU, NATO and the OSCE had various instruments deployed as part of a wider political and regional context (Gustav Lindstrom 'On the Ground: ESDP Operations

<sup>30</sup> CONCORDIA is named after the Greek/Latin term for 'harmony'.

2004, pp. 111-130; Eva Gross, Operation Concordia FYROM in ESDP 10 years 2009: pp. 174-176).

The EU first announced to the world, through the 2002 Barcelona European Council Presidency Conclusions, their 'availability to take responsibility, following the elections in FYROM and at the request of its Government, for an operation to follow that [was] currently [being] undertaken by NATO' at the time (European Council Barcelona 15-16 March 2002 in, EU Core Documents from 2002, 2003, p. 48). With this announcement, the initiative was taken to put ESDP into operational practice as well as formal EU-NATO cooperation for the first time in history. That next May, a joint press statement following an EU-NATO Ministerial further took note of this declaration (Joint Press Statement at EU-NATO Ministerial 14-15 May 2001 in EU Core Documents from 2002, 2003, p. 60). The seemingly common goal of having an EU operation replace the three NATO operations that had preceded in FYROM was further endorsed by the 2001 United Nations Security Council Resolution 1371, which stated the welcoming of:

international efforts, including those of the Organization for Security in Europe, the European Union, and the North Atlantic Treaty Organization, in cooperation with the Government of the Former Yugoslav Republic of Macedonia, and other states, to prevent the escalation of ethnic tensions in the area and to facilitate the full implementation of the Framework Agreement, thus contributing to peace and stability in the region (UNSCR 1371, 2001).

Given the negative Balkan experiences of the Yugoslav civil wars in the 1990s, both the EU and NATO began to develop a 'concerted approach to the Western Balkans' (NATO Website, 2003). Crisis management operations in FYROM were very much a part of that concerted approach. After violence broke out between ethnic Albanian extremists and the FYROM Government over the extent to which the Albanian population were receiving equal rights in that country, President Boris Tajkovski requested the then NATO Secretary General George Robertson to send troops in order to maintain peace and security within the Macedonian Republic (NATO Website, 2011). The necessary agreement for any such deployment of NATO troops was the Ohrid Framework political agreement, created for 'securing the future of Macedonia's democracy and permitting the development of closer and

more integrated relations between the Republic of Macedonia and the Euro-Atlantic community (Framework Agreement 13/02/2001).<sup>31</sup>

Operation Essential Harvest was agreed by the North Atlantic Council two days after the signing of the framework document. This NATO mission consisted of 3,500 troops, which were tasked to implement the Ohrid Agreement by collecting and destroying weapons and ammunition belonging to the ethnic Albanian groups; at the same time, two subsequent NATO missions, operation Amber Fox and operation Allied Harmony, were launched to protect OSCE and EU monitors and to help assist the local government in assuming control of security functions (Eva Gross in Grevi et al., 2009, pp. 174–175). As Eva Gross points out (2009:174-175), a few existential factors were critical to the success of these missions and allowing for the subsequent handover of peace and security responsibilities to the EU. Most notably, the return to large-scale violence was ‘unlikely’, but the FYROM government had also decided upon a policy of integrating into the two key trans-Atlantic structures, namely the EU and NATO. Finally, and just as important, was the decision by the ethnic Albanian population to work ‘within rather than against the government’ (Gross 2009:174-175). By the time the EU launched operation CONCORDIA, a force of just 350 was needed to maintain the already stable environment.

Council Joint Action (2003/92/CFSP) (EU Core Documents from 2003, p. 29) is the primary document that outlines the overall mission mandate and details of operation Concordia. Of primary importance for establishing the baseline of formal (BP/AF) EU-NATO cooperation is Article 1 section 3, which stipulates that CONCORDIA ‘shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO’. Although this document does not refer to Berlin Plus directly, as it was not finalised until March of that same year, it does in essence frame the entire operation along the lines of the Berlin Plus as envisioned and agreed in principle in December 2002 EU Council Copenhagen 12-13 December 2002 and NAC decision sheet 13 December 2002 (EU Core Documents from 2002, 2003, pp. 170 & 178–179). Although the section below will outline in full the specificity of the formal institutional relations between the EU and NATO regarding CONCORDIA, it is clear from this Council Joint Action that, in line with Berlin Plus

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<sup>31</sup> The full text of the Agreement can be found here:  
<http://www.ucd.ie/ibis/filestore/Ohrid%20Framework%20Agreement.pdf> (last accessed October 2013).

arrangements, the DSACEUR would be offered the position of EU Operational Commander and that SHAPE would be designated for the EU Operational Headquarters (Council Joint Action 2003/92/CFSP Article 2, sections 1-3). In other words, a formal institutional link for crisis management cooperation would be set in place according to the BP/AF established earlier in this chapter.

### *Establishing Berlin Plus for CONCORDIA*

As noted above, the political initiative and the joint EU-NATO planning measures which were needed to make CONCORDIA a reality started to take shape with the EU Barcelona Council Conclusions and the joint EU-NATO press announcement of March and May 2002. However, the Seville EU Council Conclusions (21-22 June 2002) not only reaffirmed the EU's willingness to take over control of the FYROM peace-keeping operations from NATO, but the European Council also instructed the Secretary General/High Representative and the competent bodies of the European Union to:

make the necessary contacts with the Former Yugoslav Republic of Macedonia authorities and NATO chiefs and to continue and intensify the planning measures underway in order to be in a position to take over the NATO operation at the end of NATO's current mandate, provided that the permanent arrangements between the European Union and NATO (Berlin+) are then in place (EU Core Documents from 2002, 2003, pp. 73–74).

Without re-visiting the political challenges that underpinned the three-year struggle to finalise the Berlin Plus arrangements already outlined above, it is worth mentioning that the months between the 2002 Seville European Council and the 2002 EU Council at Copenhagen saw negotiations intensify in order to finalise these arrangements. It should also be noted that these arrangements were to be worked out in time to facilitate the operational handover from NATO to the EU in early 2003.

The Brussels European Council Conclusions demonstrated the EU's 'determination to reach agreement with Turkey' in order for the Union to have the capacity to act in Macedonia (EU Core Documents from 2002, 2003, p. 135).

Furthermore, it mandated the SG/HR, Javier Solana, 'to act accordingly' in order to reach an agreement between Turkey and Greece, one that was needed to facilitate cooperation between the EU and NATO (EU Core Documents from 2002, 2003, pp. 136–137). The Copenhagen European Council finally saw the deadlock breached. To reiterate, an agreement was reached whereby the 'Berlin Plus arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the partnership for Peace'. This effectively removed Cyprus and Malta from taking part in any ESDP operations with recourse to NATO assets when they did eventually join the EU in 2004 (EU Core Documents from 2002, 2003, p. 170).

Although the intersections of formal institutional EU-NATO dialogue and cooperation have already been addressed, it is now prudent to summarise the institutional relationship between the EU and NATO as specifically set out for operation CONCORDIA in order to better understand how the BP/AF works in practice. Bearing in mind that any EU military operation in Macedonia was at the request of the FYROM government, that it would be a 'follow-on' mission to Allied Harmony and with recourse to NATO assets and capabilities (Article 1: mission), Council Joint Action 2003/92/CFSP clearly outlined the terms of formal cooperation between the EU and NATO. First, the EU invited NATO to agree the DSACEUR, Admiral R Feist, to assume the position of EU Operational Commander and for SHAPE to act as the Operational Headquarters for CONCORDIA (Article 2 Appointment of the Operational Commander). Second, the Council decided to launch the operation once EU crisis management procedures were in place. These would include decisions on the Operational Commander, the operations plan, the rules of engagement, decisions on the Operational Headquarters and assigning the post of EU Force Commander (Article 3: planning and launching the operation). Next, this document clearly gives the necessary 'political control' and 'strategic direction' to the Political and Security Committee while under the 'responsibility of the Council' and 'assisted' by the SG/HR (Article 4: Political Control and Strategic Direction). The remit of this political control and strategic direction would encompass decisions made regarding the necessary changes to the planning and launching of the operation as outlined above.

Article 5 attributes the EUMC the remit to 'monitor the proper execution of the military operation conducted under the responsibility of the Operation Commander'



and to act as the primary 'point of contact' with the Operational Commander (Article 5: Military Direction). Thus, the DSACEUR is an integral institutional link between the EU and NATO. Article 10 and 11 go on to further outline the EU's relations with NATO. They stipulate that (Article 10: Relations with NATO & 11 Release of Classified information to NATO and third states):

#### Article 10

1. Contacts and meetings between EU and NATO should be stepped up during the preparation and conduct of the operation, in the interests of transparency, consultation, and cooperation between the two organisations. This should include meetings at the PSC/NAC and Military Committee level and regular contacts between the EU and NATO commanders in the region. Throughout the operation NATO shall be kept informed on the use of NATO assets and capabilities.<sup>32</sup> The PSC shall inform the NAC before proposing to the Council the termination of the operation.
2. The entire chain of command<sup>33</sup> will remain under the political control and strategic direction of the EU throughout the operation, after consultations between the two organisations. In that framework the Operational Commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.

#### Article 11

The Secretary-General/High Representative is authorised to release to NATO and third parties associated with this Joint Action EU classified information and documents generated for the purposes of the operation in accordance with the Council Security Regulations.

On 7 February 2003, the EU released a press briefing announcing that, with the agreement of NATO (NAC decision dated 6 February 2003), Admiral Rainer Feist (Germany) was to be appointed EU Operational Commander for operation CONCORDIA. This document also announced the appointment of Brigadier-General

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<sup>32</sup> The exact list of the NATO assets and capabilities requested by the EU for this mission is a classified document.

<sup>33</sup> See the Chain of Command flow chart for Berlin Plus missions below.

P Maral (France) as EU Force Commander and SHAPE as the EU Operational HQ under EU-NATO permanent arrangements (CSDP Website, 2003). A few days later, on 18 February 2003, a PSC decision sheet was released setting up the Committee of Contributors (CoC)<sup>34</sup> for the EU-led operation in FYROM, whereby the CoC 'will play a key role in the day-to-day management of the operation' and 'the Committee will be the main forum where contributing States collectively address questions relating to the employment of their forces in the operation' (EU Political and Security Committee Decision, 2003). Representatives of all EU Member States, Representatives of the third States contributing to the operation, the Director General of the EUMS (DGEUMS) and the Operational Commander were all entitled to attend CoC meetings under this decision (EU Political and Security Committee Decision, 2003).

Figure 2.1: Operational Chain of Command in Berlin Plus Operations

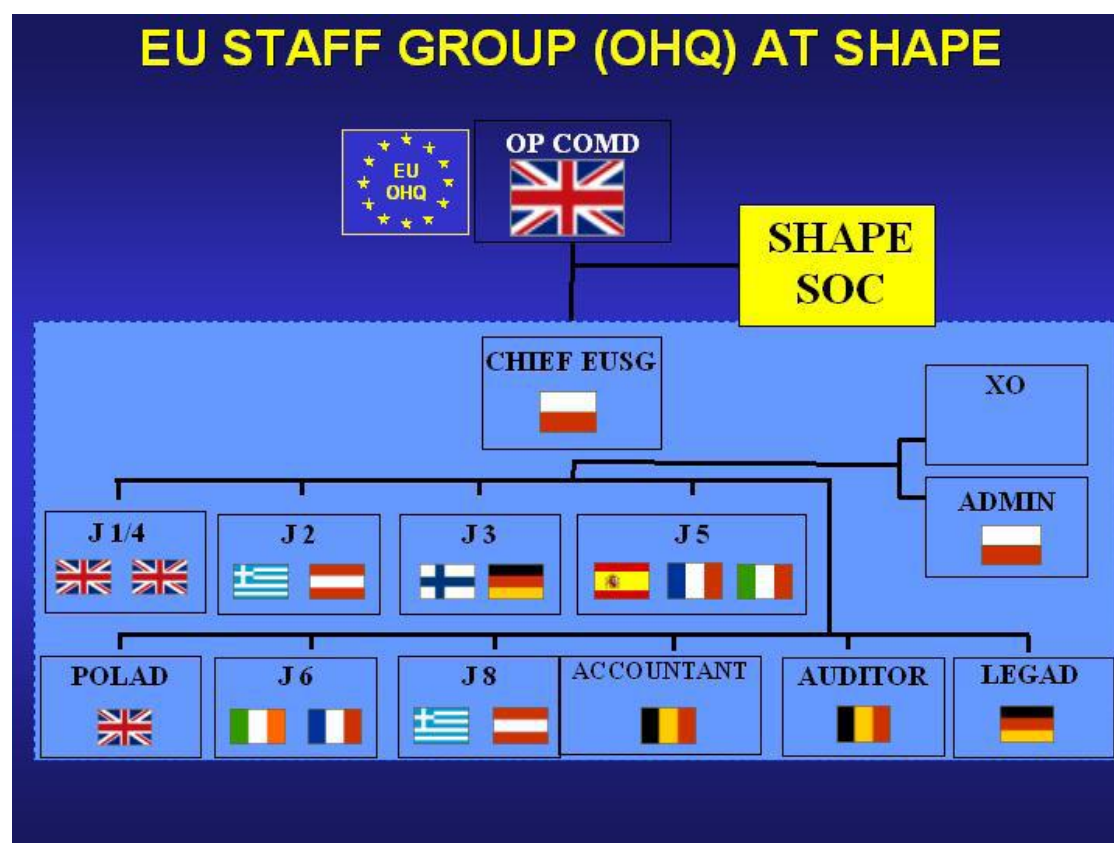


For the launching of CONCORDIA - a Berlin Plus and EU -led operation that had DSACEUR as the Operational Commander and where a headquarters was established at SHAPE - there was also a body made up of personnel from EU Member State contributions to support DSACEUR. This headquarters group was known as the 'EU Staff Group and should not be confused with (and often is) the EU

<sup>34</sup> Note that the resolution to the contentious negotiations of how ESDP operations would affect non-EU European Allies is addressed later in this thesis.

Cell at SHAPE' (Interview 16, 2010). 'Concordia was launched in 31 Mar 2003 but Staff Group was established here on 04 Feb 2003 in SHAPE to manage the operation with/for DSACEUR' (ibid). However, as agreed when the EU and NATO 'devised the chain of command', NATO's regional command in Naples, Allied Forces South Europe (AFSOUTH) would be an additional link situated between the office of the 'DSACEUR and the force commander in Skopje'. The responsibility of AFSOUTH was tasked with the responsibility of 'ensuring coherence with ongoing NATO operations in the region and also for providing extraction forces in case of a deterioration of the situation' (Monaco, 2003, p. 2).

Figure 2.2: EU Staff Group Diagram



(Taken from the EU Website [www.consilium.europa.eu](http://www.consilium.europa.eu))

Finally, it should be acknowledged that NATO retained its own autonomous personnel in FYROM to help it to become 'fully integrated in Euro-Atlantic structures, and will continue to work for peace and stability in the Balkans' (EU Core Documents from 2003, 2003, p. 48). In order to achieve this, NATO retained a 'Senior Civilian

Representative and a Senior Military Representative in Skopje' to assist FYROM 'in the development of security sector reform and adaption to NATO standards' (EU Core Documents from 2003, 2003, p. 48). These representatives worked not only with CONCORDIA operating in the theatre, but also the European Union Special Representative (EUSR), a Commission delegation, the European Agency for Reconstruction (EAR), the EU Monitoring Mission (EUMM), and the EU Presidency (Eva Gross Grevi et al., 2009, p. 176). This is not to say that the thickness of all the EU institutional coordination was directly connected to formal EU-NATO cooperation. However, it is relevant with regard to the overall performance, in terms of the effectiveness and the coordination of CONCORDIA as the first ever EU and EU-NATO Berlin Plus operation.

This chapter now turns to the BP/AF in the context of Operation ALTHEA. CONCORDIA was an important milestone in its creation; however, the BP/AF was not fully established until the EU took over the NATO Mission in Bosnia and Herzegovina (BiH). In order to fully establish the baseline of formal EU-NATO cooperation, against which the case studies in this thesis will be considered, further developments in the BP/AF need to be discussed.

## **Operation ALTHEA<sup>35</sup>**

### *Background and Context*

ALTHEA, the on-going executive military operation in Bosnia and Herzegovina, was/is mandated to facilitate three main objectives: First, like the NATO/SFOR mission in BiH before it, ALTHEA has the responsibility to maintain a 'safe and secure environment' in compliance with the 1995 Dayton-Paris peace agreement. Second, the operation is tasked with supporting the work of the EU's Special Representative/High Representative of the international community to Bosnia. Finally, ALTHEA supports the local authorities in tasks such as countermines activities, control of weapons and ammunition movement, and the overseeing of weapons and ammunition storage sites (European Union External Action Service,

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<sup>35</sup> Named after ALTHEA, the Greek god of healing.

2011b). ALTHEA was launched on 2 December 2004 with an initial troop strength of approximately 7,000, but is on-going with currently around 600 (last updated in February 2013)<sup>36</sup> personnel. Currently, there are 18 EU Member States and five non-EU Member States contributing forces. There is a common budget cost of 15 million Euros (Council of the European Union, 2004a).

As with CONCORDIA, ALTHEA was launched as part of a wider political and strategic context vis-à-vis the Western Balkans. Furthermore, ALTHEA is also a mission that was launched with recourse to NATO assets and capabilities under the Berlin Plus arrangements. In fact, CONCORDIA in many ways set the tone and was a necessary pre-set operation for ALTHEA, the largest EU/ESDP military operation to date. Finally, like CONCORDIA, ALTHEA was a take-over operation from NATO's Implementation Force (IFOR), a 60,000-strong deployment, and later the Stabilisation Force (SFOR) made up of around 30,000 troops. At the EU Council in Copenhagen (12-13 December 2002), there was the first public mention of 'the Unions willingness to lead a military operation in Bosnia following SFOR' (EU Core Documents from 2002, 2003, p. 170).

This was closely followed by the European Union and NATO Declaration stating that '[T]ogether, we are going to analyse the possibilities for an EU military role in Bosnia and Herzegovina' (EU Core Documents from 2002, 2003, p. 180). However, it was not until the NATO Istanbul Summit of 2004 that NATO welcomed 'the decision of the European Union to mount a new operation in Bosnia' (The North Atlantic Council, 2004a). Of course, in between these two announcements was the decision to launch the Iraq War (without a UNSC resolution) and the transatlantic rift that stemmed from this decision. There was recognition in just about every notable transatlantic security 'core document' of 2003 (EU Core Documents from 2003) giving political momentum to the idea of the EU's replacement of SFOR, with the possible launching of that operation in early 2004. However, Iraq played a large part in delaying the final decision. The General Affairs and External Relations Council (GAERC) document of February 2003 is especially noteworthy as it also attempted to lay out the significance of an EU-led operation in BiH. Consideration should also be given to the 'integrated EU approach' towards Bosnia, where Lord Paddy

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<sup>36</sup> For the latest ALTHEA Fact Sheet, visit [http://www.eeas.europa.eu/csdp/missions-and-operations/althea-bih/pdf/04032013\\_factsheet\\_althea-bih\\_en.pdf](http://www.eeas.europa.eu/csdp/missions-and-operations/althea-bih/pdf/04032013_factsheet_althea-bih_en.pdf) (last Accessed December 2013).

Ashdown had been appointed EUSR to Bosnia<sup>37</sup> since 2002, and ESDP had already launched a police mission on 1 January 2003 (EU Core Documents from 2003, 2003, p. 46). The EU had, of course, played 'a key supporting role' in BiH since the signing of the Dayton-Paris Peace accords in 1995.

Significantly, EU and NATO integration, over time, has become a deeper part of the equation for BiH. However, this goal was signalled from as early on as 2003, when both organisations stated publicly their 'common objectives' to 'assist the countries concerned towards further integration into EU and NATO structures' (EU Core Documents from 2003, 2003, pp. 97–98). This overall strategic objective and organisation/instrument-rich environment, supported by UNSC resolutions 1551 and 1575, gave ALTHEA the impetus to see through the Iraq troubles and eventually launch in December 2004.

EU Council Joint Action 2004/570/CFSP, the primary document outlining the overall mission mandate, details the operational structure of ALTHEA. Once again, with regard to establishing the baseline of EU-NATO cooperation and the BP/AF, Article 1 section 3 stipulates that ALTHEA 'shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO' (Council of the European Union, 2004a). Although the term Berlin Plus is not specifically referred to in the document, it does give ALTHEA 'recourse to NATO common assets and capabilities, on the basis agreed with NATO' (Article 1.3), appoints the DSACEUR as Operational Commander (Article 2) and designates SHAPE as the OHQ for ALTHEA (Article 3), all the key attributes of a Berlin Plus operation. The next section will outline, in full, the specificity of the formal EU-NATO relationship regarding ALTHEA.

### *Establishing Berlin Plus for ALTHEA*

As noted above, EU Council Joint Action 2004/570/CFSP is the primary document outlining the mandate and structure of EU ALTHEA. Articles 1.1-1.3 note that ALTHEA is conducted to 'provide deterrence, continued compliance with the responsibility to fulfil the role... of the General Framework Agreement (GFAP) in BiH, and to contribute to a safe and secure environment'. In order to do this, the forces

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<sup>37</sup> Established with Council Joint Action 2002/211/cfsp.

deployed will 'operate in accordance with the general concept approved by the Council' and with 'recourse to NATO common assets and capabilities'. Clearly, this means that, like CONCORDIA, ALTHEA is a formal Berlin Plus mission. Admiral Rainer Feist (DSACEUR)<sup>38</sup> was appointed as ALTHEA's first Operational Commander and SHAPE was delegated the role of EU Operational Headquarters (Article 2 & 3). This document also appointed Major General A. Leakey as the first EU Force Commander<sup>39</sup> (Article 4). Furthermore, like CONCORDIA, after the Council has decided on the launching of the operation, approved the operational plan as well as the ROEs (Article 5), the PSC 'shall exercise the overall political control and strategic direction' with responsibility to the EU Council regarding 'the powers to amend' all of the above (Article 6.1).

In light of these duties, the PSC will need to 'report to the council at regular intervals' and 'receive reports from the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the EU military operation' and they may invite both the DSACEUR/OP-COM and the FOR-COM to meetings 'as appropriate' (Article 6.2-3). This document further gives 'military direction' to the EUMC by designating them the power to 'monitor the proper execution' of the operation 'conducted under the 'responsibility of the EU Operational Commander' (Article 8.1-2). The CEUMC shall also 'act as the primary point of contact with the EU operational Commander' (Article 8.3).

With regard to the direct 'relations with NATO' (Article 13.1), Joint Action 2004/570/CFSP states that all 'relations with NATO shall be conducted in accordance with the relevant provisions laid down in the 17 March 2003 Exchange of Letters between the Secretary-General/High Representative and the NATO Secretary General'. This 'Exchange of Letters' document is the actual classified Berlin Plus document and is the closest direct mention of it to be found in this Joint

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<sup>38</sup> Although Admiral Feist (Germany) was appointed OP/COM in July 2004, he was no longer NATO DSACEUR by the time ALTHEA was launched in December 2004. The first ALTHEA OP/COM when the operation was launched was DSACEUR General Sir John Reith (UK: 2004-2007), followed by DSACEUR General Sir John McColl (UK: 2007-to date).

<sup>39</sup> ALTHEA EU Force Commanders are as follows: Major General A. Leakey (UK: December 2004-December 2005); Major General G.M. Chiarini (Italy: December 2005-December 2006); Rear Admiral H. J. Witthauer (Germany: December 2006-December 2007); Major General I.M. Villalaín (Spain: December 2007-December 2008); Major General S. Castagnotto (Italy: December 2008-December 2009); Major General Bernhard Bair (Austria: December 2009-December 2010).

Action. Article 13.2 also reaffirms the chain of command for ALTHEA as a Berlin Plus Operation; most importantly, the Operational Commander (OP/COM) shall report on the conduct of the operation ‘only to EU bodies’ and that NATO shall be informed of ‘developments in the situation by the appropriate bodies, in particular the PSC and CEUMC’. Here, it is important to remember that ‘Berlin Plus arrangements and the implementation thereof will apply only to those EU Member States which are also either NATO members or parties to the partnership for Peace’. Therefore, unlike CONCORDIA, this caveat removed Cyprus and Malta from actually (and not just in theory) taking part in ALTHEA with recourse to NATO assets, as they joined the EU in May of 2004 before ALTHEA was launched (EU Core Documents from 2002, 2003, p. 170).

This, of course, had a real impact on the release of information to third states as outlined in Article 14 of Joint Action 2004/570/CFSP, due to the fact that certain member states of the EU and NATO decided to keep EU-NATO relations strictly to the letter of Berlin Plus agreements on EU-NATO modalities of cooperation. The PSC-NAC meetings would only meet to discuss BiH in a format without Cyprus and Malta.<sup>40</sup> Furthermore, from May 2004 onward, the formal passing of sensitive information between the organisations would only be carried out as conditioned by the strict ‘red line’ practices outlined above.

On 21 September 2004, a PSC decision was released which reaffirmed that the participation of third states would ‘apply only to those EU Member States which are also either NATO members or parties to the “Partnership for Peace”, and which have consequently concluded bilateral security arrangements with NATO’ (EU Political and Security Committee Decision, 2004a). Only by meeting these conditions could the contributions from third states be accepted. In the days following, PSC decision sheet BiH/2/2004 appointed DSACEUR Gen J. Reith as Op/Com (EU Political and Security Committee Decision, 2004b) and BiH/3/2004 set up the Committee of Contributors (EU Political and Security Committee Decision, 2004c). For reasons of brevity, it should be noted that this document is much the same as that used to set up the CoC for CONCORDIA. However, one interesting difference is the mention of

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<sup>40</sup> Malta reinstated its PfP agreements with NATO in April 2008 and, as such, regained their right to receive information through Berlin Plus agreements.



Berlin Plus and the use of any opportunity to restate the rules of this agreement as they relate to third states, i.e. Cyprus and Malta.

Finally, there is the EU Staff Group (EUSG) at SHAPE to support the DSACEUR 'in his role as Operational Commander, who is to plan and direct the operation at the military strategic level of command' made up of fourteen military and five civilian personnel (currently). The Chief of EUSG is responsible to the OP/COM for the 'day-to-day' running of ALTHEA and the EUSG liaises with all divisions and offices within SHAPE. Due to the fact that the CoC has the added command element of AFSOUTH in Naples, in October 2004 the PSC decision BiH/4/2004 appointed as Head of the EU Command Element at Naples the NATO Chief of Staff at AFSOUTH, General Ciro Coccozza. Once again, this was a 'double-hatted' position as with CONCORDIA (EU Political and Security Committee Decision, 2004d).

We can now see that the baseline of formal (BP/AF) EU-NATO relations has been established politically, institutionally and operationally. But what about cooperation beyond the BP/AF? After all, the EU and NATO have been operating in close geographical proximity and with closely-aligned goals since, and apart from, operation ALTHEA. If we investigate a sample of these areas and operations, will there be evidence of EU-NATO cooperation? Furthermore, if cooperation is established, to what extent is the BP/AF the normative, political, institutional and operational reference point or framework for such cooperation? In what way will agents be creative enough to adapt to the limitations of the BP/AF if attempting cooperation beyond the BP/AF?

## **Summarising the Agreed Framework**

So far, this chapter has shown that Berlin Plus was deemed to be the appropriate form of cooperation for CONCORDIA and ALTHEA. The literature also seems to demonstrate that Berlin Plus, as an instrument of EU-NATO cooperation, was a success in both operations; and still is with regard to ALTHEA, albeit with some pronounced friction points.

This chapter has also demonstrated the process that established Berlin Plus and what has developed into the Agreed Framework for cooperation between the EU and NATO. This BP/AF is the formal institution with formal bureaucratic structures, rules

and operating procedures for cooperation. Therefore, the BP/AF can now be used as a formal rule criterion but also as a normative, political, institutional and operational baseline to further investigate for any cooperation beyond the formal framework of EU-NATO relations. If formal EU-NATO cooperation is ruled out, then what type of cooperation is emerging, if any? What are the conditions for any growth or institutionalisation of informal EU-NATO cooperation beyond the BP/AF? Finally, is there any evidence of actors linked to the EU and NATO institutions creating new rules, or employing creative solutions to adapt the limits of the BP/AF in the informal cases of cooperation, as analysed later in the thesis? It is, therefore, necessary to summarise this framework.

First, Berlin Plus was directly modelled on the Berlin NAC decisions of 1994 and, most obviously, 1996 which called for 'the use of separable but not separate military capabilities in operations led by the WEU' (The North Atlantic Council, 1996). Therefore, it is clear that Berlin Plus, as an institution, is clearly a template of an earlier attempt to create a similar institution albeit with a different organisation. Furthermore, Berlin Plus has only ever been implemented for operations, whereby a 'hand-over' to EU-led military responsibility was the framework and not a scenario in which the EU independently takes the lead and initiates an operation but with recourse to the 'collective assets and capabilities of the Alliance; for operations in which the Alliance as a whole is not [or was ever] engaged militarily as an Alliance' (Yost, 2007, p. 74). Therefore, since Berlin Plus has never really been used in the way it was intended, it cannot be properly evaluated as such. This thesis, therefore, must investigate actual EU-NATO cooperation as it exists, but utilising the baseline as created in this chapter.

Second, it is important to summarise the formal institutions that constitute EU-NATO cooperation as laid out by the Agreed Framework. Most significant to note, in terms of sequencing, is that these institutional arrangements were worked out before Cyprus (still as a divided island) joined the EU after the Greek Cypriots rejected the referendum concerning the northern Turkish part of the Island. At the nation state level, these are: EU-NATO Foreign Minister meetings and the NAC-PSC Ambassador level meetings. As this chapter has demonstrated, since the EU enlargement of 2004, and specifically due to Cyprus joining the Union, the first meetings have been discontinued in their official capacity. With regard to the NAC-PSC, from 2001 until 2003, these two bodies met with an agenda that covered the

full spectrum of common issues. For example, the NAC-PSC formally discussed geographical issues such as Afghanistan, Moldova, and Kosovo as well as issues of proliferation, energy security, and trans-national terrorism (Interview 5, 2010). Since 2004, however, ALTHEA has been the only agreed agenda subject that can be discussed at a formal NAC-PSC level without the presence of Cyprus (Yost, 2007, p. 93). These meetings have been drastically reduced given their limited agenda and (at the time of writing) the last of these meetings took place in March 2012.

As mentioned, the relationship between the NATO Sec/Gen and the EU SG/HR<sup>41</sup> has also been crucial in regards to cooperation and synergy between the two organisations. At a purely formal level, the NAC-PSC meetings are co-chaired by both of these posts. The SG/HR has also been invited to all meetings of the NAC at the level of foreign and defence ministers. However, the NATO Sec/Gen is usually only invited to EU defence ministerial meetings (Yost, 2007, p. 91). At MOD level, for political directors of MODs and MILREPS, the situation is only formal at the 28-26 format, now 28-27 but still excluding Cyprus. There was an attempt to meet informally at 28-27 with the Political Directors, but this attempt failed due to the Turkish representative declining to participate (Interview 5, 2010). At the level of MILREPS, there has also been no success at bringing them together. What has also developed since 2003 is a series of central tools that are supposed to facilitate EU-NATO cooperation. These are: the EU Staff Group in SHAPE (created for CONCORDIA but is still present and operational for ALTHEA), the 'Military Permanent Arrangements', which established the NATO Liaison Team at EUMS and the EU Cell at SHAPE, and the DSACEUR with the dual function of Operations Commander for Berlin Plus operations - CONCORDIA (completed) and ALTHEA (on-going) - as well as the 'strategic coordinator' with the 'terms of reference' that include '[enhancing] transparency'. What is necessary to consider in the case studies that follow is the degree to which these central tools are relevant in regards to cooperation when Berlin Plus has not been agreed for a particular operation, but the EU and NATO may still desire to communicate and cooperate out of functional or situational imperatives.

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<sup>41</sup> Note this position has changed to the High Representative of the Union for Foreign Affairs and Security Policy post-Lisbon Treaty December 2009.

When it comes to the formal institution with formal bureaucratic structures, rules and operating procedures for cooperation, what has to be remembered is the EU-NATO security of information agreement. A NATO-restricted document (classified) can only be sent to those EU member states that have signed security agreements with NATO. This has, of course, resulted in the participation and scope problems outlined above. If intelligence sharing is formally limited to ALTHEA, but cooperation is indeed going on outside of that context, then how actors attempt to manage this obstacle becomes highly important. In what way will agents be creative enough to adapt to the limitations of the BP/AF if attempting cooperation beyond the BP/AF? If cooperation is proceeding, then we should expect to find some evidence of these creative solutions.

Although both CONCORDIA and ALTHEA have been generally deemed success stories, there have been frictions regarding the Agreed Framework and the implementation of Berlin Plus. First, these frictions were evident with regard to the sharing of sensitive information between the EU and NATO, even in the context of Berlin Plus, for example the presence of non-NATO members of the EU inside the EU cell at SHAPE. There were also political sensitivities, established in CONCORDIA and ALTHEA, regarding the use of NATO's AFSOUTH in Naples as part of the chain of command structure. In the case of ALTHEA, obtaining the full list of assets and capabilities at the strategic level was 'drawn out and protracted' (Simón, 2010, p. 29); what could not be resolved was the delineation of tasks, which could not be solved in Brussels, so they asked the field commanders to do it for them and on the ground (Interview 11, 2010). This last theme introduces an important spatial element to the EU-NATO relationship that will be picked up in much more detail in the three subsequent case studies. What will be shown in the case studies is that this precedent has been utilised in cases of EU-NATO cooperation outside the BP/AF as well, and a hierarchical and spatial dimension to EU-NATO cooperation is clearly evident, not only in formal BP/AF cooperation but especially with regard to informal cooperation beyond the BP/AF operations.

What this has demonstrated is that (1) there is established rhetoric for positive EU-NATO cooperation (both for these missions and as a strategic alliance), (2) that institutions were created to formally operationalise and facilitate cooperation, and (3) Berlin Plus, specifically, is the mechanism that uses these institutions together with the offer of EU access to NATO's assets and capabilities to establish what is

commonly known as the Agreed Framework (with the caveats built into the security of information agreement). These comprise the formal structures, rules and operating procedures that practitioners at all three levels of cooperation should comply with. Finally, this chapter has demonstrated that Berlin Plus is now only a framework of last resort, yet it retains a deeply symbolic value internalised by actors at all three levels of EU-NATO cooperation. However, the combination of the established rhetoric and the Agreed Framework means that all of the above should only be used to discuss and conduct ALTHEA and no more. The following chapters will investigate whether this is, in fact, the case.

## **Conclusion**

‘Relations are only getting worse and the PSC-NAC is meeting once a year to talk only about Bosnia’ (Interview 21, 2010). There have only been five formal meetings between EU-NATO Foreign Ministers, all of which took place before 2004. According to Yost, there are those member states that ‘prefer autonomy’ and see Berlin Plus as a ‘last resort’ for those operations in which NATO assets and capabilities are, regrettably, necessary (Yost, 2007, p. 89). This argument is bound up in the desire of some member states to obtain an independent OHQ for ESDP operations and the institutional blockage that the Cyprus-Turkey situation has meant for EU-NATO cooperation. But the more salient fact here is that some member states, with ALTHEA in mind, ‘were determined that Berlin Plus should be the exception rather than the rule’ (Interview 3, 2010), and are ‘very keen to see it go’ (Interview 1, 2009a). ALTHEA has left a ‘sour feeling’ in the mouths of some Member States and they have indicated that, after ALTHEA, there would be no more Berlin Plus operations (Interview 12, 2010a). Over time, this has resulted in a formal EU-NATO relationship, whereby the EU avails itself of SHAPE for ALTHEA, but at the political level ‘you have nothing’ (Interview 12, 2010a). So we arrive at the key empirical puzzle under investigation: Why are the formal mechanisms of EU-NATO cooperation (BP/AF) becoming static, yet cooperation is continuing? As one senior NATO official put it:

There is nothing wrong with Berlin Plus, except that it excludes one of the EU nations and therefore we can't move forward because the EU won't allow it to without all 27 Member States. There is not much wrong with Berlin Plus at all really. However, I think that wrapping other missions into Berlin plus, for example if KFOR (Kosovo) was to become an EU operation, and I don't think that will happen anytime soon, but let's say that it was they could make it into a Berlin Plus operation, but that wouldn't work because we have gone passed that now because it would create difficulties with Cyprus and they would not agree to it.

So basically Berlin Plus is frozen. But that is not to say that there is anything particularly wrong with it, in fact with the way we run Bosnia at the moment is a model of how efficient it can be in terms of running an operation (Interview 13, 2010).

This chapter has set the baseline of EU-NATO cooperation. It has also established exactly what the BP/AF is in terms of the EU-NATO relationship, but also specifically when cooperation is formally operationalised on the ground in military operations. The chapter established that the AF generally, and Berlin Plus specifically, was modelled on past institutional templates and designs. Quite significantly, we can begin to see that sequencing, path dependency and unintended consequences have all, to a degree, shaped the specific nature and limits of the EU-NATO relationship. Therefore, these concepts will be specifically addressed in the next chapter

It is now possible to take this BP/AF and ask, in a context where formal cooperation is ruled out, what type of cooperation can we see emerging and to investigate for informal norms and practices that support informal cooperation between the EU and NATO. Furthermore, if these practices and informal structures do exist, can the assumptions of historical institutionalism help to explain the stasis of the BP/AF as outlined in this chapter, while also accounting for any evolutionary changes to the relationship as well? Do the theoretical assumptions of HI help to explain the creation and evolutionary paths of the relationship beyond BP/AF? The next chapter seeks to establish the analytical framework that will inform that investigation.

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## Chapter Three

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### Historical Institutionalism: the framework of analysis

*From the same trunk, there are many different branches and smaller branches. Although it is possible to turn around or clamber from one to another – and essential if the chosen branch dies – the branch on which a climber begins is the one she tends to follow (Levi 1997, p. 28 in Pierson, 2004, p. 20).*

#### Introduction

This chapter will establish historical institutionalism (HI) as the framework of analysis for this thesis. As will be demonstrated, HI offers much that can help us to understand the current stasis of BP/AF. However, it is also anticipated that the traditional or central assumptions of HI will prove less useful in explaining any evidence of EU-NATO cooperation beyond BP/AF, or how that cooperation has evolved despite the political blockage that *prima facie* should exclude such cooperation. In other words, although the central assumptions of HI are helpful in explaining stasis at the grand political level (of the kind outlined in the previous chapter), they are less helpful in explaining what is effectively being problematised in this thesis. However, this chapter will also demonstrate that the literature on HI has advanced considerably in recent years to incorporate incremental change, learning and socialisation. Therefore, the framework of analysis will be developed in this chapter to account for these assumptions.

Theory in International Relations (IR), as well as in Political Science more generally, has long been contested owing, in essence, to the problem of applying 'hard' scientific approaches to a field in which the objects of study are social beings. Hedley Bull (1966b: 2), for one, has commented that 'international politics [are] not susceptible to scientific enquiry', while Chomsky (1994: 120) has suggested that, in

IR, 'historical conditions are too varied and complex for anything that might plausibly be called "a theory" to apply uniformly'.

Things have developed since then. For example, see Patrick Thaddeus Jackson's *The Conduct of Enquiry in International Relations* (Jackson, 2010). That said, the central aim of this chapter is to present clear theoretical assumptions and a framework that can be applied to the investigation of informal cooperation in the case studies that follow. There is no expectation that theory will apply 'uniformly' to the totality of EU-NATO cooperation, but there is an assumption that 'institutions matter', as does history. Therefore, this chapter will establish the applicability of HI, not only for explaining why the BP/AF is stuck in its current institutional equilibrium, but also for investigating incremental changes to the EU-NATO relationship beyond the BP/AF stasis and in cases where cooperation is not formally agreed.

On this basis, the present chapter will proceed as follows. First, HI falls within a wider IR and institutionalist literature. This literature will be identified and its relevant claims extrapolated. This section of the chapter will highlight the importance of 'new institutionalism' (March & Olsen, 1989). It will pay particular attention to rational choice and sociological institutionalisms and where these two approaches stand in relation to HI. It will conclude by providing a clear working definition of institutions for this study. The second section will first be devoted to establishing the central assumptions and *logics* of HI: history, path dependence, and unintended consequences. Then, there will be a discussion of how the literature on HI has advanced in recent years to incorporate a notion of incremental change. This understanding of change moves past the more traditional (and limiting) adherence to change that is solely based on unintended consequences. The chapter will then turn to a discussion of learning and socialisation, two additional assumptions that are also based on more recent developments in the HI literature. Finally, there will be a detailed discussion of how these assumptions led to the generation of the specific research questions that will then be applied to the case studies that follow.

## **Institutionalism within IR Literature**

This thesis takes as its starting point the central focus of institutions. Within IR, there is no agreement, either on what constitutes an institution, or on the degree to which



institutions play a role in shaping international politics. However, within one area of Political Science, coined institutionalism, there is at least agreement that institutions do 'matter'. The various strands of this literature, however, agree on little else.

Institutionalism as a scholarly tradition fell out of favour towards the third quarter of the twentieth century (March and Olsen, 1989; Peters, 2005, 1999; Steinmo in Porta and Keating, 2008; Steinmo et al., 1992). However, it has made a vibrant resurgence in the last two decades. Two influential works by March and Olsen (March and Olsen, 1998, 1989) have been central to this rediscovery of institutions and, consequently, 'institutional perspectives have reappeared in political science' (March and Olsen, 1989, p. 1). On the other hand, it is fair to say that institutionalism has never been too far removed from the discipline: 'the roots of political science are in the study of institutions' according to Peters (Peters, 2005, p. 1). Sven Steinmo takes this a step further by claiming that 'institutional theory is as old as the study of politics' (Steinmo in Porta and Keating, 2008, p. 118). Before a full discussion of these key assumptions of HI can be dealt with, it is necessary to situate this approach within the scholarship of what is termed 'new institutionalism'. This is essential in order to gain a full comprehension of the dual-track approach which HI accommodates.

In 1996, Hall & Taylor noted that the term 'new institutionalism' was appearing 'with growing frequency in political science' and give at least three different 'analytical approaches' within the relevant literature (Hall and Taylor, 1996, p. 5). There are, in fact, several more strands of new institutionalism to be accounted for; however, there is not sufficient room here to begin a lengthy discussion regarding the totality of these approaches. Therefore, the three variants of institutionalism identified by Hall and Taylor will be addressed here: rational choice institutionalism (RCI), sociological institutionalism (SI) and HI. The reason for this parsimonious reading of new institutionalism is that HI can be thought of as a synthetic approach, or middle-range theory that combines historical factors with insights from both rational choice and sociological institutionalism. It is fundamentally aimed at analysing 'real world outcomes' (Steinmo in Della Porta and Keating, 2008). Hall and Taylor have thus termed HI as having a 'pivotal position' between the two other variants mentioned above (Hall and Taylor, 1996, p. 6).

Scholars working within RCI are concerned, as are all institutionalists, with how institutions structure behaviour (Thelen & Steinmo, 1992; Hall and Taylor, 1996; Peters, 2005; Steinmo in Della Porta, 2008). Yet, the ways in which these scholars see the influence of institutions are distinct from those utilising other variants of institutionalism. As a starting point, for RCI scholars institutions are salient as 'features of strategic context, imposing constraints on self-interested behaviour'. Furthermore, 'institutions define (or at least constrain) the strategies that political actors adopt in pursuit of their interests' (Steinmo et al., 1992, p. 7). Hall and Taylor (1996: p. 12) have characterised this conceptualisation of self-interested actors as having 'a fixed set of preferences or tastes' and then, when acting within institutions, these actors' behaviour is 'entirely instrumental' with the sole purpose of 'maximising the attainment of these preferences'.

The study of politics may be the study of institutions; however, it is also the study of human beings. Therefore, when RCI scholars posit that institutions have different structuring effects on behaviour, what is implicit in this viewpoint, as is so often the case with disagreements in political science, is how these scholars view and conceptualise human behaviour. As Sven Steinmo (Steinmo in Porta and Keating, 2008, p. 126) has put it, where there is grave disagreement between RCI and the other variants of institutionalism is with 'their understanding of the nature of the beings whose actions or behaviour is being structured'. For the rational institutionalist, institutions primarily matter because they 'frame' strategic behaviour. Viewed in this way, actors define themselves in institutions as 'rule followers' and, when considering their interests from the standpoint of institutions, they are most likely going to ask themselves if this institution will help them achieve 'goals at an acceptable cost' (Smith, 2004, p. 33). Therefore, society is replete with and structured by actors (individuals and states) who are seen to be in pursuit of individual ends - or, what March and Olsen (1998: pp. 949-951) have termed, the 'logic of expected consequences'. In sum, RCI scholars see interests as exogenously (from the institution) determined and, therefore, institutions are the mere arenas where interests are negotiated and fought over.

RCI also postulates the way in which institutions, as arenas, structure interaction between political actors. This approach often defines institutions as 'features of a strategic context, imposing constraints on self-interested behaviour' (Thelen and Steinmo, 1992, p. 7). As stated above, contained within the RCI approach is the belief that actors' interests are exogenously given. Therefore, one critical role institutions play is in reducing uncertainty or 'the shadow of the future'. When actors believe that joint benefits can be gained, institutions will be created and maintained to facilitate that process. Institutions are created to 'provide information' about other actors' preferences and to 'reduce transactions' between them (Keohane and Martin, 1995, p. 42). Yet, according to Peters (2005, p. 59), 'the various rational choice perspectives tend to be better at defining institutions than they are in describing and explaining the processes by which institutions are created'. In other words, RCI is much better at explaining 'behaviour within existing sets of rules' than it is at illuminating 'the process through which those rules are created' (ibid, p. 59).

However, RCI is not silent on institutional creation. This approach tends to posit institutional genesis based on a deductive model and in response to a specific function that is valued by the actors concerned. The creation of an institution is a direct reaction to the value and function it will provide for the actors involved; most notably, gains to exogenously given interests through cooperation (Hall and Taylor 1996, p. 13). Implicit in this rationale is the idea that the creation of a given institution is determined by the fact that any alternative form would be less proficient at meeting actors' needs and interests and, therefore, inferior.

Although one should not confuse the explanations of institutional creation with those of institutional persistence, for reasons of brevity a short summation of the weaknesses to RCI's ability to account for these separate issues is given here. As mentioned above, RCI rests its logic on a functionalist approach to institutional creation. However, this has meant that the approach tends to play down the numerous inefficiencies that can be found in institutions of all kinds. Moreover, since RCI assumes that the basis of institutional creation is functional, it also tends to be rather 'intentionalist'. Consequently, the approach sees institutional creation and persistence as 'highly purposeful' and 'under the control' of those actors involved (Hall and Taylor 1996, p. 19). A rationalist understanding of IR would posit that a problematic institutional arrangement, such as the one in this study, would adapt or

disappear. That it persists suggests that an RCI reading alone is insufficient for the empirical subject matter dealt with in this thesis.

Due to RCI's intent on seeing institutions, analytically, with the primary function of determining effects on behaviour and policy, but not on interests, it is not altogether surprising that this approach does not give much attention to institutional change or persistence. As Peters (2005, p. 61) puts it, 'institutional change is simply exogenous to a model in which the purpose is to explain outcomes that result from the particular institutional arrangement in place'. This reasoning has implications for this work. If RCI attributes change to imperfections or to the sub-optimal achieving of the requirements the institution was designed for, it then follows that institutional persistence can be credited to the opposite effect; that is, the institution meeting the requirements and goals for which it was formed. The second chapter clearly demonstrated that this has not been the case. Therefore, further institutional concepts must be drawn upon.

### *Sociological Institutionalism*

Developing independently but contemporaneously to other variants of the new institutionalism, scholars working with SI began to posit that institutional processes were not necessarily manifest, nor created simply due to rationality or efficiency, but could be attributable to 'culturally specific practices' (Hall and Taylor, 1996, p. 14). Within this tradition, interests are seen altogether differently from the RCI variant of institutionalism. Once again, this conceptually different understanding of interests and how they are defined and structured is a direct reaction to an alternative view of human social behaviour. Whereas RCI envisions human beings as calculating and self-interested actors, sociological institutionalists see a world where humans are essentially social beings (Steinmo in Della Porta 2008, p. 126).

This view fundamentally depends on a particular understanding, or logic, of how human behaviour is construed. March and Olsen (1998, p. 949) describe how this understanding of human behaviour differs from a rationalist perspective:

On the one side are those who see action as driven by a logic of anticipated consequences and prior preferences. On the

other side are those who see action as driven by a logic of appropriateness and sense of identity.

This distinction has ramifications on how institutions are conceptualised. For sociological institutionalists, institutions are not mere arenas that structure interaction between political actors as a set of rules, but actually 'frame' (Steinmo in Della Porta 2008, p. 126) how those actors working inside them envision the world in which they operate. Therefore, interests can be seen as endogenously given to those institutions, and actors are not merely pursuing self-interests as rule followers but act out of what March and Olsen (1998, p. 951) have termed a 'logic of appropriateness'. This logic of appropriateness has ramifications for behaviour as actors may ask themselves: 'to what extent does this institution fit with existing institutions and goals?' (Smith, 2004, p. 33). Within the sociological approach, institutions are defined to a much broader extent than is usually found within most Political Science analyses. Formal rules, procedures or norms, symbol systems, cognitive scripts, and moral templates which can frame meaning and guide human action are all subsumed within the sociological variant of institutionalism (Hall and Taylor 1996, p. 14). This conception can even define culture itself as institutions (CF. Lynne Zucker in Powell and DiMaggio, 1991).

Given this description of sociological approaches, Scott's (1995a: 33 quoted in Peters, 2005, p. 116) definition of institutions as 'cognitive, normative and regulative structures and activities that provide stability and meaning to social behaviour' seems to be clearly connected to how the sociological strand of institutionalism will be linked to the framework of analysis and the working definition of institutions that are operationalised in this study.

Sociological institutionalism also offers a different reading of the way institutions are both created and persist. As a starting point, this approach assumes that institutional creation is done within a world abounding with prior existing institutions (Hall and Taylor, 1996, p. 20). SI sees new institutions being formed based on 'templates' which are borrowed from other prior existing institutions. This is an important feature of the approach and will have direct ramifications, not only for the assumptions of HI described below, but also the empirical case studies dealt with in this research. As will be demonstrated, the BP/AF often provides a normative background for informal cooperation and actors will often act as if the BP/AF is in

operation institutionally, even when it is not. However, unlike RCI, which sees these creational processes based on the efficiency and functionality of the institution, SI allows for new institutional practices based on 'the social legitimacy of the organisation or its participants'. These organisations assume specific institutional forms or practices because these practices are 'widely valued within a broader cultural environment' (Hall and Taylor, 1996, p. 16).

However, SI may stray too far in the other direction. SI can often be 'curiously bloodless' (Hall & Taylor, 1996, p. 21). In other words, it is seen as neglecting the impact of power clashes fought over interests and has been accused of 'writing actors out of the script' and thus limiting actors to mere 'cultural dupes' (Tonra, 2003, p. 735). The point here is that the approach could benefit, as could RCI, from a more complex blending of the logics that both variants advance regarding institutions and human behaviour. This could be done by an understanding that frames of meaning, scripts and symbols are not only produced by 'interpretation' but from a 'process of contention as well' (Hall & Taylor 1996, p. 21).

SI usually sees change as occurring through the process of institutionalisation or deinstitutionalisation (see Smith, 2004; Peters, 2005; Juncos Garcia, 2007). 'Institutions must, and will, find means of adapting to changes in their environment' by 'recognizing changes in the environment and then finding ways to make the institution conform to those external forces' (Peters 2005, p. 119). This type of change directly relates to the more incremental processes of institutional change, which are further addressed below. After defining the working definition of institutions to be utilised in this study, we then turn to establishing the overall framework of analysis for this thesis; it is one that incorporates the traditional assumptions of HI based on history, path dependency and unintended consequences, but also accounts for processes of change that are more incremental in nature. What will be demonstrated is that HI is a fusion of both the logics conceptualised above.

### *Defining and Operationalising Institutions*

Although the sections above provide contrasting descriptions of how two institutional approaches conceptualise both human political behaviour and how institutions affect that behaviour, this chapter has yet to address the particular working definition of

institutions that will be utilised in this study. This section aims to accomplish that goal. It will start by defining the HI approach to structuring human political behaviour. This will then be followed by an outline of various working definitions of relevance, before clearly stating the precise definition deemed the most appropriate for addressing EU-NATO cooperation beyond the solely BP/AF context. There is a fundamental issue at hand here; the working definition of institutions must be able to account for both formal and informal structures and both processes of stasis and incremental change.

As opposed to RCI, HI does not see institutions as providing a context in which political actors define their strategies and pursue their interests as problematic. In fact, according to Thelen and Steinmo (1992, p. 7), HI argues that institutions ‘play a role’ in shaping politics and its history. This approach sees actors as following both the logic of consequence and the logic of appropriateness. In this way, HI is not confined by the narrow definitions of either RCI or SI. As Steinmo (in Della Porta, 2008, p. 126) argues; ‘historical institutionalism stands between these two views: human beings are *both* norm-abiding rule followers *and* self-interested rational actors’. This is a critical point, as HI can therefore allow institutions to shape actors’ strategies as well as their goals. Critically, what HI is primarily concerned with is why a certain choice was made and/or why a certain outcome occurred (Steinmo, 2008, p. 126).

