



NATO Defense College
Collège de Défense de l'OTAN

NATO and International Organizations

by David S. YOST

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David S. Yost

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in practical deliberations, and the extent to which agreements have been implemented in practice is not always available in published form. Moreover, impressions about the quality of inter-organizational dialogue and cooperation and the apparent motivations of states in such interactions derive to a large extent from judgements expressed in interviews. In several cases, facts and impressions have been cross-referenced with accounts of the same events by expert observers associated with different organizations. The subject matter is current, and authoritative published sources on some behind-the-scenes or little-reported interactions are scarce.

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David S. Yost
Rome, September 2007

EXECUTIVE SUMMARY

This paper examines NATO's relations with the United Nations, the European Union, and the Organization for Security and Cooperation in Europe since the early 1990s, with due attention to problems as well as achievements. The paper also considers prospects for improved inter-organizational coordination, bilateral and multilateral, with a view to more effective policy implementation.

The Balkan conflicts since 1991 and NATO's engagement in Afghanistan since 2002-2003 have been the main drivers of the Alliance's increasingly extensive cooperation with other international organizations. Practical needs in specific tasks in operations as well as assistance for security sector reform and other partnership activities have led NATO to work with many bodies, including national and non-governmental organizations as well as intergovernmental organizations. Other organizations have capabilities and mandates that the Alliance lacks but that are essential for success in the overall mission. The NATO Allies have called teamwork with other organizations part of a "comprehensive approach" to meeting international security challenges.

NATO and the United Nations

NATO needs the UN because the Allies strongly prefer to rely on UN Security Council resolutions as a legal basis for non-Article 5 operations and a political framework of legitimacy for such operations. This legal basis and political framework help the Alliance by furnishing a context for the contributions of other international organizations and non-governmental organizations in demanding tasks such as stabilization and reconstruction, state-building, and promoting sustainable security. Moreover, since the early 1990s, the UN's specialized departments and agencies have worked closely with the Alliance in coordination with other international organizations and non-governmental organizations.

The UN needs NATO because the Alliance has resources, expertise, skills, and capacity. NATO's "capacity" resides not only in its military capabilities but in its experience in preparing and leading states to work together in complex multinational and multi-service operations. NATO has an unrivaled capacity to offer large-scale support and to sustain a long-term commitment. NATO has also developed expertise in defense and security sector reform through its partnership and enlargement programs.

NATO-UN coordination has sometimes been sub-optimal, notably in the Balkans in the early 1990s. The "dual key" arrangement concerning NATO airpower demonstrated and symbolized a mutual lack of trust between NATO and the United Nations. The mutual distrust extended to NATO and UN Protection Force (UNPROFOR) military commanders, owing in part to the risks on the ground for UNPROFOR troops, who were vulnerable to hostage-taking and attack in response to NATO's use of airpower. The notion that NATO airpower could provide protection for the localities in Bosnia and Herzegovina that the UN Security Council had designated as "safe areas" proved misconceived. The most notorious failure to defend a "safe area" was in July 1995 in Srebrenica. The dysfunctional "dual key" experience has been a factor contributing to close attention by NATO Allies to negotiations within the UN Security Council about the formulation and renewal of Security Council resolutions mandating operations, notably with respect to command and control arrangements.

Ad hoc contacts at the staff level between NATO and the UN encouraged the Alliance to propose in August and September 2005 a UN-NATO framework agreement, including a joint declaration by the Secretary Generals and a memorandum of understanding setting out themes and methods of dialogue and cooperation. The NATO proposals did not, however, gain approval at the UN before Kofi Annan left office in December 2006; and no action has so far been taken under the new UN Secretary General, Ban Ki-moon. The proposed UN-NATO framework agreement is intended to supply a structure for continuing interaction at all levels instead of only during crisis situations. Such cooperation could help to build mutual confidence and clear away misconceptions about the Alliance in the UN and about the UN in NATO. The Alliance's purposes

and consensual decision-making processes are poorly understood in the UN and many of its member states. At UN headquarters and in many member states of the UN, NATO is widely perceived as an expansionist Cold War military bloc and tool of the United States that has at times resorted too readily to the use of force.

NATO and the European Union

The European Union (EU) has formally been pursuing a European Security and Defence Policy (ESDP) since the European Council meeting at Cologne in June 1999. In March 2003 NATO and the EU announced that they had worked out a “Berlin Plus” package of arrangements to allow the Alliance to support EU-led operations in which the Alliance as a whole is not engaged. The “Berlin Plus” package made possible the first EU-led peacekeeping mission, Operation Concordia in the former Yugoslav Republic of Macedonia, from March to December 2003. NATO made assets available to the EU for this operation, and the operational commander was the Alliance’s Deputy Supreme Allied Commander Europe (DSACEUR). Similarly, the Alliance decided at the June 2004 Istanbul Summit to conclude its Stabilization Force (SFOR) operation in Bosnia and Herzegovina by the end of 2004 and to work with the EU in the “Berlin Plus” framework to organize the transition to an EU-led operation in Bosnia and Herzegovina named Althea, which began in December 2004. The commander of the European Force (EUFOR) responsible for Operation Althea is NATO’s DSACEUR. This command arrangement helps to ensure NATO-EU coordination and facilitates EU access to NATO assets and capabilities.

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 NATO and the EU. EU member states hold that all EU members should attend NATO-EU meetings, while NATO member states maintain that the Alliance must uphold the NATO-EU agreement on security that stipulates that classified information can only be shared with EU members that have joined NATO’s Partnership for Peace (PfP) and concluded a security agreement with NATO in that framework. In other words, the EU will not meet formally with NATO to discuss matters outside the “Berlin Plus” framework without all 27 EU

members present, while NATO — owing in part to Turkey’s firm and principled position on the matter — will not meet in an official NATO-EU format with nations that have not completed a security agreement in the framework of PfP. Turkey is not an EU member, while Cyprus and Malta are the two EU countries that are not PfP members and that have not concluded security agreements with NATO in that framework. Operation Althea is the only on-going EU-led operation under “Berlin Plus,” and it alone can be considered in a formal NATO-EU format. Aside from capability development issues, Althea is the only agreed agenda subject that can be discussed without the presence of Cyprus and Malta. So far only sub-optimal solutions — such as informal ministerial meetings — have been found to include these countries and promote high-level dialogue among all the member states of NATO and the EU.

The “scope problem” derives in large part from the reluctance of a number of EU member states that are NATO Allies to expand the scope of NATO-EU cooperation beyond capabilities development discussions and operations under the “Berlin Plus” arrangements. Some EU member states evidently wish to confine NATO-EU cooperation to a narrow range of activities in order to create space for the EU to undertake broader responsibilities.

The EU is the only major organization with which NATO has formally structured cooperation, but this cooperation has been far from optimal. The key “participation” and “scope” problems derive from firmly maintained national policies. Only nations can choose to change their policies; and fundamental changes appear improbable, at least in the near term. Each nation has a sovereign right to its own policies concerning the extent to which flexibility is in order regarding the interpretation of particular agreements. Similarly, each nation has a sovereign right to its own views as to whether certain types of activities fall within the appropriate sphere of competence of specific international organizations. Prevailing political factors offer little ground to expect NATO-EU relations to become more than marginally more productive in the foreseeable future.

NATO and the Organization for Security and Cooperation in Europe

NATO has generally not directly supported OSCE operations, except by providing security, logistics, planning, information, and communications support for OSCE activities in territories in which NATO forces have been deployed. The first noteworthy NATO-OSCE cooperation of this nature took place regarding Bosnia and Herzegovina in the mid-1990s. From October 1998 to March 1999, NATO conducted Operation Eagle Eye, the air reconnaissance mission in support of the verification on the ground accomplished by the OSCE in Kosovo. During the same period the Alliance organized an Extraction Force prepared to evacuate OSCE personnel from Kosovo in an emergency.

Ad hoc NATO-OSCE cooperation, in conjunction with EU efforts, has also been effective. For example, in January 2001 the OSCE established a mission to the Federal Republic of Yugoslavia which focused on the problematic area of Southern Serbia, where there had been an ethnic Albanian insurgency. This mission coordinated its work with that of international partners, including NATO and specific NATO nations, such as the United Kingdom and the United States, to stabilize the situation and implement confidence-building measures. The crisis at the same time in the former Yugoslav Republic of Macedonia also called for NATO-EU-OSCE coordination.