Some definitions see institutions as ‘the rules of the game in a society’ (North, 1990, p. 3), or as consisting of ‘cognitive, normative and regulative structures and activities that provide stability and meaning to social behaviour’ (Scott in Peters, 2005, p. 116). However, such definitions may be too broad to utilise in this study as they leave almost nothing out of the conceptual picture and, as such, are difficult to operationalise. On the other hand, rational choice definitions of institutions, seen as mere ‘features of a strategic context imposing constraints on self-interested behaviour’ (Thelen and Steinmo, 1992, p. 7), are far too simplistic for an approach that is seeking to discover if institutions have had a structuring effect on actors’ preferences from both an exogenous and/or endogenous standpoint.

Thelen and Steinmo (1992, p. 2) argue that institutions are ‘both formal organizations and informal rules and procedures that structure conduct’. Building on this definition is Peter Hall’s concept of institutions as ‘the formal or informal procedures, routines, norms and conventions embedded in the organizational

structure of the polity or political economy' (Hall and Taylor, 1996, p. 6). This research will progress by incorporating a combination of these two definitions and seek to operationalise EU-NATO cooperation as a formal institution with formal bureaucratic structures, rules and operating procedures through the BP/AF, while also allowing for the informal norms and practices that underline much of the *ad hoc* and informal nature of EU-NATO cooperation beyond the BP/AF context.

## Historical Institutionalism: Understanding Stasis

In the words of Steinmo; '[h]istorical institutionalism is neither a particular theory nor a specific method', but 'best understood as an approach to studying politics and social change' (Steinmo in Della Porta 2008, p. 118).<sup>42</sup> This thesis will proceed on this assumption. Moreover, it is argued that the validity in applying HI propositions, with regard to the case studies chosen for this research, is defended by the fact that HI is a middle-range theory and, therefore, can be adequately applied as such. However, as has been pointed out, there are certain challenges with building middle-range theory (Immergut and Anderson, 2008, p. 361):

Theoretical concepts are difficult to apply consistently to empirical cases, contradictory hypotheses generated by the same theory, theoretical over-determination, and the biases of case choice, the problem of measuring both independent and dependent variables.

Before beginning a more in-depth narrative of HI, this section will give a brief background to the approach and how it is placed in the literature. The chapter will then discuss in detail both the more traditional and central assumptions of HI (History, PD, and unintended consequences) before moving on to a discussion of how the literature has progressed in recent years to account for incremental change, learning and socialisation. Once this is completed, the chapter will finally turn to

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<sup>42</sup> It should be noted that, from now on, this conceptualisation of HI is built into the study and often the terms theory or approach are used interchangeably.



establishing the research questions generated from this comprehensive account of the HI literature.

### *Background*

HI has a considerable and detailed position in the new institutionalist literature. That is not to say that this variant is identical in all its forms throughout the literature. In fact, it has been rather 'diverse' and has 'provided for understanding policy continuities over time within countries and policy variation across countries' (Thelen and Steinmo, 1992, p. 10). Furthermore, as Thelen and Steinmo (1992, pp. 12-13) have pointed out, 'institutions constrain and refract politics, but they are never the only cause of outcomes'. The focus HI gives to institutions does not mean that this approach neglects or replaces attention to other variables – 'the players, their interests and strategies, and the distribution of power among them. On the contrary, it puts these factors in context, showing how they relate to one another by drawing attention to the way political situations are structured' (Thelen and Steinmo, 1992, p. 13). HI is not an elegant theory, but its effectiveness can be found in the way it demonstrates how different variables can be linked over time.

The central assumption of HI is that initial factors in the creation of an institution, such as policy choices or the templates borrowed for the design of an institution, will have a constraining and determining hold over the institution and/or the actors associated with it for the duration of its existence (King, 1995; Skocpol, 1992; Pierson, 1994/2004; Peters, 2005). This notion is commonly referred to in the literature as *path dependency*. The following section will outline this concept.

### *History Matters*

As outlined above, HI assumes that political outcomes are a mixture of both rule following and interest maximising and will, to varying degrees, be the result of both the logics of consequence and appropriateness. However, this poses a dilemma for the researcher, namely which logic is more pronounced in any given scenario? Sven Steinmo's (Steinmo in Della Porta, 2008, p. 126) answer is that 'the historical

institutionalist would go to the historical record (also known as evidence) to try and find out'.

Similar to Pierson's (Pierson, 1994, p. 4) work on EU integration, HI can be understood as both *historical* and *institutional*. This may sound obvious, but important consequences follow from this statement. The first relates to the notion that, 'political development must be understood as a process that unfolds over time'. The second, to the notion that 'many of the contemporary implications of these temporal processes are embedded in institutions' (Pierson, 1994, p. 4). Furthermore, HI defines the relationship, if seen merely as a 'snapshot' in time, as insufficient. It intends to move past this limiting analysis to one of 'genuine historical research' (Pierson in Immergut and Anderson, 2008, p. 354).

The rest of this section will attempt to further elucidate why history matters as understood through the chosen framework for analysis. It is mainly built on propositions laid out by Steinmo (Steinmo in Della Porta, 2008). It will then be possible to outline path dependency as a key assumption of HI and to illustrate more generally why history is important in terms of the empirical research under investigation.

Steinmo lays out three clear reasons why history does matter. First, he proposes 'political events happen within a historical context', which has direct consequences for those decisions and events. This implies that the form an institution takes - its initial design - is a direct consequence of the moment in time in which it was designed. Of course, this implies that cooperation in the area of security between any other organisations in the world, or even in Europe for that matter, would not be identical in character due to those particular differences in history relevant to those organisations and their member states.

Second, history does matter because 'actors' or 'agents' learn from those experiences garnered over time. Steinmo relates this back to the discussion of human behaviour addressed above. In other words, scholars working within the HI approach recognise that 'behaviour, attitudes and strategic choices take place inside particular social, political, economic and even cultural contexts'. In doing so, HI places working assumptions and even variables within the 'appropriate context' (Steinmo in Della Porta, 2008, p. 127). This concept relates back to Pierson's idea that snapshot views of political outcomes are limited. There is an understanding here

that, by deepening the understanding of the historical context, HI scholars can offer a richer and more accurate explanation of those events being analysed.

Steinmo (in Della Porta, 2008, p. 128), building on Pierson, suggests that 'expectations' are also seen as shaped by prior events. Therefore, it is essential for the HI scholar to look for patterns in history, or why the historical record in a certain case has produced patterns that would make a particular 'snapshot' view, or outcome, more predictable when viewed from a temporal dimension. According to Steinmo (in Della Porta, 2008, p. 128):

The historical institutionalist is something like the environmental biologist who believes that in order to understand the specific fate of a particular organism or behaviour, she must explicitly examine that organism in the ecology or context in which it lives.

This does, of course, relate back to the practicality of applying hard scientific approaches touched upon in the introduction of this chapter. In other words, HI assumes that it is not enough to apply approaches that are only concerned with variables studied in episodic and fixed time frames.

Finally, before turning to path dependency, it is appropriate to understand what March and Olsen (1998, pp. 954-955) have termed 'efficient' and 'inefficient' histories. Once again, two opposing views, this time of how history unfolds are described:

On the one side are those who see history as following a course that leads inexorably and relatively quickly to a unique equilibrium dedicated by exogenously determined interests and resources. On the other side are those who see history as inefficient, as following a meandering path affected by multiple equilibria and endogenous transformations of interests and resources.

According to the first approach, efficient history is 'determined' and even 'predictable' based on conditions that are pre-set by the environment in which those conditions reside. The key attribute of this approach, with regard to this study, would see

institutions as having only a minor role independently and are mere 'products' of a history that is the creation of exogenously determined interests.

### *Path Dependency*

This section aims to address one of the leading explanatory concepts of HI. The aim is to expand HI while giving explanatory clarity through the propositions attributed to it through the concept of path dependency.

The most basic understanding of path dependency is that 'what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time' (Sewell in Pierson, 2004, p. 20). However, as Pierson (2004, p. 20) points out, this very broad understanding of the concept may be helpful only in its assumption that 'history matters'. For this concept to be useful to the social scientist and to avoid 'concept stretching', what is needed is a narrower definition of path dependency in order to provide for analytical clarity (Satori, 1970, p. 1034). Therefore, one must look at the basic conditions of path dependence: sequencing, positive feedback/increasing returns, punctuated equilibrium, and critical junctures.

Embedded in this concept of path dependency is the critical notion that the most important effects of an event will be 'temporally lagged'. In other words, the consequences of initial choices and even seemingly inconsequential or random occurrences will not be understood or felt until some later stage (Mahoney and Schensul in Goodin and Tilly, 2006, p. 457). Furthermore, initial choices can lead to processes that may engender 'multiple possible outcomes', which depend on the particular sequence of events and how these events unfold over time (Pierson, 2004, p. 21).

The 'Polya urn process' has been given as an example of how sequencing matters and it can be described as follows: 'There is a very large urn containing two balls, one black one red. You remove one ball, and then return it to the urn along with an additional ball of the same colour. You repeat this process until the urn fills up' (Pierson 2004, p. 17). According to Pierson, from this experiment three things can be extrapolated that demonstrate how sequencing (history) matters and how this process demonstrates positive feedback. First, there is no way of knowing what the

‘eventual ratio’ between red and black balls will be in any given trial. Second, in any given trial, the ‘ratio will eventually reach an equilibrium’. Finally, ‘sequence is thus crucial’ because the draws that take place in the early stages of the process will have ‘a powerful effect on which of the possible equilibria will actually emerge’.

Path dependency is also viewed as containing ‘self-reinforcing’ processes. In other words, once a particular path is in train, it can be extremely difficult to change that path. Steps along a particular path produce ‘consequences that increase the relative attractiveness of that path for the next round’ (Pierson, 2004, p. 18). Analysing the ‘stickiness’ of institutional development may lead to a clearer understanding of the continuing consequences that stem from initial institutional arrangements and agreements. This can be done by looking at the notions of positive feedback and increasing returns.

The concept of positive feedback (or self-reinforcement) appears when each step in a ‘particular path’ results in outcomes and consequences that amplify the ‘attractiveness’ of the path going forward (Pierson, 2004, p. 18). In doing so, positive feedback processes capture two key elements that are relevant to path dependence. First, the cost of switching paths, or from one approach to another, will increase over time as ‘each step in a particular direction makes it more difficult to reverse course’ (Pierson, 2004, p. 21). Second, this underscores the issue of ‘timing and sequencing’ and distinguishes ‘formative moments or conjectures’ from the periods that strengthen divergent paths (Pierson, 2004, p. 19). Brian Arthur (1994) has noted certain traits that can be found within positive feedback processes: *unpredictability, inflexibility, nonergodicity, and potential path inefficiency* (Arthur, 1994). Pierson adds to these characteristics a further point: that ‘sequencing is critical’ and events that occur earlier on have much more magnitude than those that appear later on (Pierson, 2004, p. 18).

First, unpredictability is understood by the notion that initial events are often random and have more determining effects and, therefore, many outcomes are possible. Second, inflexibility appears when difficulty in switching paths is prominent. Usually, the further along in the process, the more inflexible it becomes. Nonergodicity is the understanding that even small events can play a role in shaping future outcomes and, therefore, cannot as such be ruled out of the equation. Finally, those patterns and outcomes that become the established paths are not necessarily the optimal paths yielding the highest ‘payoffs’, thus resulting in ‘path inefficiency’.

Yet, over time, those paths not initially chosen will become increasingly distant and unreachable alternatives while the path chosen becomes even more self-reinforcing (Pierson, 2004, pp. 74–75).

These characteristics are vital in allowing for history to be remembered when analysing the empirical data. It allows the researcher to investigate, not only variables at the moment of interest, but also the sequence in which they occurred. Furthermore, particular attention can be paid to minor perturbations in the early stages of institutional design; these may well have larger than expected effects, which drive institutional development onto distinct paths that can persist even when rigid in nature.

The notion of increasing returns demonstrates how positive feedback processes result in path dependence. Taken from his work on technology, Arthur (1994) has outlined four such conditions that help in hypothesising when these path dependent processes occur. These are: *large set-up of fixed costs*, *learning effects*, *coordination effects* and *adaptive expectations* (Arthur in Pierson, 2004, p. 24). Although these conditions were initially expressed to shed light on technological change, recent work has also demonstrated their usefulness in describing social behaviour (North, 1990; Pierson, 2004, 2000, 1994). As mentioned above, ‘initial institutional or policy decisions, even sub-optimal ones can become self-reinforcing over time’ creating ‘lock-in’ effects (Pierson, 1994, p. 17). The creation of new institutions, involving complex social interdependence, will often entail high ‘fixed costs’. By encouraging individuals to gain new skills, make investments, purchase goods and generally devote time and money, these new institutions generate ‘sunk costs’ (Pierson, 1994, p. 17). Crucially, concerning the discussion of human behaviour above, these sunk costs can entail both material and cultural components.

There is considerable debate in the literature as to how ‘locked-in’ these paths can become and to what extent the ‘trajectories of development’ are set. However, a temporal analysis should not necessarily rule-out ‘shifts away from the path’, even if it is argued that these shifts are more difficult to achieve as time passes (Mahoney and Schensul in Goodin and Tilly, 2006, p. 464). This deterministic caveat of path dependency processes, as well as more general critiques of how HI accounts for institutional change, should be addressed in order to develop a more analytically acute model of HI that is conducive for the empirical puzzle being addressed.

'Punctuated equilibrium' has been the most 'dominant' explanation of institutional change in the literature thus far (but by no means the only one). This concept, Steinmo explains (in Della Porta, 2008, p. 129), sees institutions as remaining 'essentially stable (at equilibrium) until they are faced with external (exogenous) shock'. These 'shocks' are the facilitators of the 'breakdown' of prior institutions and they further precipitate 'intense political conflict' regarding the design of new institutional arrangements (Steinmo et al., 1992, p. 15). This 'political contestation' allows policies to be set on particular paths, but these paths are 'continuously renegotiated in an ongoing political process' (Immergut and Anderson, 2008, p. 357). These punctures to the equilibrium result in new 'branching point[s]' or, as is more commonly termed, 'critical junctures' (Hall and Taylor, 1996, p. 10).

The hallmarks of path dependent processes are these critical junctures. Path dependent models, although viewing later institutional sequences as closed and rigid, conceptualise early sequences as open or permissive. In other words, multiple outcomes or paths are possible depending on choices and events in the early stages of an institution's life. The term critical juncture refers to the period during which 'important causal processes are launched' (Mahoney and Schensul in Goodin and Tilly, 2006, p. 460). This is the time when particular paths are formed due to a particular selection of one option from a range of other alternatives. These decisions then have a knock-on effect and reduce future possibilities. A critical juncture is when a 'new sequence' begins and the range of future outcomes is 'narrowed' (Mahoney and Schensul in Goodin and Tilly, 2006, p. 460).

Essentially, the HI analytical framework should guide the investigation to look for critical junctures, while at the same time paying due attention to the initial conditions leading up to the 'branching' periods these junctures create and where 'historical development moves onto a new path' (Hall and Taylor, 1996, p. 10).

### *Unintended Consequences*

The concept of 'unintended consequences' is a further central assumption of the HI approach. The utility of this concept is heavily premised on the hypothesis that actors are not constantly functioning with the full amount of information (relevant to their

given issue area) that is potentially available to them. They are, in other words, acting from the standpoint of 'bounded' rationality (March and Simon, 1958).

Unintended consequences have four basic assumptions (Huczynski and Buchanan, 2009, pp. 737–738). One, the defining of any particular situation by actors working in an issue area is likely to be 'incomplete'. Two, all the alternatives to a problem will not be generated or considered. Three, it is not possible for actors to predict or foresee all the consequences of each solution. Lastly, final solutions are usually selected primarily on personal and political factors. Furthermore, theories of 'bounded rationality' assume, for the most part, 'logic of consequences' (March and Olsen, 1989, p. 950), but that the 'process of choosing institutions has generally been far from far-sightedly rational' (Immergut and Anderson, 2008, p. 359). The effect of these limitations is that decisions are made that can be thought of as 'good enough' rather than 'ideal', or they 'satisfice' rather than 'maximise'. As Huczynski and Buchanan (2009, p. 738) explain:

When maximising, decision-makers review the range of alternatives available, all at the same time, and attempt to select the very best one. However, when satisficing, they evaluate one option at a time in sequence until they alight on the first one that is acceptable. That chosen option will meet all the minimum requirements for the solution, but may not be the very best (optimal) choice in the situation. Once an option is found, decision makers will look no further.

Pierson (1994, p. 13) has demonstrated that, 'even if policymakers do focus on long term effects', the eventuality of unintended consequences having an effect on the evolution of an institution or policy is likely to be 'widespread'. This approach assumes that decision makers often have to be content with less than ideal solutions to institutional problems. The HI assumptions of history, path dependency and unintended consequences outlined above help to explain the creation, the frozen nature and the persistence of the BP/AF at the macro level. However, although these assumptions of HI are useful in explaining these factors, they are less useful when it comes to investigating EU-NATO cooperation where formal cooperation is ruled out. For this, we need to consider processes of incremental change, learning and socialisation. Clearly, the overwhelming stasis in the formal EU-NATO relationships can be attributed to the unintended consequence of the failure of Cyprus to accede



to the EU as a non-divided island. As noted in Chapter Two, although Cyprus was not yet a member of the EU, it was widely recognised in all the relevant capitals that this would be a reality in 2004. However, what was as yet still undecided was how Cyprus would join the Union: whether its *acquis communautaire* would apply to the whole island or just to the Greek Cypriots in the south. Although the Annan Plan for Cyprus was later rejected on 24 April 2004, the expectations in most of the relevant capitals were mostly positive at that time. In the words of one interviewee, 'the expectation was that the people on both sides of the island would find an agreement. So the referendum came as a shock, it was a total failure' (Interview 5, 2010).

Let us now apply these assumptions to the formal EU-NATO Framework outlined in Chapter Two. One of the factors that persuade certain states to use Berlin Plus is, of course, the great reduction in cost that this framework provides. Although the EU-centric member states do not always want to draw attention to this, it is something that is accepted behind closed doors. One insider described it in the following way: 'as much as the EU would hate to admit it, it is a very low cost option, they tap into the whole of the NATO structure and it cost them virtually nothing in terms of people, they have all the expertise of NATO at their beckon call reporting to the EU and running their own operation. So it is a very cost effective operation. They win on all sides except the political side' (Interview 8, 2010).

There can be no doubt that Berlin Plus is, however, still utilised in BiH today. This has been going on for so long that it is 'not necessarily negotiated'. However, there is a great deal of interaction and the EU still uses NATO assets that, without, it 'could not do its job day-to-day' (Interview 1 & 2, 2009a & 2009b).

When it comes to the overall lessons learned (LL) from ALTHEA and the second attempt to use Berlin Plus as the fundamental formal link between the two organisations, some important disparities can be extrapolated. First and foremost, although ALTHEA has generally been thought of as a success, both in terms of the operation itself and in terms of EU-NATO cooperation, there have been some lingering effects that make any future Berlin Plus mission less likely. As one senior US diplomat put it, 'I do not think things have been terrific in Bosnia, but Bosnia is definitely the exception, and in terms of using that mechanism going forward, it just won't happen' (Interview 17, 2010). However, there are, perhaps, two ways in which to better conceptualise this reality in order to give us a more nuanced understanding of what ALTHEA has meant for EU-NATO cooperation at the political-strategic level.

These paradoxical concepts are what I call the Berlin Plus of last resort and the symbolic Berlin Plus. They are contradictory phenomena while, at the same time, they both exist concurrently. Taken together, they demonstrate the path dependence of Berlin Plus and EU-NATO cooperation writ-large.

The Berlin Plus of last resort refers to both the lingering difficulties and frictions that stem from the EU's reliance on NATO for its assets and capabilities, many originating in ALTHEA, but also to its determination to be seen as an independent and unique actor in crisis management. According to Yost, there are those member states that 'prefer autonomy' and they see Berlin Plus as an option of 'last resort' for those operations in which NATO assets and capabilities are, regrettably, necessary (Yost, 2007, p. 89). This argument is bound up in the desire of some member states to obtain an independent OHQ for ESDP operations and the institutional blockage that the Cyprus-Turkey situation has meant for EU-NATO cooperation. But the more salient fact here is that some member states, with ALTHEA in mind, 'were determined that Berlin Plus should be the exception rather than the rule' (Interview 3, 2010), and are 'very keen to see it go' (Interview 1, 2009a). ALTHEA has left a 'sour feeling' in the mouths of some Member States and they have indicated that, after ALTHEA, there would be no more Berlin Plus operations (Interview 12, 2010a). Over time, this has resulted in a formal EU-NATO relationship, whereby the EU avails itself of SHAPE for ALTHEA, but at the political level 'you have nothing' (Interview 12, 2010a).

In direct contrast to this, and existing simultaneously, is the notion of a symbolic Berlin Plus that must be retained for fear that the last formal link between the two organisations should vanish. The thorny negotiations that finally saw Berlin Plus agreed in 2003 are not forgotten in this light and the probability of re-constructing them, should they be lost, is at the centre of this attitude and is discernible at the political level. At this level:

there is a fear that considering all the problems of getting it (Berlin Plus) negotiated in the first place, that if it were to be let go, then they may not get it back. By establishing structural cooperation between the EU and NATO there is a symbolic value, whether with substance or not. There is a feeling that this is important, the NAC-PSC meetings are important. People are so afraid of letting go of Berlin Plus because so many things are

not working between the EU and NATO; at least this is something they can point to. (Interview 1 & 2, 2009a & 2009b)

This concept has manifested itself in attempts to turn ALTHEA into a non-executive mission.<sup>43</sup> According to another interview, 'several States are keen to keep at least one Berlin Plus operation going, even if it is a non-executive mission. This is because of the symbolism of having one EU-NATO mission running and the visibility that it provides' (Interview 21, 2010). Furthermore, this is even with the knowledge that 'SHAPE is not needed to run a non-executive mission' (Interview 21, 2010). Although no decision has been taken to turn ALTHEA into a non-executive mission at the time of writing, the interviewees have acknowledged that Cyprus has, in fact, agreed to do this in principle. The result of such a decision is that Cyprus would effectively vote itself out of operating in such a change to ALTHEA. Besides posing the obvious question of whether Berlin Plus or SHAPE is appropriate for a non-executive operation, one for which it was neither developed or agreed, questions arise as to whether EU-NATO institutions played a role in shaping Cyprus's decision in this way.

One official at the Swedish Representation to ESDP commented that, as far as ALTHEA is concerned, 'there is still a lot of interaction and the EU still uses NATO assets that without them, the EU could not do its job'. They also noted that 'everyone is scared of closing down Berlin Plus and a lot of people are asking if this framework could be used in Kosovo' (Interview 1 & 2, 2009a & 2009b). Furthermore, a senior NATO official also noted that:

The problem of course is that the only thing running through Berlin Plus is BiH. But for how much longer? Because last year the EU was having a major debate about the closing down of the office of the High Representative in BiH, terminating the EUFOR mission there, so this would become a civil mission and Berlin Plus is only for military missions (Interview 3, 2010).

Yet another NATO staff official, when asked 'why does Berlin Plus persist in this way', commented:

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<sup>43</sup> This was first noted in the Council Conclusions on ESDP (Brussels, 17 November 2009).

Because I can't imagine an alternative at the time that would have been any better, and as much as the EU would hate to admit it, it's a very low cost option, they tap into the whole of NATO structure and it cost them virtually nothing in terms of people, they have all the expertise of NATO at their beckon call reporting to them running their operation, so it's very cost effective operation. They win on all sides except for the political side. As long as it is dressed up in a way that does not upset too many people then you don't have that problem either. I mean B+ works, but it has its limitations, so there is no point in killing it, it could possibly be used in the future (possibly) (Interview 8, 2010).

## Historical Institutionalism: Understanding Incremental Change

The section above has outlined the central and more traditional assumptions that are found in the canon of HI literature. However, these are insufficient to explain the persistence of the problematic and stymied (outside of Operation ALTHEA) BP/AF for formal EU-NATO cooperation, as well as any observance of informal EU-NATO cooperation beyond the BP/AF, despite the political blockage that *prima facie* should exclude such cooperation, i.e. the particular form and processes that informal cooperation has taken since 2004. Therefore, additional assumptions, ones that have been more recently proposed in the HI literature, are now offered in order to allow for a more complete explanation of the EU-NATO relationship. Based on the proposition that incremental change can occur within the larger context of institutional persistence, these additional assumptions of learning and socialisation are introduced as part of the framework of analysis.

Peters, Pierre and King (Peters et al., 2005, p. 1277) have pointed out that 'the primary attention to structural variables prevents historical institutionalism from providing a clear conceptualization of policy change and, indeed limits the possibilities for a theoretical explanation of change'. Furthermore, any credible theory, even a middle-range theory, must be capable of coping with change as well as *status quo* phenomena. However, this research sees this dual-track approach as an opportunity to investigate the cooperation beyond the BP/AF framework that is being problematised in this research.

## *Incremental Change*

This section builds on the work of Sven Steinmo (2008) as well as Peters, Pierre and King (2005) to help develop a more robust version of HI and the framework of analysis. It describes a model of HI that not only employs path dependency and the self-reinforcing processes of positive feedback in its analytical 'tool-box', but also includes the concepts of agency and ideas. Of crucial importance here is an understanding of change seen as the product of major shifts or 'punctuated equilibria' as well as incremental adjustment. By utilising this approach, one that accounts for processes of both persistence and change - while, at the same time, understanding institutions as mechanisms subject to path dependency and as arenas where ideas and learning can be housed – the thesis can account for both the stasis of the EU-NATO institutional relationship as well incremental changes within that larger macro-level stasis. It will also permit the researcher to investigate the relationship between these two processes. In fact, what will be demonstrated is that both processes reinforce each other to a certain degree. What the case studies will show is that these processes of incremental change, through informal cooperation, reinforce the current static formal political and strategic relationship.

Steinmo (in Della Porta, 2008, p. 129) has stated that, until recently, institutionalist literature has lacked a 'fully theorized explanation of change'. To address this lacuna, he presents a number of reasons as to why institutions are resistant to change. First, all institutions (formal or norm) are 'embedded' within a larger framework of institutions. This means that changing the rules of one institution will invariably have repercussions for others. Second, actors working within an institution can 'form expectations' regarding both the rules and the institutions. Changing these rules or institutions can have long-term unpredictable consequences. This means actors change the rules they are familiar with, even when this is 'not necessarily optimal'. Third, institutions can become 'locked in' as a great deal of time and material cost can be invested in learning the rules and change may bear unwanted costs. Finally, over time, institutions have an effect on behaviour which can also influence preferences. In other words, institutional persistence can be favoured merely out of routine and habit as it comes to represent what those inside 'are used

to' (in Della Porta, 2008, p. 129). With all these sources of institutional persistence, change has been under-explained in the institutionalist literature.

An analytical privileging of institutional persistence gives rise to two problems (Peters et al., 2005, p. 1277): an 'inability to incorporate adequately political change in the analytical framework' and 'a failure to identify the political conflict and dissensus within what at the surface might appear to be stable, path-dependent time periods' (Peters et al., 2005, p. 1277). However, Peters et al. would seem to agree that the traditional HI explanation for institutional change, punctuated equilibrium, is useful while, at the same time, limiting. Therefore, a more adequate approach is found by analysing both the exogenously given shock of punctuated equilibrium while paying attention to widespread incremental change. As this thesis is problematising any cooperation outside of the BP/AF and any evolution of such cooperation, this conceptualisation is especially valuable.

By not always viewing change as exogenously given punctuated equilibrium, the approach allows room for institutions, ideas, and the environment to exist as a 'co-evolutionary process'. Change and history can be seen as an incremental process and not just a process that is 'lurching from one equilibrium to another'. This understanding helps to alleviate the notion that actors are mere 'dupes' and can include agency in the analysis. In other words, actors can be seen as more than just 'prisoners' of the institutions in which they work (Steinmo in Della Porta, 2008, p. 133). It is argued that, by bringing a 'stronger sense' of agency into the analyses, most of the critiques concerning the HI approach could be alleviated (Peters et al., 2005, p. 1284). Therefore, this thesis will be investigating for evidence of institutionalisation that facilitates informal EU-NATO cooperation, particularly at the micro level of the relationship. In other words, it will be investigating for processes by which 'norms, or shared standards of behaviour, are created and developed' (Smith, 2004, p. 26). Furthermore, it is not sufficient for any institutional model based on path dependency to solely argue that patterns persist; 'to be effective a theory should be able to link outcomes with actors and with the processes that produced the outcomes' (ibid, p.1284). This is relevant because, as we will see, often actors working at the political level overlook EU-NATO cooperation outside of the BP/AF context in general and by actors working at the international staff and operational levels specifically. Actors look for creative ways to bypass or get around the BP/AF

in order to achieve cooperative goals. Therefore, we can investigate to what extent these have been systematised or institutionalised.

### *Learning*

‘To better explain institutional change, one needs to bring ideas into institutional analysis’ in conjunction with the notion of ‘punctuated equilibrium’ mentioned above (Steinmo in Della Porta, 2008, p. 130). If the sole explanation of institutional change is dependent on external and exogenous shocks, then agency is written out of the analysis altogether. This section aims to demonstrate how ideas and learning can contribute to the incremental processes of institutional change and how this change is not merely seen as a process ‘lurching from one equilibrium to another’ (Steinmo in Della Porta, 2008, p. 133).

As Steinmo (2008, p. 130) has noted, historical institutionalists are not ‘wedded’ to any one grand theory or methodology and, as a consequence, ‘ideas have come to take a central place in their analyses’. Institutional change, he adds, is ‘the product of changes in ideas; defined here as “creative solutions to collective action problems” held by actors’ (Steinmo in Della Porta, 2008, p. 131). This evolutionary dynamic to institutional change allows the researcher to explore ‘power relations’ and to see actors not just as ‘prisoners of the institutions they inhabit’ (Steinmo in Della Porta, 2008, p. 133). It further allows the researcher to identify institutional change when ‘powerful actors have the will and ability to change institutions in favour of new ideas’:

A group or collective may agree that a particular idea is a good idea if they agree that there is a problem that needs solving, and they agree that this idea may actually solve the problem. Seen in this way, ideas are not ‘irrational’, but instead are best understood as creative adaptations that can be evaluated both on rational and emotive grounds (Steinmo in Della Porta, 2008, p. 131).

Peters, Pierre and King (Peters et al., 2005, pp. 1282-3) also note that some scholars utilising HI argue ‘ideas play a crucial role in the selection of policies’. However, they are critical of HI’s ability to explain ‘how these ideas manifest

themselves'. They argue that any such explanation 'must rely on the values of the leadership of the institution rather than the values that are more widely shared within the institution' (ibid, p. 1283).

Ideas and learning are understood as reactions to or reflections on unintended consequences as defined above. Paul Pierson (1994, p. 16) has argued, albeit in the context of European integration, that learning arguments depend 'on the freedom of member states to fold new understandings back into the organisational design'. The crucial element to be investigated is whether learning processes are sufficient for the principal actors involved to regain control in response to the outcomes of unintended consequences. In other words, if unintended consequences have an unmanageable impact, and if learning does not provide a sufficient impetus for correction, then actors will be constrained in their action. Therefore, it is essential to examine the role institutions play in facilitating learning by providing new information, changing belief systems, creating focal points, and coordinating expectations (Levy, 1994, p. 281). Of great interest here is to what extent the same institutions that are constrained by formal rules, rules that should prohibit cooperation between the EU and NATO, also facilitate 'creative solutions' or 'creative adaptations', i.e. they facilitate, through learning, the conditions for the growth of informal cooperation outside the BP/AF.

Learning (for the individual) can be understood as 'a change in beliefs (or the degree of confidence in one's beliefs) or the development of new beliefs, skills, or procedures as a result of the observation and interpretation of experience' (Levy, 1994, p. 283). However, here a distinction must be drawn between 'simple' and 'complex' learning (Checkel, 2001; Levy, 1994; Stein, 1994). 'In simple learning new information leads to a change in means but not in ends, and in complex learning a recognition of conflicts among values leads to a modification of goals as well as means' (Deutsch quoted in Levy, 1994, p. 286). Furthermore, as Stein (1994, p. 171) suggests, 'complex learning, at its highest level, may lead to a reordering or redefinition of goals'. The ability to identify, first, whether an institutional environment is conducive to learning and, second, to determine whether simple or complex learning is transpiring, is key to the HI approach and its key claim that temporal and institutional factors elucidate political processes and outcomes.

The above obviously raises the issue of under what conditions learning is likely to take place and under what conditions it is likely to be strengthened or more significant, i.e. complex. It is important, in light of the rational/sociological debate



above, to ask what does it mean for an agent to learn? Who is the agent that is learning? Is it the human occupants of institutions or the aggregate of these institutions, i.e. the institution itself? Checkel (2001, pp. 560-61) notes that these two approaches answer this question differently. The rationalists tend to represent learning in strictly 'individualistic terms'. They employ a notion of game-theoretic terms and explain the gathering of new information through 'strategic interaction where the players observe other agents' behaviour and then, at some later point, use their newly-acquired information to update beliefs about the other agents' (Checkel 2001, p. 561). In other words, the rationalist approach emphasises simple learning over complex, as this information is utilised to alter strategies but not preferences.

The sociological approach presumes that not only rational processes of learning are at work. This approach attempts to account for 'complex social learning', a process whereby agent interests *and* identities are shaped through a process of 'interaction' and over time (Checkel, 2001, p. 561). Although HI attempts to identify both simple and complex learning, it is assumed that simple learning is much more pervasive within institutional settings that involve actors working in the international environment. This argument is only strengthened when investigating actors are working in an international environment, where security is the primary policy issue.

This section has addressed the processes of learning at the individual level. However, when analysing the institutional territory of international organisations, one must also consider state and organisational learning. Levy (1994, p. 287) argues that:

The reification of learning to the collective level – and the assumption that organisations or governments (in this case states as international actors) can be treated as organisms that have goals, beliefs, and memories – is not analytically viable'. Organisations do not literally learn in the same sense that individuals do. They learn only through individuals who serve in those organizations, by encoding individually learned inferences from experience into organisational routines.

Furthermore, all organisational change cannot be attributed to learning. Organisational change only involves learning when 'individual cognitive change' can

be said to exist, and only if the 'individuals' inferences from experience become embedded in organisational memory and procedure'. Thus:

Organisational learning involves a multistage process in which environmental feedback leads to individual learning, which leads to a change in organisational behaviour, which leads to further feedback (ibid, p. 288).

Therefore, individual learning is 'necessary but not sufficient' for organisational learning (Levy, 1994, p. 289). The process of transferring individual learning to organisational learning can be stymied at any point. Individuals may learn, but be 'deterred' from institutionalising their new ideas; they may attempt to institutionalise these changes, but be blocked at the political level. Or (much less frequently) these changes may be institutionalised but still fail to change organisation behaviour (Levy, 1994, p. 288). Finally, governmental learning is even more complex than organisational learning as it involves 'the aggregation of learning by multiple organisations and by multiple individuals working both in the organisations or outside and independently of them' (Levy, 1994, p. 289).

The empirical research undertaken for the case studies that follow attempts to distinguish whether learning has facilitated EU-NATO cooperation beyond the BP/AF context. It will investigate for evidence of strategies to circumvent or replace the BP/AF by both EU and NATO actors in missions where cooperation is not formally agreed. The research will also attempt to discern if learning has been primarily aimed at either developing strategies to merely circumvent or incrementally change the BP/AF at the micro level in order to facilitate informal cooperation (simple learning), or towards fundamentally renegotiating or replacing the BP/AF as the formal framework for EU-NATO cooperation (complex learning). It will also attempt to investigate for any evidence of individual and/or organisational learning where possible.

## *Socialisation*

Finally, a further benefit of an institutional approach to IR is that it allows for an investigation into the impact that institutions have on the socialisation of actors working within their domain. This assumption is based on a premise that 'actors who enter into a social interaction rarely emerge the same' - a premise which, according to Johnston (Johnston, 2001, p. 488), is both 'uncontroversial' and 'radical', depending on the theoretical lenses you apply. The literature generally depicts socialisation as 'the comprehensive and consistent induction of an individual into the objective world of a society or sector of it' (Berger and Luckmann, 1990, p. 130), or the 'process by which the newcomer – the infant, rookie, or trainee, for example – becomes incorporated into organised patterns of interaction' (Stryker and Stratham, 1985, p. 325). Common in the relevant literature is the view that socialisation leads to 'expected ways of thinking, feeling and acting' (Johnston 2001, p. 494).

Once again, the view or understanding of socialisation in the IR literature is fundamentally conceptualised along the rationalist and sociological/constructivist divide and, therefore, has different answers to whether 'international institutions have the ability to socialise agents' (Checkel, 2005, p. 804). For example, rationalist approaches do not deny the possibility of socialisation, but tend to perceive it in a limited way. Neo-realists, for example, have conceptualised social interaction in the international environment merely as a process of 'selection and competition' (Johnston, 2001, p. 489), whereas contractual institutionalists accept that social interaction within institutions can 'change behaviour (strategies)' through 'cost-benefit analyses'. However, seeing as these processes impact on preferences and interests, it is not 'a central concern' of the approach (Johnston, 2001, p. 490). For social constructivists, however, socialisation is a central concept that views social interaction and the 'diffusion of international norms', focused through the logic of appropriateness (described above), to allow for the internalisation of norms. For social constructivists, there is an inference that institutions ultimately impact on whether or not actor/agents 'switch' from a logic of consequence to a logic of appropriateness over time and through social interaction.

The special issue of *International Organization* (2005, issue 4) expands on this concept by distinguishing between socialisation and the internalisation of norms. It

considers three 'mechanisms' of social interaction that also underpin this study: strategic calculation, role playing, and normative suasion. The mechanism of strategic calculation does not involve the internalisation of norms and a switch from the logic of consequence to the logic of appropriateness does not occur. In other words, behaviour does change, but only in response to 'material incentives' and actors are only viewed as 'instrumentally rational' (Checkel, 2005, pp. 808-809). The second mechanism, role playing, allows for the internalisation of norms and 'the shift from the logic of consequence towards a logic of appropriateness has begun'. However, a process of 'reflective internalisation' on the 'intrinsic value' of these norms has not yet occurred (ibid: pp. 809-10). Finally, normative suasion sees the switch 'as complete'. The agent has transformed from solely a cost calculator to one that has internalised norms through the acts of 'argument' and 'persuasion' (within the institutions) and would be inclined to view these norms as 'the right thing to do' (ibid, p. 812).

As with learning, the empirical research undertaken in the case studies attempts to determine whether socialisation has facilitated EU-NATO cooperation beyond BP/AF. It will investigate for evidence of how repeated interaction between EU and NATO actors may lead to any strategies to circumvent or replace the BP/AF where cooperation is not formally agreed. The research will also attempt to investigate to what extent the actors have internalised the need to cooperate, despite the limitations of the BP/AF. It will also investigate to what extent cooperation beyond or outside of the BP/AF is taken for granted by actors and facilitated by interacting with other EU and NATO actors.

## **Applying the Framework of Analysis to EU-NATO Cooperation**

HI has elevated path dependency, in particular as a central assumption that helps to explain institutional persistence. Yet, as the HI literature has developed, a realisation has set in that path dependence is insufficient in its explanations regarding specific cases. It may provide us with an understanding of why institutional persistence occurs; however, to tease out the particular circumstances and form of persistence, we need to look at the additional assumptions of incremental change, learning and socialisation as outlined above.

Before moving on to the case studies of this thesis, research questions must be generated based on the assumptions of HI as detailed above. This is in order to establish a clear framework of analysis to inform the investigation of informal EU-NATO cooperation outside the BP/AF context. These research questions are now listed.

### **General Guiding Research Questions:**

1. Is there any evidence of EU-NATO cooperation outside the BP/AF context despite the political blockage that *prima facie* should exclude such cooperation?
2. If such cooperation can be established, how has cooperation evolved since the BP/AF macro level stasis was established in 2004?
3. To what extent is BP/AF the normative and institutional context for any cooperation since stasis was established?

With this list of guiding research questions, this thesis can now proceed to investigate contexts where formal cooperation is ruled out and ask what kind of cooperation is emerging. Have any new formal institutions with formal bureaucratic structures, formal rules and operating procedures, or any informal norms and practices been established allowing actors to circumvent the BP/AF where a formal agreement was not established? If they have been established, then how have they determined the conditions for the growth of informal cooperation outside the BP/AF context?

As well as the guiding research questions listed above, the thesis as a whole will also seek to substantiate the following set of assumptions based on the framework of analysis outlined in this chapter:

#### **Assumption 1: Institutions**

EU and NATO institutions (both formal and informal) have facilitated the establishment of EU-NATO informal cooperation and they have been the normative reference points for that informal cooperation outside the BP/AF context. They have also facilitated the conditions for the growth, as well as the increased

institutionalisation, of informal EU-NATO cooperation outside the formal BP/AF context.

### **Assumption 2: Path Dependency**

Although theories of a more realist persuasion help to account for the political blockage of formal EU-NATO cooperation, the HI assumptions of history, path dependency and unintended consequences help to explain the creation, the frozen nature and persistence of the BP/AF at the macro level. However, although these assumptions of HI are useful in explaining these factors, they are less useful when it comes to investigating EU-NATO cooperation, where formal cooperation is ruled out. For this, we need to consider processes of incremental change, learning and socialisation.

### **Assumption 3: Incremental Change**

Incremental change regarding the EU-NATO relationship will not completely replace the BP/AF. In fact, in many ways the BP/AF is the normative reference point for EU and NATO actors working outside its official context. However, it does involve the creation and increased institutionalisation of new rules and norms to circumvent the BP/AF when a formal relationship has been ruled out.

### **Assumption 4: Learning**

Learning is an important facilitator of informal EU-NATO cooperation outside the context of the BP/AF. Learning, facilitated by formal institutions both within the EU and NATO respectively and by informal EU-NATO institutions and norms, are a key determining factor setting the conditions for the growth of informal EU-NATO cooperation. However, simple learning will be more pervasive as information is utilised to alter strategies (circumventing the BP/AF at the micro level) but not preferences (retaining the BP/AF at the macro level).

### **Assumption 5: Socialisation**

Social interaction between EU and NATO actors at all three levels of analysis (political/strategic, international staff and operational) will have an impact on common attitudes towards cooperation outside the BP/AF context. However, it is expected that behaviour will be more associated with 'strategic calculation' rather

than 'role playing' or normative suasion. In other words behaviour will be aimed at altering strategies (circumventing the BP/AF at the micro level) but not preferences (retaining the BP/AF at the macro level).

## **Conclusion**

By combining a temporal/historical approach (as assumed by the HI framework outlined in this chapter) with the hierarchical/spatial approach involving three levels of analysis in all three case studies investigating cooperation outside the BP/AF, it is hoped that a deeper understanding of the EU-NATO relationship is uncovered from an empirical point of view than currently exists in the literature. By a hierarchical/spatial approach, it is assumed that cooperation will be most prominent away from the political strategic level and hierarchically downwards towards the international staffs (and especially the operational agents) and also spatially away from the central tools of Brussels towards operational HQs and the areas of operation. As noted in Chapter Two, this precedent was already set as political sensitivities were established in CONCORDIA and ALTHEA. In the case of ALTHEA, obtaining the full list of assets and capabilities at the strategic level was 'drawn out and protracted' (Simón, 2010, p. 29). So what could not be resolved in Brussels was the delineation of tasks and, therefore, the field commanders were tasked to do this on the ground in-theatre (Interview 11, 2010). All the case studies will be investigated by analysing these three levels of EU-NATO cooperation.

In order to do this, the thesis now turns to the case studies. These case studies seek to determine how rigid the compliance to that AF is in reality. Within three different contexts, where formal cooperation is ruled out, this thesis asks: what kind of cooperation can we see emerging? The case studies selected, specifically investigate for the growth of informal cooperation over time. This approach will account for both the persistence of the EU-NATO relationship at the macro level as well as any incremental changes that have occurred within that relationship. This thesis now turns to the three cases studies of informal cooperation outside of the BP/AF context.

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## Chapter Four

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### Beyond Berlin Plus

#### Informal Military Cooperation in Counter-Piracy

*We are striving to achieve unity of effort, we will never achieve unity of command (Interview 29, 2010).*

*I know a lot of people often say that we are either competing or cooperating in counter-piracy, actually we are working alongside one another, we are more deconflicting than we are cooperating, we certainly are not integrating (Interview 13, 2010).*

#### Introduction

It is now possible to look beyond the stasis of the BP/AF for EU-NATO cooperation and attempt to ascertain if there is evidence of informal cooperation between the two organisations outside or beyond this framework. In order to accomplish this task, this chapter seeks to analyse a case where both the EU and NATO are concurrently conducting very similar military missions in the same operating space but do not formally engage through the established institutions or mechanisms for cooperation. An in-depth analysis of cooperation in the area of CP, at both the macro and micro level, is undertaken to establish that there is indeed an informal EU-NATO relationship in an operational setting. This chapter then investigates these processes of continued institutionalisation beyond the formal relationship. In this way, an overall assessment of any path-dependent features to the relationship can be teased out while, at the same time, accommodating for incremental changes in the relationship as well.

Although the EU-NATO relationship and cooperation towards countering piracy is not a formal relationship, or one operationalised through Berlin Plus, this chapter will demonstrate that rhetoric for a positive relationship does exist. Importantly, and as



Javier Solana stated in 2009, it has to be a more 'flexible framework' without the formal structures to support it. Both organisations have publicly stated their intention to work as closely as possible 'with all actors involved', and with specific reference to 'exchange of information'. The contradictory developments of failing to agree a formal relationship combined with the rhetoric to promote a 'strategic partnership' has resulted in increased informality of relations and a pushing of cooperation spatially towards the two sets of international staffs working in Brussels and operationally, both in Northwood and at sea.

Interestingly, this case study also shows that, although Berlin Plus is not the formal structure for EU-NATO cooperation in counter-piracy (in terms of formal institutional structures and the EU officially having access to NATO assets and capabilities), what is observable is what I term the *essence of Berlin Plus*. What will be demonstrated is that the EU borrowed NATO assets and capabilities (unofficially) when the EU was initially trying to stand up ATALANTA and thus BP/AF remains, to a degree, a normative and institutional context for cooperation, albeit in an informal capacity. The EU did not possess a Standing Naval Maritime Group and, therefore, essentially borrowed NATO's until such time as it was ready to launch ATALANTA. It could also be argued that, without NATO's Ocean Shield mission operating concurrently to ATALANTA, the EU would have much less intelligence capability and the rate of piracy would be much higher in the region. The following table helps to illustrate this point.

Table 4.1: Chronology of EU and NATO Presence off the Somali Coast

Operation	Period	Mandate
NATO 'Allied Provider' SNMG2	October-December 2008	Provide deterrent presence and escorting transiting UN World Food Programme vessels, and AU vessels providing logistical support to AMISOM
EU NAVFOR Atalanta	Since December 2008-	Protection of merchant vessels vulnerable to piracy threat, in particular those chartered by the World Food Programme (but not exclusively); deterrence, prevention and repression of acts of piracy and armed robbery; <sup>44</sup>
NATO 'Allied Protector', SNMG2 SNMG1	March-June 2008 June-August 2008	Protection of vulnerable vessels against acts of piracy
NATO 'Ocean Shield'	Since August 2009 (extended so far until December 2012)	Continuation of previous mandate; additional element of providing support to states in the region in developing their own capacities to tackle the piracy problem (e.g. local coast guard); training of local and regional authorities. - detour and disrupt pirate acts - protect commercial shipping

Furthermore, it is clear that Berlin Plus was never really even considered as an option for conducting an EU-led operation with formal recourse to NATO assets and capabilities due to the political deadlock surrounding the BP/AF. However, no enhanced mechanism to replace Berlin Plus has been negotiated, much less adopted. This leads to the suggestion that using Berlin Plus is no longer deemed a possibility for conducting new operations and that this reality has been internalised by actors working at all three levels of analysis. This has further increased informality of relations and pushed cooperation spatially away from the political/strategic level,

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<sup>44</sup> When the operation was launched, some MEPs expressed concerns about how the activities of ATALANTA could be clearly distinguished from the tasks performed by some EU member states within the framework of Operation Enduring Freedom-Horn of Africa, which aims at countering terrorist activities.

but towards increasingly institutionalised relationships between the two sets of international staffs working in Brussels (and SHAPE), as well as at the operational level, both in Northwood and at sea. The most striking example of 'flexibility' towards informality, as we will see, was the decision to establish both the NATO Ocean Shield and EU ATALANTA OHQs within the UK's Northwood Permanent Joint Headquarters.

It is, therefore, necessary to summarise this flexible and informal relationship. What this chapter will show is that the informal relationship is based on distinct processes of incremental change in the EU-NATO relationship, facilitated by forms of learning and socialisation. First, it is obvious that the more cooperation is hidden or subsumed within an international effort, the easier it is for the more obstructionist political actors to allow informal cooperation at the two other lower levels of analysis. Second, this chapter will show the unique role the Permanent Joint Headquarters at Northwood UK has to play as a 'fusion centre' for the informal cooperation of EU and NATO staff, giving a tremendous advantage in the face of political obstruction. This case study will also demonstrate that there have been very deliberate attempts to institutionalise cooperation at Northwood and in the Area of Operations (AO). Third, and directly related to the previous point, there has been an obvious drive for operational staff to test the bounds of the political 'red lines' when it comes to the sharing of sensitive information. Although this has not led to the systemisation of intelligence sharing, a 'unity of effort' is discernible in order to supplement for the obvious lack of a formal 'unity of command' (as would be the case in a formal Berlin Plus operation, for example Operation ALTHEA). Finally, none of this would have even been possible if the actors involved were not working within common military and operating cultures; this is even more evident in this case study due to a long history of maritime cooperation at sea between the 21 coinciding members of the EU and NATO as well as those who are only members of one of the organisations. Not only is this a case of different organisations using the same set of forces due to a high degree of membership overlap, but this case shows that Operational Commanders have even been rotated from NATO into ATALANTA and back to NATO.

It is clear, therefore, that many of the institutions and established links of operational contact established for the formal cooperation dealt within Chapter Two, are used, albeit informally, for EU-NATO cooperation with regard to counter-piracy.

There have been informal attempts at the NAC and PSC levels (although with much less success) to discuss on-going counter-piracy operations. However, with regard to the increasing institutionalisation of informal cooperation at the two lower levels of analysis, the usual obstructionist political actors have used a 'blind eye' approach to overlooking much of this informal relationship. This chapter will also establish the existence of contact at the S/G and H/R levels (regardless of the personality in the post), as well as other senior level international staff (at both the EU and at NATO), having informal meetings to discuss operations in this area. It will demonstrate that the office of the DSACEUR as the EU-NATO 'strategic coordinator', developed under Berlin Plus, has also led to an informal relationship between that office and various institutions within the EU; one where the 'real business' is being done, for both formal Berlin Plus and informal non-Berlin Plus operations. Once again, this demonstrates that BP/AF remains a normative and institutional context for cooperation.

The chapter proceeds as follows. The next section frames the chapter as an investigation of EU-NATO cooperation beyond the BP/AF and establishes the specific research questions for this case study. Second, the chapter will contextualise both NATO's and the EU's different operations in the area of counter-piracy. This initial section begins with some background to the current trends in piracy and the political processes that led up to the creation of both the EU and NATO missions. The section then goes on to outline in more detail the exact sequencing to the launching of the individual missions as well as the specific nature and mandate of both NATO's operation Ocean Shield and the EU's ATALANTA. The main section of the chapter is an in-depth empirical analysis of the EU-NATO relationship with regard to their respective missions in counter-piracy. It investigates cooperation at three levels of analysis: the political/strategic level, the international staff level, and the operational level. This approach is used to maintain uniformity from one case study to the next and for methodological consistency. The chapter ends by offering a set of conclusions that are based on the research questions established in the introduction. This chapter will ultimately demonstrate that static path-dependent features to the relationship are present, while evidence of incremental processes of change are also simultaneously present within the EU-NATO relationship.

## Framing Propositions:

The primary objective of the case studies is to investigate for evidence of EU-NATO cooperation, despite the political blockage that *prima facie* should exclude such cooperation. Second, they investigate how such cooperation has evolved since BP/AF stasis (2004), as well as the nature and form of this cooperation. Finally, to investigate to what extent the BP/AF remains the normative and institutional context for cooperation since 2004. However, some assumptions are first required for the EU-NATO relationship as it pertains to CP specifically, especially those related to incremental change, learning and socialisation before the specific research questions can be set for this case study.

Due to the limitations of BP/AF - in particular, the participation and scope problems outlined in detail above - it would be expected that NO formal EU-NATO strategic dialogue, joint EU-NATO planning, official EU-NATO task-sharing or any kind of EU-NATO formal functional or strategic action will be evident in relation to military cooperation vis-à-vis counter-piracy. Furthermore, the NAC and the PSC would not be permitted to formally discuss CP or have it as part of any official NAC-PSC agenda. In other words, there will be no formal political/strategic institutional framework for cooperation concerning CP.