Aside from coordination in the field in the Balkans, the specific areas of NATO-OSCE interaction in recent years have included border security and management-related issues; the security and disposal of small arms, light weapons, ammunition, and rocket fuel; anti-terrorism work, including an initiative against man-portable air-defense systems (MANPADS); combating human trafficking; and regional cooperation, notably in the south Caucasus, southeastern Europe, and Central Asia.

The OSCE concentrates on promoting democratization, the rule of law, respect for human rights, reconciliation, conflict prevention, and post-conflict rehabilitation and peace-building. OSCE participating states have focused their political-military negotiations on confidence- and security-building measures (CSBMs), norm-setting, and transparency

measures. The norm-setting activity extends from general codes of conduct on political-military security affairs to promoting respect for “best practices” guidelines in post-conflict rehabilitation processes. The OSCE’s focus on such specific activities helps to explain why there has been little competition regarding missions between NATO and the OSCE. Formalization of the NATO-OSCE relationship via a joint declaration or memorandum of understanding appears to be unnecessary.

An Emerging Security Architecture?

On a global level, no international security architecture more coherent than the existing one appears likely in the near to medium term, if only because of the salience of new and long-standing competitions for influence and status among states and organizations. Rather than recognizing opportunities for complementarity based on comparative strengths, organizations may seek to develop equivalent capacities of their own in order to diminish potential dependence on other institutions.

The June 2007 approval of the reorganization of the UN’s Department of Peacekeeping Operations (DPKO) and the June 2007 activation of the EU Operations Centre are cases in point. Both the UN and the EU are developing improved capabilities to plan, organize, and command complex multinational operations. The acquisition of greater autonomy through such capabilities means that they may well have less need to call on other organizations for assistance — notably including NATO, despite the Alliance’s great experience and capacity in planning and conducting demanding multinational operations. The UN DPKO case in particular shows how specific states within organizations can take the lead in championing greater institutional autonomy vis-à-vis other organizations in support of national agendas.

As often in the Alliance’s history, the United States has been the chief proponent of one approach, and France that of another. While various allies — including Belgium, Germany, Greece, Luxembourg, and Spain — have adopted positions similar to those championed by France on particular issues, France has expressed reservations about enhancing the Alliance’s political role and pursuing expanded and formalized

cooperation between NATO and other international organizations more openly and systematically than other Allies.

Some Allies may therefore have reservations about comparatively modest suggestions to improve inter-organizational cooperation — workshops, education and training, staff officer exchanges, invitations to contribute to the planning and conduct of certain types of exercises, and an online central data base. If so, their reservations might be more pronounced with respect to bolder concepts.

For example, one ambitious concept for the future would look beyond multilateral meetings of representatives of international security organizations focused on specific contingencies in order to establish a multilateral standing staff involving representatives from all the major international security organizations. At a minimum, this would include the UN, the EU, and NATO — the UN because of its legitimization function and unparalleled ability to attract resources on a global basis, the EU because of its leadership in rule of law efforts and development investments, and NATO because of its proven capacity to organize and conduct military operations and provide security for the activities of other organizations. The OSCE, the African Union, and other bodies — regional and global — might contribute to deliberations and operations on an ad hoc basis, together with non-governmental organizations.

While such a multilateral standing staff of representatives from major international security organizations would be consistent with the Alliance's professed interest in a comprehensive approach, the policies of some Allies might place it beyond the realm of practical politics. Allies that have a particular vision of the Alliance's appropriate role — one that would limit it mainly to performing military security functions — might object to an arrangement that could be seen as upgrading NATO's status and placing it on the same level as the UN and the EU. An even more elaborate and ambitious solution might be a permanent assembly of international and non-governmental organizations to promote improved coordination in conducting various types of operations — including humanitarian relief in the wake of natural disasters, armed intervention to separate warring parties, and post-conflict stabilization and reconstruction.

The achievement of such a “grand design” for a more coherent architecture of international security organizations and non-governmental organizations is a goal well worth pursuing; and some progress in this direction may be feasible. However, a continued pattern of improvisation — ad hoc accommodations and compromises — appears to be more likely. One of the main obstacles to pursuing a “grand design” approach is the fact that governments and international organizations have interests other than maximizing the effective use of resources and achieving optimal effects through cooperation.