However, if it is taken as a given that there will be certain functional and operational requirements for cooperation, conditioned by the fact that both the EU and NATO are operating in the same geographical space and conducting similar military missions in pursuit of their respective mandates, then agents at all three levels (political/strategic, international staffs and operational) will seek alternative avenues for cooperation in the face of these restrictions as created by the limitations of BP/AF. Furthermore, agents will adapt the rules and institutions created by the BP/AF arrangements as a normative and institutional reference point, not only for limiting formal cooperation, but also for facilitating informal cooperation.

Therefore, the long-established assumptions of HI, as outlined in Chapter Three, remain appropriate for explaining the limitations of BP/AF as a formal vehicle of EU-NATO cooperation in CP (while still persisting as the only formal EU-NATO institutional framework in general). But these assumptions are much less useful in explaining any other forms of EU-NATO cooperation beyond the strict interpretation

of BP/AF. This case study, therefore, problematises how EU-NATO cooperation in CP proceeds, despite the formal existence of the BP/AF and the political blockage that should prohibit any cooperation between the two organisations. Consequently, this case study is an investigation of how EU-NATO cooperation takes place despite this political blockage. It will investigate for evidence of socialisation and learning that has helped to facilitate any incremental changes in the EU-NATO relationship. Ultimately, this chapter will show that, although formal institutions with formal bureaucratic structures, formal rules and operating procedures are much less utilised for EU-NATO cooperation in CP (although often they are the normative reference point), informal norms and practices are much more significant and, therefore, intuitions do matter.

Finally, given the political sensitivities of BP/AF, there is an expectation that some degree of institutionalisation of cooperation (i.e. the development of norms or shared standards of behaviour) will take place, but it will be most prominent hierarchically downwards towards the international staffs and especially the operational agents, and also spatially away from the central tools of Brussels towards operational HQs and the areas of operation. As well as the general guiding research questions and assumptions established in Chapter Three, the following research questions are also generated to investigate the EU-NATO relationship in the context of CP:

- (1) Is there any observable evidence of learning facilitating informal EU-NATO cooperation in the case of counter-piracy?
- (2) Is there any observable evidence of socialisation with regard to informal EU-NATO cooperation in the case of counter-piracy?
- (3) Is there any observable evidence of institutionalisation impacting on changes in behaviour, or at least facilitating changes in behaviour (be they rational or sociological), in the case of counter-piracy?

The chapter will now attempt to contextualise both NATO's and the EU's different operations in the area of counter piracy before turning to an in-depth empirical analysis of the EU-NATO relationship with regard to their respective missions in counter-piracy.

## Comparing mission responsibilities between the EU and NATO

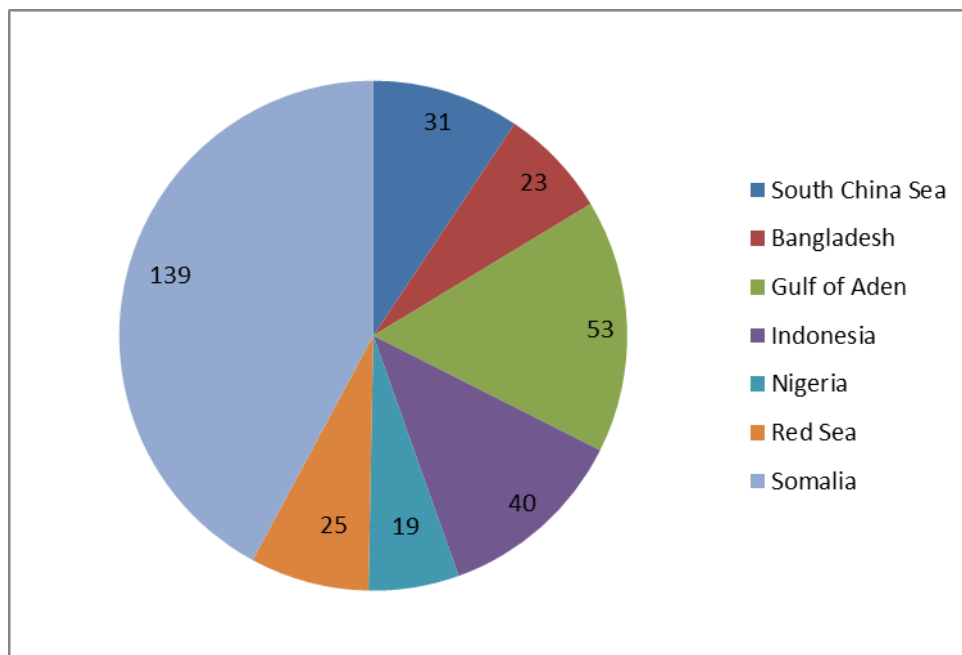
### *Counter Piracy in the Gulf of Aden*

Piracy is by no means a new phenomenon and the rate of piracy has increased dramatically since the early 1990s. However, the year 2007 saw just under half of all reported pirate attacks situated in African waters and the numbers of attacks, particularly in the waters of Somalia, doubled in 2008 'accounting for an estimated 40% of the 293 attacks' reported that year worldwide (Ploch et al., 2011, p. 4).<sup>45</sup> As from 2008, the Horn of Africa has seen a drastic surge in pirate attacks with numbers rising from eight attacks in 2007 to 61 in 2008, 76 in 2009, 124 in 2010 to 176 in 2011 (ICC International Maritime Bureau, 2012). Additionally, ransom demands for the release of both vessels and hostages have been steadily increasing since 2007. In 2010, the ICC International Maritime Bureau reported that 219 of the 445 pirate attacks worldwide were attributable to Somali Pirates (ICC International Maritime Bureau, 2011, pp. 5–6).

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<sup>45</sup> See the ICC Commercial Crimes Services.

Figure 4.1: Chart of Attacks Attributable to Somali Pirates



\*Figures taken from the ICC International Maritime Bureau Website

Although it is widely recognised that any attempt to resolve this growing threat must be land-based and rooted in the rule-of-law, the current political environment and general stability in Somalia is not adequate to facilitate such processes, although this has been improving over time. Most of the pirates in the region are based in Somalia, using beaches along its extensive coastline to launch attacks from small crafts and various larger ‘mother ships’. These attacks are aimed at pirating what ships they can from the estimated 25,000 to 35,000 ships that pass through the Horn of Africa per year. Increasingly, the pirates are becoming more emboldened and the huge amounts of ransoms being paid have driven them as far as 1,000 nautical miles offshore to seek unsuspecting and vulnerable vessels.

In 2008, the United Nations became ‘increasingly concerned’ with regard to this growing threat. In particular, the United Nations Security Council (UNSC) requested that the international community begin to tackle this problem after several of its World Food Programme vessels were pirated that year (The House of Lords, 2010, p. 7). In 2008, the combination of these attacks and the growing concern of maritime companies with regard to the safety of their vessels and crew prompted the UNSC to pass resolution 1814 in order ‘to take action to protect shipping involved with the



transportation and delivery of humanitarian aid to Somalia and United Nations-authorised activities'. That year, it further passed resolution 1816, to '[U]se, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery'.<sup>46</sup>

The mandate was widened with resolution 1851<sup>47</sup> and at the request of the Somali Transitional Federal Government (TFG), whereby the Secretary-General (Ban Ki-moon) 'may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea'. There was also a Contact Group for Piracy off the Coast of Somalia (CGPCS) set up in response to the growing concern on behalf of the international community. At its first meeting in January 2009, the CGPCS released the following statement:

Pursuant to United Nations Security Council Resolution 1851, the Contact Group on Piracy off the Coast of Somalia (CGPCS) was established on January 14, 2009, to facilitate discussion and coordination of actions among states and organizations to suppress piracy off the coast of Somalia. The CGPCS will report its progress periodically to the UN Security Council. Participating in the meeting were representatives from... the European Union, the North Atlantic Treaty Organization (NATO), the UN Secretariat, and the International Maritime Organization (Contact Group on Piracy, 2009).

The CGPCS also created four working groups in order to fulfil its six objectives of: 1) improving operational and informational support to counter-piracy operations, 2) establishing a counter-piracy coordination mechanism, 3) strengthening judicial frameworks for arrest, prosecution, and detention of pirates, 4) strengthening commercial shipping self-awareness and other capabilities, 5) pursuing improved diplomatic and public information efforts, 6) tracking financial flows related to piracy (Ploch et al., 2011, p. 19).

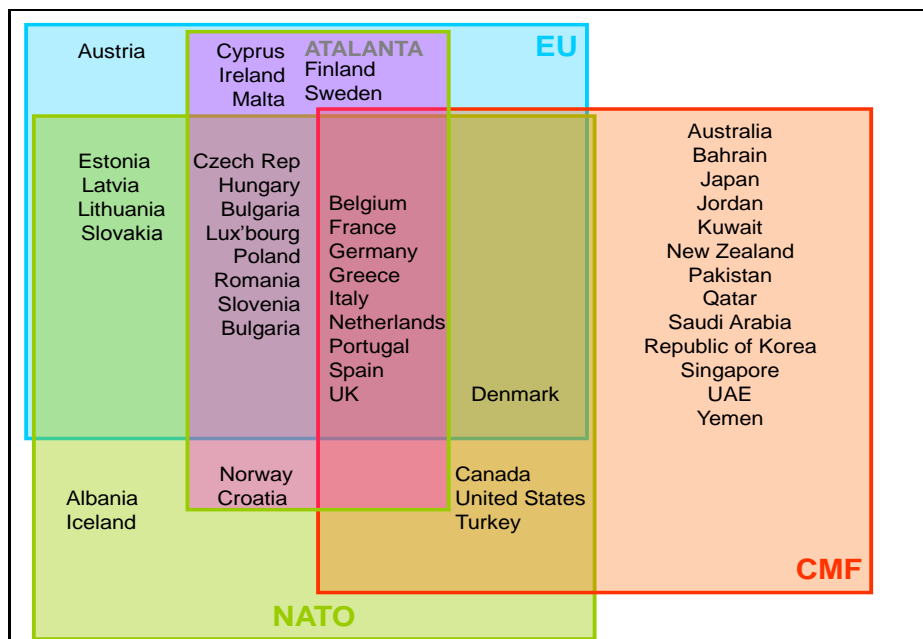
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<sup>46</sup> Full access to UNSC resolution 1816 can be access at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/361/77/PDF/N0836177.pdf?OpenElement> (last accessed 13-12-2013).

<sup>47</sup> Full access to UNSC resolution 1851 can be access at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/655/01/PDF/N0865501.pdf?OpenElement> (last accessed 13-12-2013).

All of the above led to various missions being launched to tackle the problem under the legal framework of the UNSC. However, standing up of specific NATO and EU missions took time and was hampered by political posturing, slow decision-making, and capability procurement. Initially, and as what was putatively seen as a short-term solution, naval assets were sent from individual nations acting unilaterally, including NATO and EU member states, to support maritime vessels originating from individual nations (Germond and Smith, 2009, p. 582). Although a more rigorous discussion will be explored later in the chapter regarding the various processes that were undertaken to launch both the NATO and EU missions, it should be noted that this chapter specifically looks at NATO's operation Ocean Shield and the EU's mission NAVFOR ATALANTA and, specifically, cooperation between them. That said, it should be noted that EU-NATO cooperation with regard to counter-piracy is subsumed in the greater international milieu that comprises the efforts to combat piracy in the Gulf of Aden, off the coast of Somalia, and in the Indian Ocean. These include US-led coalition Combined Task Force (CTF), CTF-151 or CTF-150 depending on which is currently deployed under the Combined Maritime Forces (CMF) – the EU's NAVFOR ATALANTA, NATO's Ocean Shield (formerly Allied Provider and Allied Protector), and various independent deployers such as China, India, Japan, and Russia.

Figure 4.2: Contributing Nations to CMF/EU/NATO (Note: independent deployers excluded)



This international coordination has led some to call the waters off Somalia a 'laboratory for international military naval coordination' (Helly in Grevi et al., 2009, p. 399).

### *NATO: Operation Ocean Shield*

#### *Context:*

In the struggle to launch an initial response to piracy, one added value that NATO brought to the table was its ability to deploy one of its two Standing Naval Maritime Groups (SNMGs) to the region. The SNMGs are a 'multinational, integrated maritime force - made up of vessels from various allied nations, training and operating together as a single team - that is permanently available to NATO to perform a wide range of tasks, from participating in exercises to crisis response and real world operational missions' (NATO Website).<sup>48</sup> From October to December 2008, utilising

<sup>48</sup> See: [http://www.manw.nato.int/page\\_snmg1\\_new\\_default.aspx](http://www.manw.nato.int/page_snmg1_new_default.aspx) (last accessed December 2013).

SNMG-2, NATO conducted Operation Allied Provider to 'temporarily' assist the UN and, in particular, her World Food Programme (WFP) vessels on route with humanitarian aid to Somalia. However, it was not limited in mandate to escorting WFP vessels and the Allied Provider did engage in 'providing a deterrent presence and... also provided a maritime security presence and escorted African Union-chartered vessels carrying logistical supplies for the African Union Mission in Somalia (AMISOM)' (The North Atlantic Council, 2008). In December 2008, NATO transferred its WFP responsibilities to the EU.

However, this did not prove to be the end of NATO involvement with counter-piracy. From March until August 2009, utilising SNMG-1, NATO conducted Operation Allied Protector with the responsibility to 'deter, defend against, and disrupt pirate activities' (Ploch et al., 2011, p. 20). However, this mission can also be seen as a temporary mission, one whereby NATO decided to engage the assets it had travelling through the area in order to help mitigate the rising numbers in piracy. Finally, on 17 August 2009, the NAC approved the current NATO counter-piracy Operation Ocean Shield and, due to the length of the mission, has utilised both SNMG-1 and SNMG-2. This operation was extended by the NAC until the end of 2014 and it is this operation, as well as the two that predated Ocean Shield, that this case study will use to assess EU-NATO cooperation in counter-piracy.

#### *Mandate:*

The mandate of Operation Ocean Shield is broader than that of NATO's two previous missions. Although its primary objective is still to 'deter and disrupt piracy off the coast of Somalia', it has, since the NAC approval of 17 August 2009, tried to broaden its approach by 'offering, to regional states that request it, assistance in developing their own capacity (e.g. local coast guard) to combat piracy activities in full complementarity with existing international efforts as coordinated with the Contact Group on Piracy off the Coast of Somalia' (NATO Website).<sup>49</sup> SNMG-2 assumed operations under the command of Commodore Michiel Hijmans (Royal Netherlands Navy) with the following vessels deployed: De Ruyter (Flagship -

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<sup>49</sup> See: <http://www.aco.nato.int/page208433730.aspx> (last accessed December 2013).

Netherlands), Eastern Snare (Denmark), TCG Gaziantep (Turkey), and USS Laboon (United States). The Primary objectives of these vessels are: piracy detoured and disrupted, the protecting of commercial shipping, and enduring and effective counter-piracy operations (Interview 26, 2010).

### *Chain of Command:*

It is salient to outline the chain of command (CoC) for NATO in Operation Ocean Shield as it plays a critical role, not only in its own organisational and institutional processes, but it also affects NATO's cooperation with other organisations and institutions. However, at the risk of repetition, it is prudent at this point to only outline the NATO CoC structure parsimoniously. At the political level and sitting atop the NATO command structure is the North Atlantic Council (NAC). This body has 'effective political authority and powers of decision, and consists of Permanent Representatives of all member countries' (NATO Office of Information and Press, 2001, p. 149). Below this at the strategic level is the Military Committee charged with the responsibility to 'assist and advise the NAC'. However, the MC can meet at any level between Chiefs of Defence to senior military officers serving as Military Representatives (MILREPS). This body is 'the highest military authority in NATO, working under the overall political authority of the Council' (NATO Office of Information and Press, 2001, p. 239). The strategic level also moves onto the office of the Supreme Allied Commander Europe (SACEUR). This office is 'responsible to the Military Committee for the overall direction and conduct of all Alliance military matters within their areas of command' (NATO Office of Information and Press, 2001, p. 241). It must also be mentioned that the office of the Deputy Supreme Allied Commander Europe (DSACEUR) does play an invaluable facilitating role when it comes to EU-NATO cooperation in counter-piracy.

Moving from the strategic level to the operational level, the NATO CoC moves to Joint Force Command (Lisbon) and then down to the tactical level consisting of the Operation Headquarters (OHQ) situated in Northwood, UK, and the Force Headquarters (FHQ), Combined Task Force 508 at sea. All of these levels will be analysed, but particular attention will be paid to NATO member state representations at the political level and Allied Strategic Commander offices at SHAPE regarding the

strategic level. At the tactical level, Northwood OHQ, in particular, is salient to this case study.

## *EUFOR ATALANTA*

### *Context:*

There is no doubt that piracy off the coast of Somalia was a direct threat to the national interests of EU member states. However, the fact that the EU had no history of maritime ESDP/CSDP missions, or in fact a standing capacity to deal with such threats, meant that an EU option was not necessarily a foregone conclusion. Germond and Smith have demonstrated elsewhere some of the political nuances behind the decision to send counter-piracy down the ESDP/CSDP route. This is not the place to go into a lengthy discussion on this topic, but suffice it to say, their research underlines the necessity for cooperation between the big three EU military players (France, Germany, and the UK) for any such endeavour to become reality. In their words, '[T]he gradual development of comprehensive maritime dimension of European security, including a recognition of the importance of the EU's maritime frontiers, the unprecedented rise in piracy off Somalia, and a mixture of EU member states' domestic and foreign interests, helps explain the EU's first ESDP naval operation' (Germond and Smith, 2009, p. 587).

As noted above, there was no naval capacity for ESDP in 2008 and, as such, new territory was breached. One of the first creations was the EU Naval Coordination Cell (EU NAVCO) in September 2008. EU Council Joint Action 2008/749/CFSP in support of UN Security Council resolution 1816 created NAVCO by stating:

the aim of the EU military coordination action shall be to support the activities of Member States deploying military assets in-theatre, with a view to facilitating the availability and operational action of those assets, in particular by setting up a coordination cell in Brussels, hereinafter referred to as the 'EU Coordination Cell' (Council of the European Union, 2008a).

As Helly points out, this was the first real attempt by the EU to coordinate between its member state's navies and with the maritime industry at large (Helly in Grevi et al., 2009, p. 395).

On 10 November 2008, EU Council Joint Action 2008/851/CFSP announced the EU's intention to provide for (Council of the European Union, 2008b):

- the protection of vessels of the WFP delivering food aid to displaced persons in Somalia, in accordance with the mandate laid down in UNSC Resolution 1814 (2008)
- the protection of vulnerable vessels cruising off the Somali coast, and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, in accordance with the mandate laid down in UNSC Resolution 1816 (2008).

Ultimately, on 8 December 2008, EUFOR Operation ATALANTA (EUFOR ATALANTA) was 'approved' by EU Council Decision 2008/918/CFSP (Council of the European Union, 2008c).

#### *Mandate:*

When it comes to the mandate of ATALANTA, although the operation is enhanced by the wider connection it has to the EU, specifically the Commission and its political and financial capabilities that bring added value in terms of capacity building, rule of law, and other comprehensive instruments, ATALANTA's actual mandate is, in fact, more limited in scope than that of NATO. The CSDP Fact Sheet defines the ATALANTA mandate as such (European Union External Action Service, 2011c):

Table 4.2: Operation ATALANTA's Mandate

<p><b>Mandate</b></p> <p>Operation ATALANTA's mission is to:</p> <p>Provide protection for vessels chartered by the WFP;</p> <p>Provide protection for merchant vessels;</p>
--

Employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where they are present.

Taken from EU naval operation against piracy (EUNAVFOR Somalia - Operation ATALANTA) 18/01/2011<sup>50</sup>

However, the comprehensive approach is also seen as part and parcel of the EU's *modus operandi* in this issue area. The EU has launched missions such as EUTM Somalia, which are intended to directly contribute to 'the training of Somali security forces', but it must be stressed that this particular case study is limited to the actions and cooperation through ATALANTA specifically. On 7 December 2010, EU Council Decision 2010/766/CFSP extended ATALANTA's mandate until 12 December 2012 (Council of the European Union, 2010) and then, on 23 March 2012, 'the Council of the EU extended the Mandate of Operation Atalanta until December 2014. At the same time, the Council also extended the Area of Operation to include Somali coastal territory and internal waters' (EUNAVFOR Somalia Website).

#### *Contributors:*

ATALANTA has more than twenty vessels and aircraft attached to its operation and over 1,800 military personnel (European Union External Action Service, 2011c). Most of the EU member states contribute to the operation and there are consistent attempts to find 'innovative ways to help those member states with no maritime borders to contribute' (Interview 32, 2010a). At the time of writing, Major-General Buster Howes (UK) is the Operational Commander stationed at the EU's OHQ in Northwood, UK. Rear Admiral Juan Rodriguez (ES) is Commander of the FHQ part of CTF-465 at sea.

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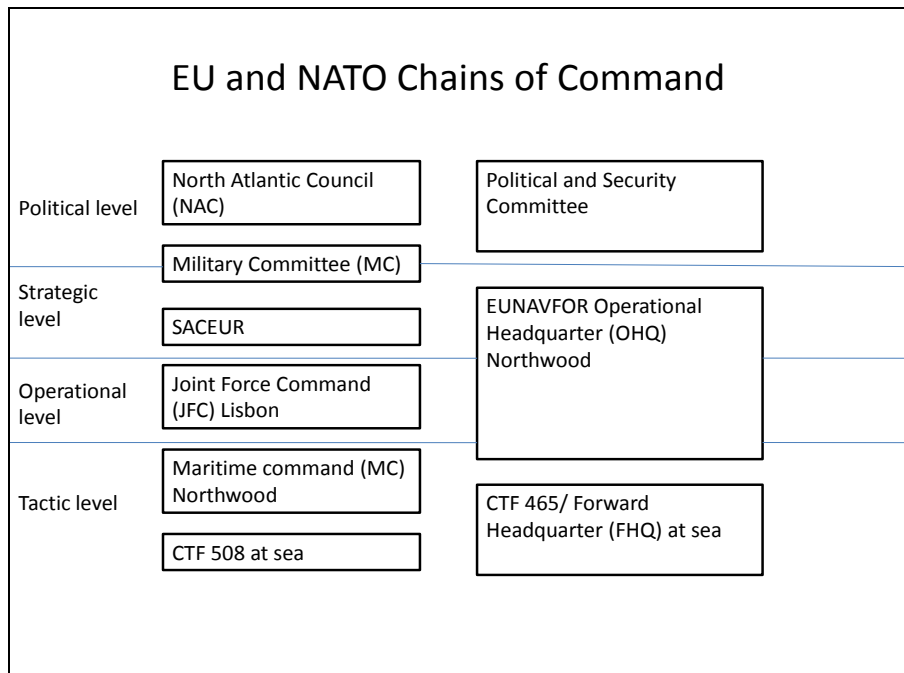
<sup>50</sup> On 23 March 2012, the Council of the EU extended the Mandate of Operation Atalanta until December 2014. At the same time, the Council also extended the Area of Operation to include Somali coastal territory and internal waters (EUNAVFOR Somalia Website).



### *Chain of Command:*

In contrast to NATO's more detailed chain of command outlined above, the CoC for ATALANTA, by comparison, is much leaner. At the political level, the PSC, as laid out in EU Council Joint Action 2008/749/CFSP, exercises the 'political control and the strategic direction' for operation ATALANTA (Council of the European Union, 2008a). However, the PSC is also obligated to report to the Council 'at regular intervals'. The EU Military Committee (EUMC) supports the PSC and monitors the 'proper coordination of EU military action'. The EUNAVFOR OHQ at Northwood is crosses both the strategic and operational levels. As with NATO, the EU's OHQ is contained within the UK's MOD Northwood base, which is home to three command and control functions of the British armed forces and North Atlantic Treaty Organisation (NATO), Permanent Joint Headquarters, Commander in Chief Fleet and the NATO Regional Command, and Allied Maritime Component Command Northwood. The proximity of these two OHQs is a crucial element to EU-NATO cooperation in counter-piracy and will be addressed extensively below. At the tactical level, and as mentioned above, the FHQ is part of CTF-465 at sea. The disparity between both the NATO and EU CoC has led to variances in their operating frameworks and poses both advantages and disadvantages for each operation. This subject is also a key factor with regard to the EU-NATO informal relationship and, as such, will also be addressed in detail below.

Figure 4.3: EU and NATO Chains of Command



## Discovering an Informal EU-NATO Relationship

### *The Political/Strategic Level*

Before engaging with the relevant empirical data with regard to informal EU-NATO cooperation at the political level, it is worth spending some time putting the relationship into context with regard to counter-piracy. In order to do this, a few issues should be highlighted. These can be compartmentalised into general terms that relate to piracy/maritime operations *per se* and specific terms that relate to the dynamics of EU-NATO institutional relations specifically.

Starting with the generalities, it is important to note that EU-NATO cooperation in counter-piracy is 'somewhat hidden' by a broader international framework for tackling this phenomenon (Interview 5, 2010). The reality is that, when sensitive information is transferred (see below), it is not always problematic at the political level as it is not always regarded as direct EU-NATO cooperation; rather, it is considered as just a fraction of a more international effort. In fact, Bahrain is seen as a central hub of

cooperation where there exists a very large US presence, CMF, EU and NATO officers, as well as assets belonging to various independent deployers. Furthermore, London is home not only to Northwood (where both EU and NATO have their independent but co-located OHQs), but also home to the international maritime community. In this way, the London-based maritime community is very much an added value when it comes to mitigating competition and cooperation problems between both the EU and NATO, as well as with other actors and organisations.

A second backdrop to this is the different focus and level of commitment that the two organisations have when it comes to the counter-piracy operations. There can be no doubt that 'for NATO the operational priority is Afghanistan' and counter-piracy is very much lower down the chain in order of priority (Interview 3, 2010). One official at NATO even went as far as to say that 'the US was not interested in the piracy mission, not in sending ships or getting involved in a serious way because they are too focused on Afghanistan' (Interview 7, 2010b). In other words, the US is happy to have the EU take the lead on this operation because it is convenient for their efforts elsewhere. Indeed, when this issue was put to US officials, one response was that 'obviously Afghanistan is a much bigger focus for NATO at the moment' (Interview 17, 2010).

Another factor that puts EU-NATO cooperation into context is the 21 coinciding member states. This obviously has a very big impact on relations. Not only does it mean that personnel are transferring between organisations, but there also exists a common understanding and culture, both at the political and operational levels, especially compared to, for example, relations with the various independent deployers. Furthermore, at an operational level, when we talk about EU and NATO missions, we can refer to independent non-integrated chains of command, but we cannot talk about different sets of navies. In this way, both organisations are competing for limited resources to be sure, but at an operational level this goes a long way to mitigating obstructions to cooperation.

Finally, it should be noted that attempting to tackling the problem of piracy at sea is not, ultimately, the solution that is going to be successful. It is agreed by all at the political level that this particular issue needs to be solved on land and through rule of law instruments, for example using coastguards and not deep blue-water navies. That being said, as long as the problem persists and conditions in Somalia are not conducive to on-land attempts at resolving the issue, there is a shared EU-NATO

understanding that both missions are necessary to address the vast area in which these pirates operate. One NATO Commander put it as follows, 'the magnitude of the problem is so large, if one of us were to leave, I think there would be a massive rise in piracy because we are just holding with one or two ships getting pirated every other month. If any one of us were to leave it would significantly impact the whole operation that we are doing' (Interview 26, 2010).

Turning to the specifics of EU-NATO relations, it has become more and more apparent that the EU does not necessarily have to take a back seat to NATO when it comes to performance in operations. What counter-piracy has demonstrated is that gone is the notion that 'NATO will always be the Rolls-Royce and the EU will be the clapped-out Mini' (Interview 3, 2010). In many respects, operation ATALANTA is seen as the premier operation by the member states. The EU has more ships in ATALANTA, it has maritime patrol aircraft and it has the legal arrangements with the neighbouring countries, particularly Kenya, to dump the pirates. Many of the European NATO-Allies have already decided that, if they were to put a ship in either of the operations, they would choose ATALANTA because it is a much better resourced mission than the NATO mission, which does not have the same legal connection or the maritime patrol aircraft (Interview 3, 2010).

There is one caveat to this, however. For those NATO nations that are not also member states of the EU, it is much more politically and functionally challenging for them to contribute to the EU operation. This is due to the much stricter command and control policies that the EU retains. Unlike that which NATO offers in Afghanistan/ISAF - which is more or less full participation rights vis-à-vis decision-shaping to non-NATO contributors - the EU does not offer the reciprocal to the non-EU contributors to its military operations. This makes it very difficult for nations like Canada, and even more so for Turkey, to contribute to ATALANTA, even if they would otherwise want to do so.

This brings us to the perennial debate regarding EU-NATO competition and duplication. For many, the case of counter-piracy is the beginning of the end to the argument over the division of labour. Some EU officials have stressed that the argument no longer makes sense and that 'competition is overblown' and what is key now is 'which organisation is best for specific operations' (Interview 4, 2010). Whereas NATO may be the more appropriate organisation for Afghanistan, most at the political level now see the EU as the more suitable organisation for counter-

piracy given the political instruments and competencies it possesses (and which NATO does not). The research demonstrates that this attitude is held on both sides of the EU-NATO divide. Some at SHAPE have even gone as far as calling for a 'unified OHQ, whereby NATO plays a secondary role to the EU and contributes at the tactical/operational level but leaves the political/strategic competence to the EU' (Interview 13, 2010).

However, the idea of competition between the two organisations has not vanished completely. There is a general feeling among many European Allies and EU member state officials that there is no need for NATO to be doing this at all. In their view, the EU is the best (or only) organisation for the job and NATO is just trying to duplicate. There is also the opposing view, one mainly put forward on the US side, that the EU is playing a 'double game' and it is somewhat hypocritical given its dependency on NATO (and its SNMG capability) and the benefit that it provided in the early stages of trying to stand up an EU mission. One US official summed up this argument as follows:

The EU was competitive to the point of blocking a NATO mission in AUG/Sept 2008, a mission by EU-centric Allies who then realised that they were not going to be physically capable of standing up an EU mission until December. There was a gap there that had to be filled, and then all of a sudden the lights changed and it was suddenly ok for NATO to put ships in the water. That was fine until December and suddenly they wanted NATO to pull back out because the EU was standing up ATALANTA. So I don't know if I can call that competitive, its obstructive its duplicative it's an agenda placing EU interests and standing up its own capability ahead of any other consideration (Interview 17, 2010).

What is clear is that these two views are very much situated in a political context. The reality is that both operations are needed as long as deep blue-water navies are the core instrument being deployed to address counter-piracy. However, this does raise a point with regard to Berlin Plus. Although this mechanism is not officially used as the means of formal cooperation between the EU and NATO for counter-piracy, it is difficult to see how the EU's dependency on NATO capabilities in the deliberation and early stages of the operational phase of ATALANTA is different from the initial concept and value of Berlin Plus. For example, what the EU essentially did was

borrow NATO assets, not only until it was capable of making the difficult political decisions to launch its own mission, but also in terms of asset and capability procurement. One NATO official was quite cynical in this regard: 'watching them trying to stand up ATALANTA would have been funny if it were not so painfully obvious that they did not know what they were doing. Then several months later, once they finally did manage to figure out how to remove various ships from various parts of NATO's command structure and rig something together to what is now an EU capability, then again it was time for complementarity to kick back in and for NATO to go back to the sidelines and observe why the EU carried on its mission' (Interview 17, 2010).

Yet, given all this, the case of counter-piracy has become the laboratory for EU NATO informal cooperation in its attempts to push the barriers in terms of what personnel at the operational level can get away with given the limitations of the BP/AF. Agents have adapted the rules and institutions created by the BP/AF arrangements as a normative and institutional reference point, i.e. not only for referencing the rules that limit formal cooperation but, also as a means of facilitating informal cooperation. This suggests that 'two faces' of EU-NATO cooperation are unfolding: problematic cooperation at the politico-strategic level is countered by what seems to be established and relatively successful patterns of informal coordination and cooperation within the operational and tactical arena (Gebhard and Smith, 2011).

One must also distinguish between the cooperative relationship with the independent deployers operating in counter-piracy and those between the EU and NATO specifically. From an ATALANTA perspective, there has been a 'challenge to the institutional norms' (Interview 31, 2010b), not necessarily in regards to NATO, but more in terms of how they can share with Russia, China, Japan and the other independent deployers. Due to historical reasons, both political and in the absence of cooperation to date, they have had to find ways around that. The PSC has agreed ten 'cooperative frameworks' that set out how the EU works with these countries operating in the region. It should also be stressed that this 'challenge' has been driven by personnel working at the operational level and not at the political level *per se* (Interview 31, 2010b).

However, there is an existing 'sharing of information agreement' that is external to the rules and provisions for cooperation as set out through Berlin Plus. This

document was devised unilaterally within ATALANTA but, importantly, given PSC consent. In real terms, this means that the level of classification, or what is deemed intelligence, has changed. For example, the PSC has consented to the passing of photographs from the EU to NATO, but not the analysis of those pictures. This decision was taken because the PSC realised that, if it was not, they would be 'binding what ATALANTA could and could not do' (Interview 31, 2010b). This does seem to suggest that a degree of simple learning has transpired, facilitated by individuals working in-theatre, but also consented to through the organisational level by an incremental change to the rules. In other words, this was not an attempt to replace the BP/AF, but it was a clear change in strategy to allow for closer cooperation at the operational level.

The difference in the relative thickness in the CoCs between the EU and NATO does mean that the sharing of intelligence is much easier for NATO. The added distance from the political level, as demonstrated above, gives them more insulation from their political minders and lends itself towards more room to manoeuvre in this regard. However, these extra layers also hamper NATO when it comes to issues such as asset procurement and any other issue that necessitates NAC approval. As one NATO official commented, 'NATO has much more insulation between the tactical level and the political level and that has the one advantage that perhaps there is a little more leeway in what we can do tactically. But it also means that it is a much more cumbersome beast when it wants to do things that do require political input or approval' (Interview 28, 2010).

Essentially, what does exist is a 'gentlemen's agreement' between the two organisations with regard to cooperation at both the political and the tactical levels (multiple interviews with both EU and NATO officials). However, Operation OCEAN SHIELD and ATALANTA (and CMF), despite efforts to avoid it, compete for scarce resources. Whilst the two operations de-conflict in space and time - primarily through the Shared Awareness and Deconfliction (SHADE)<sup>51</sup> meetings (discussed later in the chapter) - no formal arrangement to co-ordinate activity exists. Practical measures such as common communication and information systems (CIS) infrastructure

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<sup>51</sup> For more information regarding SHADE, see:

<http://combinedmaritimeforces.com/2012/06/17/combined-maritime-forces-host-24th-shade-meeting/> (last accessed December 2013).

cannot be shared between the two operations and nations are forced to enter into bilateral arrangements. Forces mandated to support one operation and not the other have difficulty sharing intelligence between operations; even nations involved in both, but 'favouring' one over the other, inevitably give tasking priority to that operation. A senior representative from the office of the DSACEUR put it as such: 'I know a lot of people often say that we are either competing or cooperating in counter-piracy, actually we are working alongside one another, we are more deconflicting than we are cooperating, we certainly are not integrating' (Interview 13, 2010). Yet this also seems to suggest that an incremental change to the EU-NATO relationship - facilitated by learning and socialisation over time - has transpired and both the EU and NATO have learned to alter their strategies in order to cooperate beyond the BP/AF context.

Finally, the US plays an integral part with regard to the passing of sensitive information. There are two features to this that are worth noting. First, it is EU-NATO institutions and bilaterally (US to EU) that they choose to convey this intelligence. Second, it is the proximity of the two OHQs situated in Northwood that facilitates and enhances this process. A maritime culture of 'ship to ship' cooperation, built on an extensive history of this type of cooperation, both generally and within historical NATO practices, also enhances cooperation. According to one interlocutor, 'we have a joint cell situated up in Northwood, separate buildings but situated very close together. So that is a kind of fusion centre where we collect intelligence and sort of pass it on, but it is not generated from inside NATO, its more or less passed to NATO by the Americans and then we push it over to the European Union because we don't have the resources to generate our own Intel' (Interview 3, 2010).

Ultimately, what makes the cooperation work in spite of the political blockage in Brussels is that, for non-Berlin Plus operations, the further cooperation gets from the centre (Brussels) and the political implications that it entails, the more likely cooperation will be transparent but purely at the informal level. As the next two sections will demonstrate, the fact that the political blockage has become normatively institutionalised means that informal EU-NATO cooperation is really an innovative field, whereby those working at the operational level really must push the envelope in order to carry out their missions successfully. Importantly, it is argued that this cooperation will be most prominent hierarchically downwards towards the international staffs (and especially the operational agents) and also spatially away



from the central tools of Brussels towards operational HQs and the areas of operation.

### *International Staff Level*

When analysing cooperation at the level of the international staff, the substance and thickness of cooperation ranges from 'banalities' to a 'we just have to find a way' type mentality and approach (Interview 7, 2010b). That said, there are three distinct areas that are investigated at this level of analysis: the NATO Sec/Gen and EU/HR relationship, the international staffs working at both institutions and, critically, the office of the DSACEUR. For methodological simplicity, the international staff investigated in this section, as with the latter case studies, refer only to the civilian and military personnel working within the Brussels-based bureaucracies of both the EU and NATO. These are the staff that work for the organisations themselves within Brussels (for example, NATO HQ/SHAPE, CMPD, Commission) and are distinct from the political representations to the organisations and from the operational staff that work in the distinct mission theatres.

Remembering that the relationship between the EU and NATO concerning counter-piracy is an informal one, the relationship between NATO Sec/Gens and the EU/HRs does go some way towards enhancing cooperation. However, it is limited and sparse in terms of the robustness of effectiveness and the quantity of these meetings. While Javier Solana was still acting EU/HR, he demonstrated sentiments for overcoming EU-NATO obstructions through statements such as, 'the "either/or" EU-NATO debate is outdated. The EU is not a military alliance and the added value of the broader EU/ESDP approach to security has been demonstrated. The key issue now is to develop a more flexible framework for working together' (Solana, 2009, p. 13).

In the lead up to the launching of operation ATALANTA, Solana was clear about the importance of CSDP standing up its first maritime operation, but he too was always careful to mention cooperation with other partners (NATO/CMF etc) in this area, mentioning that 'we will cooperate closely with all actors involved in the region' (EU Core Documents From 2008, 2009, p. 375). However, the document released after a meeting of the EU Foreign and Defence ministers on 10 November 2008,

under the section 'Speaking Points for Javier Solana', revealed a better understanding of the substance to this informal relationship. It states, 'we intend to cooperate as closely as possible with all actors involved in the region, notably for the exchange of information, including NATO' (EU Core Documents from 2008, 2009, p. 395).

With regard to both Rasmussen and Ashton, they co-chaired a meeting of the NAC-PSC on 25 May 2010; however, as described above, these meetings could not officially discuss non-Berlin Plus operations, of which counter-piracy was included. However, the opportunity was taken for a 'bilateral' meeting to exchange words on the enhancement of EU-NATO cooperation in general and a specific statement noting that cooperation off the coast of Somalia (amongst other areas) needed to be 'stepped up' and they were 'working on how best to do that' (NATO Website, 2010).

The office of the DSACEUR and its relationship with CMPD, however, is an interesting, unique and non-linear form of EU-NATO informal cooperation. According to one international staff official at NATO, 'through the DSACEUR is where the real business is being done, for both formal Berlin Plus and, importantly, non-Berlin Plus operations. DSACEUR keeps the dual hat to discuss even non-Berlin Plus issues' (Interview 7, 2010). However, the interlocutor was also quite adamant that this was not the proper docking mechanism for a robust and appropriate relationship, even for informal EU-NATO cooperation:

there should be meetings with my boss (the Assistant Secretary General for Operations and the Head of CMPD), but these meetings are stale and the Head of CMPD will only meet with the DSACEUR to discuss real business. These meetings take place at SHAPE but also at the Conrad Hotel in Brussels. These are referred to as the Conrad meetings. These meetings are not at NATO HQ and this is a bit of a scandal. This means that the NATO Sec/Gen becomes secondary. Ashton also meets with the Sec/Gen and the support staff but there were too many problems so now only with the NATO Sec/Gen on a one-to-one basis. This is not the right place or level for these meetings. They should be between CMPD and Assistant Secretary General for Operations and not at SHAPE (Interview 19, 2010).

However, this relationship does exist and, therefore, warrants discussion. Interviews conducted within the office of the DSACEUR revealed that meetings

between this office and that of the CMPD did occur. The personnel working in this office are very keen to help facilitate EU-NATO cooperation in all areas where the two organisations are deployed in the same mission area. One interviewee illustrated this by commenting that 'I think I always have this fundamental belief that anything I can do to facilitate EU-NATO cooperation I will do' (Interview 14, 2010). Furthermore, there is also an attitude in the office of the DSACEUR that this relationship with CMPD and other EU/CSDP institutions is vital to overcoming the problematic and awkward EU-NATO relationship, as well as the political impediments to cooperation in missions that do not fall under the BP/AF:

On the other operations, and the areas of major cooperation outside of Berlin Plus, counter-piracy for example, what one does there is try to facilitate, the passage of sensitive information. It is quite difficult because one cannot be seen to be doing it too formally. We have informal lunches here, or alternatively, up there (Brussels) and at those informal lunches we will cover common ground. And we will talk about counter-Piracy. We will bring in the team leader for that mission for that discussion. There will probably be an advisor present, and on the other side we will have CMPD, chairman of EUMC, head of CPCC, DG EUMS, so they are all there. We will brief them on the mission and the areas where we need to cooperate better. We have a substance to our meetings here because we structure them. But on the policy side and the capability side, up in Brussels, of course they are much closer to the political problem and therefore they have meetings and they have discussions but quite frankly they are pretty bland. (Interview 13, 2010)

### *Operational Level*

As noted above, EU-NATO cooperation in CP, albeit informal, is further hidden or shielded by the fact that it is seen as part of a wider and more international effort to engage with counter-piracy. This is most apparent at the operational level and acknowledged and even taken advantage of in order to facilitate closer cooperation by the operational personnel in both organisations. This section will detail informal EU-NATO cooperation from five distinct vantage points. These include: the international framework for engaging counter-piracy in general, the specific role that

the Northwood OHQs play, cooperation with specific regard to sharing of intelligence, specific cooperation in the area of operations (AO), and the culture and added-value of the maritime component.

In the AO, the EU has (on average at any given time) ten warships, NATO can have five, CMF about six (usually as part of CTF-151), as well as the dedicated assets of the independent deployers such as Russia, India, Japan, Malaysia, and China. However, as we will see, when you compare EU-NATO cooperation, even without a formal agreement, to that of cooperation by either the EU or NATO with these independent deployers, it is obvious that the former is much more advanced and institutionalised.

The fact that both ATALANTA and Ocean Shield OHQs are situated at the UK facility at Northwood has given informal EU-NATO cooperation a tremendous advantage in the face of political obstruction. One senior official at the ATALANTA OHQ stated, 'if NATO had not been here or the EU OHQ had not have been placed here, I have no doubt that we would still have a relationship, but would it be as close as it is now. And I think that ability to walk across the road has made a huge difference' (Interview 31, 2010b). Northwood has become, as referred to above, a 'fusion centre' for sensitive information. There have also been deliberate attempts to institutionalise cooperation at Northwood. A NATO officer described the process whereby 'through the week there is a set of meetings where we meet and we coordinate. We have liaison officers and we sit in all the various briefings. You have a joint collection management board which is to agree on intelligence and what should be the focus area and the assets that we need' (Interview 29, 2010). A senior member of ATALANTA further described the increasing institutionalisation of informal cooperation as:

We must keep it at the tactical and operational level. On a day-to-day basis here at Northwood, with one of the institutionalised meetings that we have, each tend to send (I'll call them a liaison officer) but one of their operations people to each other's brief each day, so that we know we are reporting the same things and our analysis is similar. A lot comes down to personalities and I think we have a good relationship between the two that liaise, because without that I think it would be more difficult. Now, obviously that is then caught by the institutional issues of classified information and that kind of thing (Interview 31, 2010b).

The issue of cooperation is something that both EU and NATO personnel take seriously and are constantly trying to 'push' and expand as much as possible, despite political blockage. Just where the boundaries lie is something that is constantly being 'quantified' at the operational level, even going as far as 'putting pressure on Brussels' to try and clarify the limits of military cooperation (Interview 31, 2010b). EU-NATO cooperation with counter-piracy can be seen as a dual approach. It is both top-down development as well as bottom-up development. However, it is the operational level that is 'the laboratory and very much a part of the bottom-up development' process (Interview 35, 2010). A very senior officer at the NATO OHQ summed up the attitude at Northwood as follows, 'counter-piracy is a mission that is not under discussion and everybody agrees that CP has to be countered. Of course, there are different visions of what is needed. But for those who are doing it, especially the EU and NATO, we know each other very well, we speak the same language, we have the same procedures, we explain together, and it comes naturally for us to work together on this operation' (Interview 35, 2010).

Therefore, the cooperation that stems from this bottom-up approach 'can be explained to a large degree by the operational necessity' (Interview 35, 2010). Therefore, the argument that cooperation is more robust 'the further it is removed from Brussels' is central to the discussion (Smith, 2011, p. 246). This is something that is true for the ships at sea, for the commanders of the task forces working together; it is true for the level of cooperation in SHADE, where there are discussions of technical matters with the aim of coordinating with all the actors involved, and it is true for the OHQs at Northwood. It becomes more difficult the closer you get to Brussels; there, it is not only about military necessities or practicalities, but it becomes political, and quite often these are not directly related to counter-piracy but connected to something completely different. As a result of this dynamic, you have what comes close to 'unity of effort', which has replaced the formal link or the 'unity of command' that a Berlin Plus operation would provide. One NATO senior official commented that, 'from a political perspective, we are of course not always pleased with that because you would prefer unity of command. But that is something they have to accept and having accepting that, we go for unity of effort' (Interview 35, 2010).

Therefore, socialisation and learning processes are also a factor in this relationship. As mentioned above, the proximity of the two OHQs has helped to facilitate this process. However, a deep level of socialisation and learning, seemingly built upon 60 years of multinational military cooperation through NATO, has also been a direct factor supporting EU-NATO cooperation with regard to this particular form of informal collaboration. Although more realist assumptions can explain the political blockage, and the central tenets of HI help to explain the path dependency of the problematic EU-NATO relationship, these additional assumptions are needed to explain the granular details of informal cooperation, which clearly exists despite the blocking of any formal framework for cooperation. As one CP official stated, 'even more important than the close proximity of the OHQs, is the fact that we already knew each other very well before we started. I see real complementarity, even interdependencies' (Interview 35, 2010).

The most challenging problem - one that both the EU and NATO have to surmount when cooperating in a non-Berlin Plus mission - is the passing of sensitive information and relevant intelligence. At a more basic level, what could there possibly be that two international organisations (with 21 coinciding members), operating in a common mission area and combating a common threat which, 'is not under discussion', would not want to share with regard to intelligence? One ATALANTA interlocutor summed this up by stating, 'in many ways there is nothing that we would not want to share. But our hands are bound by documents that have been written 5, 10, 15 years ago. People don't want to take the discussions of changing these documents into the political environment' (Interview 31, 2010b).

For the ATALANTA operation, the document that sets out the security agreements and the regulations for the 'exchange of classified information' is the 'standalone security regulation' (not Berlin Plus) European Union Classified Information (EUCI).<sup>52</sup> Again, at the tactical level, the restrictions these type of rules impose are somewhat eased by the fact that there are 21 coinciding member states and they are able to access their respective, though exclusive, NATO and EU information/computer systems. However, as one EU official said with regard to the EUCI document, 'it would be interesting to see if that document was revised in light of Berlin Plus. But, it

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<sup>52</sup> It was not possible to locate a reciprocal NATO/NAC document.

may be that they are completely separate and actually we have ended up with the same problem':

This delineation between information and intelligence is an interesting one in that its raw data that come into this HQ, and we take a very pragmatic approach to that. As soon as some analysis has gone into that and therefore it carries an EU caveat, that puts us very much on the tightrope. And this is what has to be looked at in getting a recognised situation awareness that would benefit everybody. Information is shared as much as possible, but intelligence -analysed stuff- sits in the realms of the rules in which we sit (Interview 34, 2010).

The fact that the OHQs are in close proximity again aids this process even further. However, it is not without its difficulties. It is fortunate that the operation is run at Northwood, which means they can have briefings which they (EU & NATO) can both sit in on. However, their information/computer systems are completely separate, while the passage of intelligence that is classified has to be de-classified before it can be passed across. This is simply an IT solution; however, 'it's only mandrolic and it does cause real frictions and real difficulties' (Interview 13, 2010). Therefore, it helps that a number of the nations in the EU are also NATO nations. For example, 'a lot of EU staff will see assets on our NATO systems on our WAN wide-area-network, and we will see them. They are just monitoring what is going on, so we will see them on our system. But they are a trusted partner, even though they are working for the EU, they are still a trusted partner in NATO and we can share information that way as well' (Interview 26, 2010).

To look at this in another way, the question arises as to why there is a need to go to the political level at all if cooperation in the field seems to work, even if it were solely explained by operational necessity. Furthermore, it is important to understand where this distinction is drawn. The chain of command is crucial in this respect. Nonetheless, EU staff are 'continuously trying to challenge Brussels and to find ways, I don't want to say around the system, but ways of refreshing the current system so we can better share' (Interview 31, 2010b). The existing agreement for the passing of intelligence between the EU and NATO limits such transactions to pictures and not the intelligence that may or may not stem from them. This is a constant source of frustration at the operational level. The EU and NATO may share

pictures with each other, but they actually want to be able to share the analysis with each other as well:

I think at the moment we are making things work but there might be an implication (as seen from the political side) that everything we do may not be in the rules and regulations that currently exist. We stretch them. If somebody wanted to come and do an audit of either the EU or NATO, we are stretching things beyond what those agreements are and how they are literally read, because we know we have to be able to share, otherwise NATO won't talk to us and we won't talk to them. This goes back to the photo analogy that I used before, so the photo is great, we can share photos with each other. But I can't tell you what I think about that picture after I look at it (Interview 31, 2010b).

Another example of pragmatism and ingenuity, at the operational level, is the use of two distinct and new information and communication systems. The first is known as The Maritime Security Centre – Horn of Africa (MSC-HOA). This system, established by EU NAVFOR, with 'close cooperation from industry', allows for the '24 hour manned monitoring of vessels transiting through the Gulf of Aden whilst the provision of an interactive website enables the Centre to communicate the latest anti-piracy guidance to industry and for Shipping Companies and operators to register their movements through the region' (Maritime Security Centre - Horn of Africa.).<sup>53</sup> However, it is a second system, MERCURY, that is even more germane to analysing cooperation by all the forces working in the area of counter-piracy. This secure, Internet-based communication system, initiated by the British, works as a 'neutral communications channel' and 'allows all SHADE participants to coordinate together in real time' (EU NAVFOR Somalia, 2009). Both the EU and NATO obviously have their own communication systems, but MERCURY is 'an unclassified but secure banking protocol system that allows all our forces engaged in CP to talk to one another' (Interview 31, 2010b).

The sharing of intelligence has ramifications beyond merely coordinating and deconflicting in areas of operations. Many personnel at the operational level made it clear that cooperation and the sharing of intelligence is needed for other areas as

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<sup>53</sup> For more information see: <http://www.mschoa.org/Pages/About.aspx> (last accessed December 2013).



well, most notably when it comes to engaging in a 'comprehensive approach', to crisis management. The term 'comprehensive approach' is here defined as 'a stress on preventative action using a full range of tools directed towards a single target/problem' (Smith, 2011, p. 18).<sup>54</sup> As one interviewee noted, 'everyone focuses on intelligence, but it is not just intelligence. What we want to do is get suspects in a court and in front of a judge and the only way to do that is by sharing information. To build a case for the prosecution you need all this evidence and the pieces to the puzzle and some of those pieces are coming from the two different organisations' (Interview 31, 2010b).

However, even this, seemingly obvious, level of cooperation appears to cause problems at the political level, as demonstrated by the comment 'that everything we do may not be in the rules and regulations that currently exist' (Interview 31, 2010b). At the time of these interviews at Northwood, ATALANTA had just undergone a seven-month review of the operation. This review was shared with Brussels (PSC) as well as the EUMC. Personnel at the operational level 'highlighted the issue and demonstrated a need to clarify the situation on the sharing of information'. However, the response from Brussels was mixed and 'nervous': 'why do you need to share that?' A feeling of frustration was apparent amongst those operating at the operational level; 'we don't want to get around the problem anymore; because we want the problem to go away and there should be ways of talking or sharing information with each other' (Interview 31, 2010b).

Turning to EU-NATO cooperation in the AO, this section looks specifically at cooperation and deconfliction through four broad areas. These include: SHADE meetings, the Internationally Recognised Transit Corridor (IRTC), deconfliction in the Somali Basin, and the Maritime Patrol Aircraft element.