Conclusion: Pursuing a Comprehensive Approach

This paper offers two conclusions about pursuing a “comprehensive approach,” both based on the Alliance’s historical experience. First, although high level political initiatives are necessary on some occasions, incremental progress at the working level has frequently proven more fruitful than such initiatives. However, reliance on the resourcefulness of dedicated staff members is not sufficient as a policy. Staff members need political backing. Working-level benevolence and ingenuity cannot prevail over political disunity among the Allies.

Second, intractable obstacles to cooperation rooted in national policies have generally been surmounted only under the compulsion of events. Despite bureaucratic institutional priorities, states are the ultimate decision-makers in international organizations; and states tend to uphold established policies and persist in the pursuit of competitive advantage until convinced by harsh necessity that they have no choice but to adapt their policies to new security requirements.

From an Alliance viewpoint, the three bilateral relationships discussed in this paper differ in substantial ways. In contrast with the UN-NATO and OSCE-NATO relationships, the EU-NATO relationship has been formalized with an array of agreed texts and institutional mechanisms. The EU-NATO relationship is nonetheless at present stalemated to a significant degree, owing in part to the “participation problem” deriving from differing national interpretations of these texts and diverging views on the proper functioning of these mechanisms. The other main difficulty in EU-NATO relations, the “scope problem,” stems

in part from an inter-institutional competition rooted in overlapping missions and contrasting national ambitions for the two organizations.

The OSCE-NATO relationship can be seen as the polar opposite to the EU-NATO relationship in that there is no scope problem, no participation problem, and no fundamental basis for competition. Although some NATO Allies have opposed a formalization of OSCE-NATO relations, lest it enhance the Alliance's political status, this opposition is not rooted in any matter intrinsic to OSCE-NATO relations but in a generalized objection to any measures that might augment NATO's political standing. The OSCE-NATO relationship also stands at sharp variance with the EU-NATO relationship not only in that the terms of the OSCE-NATO relationship have not been formalized, but also in that there is no pressing need for such formalization.

The UN-NATO relationship is distinctive in that a greater formalization of the relationship through a high-level framework agreement would be highly desirable and of mutual benefit. Bringing about such a formalization may be difficult, however, for multiple reasons. Above all, influential states in the UN Security Council, including the three NATO Allies that are permanent members, may have reservations about such a formalization, depending on how it is defined and implemented. Some non-NATO UN member states and staff members at UN headquarters may also oppose such a formalization, owing to their perceptions of the Alliance as a Cold War military organization composed of wealthy "northern" countries and dominated by the United States. Moreover, one of the objective bases for an improved UN-NATO relationship — the UN's need for the Alliance's capabilities — may be subject to some erosion as the UN's Department of Peacekeeping Operations (DPKO) pursues its efforts to achieve greater autonomy in its ability to plan, manage, and provide strategic direction for all aspects of a peacekeeping operation.

Fundamental changes in national and Alliance policy have historically derived not from carefully negotiated strategies but from improvisations under the pressure of necessity in crises. In short, just as the main innovations in inter-organizational cooperation since the early 1990s have been undertaken in response to urgent requirements in the

field, major future improvements in cooperation are more likely to flow from compelling events than from earnest exhortations, judiciously framed strategies, and high-level diplomacy.

CHAPTER 1

INTRODUCTION

This paper examines NATO's relations with the United Nations, the European Union, and the Organization for Security and Cooperation in Europe. With regard to each of these organizations, the paper discusses key issues in the relationship with NATO since the early 1990s, with due attention to problems as well as achievements. The paper also considers prospects for improved inter-organizational coordination, bilateral and multilateral, with a view to more effective policy implementation.

The mutual defense pledge in Article 5 of the 1949 North Atlantic Treaty was based on the UN Charter's recognition of the inherent right of states to individual and collective self-defense. However, during the Cold War the Alliance had no significant interactions with the UN Security Council or UN agencies. The Allies focused on collective defense and deterrence as the basis for diplomacy with their adversaries to the East. Indeed, during the Cold War, the principal international organizations that the Allies dealt with were the Warsaw Pact (1955-1991) and the Conference on Security and Cooperation in Europe (CSCE), founded in 1972-1973.¹

At the end of the Cold War in 1989-1991, the Allies were farsighted enough to recognize that in the new circumstances NATO would need to work more closely with other major international security organizations, which might — as indicated in the Alliance's 1991 Rome Declaration — constitute an array of “interlocking institutions.”² However, the Allies did not anticipate the gravity of the challenges that the Balkan conflicts would present. In June 1992, the Allies declared their willingness “to support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the

¹ NATO Allies participated in CSCE deliberations on a national rather than collective basis, and the same principle applied to negotiations with Warsaw Pact states on arms control and confidence- and security-building measures (CSBMs).