As noted in detail above, there is a keen awareness and resolve to keep as much of EU-NATO cooperation in counter-piracy as possible at the tactical level. The institutionalisation of the PSC-NAC blockage (as putatively understood by agents at all three levels) has been a fundamental driver for the bottom-up processes of cooperation. One example of this was recounted with EU NAVFOR staff and specifically illuminates how cooperation is both spatially and hierarchically driven

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<sup>54</sup> In Smith's original quote he used the term EU tools. I have omitted the EU as both NATO and the EU refer to the comprehensive approach.

towards the operational level, and that informal EU-NATO institutions have facilitated that process through learning and socialisation:

NATO was asked to do an operation but there was mixed views on whether NATO should do the operation. However, it was decided that they would, although they did not have the assets. So they asked EUNAVFOR for the assets, we considered it and sought to assist where we could. That shows the level of cooperation. I personally don't think there are any negatives. That was a case of us supporting NATO and not just working alongside them. And we actually did take that case to Brussels to see if they were in agreement to our way of thinking and they said it was an Operations/Command decision (Interview 31 & 34, 2010a & 2010b).

This type of informal cooperation has also been institutionalised through the SHADE meetings. The EUNAVFOR website refers to SHADE as 'established in December 2008 as a means of sharing "best practice", conduct informal discussions and deconflict the activities of those nations and organisations involved in military counter-piracy operations in the region' (EU NAVFOR Somalia, 2009).

Table 4.3: SHADE Achievements

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| <ul style="list-style-type: none"><li>• Establishment of an Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden, which was endorsed by IMO in July 2009</li><li>• Development of the IRTC Coordination Guide</li><li>• Agreement on the utility of a common geographical reference system</li><li>• Support for the innovative military communications system MERCURY, which allows all SHADE participants to coordinate together in real time</li><li>• Emergence of coordinated focused operations off the coast of Somalia</li><li>• Improving coordination with industry</li><li>• Command opportunities and assets being shared across SHADE participants, e.g. Singaporean and Turkish commanders operating from US warships</li></ul> |
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NATO documentation also refers to SHADE as: 'Monthly meetings of the SHADE (Shared Awareness and Deconfliction) group, held in Bahrain, provide a platform for

coordination of activities between the maritime industry and NATO (Operation Ocean Shield - TF 508), EU (Operation ATALANTA – TF 465), the US-led Coalition Maritime Force (CMF - TF-151), and individual nations with maritime assets in the region, which have included Australia, Bahrain, China, Egypt, India, Jordan, Pakistan, Russia, Saudi Arabia, Seychelles, Singapore, South Korea, Ukraine and Yemen' (NATO Website).

Interviewees at Northwood described SHADE as meetings that take place every eight weeks and have had (at the last count) over 60 attendees. SHADE is co-chaired by a permanent CMF chair and a rotational EU or NATO chair. There have been attempts to induce various independent deployers to hold the SHADE chair; however, the EU-NATO condition whereby you must have 'enduring assets in the IRTC' has meant that this has not transpired as yet (Interview 24, 2010a). Interestingly, the SHADE chair is deliberately kept to the level of Colonel or Commander and 'is very much a military-tactical meeting' and they proactively try to keep 'politics out' (Interview 25, 2010).

SHADE has become 'quite a productive group' and has been taking place for well over a year (from the time of interview: October 2010). Much of what is achieved is effective deconfliction and effective coordination. SHADE is something that the EU and NATO 'try to work hard on' and is very much geared towards a common understanding to the coordination of 'planning' and 'operations' between the two organisations, with CMF and the other independent deployers involved. According to one NATO member of staff, 'it is not secretive information or confidential information. But certainly there is information being shared in that group that we don't want the wider population to know about. It's kept at that level, which allows us to share stuff that we may not otherwise want to share with anybody' (Interview 26, 2010).

One of SHADE's most important results was the establishment of the IRTC. According to the NATO Parliamentary Assembly, 'The establishment of the Internationally Recommended Transit Corridor (IRTC) in the Gulf of Aden is another remarkable example of co-operation. Group transits through the corridor are protected by ships from EUNAVFOR, NATO and CTF 151.25. A position of IRTC coordinator, which rotates among the three multinational deployments, has been created to ensure proper tactical coordination. However, not all ships passing

through the area join group transits and several navies regularly escort their national ships (NATO Parliamentary Assembly, 2009).<sup>55</sup>

The AO is so massive that the IRTC has been designed to protect shipping lanes through the Gulf of Aiden. There is still the wider Indian Ocean as well as the Somali Basin, but this corridor has been quite effective in limiting piracy within the Gulf itself. The IRTC 'coordination guide' is what the EU, NATO, and the CMF 'hang their hats on' and is essentially a 'gentlemen's agreement' to have the minimum ships per area within the IRTC; this means eight to ten vessels should be in the IRTC in order to have good coverage. To make this work, 'there is a lot of coordination between the three CTFs at sea'; the IRTC coordinator revolves among the three CTFs and, according to one ATALANTA interlocutor, they 'have not had a ship taken out of the convoy yet' (Interview 26, 2010).

According to this 'gentlemen's agreement', they all still provide two ships into the IRTC, despite the individual mandates of each organisation: NATO to detour and disrupt piracy, CMF doing the same (plus other national objectives and counter-terrorism), and the EU's commitment to the WFP. 'The IRTC is the highest priority amongst everybody', but this does not mean that coordination is always easy or achieved. However, the magnitude of the problem is so large that, if one of the organisations were to leave, or if NATO decided to focus its attention elsewhere and carry on with other business and the nations would simply put ships into the EU, the feeling at the operational level is that 'there would be a massive rise in piracy'. They are just holding, with one or two ships getting pirated every other month with the five ships and the submarine that NATO has there now, and the ten to twelve ships that the EU has and the three or four operated through CMF. As one commentator suggested, 'we are talking 25+ warships out there patrolling the east and the IRTC; if anyone of us were to leave it would significantly impact the whole operation that we are doing there right now' (Interview 26, 2010).

Besides EU-NATO coordination and deconfliction in the IRTC, there have also been attempts to achieve this in the Somali Basin, although cooperation in this respect has not been institutionalised for as long as that of the IRTC. In response to some unsuccessful attempts at cooperating, resulting in 'quite a few pirated ships in

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<sup>55</sup> For the full NATO Parliamentary Assembly Report, see: <http://www.nato-pa.int/default.asp?SHORTCUT=1770> (last accessed January 2014).

the Somali Basin', both organisations held meetings starting in Spring 2010 to 'hammer out what was needed to make it work'. Now there is 'excellent coordination between the EU and NATO in order to resolve the issue of pirates getting off the shore of Somalia and into the wider Basin' (Interview 26, 2010). Like coordination for the IRTC, it is dependent on a gentlemen's agreement to facilitate progress. Coordination is based on a six-month rotation and both organisations agreed to put forces into the Somali Basin. Before 2010, the analogy of toddlers playing football is useful to describe or visualise cooperation between the actors engaged in CP. When a commercial ship spotted or radioed in a warning about a potential pirate ship, all of the committed assets in the region would scramble after the same target. Due to increased institutionalisation at the operational level between the EU and NATO, this is no longer the case.

The Somalis are able to launch their small craft off the beach and then go to sea in boats called 'whalers'. They are able to carry about 18 barrels of fuel and can reach 900-1000 miles off the coast and return. They are also able to tow a couple of ships and use them when they attack vessels. This is what drives the force load that EU and NATO try to maintain and share among the assets dedicated to both missions (and CMF). 'They should have 17 frigates and 10 MPAs (Maritime Patrol Aircraft) really doing the business of enduring IRTC missions and patrolling the Somali basin'. However, it is interesting to note that, at the purely military/operation level, the EU's commitment to the WFP is, as one NATO Commander stated it, 'to deliver food to Somalia but to use a billion dollar warship to do it is really not a great mission for the military, it is drawing the short straw and a massive waste of an asset' (Interview 26, 2010).

The final area of cooperation and deconfliction occurs with the maritime patrol aircraft (MPAs) element of operations. Working out of Bahrain, this too is set up on a rotational basis. Although NATO often has no MPAs in operation, they do still take part in the coordination, which is handled in rotation amongst the three organisations. The exact number of ATALANTA MPAs is unclear, but the patrolling activity of aircraft in the ATALANTA Operation provides crucial added value to the Operation. 'The area of operations is enormous and MPAs are key assets to the fight against piracy. On many occasions, acts of piracy have been disrupted as a direct

result of the exchange of information and coordination between Maritime Patrolling Area (MPA) and EUNAVFOR Warships' (EU NAVFOR Somalia).<sup>56</sup>

In essence, they will fly through the IRTC and look for any small craft that are fishing, migrant smuggling from Somalia to Yemen, or pirating crafts. The aircraft also go into certain areas on the Somali coast in an attempt to detour and disrupt them from leaving the coast. If they do get out, the pilots use the MPAs to do a 'see-and-avoid kind of tactic' and inform the merchant traffic (Interview 26, 2010). The MPA cell in Bahrain also contains the EU and NATO liaison officers, 'who sit in on all the various briefings' that drive much of the MPA deployments. According to one interlocutor, 'we try to fuse the intelligence needs where we should be patrolling and everything is coordinated very loosely, but it is achieving what we want it to achieve and that is done at a cell in Bahrain where the three organisations have their coordinators and those that are deploying aircraft' (Interview 29, 2010).

One other area that gives an insightful into the true nature of EU-NATO cooperation is that of common culture. This will be looked at from three angles: maritime culture in general, EU-NATO common military culture and, finally, a brief comparison to the independent deployers with regard to the disparity that exists between the EU and NATO culture and the culture of these forces. Although the aim of this thesis is not to investigate cooperation between the EU or NATO and any independent deployers, some observations do help to quantify the thickness of EU-NATO informal cooperation as compared to cooperation with these other entities. This comparison also helps to show just how dependent any incremental change to the EU-NATO relationship is on institutionalisation, learning and socialisation in-theatre.

On a very general level, EU-NATO cooperation in combating piracy benefits from the fact that it is a maritime mission. There is a long tradition of maritime cooperation 'that goes far back in history' and 'they are used to working with other nations and doing things together' (Interview 35, 2010). This advantage seems to be strengthened further by the fact that the two OHQs are situated at Northwood, which is a UK Royal Navy compound. Again, it is important to remember that there is only

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<sup>56</sup> For more information on the Maritime Patrolling Area Detachment (MPA) see: <http://eunavfor.eu/eunavfor-maritime-patrolling-area-detachment-mpa-attends-japanese-change-of-command-ceremony/> (last accessed January 2014).

one set of forces for each nation state, regardless of whether they are attached to NATO or the EU. It would be extremely unpractical if there was an attempt to separate this one set of military forces into two separate military organisations. Furthermore, as Frédéric Mérand has stated, '[by] the end of the twentieth century, the multinational military had become a reality in Western Europe. Armed forces exercised with each other regularly and operated abroad using shared assets with increasing frequency. Thousands of staff officers interacted in a number of multilateral organisations, primarily NATO' (Mérand, 2008, p. 68). The turnover rate within the EU and NATO supports this common culture. Many officers and assets within either ATALANTA or Ocean Shield have at one time been attached to the other parent organisation. For example, 'people have been in and out of both OHQs, or have been out on one of the member state's ships. I would say for the operators, it is the same mission. They are continuing to do the same job' (Interview 32, 2010a).

Finally, it is noteworthy to compare EU-NATO cooperation to that of cooperation involving either the EU or NATO with the independent deployers. The reason this type of comparison is useful is because it helps to situate where EU-NATO cooperation really stands in a broader sense and to juxtapose it against the thickness and levels of cooperation with other actors.

With regard to cooperation in the AO, there is cooperation with independent deployers at SHADE, in the IRTC, within the Somali Basin, and with the MPAs involved. Most of the independent deployers are mindful of the fact that they want to be seen as contributing to counter-piracy; however their top priority is to protect the vessels emanating from their respective nations. Some of the difficulties of cooperating with the independent deployers are described above with regard to SHADE. But these relationships are useful in benchmarking the cooperation between EU and NATO as well. According to one NATO interlocutor, 'it comes easier to us (NATO) because we have always done it. It is interesting to see that it works between NATO and the EU because if you examine the relationship between us together and then with say, for example, China, it is very clear that this relationship is very new and it needs a lot of time to develop a level of trust required to get into more close cooperation' (Interview 35, 2010).

The concept of trust is interesting in terms of counter-piracy cooperation. Just as it is appropriate to ask what, in terms of combating piracy, would the EU and NATO not want to share, so too is it fair to ask how trust comes into play with this type of

operation. For example, if we look at the specific example of China, for them it is about participating in an operation where there is a fear of 'loss of face' and a fear something could go wrong 'on their watch'. Therefore, they would prefer to continue their national initiatives for which they are solely responsible, rather than participating in an international scheme where they would have to trust that the partner in the next area is doing a good job. That, however, takes time to develop. Of course, in the case of China (as well as Russia and India), there are also 'political considerations as well' (Interview 35, 2010).

Furthermore, it is not just about levels of trust in terms cooperation in the AO, but many problems arise due to the political and historical identities attached to the two organisations, especially with NATO. 'There are still some old ideas which remain in their mind, such as we don't want to work with NATO because we don't share the same ambition of the world. We are doing the same mission, detouring and disrupting piracy at sea. But sometimes for some countries or organisations they say, well this organisation was doing something different in the past' (Interview 36, 2010b).

The same can be said of Russia. However, NATO does have a history of cooperation with this nation. But with regard to Russia and NATO, for example, there is no integration of Russian ships and NATO forces; it is just a matter of cooperation. It is something that NATO started a few years ago, so it is less difficult than it is with China, or even India, who are still discovering this geopolitical environment and how international actors are working in this field. The value of military cooperation in NATO is often not acknowledged and is taken for granted.

We do it on a daily basis and it works really well, but it has taken all these years to develop. If you now enter a new nation into the equation - one that has not been part of that, and also maybe from a slightly different culture which looks differently at things - then it is not easy to integrate. Maybe our expectations from the beginning have been a little bit naive in that respect. We have a good setup, everybody can join, and everyone can see that we have the best way of doing things (Interview 35, 2010).



After comprehensively outlining the EU-NATO relationship within the context of informal cooperation towards counter-piracy, the discussion can now summarise the key empirical findings.

## **Conclusion**

The EU and NATO have found themselves sharing a common area of operations in an attempt to fulfil their individual but similar mandates. The result of this has meant that CP has become somewhat of a Petri dish for informal cooperation since both the EU and NATO stood up their respective operations. What has developed since 2008 is not a 'unity of command' but clearly a 'unity of effort'. This has clearly been, first and foremost, a bottom-up process, whereby those actors working at the staff level and especially the operational level have found creative solutions, over time, to adapt to the limits of BP/AF. These creative solutions have been occasionally endorsed by EU and NATO political actors; for example, by changing the rules at the PSC or NAC level. However, this has been achieved more often by turning a blind eye to these alternative strategies aimed at cooperation beyond the BP/AF. The result has been the persistence of a static EU-NATO relationship, one still primarily structured on the rules and norms of the BP/AF at the macro level (i.e. it has not been replaced in order to formally cooperate in a CP context). At the same time, informal cooperation has developed facilitated by processes of learning and the constant interaction of EU and NATO actors at the staff level and especially at the operational level. This, in turn, has led to processes of incremental change at the micro level of the relationship.

Clear patterns of the institutionalisation of informal cooperation are also present with regard to EU-NATO cooperation in CP (see Table 4.4 below). Although this was less evident at the political level, clear patterns of systematising cooperation at the staff and operational levels were revealed. The most obvious examples of this are the regular interactions and meetings of EU and NATO personnel both at Northwood and within the context of SHADE. These processes in norm development, or 'shared standards in behaviour' (Smith, 2004, p. 26), have also clearly been more prolific and fertile the more they are practised further away spatially from Brussels, and the more hierarchically downwards and away from the political level actors.

Clearly, cooperation in the area of CP does not fall within the formal BP/AF context. This has, therefore, resulted in the lack of regular or institutionalised formal EU-NATO strategic dialogue regarding CP. Yet, what this case study has demonstrated is that many of the EU and NATO institutions that would formally enable a BP operation are still used as docking mechanisms for informal EU-NATO cooperation beyond the BP/AF. In other words, the same actors are discussing CP and interacting in similar ways to Berlin Plus mandated operations, they just refuse to use the term Berlin Plus. Clear examples of this are the DSACEUR as 'Strategic Coordinator' and interactions between DSACEUR and CMPD/Chairman of the EUMC/Head of CPCC/DG-EUMS. Furthermore, the EU was clearly dependent on NATO assets and capabilities in the run-up to the launching of its own operation.

Furthermore, learning and socialisation have facilitated cooperation in the case of CP owing, not least of all, to the two HQs being co-located at Northwood and where efforts are made both formally and informally to enhance cooperation. The most obvious examples of this are the monthly co-ordination boards and SHADE. There are limitations, however, as both the EU and NATO operations work to the national and/or organisational parameters set by the BP/AF. Yet, as the Contact Group on Piracy off the Coast of Somalia CGPCS<sup>57</sup> demonstrates, where there is a will there is usually a way. Even so, for each force, the lessons process is a constant one, and lessons have to be identified before they can be learned.

While learning to cooperate outside the BP/AF context is clearly developing, it is overwhelmingly simple in nature. In other words, it is not learning that is aimed at renegotiating the EU-NATO relationship at the macro level, or replacing the BP/AF as the formal framework of the EU-NATO relationship. Furthermore, much of these learning processes are only experienced by individuals. This is most obvious when individuals attempt to 'push the envelope' or to find creative solutions to cooperate despite the limitation of the formal framework. However, occasionally there has also been evidence of simple organisational learning; for example, when the political actors collectively overlook some of these transgressions or even agreeing minor changes to the rules, as was the case when the PSC decided to slightly change the sharing of information agreement.

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<sup>57</sup> Please see the website for the CGPCS: [www.thecgpcs.org](http://www.thecgpcs.org).

Table 4.4:

Observed Institutionalisation for Counter Piracy	(Systematised or Informal)
Bi-lateral Sec/Gen & HR Meetings	Semi-systematised
DSACEUR-CMPD/CPCC/EUMS/DG-EUMS Meetings	Semi-Systematised
Northwood	
- 'Fusion Centre'	Systematised
- Intelligence and information collection centre	Systematised
- Joint mess hall	Informal (but daily)
- Liaison Officers meetings	Systematised
SHADE	Systematised
IRTC Coordination Guide	Systematised
Somali Basin Coordination	Systematised
MPA Cell at Bahrain	Systematised

Table 4.5:

Key Findings for Counter Piracy
EU depending on NATO assets and capabilities initially
IT options for sharing intelligence
Very high levels of deconfliction
OHQs in same compound at Northwood
More flexible and changed rules for sharing information
PSC and NAC boundary testing at the operational level
Northwood used as a 'fusion centre'
DSACEUR as Strategic Coordinator
Increased institutionalisation of informal cooperation
Common military cultures and levels of professionalism

This chapter has attempted to investigate the EU-NATO relationship, both at the macro and micro level, in the specific case of cooperation in the area of counter-piracy and beyond the BP/AF. In order to do this, it looked at cooperation through three distinct levels of analysis, namely the political/strategic, international staff and

operational levels. This allowed for a rigorous analysis of the relationship in an area that has not really been attempted in-depth before now.

What this chapter has demonstrated is that the rhetoric for a 'strategic partnership' is present with informal cooperation, just as it is when formal arrangements are utilised for active cooperation through Berlin Plus. However, due to the fact that neither Berlin Plus nor any other formal mechanism for cooperation was agreed at the political/strategic level in this case, increased informality and a dependency on the efforts of international staff, as well as operational personnel to circumvent political deadlock, was highly necessary in order to achieve any cooperation at all. This, itself, was heavily reliant on socialisation and learning. Although the relationship continues to be path-dependent due to the initial processes and sequencing of events that shaped the BP/AF before 2004, incremental processes were also discernible. The most obvious of these is the increased institutionalisation of informal cooperation at all three levels, but most concrete at the international staff and especially spatially towards the operational level. What this has meant in terms of the EU-NATO relationship in the area of CP is a consistent and evolving informal, but increasingly institutionalised, relationship driven towards a 'unity of effort' due to the fact it has not achieved a 'unity of command'.

Finally, this chapter has demonstrated that, in order for this increased institutionalised relationship to exist and for cooperation on the ground to be effective, it is highly dependent on the presence of 21 common member states, as well as a long history of both military and especially maritime cooperation that has existed between the common EU and NATO member states. Furthermore, when we compare cooperation between EU and NATO member states and the various independent deployers engaged with combating piracy, a clear difference in standards is detectable.

Therefore, it can be said that most of the formal mechanisms and institutions created for the formal EU-NATO relationship to work in a strictly BP context are also used with informal cooperation, albeit in a much less systematised way, particularly at the political/strategic level. This case study has demonstrated this by looking at both organisations operating concurrently in very similar military operations. However, an investigation is also needed in areas where the EU and NATO are operating (and potentially cooperating) in different capacities in order to more fully understand the relationship. This thesis now turns to the case of Kosovo in order to

gain a better understanding of the relationship in a case where both organisations have concurrent operations running side by side, but without any formal agreements to underpin any potential cooperation in the field.

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## Chapter Five

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### Beyond Berlin Plus

#### Informal Civilian-Military Cooperation in Kosovo

*When it comes to cooperation in the theatre, when we have EU lives at risk, we are flexible. We kind of somehow turn a blind eye because we don't want to keep causing problems. So we have our baseline, when it comes to staff contacts we know what is going on through many means and we know that they go beyond what they are supposed to discuss and sometimes we don't say anything. So there is this understanding (Interview 42, 2011).*

#### Introduction

Chapter Four investigated the EU-NATO relationship, both at the macro and the micro level, in the specific case of counter-piracy. This case study aims to do the same but within the context of civilian (EU) to military (EU) operations in Kosovo. A robust analysis of the EU-NATO relationship in terms of civilian and military cooperation is very sparse in the literature and, therefore, this particular case study could be justified for these reasons alone. Kosovo is a particularly interesting case to investigate for EU-NATO cooperation beyond Berlin Plus. Although there is no Berlin Plus operation in Kosovo, of the three cases in this thesis, Kosovo (and the KFOR mission in particular) seems the most likely candidate for implementing the Berlin Plus arrangements. The EU taking over NATO's KFOR mission - with recourse to NATO assets and capabilities - could be, conceivably, not that different from the way Operation Althea was originally transferred from a NATO operation and how it is currently conducted in BiH. Similar to Chapter Four, the primary aim of this chapter is to investigate for evidence of EU-NATO cooperation, despite the political blockage that should exclude any cooperation. Second, it will investigate how such cooperation has evolved since BP/AF stasis (2004), as well as the nature and the form of any such cooperation. It will also investigate to what extent the BP/AF remains the normative and institutional context for cooperation since 2004.

This chapter will demonstrate that there is rhetoric for EU-NATO cooperation regarding operations in Kosovo. This rhetoric is present in the legal/strategic documents that underpin both KFOR and EULEX; it is also present in other primary source documentation, as well as from the interviews conducted for this case study. These documents speak of 'close coordination', 'close' working relationships and even the release of 'classified information and documents up to the level of confidential'. However, due to the political impasse and the resulting deadlock that has been institutionalised and internalised at all three levels of cooperation, the only way to achieve any structured cooperation was to have 'local technical arrangements' drawn up in the field as no formal institutional links were achieved in Brussels, or anywhere at the political/strategic level for that matter. However, having Kosovo (and now Serbia at least with regard to the EU) as part of a common 'Concerted Approach for the Western Balkans', as well as prior experience of EU-NATO formal cooperation in the region (CONCORDIA/ALTHEA), this has meant that a modest degree of informal strategic institutional links were also established, however briefly. This is demonstrated mostly by the holding of an informal NAC-PSC meeting in February 2007, which had all 27-28 EU and NATO (Turkey and Cyprus included) members discussing the topic of Kosovo informally. Again, the thickness of EU and NATO relations over the last (almost) two decades vis-à-vis the Balkans makes this case - where formal cooperation is ruled out - a particularly interesting case.

This chapter will also demonstrate that this rhetoric is again present at the international staff level. Most discernible is the increased reference by both the offices of the EU's HR and the NATO Sec/Gen to the lack of cooperation, and through quotes emanating from these offices, such as the two organisations need to 'talk more together', 'do more together' and that coordination concerning Kosovo 'needs to be stepped up'. This is also demonstrated by the increased institutionalisation of staff-to-staff meetings concerning Kosovo, which will be demonstrated in this case study. However, it should be noted that some practitioners feel that, since the Lisbon Treaty, there have been some reversals to these processes.

Finally, it cannot be denied that the different operational priorities of both the EU and NATO effect the relationship in Kosovo. As it happens, Kosovo and the EULEX mission is the EU's first priority CSDP mission currently on-going (although

ATALANTA is also highly prioritised as well), whereas for NATO it is Afghanistan. Furthermore, the fact that Kosovo is relatively less hostile, as compared to Afghanistan, for example, has meant that a real tipping point for EU-NATO cooperation, one that would demand a formal agreement, has not really been necessary in order to cooperate and/or deconflict (to a degree) in-theatre. In other words, what will be evident is that informal cooperation works well enough spatially away from the strategic linkages so as not to force a dramatic change in the Agreed Framework at this level. Plus, the status quo remains, albeit with major incremental changes in the day-to-day workings of the relationship at the meso and micro levels.

Once again, this case study is not a formal Berlin Plus operation, nor was cooperation formally structured through some re-writing of the Berlin Plus mechanism to fit civilian/military cooperation. This, in turn, has led to limitations in the EU-NATO relationship concerning cooperation in Kosovo. First and foremost, formal institutional settings were not clearly established to facilitate discussions on cooperation or strategy between the two organisations. This was somewhat mitigated by one informal NAC-PSC meeting in February 2007 set up to discuss matters in Kosovo. However, this was far from institutionalised, as it was a one-off event (at least to discuss Kosovo). In this way, formal NAC-PSC meetings to discuss any matters outside of ALTHEA are rare and path-dependent/locked-in to the Agreed Framework, as previously discussed. However, moves to have at least a modest amount of informal cooperation through these formal NAC-PSC institutions, however 'below the radar' and 'off the record', do establish a degree of evolutionary change within the confines of the path-dependent and post-2004 static/locked-in EU-NATO relationship.

Besides the limitations to cooperation concerning the formal channels of strategic planning and decision-making at all three levels of analysis, the other major limitation concerns the passing of intelligence and sensitive information. Again, the relationship is path-dependent and locked into the Agreed Framework due to the limited interpretation of Berlin Plus that some nations have taken. The research in this case study will show that the increased institutionalisation of informal cooperation at the international staff level and the operational level has allowed cooperation to transpire in the field. As with counter-piracy, this has been especially facilitated through the office of the DSACEUR based on this post's TOR as the 'Strategic Coordinator' between the EU and NATO.



This case study also demonstrates what I called the essence of Berlin Plus issue in the previous chapter. The argument could be made, and indeed is by some NATO member states, that in Kosovo (and, as we will see, in Afghanistan) NATO lends assets and capabilities as well as provides security to the EU in order for it to function and carry out its mission in-theatre. The BP/AF channels are not formally or officially utilised with CONCORDIA or ALTHEA (NAC-PSC & SHAPE, etc); nor is this a case whereby the EU assumes or replaces the military functions of NATO. However, in 'simple terms', Berlin Plus is by definition 'an EU-led operation making use of NATO assets and capabilities' (European Union External Action Service, 2011a). What this chapter will demonstrate is that this is clearly the case in Kosovo, as NATO is the 3<sup>rd</sup> responder and provides the general security and stability in-theatre. Furthermore, these functions and provisions are clearly written into the MOUs and JOPs concerning this case study. These were agreed as the local technical arrangements 'drawn up in the field'.

It should also be reiterated that, when informal mechanisms were used to carry out strategic discussions and planning, it was the NAC-PSC format that was adopted in the case of Kosovo and, therefore, utilised the Berlin Plus template/processes for cooperation through the Agreed Framework. However, regarding informal cooperation and remembering the limitations of the BP/AF as demonstrated in Chapter Two, the term 'Within the Agreed Framework' is often quoted as a standard operating procedure to Turkey and/or Greece to show that everyone recognises and abides by the Berlin Plus arrangement. Because of this, the talks can only be informal. There is no provision for formal talks in the BP/AF beyond those on an operation that is being conducted under Berlin Plus. Every time a nation proposes to go beyond that, it is vetoed by either Turkey or Greece. Therefore, with regard to informal meetings, no formal decisions can be taken. It is an exchange of ideas that brings no commitment to either side.

Formal cooperation between the EU and NATO is path-dependent on the sequencing of events and the initial institutional creation that was determined in the early years of cooperation. Although the Agreed Framework seems locked in and limiting in terms of the ability of the EU and NATO to carry out the broader functions of cooperation in other mission areas besides ALTHEA, there have clearly been evolutionary processes of change built on these initial templates and which operate through the same channels. However, undoubtedly there has not been enough

political will or an event that has forced a change at the macro level of the relationship. In other words, Berlin Plus has not been re-established to account for these areas of cooperation or for civilian-military scenarios. The empirical evidence suggests that, in the case of Kosovo, this is because the local situation is not bellicose enough to force greater levels of formal cooperation whereby the states that have a vested interest in the status quo would need to rethink their position. As long as lower-level agreements and technical arrangements can be agreed spatially away from the politically sensitive centre (Brussels) to the local level (in-theatre), the Agreed Framework will not be renegotiated at the macro level.

The chapter proceeds as follows. The next section frames the chapter as a further investigation of EU-NATO cooperation beyond the BP/AF and establishes the specific research questions for this case study. Second, it will contextualise and detail the posture of both NATO's and the EU's different operations in Kosovo. The main section is an in-depth empirical analysis of the EU-NATO relationship with regard to their respective missions in Kosovo and it investigates cooperation at three levels of analysis: the political/strategic level, the international staff level, and the operational level. The chapter ends by offering a set of conclusions that are based on the research questions established in the next section. It ultimately demonstrates that both static and path-dependent features to the macro relationship (BP/AF) are present, while simultaneously evidence of incremental processes of change are also present at the micro level of the EU-NATO relationship.

### *Framing Propositions:*

Before turning to the empirics of this case study, some assumptions are first required for the EU-NATO relationship as it pertains to operations in Kosovo specifically and in line with the general research framework, especially those related to incremental change, learning and socialisation. The specific research questions can then be set for this case study.

Due to the limitations of BP/AF, it is expected that NO formal EU-NATO strategic dialogue, joint EU-NATO planning, official EU-NATO task-sharing or any kind of EU-NATO formal functional or strategic action will be evident in relation to military-civilian cooperation vis-à-vis operations in Kosovo. Furthermore, the NAC and the

PSC will not be permitted to formally discuss Kosovo or have it as part of any official NAC-PSC agenda. In other words, there will be no formal political/strategic institutional framework for cooperation concerning Kosovo.

However, if it is taken as a given that there will be certain functional and operational requirements conditioned on the fact that both the EU and NATO are operating in the same geographical space, although conducting different missions (Civilian versus Military) in pursuit of their respective mandates, agents at all three levels (political/strategic, international staffs and operational) will seek alternative avenues for cooperation in the face of these limits mentioned above. Furthermore, agents will adapt the rules and institutions created by the BP/AF arrangements as a normative and institutional reference point, not only for limiting formal cooperation, but also for facilitating informal cooperation.

As with the case of CP, the core assumptions of HI explain the limitations of BP/AF as a formal vehicle of EU-NATO cooperation in Kosovo (while still persisting as the only formal EU-NATO institutional framework in general). However, these core assumptions are much less useful in explaining other forms of EU-NATO cooperation beyond the strict interpretation of BP/AF. This case study once again problematises why cooperation exists, despite the political blockage that should limit its use, and how EU-NATO cooperation in Kosovo proceeds despite a formal framework for cooperation. Consequently, this case study is an investigation of how EU-NATO cooperation takes place despite this political blockage and investigates how much incremental change, socialisation and learning play a role in an agent's ability to find alternatives to, or the adaption of, BP/AF for cooperation.

Finally, given the political sensitivities of BP/AF, there is an expectation that some degree of institutionalisation of cooperation will take place; however, it will be most prominent hierarchically downwards towards the international, and especially operational, agents. This institutionalisation will also be more prominent spatially away from the central tools of Brussels towards operational HQs and the areas of operation. As well as the general guiding research questions and assumptions established in Chapter Three, the following research questions are also generated to investigate the EU-NATO relationship in the context of Kosovo:

- (1) Is there any observable evidence of learning facilitating informal EU-NATO cooperation in the case of Kosovo?

(2) Is there any observable evidence of socialisation facilitating informal EU-NATO cooperation in the case of Kosovo?

(3) Is there any observable evidence of institutionalisation impacting on changes in behaviour, or at least facilitating changes in behaviour (be they rational or sociological in nature), in the case of Kosovo?

The chapter will now attempt to contextualise both NATO's and the EU's different operations in Kosovo, before turning to an in-depth empirical analysis of the EU-NATO relationship with regard to their respective missions.

## Kosovo

### *Background and Context*

This case study is not intended to assess the overall effectiveness or success of either organisation in Kosovo, but to narrowly focus on cooperation between the two organisations; for example, to investigate for patterns and instances of cooperation beyond the BP/AF stasis. It is necessary to first contextualise the Kosovo crisis in order to properly situate any cooperation between the EU and NATO in this operational setting. A brief outline of the Kosovo crisis and how the two organisations became involved now follows.

As journalist Tim Judah wrote in the spring of 1999, Kosovo was 'a catastrophe waiting to happen' (Judah, 1999, p. 5; Webber, 2009, p. 449). War in Kosovo initially began with low-level violence between the 'Serbian security forces and the ethnic Albanian Kosovo Liberation Army (KLA)' in February 1998 (Judah, 1999, p. 6). This commencement of violence would eventually culminate with Operation Allied Force (OAF), a 78-day bombing campaign carried out by NATO in the spring of 1999 after 'the collapse of the Rambouillet process',<sup>58</sup> a process which endeavoured to find a

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<sup>58</sup> The Rambouillet Agreement is the name of a proposed peace agreement between then-Yugoslavia and a delegation representing the ethnic-Albanian majority population of Kosovo. It was drafted by the North Atlantic Treaty Organisation (NATO) and named for Chateau Rambouillet, where it was initially proposed. The significance of the agreement lies in the fact that Yugoslavia refused to accept it, which NATO used as justification to start the Kosovo War. Belgrade's rejection was based on the argument that the agreement contained provisions for Kosovo's autonomy that went further than the Serbian/Yugoslav government saw as reasonable. Taken from:

peaceful solution to the conflict (Webber, 2009, p. 450). The air campaign was devised to further prevent large-scale atrocities on the Albanian population of Kosovo by the Serbian forces that were politically led by the Slobodan Milosevic regime. Ultimately, the bombing campaign ended in June 1999 after Milosevic and the Serbian Parliament accepted the demands of the international community. These demands included, 'the withdrawal of Yugoslav/Serb forces; the introduction of an international civil and security presence under the UN but with "substantial NATO participation" and under NATO unified command and control; the establishment of an interim administration; the safe return of refugees, the demilitarization of the KLA; and the initiation of a political process providing for "substantial self-government"' (Webber, 2009, p. 452).

This eventually paved the way for UNSCR 1244 (10 June 1999) which 'authorizes Member States and relevant international organizations to establish the international security presence in Kosovo' (UNSCR1244). UNSCR 1244 further 'authorizes': 'the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo...' With specific regard to the European Union and NATO as actors involved post-UNSCR 1244, the document gives reference to both in turn. First, it 'welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis...' (Item number 17). Furthermore, 'the international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo' (Annex 2: 4).

It should be noted that, with regard to NATO, a subsequent agreement was also negotiated between NATO and Serbia that 'in effect, gave allied forces carte blanche within Kosovo (but stopped short of NATO's demand for unrestricted access throughout the Federal Republic of Yugoslavia (FRY)' (Webber, 2009, p. 452). In order to assume the military and security task within Kosovo, NATO initially deployed KFOR, consisting of 60,000 troops. This figure was cut back substantially to 6,300

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[http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Rambouillet\\_Agreement.html](http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Rambouillet_Agreement.html) (last accessed December 2013).

troops in 2011 and, as of October 2013, was down to a total strength of 4,936 (NATO Website: accessed 08/10/2013). As for the EU, while it was not a participant in OAF, the Kosovo crisis was a driving force behind the transformation of the EU as an actor in international conflict management. As Alistair Shepherd points out, OAF 'persuaded many in the EU finally to face up to the expectations and responsibilities set out in the Common Foreign and Security Policy (CFSP)', including one justification for the then newly-created European Security and Defence Policy (ESDP) (Shepherd, 2009, p. 513). Kosovo not only provided a driver for ESDP, but also for what would later become 'the civilian aspects of the EU's putative conflict management role', culminating with the launch of the European Rule of Law Mission (EULEX) within Kosovo in February 2008 (Shepherd, 2009, p.518).

### *Kosovo Force (KFOR)*

According to its website, 'NATO has been leading a peace support operation in Kosovo since June 1999 in support of wider international efforts to build peace and stability in the area' (NATO Website: accessed 24-05-11). As previously mentioned, there are about 4,936 troops deployed in Kosovo consisting of 23 NATO countries and eight non-NATO 'Partner Countries'.<sup>59</sup> KFOR's 'initial' objectives, mandated under UNSCR 1244 and the Military-Technical Agreement (MTA) between NATO and the Federal Republic of Yugoslavia and Serbia, include the following:

- Deter renewed hostility and threats against Kosovo by Yugoslav and Serb forces;
- Establish a secure environment and ensure public safety and order;
- Demilitarise the Kosovo Liberation Army;
- Support the international humanitarian effort; and
- Coordinate with and support the international civil presence.

Furthermore, since 12 June 2008, KFOR also began the new tasks of assisting in the 'standing down of the Kosovo Protection Corps (KPC) and in the establishment of the Kosovo Security Force (KSF)'. There is also included in this task a 'civilian

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<sup>59</sup> See <http://www.nato.int/kfor/>: (last accessed 08-10-13).

structure' to oversee this objective. Crucially for this investigation, NATO claims to implement these tasks 'in close coordination and consultation with the relevant local and international authorities'; one of the latter, of course, being the EU.

The command structure that NATO operates under has taken two forms since 2006. The command structure prior to 2006 is not of direct concern, as it relates to a period before EULEX was operational. From June 2006 until February 2010, NATO operated 'five Multinational Task Forces': MNTF-Centre (Lipljan); MTNF-North (Novo Selo); MNTF-South (Prizren); MNTF-West (Pec); MNTF-East (Urosevac). From 2010 onwards, this system was reconstructed into 'mission-tailored Multinational Battle Groups' (MNBGs). According to the NATO website, an MNBG is 'a military organization at the level of a battalion, consisting of numerous companies. These companies are highly mobile, flexible and rapidly deployable to potential trouble spots all over Kosovo. There are five MNBGs, which constitute KFOR and are ready to react to any threatening situation'.<sup>60</sup>

These are: MNBG North, MNBG South, MNBG East, MNBG West, and MNBG Centre, which also covers the KFOR Headquarters in Pristina. The chain of command runs from the Commander of KFOR (COMKFOR) in Kosovo, up to the Commander of Joint Force Command Naples (COMJFCN).

### *The European Union Rule of Law Mission (EULEX)*

According to the European Union External Action website, EULEX 'is the largest civil mission ever launched under the EU Common Security and Defence Policy (CSDP)'. This website further states that the 'central aim' of EULEX is to 'assist and support the Kosovo authorities on all rule of law matters, particularly in the areas of police, judiciary and customs' (EULEX fact sheet, which was last updated in October 2012).<sup>61</sup> EULEX was launched in February 2008, reaching an 'initial operating capability in December 2008', and reaching its 'full operating capability' in April 2009.

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<sup>60</sup> Please see the NATO website [http://www.nato.int/cps/en/SID-284AB372-339D38DF/natolive/topics\\_48818.htm?selectedLocale=ar](http://www.nato.int/cps/en/SID-284AB372-339D38DF/natolive/topics_48818.htm?selectedLocale=ar) (last accessed 08-10-2013).

<sup>61</sup> For a copy of the Fact Sheet, please see: [http://www.eeas.europa.eu/csdp/missions-and-operations/eulex-kosovo/pdf/12102012\\_factsheet\\_eulex-kosovo\\_en.pdf](http://www.eeas.europa.eu/csdp/missions-and-operations/eulex-kosovo/pdf/12102012_factsheet_eulex-kosovo_en.pdf) (last accessed in December 2013).

EULEX works under the general framework of United Nations Security Council Resolution 1244 and has a unified chain of command to Brussels. The EULEX legal basis is to be found in the following documents: Council Joint Action 2008/124/CFSP (4 February 2008), Council Joint Action 2009/445/CFSP (9 June 2009), and Council Decision 2010/322/CFSP (8 June 2010). The contributing actors are 'most EU member states as well as Norway, Switzerland, Turkey, Croatia, the US and Canada'.<sup>62</sup> According to the latest figures, EULEX consists of a 'final staff target' at around 2,250 (1,200 international, 938 local). The EULEX current mandate is fixed until 14 June 2014 and retains its OHQ in Pristina.

## **Discovering EU-NATO Informal Institutionalisation in Kosovo**

### *The Political/Strategic Level*

It is important to remember that this is not just a case of whether or not operations in Kosovo should fall under the umbrella of Berlin Plus in terms of the EU replacing NATO, while retaining assured access to NATO assets and capabilities. Although implementing Berlin Plus was discussed, it was categorically ruled out in relation to Kosovo. Therefore, this is a case whereby both the EU and NATO are working towards different (yet converging) mandates in the same operational space; yet, despite 21 coinciding member states, formal strategic dialogue has been ruled out. The question, then, is why does so much of it take place despite this obstruction? Undoubtedly, the broad and supporting institutional architecture of EU-NATO cooperation regarding Kosovo is based on informal arrangements because no agreement for a framework could be agreed at the political level. A statement sent from the office of the DSACEUR to various relevant personnel operating at the political/strategic level helps to illustrate this point:

There are no formal agreements between EULEX and KFOR. There is therefore no arrangement for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> responders (KP/EULEX/KFOR) in a crowd and riot control incident to cooperate formally. They do cooperate informally but

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<sup>62</sup> Please see <http://www.eulex-kosovo.eu/en/info/whatisEulex.php> (last accessed December 2013).



this is subject to the goodwill of personalities on the ground and subject to their nationality. When a civil disorder situation deteriorates, control and responsibility is handed from 1<sup>st</sup> to 2<sup>nd</sup> to 3<sup>rd</sup> responder. This occurred on Mar 17 2008 when a Ukrainian member of UNMIK 'P' lost his life. There is a time for informality; in the middle of a deteriorating crowd control situation is not the appropriate time. Cooperation/liaison between the KFOR and EULEX remains informal, ad hoc and therefore prone to friction (Interview 13, 2010) .

Before outlining the modalities and procedures of these 'informal' and 'ad hoc' arrangements, it is first necessary to describe the arrangements for both EULEX and KFOR individually.

As mentioned above, the primary legitimising document for both the EU's and NATO's presence in Kosovo is UNSCR 1244. There is no need to repeat the relevant sections of this document as it pertains to both Organisations; however, it is clear that both missions understand UNSCR 1244 to be the legal document legitimising the military presence (in the case of NATO) and the executive policing presence (in the case of the EU) operating within Kosovo.

In terms of the EU, the legal documents generated from within the Council that establish, structure, and outline coordination procedures are primarily (but not limited to) Council Joint Action 2006/304/CFSP, Council Joint Action 2008/124/CFSP, and Council Decision 'amending and extending' joint action 2008/124/CFSP. CJA 2006/304/CFSP is a document that predates EULEX, but can be seen as the initial EU document that paved the way for what would eventually become EULEX. This document clearly defines the 'tasks' EUPT Kosovo should carry out in order to fulfil this 'objective'. Under the section entitled 'structure', this CJA depicts the following competencies: 'an office of the Head of EUPT Kosovo, a police team, a justice team, and an administration team'. Furthermore, EUPT shall establish 'an office in Pristina' and a 'coordinating office in Brussels' (section Article 3). As for the chain of command, it runs as follows:

1. The structure of EUPT Kosovo shall have a unified chain of command.
2. The PSC shall provide the political control and strategic direction to EUPT Kosovo.
3. The SG/HR shall give guidance to the Head of EUPT Kosovo.

4. The Head of EUPT Kosovo shall lead EUPT Kosovo and assume its day-to-day management.
5. The Head of EUPT Kosovo shall report to the SG/HR.

It is also important to note that the 'PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of EUPT Kosovo' (article 6). Article 13 further establishes the relationship with NATO/KFOR regarding the sharing of sensitive information. Critically, this document sets the precedent of how EU-NATO cooperation would play out from the creation of EULEX in 2008:

1. The SG/HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the action, in accordance with the Council's security regulations.
2. The SG/HR shall be authorised to release to the UN/UNMIK and the OSCE, in accordance with the operational needs of the EUPT Kosovo, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the action, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.
3. The SG/HR shall be authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of Council Decision 2004/338/EC, Euratom of 22 March 2004 adopting the Council's Rules of Procedure (1).

CJA 2008/124/CFSP is the founding document of 'EULEX Kosovo' dated 4 February 2008. There is no need to go into the greater details of this document as it pertains mainly to the structure of EULEX. However, what are relevant are the sections that relate to coordination with other actors and to the release of classified information. Under the former, it is significant to note that the general wording is still rather vague. However, this section is moved into Article 8 of CJA 2008/124/CFSP, under the responsibilities of the 'Head of Mission'. This section reads as follows:

The Head of Mission shall ensure that EULEX KOSOVO works closely and coordinates with the competent Kosovo authorities and with relevant international actors, as appropriate, including NATO/KFOR, UNMIK, OSCE, and third States involved in the rule of law in Kosovo and an International Civilian Office.

Article 18 entitled 'Release of classified information' does offer some noteworthy changes that will be addressed in depth below. The line, 'Local technical arrangements shall be drawn up to facilitate this' particularly demonstrates the true nature of informal EU-NATO cooperation in Kosovo. Furthermore, it is rather apparent, as was the case with CP as described in the last chapter, that EU-NATO cooperation is generally embedded (and therefore enhanced) in a wider international milieu operating in Kosovo:

1. The SG/HR shall be authorised to release to the United Nations, NATO/KFOR and to other third parties, associated with this Joint Action, EU classified information and documents generated for the purposes of EULEX KOSOVO up to the level of the relevant classification respectively for each of them, in accordance with Decision 2001/264/EC. [***Local technical arrangements shall be drawn up to facilitate this***] (*Author's emphasis*).
2. In the event of a specific and immediate operational need, the SG/HR shall also be authorised to release to the competent local authorities EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of EULEX KOSOVO, in accordance with Decision 2001/264/EC. In all other cases, such information and documents shall be released to the competent local authorities in accordance with the procedures appropriate to those authorities' level of cooperation with the EU.
3. The SG/HR shall be authorised to release to the United Nations, NATO/KFOR, to other third parties associated with this Joint Action and to the relevant local authorities, EU non-classified documents related to the deliberations of the Council with regard to EULEX KOSOVO covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure (1).

As for the NATO arrangements specifying potential cooperation, it is much more difficult to establish the MOUs and Terms of Reference (TOR) as these documents are classified. Therefore, the only alternative is to use what official documents there are in the public record. A short detailing of those documents and how they pertain to EU-NATO cooperation in Kosovo follows.

Subsequent to the initial deployment of KFOR troops into Kosovo on 12 June 1999, just two days after the establishment of UNSCR 1244, a meeting was conducted on 18 June 1999 by NATO Foreign and Defence Ministers of the NAC. This 'extraordinary' meeting produced a document entitled 'The situation in and around Kosovo'. Section five notes that '[T]he Alliance welcomes the commitments made by its Partners and other interested nations to participate in KFOR' and section seven establishes that 'NATO welcomes the early establishment of the UN Interim Administration in Kosovo (UNMIK) and intends to cooperate closely with it together with the OSCE and the EU'. As with the other NATO missions in the Balkans, these operations are clearly a part of the larger processes of regional integration into the transatlantic structures. For example, section nine of this document clearly establishes that 'Allies are cooperating through NATO's initiative for South Eastern Europe to support the nations of this region in forging a better future based on democracy, justice, security cooperation, economic development and integration'.<sup>63</sup>

A period of almost a decade passed between the establishment of KFOR and that of EULEX. However, other references to cooperation are present in this interim period. To reduce the amount of repetition, NATO documents produced in temporal proximity to the EU documents outlined above have been prioritised. A NATO 'Final Communiqué' from a NAC meeting of Defence Ministers in relatively close proximity to CJA 2006/304/CFSP (establishing EUPT-Kosovo) stated that 'NATO will continue to monitor and assist in the development of a safe and secure environment, working with other international organisations, especially with the UN and the EU, in the process of building a stable, democratic, multi-ethnic and peaceful society in Kosovo'.<sup>64</sup>

At the NATO Summit in Bucharest shortly after CJA 2008/124/CFSP establishes EULEX, the Summit Declaration notes that '[I]n Kosovo, NATO and KFOR will

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<sup>63</sup> See [http://www.nato.int/cps/en/natolive/official\\_texts\\_27427.htm](http://www.nato.int/cps/en/natolive/official_texts_27427.htm) (last accessed December 2013).

<sup>64</sup> See [http://www.nato.int/cps/en/natolive/official\\_texts\\_22441.htm](http://www.nato.int/cps/en/natolive/official_texts_22441.htm) (last accessed December 2013).

continue to work with the authorities and, bearing in mind its operational mandate, KFOR will cooperate with and assist the United Nations, the European Union and other international actors, as appropriate, to support the development of a stable, democratic, multi-ethnic and peaceful Kosovo'.<sup>65</sup> The NAC Final communiqué dated 3 December 2008 (released in close proximity to the reaching of the initial operating capacity of EULEX, though in much less technical jargon than that produced in the legal documents of the EU) outlines the NATO understanding of EU-NATO cooperation in Kosovo (section 6):

The robust, UN-mandated NATO-led KFOR presence will remain in Kosovo on the basis of United Nations Security Council Resolution 1244. Throughout Kosovo, NATO and KFOR will continue to work with the authorities and, bearing in mind its operational mandate, KFOR will cooperate with and assist the UN, the EU and other international actors, as appropriate, to support the development of a stable, democratic, multi-ethnic and peaceful Kosovo. The prompt deployment of the European Union's Rule of Law Mission (EULEX) throughout all of Kosovo is an urgent priority, and in this context we note the adoption by the United Nations Security Council of a statement by its Presidency in support of the reconfiguration of the United Nations Mission in Kosovo (UNMIK).

Clearly, there was some confusion on just how cooperation would transpire as EULEX replaced UNMIK in this civil rule of law field. Although NATO had an MOU with UNMIK, it was not altogether clear how NATO would be able to replace these technical arrangements for cooperation with EULEX. A press conference conducted by the then NATO Secretary General De Hoop Scheffer on 12 June 2008 clearly demonstrates this. In response to a question posed to the Secretary General regarding the reconfiguration of UNMIK, which would allow for an EULEX presence in Kosovo and, therefore, the potential need for a revamped Op/Plan between NATO and the EU, he answered 'we have, of course, to relook into these arrangements and what exactly they will look like'.<sup>66</sup>

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<sup>65</sup> See [http://www.nato.int/cps/en/natolive/official\\_texts\\_8443.htm?selectedLocale=en](http://www.nato.int/cps/en/natolive/official_texts_8443.htm?selectedLocale=en) (last accessed December 2013).

<sup>66</sup> Full interview can be found at the NATO website: <http://www.nato.int/cps/en/natolive/index.htm> (last accessed January 2014).

Indeed, the time whereby the EU and NATO had to work out some form of an arrangement for cooperation did come. But the result of certain existential political barriers to EU-NATO cooperation meant that, in the end, the technical arrangements were not agreed in Brussels through the obvious institutional linkages, but were arranged by the commanders in the field. Thus, the need for the line '[L]ocal technical arrangements shall be drawn up to facilitate this' exists in CJA 2008/124, once again demonstrating the spatial and hierarchical dimension to EU-NATO informal cooperation.

Before going into more depth, a few relevant documents are useful to demonstrate the lack of official cooperation, while simultaneously underpinned by rhetoric alluding to the necessity of cooperation between the two organisations. The Strasbourg/Kehl NATO Summit Declaration (4 April 2009) speaks of Alliance members 'welcoming the deployment of the European Union Rule of Law Mission in Kosovo, EULEX, and encourage all actors to continue their efforts to facilitate the deployment and full operation of EULEX throughout Kosovo'.<sup>67</sup> Finally, the Lisbon Summit Declaration (20 November 2010), declares NATO's 'steadfast' commitment to 'support a stable, peaceful and multi-ethnic environment, cooperating with all relevant actors, in particular the European Union Rule of Law Mission in Kosovo (EULEX), and the Kosovo Police, in accordance with NATO agreed decisions and procedures'.<sup>68</sup> The section above documented the strategic vision and rhetorical proclamations of EU-NATO cooperation in Kosovo through a compilation of official primary source documentation in the public record. However, as the EU-NATO relationship in Kosovo is clearly built on informal linkages, it is also germane to elucidate the particulars of this relationship as played out at the political/strategic level outside this (public) primary source record. It is to this discussion, based on extensive and in-depth interviews, that this chapter now turns.

The following sections investigate EU-NATO cooperation in Kosovo through four broad areas. These are (1) generalities at the political/strategic level, (2) informal technical agreements for cooperation, (3) the implications of informal cooperation, and (4) future implications for EU and NATO cooperation in Kosovo.

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<sup>67</sup> Please see [http://www.nato.int/cps/en/natolive/news\\_52837.htm](http://www.nato.int/cps/en/natolive/news_52837.htm) (last accessed December 2013).

<sup>68</sup> Please see [http://www.nato.int/cps/en/natolive/official\\_texts\\_68828.htm](http://www.nato.int/cps/en/natolive/official_texts_68828.htm) (last accessed December 2013).

When it comes to the political/strategic understanding by EU and NATO member states, some generalities can be extrapolated. First of all, the cooperation in Kosovo is between military (KFOR) and civilian (EULEX) operations. This is relevant to all three levels of analysis in this study. However, from a strategic point of view, it is clear that 'both civilian and military operations are widening' and in this new strategic EU-NATO paradigm, the proper framework for cooperation did not exist previously. 'We find some sort of substitute for not being able to discuss those engagements officially, but we don't have the proper tools to work, I mean officially' (Interview 5, 2010). In other words, no formal framework for civilian-military cooperation exists; and this is even before entering into a discussion on the political hurdles, which would prevent it from being implemented in the form of operational cooperation (e.g. Berlin Plus). Although there is 'frustration' resulting from the political impasse that prevents these tools from developing properly, clearly 'there is not enough frustration or not enough problems to overcome the deadlock or impasse' (Interview 5, 2010). In part, this is down to the different operational priorities that both organisations give to their respective missions. For NATO, the number one operational focus is Afghanistan. For the EU, EULEX is the flagship civilian mission and a number one priority. One senior NATO official clearly demonstrates this thinking: 'the challenge that we have also faced, at the more strategic level, is that despite having 21 common members, the priorities of the two organisations and the different commitments are not the same. If you were to come to NATO HQ and ask what your top priority is, they would say Afghanistan without any shadow of a doubt. You would not get the same answer if you went to EU HQ' (Interview 54, 2011). However, it is also clear that, as important as EULEX is for the EU, they still need KFOR as a guarantor of security in Kosovo in general and as a 3<sup>rd</sup> responder in particular.

As for any formal technical agreements between the EU and NATO that would allow cooperation to take place in Kosovo, these could not be established at the political level owing to the complications resulting from the 'participation' problem generated by the Turkish/Cyprus impasse. Instead of formal cooperation agreed at the political/strategic level, what exists are four 'technical agreements' (Interview 7, 2010). They should have been signed by the EU and NATO, but this was 'blocked by Turkey' and, therefore, not signed at the political level but only 'in-theatre'. However, only 'two sets of identical documents were created and they came down the chain,

one in the EU and one in NATO but were signed independently; they were not signed on the same paper by a party from each organisation' (Interview 7, 2010).

Other interviews confirmed this. One example states: 'there are no EU-NATO formal agreements on the ground. There were attempts to have agreements but the same documents came down the chain of command separately in each organisation and signed on the ground but not on the same paper. This was an attempt at coordination without having to sign these documents at the political level'. (Interview 11, 2010). This approach is also understood differently in terms of codes of practice and norms within the operating procedures and outlooks of both organisations. As one NATO official described the above arrangements, 'NATO can be pretty pragmatic and say let's leave it to the commanders to sort out arrangements. The EU seems to feel that it needs more formal agreements that need to be ratified in Brussels. That is a kind of a cultural thing which is sometimes difficult to get over' (Interview 54, 2011). It is clear that all of this has implications for informal cooperation, for the international staffs, for those working on the ground and for the political/strategic level personnel working within these conditions. Some of these implications are now further investigated.

There are also some further general observations that can be noted. First, the two operations are autonomous, with one geared towards military instruments while the other is rule of law based. This means that cooperation in Kosovo is 'much more organised around intelligence and not strictly military assets' (Interview 1, 2009). This has obvious implications for how sensitive information is passed between the two organisations and disseminated afterwards. It is, therefore, also highly restricted around the terms of reference regarding such matters as laid out by the BP/AF. In other words, any material deemed classified cannot be shared at the 27-28 (now 28-28) level as operations in Kosovo are not official Berlin Plus operations. There is a very bureaucratic process to be respected and one that requires Military Committee approval of requests for the release of classified information.

As demonstrated above, the BP/AF has been static since 2004 and this stasis has been path-dependent based on those decisions taken previously. Therefore, there is 'no framework to build cooperation' and this, in turn, means that 'it really is affecting the work there, even to the extent of putting people's lives at risk, an agreement would make the work a lot easier if it were institutionalised' (Interview 1, 2009). Clearly, you need a framework to build cooperation. The major actors do have close



cooperation in Kosovo (NATO-EU-OSCE-UN) and there are always forums to meet for discussion, but not formal arrangements to build upon. Still another high level Danish official described this situation whereby, 'we have come to a level where in Kosovo between EULEX and KFOR there is an agreement with two parallel sets of agreements. So, on the ground, it can work but clearly you hit the wall very quickly for what can and cannot be achieved. It is difficult to see how we can go any further' (Interview 38, 2011). Again, demonstrating the continued stasis at the macro level of the relationship.

The lack of formal cooperation agreements at the political level does not mean that commanders in the field cannot talk (Interview 5, 2010). As a NATO official described it, 'at the political dimension we are in a heavy deadlock or an impasse, but on the ground nations are able to find the means to cooperate'. Moreover, 'from a capital point of view, it is interesting that in Kosovo there is a civilian mission led by the EU, and of course there is KFOR. If there are some problems between NATO HQ and EU HQ, then we deal with it in a smooth manner, a smooth manner on the ground, under the radar screen, without political high visibility' (Interview 5, 2010). In keeping with the general argument of this thesis, clearly this cooperation is much more robust if it is removed from the political level of Brussels and kept in-theatre and at the operational level.

As the central research framework suggests, the obvious question arises: if cooperation does take place in-theatre, then why and how do those member states who block cooperation at the political level allow cooperation to take place on the ground? All the empirical evidence gathered suggests that all nations – including Turkey and Cyprus - 'turn a blind eye' to that cooperation as long as it exists below the political radar screens. One very senior NATO official commented that 'they [Turkey] are happy to make the point here (NATO HQ) at the strategic level, diplomatically, but then turn a blind eye in Kosovo' (Interview 3, 2010). Still another high level EU official confirmed this and even suggested that 'in Kosovo, Turkey turn a blind eye on the ground and they signed a separate agreement to ensure cooperation on the ground' (Interview 4, 2010).

So what this means, of course, is that Turkey and Cyprus are 'fully aware that both commanders EULEX/KFOR are working together' (Interview 5, 2010 & 2012). One official pointed out that there are even 'Turkish experts in EULEX as well as Cypriot experts in EULEX'. Officially, they cannot work together, but they are in the

same mission in the EU. 'They are showing good will and they realise that they need to be a bit flexible' (Interview 5, 2010 & 2012). Cypriot interlocutors further corroborated this 'blind eye' approach by stating, 'when it comes to cooperation in the theatre, when we have EU lives at risk, we are flexible. We kind of turn a blind eye because we don't want to keep causing problems. There are certain things I can accept, I know they are there, but if you make them bigger than I cannot pretend that I am ignoring them. So there is this understanding' (Interview 42, 2011). All of this suggests that interaction within institutions has at least some impact on incremental change and strategies when working beyond the BP/AF. Yet, while processes in norm development or shared standards in behaviour seem to be evident, they are not aimed towards replacing the formal framework at the macro level, but merely finding workarounds to that framework.

Turkish interlocutors not only point out that they know practical cooperation exists on the ground in Kosovo. However, they also raise the issue that, if NATO is lending assets and capabilities and providing the protection for EU personnel, then this is, in essence, the spirit of Berlin Plus, formal agreement or not:

There is not an official agreement because of the simple difficulty that the EU said that they cannot go for another Berlin Plus agreement in Kosovo, and on the NATO side we argued that is the only framework for the time being, so unless it was a Berlin Plus operation we will not agree that NATO do a deal with the EU. Why? Because a Berlin Plus operation in very simple terms means that NATO lends its assets and capabilities to the EU and provides security. The EU says this is only valid if the EU takes over a military operation and asks NATO for these assets. Then they say, oh no we don't have a military operation in Kosovo, but do lend us some assets and capabilities militarily and do provide us with security. So we say, by definition this is Berlin Plus. So we argued this and it is why we do not have an official agreement between the EU and NATO in Kosovo, but the practical cooperation in the field goes well (Interview 20, 2010).

Besides the 'blind eye' approach to cooperation in the field taken by the political level, there have also been various attempts at informal cooperation taken directly at the political/strategic level with the objective of attaining a modest amount of

strategic dialogue with regard to Kosovo. Two such vehicles are the so-called ‘transatlantic events’ and the informal NAC-PSC meetings.

As discussed in Chapter Two, one casualty of the political blockage was the bi-annual EU-NATO foreign ministers’ meetings as called for in the 2001 exchange of letters between the EU Presidency and the NATO Sec/Gen. From 2001 to 2003, these meetings took place in line with this request and all common issues of concern were on the agenda. The last of these official foreign ministers’ meetings took place on 4 December 2003. However, since September 2005, these meetings have continued in an informal setting known as the ‘Transatlantic Events’ (Interview 5, 2010). This attempt to overcome blockage at the formal and political level was initiated by US Secretary of State Condoleezza Rice in 2005. She used the excuse of a United Nations General Assembly meeting to invite all of the EU and NATO Foreign Affairs Ministers (including Cyprus and Turkey) to informally discuss and hopefully overcome the EU-NATO deadlock. These meetings have since been conducted on average twice a year, either in New York or in a European capital.

Table 5.1: NATO-EU Official Meetings at Ministers of Foreign Affairs’ Level & Informal Transatlantic Events

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

<b>Informal Transatlantic Events (2005-)</b>	
20 September 2005	New York (lunch)
7 December 2005	Brussels (dinner)
27 April 2006	Sofia (BU) (dinner)
22 September 2006	New York – in the margins of UNGA (dinner)
26 January 2007	Brussels (dinner)

26 April 2007	Oslo (dinner)
26 September 2007	New York – in the margins of UNGA (dinner)
7 December 2007	Brussels (dinner)
24 September 2008	New York (dinner)
2 December 2008	Brussels (dinner)
4 March 2009	Brussels (dinner)
22 September 2009	New York – in the margins of UNGA (dinner)
3 December 2009	Brussels (dinner)

The ‘transatlantic events’ are occasions where the informal agenda can be quite broad. A senior NATO official described them in the following way:

In the few days prior to the meeting, people are consulting with the host nation. They are consulting between the host nation, the US, and with the Sec/Gen & EU HR to see what will be on the agenda, and most of the time they are focusing on issues such as: Kosovo, Iran, proliferation, terrorism. So they are happy to meet together, happy to meet without ambassadors and experts, but they just have chats discussing the issues of the day resolving bilateral problems and they are free from any pressure from the press from their advisors from domestic issues and their Prime Ministers or heads of government. So the use of these events by FMs is rather opportunistic (Interview 5, 2010).

Yet another attempt at cooperation was the informal NAC-PSC meeting held in February 2007. This informal meeting comprised the full membership (then 26-25) of EU-NATO, including Turkey and Cyprus (see Table 5.2 and 5.3). It should be understood that these informal NAC-PSC meetings were not geared towards solving the Turkish/Cyprus issue *per se*, but rather to allow for discussions on Kosovo specifically. They are not on the formal agenda due to political deadlock. One very senior NATO official described them:

In the first half of my mandate, it did produce a formula, so when we had the NAC-PSC, we then had a coffee break followed by what one would call an informal meeting without name shields. A meeting with the EU, including Cyprus, and

where the Turks tacitly agreed. That worked, it was extremely informal, sitting around the table without name shields, until the moment that the Turks thought that it was enough and, to my great and negative surprise, the Turks then found themselves supported by the Americans. The formula was not invented in order to achieve anything, it was invented in order to discuss subjects like Kosovo between the EU and NATO which is impossible to discuss when we are limited to the Berlin Plus Framework (Interview 40, 2011).

These meetings have now been stopped altogether. There were attempts at re-starting them after Kosovo declared independence on 17 February 2008, but ‘Turkey opposed’ (Interview 41, 2011). Of course, the Turks do see their agreeing to these meetings as showing very high levels of flexibility on their part. A Turkish interlocutor noted that ‘due to our flexibility we were able to bring in this notion of informal NAC-PSC meetings. We don’t really like the idea because you are tarnishing the official relationship and the existing framework between NATO and the EU. But with these informal NAC-PSC meetings, we sit around the table as 27-28 and we discuss things that are urgent, for example in Kosovo (Interview 20, 2010). With this issue of informal political structures, both the Turks and Cypriots come close to agreement, as neither is very keen on any arrangement or institution whereby they have to, in essence, ‘accept that these practical arrangements become formalised’ (Interview 42, 2011). Again, this only reinforces the idea that there are both path-dependent and incremental change dimensions to the relationship. Yet, institutional pressure does seem to be impacting on the political actors (at least, to some degree) when they decide to permit informal cooperation and, thus, the resulting incremental changes in the relationship.

Table 5.2: A List of both Formal and Informal NAC-PSC Meetings

Date	Meeting	Agenda	Presidency
2001	8 Formal NAC-PSC Meetings	Diverse Agenda	
2002	6 Formal NAC-PSC Meetings	Diverse Agenda	
2003	8 Formal NAC-PSC Meetings	Diverse Agenda	
Cyprus joins the EU 1 May 2004			

2004 (second semester)	4 Formal Meetings (26-23) No Cyprus or Malta	ALTHEA	Dutch Presidency
2005 (first semester)	2 Formal Meetings (26-23) no Cyprus or Malta	ALTHEA	Luxembourg Presidency
	<b>1 Informal Meeting</b> (26-25) both Turkey and Cyprus at the table: Historical event. June 2005	Darfur	
2005 (second semester)	2 Formal Meetings (26-23) no Cyprus or Malta	ALTHEA	UK Presidency
2006 (first semester)	2 Formal meetings (26-23) no Cyprus or Malta	ALTHEA	Austrian Presidency
	<b>2 Informal Meetings</b> (26-25) Both Turkey and Cyprus at the table: April and May 2006	Darfur	
2006 (second semester)	2 Formal Meetings (26-23) no Cyprus or Malta	ALTHEA	Finish Presidency
2007 (first semester)	2 Formal Meetings (26-23) no Cyprus or Malta	ALTHEA	German Presidency
	<b>1 Informal Meeting</b> (26-25) both Turkey and Cyprus at the table: February 2007	<b>Kosovo</b>	
2007 (second semester)	1 Formal Meeting (26-25) no Cyprus or Malta	ALTHEA	Portuguese Presidency
2008 (first semester)	1 Formal Meeting (28-26) no Cyprus. Malta Joins PfP in April 2008	ALTHEA	Spanish Presidency
2008 (second semester)	1 Formal Meeting (28-26) no Cyprus.	ALTHEA	French Presidency
2009 (first semester)	2 Formal Meeting (28-26) no Cyprus.	ALTHEA	Czech Presidency
2009 (second semester)	No Formal Meetings: 2 planned both cancelled	ALTHEA	Swedish Presidency
2010 (first semester)	1 Formal Meeting (28-26) no Cyprus	ALTHEA	Start of EEAS Perm Chair of PSC
2010 (second semester)	No Formal Meetings:	ALTHEA	EEAS Perm Chair of PSC
2011 (first semester)	<b>1 Informal Meeting:</b> (28-27) Both Cyprus and Turkey at the Table. May 2011	Libya	EEAS Perm Chair of PSC
2011 (second semester)	No Formal Meetings: meeting planned for 14 Dec. cancelled	ALTHEA	EEAS Perm Chair of PSC
2012 (first semester)	1 Formal Meeting (28-26) no Cyprus	ALTHEA	EEAS Perm Chair of PSC

Table 5.3: A List of Informal NAC-PSC Meetings Only

<b>Total of 5 Informal NAC-PSC Meetings in Total</b>	<b>Agenda</b>
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Jun-05	Darfur
Apr-06	Darfur
May-06	Darfur
Feb-07	<b>Kosovo</b>
May-11	Libya

**NOTE:** When Formal meetings were cancelled, this was usually due to logistical, timing or availability reasons and not a desire to not hold them.

Table 5.4: The Effects of Informal NAC-PSC Meetings

<b>Positives from these INFORMAL meetings:</b>	<b>Negatives from these Informal Meetings:</b>
Send a political message of cooperation for that particular issue on the agenda	Not a decision making body
Very dense and substantial meetings on the agenda topic to work out coordination	Informal agreements only
Everybody is onboard and capitals cannot claim they are not aware	Not continuous or fixed events
	It took two months to agree informal meeting on Libya
	Although staff-to-staff meetings are productive, they cannot replace cooperation at this level

Finally, it is of value to discuss the future of Kosovo vis-à-vis EU-NATO cooperation as seen by those officials working at the political/strategic level and any potential for a formal relationship to develop. Based on all of the interviews conducted at this level (as well as those at the staff and operational level), the overwhelming response was that of pessimism towards the suggestion that Berlin Plus would ever be used in Kosovo. The Cypriot interlocutors even went as far as to say that Cyprus could never allow this to happen because ‘we have agreed to Berlin Plus once and actually our Parliament has a bill that we will never accept Berlin Plus again’ (Interview 42, 2011).

However, this is not to say that using Berlin Plus if the EU were to take over the military duties currently performed by KFOR has not been discussed or suggested. As one interlocutor mentioned, ‘everybody is so scared of closing down Berlin Plus. Therefore, a lot of people are saying can Berlin Plus be used in Kosovo? But, as yet, there are no real serious discussions about using Berlin Plus (Interview 1, 2009). Interlocutors from the office of the DSACEUR, foreseeing the political problems that would arise if this framework were used in Kosovo, stated that ‘wrapping other missions into Berlin Plus wouldn’t work because we have gone past that now. It would create difficulties with Cyprus and they would not agree to it’ (Interview 13, 2010).

Other interlocutors, although maintaining the pessimistic tone towards this framework actually being initiated, did speak of the possible strength of the EU taking over KFOR’s mandate, but without Berlin Plus as the agreed framework. The argument is that ‘if Kosovo is handed over to the EU, but without Berlin Plus, this could kick-start a whole new EU-NATO relationship and reframe this notion of a division of labour in an appropriate way’ (Interview 19, 2010). Finally, a senior Danish EU diplomat foresaw the future of EU-NATO relations in Kosovo as maybe ‘a CSDP training mission, some way down the line, but it would not be with any NATO involvement. It would be some kind of successor operation to EULEX, which is a civilian operation’ (Interview 38, 2011).

### *International Staff Level*

There are three distinct areas that need to be investigated at this level of analysis: the NATO Sec/Gen and EU/HR relationship, the international staffs working at both institutions, and the office of the DSACEUR. This section investigates all three of these relationships in turn.

First, when referring to the political impasse already described in great detail above, ‘this problem cannot be solved by the High Rep or the Sec/Gen’. As one senior NATO official describes it, this is ‘well above the pay grade and it can only be solved at the highest political levels’ (Interview 40, 2011). I have written in another publication that the relationship between Scheffer and Solana (based on interviews, but not with either of them personally) was understood to be varied from ‘not very



nice' to 'inefficient' (Smith, 2011: p. 17). However, since the publication of that article, further interviews have enhanced the understanding of this relationship: 'the personal relationship with Solana was excellent but, in the Council Secretariat and Solana's staff, there were from time to time people who were not extremely fond of NATO' (Interview 40, 2011). For obvious reasons, it is quite difficult to get access to the bilateral meetings held between the NATO Sec/Gen and the EU/HR. However, there are some indications of cooperation from the various press interviews that have taken place, not only between Solana and Scheffer, but between Rasmussen and Baroness Ashton as well.

On 25 February 2008, a press conference took place between Solana and De Hoop Scheffer, whereby the former announced a meeting where they 'had a very good and long meeting, fundamentally about Kosovo'. He added that 'the cooperation between international actors on the ground can be constructive and positive to the stability of the region'. The last point is noteworthy as it ties into the greater goal of Kosovo (and Serbian) integration into transatlantic structures. De Hoop Scheffer reaffirmed this position by stating: 'travelling beasts as Javier Solana and I are, forced by our responsibilities, it is good to have the opportunity from time to time, apart from frequent telephone calls, to have a fundamental and serious bilateral meeting'. He further added: 'it was good that we had the opportunity to go in some depth and some length, Dr Solana and I, to discuss Kosovo because, by definition, NATO-EU cooperation in Kosovo is of great importance, although the two organisations each have their own responsibilities'.<sup>69</sup>

In a document entitled 'Summary of Intervention'<sup>70</sup> released in conjunction with a meeting of international organisations active on the ground in Kosovo (EU, NATO, UN, OSCE), Solana further espoused his understanding of EU-NATO cooperation as it pertains to Kosovo: 'NATO complementarity is a defining feature in the Kosovo theatre: while KFOR will remain responsible for providing a safe and secure environment in Kosovo, the EU has a key role to play by contributing to the reinforcement of the Rule of Law'. There is also a continuation of this approach

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<sup>69</sup> The full text of the press conference can be found here: <http://www.nato.int/docu/speech/2008/s080225a.html> (last accessed December 2013).

<sup>70</sup> Find this document here: [http://www.eu-un.europa.eu/articles/en/article\\_8030\\_en.htm](http://www.eu-un.europa.eu/articles/en/article_8030_en.htm) (last accessed December 2013).

under the tenure of Baroness Ashton and Rasmussen. At a bilateral NAC-PSC meeting on 25 May 2010, both the Sec/Gen and the EUHR took the opportunity to strengthen contacts. The actual NAC-PSC was only mandated to discuss BiH (and not Kosovo), but they took advantage of this meeting to express their views on cooperation. For example, on EU-NATO cooperation, the Secretary General said High Representative Ashton and he shared the view that the two organisations 'need to talk more together, and do more together, from planning to procurement to operations'. Cooperation such as in Afghanistan, in Kosovo, in BiH and off the coast of Somalia 'needs to be stepped up' and we are 'working on how best to do that'. They also both commented on their new relationship and how they envisioned EU-NATO cooperation at the organisation-to-organisation level. Rasmussen noted that, 'Ashton and I, we got off to a strong start in our cooperation. We both share the same view that EU-NATO must talk more together. We understand the political complications and these won't be cleared up overnight. We can still do a lot together as we are in Kosovo'.

Interviews conducted at the international staff level also revealed that the key instrumental role played by the Sec/Gen and the EUHR is the tasks they have been assigned from their respective organisations, 'to come up with additional proposals for how the relationship can be developed and improved' (Interview 38, 2011). For the most part, this is 'small stuff': 'more Transatlantic dinners, more PSC+ 7<sup>71</sup> meetings with an expanded agenda, more staff-to-staff meetings, more joint troop contributor meetings' (Interview 38, 2011).

As noted above, apart from the Sec/Gen/EUHR relationship, there is also a lot of synergy when it comes to the staff-to-staff level contacts (Interview 4, 2010). However, this must be understood with the caveat whereby staffs have the desire to cooperate, but 'do not have the proper tools to work' (Interview 5, 2010). This can be conceptualised in two ways. First, the Agreed Framework for EU-NATO cooperation (even if it is not formally agreed for Kosovo) is based on outdated parameters that focus on military to military cooperation. As cooperation in Kosovo is based on military to civilian operating procedures, the current framework falls short of what is needed for this type of environment. Second, staff-to-staff cooperation in Brussels and between the two HQs must be conducted discreetly and with the understanding

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<sup>71</sup> The PSC plus the seven non-EU members of NATO.

that cooperation can only go so far before being blocked at the political level. Once again, and as noted in the last chapter, it is the staff level contacts that are most susceptible to 'institutional fatigue' because it is their actions that go unrewarded and often seem fruitless (Smith, 2011, p. 33).

The interviews conducted have supported this notion of 'institutional fatigue' at the staff-to-staff level. Furthermore, it has been the case since 2004 and the resulting political deadlock that ensued from the EU 'big bang' enlargement. Moreover, a new dimension to this can be added since the incorporation of the Lisbon Treaty into the EU *Acquis communautaire*. The reshaping of the EU institutions has not only caused 'turf wars' and confusion internally for the relevant EU institutions, but there has also been a knock-on effect whereby EU-NATO staff-to-staff contacts are but one area where things have been negatively affected by this confusion, even where 'things have gone backwards' (Interview 54, 2011):

I mean, for my first two years here, we were able to meet up every six weeks or so at the staff-to-staff level with the EU and talk through how things are going in Kosovo. I mean we were not able to do sort of formal strategic planning or reach decisions. But as a means of making sure, at least at the HQ level, that we knew what each other were doing, it was really helpful. I have to say that in the aftermath of the Lisbon Treaty we have definitely gone backwards, and I think that what I perceive is continuing turmoil inside the EU as to who is doing what. I mean it is very difficult for me to say now, who is it that I should talk to? Who is my opposite number, or who is the Assistant Sec/Gen for Operations inside the European Union? (Interview 54, 2011).

Yet, some interlocutors feel that most of the cooperation at the staff-to-staff level, as well as between commanders in the field, has been driven by personal relationships and much of it 'to be perfectly blunt is personality and event driven'. There has been a certain amount of 'systemisation' in Kosovo as the mission has gone on, but in general it is personality and event-driven (Interview 54, 2011).

As with counter-piracy (and as we will see with Afghanistan), the research for this case study has produced an overwhelming amount of evidence to show that the office of the DSACEUR has been vital in its capacity of ensuring cooperation is worked out in spite of the political blockage. This is true not only for cooperation in

the field, but also to ensure that EU and NATO officials at the staff level in Brussels are communicating and cooperating in some fashion. Under Military Decision MC 403/1 (5 March 2003), the DSACEUR as 'Strategic Co-ordinator' has, in his 'Terms of Reference', responsibilities including 'the principle point of contact with the EU on military strategic issues and maintains a dialogue with the EU on behalf of NATO on military matters in relation to ESDP'. This is not to suggest that the DSACEUR can provide the same level of effectiveness, or has the same room to manoeuvre as he would with a Berlin Plus operation. In that case, he has the Agreed Framework to support his actions, the agreed institutions; he is the operational commander, and it is all run out of SHAPE. Yet, as one staff official at SHAPE stated, 'it would be remiss of me, indeed anyone, not to give due praise to the role of the DSACEURs in all of this, with their contacts and with their push to make progress where they can. All of them! They have all been very keen to make progress' (Interview 8, 2010).

What the DSACEUR does in this informal area of cooperation is 'try to facilitate the passage of sensitive information'. However, due to the political obstacles, this must all be done in such a way that he cannot be seen to be doing it too formally (Interview 13, 2010). This position is also quite unique because the DSACEUR and his Military Assistant are probably the only two people in the world that 'take off the NATO badge when [they] leave Kosovo and put on the EU badge when [they] get to Bosnia' (Interview 14, 2010). The office of the DSACEUR is also very eager to see EU-NATO cooperation develop overall. On the day of my interviews at SHAPE, one official noted, 'I think I always have this fundamental belief that anything I can do to facilitate EU-NATO cooperation I will do it and is probably a fundamental reason why you are here today' (Interview 14, 2010). As with CP, the office of the DSACEUR has 'informal lunches' to cover common ground on Kosovo and the areas where they need to cooperate better. Present at these meetings are a 'legal advisor' as well as a 'representative from CMPD, chairman of EUMC, head of CPCC, and DG EUMS' (Interview 13, 2010).

### *Operational Level*

At the operational level, it is best to begin with a short overview of the context and environment within which both KFOR and the EULEX missions co-exist. Before an

in-depth investigation and the specifics of EU-NATO cooperation can be illustrated, it is important to describe and define the commonalities and the unique histories, objectives, and strategic goals of each mission. This helps to situate the actors attempting to coordinate in a common space while performing different functions in order to contextualise the mission at the operational level.

First, 'KFOR is the granddame of missions now' (Interview 56, 2011). KFOR has had a presence within Kosovo since 12 June 1999 with the primary objective of maintaining a 'safe and secure environment which has been largely achieved' (Interview 55, 2011). However, the environment is still volatile and there is the very real risk that insurrection can quickly re-emerge at any time, 'probably more so than any other place in Europe' (Interview 55, 2011). Riots in the northern and mainly Serb region of Kosovo (as recent as November 2013) can attest to this reality.<sup>72</sup> However, what cannot be denied is the overall popularity KFOR/NATO has with the majority ethnic Albanian-Kosovar community that extends from the initial NATO intervention in the crisis in 1999 (Interview 58, 2011). Therefore, for KFOR, the task and the framework are somewhat 'simpler' than that of EULEX. Their primary mandate can be seen as a 3rd responder and protector of the overall peace in a relatively benign environment (Interview 58, 2011). Finally, and as was also demonstrated within the context of counter-piracy, the overall importance of the KFOR mission in terms of the broader set of NATO priorities would have to be seen as existing on a second-tier level to that of its obligations and commitments in Afghanistan. For EULEX, the mission is putatively regarded as one of the EU's signature missions.

This gives each mission a proportionately different level of room to manoeuvre at the operational level in order to coordinate without the formal agreements. In other words, one of the crucial differences between KFOR and EULEX is that the former is manoeuvring further below the 'political radar screen' (Interview 56, 2011) and, therefore, further detached from political/strategic scrutiny. On the other hand, EULEX has to perform its job under a 'closed and strict mandate' (Interview 56, 2011).

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<sup>72</sup> For just one example of this, please see the BBC report at <http://www.bbc.co.uk/news/world-europe-24798397> (last accessed December 2013).

Currently, there are just under 4,936 KFOR troops detailed to NATO's mission in Kosovo in order to maintain a 'safe and secure environment' (KFOR, 2012). The EULEX rule-of-law mission has 2,250 staff (1,250 international and 938 local) under its own authority to assist the reform of the local civil and police institutions (EULEX, 2013). Although the environment is not as dangerous as it has been in years past, the potential for trouble that could demand a kinetic military response is very real. The EU's civil mission is, therefore, ultimately dependent on NATO for its protection.

So how does cooperation on the ground work beyond or despite the BP/AF limitations? Initially, there were two basic documents or technical agreements that were signed on the ground in order to facilitate coordination/cooperation (Interview 11, 2010, Interview 7, 2010b). However, they were not one set of documents signed by representatives of both organisations. Two separate, but identical, documents worked their way down the CoC to be signed separately in the field at the level of KFOR Commander (COMKFOR) and EULEX Head of Mission (HoM) respectively (Interview 55, 2011, Interview 56, 2011, Interview 57, 2011, Interview 58, 2011). As previously noted, member states like Turkey (and Cyprus) turn a blind eye to these agreements and allow cooperation to transpire under the radar screen. They are fully aware that the EULEX and KFOR commanders are working together. They are also aware that, if there were EU casualties due to some EU-NATO disconnect, then a major scandal would ensue. However, some have stated that these agreements are weak and time-consuming, to the extent that they potentially put people's lives at risk (Interview 13, 2010, Interview 7, 2010b).

A document shown to the researcher by one EULEX staff member outlines the basic structure of these technical agreements, or Memorandums of Understanding (MOUs), as well as the five supporting Joint Operating Procedures (JOPs) that accompany them:

Table 5.5: EULEX-KFOR MOUs and Joint Operating Procedures

<p><b>MOUs:</b></p> <p><b>KFOR Directive 049 - mirrored by - EULEX Head of Mission Executive Decision (not co-signed on same document but individually)</b></p> <p>-KFOR support to EULEX needs to be requested formally (except in emergencies, when the request can be put forward afterwards)</p>
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-KFOR supports EULEX within KFOR's means and capabilities

-Close cooperation between KFOR and EULEX police forces

## **Five Joint Operating Procedures:**

### **Border boundary management**

-Local authorities have authority over borders and boundaries

-EULEX will mentor, monitor and advise (MMA) Kosovo authorities

-KFOR will assist within its own means and capabilities

### **Exchange of information including in the field of intelligence**

### **Military support to police operations**

### **Procedures to respond in case of civil disturbance situations**

-Principle of 1<sup>st</sup> (Kosovo Police), 2<sup>nd</sup> (EULEX) and 3<sup>rd</sup> (KFOR) responder is detailed

-KFOR may assume security primacy in a designated area

-KFOR may request support to Kosovo Police or EULEX

-KFOR may act as 1<sup>st</sup> responder in urgent civil disturbance situation

### **Protection and evacuation support**

KFOR and EULEX

-to exchange security plans

-to provide emergency

-to increase information exchange

-to define safe locations and evacuation routes

-to coordinate with international community and local institutions

These MOUs should be seen as a general framework, or the 'principal' documents, of how EULEX and KFOR coordinate in-theatre. They outline coordination in basic terms and how 'KFOR will support/protect EULEX'. Everything else has to be 'specified through JOPs' and these will change as the troop numbers and tasks themselves change; these JOPs are 'very specific arrangements for carrying out the more general MOU' (Interview 55, 2011). However, interlocutors also pointed out that, in hostile environments, for example potentially in the north of

Kosovo, rules of engagement should necessitate a formal relationship (Interview 56, 2011). This sentiment was also confirmed at the DSACEUR level. However, due to a lack of formal arrangements, other mechanisms for coordination must be worked out on the ground 'on a day-to-day basis at the tactical level' (Interview 56, 2011) confirming, once again, the hierarchical/spatial dimension to informal EU-NATO cooperation. One example of this is that, whenever exercises are performed in-theatre, both KFOR and EULEX carry these out together because 'if a riot breaks out, they would be doing it together' (Interview 56, 2011). Furthermore, it is in KFOR's best interest that EULEX are successful in meeting their mandate because, from a strategic point of view, NATO is keen to pull out of Kosovo in the not too distant future (Interview 56, 2011, Interview 57, 2011, Interview 58, 2011).

Yet another example of incremental change was the decision by both KFOR and EULEX to develop a Joint Security Concept (JSC) to further complement the two MOUs outlined above. The intention of this document was to outline a more 'holistic and comprehensive approach' and to outline areas where the 'two mandates overlap': public safety, rule of law, accountable police forces, and unexploded ordnance. Furthermore, this document (unlike those mentioned above) was signed by both COMKFOR and the EULEX HoM, on the same document, and is proof of further institutionalisation in the field (Interview 56, 2011, Interview 58, 2011). As one interlocutor commented, 'I drafted a combined planning document (even if it was not about planning at all) and we have the 30-page version that was signed at the operational level by both organisations on the same paper. Then we had the short version of the strategic planning that will be signed by HoM EULEX and COMKFOR on the same paper' (Interview 58, 2011).

One issue that is particularly interesting, given the restrictions the Agreed Framework place on the exchange of sensitive information, is the second JOP, which states that there will be an exchange of information 'including intelligence' (Interview 56, 2011, Interview 58, 2011). When asked to comment on this particular sensitivity, one EULEX staff official commented, 'our people [EULEX] do not seem to be too concerned. I mean, there is the issue that they cannot declassify information that they receive so they are limited in the way they can distribute information, so they are trying to address this and trying to do it together. But neither EULEX nor KFOR seem to think that this is something too sensitive where they cannot actually disclose', further demonstrating how the political level actors have learned, over time, what



incremental changes in the relationship they will and will not permit (Interview 58, 2011).

Given this increasingly routine and institutionalised coordination/cooperation at the operational level, it is also appropriate to outline the various levels of contact between the missions which facilitate this coordination/cooperation. Three general points are worth noting. First, it was made clear by all those interviewed at the operational level that cooperation really started to work well 'from 2010 onwards'; before that point, all coordination/cooperation was 'much more *ad hoc*' (Interview 55, 2011; Interview 56, 2011; Interview 57, 2011; Interview 58, 2011). Second, it was also noted that, for the key member states that are responsible for much of the blockage at the Brussels level, when it comes to in-theatre cooperation a 'blind eye' is turned and there is 'a separation between politics and the military cooperating on the ground'; for example, 'the Turks and the Greeks work well in KFOR on the ground' (Interview 55, 2011).

Finally, KFOR has been able to assist EULEX by 'securitising the north of Kosovo' (something UNMIK was unable to do) allowing EULEX to become an actor within this more volatile region of Kosovo. KFOR also informs EULEX, by way of intelligence, the various individuals that EULEX may want to arrest (Interview 56, 2011). An underlying factor that leads to enhanced cooperation is that it is in KFOR/NATO's best self-interest for EULEX to accomplish its mission in the short term. This would allow KFOR to 'un-fix' from more of their obligations inside Kosovo and, ultimately, to continue to downsize and eventually close down the mission. As one EULEX official stated, 'the Kosovo police have managed to assume a number of tasks from KFOR and that is one of the main points of contacts between us and KFOR. I mean, KFOR has an interest to leave the place and to unfix from tasks. For example, they have these fixed tasks, which are mainly the borders and regional cultural heritage sites. So for unfixing, downsizing and handing over, they need to hand all of this to the Kosovo Police' (Interview 58, 2011).

Turning to the EU-NATO points of contact, the highest level of in-theatre coordination/cooperation between KFOR and EULEX is between COMKFOR and HoM EULEX. Interestingly, two of the most recent EULEX HoMs were previously in the role of COMKFOR and both were also French nationals (Interview 55, 2011, Interview 56, 2011, Interview 58, 2011). This was 'no coincidence' (Interview 58, 2011). According to all the interviews, these personal relationships are 'key' to good

cooperation. They led to the 'exchange of strategic aspects and goals' and they enhance the possibilities of 'feedback' and the 'assessment' of each other and their work (Interview 56, 2011). Some officials even went as far as saying that coordination/cooperation 'depends' on characters and personalities; if both understand each other, then 'it works' (Interview 55, 2011). In other words, there is evidence that interaction leads to learning, which ultimately facilitates informal cooperation and incremental changes.

By and large, these meetings are very 'informal and this helps a lot because they can even discuss tactical issues', but they have also become 'increasingly routine over time'. According to KFOR and EULEX officials, the meetings at this level take place 'once a week' or 'at least every two weeks', both at the KFOR and the EULEX HQs (Interview 55, 2011, Interview 56, 2011, Interview 58, 2011). Furthermore, 'they started this structure of weekly meetings at the HoM and COMKFOR level, but of course there is always a direct channel of communication open' (Interview 58, 2011). Often, these meetings also take place with their deputies, including chiefs of staff and political advisors. It is also noteworthy that there is 'surprisingly little interference from the Brussels level' and both the leaders of their respective missions attempt to support each other 'with good complementarity' (Interview 56, 2011).

There are also regular points of contact at the Chief of Staff (CoS) and POLAD level. For example, the CoSs and POLADs often meet within the context of a COMKFOR-HoM EULEX consultation, while at other times they 'just pick up the phone' (Interview 55, 2011, Interview 56, 2011, Interview 58, 2011). Below this, there has also been increasing coordination/cooperation at the branch head level (J1-J7), working group level, and with liaison officers. In the first two instances, these meetings take place with both the various EULEX and KFOR branch heads or in working groups, depending on what topic is under discussion: intelligence, policy formation, operations, etc. (Interview 55, 2011, Interview 56, 2011, Interview 58, 2011). These meetings are not static and staff officials also attend other meetings and, overall, they 'contributed to the development of the JSC' mentioned above (Interview 56, 2011). Furthermore, there is very good cooperation between the J2 intelligence units and this is deemed 'crucial' (Interview 56, 2011). Finally, there are both EULEX and KFOR liaison officers with regular contacts. For quite some time, there were no 'permanent structures', although they did have desks at each of the HQs. However, on 22 July 2013, a JOP was ultimately signed by both EULEX (HoM)

and KFOR (ComKFOR) to improve cooperation and permit the 'appointment of full-time Liaison Officers'.<sup>73</sup> One KFOR official noted that, 'we meet in working groups; we inform each other about each other's work. These meetings are monthly (revolve between EULEX and KFOR HQs when they can or is appropriate). Also we have the Branch Heads (J1 J2 J3 J4 J5), depending on the topic and EULEX equivalent. There are usually about 12 people from each organisation' (Interview 55, 2011).

Beyond these cross-level contacts, there are also other examples of general socialisation. Examples of these range from the Multinationalised Specialised Unit (MSU) camp in Pristina - whereby both the Italian and Austrian Military Police (KFOR) and Italian Carbanieri and Polish Gendarmerie (EULEX) are co-located - to the more mundane fact that EULEX personnel do quite a lot of their relaxing and shopping at the KFOR HQ and the various member state-operated base exchanges (PXs) (Interview 55, 2011).

One other consequence of both KFOR (military) and EULEX (civilian) operating in such close proximity is the civilian/military culture dynamic. The EU and NATO are by no means the only two organisations that experience this phenomenon. In fact, the EU itself is known to have had uncomfortable experiences with both military and civilian personnel working within the same institutions since the creation of ESDP/CSDP (Korski, 2009, p. 60; Manners and Whitman, 2003). Moreover, because there is close coordination between KFOR and EULEX, this dynamic is most acute when it comes to military and civilians attempts to coordinate/cooperate in the field of policing, where often 'issues can arise' and because EULEX is a very 'complicated organisation' (Interview 55, 2011, Interview 56, 2011). One problem for KFOR-EULEX cooperation is with EULEX and their internal 'mechanics and lines of communication'. KFOR is all military, so it is easier for them to act. But EULEX is police/judges/civilian, so it is 'not always easy to communicate inside their structures as they are not homogenous'. This is also the civilian to military and military police to civilian police issue (Interview 55, 2011).

Finally, the two different institutional cultures mean that coordination/cooperating is hampered by a high rotation of staff on the side of KFOR. On average, EULEX personnel stay longer, two to three years, whereas KFOR personnel stay in-theatre

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<sup>73</sup> See the EULEX website for details at <http://www.eulex-kosovo.eu/en/news/000443.php> (last accessed 19 December 2013).

from two months to a year. However, there seems to be an impression, at least on the KFOR side, that this is balanced by the fact that KFOR is military and therefore has a stricter structure. This rotation difference was commented on by a EULEX official when he noted that 'the other thing that makes things a bit complicated is that two different institutional cultures means that they do rotate like hell. I mean, I have been here since 2008, I have seen six or seven J5 counterparts' (Interview 58, 2011).

KFOR officials did corroborate this problem, but also added that new HoMs can be 'cocky' but, by their third 'fuck up', they forget protocol and 'talk to people' (Interview 56, 2011, Interview 57, 2011). And, of course, there is also evidence of basic institutional and organisational tribalism. KFOR staff pointed out that, initially, [they] felt EULEX, being new in town, were 'subpar' but that they 'underestimated the complexity of the EULEX mission' (Interview 56, 2011). EULEX officials also noted these cultural and tribal differences but stated that 'the divide between the two institutional cultures was not particularly acute here in Kosovo' (Interview 58, 2011).

## **Conclusion**

After investigating EU-NATO cooperation with regard to both CP and Kosovo, it is becoming clear that both organisations cooperate extensively beyond just the Berlin Plus operation of ALTHEA. Furthermore, many of the docking mechanisms created as part of the BP/AF are utilised to facilitate informal cooperation, while others have been created in-theatre but with the acquiescence of actors at the political level. In the case of Kosovo, it has become obvious that a great deal of cooperation is, in fact, necessary in order for both the KFOR and EULEX missions to accomplish their mandated tasks. In this case, where formal cooperation has been ruled out, informal cooperation is not only evident but it has been increasingly institutionalised and systematised on the ground. Again, this development of 'shared standards of behaviour' have overwhelmingly been aimed towards finding creative solutions and alternative strategies in order to circumvent the BP/AF at the micro and operational level and not aimed at replacing the BP/AF at the political level. This has further led to processes of incremental change, facilitated by learning and socialisation, while not replacing the macro level framework between the two organisations.

Clear patterns of the institutionalisation of informal cooperation are also present with regard to EU-NATO cooperation in Kosovo (see Table 5.6 below). Although this was less evident at the political level, clear patterns of systematising cooperation at the staff and operational levels were revealed. However, there is evidence of some informal cooperation at the political level as well. The most obvious examples of this are the Transatlantic Dinners, the informal NAC-PSC meeting to discuss Kosovo (with all actors present, including Cyprus), and the PSC+7 meetings. This case study also revealed evidence of the member states pushing both the Sec/Gen and the HR to establish more staff-to-staff meetings, joint contribution meetings and an overall more organisation-to-organisation approach towards cooperation existing beyond the formal BP/AF operational context.

However, as noted, the majority of the institutionalisation of informal cooperation takes place at the international staff level, and most prominently in-theatre. Examples of the former are semi-regular contacts between the Sec/Gen and the HR, EU and NATO international staffs, and meetings between the DSACEUR and actors from CMPD/EUMC/CPCC/DGEUMS. With regard to in-theatre institutionalisation of informal cooperation, this was demonstrated to be much less *ad hoc* and increasingly institutionalised from 2010 onwards. Examples of these developments are regular meetings between ComKFOR and HoM EULEX, as well as their deputies, KFOR CoS and EULEX CoS, between POLADs, between the various branch levels (J1-J7), working groups, liaison officers, and a particularly active relationship between the J2 intelligence actors. Interestingly, many of these developments proceeded with surprisingly little interference from the political actors in Brussels. Similar to CP, these processes in norm development, or 'shared standards in behaviour' (Smith, 2004, p. 26), have also clearly been more prolific and fertile the more they are practised spatially away from Brussels and the more hierarchically downwards and away from the political level actors. This constant level of interaction between EU and NATO actors has also led to real opportunities for learning and socialisation.

Actors in both organisations have learned to use the institutions and docking mechanism established through the BP/AF in ways that do not strictly fit the AF, as outlined in Chapter Two. Actors have also learned that, if they must cooperate out of operational necessity, it is best to do this as far removed from the political level as possible. In doing so, they have further learned to share intelligence as well as their

respective strategic aspects and goals, at least as they pertain to the operational level. Furthermore, through extensive interaction and meetings that have become institutionalised over time, they have learned to compensate for elements of tribalism between the two sets of actors. Therefore, the hierarchical/spatial element is ultimately bound up with the developments of learning and interaction. This is evident through the technical arrangements and the MOUs being consistently drawn up and coordinated in the field.

The notion of 'lessons learned' in the EU denotes a specific, formal procedure that actually involves identifying the lessons and then discussing them. According to its Lessons Learned Concept, the EU can take into consideration LL from other organisations, including through those acquired by member states in non-CSDP activities; for example, their involvement in KFOR as well as from studies contracted to the European Defence Agency (EDA) (Interview 65, 2012). In this last case, the EDA can have staff-to-staff exchanges with the NATO IS and take into consideration related LL; so, even within this formal Concept, there is a way towards cooperation beyond the BP/AF context.

When it comes to the informal staff-to-staff level, there are possibilities to exchange ideas and best practices, but it is up to the staffs and often individuals to carry this out. An example of this is when the 'EUMS and NATO's IMS Directors met on 23 November 2012 to share views on common military issues with a particular emphasis on elaborating best practices and lessons learned from their respective ongoing actions'.<sup>74</sup> Or when 'representatives from the EUMS and SHAPE met within the Agreed Framework for informal talks on 10 December 2012 to share views on common operational issues with a particular emphasis on logistics, exercises and CIS fields, as well as related lessons learned from their respective ongoing activities'.<sup>75</sup> Interestingly, these two examples are meetings that attempt to learn not only within a specific operational context such as Kosovo, but across multiple contexts or 'ongoing activities'.

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<sup>74</sup> Find a record of this meeting at [http://eeas.europa.eu/csdp/structures-instruments-agencies/eu-military-staff/news/archives/2013/20121123\\_en.htm](http://eeas.europa.eu/csdp/structures-instruments-agencies/eu-military-staff/news/archives/2013/20121123_en.htm) (last accessed December 2013).

<sup>75</sup> Find a record of this meeting at [http://eeas.europa.eu/csdp/structures-instruments-agencies/eu-military-staff/news/archives/2013/20121210\\_en.htm](http://eeas.europa.eu/csdp/structures-instruments-agencies/eu-military-staff/news/archives/2013/20121210_en.htm) (last accessed December 2013).

Table 5.6:

Observed Institutionalisation for Kosovo	(Systematised or Informal)
Transatlantic Dinners	Semi-systematised
Informal NAC-PSC Meetings	Informal
PSC+7	Informal
Less Operational Interference from PSC	Semi-systematised
Member State Pressure on Sec/Gen & HR pushing	Semi-Systematised
- More staff-to-staff meetings	Semi-Systematised
- More joint contribution meetings	Semi-Systematised
- Adopting an organisation to organisation approach	Semi-Systematised
DSACEUR-CMPD/CPCC/EUMS/DG-EUMS Meetings	Semi-Systematised
Kosovo in-theatre	
- Enhanced MOUs + JOPs	Systematised
- Enhanced Joint Security Concept	Systematised
- Joint COM-KFOR & HoM-EULEX meetings	Systematised
- Deputies of COM-KFOR & HoM-EULEX meetings	Systematised
- CoS & CoS meetings	Systematised
- POLAD to POLAD meetings	Systematised
- Branch Level (J1-J7) meetings	Systematised
- J2 to J2 (Intelligence) meetings	Systematised
- Working Group Meetings	Systematised
- Liaison Officers Meetings	Systematised

Table 5.7:

Key Findings for Kosovo
Blocking States turning 'Blind eye'
Informal NAC-PSC (including Turkey and Cyprus)
Transatlantic Dinners
Sec/Gen and HR Discussing Kosovo
Using the BP/AF as a normative reference point
Sharing Intelligence
Focus on organisation to organisation approach
PSC and NAC Boundary testing by operational level
EULEX and KFOR Commanders Coordinating
DSACEUR as Strategic Coordinator Driving Cooperation
Mirrored MOUs and JOPs
Joint Security Concept
Increased institutionalisation of informal cooperation
EU-NATO personnel socialising out of working hours
Socialisation of new HOMs

This case study investigated the EU-NATO relationship, both at the macro and the micro level, and within the context of civilian (EU) to military (NATO) operations in

Kosovo. The primary aim of this chapter was to investigate for evidence of EU-NATO cooperation, despite the political blockage that should exclude any cooperation. Second, it investigated how such cooperation has evolved, as well as the nature and form of any such cooperation. Finally, it investigated to what extent the BP/AF remains the normative and institutional context for cooperation since 2004.

Remembering that formal cooperation between the EU and NATO is path-dependent on the sequencing of events and the initial institutional creation that was determined in the early years of cooperation, when it comes to Kosovo, the Agreed Framework remains locked-in and problematic in terms of limiting the ability of the EU and NATO to carry out broader functions of cooperation and to partake in formal strategic dialogue. Berlin Plus has not been re-established or re-negotiated to account for cooperation in Kosovo in general, or for civilian-military scenarios in particular. The empirical evidence suggests that, in the case of Kosovo, this is because the local situation is not bellicose enough, thus necessitating greater levels of formal cooperation. Those states that have a vested interest in the status quo do not need, therefore, to rethink their position. As long as lower-level agreements and technical arrangements can be agreed spatially away from the politically sensitive centre (Brussels) to the local level (in-theatre), the Agreed Framework will not be renegotiated at the macro-level.

The thesis will now turn to investigating the EU-NATO relationship in the case of Afghanistan. As with the previous case in Kosovo, the background to the cases and the initial stand up periods of the missions will be contextualised and the relationship will be analysed through the same three levels of cooperation.



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## Chapter Six

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### Beyond Berlin Plus

#### Informal Civilian-Military/Civilian Cooperation in Afghanistan

*Equally in Afghanistan, the cooperation goes quite well in the field with EUPOL, which is a limited and very modest police mission. We don't have an official deal there but, at the day-to-day business level and at the staff level, there is a lot of interaction with the EUPOL offices in Afghanistan and with ISAF. Furthermore, if you compare that with the UN, there is much more interaction between NATO and the EU (Interview 20, 2010).*

#### Introduction

Similar to both the cases of counter-piracy and Kosovo, there is a good deal of rhetoric in the public record for EU-NATO cooperation concerning Afghanistan. This rhetoric is present, once again, in the legal/strategic documents that are supposed to underpin the 'Strategic Partnership' between NATO/ISAF and the EU in general and between ISAF/NTM-A and EUPOL specifically. This rhetoric is also present in primary source documentation, as well as from the interviews conducted for this case study. Much of the language used to describe the EU-NATO relationship in this case is very similar to that of Kosovo. Like the Kosovo case study, this chapter will show that the relationship could only be agreed by 'local technical arrangements' drawn up in the field. However, in the case of Afghanistan, this did not consist of two mirror documents (as with Kosovo), but 14 separate MOUs between EUPOL and the individual provincial reconstruction teams (PRTs) and not NATO/ISAF specifically. As this chapter will show, this has incrementally progressed over the last few years leading to modest incremental change in the relationship, even if a formal relationship is, as yet, still lacking.