² North Atlantic Council, Rome Declaration on Peace and Cooperation, 8 November 1991, par. 3.

CSCE, including by making available Alliance resources and expertise.” This decision was made in light of the outbreaks of “violence and destruction . . . in various areas of the Euro-Atlantic region,” notably in the former Yugoslavia.³ In December 1992, the Allies extended the same principle to “peacekeeping operations under the authority of the UN Security Council.”⁴

This decision formalized the various NATO activities under the Security Council’s auspices underway since mid-1992. These activities extended beyond lending elements of NATO’s Northern Army Group command to the operational headquarters of the UN Protection Force (UNPROFOR). The NATO Allies employed Alliance airborne early warning aircraft to monitor the Security Council-mandated no-fly zone over Bosnia and Herzegovina (Operation Sky Monitor) and worked with the Western European Union to enforce Security Council-mandated economic sanctions against Serbia and Montenegro and the arms embargo against all the successor states of the former Yugoslavia (Operations Maritime Monitor and Sharp Guard). As the Allies noted in a December 1992 communiqué, “For the first time in its history, the Alliance is taking part in UN peacekeeping and sanctions enforcement operations.”⁵

Increasing cooperation with international organizations

The Balkan conflicts since 1991 and NATO’s engagement in Afghanistan since 2002-2003 have been the main drivers of the Alliance’s increasingly extensive cooperation with other international organizations. Practical needs in specific tasks in operations as well as assistance for security sector reform and other partnership activities have led NATO to work with many bodies, including national and non-governmental organizations as well as intergovernmental organizations.⁶ For example, NATO reported to the UN Security Council in October

³ North Atlantic Council Communiqué, 4 June 1992, par. 4, 11.

⁴ North Atlantic Council Communiqué, 17 December 1992, par. 4.

⁵ North Atlantic Council Communiqué, 17 December 1992, par. 5.

⁶ With regard to cooperation with non-governmental organizations, see Laure Borgomano-Loup, *Improving NATO-NGO Relations in Crisis Response Operations*, Forum Paper no. 2 (Rome: NATO Defense College, March 2007), available at http://www.ndc.nato.int/download/publications/fp_02_en.pdf.

2004 that the Clearing House/Steering Committee mechanism established to rehabilitate the Kabul Afghanistan International Airport included NATO, the Afghan Transitional Authority (ATA), the UN Assistance Mission in Afghanistan (UNAMA), the World Bank, the International Civil Aviation Organization (ICAO), the International Air Transport Association (IATA), and the US Federal Aviation Administration.⁷

All the Allies recognize NATO's limitations and the fact that the Alliance cannot achieve its political, development, and reconstruction goals in Afghanistan or elsewhere without help from other international organizations and NGOs. International financial institutions such as the World Bank and donor groups such as the G-8 fulfill important roles by supporting long-term stabilization and reconstruction efforts. NATO's efforts to help prevent the proliferation of weapons of mass destruction may lead to information-sharing and other forms of cooperation with bodies such as Interpol, the World Customs Organization, the International Maritime Organization, and the World Health Organization.⁸ NATO has cooperated with ICAO, IATA, the European Organisation for the Safety of Air Navigation (EuroControl), the UN Counter-Terrorism Committee, and the UN Office on Drugs and Crime (UNODC) in its counter-terrorism efforts.

The NATO Allies have come to take it for granted that in non-Article 5 operations — the tasks that have consumed most of NATO's resources and attention since the early 1990s — the Alliance will work in cooperation with other international organizations. Other organizations have capabilities and mandates that the Alliance lacks but that are essential for success in the overall mission. The Allies have recognized this practical necessity in the April 1999 Strategic Concept, the November 2006 Riga Summit Declaration, the Comprehensive Political Guidance, and other policy statements.

⁷ Quarterly Report to the United Nations on ISAF Operations, submitted by the NATO Secretary General on 22 September 2004, transmitted by the UN Secretary General to the President of the Security Council on 1 October 2004, S/2004/785, par. 26.

⁸ Video interview with Guy Roberts, Deputy Assistant Secretary General for NATO's Policy on Weapons of Mass Destruction, NATO Headquarters, Brussels, 27 September 2005.

At the November 2006 Riga summit, the Allies agreed that, “As in Afghanistan, success in Kosovo will depend on a concerted effort. Accordingly, NATO activity to provide a secure environment will continue to be coordinated with the activities of the UN, the EU and the OSCE to build governance and support reform.”⁹ In the Comprehensive Political Guidance endorsed at Riga, a document “setting out, for the next 10 to 15 years, the priorities for all Alliance capability issues, planning disciplines and intelligence,”¹⁰ NATO heads of state and government declared that

Peace, security and development are more interconnected than ever. This places a premium on close cooperation and coordination among international organisations playing their respective, interconnected roles in crisis prevention and management. Of particular importance because of their wide range of means and responsibilities are the United Nations and the European Union. The United Nations Security Council will continue to have the primary responsibility for the maintenance of international peace and security. The European Union, which is able to mobilise a wide range of military and civilian instruments, is assuming a growing role in support of international stability. The Organisation for Security and Cooperation in Europe also continues to have important responsibilities in this field.¹¹

This paper concentrates on the three international organizations that NATO has identified most consistently as key partners: the United Nations, the European Union, and the Organization for Security and Cooperation in Europe.

These organizations are distinctly different in their origins and purposes. The United Nations was organized by the leading powers fighting the Axis during World War II. The UN Charter, signed in San Francisco in June 1945, was intended to serve as a basis for international order, peace, and security superior to any other treaty arrangement. The UN is a global organization with 192 member states.

⁹ North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 9.

¹⁰ North Atlantic Council, Comprehensive Political Guidance, 29 November 2006, par. 1.

¹¹ North Atlantic Council, Comprehensive Political Guidance, 29 November 2006, par. 3.

The European Union can be seen as the current embodiment of an integration movement underway since the early 1950s. European states have been engaged in an unparalleled political project — the transfer of sovereignty in several policy areas to common institutions, with enhanced coordination of foreign and security policy. The European integration movement began in 1951 with 6 member states in the European Coal and Steel Community, and the EU currently has 27 member states.

In contrast to the UN, the EU, and NATO, the Organization for Security and Cooperation in Europe (OSCE), as it has been known since 1995, is not based on treaty arrangements but on political commitments. The OSCE began with the preparatory talks in 1972-1973 for the Conference on Security and Cooperation in Europe (CSCE), a pan-European conference in 1973-1975 involving all the states in the Euro-Atlantic region except Albania. The first major achievement of the CSCE was the 1975 Helsinki Final Act, which furnished the basis for subsequent meetings and decisions. Until 1990, the CSCE had 35 participating states. Owing to various political changes in the Euro-Atlantic region since 1990, particularly the disintegration of the Soviet Union and the former Yugoslavia, the OSCE currently has 56 participating states.

This paper focuses on interactions at the institutional level rather than on the conduct of operations. However, the distinction is somewhat artificial, in that effective cooperation in the field depends on a minimal level of inter-institutional comity and agreement.

Concepts for inter-institutional cooperation

New concepts have highlighted the importance of inter-institutional cooperation involving military forces, civilian agencies, international organizations, and non-governmental organizations. These concepts include Enhanced Civil-Military Cooperation, Concerted Planning and Action, and the Effects-Based Approach to Operations.

During the Cold War, the phrase civil-military cooperation (CIMIC) meant relations between civilians and military forces in NATO nations. For example, the deployment of Belgian, British, Canadian, Dutch, French, and U.S. troops in West Germany made for an exceptionally dense concentration of foreign troops, and this presented interface issues for NATO forces and West Germany's civil population. Similarly, reinforcement exercises such as the annual REFORGER (Return of Forces to Germany) event placed significant responsibilities on the Federal Republic of Germany as the host nation. During the Cold War CIMIC was an adjunct to the Alliance's deterrence and defense posture. It was not until NATO troops were introduced on the ground in Bosnia and Herzegovina in December 1995 as part of the Implementation Force (IFOR) for the Dayton peace accords that CIMIC took on a new connotation. The Alliance then began working much more closely with representatives of other international organizations as well as non-governmental organizations, local authorities, and the local population. As Lamberto Zannier wrote at that time, "The IFOR Civil/Military Cooperation (CIMIC) process involves close liaison and cooperation with international organizations in Bosnia and Herzegovina including the OSCE, the UN High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the IPTF [International Police Task Force]."¹² During the late 1990s the phrase "Enhanced CIMIC" was coined to signify the fact that CIMIC had taken on a significantly revised connotation.