This rhetoric is also present at the international staff level. Again, like Kosovo, there are the references to the lack of cooperation by both the offices of the EU's HR

and the NATO Sec/Gen and quotes emanating from these offices, such as the two organisations need to ‘talk more together’, ‘do more together’ and that coordination concerning Afghanistan ‘needs to be stepped up’. This will also be demonstrated in this chapter by the increased institutionalisation of staff-to-staff meetings concerning Afghanistan.

Finally, the different operational priorities of both the EU and NATO effect the relationship in Afghanistan. With regard to Afghanistan, it is NATO that is running the flagship mission and the EU’s EUPOL mission is, in fact, relatively small. Due to this dynamic, a formal agreement has not really been necessary in order to cooperate and/or deconflict (to a degree) in-theatre. Informal cooperation works well enough spatially away from the strategic linkages so as not to force a dramatic change in the BP/AF; and the status quo remains, albeit with minor incremental changes, in the day-to-day workings of the relationship at the meso and micro levels. In other words, this case study will demonstrate that events and operational necessity are driving incremental change far more than any theoretical debates about where the EU ends and NATO begins and, until such events force a situation whereby both organisations must revisit the formal structures of cooperation, the static relationship will continue to exist, but reinforced by sporadically releasing the political pressure valve, which is expedited through the processes of informal cooperation.

The Afghanistan case study also demonstrates, once again, what I have already referred to as the essence of Berlin Plus issue in the previous chapters. In the case of CP, we saw that NATO provided a Standing Naval Maritime Group, while the EU worked out the political and operational obstacles to launching ATALANTA; plus, it operates a concurrent mission (Ocean Shield), which allows additional non-EU Allies to contribute and who might not do so in an EU context. In Kosovo, NATO lends assets and capabilities as well as provides general 3<sup>rd</sup> responder security in Kosovo which, in turn, enables the EU to function and carry out its mission in-theatre. However, there is a certain amount of parity between the two missions when it comes to providing security and capacity-building in Kosovo. In Afghanistan, however, not only is NATO/ISAF the provider of security bar none, but there is also a very large difference in the relative mission sizes. Most importantly, though, without ISAF providing security in Afghanistan generally and for EUPOL specifically, EUPOL could not perform its mission nor fulfil its mandate in the country.

The formal channels are not officially utilised (NAC-PSC & SHAPE as an EU OHQ) to enable EU-NATO cooperation in Afghanistan, nor is this a case whereby the EU assumes or replaces the military functions of NATO (as with CONCORDIA & ALTHEA). However, Berlin Plus is by definition 'an EU-led operation making use of NATO assets and capabilities' (European Union External Action Service, 2011a). This is clearly the case in Afghanistan. What will be demonstrated in this chapter is that NATO/ISAF provides 'in extremis' support to EUPOL, provides for the general security and stability in Afghanistan, as well as a degree of intelligence sharing. Furthermore, these functions and provisions are clearly written into the MOUs and JOPs. However, this chapter will also show that, when informal mechanisms were used to carry out strategic discussions and planning, no informal NAC-PSC format was adopted, as was the case with Kosovo. Therefore, one claim this case study cannot make is that the Berlin Plus template/institutional processes for cooperation were used in this particular way.

Again, it would seem informal cooperation between the EU and NATO is path-dependent on the sequencing of events and the initial institutional creation that was determined in the early years of cooperation. Although the BP/AF seems locked-in and problematic in terms of the ability of the EU and NATO to carry out the broader formal functions of cooperation and strategic dialogue, there still have been incremental and evolutionary processes of change. But, as with CP and Kosovo, the case of Afghanistan will clearly show that there has not been enough political will or some specific crisis that has forced a change to the relationship at the macro level. In other words, Berlin Plus has not been re-established to account for these areas of cooperation or for civilian-military cooperation. In the case of Afghanistan, although it is a much more hostile environment where one would expect a formal relationship to be fundamental to allowing the missions to operate in the same space, the fact that EUPOL is such a small operation has meant that no real need to renegotiate the BP/AF has been required. The technical arrangements drawn up in-theatre have been enough to allow cooperation to transpire in the field. Once again, this demonstrates that the static formal relationship will continue to exist, reinforced by the political actors sporadically releasing the pressure valve through the processes of informal cooperation.

The chapter proceeds as follows. The next section frames the chapter as a further investigation of EU-NATO cooperation beyond the BP/AF and establishes the

specific research questions for this case study. Second, the chapter will contextualise and detail the various EU and NATO missions in Afghanistan. The main section of the chapter is an in-depth empirical analysis of the EU-NATO relationship with regard to these respective missions. As with the two previous case studies, it investigates cooperation at three levels of analysis: the political/strategic level, the international staff level, and the operational level. The chapter ends by offering a set of conclusions that are based on the research questions established in the next section. This chapter will ultimately demonstrate that both static and path-dependent features to the macro relationship (BP/AF) are present, while simultaneously evidence of incremental processes of change are also present at the micro level of the EU-NATO relationship.

#### *Framing Propositions:*

Before the central findings of the EU-NATO relationship on Afghanistan can be addressed, some assumptions are first required for the EU-NATO relationship as it pertains to operations in Afghanistan specifically, and in line with the general research framework, especially those related to incremental change, learning and socialisation. The specific research questions can then be set for this case study. As with the CP and Kosovo cases, there are some assumptions that should be outlined before proceeding.

Due to the limitations of BP/AF, it is expected that no formal EU-NATO strategic dialogue, joint EU-NATO planning, official EU-NATO task-sharing or any kind of EU-NATO formal functional or strategic action will be evident in relation to either NATO/ISAF and EU/EUPOL, ISAF/NTM-A and EU/EUPOL, or any military-civilian cooperation vis-à-vis operations in Afghanistan. Furthermore, the NAC and the PSC will not be permitted to formally discuss operations or strategic direction relating to Afghanistan, or have it as part of any official NAC-PSC agenda. In other words, there will be no formal political/strategic institutional framework for cooperation concerning activities in Afghanistan.

It is taken as a given that there will be certain functional and operational requirements. These are conditioned on the fact that both the EU and NATO are operating in the same geographical space while conducting different missions in

pursuit of their respective mandates (of which the specific dynamics and operational complexities are explained below). Therefore, agents at all three levels (political/strategic, international staffs and operational) will seek alternative avenues for cooperation in the face of the limits to cooperation. Agents adapt the rules and institutions created by the BP/AF arrangements as a normative and institutional reference point, not only for limiting formal cooperation, but also for facilitating informal cooperation.

As with the case of CP and Kosovo, the core assumptions of HI explain the limitations of BP/AF as a formal vehicle of EU-NATO cooperation in Afghanistan (while still persisting as the only formal EU-NATO institutional framework in general). However, these core assumptions are much less useful in explaining other forms of EU-NATO cooperation beyond the strict interpretation and operationalising of BP/AF. This case study, similar to the other two, problematises why cooperation exists despite the political blockage that should limit its use and how EU-NATO cooperation in Afghanistan proceeds, despite a formal framework for cooperation. Consequently, this case study is an investigation of how EU-NATO cooperation takes place despite this political blockage and examines how much incremental change, socialisation and learning play a role in an agent's ability to find alternatives or adaptations to the BP/AF.

Finally, given the political sensitivities of BP/AF, there is an expectation that some degree of institutionalisation of cooperation will take place, but it will be most prominent hierarchically downwards towards the international and especially the operational agents. This institutionalisation will also be more prominent spatially away from the central tools of Brussels, towards operational HQs and the areas of operation. As well as the general guiding research questions and assumptions established in Chapter Three, the following research questions are also generated to investigate the EU-NATO relationship in the context of Afghanistan:

- (1) Is there any observable evidence of learning facilitating informal EU-NATO cooperation in the case of Afghanistan?
- (2) Is there any observable evidence of socialisation facilitating informal EU-NATO cooperation in the case of Afghanistan?

(3) Is there any observable evidence of institutionalisation impacting on changes in behaviour, or at least facilitating changes in behaviour (be they rational or sociological in nature) in the case of Afghanistan?

The chapter will now contextualise both NATO's and the EU's different operations in Afghanistan, before turning to an in-depth empirical analysis of the EU-NATO relationship with regard to their respective missions.

## Afghanistan

### *Background and Context*

After the 11 September 2001 terrorist attacks, the United States launched and led Operation Enduring Freedom (OEF) into Afghanistan. This operation was targeted 'against al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan'. OEF was designed to 'disrupt the use of Afghanistan as a terrorist base of operations, and to attack the military capability of the Taliban regime'.<sup>76</sup>

United Nation's Security Council consent was given in the form of UNSCR 1373 (28 September 2001), which expressed the 'determination to take all necessary steps in order to ensure the full implementation of this resolution' (UNSCR 1373). On 7 October 2001, OEF was launched with the large support of the international community to take those 'necessary steps'. It should also be noted that the UN created (March 2002) the UN Assistance Mission to Afghanistan UNAMA<sup>77</sup> 'at the

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<sup>76</sup> George W. Bush talking on 7 October 2001. See <http://middleeast.about.com/od/afghanistan/qt/me081007b.htm> (last accessed December 2013).

<sup>77</sup> Both UNAMA and ISAF (the International Security Assistance Force) are mandated by the United Nations Security Council to operate in Afghanistan, and are here at the request of the Government of Afghanistan. Agreements with the Government of Afghanistan define the distinct missions of the two organisations.

UNAMA is a political Mission directed and supported by the United Nations Department of Peacekeeping Operations. As an 'integrated' Mission, UNAMA has two main areas of operation, development and humanitarian issues, and political affairs. As such, neither UNAMA nor ISAF are

request of the [Afghan] Government to assist it and the people of Afghanistan in laying the foundations for sustainable peace and development'.<sup>78</sup> 'These agreements paved the way for the creation of a three-way partnership between the Afghan Transitional Authority, the United Nations Assistance Mission in Afghanistan (UNAMA) and ISAF'.<sup>79</sup>

The capitulation of the Taliban and Al Qaeda (in Afghanistan only) was achieved relatively quickly. However, since this initial advancement on the military front, the reconstruction of Afghanistan has proved to be a considerably more complicated and difficult task to fulfil. Since 2003, the Taliban have returned (mainly from Pakistan) and have been operating an insurgency against the Afghan government and the international forces present in the country. Under the framework of UNSCR 1378 and the Bonn Agreement (December 2001), the International Security Assistance Force (ISAF) was established to 'assist the newly established Afghan Transitional Authority' and to 'create a secure environment in and around Kabul and support the reconstruction of Afghanistan'.<sup>80</sup> Beginning with OEF and continuing under the full command of ISAF, Provincial Reconstruction Teams (PRTs) were established so that 'lead nations' could begin work in the area of Afghan reconstruction. However, these PRTs have been largely populated with military and not civilian personnel. On 11 August 2003, NATO took full command of ISAF and, since 2006, all PRTs in Afghanistan have fallen under the ISAF/NATO 'umbrella'. Luis Peral notes that these PRTs have been largely acting 'autonomously' from each other with 'strong links' to their individual national capitals. As a result, there has been 'little coordination' between these teams on the ground (Peral in Grevi et al., 2009, p. 326).

With this in mind, the London Conference (31 January-1 February 2006) attempted to form an international consensus and a 'common strategy' (ibid, p.327) between the international actors and the Afghan government. Moreover, 'the Afghan

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seen as traditional 'peacekeeping' Missions with blue berets or helmets on the ground. Both organisations have adopted an integrated approach coordinating governance, development and security efforts in order to help the Government of Afghanistan promote peace and stability throughout the country (<http://unama.unmissions.org/Default.aspx?tabid=1748>) (last accessed December 2013).

<sup>78</sup> See <http://unama.unmissions.org/Default.aspx?tabid=1742>.

<sup>79</sup> See <http://www.isaf.nato.int/history.html> (last accessed December 2013).

<sup>80</sup> See <http://www.isaf.nato.int/history.html> (last accessed November 2013).

Compact' that was produced from this Conference outlined (1) Security, (2) Governance, Rule of Law and Human Rights, and (3) Economic and Social Development as three 'critical and interdependent pillars of activity'.<sup>81</sup> NATO/ISAF has overwhelmingly prioritised 'security' as its primary objective in order to create an environment for reconstruction and nation building. The European Union's Police Mission (EUPOL) in Afghanistan is firmly entrenched within the second objective. However, NATO/ISAF also performs a function in this second 'pillar' with its NATO Training Mission-Afghanistan (NTM-A) and, although EUPOL carries out a non-executive police mission, it is in many ways fundamentally connected to the concept of security. A broader explanation of both NATO/ISAF and EUPOL follow and are necessary before the main part of this section looks, once again, at cooperation between these two organisations. Finally, as with KFOR and EULEX, the area of investigation is the EU-NATO relationship, instances of informal cooperation and the form of that cooperation between NATO/ISAF and EUPOL beyond BP/AF. It is not the effectiveness and overall success of these missions *per se*.

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<sup>81</sup> See the Afghan Compact [http://www.nato.int/isaf/docu/epub/pdf/afghanistan\\_compact.pdf](http://www.nato.int/isaf/docu/epub/pdf/afghanistan_compact.pdf) (last accessed November 2013).



Figure 6.1: ISAF Regional Commands and Major Units



(Taken from NATO/ISAF Website)

According to the NATO website, the NATO/ISAF 'mission' is to fulfil the following:

In support of the Government of the Islamic Republic of Afghanistan, ISAF conducts operations in Afghanistan to reduce the capability and will of the insurgency, support the growth in capacity and capability of the Afghan National Security Forces (ANSF), and facilitate improvements in governance and socio-economic development in order to provide a secure environment for sustainable stability that is observable to the population.

NATO/ISAF has been steadily building its troop strength in Afghanistan since it took over command in 2003. Although they have fluctuated over the time of research, at the time of writing there are 49 troop-contributing nations, a combined total of around

86,834 troops and 26 PRTs.<sup>82</sup> In order to carry out the mission as stated above, ISAF conducts population-centric counterinsurgency operations in partnership with Afghan National Security Forces (ANSF) and provides support to the Government and international community in Security Sector Reform. Its key priorities are: protect the population; neutralise insurgent networks; develop the Afghan National Security forces (ANSF), including the Afghan National Army (ANA) and the Afghan National Police (ANP); and to promote effective governance and support socio-economic development.<sup>83</sup>

The Training Mission Afghanistan (NTM-A), a sub-component of NATO/ISAF and announced at the Strasbourg/Kehl NATO Summit (2009), is specifically geared towards 'higher-level training' and mentoring'. It is tasked 'to oversee higher level training for the Afghan National Army, and training and mentoring for the Afghan National Police, capitalising on existing structures and synergies in close coordination with the International Police Coordination Board'.<sup>84</sup> When it comes to the objective of delivering 'stronger governance and development' throughout Afghanistan, NATO/ISAF turns to its PRTs in order to develop the capacities of 'Afghan sub-national institutions and businesses'.<sup>85</sup> These PRTs are operated and managed by a 'lead nation', but their staff can include personnel from various contributing nations. These personnel mainly consist of military staff; however, they usually include 'diplomatic staff from ISAF contributing nations, police trainers, as well as civilian experts for development and governance'.

After UNSCR 1510 (October 2003) expanded NATO/ISAF's mission to include all of Afghanistan (before ISAF provided security in and around Kabul only), it eventually began to include all the PRTs working throughout Afghanistan. The fourth and final expansion of NATO/ISAF brought all 27 PRTs under its control and, therefore, assumed responsibility for Afghanistan in its entirety. As explained below,

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<sup>82</sup> See [http://www.nato.int/nato\\_static/assets/pdf/pdf\\_2013\\_10/20131003\\_131001-ISAF-Placemat.pdf](http://www.nato.int/nato_static/assets/pdf/pdf_2013_10/20131003_131001-ISAF-Placemat.pdf) (Last accessed on 09-10-13).

<sup>83</sup> See [http://www.nato.int/cps/en/SID-44BB9141-569C3523/natolive/topics\\_69366.htm](http://www.nato.int/cps/en/SID-44BB9141-569C3523/natolive/topics_69366.htm) (Last accessed on 09-10-13).

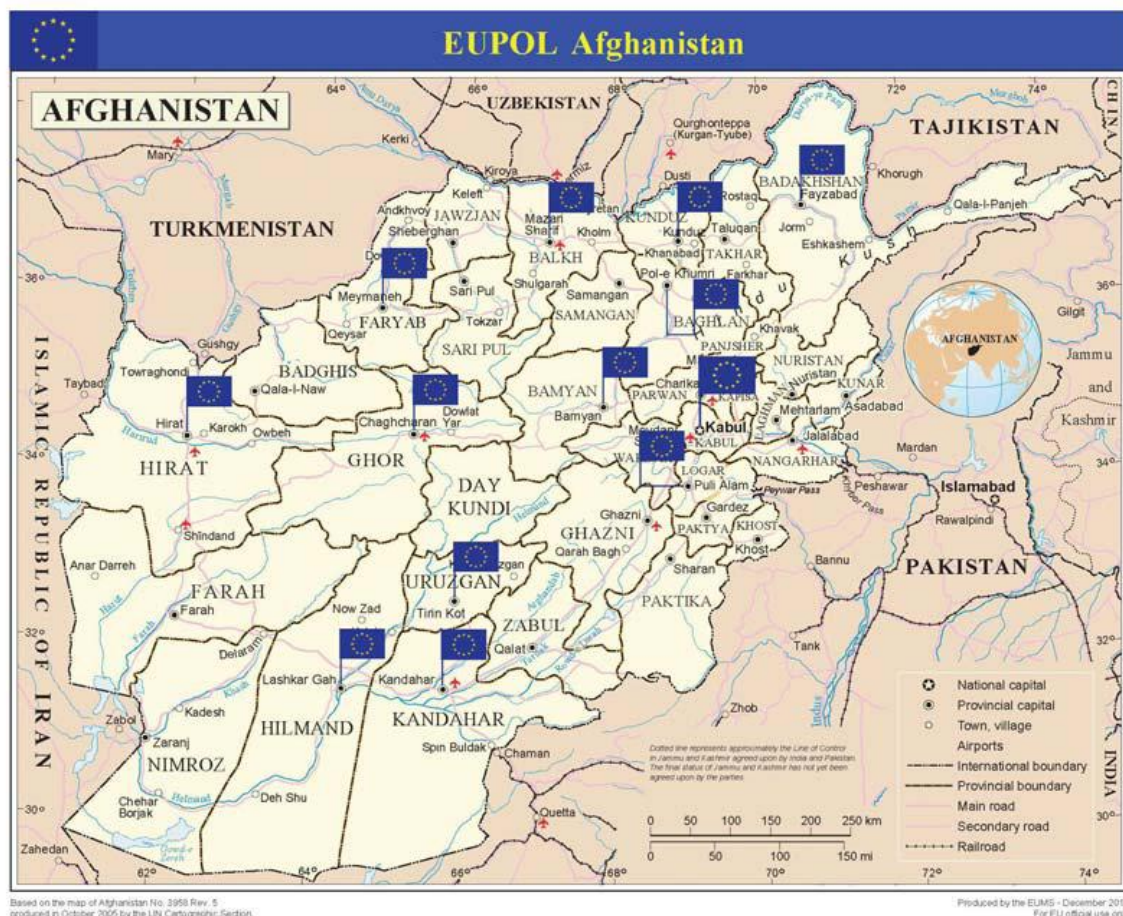
<sup>84</sup> See [http://www.nato.int/cps/en/natolive/news\\_52836.htm](http://www.nato.int/cps/en/natolive/news_52836.htm) (Last accessed on 09-10-13).

<sup>85</sup> See [http://www.nato.int/cps/en/SID-44BB9141-569C3523/natolive/topics\\_69366.htm](http://www.nato.int/cps/en/SID-44BB9141-569C3523/natolive/topics_69366.htm) (Last accessed on 09-10-13).

the majority of EU-NATO cooperation in Afghanistan has been between EUPOL and the PRT/lead nations. However, before this can be accomplished, it is necessary to highlight some of the key background information for EUPOL and its operations in Afghanistan.

## EUPOL AFGHANISTAN

Figure 6.2: EUPOL in Afghanistan



The first EU 'exploratory mission' in Afghanistan was conducted in July 2006 at the request of the Council Secretariat. This was later followed by the 'Joint Council/Commission EU Assessment Mission (JEUAM)' in September of the same year. There was another mission sent at the request of the PSC in late 2007, followed by the approval (12 February 2007) of the Crisis Management Concept (CMC) and then the approval (April 2007) of the Concept of Operations (CONOPS).

EUPOL Afghanistan was eventually established (30 May 2007) as a 'non-executive mission' with Council Joint Action 2007/369/CFSP.

According to the EUPOL website, the mandate and objective of EUPOL 'is to contribute to the establishment of sustainable and effective civil policing arrangements'.<sup>86</sup> It was launched on 15 June 2007 and has a potential end date of 31 December 2014. CJA 2007/369/CFSP established the EUPOL Mission with the following criteria:

The EU police mission will be set in the wider context of the international community's effort to support the Government of Afghanistan in taking responsibility for strengthening the rule of law, and in particular, in improving its civil police and law enforcement capacity. Close coordination between the EU police mission and other international actors involved in security assistance, including the International Security Assistance Force (ISAF), as well as those providing support to police and rule of law reform in Afghanistan, will be ensured. (CJA/369/ #9)

EUPOL is designed as a 'coordinated EU approach that includes local political guidance provided by the EU Special Representative and a reconstruction effort managed notably through the European Union Delegation in Kabul' (EUPOL Factsheet). The current mission (at the time of writing) is 350 international staff consisting of 24 EU member states and a contribution from Canada.<sup>87</sup> There are also 200 local staff contributors (as of May 2013 Factsheet).

EUPOL operates a central OHQ in Kabul, but also maintains regional and provincial components, which are attached to NATO/ISAF PRTs. Under the heading 'mission achievements', EUPOL has developed 'six strategic objectives' (EUPOL Fact Sheet).<sup>88</sup> These are: (1) police command, control and communications; (2) intelligence-led policing; (3) criminal investigation department capacity building; (4) implementation of the anti-corruption strategy; (5) police-justice cooperation; and (6)

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<sup>86</sup> See: [http://eeas.europa.eu/csdp/missions-and-operations/eupol-afghanistan/pdf/03052013\\_factsheet\\_eupol-afghanistan\\_en.pdf](http://eeas.europa.eu/csdp/missions-and-operations/eupol-afghanistan/pdf/03052013_factsheet_eupol-afghanistan_en.pdf) (last accessed on 09-10-2013)

<sup>87</sup> Other non-EU nations have contributed in the past. For example Croatia, New Zealand and Norway.

<sup>88</sup> See: <http://www.consilium.europa.eu/eeas/security-defence/eu-operations/eupol-afghanistan/factsheets?lang=en> (Last accessed on 09-10-13).

strengthening gender and human rights aspects within the Afghan National Police (ANP) (ibid).

Why would an organisation like the EU agree to operate in such a hostile environment, when a formal mechanism for strategic dialogue and cooperation is ruled out with the very organisation that provides for the general security in the area of operations? This alone makes this case study remarkably intriguing. The chapter now turns to an in-depth empirical analysis of the EU-NATO relationship with regard to these respective missions. As with the two previous case studies, it investigates cooperation at three levels of analysis: the political/strategic level, the international staff level, and the operational level.

## **Discovering EU-NATO Informal Institutionalisation in Afghanistan**

### *The Political/Strategic Level*

As we found with the Kosovo case, the overriding trait of EU-NATO cooperation in Afghanistan is that it is not based on any formal political framework, i.e. the PSC and the NAC cannot engage in strategic dialogue or discuss (as part of any official agenda) common concerns or operations in Afghanistan. However, as we will see, there is clear evidence of incremental change with regard to the relationship, most notably at the operational level, but at the political level as well. However, when the research was commenced, the general texture of the EU-NATO relationship vis-à-vis Afghanistan was described as follows: 'in ISAF there is no Memorandum of Understanding (MoU) between ISAF and EUPOL. EUPOL has had to enter into 14 bilateral arrangements with individual nations running PRTs on a bilateral EU to nation basis. This process has taken more than two years and two MOUs still remain outstanding' (EU-NATO Friction Document 2010).

As with cooperation in Kosovo, it is first necessary to outline the arrangements as they stand for both EUPOL and NATO/ISAF individually before the modalities and procedures of these 'informal' and 'ad hoc' arrangements can be investigated further. Both NATO/ISAF and EUPOL work in relation with UNAMA and both understand the Bonn Agreement, plus the various UNSC Resolutions to be their legitimating documents. In the case of the EU, UNSCR 1746 (23 March 2007), this document

'welcomes the decision by the European Union to establish a mission in the field of policing with linkages to the wider rule of law and counter narcotics, to assist and enhance current efforts in the area of police reform at central and provincial levels, and looks forward to the early launch of the mission'. The key legal documents generated from within the EU Council that establish, outline and structure EUPOL in Afghanistan are primarily (but not limited to) CJA 2007/369/CFSP, CJA 2007/733/CFSP, Political and Security Committee Decision EUPOL AFGH/2/2007, CJA 2008/612/CFSP, Council Decision 2010/279/CFSP, and Council Decision 2010/686/CFSP.

As mentioned above, CJA 2007/369/CFSP (30 May 2007) is the establishing document for EUPOL Afghanistan. Space does not permit, nor is it particularly relevant, to outline this document in full. However, a few sections are of interest to this case study as they refer to coordination with other actors and the release of classified documents. This document refers to NATO/ISAF a total of five times. The relevant sections of this document are:

**(9)** Close coordination between the EU police mission and other international actors involved in security assistance, including the International Security Assistance Force (ISAF), as well as those providing support to police and rule of law reform in Afghanistan, will be ensured.

**Article 2, # 5 (Planning Phase):** The Head of Mission shall work closely and coordinate with the Government of Afghanistan and relevant international actors, as appropriate, including NATO/ISAF, Provincial Reconstruction Team (PRT) Lead Nations, the UN (United Nations Assistance Mission Afghanistan (UNAMA)), and third states currently involved in police reform in Afghanistan.

**Article 5, #2 (Structure of the Mission):** Technical arrangements will be sought with ISAF and Regional Command/PRT Lead Nations for information exchange, medical, security and logistical support including accommodation by Regional Commands and PRTs.

**Article 6, #7 (Head of Mission):** The Head of Mission shall ensure that EUPOL AFGHANISTAN works closely and coordinates with the Government of Afghanistan and relevant international actors, as appropriate, including NATO/ISAF, Provincial Reconstruction Team (PRT) Lead Nations, the UN (United Nations Assistance Mission Afghanistan (UNAMA)), and third states currently involved in police reform in Afghanistan.

**Article 15 (Release of classified Information), #1** The SG/HR shall be authorised to release to NATO/ISAF EU classified

information and documents generated for the purposes of the Mission, in accordance with the Council's security regulations. ***[Local technical arrangements shall be drawn up to facilitate this] (Author's emphasis).***

**#2:** The SG/HR shall be authorised to release to third states associated with this Joint Action, as appropriate and in accordance with the needs of the Mission, EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the Mission, in accordance with the Council's security regulations.

Some key lines are of note in this document. First, although NATO (including ISAF) is mentioned more often than in the document that establishes EULEX in Kosovo, the wording is still rather vague and the reference to 'coordination' is not supported by any formal strategic institutional relationship or and TORs/MOUs at the political macro level. This being the case, it is difficult to see how 'close coordination' can be 'ensured' without formal agreements. Second, it is important to note the references to the PRTs. It is with these constructs, and not NATO/ISAF as a whole, that the individual contributing EUPOL member states had to establish their MOUs. This point connects to a third. The line '[L]ocal technical arrangements shall be drawn up to facilitate this' is quite significant because, as with Kosovo, clearly these arrangements were not possible to agree at the political level in Brussels. This demonstrates that hierarchical and spatial processes are clearly at work concerning EU-NATO cooperation outside the BP/AF with regard to Afghanistan.

Some of the other EU Council documents mentioned above also refer to 'coordination' with NATO/ISAF through the 'Head of Mission' (CJA 2007/733/CFSP & Council Decision 2010/279/CFSP, in relation to the 'Release of classified information' Council Decision (and replacing SG/HR with HR) Council Decision 2010/279/CFSP. This last document also refers to the NTM-A element of NATO/ISAF whereby EUPOL will 'enhance cooperation with key partners in police reform and training, including with NATO-led mission ISAF and the NATO Training Mission and other contributors'.

As for the NATO arrangements, it is much more difficult to access the MOUs and the ToR for cooperation as these documents are classified. Therefore, the only alternative is to use what official documents there are in the public record. A short detailing of those documents and how they pertain to EU-NATO cooperation in Afghanistan now follows.



An examination of NATO documents reveals that there is occasional mention of EUPOL in some of these documents, but that the specifics of how these two organisations will cooperate is couched in language that is vague at best. The first document to mention EUPOL is the NATO Defence Ministerial Final Communiqué released (14 June 2007) shortly after CJA/369/CFSP established EUPOL and just prior to the launching of the mission in-theatre. One line is offered mentioning the nascent mission by welcoming ‘the EU’s decision to launch an ESDP police mission’.<sup>89</sup> Both the December 2007 NATO Ministerial and the NATO Bucharest Summit Declaration fail to mention the EU’s operation at all. Even more interesting is that the document entitled ‘ISAFS’s Strategic Vision’ (3 April 2008), released almost a year after the launching of EUPOL, also fails to give any recognition to EUPOL. This is puzzling given the document mentions as a ‘guiding principle’ the commitment to ‘a comprehensive approach by the international community, bringing together civilian and military efforts’. This document goes on to declare under the title ‘Enhanced Coordination’ that, ‘success requires a comprehensive approach across security, governance and development efforts and between all local and international partners in support of the Afghan Government’. This section of the document mentions the UN in this regard as well as the ongoing effort of the PRTs and the ‘pledge’ to ‘strengthen their civilian component’, but neglects to mention the role of EUPOL as part of this ‘comprehensive approach’.<sup>90</sup>

Although the NATO Foreign Ministerial Final Communiqué (3 December 2008) does not mention EUPOL directly, it states that NATO does ‘support greater efforts by Allied nations and partners, in coordination with United States and European Union programmes and missions, to accelerate development of the Afghan National Police’.<sup>91</sup> The Strasbourg/Kehl NATO Summit Declaration on Afghanistan (4 April 2009) does refer to the NATO decision to establish NTM-A and underlines ‘the importance of other efforts in this field such as the training activities conducted by the European Union police mission in Afghanistan (EUPOL)’.<sup>92</sup> However, there is no

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<sup>89</sup> See [http://www.nato.int/cps/en/natolive/news\\_47011.htm](http://www.nato.int/cps/en/natolive/news_47011.htm) (last accessed December 2013).

<sup>90</sup> See [http://www.nato.int/cps/en/natolive/official\\_texts\\_8444.htm](http://www.nato.int/cps/en/natolive/official_texts_8444.htm) (last accessed December 2013).

<sup>91</sup> See [http://www.nato.int/cps/en/natolive/official\\_texts\\_46247.htm](http://www.nato.int/cps/en/natolive/official_texts_46247.htm) (last accessed December 2013).

<sup>92</sup> See [http://www.nato.int/cps/en/natolive/news\\_52836.htm](http://www.nato.int/cps/en/natolive/news_52836.htm) (last accessed December 2013).



mention of how cooperation between the two organisations will be worked out through formal institutional links.

It is also worth mentioning the NATO Strategic Concept (19 November 2010), as two sections are particularly relevant. First, this document sets out NATO's clear intention to move more intently into competencies that are putatively deemed to be civilian and not NATO's traditional military role. In this regard, section 25/3 is of particular note as the Alliance states that '[T]o be effective across the crisis management spectrum, we will... form an appropriate but modest civilian crisis management capability to interface more effectively with civilian partners, building on the lessons learned from NATO-led operations. This capability may also be used to plan, employ and coordinate civilian activities until conditions allow for the transfer of those responsibilities and tasks to other actors'. Clearly - and with structures like the NTM-A in mind - NATO is demonstrating its desire, however modest, to develop competencies that could potentially compete with missions like EUPOL. However, as we will see, this focus on competition is very limited, especially at the operational level.

The second relevant section of this document is section 32, which is clearly written to demonstrate the Alliance's desire to further strengthen EU-NATO relations at the broad level.<sup>93</sup>

An active and effective European Union contributes to the overall security of the Euro-Atlantic area. Therefore the EU is a unique and essential partner for NATO. The two organisations share a majority of members, and all members of both organisations share common values. NATO recognizes the importance of a stronger and more capable European defence. We welcome the entry into force of the Lisbon Treaty, which provides a framework for strengthening the EU's capacities to address common security challenges. Non-EU Allies make a significant contribution to these efforts. For the strategic partnership between NATO and the EU, their fullest involvement in these efforts is essential. NATO and the EU can and should play complementary and mutually reinforcing roles in supporting international peace and security. We are determined to make our contribution to create more favourable circumstances through which we will:

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<sup>93</sup> See <http://www.nato.int/lisbon2010/strategic-concept-2010-eng.pdf> (last accessed December 2013).

- fully strengthen the strategic partnership with the EU, in the spirit of full mutual openness, transparency, complementarity and respect for the autonomy and institutional integrity of both organisations;
- enhance our practical cooperation in operations throughout the crisis spectrum, from coordinated planning to mutual support in the field;
- broaden our political consultations to include all issues of common concern, in order to share assessments and perspectives;
- cooperate more fully in capability development, to minimise duplication and maximise cost-effectiveness.

This latter section evidently shows a desire to enhance cooperation and examples of pragmatic steps in that direction are outlined below. Owing to the fact that the EU and NATO are cooperating to such an extent outside the BP/AF, the NATO Strategic Concept clearly demonstrates a desire to have improved coordination, at least at the organisation-to-organisation level, and definitely at the practical and operational level. There seems to be attempts to learn from the various operations where the EU and NATO are co-located, once again demonstrating path-dependence at the static macro level combined with incremental change with regard to practical cooperation in operations.

The section above documented the strategic vision and rhetorical proclamation of EU-NATO cooperation in Afghanistan through a compilation of official primary source documentation. However, as the EU-NATO relationship in Afghanistan is clearly built on more informal linkages, it is also imperative to investigate the particulars of this relationship outside this public record. It is to this discussion, based on extensive and in-depth interviews, that this chapter now turns. The following sections investigate informal cooperation through four broad areas. These are (1) generalities for the political/strategic level, (2) informal technical agreements for cooperation, (3) the implications of informal cooperation, and (4) future implications for both the EU and NATO in Afghanistan.

Some generalities can be extrapolated from the political/strategic level when it comes to EU-NATO cooperation in Afghanistan. The most obvious point is that both the EU and NATO focus the majority of their attention, capabilities, and

organisational commitment towards different operations and localities. For NATO, Afghanistan is currently its number one priority. In an environment that is highly bellicose and with a vast amount of human and material military capabilities as well as economic resources invested, Afghanistan has become somewhat of a 'test of NATO's credibility' (US President Barack Obama, December 2009).<sup>94</sup> To paraphrase one interlocutor: for NATO, the operational priority is in Afghanistan and backsides are on the line (Interview 3, 2010). One only has to compare the numbers of 132,400 NATO/ISAF and 317 EUPOL personnel (at the time of the interview) for the clarity of this point to resonate.

The difference in size between EUPOL and ISAF does impact on what type of framework is permissible. Similar to how Kosovo, which is relatively non-hostile, permits an informal relationship through technical arrangements on the ground, so the rather modest size of EUPOL means that cooperation through informal channels in Afghanistan is also sustainable. If there were more EUPOL personnel on the ground in Afghanistan, a formal relationship would be required and the informal framework would just not be sustainable. In other words, informal cooperation and the set of technical arrangements that currently exist would not be enough to 'ensure' 'close coordination' if EUPOL was a much larger mission operating in such a hostile environment. One interlocutor at NATO illustrated this by stating 'I think in Afghanistan if EUPOL was 4-5000 experts, the situation would be very different because you would have a lot more pressure from the ground pushing or triggering different negotiations for finding solutions. Fortunately, there are no casualties in Afghanistan attributable to this deadlock' (Interview 5, 2010).

This leads us onto another issue. CSDP, both in concept and in terms of operations, is increasingly becoming more civilian focused. However, the EU's focus through CSDP has been overwhelmingly civilian as it has progressed. This is currently evident by the fact that, of the 16 on-going CSDP operations, only four are military missions. Two points are worth making. First, formal agreements for EU-NATO cooperation in a civilian/military capacity do not exist on paper. The principal development in terms of the CSDP presence on the international stage is more civilian than military, 'so that puts a question over Berlin Plus in its present format. Now whether or not this will ever be expanded to include civ/mil arrangements,

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<sup>94</sup> See [http://www.kas.de/wf/doc/kas\\_18291-544-2-30.pdf](http://www.kas.de/wf/doc/kas_18291-544-2-30.pdf) (last accessed December 2013).

because at present the political will is not even there to address the issues never mind come up with a reasonable approach to a solution' (Interview 16, 2010). Second, because both organisations are working in areas related to policing/civilian competencies, the potential for competition, or at least confliction, does exist. This point was demonstrated by one EU member of staff at SHAPE when they articulated that 'once people deploy into a mission area and they look and see what we term friendly forces, then they know that they have to work very closely together with friendly forces to make sure that, first of all, they are all safe and secure and, second, that they are not cutting across each other in terms of the work that they are doing (Interview 16, 2010).

With regard to the political/strategic institutional links in Brussels, there are no formal links in Brussels at this level. As demonstrated in Chapter Two, as well as the previous case studies, the PSC/NAC and EUMC/NATO MC can only meet formally to discuss Berlin Plus operations. This means that there is no formal EU-NATO dialogue on key areas where there is mutual interests; Afghanistan is clearly of mutual interest and is therefore a casualty of the 'participation problem'. As for the technical agreements between the EU and NATO that do allow cooperation to take place in Afghanistan, it was not possible to establish these at the political level owing to the political complications resulting from the 'participation' problem generated by the Turkish/Cyprus impasse. Once again, the line 'Local technical arrangements shall be drawn up to facilitate this' (CJA 2007/369/CFSP) is the key to understanding the framework of cooperation in Afghanistan.

As mentioned in the previous chapter, there were two sets of identical technical agreements drawn up for cooperation in Kosovo. However, not even this was achieved for Afghanistan because 'in ISAF there is no Memorandum of Understanding (MoU) between ISAF and EUPOL. EUPOL has had to enter into 14 bilateral arrangements with individual nations running PRTs on a bilateral EU to nation basis. This process has taken more than two years and two MOUs (when this interview was conducted) still remain outstanding' (EU-NATO Friction Document 2010). The type of 'mirrored' MOUs agreed in Kosovo, whereby each organisation signed one copy separately in the field, were not possible between NATO/ISAF and EUPOL. In Afghanistan, these papers were going to be drafted but 'even this was too much for the Turks' (Interview 11, 2010). In-theatre, it results to 'gatherings on the ground'. All the staff who work in the same operational space attend gatherings

called donor meetings. So it is all done 'more open and in public on the ground', but all very 'discreet and secretive in Brussels' (Interview 11, 2010). In fact, the NATO/ISAF-EUPOL technical agreements 'were not even drafted' (Turkey blocked). There are only pragmatic arrangements/agreements in the field (Interview 7, 2010). The Turks could have accepted the technical arrangements in Afghanistan, but 'they did not on point of principle. There was no military logic in that at all and quite clearly it was a political decision' (Interview 8, 2010). This does raise the question as to why a state would be more inclined to be acquiescent to agreeing technical arrangements in one operation as opposed to another. However, that is beyond the scope of this thesis.

One interlocutor called this arrangement 'absurd' because, for Afghanistan, the EU has had to negotiate 14 separate memoranda of understanding with individual Allies on protection of EU personnel; 'this is EU to individual nation not to NATO' (Interview 3, 2010). As with Kosovo, it is clear that all of this has implications for informal cooperation for those working on the ground, for the international staffs and for the political/strategic level personnel working within these conditions. Some of these implications are now outlined.

At a general level, the nature of cooperation being analysed is of two types. Between military security (NATO/ISAF), both in terms of NATO/ISAF providing actual 'in extremis' support to EUPOL through the PRTs as outlined above, but also cooperation on 'delivering the output in terms of better policing' (Interview 54, 2011). With regard to the latter, what has happened is 'a pretty sensible division of labour' between NTM-A - which does the more industrial training of police officers, particularly those that have to operate in particularly difficult areas - and the more paramilitary end of policing, mainly through the use of Gendarmerie and Carabinieri. EUPOL, on the other hand, is settled into training and advising on 'more conventional policing' and helping the Afghans with the 'institutional framework for policing', i.e. how they are directed and politically controlled (Interview 54, 2011).

This further raises division of labour and competition issues. This has been very central to NATO discussions for some time and is often debated in terms of 'burden sharing' within ISAF. However, the argument that the EU is providing more civilian capabilities as reciprocity for European Allies not performing the 'hard military duties' in Afghanistan is not one that is altogether accepted by actors at the political/strategic level. Or, as one official put it, 'look at Afghanistan, a few years ago

there were more Eastern European troops than American, but now it is about 70%+ American. And it is not like the EU is compensating by doing the civilian side of things, far from it, and you saw yesterday the French announcing a *massive* increase (interlocutor's sarcastic emphasis) of 80 trainers. This provokes derision in Washington' (Interview 3, 2010).

Of course, it is much harder to provide civilian personnel to operations, especially in areas where general security is as lacking as in Afghanistan. Furthermore, many contributing states do not have enough civilian capabilities for their own domestic benefit, let alone to send abroad. Therefore, how do you deploy people abroad when 'you do not even have enough for internal domestic purposes' (Interview 5, 2010)? This, combined with the fact that EUPOL is not the top priority for the EU, helps to explain the relatively light footprint of 300 plus personnel on the ground and why 'it has never been properly resourced' (Interview 54, 2011). It is also one of the reasons why there has been a certain amount of 'mission creep inside NATO' in the sense that, when the NTM-A was established in 2009, one of the key decisions was to actually include police training. This task would have been 'inconceivable' for NATO to operationalise three years ago, but 'to be perfectly blunt, those are the parts of the international community that could have delivered but have failed to do so'. There has been evolutionary pressure because it is quite clear that this needed to be done and, in the end, NATO took it on, 'realising that NATO might not necessarily be the ideal organisation to take it on'. NATO is now also thinking about whether it should provide some sort of support in Afghanistan 'to deliver broader rule of law functions'. But this is being driven by 'reality and not any kind of rational strategic discussion about where NATO stops and the EU begins' (Interview 5, 2010). The organisations are actually learning how to perform these tasks because they are undertaking them in the field.

Complications with the sharing of intelligence are also a central issue. As with Kosovo and CP, passing intelligence is highly restricted around the terms of reference regarding such matters as laid out when the Berlin Plus arrangements were negotiated. Material deemed classified cannot be shared at the 27-28 level as these operations do not come under Berlin Plus regulations. There is 'no framework to build cooperation' and this, in turn, means that 'it really is affecting the work there, even to the extent of putting people's lives at risk. An agreement would make the work a lot easier if it were institutionalised' (Interview 1, 2009a). This also has

implications for cooperation in terms of deconfliction because potentially both organisations could be ‘cutting across each other in terms of the work they are doing’ (Interview 16, 2010).

This raises the same question posed for the two previous case studies, namely why and how does cooperation exist if it is blocked at the political/strategic level? The answer is also the same as it is for Kosovo and CP. All of the EU and NATO member states (including Turkey and Cyprus), plus all the contributing nations to either EUPOL or NATO/ISAF, ‘are fully aware that both commanders of EUPOL and NATO/ISAF are working together in the field’ (Interview 5, 2010). They are aware that ‘EUPOL authorities meet ISAF authorities and that they are working as closely as possible without formal agreements’ (Interview 5, 2010).

As with Kosovo, all the empirical evidence gathered suggests that member states (including Turkey and Cyprus) ‘turn a blind eye’ to that cooperation as long as it exists below the political radar screens. A senior NATO official outlined this situation. ‘They (Turkey) are happy to make the point here (NATO HQ) at the strategic level, diplomatically, but then turn a blind eye in Afghanistan’ (Interview 3, 2010). Turkey ‘in particular is flexible enough to let commanders on the ground work practically and under the radar screen’ (Interview 5, 2010). Turkish interlocutors not only pointed out that they were aware of cooperation on the ground, but went on to state that EU-NATO cooperation is on even better terms than that between NATO and the UN. For example, ‘cooperation goes quite well in the field with EUPOL, which is, of course, a limited and very modest police mission in Afghanistan. At the day-to-day business level and at the staff level there is a lot of interaction with the EUPOL offices in Afghanistan and with ISAF. In addition, if you compare that with the UN, there is much more interaction between NATO and the EU’ (Interview 20, 2010).

This ‘blind eye’ approach was further espoused by Cypriot interlocutors. Because Afghanistan is much more hostile than Kosovo, for example, they are extremely aware of the tension that blocking cooperation on the ground could cause at the political level. ‘It is very difficult for the other member states because, when you have German soldiers being killed in Afghanistan, it is hard to then say to them, well because of the Cyprus/Turkey issue... because of this huge political issue your soldier dies’ (Interview 42, 2011). The following remark demonstrates the Cypriot approach in this area. ‘When it comes to cooperation in the theatre, when we have EU lives at risk, we are flexible. We kind of somehow turn a blind eye because we

don't want to keep causing problems. So there is this understanding' (Interview 42, 2011). Again, this comment shows there is evidence of norms or shared standards of behaviour developing.

It is also important to note the Committee of Contributors for both NATO/ISAF and EUPOL. One theme you repeatedly hear from NATO political/strategic staff is the lack of inclusiveness you get from the EU regarding decision making for non-EU contributors to their operations as compared to NATO's practices and norms. This is especially true with NATO/ISAF and the 20 non-NATO contributors to that operation. Turkey, as a member of NATO, is the most keen to raise this point. Of course, for both the EU and NATO, if you are not a full member then you cannot be a formal part of the decision making, but what Turkey wants is to be part of the EU 'decision shaping'. In the ISAF operation, there are some 48 contributing states 'discussing all the critical and classified information'. But this is not the case with the EU. Turkey is the 'largest third country contributor to CSDP operations' and yet, even there, Turkey does not feel it is 'part of the EU decision shaping' (Interview 20, 2010).

Other interlocutors also pointed to this difference in the CoC arrangements and the difference in approach taken by the individual organisations. A point Turkey will make is that NATO, in handling operations, has been 'amazingly open to non-member partners. We have 20 non-NATO partners. They are fully involved in all of our discussions as well as all of our negotiations'. Interviews showed that this, indeed, has become the norm. 'When we meet to talk about Afghanistan we meet at 48. But there is no equivalent treatment of the non-EU contributors by the EU and they have not grappled with this, this idea of equivalence in the treatment of contributors who are not members of your organisation' (Interview 3, 2010). Given this, it is important to highlight that there have been demonstrable incremental changes and some key pragmatic steps negotiated at the political/strategic level in order to enhance cooperation and effectiveness on the ground. In order to demonstrate this, four examples are given. Two are seen as positive pragmatic steps, while two are still areas of on-going debate and negotiation.

The two examples of positive pragmatic steps, both facilitated by the increased institutionalisation of cooperation beyond BP/AF, relate to the direct ability of NATO/ISAF to provide 'in extremis' support to EUPOL. Both of these examples have been negotiated and agreed during the course of the data collection for this



research. The first example is that of NATO/ISAF's Blue Force Tracker System.<sup>95</sup> Initially, 'EUPOL could not be included in NATO's Blue Force tracking system' (Interview 3, 2010). However, inclusion of EUPOL vehicles on the system has been achieved 'after more than a year's negotiation'. NATO only agreed for EUPOL vehicles to appear on the ISAF system 'and not for NATO vehicles to appear on the EU system' as a result of NATO's 'inability to pass classified information to the EU' (Interview 13, 2010).

The second example is the change in the Operations Plan (Op/Plan) agreed through the NAC. The NATO/ISAF Op/Plan was altered in order to 'allow ISAF to provide more support to EUPOL' (Interview 54, 2011); in other words, ISAF to EUPOL, rather than EUPOL to a range of nations as was the case prior to the change. According to a senior level member of the Danish Foreign Ministry, 'there has been a couple of incremental pragmatic steps that have been taken at a sort of non-political level to increase cooperation, one being the changing of the OP/PLAN in Afghanistan for ISAF. This allows them locally to negotiate security protection agreements with EUPOL to the reconstruction teams in ISAF' (Interview 38, 2011). The interlocutor also suggested that Turkey, in particular, sees this change in the Op/Plan as an example of a major concession. This was also noted by a Turkish senior member of their NATO delegation. 'We are looking for ways where we can let ISAF provide security for EUPOL so that EUPOL can really institutionalise itself in some remote parts out of Kabul. We are always showing flexibility on the ground with the hopes of some reciprocity in Brussels, but we never receive it' (Interview 20, 2010). Clearly, both the logic of calculation and of appropriateness is underpinning these incremental changes. Furthermore, this is much more than just militaries or operational personnel working in-theatre and learning how to deconflict or interact. There is also real evidence of learning how to calibrate these incremental changes with the various political red lines.

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<sup>95</sup> The Blue Force Tracking System is a 'vehicle-mounted system which allows all of the vehicles in a unit to see themselves and each other, to navigate regardless of conditions, and to communicate by text-based instant messaging. The command post has the same information in real-time and troops in the field or commanders can mark hazards like IEDs as they are found. It creates tremendous situational awareness while preventing friendly-fire casualties, and can be quickly swapped in and out of vehicles as needed'. Please see <http://www.globecommsystems.com/pdf/2009-01-Milsatcom-Scardino.pdf> (last accessed December 2013).

This is an example of an arduous negotiation which, in reality, 'has not really helped very much' (Interview 38, 2011). In interviews with Cypriot representatives, their argument was that 'actually in 2008 we suggested here [at the PSC] that EUPOL and ISAF should have tactical and technical arrangements for cooperation'. The interlocutor suggested it was Turkey that actually 'blocked' this proposal in the NAC initially (this could not be confirmed). The change in the Op/Plan was eventually agreed in December 2010 and it was 'hailed' as a success by the UK primarily. The Cypriot interlocutor made it clear that they 'had to remind everyone that actually their plan was a lot more aspiring but it was blocked' (Interview 42, 2011). Although this change is 'a small step forward', it is clear that these, seemingly, very practical forms of cooperation 'take ages' and are for 'human safety reasons only' (Interview 50, 2011).

The two examples of negative negotiations relate to the areas of 'Counter Improvised Explosive Devices' (CIEDs) and 'Medical Support'. With regard to both these issues, CIED information and intelligence has only been shared on an informal and local basis. Recent NATO non-papers (the product of joint work with the EUMS) on CIED and Medical Support were viewed by one nation with 'astonishment and disappointment' at the failure to 'respect their sensitivities and the Agreed Framework for NATO-EU activities' (EU-NATO Friction Document 2010). A French initiative to deploy a CIED 'Theatre Exploitation Laboratory' (a capability which, at the time of writing, is not currently available to ISAF) was objected to by one NATO Ally as it had 'been procured and funded by the European Defence Agency (EDA)' of which Cyprus is a member (EU-NATO Friction Document 'Interview 13', 2010). In other words, this objection was very closely related to the on-going Turkish failure to become a member of the EDA and their apprehension to recognise the state of Cyprus.

It is of value to discuss the future of Afghanistan vis-à-vis EU-NATO cooperation, as seen by those officials working at the political/strategic level, and the potential for any formal relationship to develop. Based on all of the interviews conducted at this level, and even those at the staff and operational level, never once was the possibility ever mentioned of having a formal EU relationship established for cooperation in Afghanistan. There are a few reasons for this. First and foremost, a resolution to the divided island of Cyprus is not expected by anyone any time soon (confirmed by many EU and NATO interviews). Therefore, overcoming the basic

'participation' problems of EU-NATO cooperation at the macro level is also unlikely. There have been no discussions to bring cooperation in Afghanistan under the Berlin Plus Agreed Framework, or to establish a formal framework of any kind.

Second, although a revamped civilian-military framework would be necessary for cooperation where the EU and NATO are operating in the same space, but performing different missions, clearly the current political situation means that developing a new agreed Framework that includes civ/mil modalities is being 'driven by reality and not any kind of rational strategic discussion about where NATO stops and the EU begins' (Interview 54, 2011). To date, EUPOL is having a hard time 'filling the civilian number for missions'. This means that an EUPOL with only 300 plus personnel is not enough to overcome the current political deadlock to negotiate a new framework for civ/mil cooperation (Interview 5, 2010).

#### *International staff Level*

Like the previous case studies, there are three distinct areas that need to be examined at this level of analysis: The NATO Sec/Gen and EU/HR relationship, the international staffs working in both organisations, and the office of the DSACEUR. This section will look at all three of these relationships in turn.

With regard to Javier Solana and the approach to cooperation over Afghanistan, his address to the 'Afghanistan Conference' (31 March 2009) is insightful. At this event, he noted the 'strategic importance' of a stable Afghanistan and that the EU had 'contributed to this process since the beginning'. He went on to define the EU role and future engagement in Afghanistan. In terms of the civ/mil approach to tackling Afghan development, Solana noted that 'solutions in Afghanistan will be political, not military' and he spoke of an EU approach that is 'comprehensive' in nature. He noted that (at that time) EU Member States also had 27,000 soldiers 'on the ground in the framework of Afghanistan' (Javier Solana address to Afghan Conference 31 March 2009). In this address, Solana tried to position EUPOL Afghanistan as '[T]he European Union's most visible engagement in the field of governance' (ibid). However, no attempt was offered to address the difficulties of cooperation through informal means. In a second press release document, the 'importance' of EUPOL is again outlined and Solana mentioned that 'EU Member

States are also providing half of NATO's ISAF troops' (Summary of remarks after Solana's visit to Afghanistan, 21 July 2009).<sup>96</sup>

With regard to pragmatic steps for better EU-NATO cooperation, Javier Solana had pushed for a change to the ISAF Op/Plan 'since EUPOL started in 2007', a process that was only finalised under the tenure of both Rasmussen and Baroness Ashton (Interview 38, 2011). NATO Sec/Gen de Hoop Scheffer was also helpful in pushing small pragmatic steps. One example was his advocating informal PSC-NAC meetings; however, when this format was no longer permitted, due to sensitivities by certain member states, it was a source of 'great frustration' and was one 'of the lowest points in [his] mandate' (Interview 40, 2011).

Both the Sec/Gen and the EUSR have stated on occasion that cooperation in Afghanistan 'needs to be stepped up'.<sup>97</sup> However, obvious differences in their approach to accomplishing this objective are noticeable. Over the last two years, there has been a 'real determined effort' on the part of the NATO SEC/Gen Rasmussen and the High Rep to increase cooperation between the two organisations (Interview 38, 2011). With regard to Baroness Ashton, one interlocutor spoke of her early experience with EU-NATO cooperation in Afghanistan in the following way: 'We invite Baroness Ashton to our meetings on Afghanistan and sometimes she comes. We had one last week in Istanbul with Defence Ministers and she didn't come, or she sends a representative but that representative doesn't talk. So although the EU has a seat at the table, they are not exactly consulting with NATO' (Interview 3, 2010). On 26 April 2010, the General Secretariat Press Office released a 'Background' document which contains a section on Afghanistan. It notes that:

The Council, in a joint session of foreign and defence ministers, will be briefed by the High Representative on the six-monthly report on the implementation of the Action Plan for Enhanced Engagement in Afghanistan and Pakistan. Ministers will then be joined by the Secretary-General of NATO, Anders Fogh

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<sup>96</sup> It should be noted that this percentage, although true at the time of the speech, is no longer accurate at the time of writing, whereby EU Member State contributions to NATO/ISAF are just under 25%.

<sup>97</sup> See <http://www.acus.org/natosource/rasmussen-and-ashton-discuss-bosnia-and-eu-nato-cooperation> (last accessed January 2014).

Rasmussen, for an **informal discussion** on military and civilian cooperation on policing, on EU-NATO cooperation in Afghanistan, including on training (Background, 26 April 2010 with Defence Ministers).<sup>98</sup>

Just a couple of months after this, as part of a press release congratulating the new Head of Mission for EUPOL, Ashton commented that EUPOL will 'seek even closer cooperation with NATO and its training mission'.<sup>99</sup> This remark was in obvious connection to the standing up of ISAF's NTM-A in Afghanistan.

A speech given by Ashton to the Commission on 15 December 2010 also demonstrates her awareness of the problems regarding EU-NATO cooperation and reveals her 'concrete and pragmatic' approach to the issue. In reporting back to the Commission on NATO's Lisbon Summit, she notes that Afghanistan is an 'important area of cooperation between the EU and NATO' and how she 'took the initiative of sending NATO a set of concrete measures to reinforce EU-NATO cooperation'. She goes on to discuss how both she and her NATO counterpart Rasmussen have received 'mandates' for 'reinforcing EU-NATO relations'. Finally, she mentions that EU Defence ministers 'warmly welcomed' progress in this area and she further cited 'helicopter availability, Counter Improvised Explosive Devices' and 'Medical Support' as examples of this cooperation, cooperation that has 'real operational consequences' for those serving in Afghanistan.<sup>100</sup>

Obvious differences in the two approaches are evident, however. Interviews revealed that Rasmussen's approach is 'more active and a bit blunter' (Interview 54, 2011). The Sec/Gen's answer to EU-NATO difficulties are centred on what is sometimes referred to as the 'Palma Package' (Interview 38, 2011).<sup>101</sup> In this approach, Rasmussen has made three clear suggestions to the EU to improve the

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<sup>98</sup> The full text of this document can be located here: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/113942.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/113942.pdf) (last accessed January 2014).

<sup>99</sup> The full text of this document can be located here: <http://www.eupol-afg.eu/dari/sites/default/files/Jukka%20Savolainen%20has%20been%20Appointed.pdf> (last accessed January 2014).

<sup>100</sup> For a full copy of the speech, see [http://europa.eu/rapid/press-release\\_SPEECH-10-759\\_en.htm?locale=en](http://europa.eu/rapid/press-release_SPEECH-10-759_en.htm?locale=en) (last accessed January 2014).

<sup>101</sup> Taken from the announcement by Ramussen at an informal meeting of EU Defence Ministers' meeting in Palma de Mallorca, Spain on 24 and 25 February 2010.

situation. In order to have better relations, the EU must 'make moves to accommodate some concerns of NATO Allies'. In order to do this, he suggests that (1) The EU should include non-EU military contributors to the CoC decision-making processes, like NATO does in ISAF for its contributors. (2) The EU should conclude a security agreement with Turkey, and (3) the EU should conclude an arrangement between Turkey and EDA. For NATO's part, he suggests that 'it should be accepted that Cyprus is actually a country that deserves a seat at the table'. He finished his remarks by stating 'I am not a diplomat so I put it bluntly, the question is how we get from here to there'. Further comments by a senior NATO official also testify to this analysis:<sup>102</sup>

Well, I am not sure that the Sec/Gen has done a naming and shaming approach. He just said he had a really clear vision about what should be done; which is about the security agreements and the association with the EDA. On the other hand, an acceptance by Turkey that occasionally NATO will meet with all 27 member states of the EU. That is basically the deal that he has been trying to strike for some time. So far we have not achieved that. I think there is a difference where the Sec/Gen maybe more active and maybe a bit blunter in his approach on this, but that is his style, it is not particularly a strategy (Interview 54, 2011).

Clearly, he has also put pressure on Turkey; for example, his visit to Ankara on 7 October 2010 in order to 'persuade Turkey to lift its veto on Greek Cyprus' possible role in European Union-NATO cooperation'.<sup>103</sup> On this visit, Afghanistan was also the main topic of discussion in Ankara (ibid). Furthermore, at a daily press briefing (15 September 2010), the Sec/Gen reiterated the basic goals of the 'Pelma Package', strengthening his basic belief that it is 'absurd that the EU and NATO operate

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<sup>102</sup> See: [http://tvnewsroom.consilium.europa.eu/story/index/page/532/story\\_id/50/media\\_id/33079/media\\_type/video](http://tvnewsroom.consilium.europa.eu/story/index/page/532/story_id/50/media_id/33079/media_type/video) (last accessed January 2014).

<sup>103</sup> Thursday, October 7, 2010 ANKARA - Hürriyet Daily News: <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=nato-chief-seeks-turkey8217s-consent-for-eu-nato-cooperation-2010-10-07> (last accessed January 2014).

together in the same theatres but have not been able to conclude security agreements' in order that both organisations can 'assist each other'.<sup>104</sup>

The analysis outlined in the section with regard to staff-to-staff contacts is, in many ways, similar to the analysis of Kosovo. However, further details are relevant to this particular case study. As stated above, staff-to-staff contacts are another key area of synergy while still keeping in mind their propensity for 'institutional fatigue' when fighting political sensitivities. The disorder and reconfiguring of key EU institutions in light of the Lisbon Treaty have made staff-to-staff contacts somewhat more challenging in terms of cross-coordinating at the appropriate levels. As one NATO senior member of staff revealed:

There is one area where, for me, things have gone backwards. I mean for my first two years here, we were able to meet up every six weeks or so at the staff-to-staff level with the EU and talk through how well things are going in Afghanistan. Or something on Kosovo or a residual issue on Bosnia. I mean, we were not able to do sort of formal strategic planning or reach decisions. But as a means of making sure, at least at the HQ level, that we knew what each other were doing it was really helpful. I have to say that, in the aftermath of the Lisbon Treaty, we have definitely gone backwards, and I think that what I perceive is continuing turmoil inside the EU as to who is doing what. I mean, it is very difficult for me to say now, who is it that I should talk to (Interview 54, 2011).

Added to this confusion are the difficulties that cooperation between military and civilian staff sometimes brings. Formulas like the 'Transatlantic Events' and the informal PSC-NAC meetings, for example, are 'still not done at the military level' (Interview 38, 2011). Therefore, this political blocking also directly impacts on attempts at informal staff-to-staff contacts at the military level. For example, 'they still can't even have joint trips between the MILREPS of the EU and NATO or away days together. Every time it is raised to a formal political level, even away days seem to be considered formal, then they are stopped' (Interview 38, 2011). However, one interlocutor was of the opinion that cooperation between military and civilian staff was good, but this was mainly 'on the ground' (Interview 23, 2010). Often, a certain

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<sup>104</sup> See <http://www.europolitics.info/sectorial-policies/rasmussen-seeks-to-break-deadlock-art264484-13.html> (last accessed January 2014).

amount of tribalism also seems to be evident with staff-to-staff contacts. For example, 'alongside all the productive informal cooperation, a corresponding number of people think they are doing the right thing by resisting NATO-EU cooperation. I suspect a natural tribalism instinct makes some people genuinely mistrust the other side' (Interview 14, 2010).

Again, it is clear that 'operational experience and reality', not the 'theoretical debates' at the staff level, are driving 'movement' between the two organisations; and 'in particular, by operational necessities on the ground in Afghanistan' (Interview 54, 2011). When asked how international staffs (working in Brussels) facilitate EUPOL's connection to the PRTs out in the Afghan provinces - as well as the technical arrangements that need to be implemented to permit this kind of cooperation - one answer was especially revealing: 'We would enable that cooperation, and if need be, provide protection. But it is done mainly by local command. I don't regard it as a majorly strategic issue' (Interview 54, 2011). So, while there is an attempt to institutionalise cooperation in-theatre, driven by those at the staff level in Brussels (precisely because they are aware of the problems that may arise if they try to resolve these issues in Brussels and closer to the political sensitivities), there are also examples of trying to institutionalise cooperation through other mechanisms. The best example of this is the attempts to 'codify' NATO/ISAF CoC meetings. However, it must be said the same has not been reciprocated at the EU level to the same degree as it has been in ISAF (Interview 54, 2011). The change in the Op/Plan for NATO/ISAF has also been agreed with the intended output of enhanced staff-to-staff level contacts and should 'certainly provide the opportunity for better liaison and dialogue'. Moreover, 'it has catalysed a fresh series of informal meetings between the CMPD/CPCC and SHAPE' (EU-NATO Friction document 2011).

A further sign of institutionalised informal cooperation can be observed through institutions where a strict interpretation of the BP/AF should exclude operations, such as Afghanistan (and Kosovo for that matter). The EU cell at SHAPE was 'established to assist in future Berlin Plus operations' (Interview 46, 2011); yet, interviews conducted show that when EU personnel 'get approached by SHAPE for involvement or connectivity' in Afghanistan, they do try to 'facilitate' cooperation, even if that is 'beyond their remit' (Interview 16, 2010). The involvement of the EU Cell in terms of facilitating cooperation in Afghanistan is further evidence of how the BP/AF is used as a reference point in operations that fall outside the formal



framework. A direct example of this can be seen in relation to the arduous negotiations over EUPOL's inclusion on the Blue Force Tracker system. Again, the EU Cell at SHAPE was instrumental and 'an awful lot of traffic was being facilitated and a lot of advances were made by virtue of the facilitation of the EU Cell' (Interview 16, 2010). Although both the EU Cell at SHAPE and the NATO liaison arrangements at EUMS were set up in 'preparation of EU operations having recourse to NATO assets and capabilities under Berlin Plus arrangements',<sup>105</sup> in reality both have become institutions that facilitate learning and informal cooperation between both the EU and NATO outside of the formal BP/AF context. In short, they are both learning how to facilitate informal cooperation in operations that collectively affect both organisations.

Finally, the role of the DSACEUR is fundamental to the facilitation of informal cooperation regarding Afghanistan, most notably through the role of 'Strategic Coordinator' detailed above. Again, much of what was outlined in the section with regard to Kosovo is also true for Afghanistan. However, there are specific examples of this facilitation in the context of EUPOL and NATO/ISAF cooperation. The research clearly shows that there are 'lots of practical examples of people in the front lines making things work'. However, it is the DSACEUR that has really 'pushed for practical cooperation'. As a member of the EU Cell at SHAPE put it, 'if the DSACEUR was not involved, it is very difficult to see where the impetus would have come from.' In other words, if you are waiting for the political pressure or political declarations to make things go ahead, 'well, they would not have gone ahead' (Interview 9, 2010). DSACEUR General McColl, in particular, was very 'frustrated' with the lack of agreements in Afghanistan. Cooperation is being driven by operational necessity on the ground and, therefore, incremental changes in the EU-NATO relationship are less affected by theoretical ideas and debates regarding EU-NATO divisions of labour.

However, a number of key 'friction points' still remain regarding cooperation in Afghanistan, all of which DSACEUR 'takes up' when he goes into theatre (Interview

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<sup>105</sup> Taken from the Document 'European Defence: NATO/EU Consultation, Planning and Operations' which can be found at the EEAS website: <http://consilium.europa.eu/uedocs/cmsUpload/78414%20-%20EU-NATO%20Consultation,%20Planning%20and%20Operations.pdf> (last accessed on 30/12/2013).

13, 2010). Some of these issues have been mentioned above: Blue Tracker, CIED, Medical. However, there is also the issue of transport into Afghanistan. If an EU Police Head of Mission needs to go to Afghanistan, they have to fly on NATO flights; however, due to chain of command issues, the EU Head of Mission is 'very low priority' and he may spend the day in the airport and not flying (Interview 4, 2010). According to interviews with the office of the DSACEUR:

DSACEUR goes to theatre, because he is the NATO strategic coordinator for the EU, he make a point of going to see EUPOL, to call on them and say what are your issues with Afghanistan, then he'll go see the Dept. Commander out there and say, right these are the issues with EUPOL and we need to try and work them out. DSACEUR will keep that dialogue going in a way that they probably can't because it's quite difficult for them.

And when EUPOL wanted to review their mission, CPCC (Mr Kees KLOMPENHOUWER) came here with his plan of instructions. DSACEUR then facilitated him getting into theatre and talking to the key personalities in-theatre, namely the NATO Training Mission (NTM-A). This way he could recast his method and review it and make sure there was proper complementarity between the NTM-A police mission and the EUPOL mission (Interview 13, 2010).

More than one official testified to the value the office of DSACEUR plays in mitigating the problems that occur while operating under an informal framework. From a NATO point of view, interlocutors observed problems within the EU with regard to getting their own departments to talk to each other, never mind to NATO. For example, a member of the DSACEUR's office noted that the 'CMPD came to talk to us about Afghanistan. It was us that suggested and insisted that they get the CPCC along as well, with the HQs that actually run the operation, because we suspected that the CMPD would not have invited them along. So it's really anything we can to get them to try and talk to each other and try to move things forward' (Interview 14, 2010).

### *Operational Level*

It is important to start this section with a clarification of the institutional complexity at the operational level within which the EU and NATO operate in Afghanistan.

Although, broadly speaking, Afghanistan is a case where both organisations are in the same mission space doing different types of operations - i.e. the EU is running a civilian operation and NATO is performing a military function - when one looks closer, the situation on the ground it is more complex. This dynamic makes this case study particularly interesting because, in many ways, it is a hybrid of both the counter-piracy case study and that of Kosovo.

The EU/EUPOL operation is easier to outline. Unlike EULEX, EUPOL is a rather small, non-executive civilian mission consisting of only 350 international staff and 200 local staff. The current EUPOL Head of Mission is Karl Ake Roghe (since August 2012) and previously Jukka Savolainen (from 15 July 2010). Yet, there are some similarities to EULEX. It is overwhelmingly focused on civilian policing but it also has 'arrangements that will ensure appropriate interaction with the wider criminal justice system under Afghan ownership'. It also takes the MMA approach whereby the mission 'monitors, mentors, advises and trains at the level of the Afghan Ministry of Interior' (EUPOL Afghanistan, 2012). The overall tasks and strategic objectives are outlined above and there is no need to restate them. However, NATO's presence in Afghanistan is somewhat more complex than that of KFOR in Kosovo and therefore needs some clarification.

NATO, in fact, operates under different configurations in Afghanistan. Firstly, there is ISAF, which provides the overall security in the theatre. This is NATO plus: the number of ISAF troops has grown from the initial 5,000 to more than 130,000 troops from 48 countries (at its peak), including all 28 NATO member nations (NATO/ISAF, 2012). There is the NATO Senior Civilian Representative (NATO SCR: currently Ambassador Maurits R. Jochems), who is the formal representative of NATO in Afghanistan. The role of the NATO SR is to work closely with ISAF and to provide a direct channel of communication between 'the theatre, NATO HQ in Brussels, and the North Atlantic Council, the Alliance's principal decision-making body' (NATO Website, 2012).

Then there is also COM-ISAF (currently General Joseph F. Dunford (USA)), who is also COM-US Forces.<sup>106</sup> Finally, there is the training mission (NTM-A), which is a large mission of more than 2000 people providing the recruitment, training and

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<sup>106</sup> Before General Dunford, there was General John R. Allen who replaced General David Petraeus before him.

equipment for the security forces. Lieutenant General Daniel P. Bolger (USA) assumed command of NTM-A in November 2011. Prior to Bolger assuming command, this post was held by Lieutenant. General William B. Caldwell.<sup>107 108</sup>

Therefore, there are three layers of NATO representatives in Afghanistan operating within a more complex and hostile environment to that of Kosovo, while at the same time a mixture of both civilian and military personnel. There are civilian, military (NATO Plus), and the training mission (which has a specific mandate). EUPOL has a relationship with all three of them. With NTM-A, the relationship is 'very formalised' through the institutional set-up that 'together' has been put in place (Interview 61, 2011). With ISAF, the relationship is based on a number of MOUs, the aspect of which will be explained in detail below. To sum up this institutional complexity in-theatre, there is a dynamic whereby the EU and NATO/ISAF are doing very different tasks, while cohabitating in the same area of operations. At the same time, we have EUPOL and NTM-A both in the specific area of police training. With respect to the latter, there exists a situation where both organisations are performing a similar function in the same mission space. This raises obvious questions of competition, overlap and redundancies with regard to the specific role of police training, as already noted.

What this case study demonstrates is that, although both organisations were aware of this potential for competition or duplicative efforts from the outset - and concerns were raised both within the individual organisations as well as between them – when the NTM-A operation stood up it became 'much clearer' with regard to which roles 'each mission should take and the coordination both at Brussels level, HQ level, and in-theatre was amazingly fruitful' (Interview 60, 2011). This could not have happened without a degree of learning and socialisation in-theatre between EUPOL and NTM-A/ISAF underpinning this incremental process. Therefore, this section of the case study mainly looks at cooperation between EUPOL and NTM-A, but this coordination/cooperation is placed within the much larger context of EU/EUPOL-NATO/ISAF relations with the latter providing general security within

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<sup>107</sup> The latest NTM-A Commander is Lieutenant General Ken Tovo (USA).

<sup>108</sup> As the Lieutenant, General William B. Caldwell was in command during most of the data-collecting period of this research, when reference to contacts between COM-NTM-A and HoM EUPOL are mentioned, it is mainly the Caldwell-Savolainen relationship to which these contacts refer.

Afghanistan, which fundamentally allows EUPOL to perform its own tasks in fulfilment of its mandate.

At the theatre level, in the first couple of months after NTM-A was established, there was a lot of 'dissonance' between the missions. It was not clear where EUPOL started and where it ended. This was also the case for NTM-A and, therefore, the division of labour between EUPOL and NTM-A was originally problematic, i.e. there was uncertainty for both organisations. After six months in-theatre (summer 2010), however, a 'number of discussions started taking place' with SHAPE being involved as well as NATO SCR, CPCC, and the PSC. This allowed for communication to take place between the EUPOL HoM and Com-NTM-A and quite a clear common understanding developed. Not only for the HoM and COM-NTM-A, but also from the 'institutional side'. It became clear that EUPOL had to be complementary to the other players and that EUPOL 'cannot be seen as a competitor' (Interview 61, 2011). Cooperation/coordination started with feelings of reluctance on both sides - 'NTM-A arriving with the idea that EUPOL was totally useless and not able to do anything' and on the EUPOL side the fear that 'a military organisation is coming in-theatre with huge means and potentially making us [EUPOL] irrelevant'. However, through different 'official and informal means', both organisations turned this around and were able to 'define much better the roles of each mission and organisation' (Interview 60, 2011). In other words, a substantial amount of norm development and shared standards in behaviour began to emerge and both EUPOL and NTM-A learned how to complement each other.

One key example of this was the Strategic International Afghan National Police (ANP) Development Symposium at the NATO Allied Joint Force Command Headquarters (JFC HQ) in Brunssum on 26-27 January 2011. This event led directly to the EU and NATO's ability to better define their respective roles. Representatives from NATO and non-NATO ISAF Troop Contributing Nations, United Nations, European Union, Afghanistan Government, ISAF Command Structure and other International key organisations all attended this symposium. A statement by the participants released at the end of this symposium stated that '[we] are promoting a continually improving unity of effort and a commitment to coordinate, collaborate and cooperate across all stakeholders' (the participants of the Strategic International ANP Development Symposium, 2011). This was a 'significant event', where the roles of each organisation were 'officially' announced and then internalised by the Afghans

and the internationals present. They were, therefore, 'really helpful' (Interview 60, 2011): 'it was a joint declaration at Brunssum, by JFC Brunssum together with EUPOL and NTM-A. It was not so much the EU or NATO announcing, but the missions [EUPOL & NTM-A] announcing this. What led to Brunssum was a lot of informal meetings and the desire to speak the same language' (Interview 60, 2011). The Senior Police Advisor to the Deputy Commander Police to NTM-A also commented that he believed Brunssum was a 'very positive step towards highlighting to the international community a new spirit of cooperation' and that it was essential in pushing towards 'improving unity of effort and a commitment of all stakeholders to collaborate and coordinate' (Shourie, 2011, p. 2).

Before turning to the framework and technical arrangements for how the two organisations coordinate/cooperate in-theatre and the various points of contact between the two missions, a few words regarding the geography and space in which both these organisations perform their tasks is appropriate. In the provinces, EUPOL is 'completely dependent' on PRTs for its compounds. Not financially dependent, but for 'supply and over all security'. In Kabul, things are slightly different; EUPOL has a separate standalone and quite large accommodation, office space and recreation space compound. It is 'independent' and has its own security company. It is not 'dependent on the military in any way shape or form other than any organisation would be dependent on the military if things went horribly wrong' (Interview 59, 2011).

Day-to-day compound security and movement security is carried out by EUPOL itself and, unlike EULEX in Kosovo, EUPOL does not occupy positions in the Afghan national police, nor does it have any authority in that position, i.e. it does not have an executive mandate. It is mentoring and training as well as the rule-of-law pillar that looks at human rights and gender. Alternatively, the NTM-A HQ is inside the ISAF HQ compound and, therefore, NTM-A 'are an aspect of ISAF' (Interview 59, 2011). In Kabul, EUPOL has its own private security company and its staff travel by their own means whereas, in the provinces, 'this is not the case' (Interview 60, 2011). Once again, this shows that EUPOL is clearly dependent on NATO/ISAF assets and capabilities in order to achieve its objectives.

The overriding feature of EU-NATO coordination/cooperation in Afghanistan is the fact that it is based on informal arrangements. The same document compiled and sent from the office of the DSACEUR helps to illustrate NATO/ISAF and EUPOL

cooperation; remembering that 'in ISAF there is no Memorandum of Understanding (MoU) between ISAF and EUPOL' and that 'EUPOL has had to enter into 14 bilateral arrangements with individual nations running PRTs on a bilateral EU to nation basis' (Interview 13, 2010). With this context in place, it is possible to outline the technical arrangements and the evolution of these arrangements negotiated at the operational level. The change in the Op/Plan outlined above further allowed for coordination/cooperation to progress in-theatre. The NATO/ISAF Op/Plan was altered in order to 'allow ISAF to provide more support to EUPOL' (Interview 54, 2011). In other words, ISAF to EUPOL rather than EUPOL to a range of nations, as was the case prior to the change.

There are now technical agreements, somewhat based on the model of Kosovo, between KFOR and EULEX. These refer to 'mutual support' - although, in reality, support would only come from ISAF, but it is still called 'mutual support'. This covers technical issues like C-IED, exchange of classified information, in extremis support; 'procedures to ensure that it is working when we need the support and also medevac and access to ISAF medical facilities. But yes, in extremis support for us [EUPOL] is the most important'. This is a 'significant improvement and a significant shift' (Interview 60, 2011). One official noted that 'until the ISAF Op-Plan was changed, we only had one general agreement, one MoU. But we are about to finalise a MoU specifically between ISAF-EUPOL with several annexes and it will be signed by the EUPOL HoM and the ISAF Chief of Staff (COS). What we are doing now is with ISAF and not with the PRT's/Lead Nations' (Interview 60, 2011). When the interlocutor was pressed on whether this new MoU was likely to be received with resistance or even blockage from the Brussels level, they reply was, 'now it is with the legal advisors who are checking the technicalities and so far there have not been any problems, we have not received any indication that they will block it because we have done everything we can to keep it at the theatre level and not the political/strategic level' (Interview 60, 2011).

A senior official supporting the HoM EUPOL also corroborated this point of view. When asked if there was pressure coming from Brussels for the mission to keep cooperation as quiet as possible, the response was, 'actually the opposite! Here in Afghanistan nothing works without ISAF/NATO. The EU would not be able to function or deliver without the support and the cooperation of NATO' (Interview 61, 2011). However, the official also pointed out that the change in the Op/Plan had not

really changed much at the local level dramatically and mentioned that NATO/ISAF 'are not here to be a supporter and enabler for EUPOL; they are here for their own mandate. Obviously, if EUPOL should not be able to fight off any would-be attackers on the compound, the Afghans would be called in, but obviously in parallel with ISAF/NATO' (Interview 61, 2011). Given this increasingly routine and institutionalised coordination at the operational level, it is also germane to outline the various levels of contact between the missions which facilitate this coordination/cooperation. The following section outlines some of these points of contact. As we saw in the Kosovo case, these institutional contacts have been increasingly systematised over time.

First, HoM-EUPOL (Jukka Savolainen) has 'eventually built up a relationship' with the COM NTM-A Lieutenant General William B. Caldwell from 2010 onwards. Contacts at this senior level are 'at least weekly', 'face-to-face' and/or 'a telephone meeting'. They attend 'jointly' many of the donor meetings or coordination events hosted by the Afghan Ministry of Interior (Interview 59, 2011). Contacts are also 'really frequent' between HoM-EUPOL and Deputy NTM-A Commander, probably every week or two weeks. At the level below this, it is every week or several times a week. There are also NTM-A Liaison Officers and ISAF Liaison Officers with some personnel claiming to have 'almost daily contact' (Interview 60, 2011).

Caldwell and Jukka Savolainen clearly understand where each other are coming from. This goes back to the Brunssum conferences, where they 'began to sing from the same hymn sheet and things visibly seemed to get better from there on' (Interview 59, 2011). When it comes to in-theatre contacts, there are a lot of lines between the key players and the different institutions. There are many lines you can connect between institutions and personalities, but it is not done with the formal AF and that is what is really missing (Interview 61, 2011). The official added, 'our colleagues at the Brussels staff level are less informed and less coordinated than we are at the theatre level' (Interview 61, 2011). An official at the EU's CPCC in Brussels also confirmed there were two 'informal PSC meetings' where the Com-NTMA was invited to 'give a briefing and to have a discussion'. One of these meetings was as recent as 'the end of October 2011'. When asked if the reciprocal meeting had ever taken place, i.e. an informal NAC meeting whereby HoM EUPOL attended, the answer was 'no, not that I know of' (Interview 60, 2011).

Similar to the case of counter-piracy (for example, SHADE), much of EU-NATO coordination and cooperation in Afghanistan is embedded within the context of large



donor meetings that include many of the key international actors involved in conjunction with the Afghan Ministry of the Interior. Therefore, besides the regular contacts between HoM EUPOL and COM-NTM-A, some of these regular donor meetings include: the Ministerial Development Board (MDB), the International Police Coordination Board (IPCB), the Senior Police Advisory Group (SPAG), the Institutional and Police Policy Development Board (IPPD), the International Advisory Council (IAC), and the Ministry of the Interior International Coordination Cell (MIIC). There are also NTM-A led meetings referred to as 'deep dives... where they really look into the details and the blockages and everything, and generally EUPOL would be involved in those at quite a high level' (Interview 59, 2011).

However, this embedding of EU-NATO personnel within these donor structures has led to a more 'formal type' of cooperation and coordination (although, obviously, without any agreed political framework) with a very 'sophisticated and complex' set of institutional steps put in place in-theatre, which ensures that coordination and planning is 'as efficient as it can be':

Ok, there is no unity of command on the macro level, but on the micro level we are doing all of this in a formal way. All of these bodies have been set up in a formal way with the agreement of the Afghan authorities, all the missions have signed up to this and we have full membership of these bodies, all of these bodies are formal bodies with formal decision taking powers. So all of the decisions that they take are later on implemented and have huge financial and political consequences. So we are talking about very formal settings in-theatre, we are not talking about informal cooperation here (Interview 61, 2011).

The IPPD is one good example of how a donor meeting contributes to this less 'politically visible' sort of coordination/cooperation. The process itself is led by the Afghans and, because it is Afghan-led, that allows 'both NTM-A and EUPOL to support it without it looking like one is sitting in the pocket of the other'. One has a level of consensus because one is operating on 'neutral ground' and, therefore, within that construct 'we are developing policies that allow us to divide up what we are doing' (Interview 62, 2011).

Of course, because coordination and cooperation is informal, at least at the macro level, processes are still very dependent on relationships and personalities.

Furthermore, because this refers to both civilian and military personnel trying to coordinate and cooperate, performing both related and dissimilar tasks in a shared area of operations, different cultures, tribalism and operating procedures can come into sharp relief; or, as one official put it, 'I mean it was perfectly pleasant at the individual relationship level, but you would always know that, as a member of EUPOL, you were sort of viewed as not delivering and a bit haphazard; you were not military so you had holidays and that sort of things that soldiers don't have' (Interview 59, 2011).

These misunderstandings or fractures due to different operating procedures or personalities are often felt the most during periods of rotation, especially at the HoM or COM level. Often, when there is a changeover in staff, there are people who come in and say, 'this is a new regime, it will be this way and we are going to do things right now'; but it is only after the new member of staff makes two or three mistakes do they realise they have to start talking to people that have been there for some time (Interview 59, 2011, Interview 61, 2011). However, it was also suggested that this dynamic 'was not a symptom of NTM-A-EUPOL difficulty' per se, but rather 'a symptom of anywhere that it is difficult to operate with different procedures and terms and conditions' (Interview 59, 2011).

After comprehensively outlining the EU-NATO relationship within the context of Afghanistan, the final section of this chapter can now turn to summarising the empirical conclusions.

## **Conclusion**

After investigating the EU-NATO relationship in three different case studies, there can be no doubt that these two organisations cooperate extensively beyond the formal BP/AF context and in operations where cooperation should be ruled out due to the limitations imposed by political obstructionism. In fact, it is now obvious that the EU and NATO cooperate and interact more outside of the BP/AF than they do within the context of ALTHEA. This begs the question of exactly where would the EU-NATO relationship be today, especially at the operational level, if there were no missions in CP, Kosovo or Afghanistan. The relationship remains problematic, of this there is little doubt; but, if there were no operations to drive this incremental change

at the micro level, the relationship would almost certainly be even worse. At the same time, the more these informal processes at the micro level lead to sufficient workarounds of the BP/AF to allow cooperation to progress in-theatre, the less the need to reform the broad strategic relationship. Clearly, the political will is still not there to find a grand bargain that would result in a true EU-NATO strategic partnership. Paradoxically, although the EU-NATO relationship has become increasingly systematised at the international staff level, and especially the operational level, this has only reinforced the stasis at the macro/political level.

The case of EU-NATO cooperation in Afghanistan has provided clear evidence of incremental change in the relationship. Interestingly, however, resistance at the political level to these processes has been more pronounced with regard to Afghanistan than was observed in the other two cases. Understanding exactly why this is the case was beyond the objectives of this thesis; but the fact that the NATO mission dwarfed the EUPOL mission in size and publicity, as compared to the relative parity between the missions in the other two case studies, seems to have played a part. In other words, when it comes to Afghanistan, NATO is clearly in the driver's seat and this gives those Alliance member states, which have obstructionist tendencies vis-à-vis EU-NATO relations, more leverage. That being said, this case study provided evidence of flexibility as well. Even the most obstructionist political actors understand that the general public would not accept lives to be at risk or casualties directly perceived as attributable to EU-NATO friction over matters exogenous to the mission in Afghanistan. Therefore, the answer was to turn a blind eye to much of the increasingly systematised cooperation on the ground; this occurred to such an extent that many of the interlocutors interviewed went as far as to call this in-theatre cooperation 'formal'. What the Afghanistan case study has demonstrated, as well as the prior two cases, is that an understanding has developed between the political level and the international/operational levels as to what the former will condone in the way of cooperation beyond a strict interpretation of the BP/AF and what it will not.

The incremental changes in the relationship have been uneven and this case study was the best example of that irregularity. Although there were positive steps towards cooperation in order to allow NATO/ISAF to provide in extremis support to EUPOL - most notably with the Blue Tracker System and the change to the Operations Plan - there were also problematic negotiations over cooperation.

Examples of the latter were the protracted struggles over CIED and providing medical support. In the case of Afghanistan, once again technical arrangements had to be drawn up in the field. However, 14 separate MoUs were needed and even these were EUPOL to PRTs and not between EUPOL and NATO specifically. Furthermore, there were no informal NAC-PSC meetings or informal MILREP meetings by which to engage in strategic dialogue, although cooperation at the international staff level was demonstrated; for example, informal meetings between EUMS and SHAPE staff as well EUMS staff and NATO International Military staff.

This case study also offered evidence of *sui generis* EU-NATO cooperation. This chapter documented relationships between EUPOL and the PRTs (and eventually a MoU between EUPOL and ISAF providing 'mutual support'), civilian and military relationships in the guise of NATO/ISAF and EUPOL, and between military policing functions and civilian policing elements (NTM-A and EUPOL). The complexity these different components offered made this case study a unique insight into the relationship beyond the BP/AF and clearly the EU would not be able to function in Afghanistan without NATO/ISAF. Some interlocutors even suggested that the creation of NTM-A was only necessary because the EU was not really living up to its international duties in Afghanistan. Therefore, NATO had to provide a police mission, even if it is not really the best organisation for this type of civilian function.

Beyond the mere fact that the EU is dependent on NATO assets and capabilities to perform its EUPOL duties, this case study also demonstrated that the formal BP/AF institutional linkages are utilised to facilitate informal EU-NATO cooperation, most notably, through the DACAEUR, EU Cell and NATO Liaisons to the EUMS. For example, the EU Cell, a body that was created for future Berlin Plus scenarios, has been heavily involved in facilitating EU-NATO cooperation regarding Afghanistan. Most significant of all is the position of the DSACEUR as 'strategic Coordinator' (created under the BP/AF) when it comes to driving cooperation in this regard.

Many of the docking mechanisms created as part of the BP/AF are utilised to facilitate informal cooperation, while others have been created in-theatre but with the acquiescence of actors at the political level. As with CP and Kosovo, when it comes to Afghanistan a great deal of cooperation is necessary to allow both organisations to perform their tasks - although, in this case, the EU is much more dependent on NATO than it was in the other two case studies. The Afghanistan case has demonstrated once again that, where formal cooperation has been ruled out,

informal cooperation is not only evident but it has been increasingly institutionalised and systematised on the ground. Again, this development of ‘shared standards of behaviour’ have overwhelmingly been aimed towards finding creative solutions and alternative strategies in order to circumvent the BP/AF at the micro and operational level and not aimed at replacing the BP/AF at the political level. This has further led to processes of incremental change, facilitated by learning and socialisation, while not replacing the macro level framework between the two organisations.

As with the two prior case studies, clear patterns of the institutionalisation of informal cooperation have been demonstrated. The most obvious examples of this with regard to all three levels of analysis are listed in the table below (see Table 6.1 below). As with the prior two case studies, the most systematised cooperation takes part in-theatre, once again confirming that the hierarchical/spatial element is ultimately bound up with the developments of learning and interaction. Therefore, this case study provides evidence that actors working in both organisations have had to learn, over time, ways to overcome the restrictions of the BP/AF and, in order to do that, a degree of interaction was essential. This case study has confirmed (as have the prior two) that simple learning is more pervasive as information is utilised to alter strategies (circumventing the BP/AF at the micro level), but not preferences (retaining the BP/AF at the macro level). The same is true with socialisation. Social interaction between EU and NATO actors at all three levels of analysis (political/strategic, international staff and operational) impacted on common attitudes towards cooperation outside the BP/AF context with regard to Afghanistan. However, interaction was clearly more associated with ‘strategic calculation’ rather than ‘role playing’ or normative suasion, as behaviour was aimed at altering strategies (circumventing the BP/AF at the micro level) but not preferences (retaining the BP/AF at the macro level).

Table 6.1:

Observed Institutionalisation for Afghanistan	(Systematised or Informal)
Enhanced Operations Plan	Systematised
PSC & Com-NTM-A Meetings	Semi-Systematised
Bi-lateral Sec/Gen & HR Meetings	Semi-Systematised
HR & NATO Defence Ministers Meetings	Semi-Systematised
Sec/Gen Invited to the Council	Semi-Systematised
DSACEUR-CMPD/CPCC/EUMS/DG-EUMS Meetings	Semi-Systematised

NATO HQ or SHAPE & CMPD or CPCC Meetings	Semi-Systematised
EU Cell Facilitating Cooperation	Semi-Systematised
SIANP Development Symposium (at JFC Brunssum)	One Occurrence
Afghanistan in-theatre	
- HoM EUPOL & COM NTM-A meetings	Systematised
- Liaison Officer meetings	Systematised
Donor Meetings	Systematised
- MDB meetings	Systematised
- IPCB meetings	Systematised
- IPPD meetings	Systematised
- IAC Meetings	Systematised
- MIIC Meetings	Systematised
- Deep Dives	Systematised

Table 6.2:

Key Findings for Afghanistan
EU dependent on NATO assets and capabilities
Technical Arrangements Drawn up in-theater
14 Separate MOUs (originally no ISAF-EUPOL Agreement)
Multiple Layers of organizational cooperation (NATO/ISAF/NTM-A & EUPOL EU)
More flexible rules on sharing information
Change to Blue Tracker
Change to Operations Plan
HR Invited to NATO Defence Ministers Meetings
No inclusive MilRep Meetings
No Informal NAC-PSC meetings to Discuss Afghanistan
Com NTM-A Briefs Informal PSC meetings
Transatlantic Dinners
Helicopters/CEID/Medical Support
DSACEUR as Strategic Coordinator
MOU Agreed EUPOL to ISAF (not PRTs)
Document of Mutual Support
Increased institutionalisation cooperation at operational level (even referred to as formal on the ground)
Common military cultures and levels of professionalism

This case study investigated the EU-NATO relationship in Afghanistan, both at the macro and the micro level. The primary aim of this chapter was to investigate for evidence of EU-NATO cooperation despite the political blockage that should exclude any cooperation. Second, it investigated how such cooperation has evolved as well as the nature and form of any such cooperation. Finally, it investigated to what extent

the BP/AF remains the normative and institutional context for cooperation since 2004.

Once again, the BP/F remains locked-in and path dependent on the sequencing of events and the initial formal structures, rules and operating procedures that practitioners at all three levels of cooperation should comply with since 2003. With regard to Afghanistan, the static BP/AF limits the ability of the EU and NATO to carry out broader functions of cooperation and to engage in strategic dialogue at the formal political level. However, the empirical evidence suggests that cooperation at the operational level has progressed incrementally, albeit unevenly. The fact that the EUPOL mission is relatively small compared to NATO's presence means that increasingly institutionalised informal and operational cooperation has been achievable. This has meant that the status quo at the political/strategic level has remained unaltered. As with the previous case studies, as long as lower-level agreements and technical arrangements can be agreed spatially away from the politically sensitive centre (Brussels) to the local level (in-theatre), the Agreed Framework will not be renegotiated at the macro-level.

The empirical case studies have now all been completed. It is therefore time to turn to the final chapter which will address the key empirical and theoretical findings of the thesis as a whole. This final chapter will also offer some thoughts on a way forward for the EU-NATO relationship and offer some views on how to diminish the current impediments to cooperation.

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## Chapter Seven

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### The Institutionalisation of Informal Cooperation

#### Empirical and Theoretical Conclusions

*We see ambiguity as a more permanent feature, even where rules are formalised. Actors with divergent interests will contest the openings this ambiguity provides because matters of interpretation and implementation can have profound consequences for resource allocations and substantive outcomes. (Mahoney and Thelen, 2009)*

#### Introduction

This chapter will illustrate the findings of the analysis, with specific attention given to how the empirical research of the three case studies impacts on the theoretical approach underpinning the work. The key empirical findings from the case studies will be extrapolated in order to illuminate a more complete picture of EU-NATO cooperation. The overall conclusions demonstrate that a focus on incremental change, as well as the path-dependent nature of the formal Agreed Framework, leads to a more complete understanding of how these two organisations cooperate. Furthermore, the traditional HI assumptions of institutional persistence were not enough to fully explain the EU-NATO relationship in its entirety.

Once the empirical conclusions are reiterated and fully considered for all three of the case studies, the chapter will then comment on the broad theoretical conclusions, especially those relating to the evolutionary aspects of the EU-NATO relationship. This is necessary to establish that the traditional assumptions of HI are indeed insufficient to explain the persistence of EU-NATO cooperation at the macro level, as well as the evolutionary change that has transpired at the micro level. Once this is completed, the chapter ends by offering some thoughts on the future of EU-NATO relations.



The fundamental objective of this thesis was to elucidate the EU-NATO relationship comprehensively and to unpack the discrepancies between the rhetoric and reality of this relationship, both in terms of its historical institutional development and the practical cooperation between these two organisations on the ground and in common operational areas. To be clear, the relationship was the focus of the thesis in order to more fully comprehend how the EU-NATO relationship *really* works, both in formal/informal apparatus and formal/informal practice.

The first chapter of this thesis made clear that the investigation would be concerned with the EU-NATO relationship in a holistic sense; that this investigation would consider the EU-NATO relationship to be itself an institution as well as a subset of separate EU and NATO institutions and collections of bureaucracies. The chapter established the significance of the subject matter under investigation and presented the general research puzzle and research questions. Chapter One also presented both the analytical and empirical focus, the methodology and case selection criteria before finally outlining the structure of the thesis.

Chapter Two established that there is rhetoric calling for a 'strategic partnership' on the one hand, and a problematic and inefficient set of formal mechanisms (BP/AF) that should be facilitating this partnership but are, in fact, limiting cooperation between the two organisations. Chapter Two set the baseline of the BP/AF to be carried forward into the case studies. It showed that Berlin Plus was deemed by practitioners at all three levels to be the appropriate form of cooperation. It also demonstrated that Berlin Plus, as an instrument of EU-NATO cooperation, was a success in two operations; that it is still active with regard to ALTHEA, albeit with some pronounced friction points.

The other main contribution of this chapter was to demonstrate the process that established Berlin Plus and the Agreed Framework for cooperation. Berlin Plus was directly modelled on the Berlin NAC decisions of 1994 and, most obviously, 1996 which called for 'the use of separable but not separate military capabilities in operations led by the WEU' (The North Atlantic Council, 1996c).

Most significant to note, in terms of sequencing, is that these institutional arrangements were worked out before Cyprus (still as a divided island) joined the EU after the Greek Cypriots rejected the referendum concerning the northern Turkish part of the Island. Chapter Two demonstrated that, since the EU enlargement of 2004, formal EU-NATO meetings have been discontinued outside of Operation

ALTHEA. With regard to the NAC-PSC, since 2004, ALTHEA is the only agreed agenda subject that can be discussed without the presence of Cyprus (Yost, 2007, p. 93). In this way, the acceptance of Cyprus into the EU as a divided island can be seen as an unintended consequences for the EU-NATO relationship.

This chapter also outlined the development of a series of central tools that facilitate EU-NATO cooperation. These central tools, which were developed in the formal phases of EU-NATO cooperation, have been demonstrated in the subsequent case studies to be relevant to cooperation when Berlin Plus has not been agreed for a particular operation but when the EU and NATO may want to communicate and cooperate.

To sum up, Chapter Two set the following criteria as the baseline of this investigation: (1) there is established rhetoric for positive EU-NATO cooperation, (2) that institutions were created to formally operationalise and facilitate cooperation, and (3) the Berlin Plus, specifically, is the mechanism that uses these institutions together with the offer of EU access to NATO's assets and capabilities to establish what is commonly known as the Agreed Framework (with the caveats built into the security of information agreement). These, in other words, are the (4) formal structures, rules and operating procedures that practitioners at all three levels of cooperation should comply with. Finally, (5) this chapter demonstrated a Berlin Plus, both of a last resort but also with a deeply symbolic value internalised by actors at all three levels of EU-NATO cooperation. However, the combination of the established rhetoric and the Agreed Framework means that all of the above should only be used to discuss and conduct ALTHEA and no more. The subsequent chapters investigated for EU-NATO cooperation in areas where cooperation should be ruled out. But before the empirical investigation could be pursued, the analytical framework had to be established.

As demonstrated in Chapter Three, the approach allowed for an investigation utilising the traditional assumptions of historical institutionalism (path dependency, punctuated equilibrium and critical junctures) to show that the BP/AF baseline for cooperation is indeed static, path dependent and constrained by a sequence of decisions taken during the early years of EU-NATO cooperation. These decisions and sequences locked in certain processes from the outset while, at the same time, they reduced the likely options for switching paths. Yet, while equilibrium has transpired with regard to the relationship at the macro level, the approach of the

thesis has also allowed for a deeper understanding of the incremental changes that have emerged within the equilibrium or general stasis of the relationship. In this regard, it has investigated and demonstrated the incremental changes that have, in fact, reinforced the current static formal political and strategic relationship.

This is not to say that other ways of framing the study were not possible. However, it has been argued that, by combining a temporal/historical approach (HI) with a hierarchical/spatial investigation (three levels of investigation), not only has a deeper understanding of the EU-NATO relationship been uncovered than currently exists in the literature, but it has also allowed for a narrative to emerge based on incremental change, facilitated by both learning and socialisation, which accounts for both stasis and change.

Clearly, Berlin Plus is the central mechanism of the Agreed Framework. However, this study has endeavoured to go well beyond the limitations of an analysis solely focusing on this set of arrangements. In order to more fully understand the relationship in its entirety (and not only at the broadest political levels that make up so much of the research in this area to date), this thesis has shed light on cooperation at the micro level. This lacuna in the literature has been reduced by looking at the relationship in action through three case studies, each demonstrating a unique component of EU-NATO cooperation.

However, before summarising the key findings of the case studies, first let us remind ourselves of the central empirical puzzles that this thesis set out to investigate. Why are the formal mechanisms of EU-NATO cooperation (BP/AF) becoming static, but cooperation is continuing? Within a context where formal cooperation is ruled out, what kind of cooperation is emerging? Is the static BP/AF indeed the entire picture, or could there be elements of incremental change taking place within a broader understanding of EU-NATO relations. In other words, is there an adaptive, interactive, and interdependent evolutionary process between individuals, micro-level institutions, and the organisations as a whole going on below the surface of the seemingly stagnant formal and Agreed Framework. If so, what are the conditions for the growth of cooperation outside the BP/AF? Finally, if there are processes of evolutionary change in EU-NATO relations at the operational level, then what impact does this have on the EU-NATO strategic relationship and the static BP/AF?

The central research questions generated to investigate this general puzzle were then following:

1. Is there any evidence of EU-NATO cooperation outside the BP/AF context, despite the political blockage that *prima facie* should exclude such cooperation?
2. If such cooperation can be established, how has cooperation evolved since the BP/AF macro level stasis established in 2004?
3. To what extent is BP/AF the normative and institutional context for any cooperation since stasis was established?

## **Empirical Conclusions**

### *The Case Studies*

Chapters Four to Six contained the three case studies under investigation. The CP case study demonstrated that, although the EU-NATO relationship and cooperation towards countering piracy is not formally agreed or operationalised through Berlin Plus, rhetoric for a positive relationship does exist. Importantly, and as Javier Solana stated in 2009, it has to be a more 'flexible framework' without the formal structures to support it. Both organisations have publicly stated their intention to work as closely as possible 'with all actors involved', and with specific reference to 'exchange of information'. This contradictory force of failing to agree a formal relationship, combined with the rhetoric to promote a 'strategic partnership', has resulted in increased informality of relations and a pushing of cooperation spatially towards relationships between the two sets of international staffs working in Brussels, especially at the operational level.

This case study demonstrated that, although Berlin Plus is not the formal structure for EU-NATO cooperation in counter-piracy (in terms of formal institutional structures and the EU officially having access to NATO assets and capabilities), what does apply is the essence of Berlin Plus, i.e. the EU borrowed NATO assets and capabilities unofficially when the EU was initially trying to stand up ATALANTA. The EU did not possess a Standing Naval Maritime Group and, therefore, essentially

borrowed NATO's assets and capabilities until such time as it was ready to launch ATALANTA.

The CP case study showed that Berlin Plus was never really even considered as an option for conducting an EU-led operation with formal recourse to NATO assets and capabilities due to the political deadlock surrounding the Agreed Framework. However, no enhanced mechanism to replace Berlin Plus was negotiated or adopted, which suggests that 'expected ways of thinking, feeling and acting' (Johnstone 2001, p. 494) have been internalised across all three levels of analysis. Berlin Plus is no longer deemed a possibility for conducting new operations and this reality has been internalised by actors working at all three levels of analysis. This has further increased informality of relations and pushed cooperation spatially away from the political/strategic level; instead, it has pushed it towards increasingly institutionalised relationships between the two sets of international staffs working in Brussels and at the operational level, again both in Northwood and at sea. The most striking example of 'flexibility' towards informality was the decision to establish both the NATO Ocean Shield and EU ATALANTA OHQs within the UK's Northwood Permanent Joint Headquarters. This would also seem to suggest that at least a modicum of institutional learning transpired.

The case of CP demonstrated that learning to cooperate outside the BP/AF context is clearly developing, but it is overwhelmingly simple in nature. In other words, it is not learning that is ultimately aimed at renegotiating the EU-NATO relationship at the macro level or replacing the BP/AF as the formal framework of the EU-NATO relationship. Furthermore, much of these learning processes are only experienced by individuals. However, occasionally there has been evidence of simple organisational learning as well. For example, when the political actors collectively overlook some of these transgressions, or even agree minor changes to the rules, as was the case when the PSC decided to slightly change the sharing of information agreement.

The informal relationship is based on distinct processes of incremental change in the EU-NATO relationship. First, it is obvious that the more cooperation is hidden or subsumed within an international effort, the easier it is for the more obstructionist political actors to allow informal cooperation at the two other lower levels of analysis, the use of SHADE being the most striking example of this. Second, the unique role that Northwood has to play as a 'fusion centre' for the informal cooperation of EU

and NATO staff has given a tremendous advantage in the face of political obstruction. This case study has demonstrated that there have been very deliberate attempts to institutionalise informal cooperation, most obviously at Northwood, driven by operational staff testing the boundaries of the political 'red lines' when it comes to the sharing of sensitive information.

The findings did not show that this led to the systemisation of intelligence sharing. However, a 'unity of effort' is discernible from the data and this effort is intended to supplement the obvious lack of a formal 'unity of command'. This suggests that a shift from a logic of consequence to a logic of appropriateness has taken place. What is less clear is whether a level of normative suasion, i.e. a 'reflective internalisation' on the 'intrinsic value' of these norms, was reached. Finally, none of this would have been possible had the actors involved not been interacting constantly and working within common military and operating cultures; this is even more evident in this case study due to a long history of maritime cooperation at sea between the 21 coinciding members of the EU and NATO, as well as those who are only members of one of the organisations. Not only is this a case of different organisations using the same set of forces due to a high degree of membership overlap, but it has also shown that Operational Commanders have even been rotated from NATO into ATALANTA and back to NATO, demonstrating high levels of socialisation.

Clearly, many of the institutions and established links of operational contact established in the formal operations and through the Agreed Framework are used, albeit informally, for EU-NATO cooperation with regard to counter-piracy. There have been informal attempts at the NAC and PSC levels (although with much less success) to discuss on-going counter-piracy operations. With regard to the increasing institutionalisation of informal cooperation at the two lower levels of analysis, the usual obstructionist political actors have used, to a certain extent, a 'blind eye' approach to allow this informal relationship to develop, further indicating that a logic of appropriateness is present.

This chapter has also established the existence of contact at the S/G and H/R levels (regardless of the personality in the post), as well as other senior level staff at both the EU and at NATO, having informal meetings to discuss operations in this area. It has also shown that the creation of the DSACEUR as the EU-NATO 'strategic coordinator' developed under Berlin Plus has led to an informal relationship

between that office and various institutions within the EU, one where the 'real business' is being done, for both formal Berlin Plus and informal non-Berlin Plus operations. As noted above, some have even gone as far as to say that the relationship between the office of the DASACEUR and that of CMPD, as well as other CSDP institutions, is vital to overcoming the EU-NATO stasis at the political/strategic level. It is, therefore, argued that there is both evidence of the logic of consequence and appropriateness present when it comes to the incremental changes in the relationship, as well as a lack of compliance to a strict interpretation of the AF within this case study.

Both the cases of Kosovo and Afghanistan further demonstrated that there is rhetoric for EU-NATO cooperation and a strategic partnership. With regard to Kosovo, this rhetoric is present in the legal/strategic documents that underpin both KFOR and EULEX; it is also present in other primary source documentation, as well as from the interviews conducted for these two case studies. These documents speak of 'close coordination', 'close' working relationships and even the release of 'classified information and documents up to the level of confidential'. However, due to the political impasse and the resulting deadlock that has been institutionalised and internalised at all three levels of cooperation, the only way to achieve any structured cooperation was to have 'local technical arrangements' drawn up in the field as no formal institutional links were achieved in Brussels, or anywhere at the political/strategic level for that matter. Once again, a precedence was found in the formal operation of ALTHEA.

However, having Kosovo (and now Serbia, at least with regard to the EU) as part of a common 'Concerted Approach for the Western Balkans', as well as prior experience of EU-NATO formal cooperation in the region (CONCORDIA/ALTHEA) has meant that a modest degree of informal strategic institutional links was also established, however briefly. This is demonstrated mostly by the holding of an informal NAC-PSC meeting in February 2007 which had all EU and NATO (Turkey and Cyprus included) members discussing the topic of Kosovo informally. This has still not been achieved for Afghanistan, although the Transatlantic Events have facilitated discussion on this issue to some degree. This clearly shows that a logic of consequence is still the overriding logic at the macro level as these informal meetings have not been systematised. However, the fact that these informal political linkages were attempted does suggest that, at least to some degree, a logic of

appropriateness is also present in the relationship. At all three levels, there was evidence of norms and shared standards of behaviour being developed.

In the public record, there is also rhetoric for cooperation concerning Afghanistan. Much of the language used to describe the EU-NATO relationship in this case is very similar to that of Kosovo. Yet, like Kosovo, the relationship was again only underpinned by 'local technical arrangements' that had to be drawn up in the field. In the case of Afghanistan, this comprised not even two mirror documents but 14 separate MOUs between EUPOL and the individual PRTs, and not NATO/ISAF as a whole. As this case study has shown, this has incrementally progressed over the last few years leading to modest incremental change in the relationship, even if a substantial change to the formal relationship is still lacking.

This rhetoric was also present in both case studies at the international staff level. Most discernible are the increased references to the lack of cooperation by both the offices of the EU's HR and the NATO Sec/Gen, as well as quotes emanating from these offices such as the two organisations need to 'talk more together', 'do more together' and that coordination concerning Kosovo and Afghanistan 'needs to be stepped up'. This was also demonstrated by the increased institutionalisation of staff-to-staff meetings concerning Kosovo and Afghanistan.

Finally, it cannot be denied that the different operational priorities of both the EU and NATO effect the relationship in both Kosovo and Afghanistan. As it happens, Kosovo and the EULEX mission is the EU's first priority CSDP mission currently on-going (although ATALANTA is also highly prioritised) and the same is true for Afghanistan and NATO. Furthermore, the fact that Kosovo is relatively calm (as compared to Afghanistan) and that the EU's EUPOL mission is relatively small (as compared to EULEX), means that a formal agreement was not necessary to cooperate and/or deconflict (to a degree) in-theatre. In other words, informal cooperation works well enough spatially away from the strategic linkages not to force a dramatic change in the Agreed Framework at this level; thus, the status quo remains, albeit with minor incremental changes, in the day-to-day workings of the relationship at the meso and micro levels.

Once again, in both of these case studies, neither were formal Berlin Plus operations, nor was cooperation formally structured through some re-writing of the Berlin Plus mechanism to fit civilian/military cooperation. This, in turn, led to limitations in the EU-NATO relationship concerning cooperation in both the Kosovo



and Afghanistan case studies. First and foremost, formal institutional settings were not clearly established to facilitate strategic dialogue on cooperation or strategy between the two organisations that could lead to substantial formal changes at the macro level. This was somewhat mitigated by one informal NAC-PSC meeting in February 2007 set up to discuss matters relating to Kosovo, again suggesting a modest turn towards a logic of appropriateness. However, this was far from institutionalised as it was a one-off event with regard to Kosovo and, therefore, a logic of consequence seems to prevail. In this way, formal NAC-PSC meetings to discuss any matters outside of ALTHEA are rare and path-dependent/locked-in to the Agreed Framework, as previously discussed. However, moves to have at least a modest amount of informal cooperation through these formal NAC-PSC institutions, 'below the radar' and 'off the record', do establish a degree of evolutionary change within the confines of the path-dependant and post-2004 static/locked-in EU-NATO relationship as determined by the Agreed Framework.

Besides the limitations to cooperation concerning the formal channels of strategic planning and decision making at all three levels of analysis, the other major limitation concerns the passing of intelligence and sensitive information. Again, the relationship is path-dependent and locked into the Agreed Framework due to the limited interpretation of Berlin Plus that some nations have taken. Yet, the increased institutionalisation of informal cooperation, based on both learning and socialisation over time, and at both the international staff and operational levels, has allowed cooperation to transpire in the field. As with counter-piracy, this has been especially facilitated through the office of the DSACEUR based on his TORs as the 'Strategic Coordinator' between the EU and NATO. This also demonstrates a level of organisational learning with specific regard to the office of the DSACEUR, as this behaviour has been demonstrated over multiple holders of the office.

Again, both of these case studies further demonstrate the essence of the Berlin Plus issue raised in the other cases. Both in Kosovo and Afghanistan, NATO lends assets and capabilities as well as provides security to the EU in order for it to function and carry out its mission in-theatre. Although the formal channels are not officially utilised, as with CONCORDIA or ALTHEA (NAC-PSC & SHAPE), nor are these cases whereby the EU assumes or replaces the military functions of NATO, in 'simple terms' Berlin Plus is by definition 'an EU-led operation making use of NATO assets and capabilities' (European Union External Action Service, 2011a). This is

clearly the case in both Kosovo and Afghanistan. It should also be reiterated that, when informal mechanisms were used to carry out strategic discussions and planning, it was the NAC-PSC format that was adopted in the case of Kosovo and, therefore, utilising the Berlin Plus template/processes for cooperation through the Agreed Framework.

As noted in Chapter Two, in order to help establish that the formal EU-NATO relationship (BP/AF) had become static (outside of ALTHEA), an EU-NATO questionnaire was sent via email to all of the interview participants (and at all three levels of analysis) involved in this study. However, questions were also asked with regard to the informal EU-NATO cooperation being problematised in the case studies. Although this questionnaire is limited in its ambition and methodological rigour, the results do support the finding that, not only is a large amount of informal EU-NATO cooperation occurring beyond the BP/AF, but it seems to work well in practice. When asked how well informal cooperation works in practice, the answer was an average of 3.56 (based on a scale of 1-5), with 94.4% agreeing that informal cooperation works average or better in practice. For comparison, when asked the same of formal cooperation, an average of 2.83 was the response with 66.7% believing that formal cooperation worked average or below in practice.

Another set of questions were specifically aimed at quantifying the perceived levels of institutionalisation of informal cooperation at the political/strategic, international staff and the operational levels. The responses given clearly support the hierarchical/spatial approach as operationalised in this thesis. Furthermore, the responses seem to corroborate the finding – as illustrated in the CP, Kosovo and Afghanistan case studies - that the contradictory force of failing to agree a formal relationship, combined with the rhetoric to promote a 'strategic partnership', has resulted in increased informality of relations and a pushing of cooperation spatially towards the two sets of international staffs working in Brussels, especially at the operational level. Most importantly, the responses seem to confirm the general argument of this thesis in that there is an increasing institutionalisation of informal cooperation, especially with regard to the international staff and operational levels of analysis. The results further support the argument that informal cooperation is becoming increasingly institutionalised the further away from the political level it is located. When asked how institutionalised/systematised informal EU-NATO

cooperation was at the three levels under investigation, the responses averaged 2.39 at the political level, 3.22 at the international staff level, and 3.78 at the operational level (see the appendices for the full questionnaire). This begs the question: where would EU-NATO relations be in 2014 without the vast amount of informal cooperation taking place?

## **Theoretical Conclusions**

### *Path Dependency and Causal Sequencing*

The statement that 'what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time' (Sewell, 1996 quoted in Pierson, 2004, p. 20) certainly applies to the EU-NATO relationship. A certain number of decisions, those that were taken when the modalities of EU-NATO framework for cooperation were being initially negotiated, have resulted in a sequence of events that have severely limited alternative options for cooperation. This has, therefore, led to equilibrium in the relationship that has seen the BP/AF persist while, at the same time, severely limiting the options for a true EU-NATO strategic partnership. A few of these events are now highlighted.

First, it is clear that there was a decision to frame the Berlin Plus mechanism on the 1996 NATO-WEU agreements and a consistency on staying that course right up until Berlin Plus was agreed in March 2003. Furthermore, Berlin Plus was such a template of Berlin 1996 that 'no other options were even considered' (Interview 39, 2011). This has resulted in a relationship based strictly on a military approach to the access of NATO assets and capabilities. Therefore, regardless of the subsequent 'participation problem', EU-NATO cooperation and the relationship itself was framed in a limited capacity that did not include civilian-oriented cooperation but only military options. This has led to cooperation insufficiencies in Kosovo and Afghanistan. Furthermore, the decision to create ESDP/CSDP at St. Malo - and the subsequent decision to terminate the WEU's arrangements - instigated a process whereby Turkey began to feel marginalised and discriminated against, as it no longer retained a guaranteed security agreement with the EU as it did with the WEU. This early decision created a *positive feedback* element to the EU-NATO relationship, whereby

Turkey was increasingly more likely to take a rigid and inflexible approach to the relationship.

Further decisions taken at the Cologne and Helsinki EU Councils in 1999 failed to clearly incorporate Turkey in any meaningful way into ESDP/CSDP decision-shaping and making structures. The fact that Turkey had to be invited by the EU Council to take part in autonomous EU operations further solidified a hard-line approach by Turkey as it became well aware that its cooperation within ESDP/CSDP structures could be blocked by only one EU member state (most likely Greece and, later, Cyprus). What resulted was Turkey's blocking of guaranteed EU-assured access to NATO assets and capabilities, which forced the Alliance to opt for a case-by-case basis instead. It is clear that the EU's decision, if not to fully integrate Turkey into the nascent ESDP/CSDP, then to at least design mechanisms whereby non-EU Allies could participate in autonomous EU operations based on a QMV process in the EU Council and not based on unanimity, was a critical juncture that restricted future options for the EU-NATO relationship.

Decisions towards the end of the Berlin Plus negotiations also served to further amplify the relative attractiveness for Turkey, and then Cyprus (after 2004), of a rigid and inflexible approach towards the EU-NATO relationship. Clearly, the decision to limit EU-NATO cooperation only to those EU members who were also NATO members or PfP signatories meant that Berlin Plus would become a straightjacket while, at the same time, persisting in its sub-optimal form. Furthermore, in terms of sequencing, it was crucial that Cyprus was offered EU membership regardless of whether the referendum was passed in 2004. This gave the Greek Cypriots an overwhelming interest in rejecting the referendum, which it did (24/04/2004), resulting in a divided island gaining full EU membership (01/05/2004). Continuing in the positive feedback process, Cyprus then went on to accept Berlin Plus as a mechanism for operation ALTHEA, but then proceeded to block Turkish observer status in the European Defence Agency, a security agreement between Turkey and the EU, and EU-NATO formal deliberations and negotiations for anything other than ALTHEA and the Capability Group. Again, these positive feedback processes made the cost of switching paths from one of hard-line stances to one of increased flexibility more and more unlikely as time went on. The end result was that formal EU-NATO discussions were limited to BiH and, therefore, rather narrow and of reducing occurrence. This increased cost of switching paths has meant that Berlin

Plus persists in this restricted form and any other formal mechanism that could potentially increase cooperation in counter-piracy, Kosovo or Afghanistan has been eliminated from considerations or discussions in any meaningful way.

Before turning to some theoretical implications regarding the persistence of the EU-NATO relationship, in terms of the Agreed Framework, it should be noted that the data collected overwhelmingly demonstrated that the assumption of actors (working at all levels and in both organisations) is that Berlin Plus will never be used again as an active mechanism for EU-NATO cooperation, notwithstanding its continued use for operation ALTHEA. This was particularly the case regarding Cypriot interlocutors, who stated that 'we will never consent to another Berlin Plus operation' (Interview 42, 2011). This assumption was not just held by the Cypriots, but was tangible across the spectrum of interviews conducted. Some caveat this by stating (for example), 'there will never be another Berlin Plus operation unless we solve the issue of Cyprus and Turkey, which I see absolutely no indication that we will' (Interview 38, 2011) or 'not in the current political context' (Interview 53, 2011).

Critically, however, this does not mean that a formal EU-NATO relationship will cease to exist if the ALTHEA operation is terminated. If the EU-NATO relationship is understood to be the Agreed Framework and the rhetoric that implies the existence of a 'strategic partnership' and not merely Berlin Plus in an operational format, then the macro level arrangements will continue to persist in their current formation. This starts to touch on both the logic of consequence and the logic of appropriateness. Let us take each in turn.

As Chapter Two demonstrated, and as did the subsequent case studies on informal cooperation, NAC-PSC meetings have become highly formulaic and have reduced greatly in number. This is due to the fact that they can only discuss ALTHEA and are, therefore, rather dull occasions. However, there is a certain rational and security-based logic to keeping Berlin Plus activated for this operation. The reason is as follows. Although the troop numbers have been greatly reduced in ALTHEA, there is still the chance that ethnic tensions could build again and the troop strength of around 1,400 EU troops is hardly enough to contain a conflagration of violence if it were to sweep the country. However, the so-called NATO 'over-the-horizon' forces that 'are controlled by SHAPE' offer a fairly 'cheap option' in terms of manpower and cash should such events transpire (Interview 48, 2011). At the time of writing, BiH is

still an active Berlin Plus operation and this rational logic does play a part in its persistence.

There are also logics of appropriateness entrenched in the BP/AF persistence and, more specifically, the EU-NATO relationship as well. Significantly, although the Cypriots have stated their intention to block any future use of the Berlin Plus mechanism outside of BiH, they also admit that 'so many European powers want to maintain ALTHEA with Berlin Plus, even if it meant just one soldier just to retain the formal link'. It is this idea of having a joined operation with NATO because 'if that goes, there is nothing' (Interview 42, 2011).

This symbolic argument regarding Berlin Plus as the last formal link between the two organisations was reiterated across the spectrum of interviews, even by those interlocutors who represented member states with more interest in seeing a reduced relationship between the EU and NATO. Again, the Agreed Framework and a relationship would continue to exist even if the formal mechanism for operationalising that relationship becomes lifeless. In other words, Berlin Plus persists, but only in a 'break glass in case of an emergency' capacity.

With regard to Berlin Plus, it is also further understood by the vast majority of those interviewed that Berlin Plus, as a mechanism for cooperation, is 'out-dated'. As mentioned above, Berlin Plus was created so that NATO could aid the EU in performing certain military functions. However, as crisis management has gone down the road of civilian/military instruments and the so-called 'comprehensive approach', Berlin Plus as a mechanism of the Agreed Framework 'no longer addresses these processes' (Interview 48, 2011). Again, the decisions and the template used in the design phase of EU-NATO cooperation have directly impacted on the macro-level options for carrying out cooperation.

However, at the micro level, evolution in the relationship is tangible even if it is locked within these macro level limitations. One further example of this would be the continued existence of the EU Cell at SHAPE, even if the EU Staff Group (as an Operational HQ for BiH) were to be closed down in the event of ALTHEA being terminated. According to one representative at the Cell, 'if Berlin Plus is not active in operational terms, Berlin Plus is still active here because the potential for a future operation is still relevant in theory. The EU Cell is a permanent relationship with NATO, the EU Staff Group is a temporary HQ based on the existence of an operation' (Interview 46, 2011). Furthermore, as the remit of the EU Cell is to 'be

prepared to assist the DSACEUR in the development of any Berlin Plus operations where it is agreed and the political considerations are worked out', it then begs the question: if no Berlin Plus operation will, most likely, ever be operationalised again, what is the purpose of this Cell going forward?

What this amounts to are three strands of persistence. First, the relationship at the macro level will continue to persist in its static form into the foreseeable future. At the political/strategic level, there has only been increased rhetoric for more cooperation, not less. The NAC-PSC will continue to meet, even if these meetings are much less frequent and the dialogue formulaic. Furthermore, 21 coinciding member states have one Chief of Defence that meet in both an EU and NATO capacity. However, even at one level down, all but three of the 21 coinciding members of EU and NATO (Belgium, Greece, and Luxembourg) have the same Military Representatives double-hatted to both organisations. This in and of itself helps to maintain a good deal of coordination between the two organisations at the military strategic level, even if they can still only formally meet as 28 and 27 when discussing EU-NATO relations.

Second, since 2010, the staffs have been given directions to increase contact across the divide, both from the respective organisations (Sec/Gen & H/R) and also from the national capitals. Of course, this cooperation has to be worked out, with special focus on the 'sensitivities' and not infringing on the security agreement. This informal dialogue is 'instrumental and beneficial', even if it is difficult and 'the output of this informal dialogue is not in proportion with the effort' (Interview 49, 2011). Finally, in this broad sense, NATO and the EU will be continuing to cooperate through the formal mechanisms of Berlin Plus as long as ALTHEA is operational.

Third, the Agreed Framework and the 'spirit of Berlin Plus' will also continue to persist 'symbolically' and with a rational function, even if ALTHEA is terminated. There will be operational persistence because both organisations will continue to work in the same areas of operation, albeit informally, but with greater institutionalisation and systemisation of informal operational cooperation for some time to come. In counter-piracy until at least 2014, Afghanistan is the same and, probably beyond 2014, in Kosovo.

## *Incremental Change*

The conclusions of the case studies demonstrate that incremental change, as well as the path dependent nature of the formal Agreed Framework, has led to a much more complete understanding of how these two organisations cooperate in the totality of their relationship. The HI assumptions of institutional persistence based on path-dependence and punctuated equilibrium alone were not enough to explain the EU-NATO relationship in its entirety. However, it is fair to say that this approach [HI] is not 'methodologically sophisticated' in terms of quantifying the units of analysis, isolating variables and then holding them constant in order that their independent effects can be measured (Steinmo in Porta and Keating, 2008).

What it has achieved is an analysis of the EU-NATO relationship in the 'real world' and how this relationship 'really' works. Human history is the 'product of complex, dynamic and interdependent processes' and this thesis as a whole - as well as the three particular case studies investigated – corroborate this. This does mean, however, that some will see the approach as having some built-in limitations. Some of these are: predictability, wider application to other cases, post-hoc constructions and falsification. However, this approach has consciously taken an in-depth overview of the subject matter. That being said, HI's contribution to explaining equilibrium and evolutionary change does have theoretical utility for studying other cases. The EU-NATO relationship cannot be fully understood if you remove that relationship from the 'context of their own independent historical evolutions' (Howorth, 2007). The traditional assumptions of HI, together with the additional and more recent assumptions based on evolutionary processes, does not presuppose constancy of variables. Therefore, similar variables have different effects in different contexts.

This study has taken a path-analysis and process-tracing approach in order to explain how the early decisions taken during the formation of the EU-NATO relationship locked in certain paths. Process tracing allowed an investigation and interpretation of the steps and processes that led to EU-NATO informal cooperation outside the BP/AF context as well as the conditions for the growth of that cooperation. It also led to the observation that, not only does path dependency help us to understand the mechanisms of stasis in the EU-NATO relationship at the



macro level, but also how learning and socialisation have contributed to processes of incremental change in the relationship as well.

Process tracing has also allowed for an analysis of the consequences of those paths, as well as the processes of adaptation to those consequences. For example, one of the central findings of this thesis has been that common political and military cultures, norms, and operating procedures were central to the facilitation of informal cooperation in those instances where a formal relationship was just not politically achievable. This was most evident in the counter-piracy case study, but also evident in the Kosovo and Afghanistan cases. In other words, it helped to demonstrate that the macro level relationship remained unchanged and path-dependent, while the micro level evolved to accommodate this reality in order to achieve some level of cooperation.

By taking history 'seriously', this approach has shown that sequencing matters and when an event occurs, it fundamentally shapes later choices. The most obvious example of this, with regard to the stasis of the relationship at the macro level, is the accession of Cyprus into the EU with a failed referendum. However, at the incremental level, even the decision to locate SHAPE in a remote part of the Belgian countryside in 1966 - as opposed to Brussels, and in closer proximity to NATO HQ and the central institutions of the EEC/EC/EU and what would become CSDP - has affected the informal EU-NATO relationship many years on. This is due to the simple fact that EU officials are much less keen to make the trip there, which limits informal discussions and cooperation in all three of the relevant case studies. It is not even out of the realm of reality to suggest that the whole political struggle over the creation of an independent and autonomous CSDP OHQ would not have the same character if SHAPE was in Brussels itself. This may be a facetious example, but it makes the point nonetheless by demonstrating that seemingly random or minor events can have fundamentally important unintended consequences, i.e. a case of nonergodicity.

EU-NATO cooperation has to be studied within its own context and environment due to the multiple causal variables that explain the totality of the relationship. There are no truly independent variables in this case. Although you can look at the impact of the existential political realities of the Turkey/Cyprus/Greece question, you cannot reasonably state that this is the sole independent variable determining the totality of the EU-NATO relationship. The same is true of the different organisational

trajectories of the EU and NATO, as well as the many other factors that this thesis has teased out. The EU-NATO relationship - in both its static guise and in terms of the incremental change to accommodate that stasis - is the summation of all of the *interdependent* variables and iterative relationships exposed in the course of this research.

As Mahoney and Thelen have noted, 'once created, institutions often change in subtle and gradual ways over time' (Mahoney and Thelen, 2009, p. 1). This has clearly been the case with regard to the relationship under study in this thesis. HI as an approach still lacks some 'useful tools for explaining the more gradual evolution of institutions once they have been established' (ibid, p. 2). One of the most difficult methodological problems that this research had to contend with was the fact that the EU-NATO relationship is not that old in terms of institutional longevity, nor has there really been an exogenous critical juncture large enough to directly test the status quo of the macro level equilibrium. As some recent literature has suggested, 'self-reinforcing "lock-in" could be a rare phenomenon'; therefore, there is the possibility that institutions do evolve in more 'incremental ways' (ibid, p. 3).

Future research on the EU-NATO relationship utilising the HI approach may want to ask of that institutional relationship: 'exactly what properties of institutions permit change?' This research has clearly demonstrated that the core of HI is under-equipped to adequately explain the institutional change in the EU-NATO relationship. Although the core assumptions of HI did have a lot to say about the macro level stasis of the relationship, it was much less able to explain the incremental change that the case studies clearly demonstrated. This is not altogether surprising considering 'HI has grappled with the problems of institutional change (as have other variants in the institutionalist literature), [but] traditionally stressing continuity over change' (ibid, p.6).

EU-NATO cooperation seems to reflect both exogenous and endogenous interests. The exogenous given interests determine the macro level stasis of the EU-NATO relationship. This is true both for the Turkey/Cyprus question in general, but also with regard to other national interests that use that crisis as a convenient cover in order to reduce the likelihood of a closer and more formal institutional relationship developing. However, to some degree at least, both the formal and the informal institutions of EU-NATO cooperation have had some impact on shaping the outcomes of the incremental changes and the increasing institutionalisation of

informal cooperation. This would suggest that indicators of socialisation and learning have played some part in this incremental change to the institutional relationship.

The case studies analysing the informal cooperation show that ‘in many cases there is simply a great deal of “play” in the interpreted meaning of particular rules or in the way the rules are instantiated in practice’ (Mahoney and Thelen, 2009, p. 11). Or, as Mahoney and Thelen have recently described this understanding:

we see ambiguity as a more permanent feature, even where rules are formalized. Actors with divergent interests will contest the openings this ambiguity provides because matters of interpretation and implementation can have profound consequences for resource allocations and substantive outcomes (Ibid p. 11).

Learning how to cooperate over time and beyond the BP/AF has been as much about political actors’ (within both the EU and NATO) understanding and internalising just how far they are willing to permit informal cooperation, as it has been about actors at the international staff or the operational level finding creative solutions to cooperate, given the limitations they work within. The constant interplay between these processes across the three case studies has been absolutely fascinating to investigate.

The data provided demonstrate that simple learning is more pervasive as information is utilised to alter strategies (circumventing the BP/AF at the micro level) but not preferences (retaining the BP/AF at the macro level). The same is true with socialisation. Social interaction between EU and NATO actors at all three levels of analysis (political/strategic, international staff and operational) impacted on common attitudes towards cooperation outside the BP/AF context in all three case studies. However, interaction was clearly more associated with ‘strategic calculation’ rather than ‘role playing’ or normative suasion, as behaviour was aimed at altering strategies (circumventing the BP/AF at the micro level) but not preferences (retaining the BP/AF at the macro level).

The research has shown that, to date, there are no systematic attempts to carry out a NATO-EU LL exercise for NATO-EU relations. However, the case studies have also demonstrated that the more routine the contact in-theatre is becoming, the

more the opportunities arise to correct/adapt current arrangements and practices. Although not classed as NATO-EU LL, it is a short loop process to do just that. In parallel, the NATO LL process allows for commanders at all levels to input to the NATO LL and Joint Analysis and Lessons Learned Centre (JALLC).<sup>109</sup> The real obstacles to cooperation are when attempts are made to make official or formal an unofficial or informal activity. Any process that is more of a top-down one runs into the traditional problems of, 'there is no mandate for that. Stop it!' (Interview 48, 2011). There is, however, the bottom-up approach with input from the nations. For example, the Supreme Allied Commander Transformation (SACT) is working on a Stability Policy. The UK is the lead nation for associated doctrinal publications with inputs from the other nations. National LL processes/databanks can, therefore feed into a new policy and doctrine that will be adopted by NATO.

The BP/AF does refer to those documents-agreements that constitute the framework of EU-NATO relations. Provisions for staff level meetings are included in such documents (as well as in EU documents) and these provisions do not explicitly exclude any state (e.g. Cyprus). For example, if there is a Cypriot army official seconded to the EUMS, he or she would not be legally excluded from participating in staff-to-staff meetings just because Cyprus does not have a Security of Information agreement with NATO. EUMS officials do not attend meetings in their national capacity, but rather in their EU capacity. However, in practical terms, this is not so simple because, on the one hand, Cyprus does not have any seconded staff to the EUMS or the EDA and, on the other hand, it is most probable that their Turkish counterparts would have an issue if such a case arose (Interview 65, 2012).

When these informal meetings do take place, such meetings are informal due to their non-decision-making nature and that no formal minutes are recorded or agreed. In essence, staffs can cooperate and exchange ideas but they cannot commit their respective organisations to any joint work or project. It is only the member states of both the EU and NATO that have such an authority.

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<sup>109</sup> The JALLC website can be found at: <http://www.jallc.nato.int/>

## EU-NATO Relations: Thoughts on the Way Forward

Although it is becoming a somewhat hackneyed proposition, we are living in an age where civilian and military instruments and capabilities go ‘hand in hand’ (Lucioli, 2009, p. 98). However, this does not make the statement any less true. Most commentators and actors (even those actors not yet willing to see it go) agree that Berlin Plus is out-dated. In this sense, EU-NATO relations really are ‘stuck in the 1990s’. This final section comments on some recent proposals that have been put forward to reconcile EU-NATO differences and makes a number of recommendations of its own.

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

This has not stopped NATO from broaching new ground in this area on its own, however. At their Summit meeting in Lisbon, NATO members published their new Strategic Concept calling for ‘an appropriate but modest crisis management capability’ (The North Atlantic Council, 2010). Although some observers may claim that this is duplication of EU capabilities, or that it smacks of organisational competition, this nascent capability is really only geared towards deploying in areas that are so bellicose that the UN or the EU would have a hard time launching operations of their own. Furthermore, and as Sven Biscop rightly points out, ‘NATO is a political-military organisation, which deals with one dimension of foreign policy only, i.e. security and defence’ (Biscop, 2011, p. 2).

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

As this thesis has illustrated, over the last two years (from 2010 onwards) there has been a real determined effort on the part of the NATO Sec/Gen Rasmussen and the High/Rep Ashton to increase cooperation between the two organisations. As one official put it, 'they are meeting much more often now' (Interview 38, 2011). What has become apparent is that there has been a push, mandated by their respective organisational memberships, to bring both the EU and NATO closer together. However, neither strategies have been equal in approach. It is fair to say that Rasmussen on the NATO side has attempted a much broader grand bargain approach to solving some of the obstacles, thus preventing closer cooperation. Some have even referred to this as a 'name and shame tactic'. At the same time, Baroness Ashton has taken a more pragmatic approach, with the stated intention that there should be a 'true organisation-to-organisation relationship' (Ashton, 2010a). Let us look at the two approaches in turn.

In early 2010, Rasmussen protested that it was 'absurd' that both organisations 'could not operate together in the same theatres' without security agreements that allow both organisations to 'assist each other' (Ames, 2010).<sup>110</sup> In Palma de Mallorca, Rasmussen laid out three suggestions in what has been since termed his 'Palma Package'. There, he stated that the EU should make three overtures towards Turkey in order to persuade Ankara to 'lift its objections to closer cooperation'. These are: (1) the EU should conclude an agreement between the European Defence Agency and Turkey; (2) the EU should also commit to a security agreement with Turkey; (3) the EU should be more open and transparent in the decision shaping processes for the running of its security operations regarding 'non-member troop

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<sup>110</sup> For access to the full article, please see <http://192.254.129.212/natosource/rasmussen-seeks-break-deadlock> (last accessed on 16/12/2013).

contributors, such as Turkey' (Ames, 2010). At the time of writing, little progress, however, has been made in finding a compromise. One interlocutor described this latest attempt at a compromise:

Rasmussen has been here (the EU) three times now with the same message, 'you should give Turkey a break', because they were squeezed out of the WEU where they had access to what later became the CSDP missions, agreed in the Nice Treaty... and they have gotten the wrong end of the stick and therefore you should open up to them with more inclusion to CSDP and more inclusion in the EDA... He has come with that message three times and it does not resonate so well here because, first of all, it is Turkey that has ditched his Palma Package. It is Turkey that has said that we are not going to sit in the same room as Cyprus, so they will not agree to a PSC NAC meeting (Interview 38, 2011).

As for Ashton's approach, as stated above, it has been a much smaller 'pragmatic' steps approach. In 2010, Ashton stated that she attaches 'great importance to moving EU-NATO relations forward. Our goal should be to find practical solutions to wider structural problems that have hindered the development of a true organization-to-organization relationship' (Ashton, 2010b). Most of these 'pragmatic steps' have been concerned with EU-NATO cooperation on capabilities, e.g. counter-IED, medical support, CBRN and cyber security. A confidential letter (dated 05/05/2011) written by 15 EU Foreign Ministers to Baroness Ashton (provided to the researcher in confidence) further reinvigorated her approach to this matter. Not only did the letter state a conviction for her to move forward on the above-mentioned capabilities, but it also stated that the EU should conclude a security agreement with Turkey in the first half of 2011. However, at the time of writing, this security agreement has yet to be agreed.

There should be a concerted effort to hold more informal 'transatlantic events' and especially to design a similar format for MODs and MILREPS. They should be held with the understanding that EU-NATO issues will be a key part of the informal discussions. Second, Turkey must be invited to take part in individual projects of the European Defence Agency (EDA) initially, but with a view to giving them a full administrative arrangement in the near future. Furthermore, all non-EU contributors to ESDP missions should be given full participation rights within the Committees of

Contributors for those operations in which they are engaged. Finally, there should be a standard framework arrangement that underpins all cooperation in the field between EU civil missions and NATO military missions, and these issues should be addressed in NATO's new strategic concept to be finalised later this year.

These proposals are intermediary at best and are intended to help take the small steps towards a *medium* bargain. David Yost (Yost, 2007, pp. 93–94) has correctly suggested that there are really only three solutions for obtaining a 'grand bargain': (1) Turkish membership in the EU, (2) the reunification of Cyprus, or (3) Cyprus becoming a member of PfP and signing a security agreement with NATO. It is the final option that is the most likely in the short to medium term. However, to achieve this, a *medium* bargain should be negotiated that encompasses Cyprus becoming a member of the PfP, but balanced with Turkey's administrative arrangements in the EDA, and full participation rights (along with Canada) in the Committee of Contributors for any mission in which they are currently engaged or plan to be in the future. If need be, much of this could be worked out and agreed upon behind the scenes if it were to help facilitate progress. Not only would this help ease the deadlock of EU-NATO cooperation, but it would likely go a long way towards the Turkish recognition of Nicosia, which will have to necessitate any resolution of Cyprus or future membership of Turkey in the EU.

## Conclusion

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

There seem to be increasing calls from all sectors to address this issue and to look for various solutions to the problem. Both frustration and the solutions exist



within EU-NATO institutions and the policy think tanks that surround them. Even those actors who have been the most obstructionist since 2003 have put forward non-paper policy solutions. Nevertheless, the frustration does not yet seem sufficient to substitute the informal arrangements for more formal ones and to institutionalise those solutions that have been put forward to date. In other words, a big enough external shock (the resolution of the Cyprus issue or, potentially, deaths tragically occurring in the field, which are attributable in some way to EU-NATO disconnection, for example) has not yet transpired in order to change the current arrangements. Therefore, this thesis makes the fundamental claim that the processes of incremental change through informal cooperation, in fact, reinforce the current static formal political and strategic relationship. Events and operational necessity are driving incremental change far more than any theoretical debates about where the EU ends and NATO begins. Until events force a situation whereby both organisations must revisit the formal structures of cooperation, the static relationship will continue to exist, reinforced by sporadically releasing the political pressure valve expedited through the processes of informal cooperation. If the EU and NATO are to ever truly achieve a 'Strategic Partnership', it will stem from an existential security critical juncture and not from internal evolutionary processes.

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

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## Appendices

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### Full List of Confidential Interviews (**access for Internal and External Examiner Only**)

List of Member States by Organisation Membership		
NATO ONLY	Both NATO and EU	EU ONLY
USA Turkey Canada Norway Iceland Croatia Albania	France * Slovenia Slovakia Bulgaria Greece Germany Denmark** Belgium Poland Italy Portugal Spain Netherlands UK Czech republic Hungary Romania Estonia Latvia Lithuania Luxembourg	Finland Sweden Austria Malta Cyprus

\*France rejoined the integrated command structure of NATO in 2009.

\*\* Denmark has an opt-out clause from CSDP.

## NATO-EU: chronology

- 27 April 2006: Informal ministerial NATO-EU dinner (Sofia).
- 1 March 2006: EU Cell set up at SHAPE.
- 7 December 2005: Informal ministerial NATO-EU dinner (Brussels)
- 3 November 2005: NATO Permanent Liaison Team set up at the EU Military Staff (EUMS)
- 3 October 2005: Agreement on Military Permanent Arrangements establishing a NATO Liaison Team at EUMS and an EU cell at SHAPE
- 20 September 2005: Informal ministerial transatlantic/ NATO-EU lunch (New York)
- 2 December 2004: beginning of the EU-led Operation Althea.
- 18 February 2004: France, Germany and the United Kingdom launch the idea of EU rapid reaction units composed of joint battle groups
- December 2003: NATO and the EU start to assess options for the possible termination of NATO's stabilisation force in Bosnia (SFOR) by the end of 2004 and its transition to a new EU mission; Adoption by the European Council of a 'European Security Strategy'
- 19-25 November 2003: First joint NATO-EU crisis management exercise (CME/CMX 03) based on the standing 'Berlin-Plus' arrangements
- 29 July 2003: Development of a common strategy for the Western Balkans
- 19 May 2003: First meeting of the NATO-EU capability group
- 31 March 2003: Transition from the NATO-led operation 'Allied Harmony' to the EU-led Operation 'Concordia' in the former Yugoslav Republic of Macedonia<sup>1</sup>
- 17 March 2003: Agreement on a set of key cooperation documents, known as the 'Berlin-Plus' package
- 14 March 2003: Entry into force of a NATO-EU security of information agreement
- 16 December 2002: EU-NATO Declaration on European Security and Defence Policy (ESDP)
- 21-22 November 2002: At the Prague Summit, NATO members declare their readiness to give the EU access to NATO assets and capabilities for operations in which the Alliance is not engaged militarily
- 19 November 2001: Creation of the European Capability Action Plan (ECAP)
- 30 May 2001: First formal NATO-EU meeting at the level of foreign ministers in Budapest. The NATO Secretary General and the EU Presidency issue a joint statement on the Western Balkans
- 24 January 2001: Beginning of institutionalised relations between NATO and the EU with the establishment of joint meetings, including at the level of foreign ministers and Ambassadors. Exchange of letters between the NATO Secretary General and the EU Presidency on the scope of cooperation and modalities for consultation
- 7 December 2000: Signature of the EU's Treaty of Nice containing amendments reflecting the operative developments of the ESDP as an independent EU policy (entry into force February 2003)
- 19 September 2000: The North Atlantic Council and the interim Political and Security Committee of the European Union meet for the first time to take stock of the progress in NATO-EU relations
- 10 December 1999: At the Helsinki Council meeting, EU members establish military "headline goals" to allow the EU, by 2003, to deploy up to 15 brigades (50 000 – 60 000 troops) for 'Petersberg tasks' (these consist of humanitarian and rescue tasks, peacekeeping and peacemaking). EU members also create political and military structures including a Political and Security Committee, a Military Committee and a Military Staff. The crisis management role of the WEU is transferred to the EU. The WEU retains residual tasks.
- 3-4 June 1999: European Council meeting in Cologne decides "to give the European Union the necessary means and capabilities to assume its responsibilities regarding a common European policy on security and defence"
- 23-25 April 1999: At the Washington Summit, Heads of State and Government decide to develop the 'Berlin-Plus' arrangements
- 3-4 December 1998: At a summit in St Malo, France and the United Kingdom make a joint statement affirming the EU's determination to establish a European Security and Defence Policy (ESDP)
- 2 October 1997: Signature of the EU's Treaty of Amsterdam incorporating the WEU's 'Petersberg tasks'. The EU affirms the role of the WEU as an integral part of its development and envisages the possible integration of the WEU into the European Union
- 3 June 1996: in Berlin, NATO foreign ministers agree for the first time to build up an ESDI within NATO, with the aim of rebalancing roles and responsibilities between Europe and North America. An essential part of this initiative was to improve European capabilities. They also decide to make Alliance assets available for WEU-led crisis management operations. These decisions lead to the introduction of the term "Berlin-Plus"
- January 1994: At the Brussels Summit, NATO endorses the concept of Combined Joint Task Forces, which provides for separable but not separate deployable headquarters that could be used for European-led operations and is the conceptual basis for future operations involving NATO and other non-NATO countries
- 11 January 1994: NATO Heads of State and Government agree to make collective assets of the Alliance available on the basis of consultations in the North Atlantic Council, for WEU operations undertaken by the European allies in pursuit of their Common Foreign and Security Policy
- 19 June 1992: In Oslo, NATO foreign ministers support the objective of developing the WEU as a means of strengthening the European pillar of the Alliance and as the defence component of the EU, that would also cover the 'Petersberg tasks'
- February 1992: the EU adopts the Maastricht Treaty, which envisages an intergovernmental Common Foreign and Security Policy (CFSP) and "the eventual framing of a common defence policy (ESDP). The WEU is considered as the EU's defence component; close cooperation between NATO and the WEU.

## British-French Summit St-Malo, 3-4 December 1998 Joint Declaration

The Heads of State and Government of France and the United Kingdom are agreed that:

1. The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP. The Council must be able to take decisions on an intergovernmental basis, covering the whole range of activity set out in Title V of the Treaty of European Union.

2. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises.

In pursuing our objective, the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty) must be maintained. In strengthening the solidarity between the member states of the European Union, in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernised Atlantic Alliance which is the foundation of the collective defence of its members.

Europeans will operate within the institutional framework of the European Union (European Council, General Affairs Council and meetings of Defence Ministers).

The reinforcement of European solidarity must take into account the various positions of European states.

The different situations of countries in relation to NATO must be respected.

3. In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework).

4. Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology.

5. We are determined to unite in our efforts to enable the European Union to give concrete expression to these objectives



## Berlin Plus Arrangements

- Assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;
- The presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;
- Identification of a range of European command options for EU-led missions;
- The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations;
- A NATO-EU agreement covering the exchange of classified information;
- Procedures for the release, monitoring, return and recall of NATO assets and capabilities; and
- NATO-EU consultation arrangements in the context of an EU-led crisis management operation making use of NATO assets and capabilities.

## EU-NATO Declaration on ESDP

### THE EUROPEAN UNION AND THE NORTH ATLANTIC TREATY ORGANISATION

- Welcome the strategic partnership established between the European Union and NATO in crisis management, founded on our shared values, the indivisibility of our security and our determination to tackle the challenges of the new Century;
- Welcome the continued important role of NATO in crisis management and conflict prevention, and reaffirm that NATO remains the foundation of the collective defence of its members;
- Welcome the European Security and Defence Policy (ESDP), whose purpose is to add to the range of instruments already at the European Union's disposal for crisis management and conflict prevention in support of the Common Foreign and Security Policy, the capacity to conduct EU-led crisis management operations, including military operations where NATO as a whole is not engaged;
- Reaffirm that a stronger European role will help contribute to the vitality of the Alliance, specifically in the field of crisis management;
- Reaffirm their determination to strengthen their capabilities;
- Declare that the relationship between the European Union and NATO will be founded on the following principles:
- Partnership: ensuring that the crisis management activities of the two organisations are mutually reinforcing, while recognising that the European Union and NATO are organisations of a different nature;
- Effective mutual consultation, dialogue, cooperation and transparency;
- Equality and due regard for the decision-making autonomy and interests of the European Union and NATO;
- Respect for the interests of the Member States of the European Union and NATO;
- Respect for the principles of the Charter of the United Nations, which underlie the Treaty on European Union and the Washington Treaty, in order to provide one of the indispensable foundations for a stable Euro-Atlantic security environment, based on the commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force, and also based on respect for treaty rights and obligations as well as refraining from unilateral actions;
- Coherent, transparent and mutually reinforcing development of the military capability requirements common to the two organisations;

To this end:

- The European Union is ensuring the fullest possible involvement of non-EU European members of NATO within ESDP, implementing the relevant Nice arrangements, as set out in the letter from the EU High Representative on 13 December 2002;
- NATO is supporting ESDP in accordance with the relevant Washington Summit decisions, and is giving the European Union, inter alia and in particular, assured access to NATO's planning capabilities, as set out in the NAC decisions on 13 December 2002;
- Both organisations have recognised the need for arrangements to ensure the coherent, transparent and mutually reinforcing development of the capability requirements common to the two organisations, with a spirit of openness.

## EU-NATO Questionnaire

1. Do you believe the EU-NATO relationship is sub-optimal?

	answered question	18		
	skipped question	0		
			Response	Response
			Percent	Count
YES			94.4%	17
NO			5.6%	1
			Other (please specify)	0

2. If you answered YES to question number one, what is the primary cause of the sub-optimal EU-NATO relationship?

answered question	17	
skipped question	1	
		Response
		Count

3. Besides the answer you gave for question number two, can you list any other causes for the sub-optimal EU-NATO relationship?

answered question	18	
skipped question	0	
		Response
		Count

4. Please rank in order of impact on EU-NATO relations from 1-6. Turkey-Cyprus relations Europeanist vs. Atlanticist tendencies Discrimination towards non-members Organisational design Competition Desire for autonomy other (write in)

answered question	18	
skipped question	0	
		Response
		Count

5. How well does FORMAL EU-NATO cooperation work in practice (Concordia/Althea) on a scale of 1 to 5? (1=the lowest & 5= the highest)

						answered question	18
						skipped question	0
	1	2	3	4	5	Rating	Rating
						Average	Count
tick	5.6% (1)	38.9% (7)	22.2% (4)	33.3% (6)	0.0% (0)	2.83	18
appropriate							

6. How well does INFORMAL cooperation work in practice (Kosovo, Piracy, Afghanistan) on a scale from 1 to 5?

						answered question	18
						skipped question	0
	1	2	3	4	5	Rating	Rating
						Average	Count
tick	0.0% (0)	5.6% (1)	33.3% (6)	61.1% (11)	0.0% (0)	3.56	18

**5. How well does FORMAL EU-NATO cooperation work in practice (Concordia/Althea) on a scale of 1 to 5? (1=the lowest & 5= the highest)**  
appropriate

**7. Please list any factors that help to drive INFORMAL EU-NATO cooperation despite the political/organisational blockages.**

answered question	18
skipped question	0

Response  
Count

**8. How institutionalised/systematised is INFORMAL EU-NATO cooperation at the political level on a scale from 1 to 5?**

answered question	18
skipped question	0

1	2	3	4	5	Rating Average	Rating Count
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tick appropriate	16.7% (3)	33.3% (6)	44.4% (8)	5.6% (1)	0.0% (0)	2.39	18
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**9. How institutionalised/systematised is INFORMAL EU-NATO cooperation at the international Staff level on a scale from 1 to 5?**

answered question	18
skipped question	0

1	2	3	4	5	Rating Average	Rating Count
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tick appropriate	0.0% (0)	16.7% (3)	44.4% (8)	38.9% (7)	0.0% (0)	3.22	18
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**10. How institutionalised/systematised is INFORMAL EU-NATO cooperation at the theatre level on a scale from 1 to 5?**

answered question	18
skipped question	0

1	2	3	4	5	Rating Average	Rating Count
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tick appropriate	5.6% (1)	0.0% (0)	27.8% (5)	44.4% (8)	22.2% (4)	3.78	18
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### **2. If you answered YES to question number one, what is the primary cause of the sub-optimal EU-NATO relationship?**

'The political blockage caused by uneven membership, ie Turkey and Cyprus'

'The problem Turkey-Cyprus'

'The Turkey-Cyprus dispute'

'Turkey-Greece – Cyprus'

'The Greece/Turkey/Cyprus nexus'

'Lack of trust between the two organisations'

'Turkey-Cyprus'

'Turkey-Cyprus/Greece relations'

'Intra-European politics'

'Greek/Cyprus-Turkey issue'

'Turkish relationship with EU and Cyprus issue, but also NATO/EU limited to operations'

'I answered this question extensively in our conversation'

'Turkey-Cyprus problems'

'Imbalance; asymmetry'

'Different objectives/different agendas of each organisation'

'Greece/Cyprus/Turkey mess'

'Lack of coordination on strategic level'

### **3. Besides the answer you gave for question number two, can you list any other causes for the sub-optimal EU-NATO relationship?**

'Different organisational cultures and working procedures'

'Reluctance EU and some of its Member States (France)'

'Some policymakers in France and some other EU (particularly non-NATO) member states' suspicion of closer EU cooperation with NATO, wanting to retain military independence from US, some US policymakers' suspicion that EU attempts to develop military capabilities are driven by rivalry with/wish to distance from US'

'US agenda'

'Fear among proponents of European integration that NATO/US will dominate NATO/EU relationship'

'Ineffective intelligence exchange. Lack of European commitment (a) to a transatlantic security/defence relationship and (b) to defence spending.'

'Competition'

'Economic austerity which is paradoxically impeding any cooperation and capability building'

'Inter-institutional bureaucratic rivalry'

'Difference of nature and members of the two organisation'

'Lack of regular political engagement. Relations too much at working level'

'See previous answer'

'Lack of political investment by EU Members in NATO; Ignorance of EU Staff members as much as with NATO Staff; Lack of Unity in EU towards a new transatlantic vision/bargain'

'EU incompetence or lack of political will to play the appropriate role'

'Politics, national interests'

'Heavy reliance on EU NATO ms on the USA "to do the job" - major EU NATO ms (France, Germany) do want to maintain the EU autonomy of capability development (issues of market access, etc) - Greece/Turkey relations'

'Attitudes inside EU: some anti-US; some protective of EU aspirations against NATO/

'No'

**4. Rank in order of impact on EU-NATO relations from 1 to 6. Turkey-Cyprus relations, Europeanist vs. Atlanticist tendencies, Discrimination towards non-members, Organisational design, Competition, Desire for autonomy, other (write in).**

'Existing ranking looks sensible'

'1. Turkey-Cyprus. 2. Discrimination. 3. Desire for autonomy. 4. Organisational design. 5. Europeanist... 6. Competition.'

'1 Turkey-Cyprus relations. 2 Europeanist vs. Atlanticist tendencies. 3 Discrimination towards non-members. 4 Competition. 5 Desire for autonomy. 4 Organisational design.'

'Turkey-Cyprus Organisational Design Europe vs Atlantic Autonomy competition Discrimination'

'Turkey-Cyprus; Europeanist vs. desire for autonomy; discrimination; organisational design; competition'

'From the top: 5, 6, 3, 4, 2, 1'

'1. Turkey-Cyprus relations. 2. Competition. 3. Europeanist vs. Atlanticist tendencies. 4. FR vs UK.'

'Turkey-Cyprus relations Organisational design Europeanist vs. Atlanticist tendencies. Discrimination towards non-members. Desire for autonomy. Competition. Economic austerity which is paradoxically impeding any cooperation and capability building.'

'1. Greece-Turkey- Cyprus =2. Competition/desire for autonomy =4. Organisational design/discrimination 6. Europeanist v Atlanticist'

'1 Turkey-Cyprus relations. 2 Discrimination towards non-members. 3 Desire for autonomy. 4 Organisational design. 5 Europeanist vs. Atlanticist tendencies. 6 Competition.'

'Turkey-Cyprus relations. Discrimination towards non-members. Organisational design. Desire for autonomy. Competition. Europeanist vs Atlanticist tendencies.'

'The EU/Turkey relationship or non-relationship is key, the rest is of a second order'

'1) Turkey-Cyprus relations. 2) Desire for autonomy (of EU Nations) both in NATO and EU. 3) Discrimination towards (EU) non-members. 4) (Staff) Competition. 5) ideology (anti-militarism in EU Staff).'

'The #1 problem is that the EU appears to be unable or unwilling (or both) to play the role it needs to play (and the US would like it to play) as a global actor. Thereafter, referring to list above, 5, 2, 4, 1 & 3 (equal). #6 (desire for autonomy) should not be an issue.'

'1. Turkey-Cyprus rel. 2. Discrimination towards non-members 3. Organisational design. 4. Competition. 5. Desire for autonomy. 6. Eur vs. Atl.'

'In terms of most important to least important 6. Desire for Autonomy 5. Europeanist Vs Atlanticist tendencies 4. Turkey-Cyprus relations 3. Organisational design 2. Competition 1. Discrimination towards non-members'

'1,2,6,5,3,4 (ranking from top to bottom for above)'

'Turkey-Cyprus relations Organisational design Europeanist vs. Atlanticist tendencies. Discrimination towards non-members. Competition. Desire for autonomy'



## **7. List any factors that help to drive INFORMAL EU-NATO cooperation despite the political/organisational blockages.**

'Working around and personal relationships.'

'Reality on the ground. Personality of leaders.'

'Professional commitment and relationships of the individual commanders and staff on the ground/running the operations.'

'Quality of individual staff. Operational necessity.'

'Experience of military in cooperative settings; dominance of practical over political considerations.'

'Local/environmental pressure for efficiency. Financial pressures. Media and public opinion.'

'No need for explicit approval by nations.'

'Practical need for cooperation and overlap of members of the both organisations.'

'Practitioners needing things to work efficiently.'

'Same military culture - personnel coming almost from the same nations - need to succeed in the mission – pragmatism.'

'People in-theatre who know each other/role of DSACEUR.'

'See comments under question 2.'

'Staff-to-Staff coordination from High-Level to field Commanders Military pragmatism.'

'Real needs on the ground plus the fact that military personnel are not hung up by political considerations.'

'Common objectives desire for success habit.'

'Good work at the level of staffs - people "on the ground" speak the "same language" so they cooperate - Cyprus' willingness to accommodate such cooperation, from the EU side - HR Ashton's package of proposals, as presented to the PSC in April 2011.'

'Everything is an exception and no informal cooperation establishes new rules.'

'Joint NAC-PSC sessions would help but do not take place due to political constraints.'