In 2004 the Danish government launched an initiative for Concerted Planning and Action (CPA) by civil and military authorities in peace operations that would bring together representatives of all relevant national agencies.¹³ The Danish initiative was initially focused on coordinating national agency efforts, but it has won widespread support in NATO as a model for the Alliance's cooperation with non-NATO nations, other international security organizations, and non-governmental organizations. CPA goals include improved coordination among all the

¹² Lamberto Zannier, "Relations Between the OSCE and NATO with Particular Regard to Crisis Management and Peacekeeping," in Michael Bothe, Natalino Ronzitti, and Allan Rosas, eds., *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (The Hague: Kluwer Law International, 1997), p. 262.

¹³ Kristian Fischer and Jan Top Christensen, "Improving Civil-Military Cooperation the Danish Way," *NATO Review*, Summer 2005.

civilian and military actors involved in the pursuit of desired end-states in specific crises. Such coordination is intended to achieve more coherent and efficient combined action. CPA calls for more extensive consultations, periodic staff talks, and planning and information exchanges in NATO's relations with other international organizations.

The Effects-Based Approach to Operations (EBAO), a term favored by some experts at NATO's Allied Command Transformation, has a number of similarities with CPA. The Alliance's Comprehensive Political Guidance indicates that "an effects-based approach" aspires to "the coherent and comprehensive application of the various instruments of the Alliance to create overall effects that will achieve the desired outcome." The Comprehensive Political Guidance adds that, "While NATO has no requirement to develop capabilities strictly for civilian purposes, it needs to improve its practical cooperation, taking into account existing arrangements, with partners, relevant international organisations and, as appropriate, non-governmental organisations in order to collaborate more effectively in planning and conducting operations."¹⁴ In other words, in seeking desired effects, the Alliance should ensure that its efforts complement and reinforce the activities of other international organizations. As Rainer Meyer zum Felde, a German expert, has noted, EBAO "is not . . . a purely military concept — at the grand strategic level, it encompasses all of the instruments of political, economic, civil and military power that can be brought to bear by the Nations of the Alliance, and potentially beyond, in partnership with other international organisations and agencies, in order to successfully achieve the desired end state of any mission."¹⁵ The Enhanced CIMIC, CPA and EBAO concepts share a commitment to promoting more effective cooperation between NATO and other international organizations to achieve preferred end-states and make possible successful exit strategies.

¹⁴ North Atlantic Council, Comprehensive Political Guidance, 29 November 2006, par. 7e and 17.

¹⁵ Rainer Meyer zum Felde, "From NATO's Civil-Military Cooperation (CIMIC) Towards Coherency of Civil and Military Interaction in Future Complex Engagements: A Case Study in the Context of NATO's Transformation," in Heiko Borchert, ed., *Zu neuen Ufern: Politische Führungskunst in einer vernetzten Welt* (Baden-Baden: Nomos Verlagsgesellschaft, 2006), p. 63. Colonel Meyer zum Felde's discussion of the relevance of EBAO concepts for NATO planning and cooperation with other international organizations is especially valuable in view of his recent service as Allied Command Transformation's first Branch Head and Leader of the Integrated Capability Team for "Enhanced CIMIC."

While the terms Enhanced CIMIC, CPA and EBAO are still in widespread use, they are increasingly being displaced by a concept that encompasses their essential ideas — a “comprehensive approach.” The comprehensive approach is similar to these other concepts in that it also calls for coordinated activity by multiple types of organizations in cooperation with local authorities to promote security and development. In the words of the Riga Summit Declaration,

Experience in Afghanistan and Kosovo demonstrates that today’s challenges require a comprehensive approach by the international community involving a wide spectrum of civil and military instruments, while fully respecting mandates and autonomy of decisions of all actors, and provides precedents for this approach. To that end, while recognising that NATO has no requirement to develop capabilities strictly for civilian purposes, we have tasked today the Council in Permanent Session to develop pragmatic proposals . . . to improve coherent application of NATO’s own crisis management instruments as well as practical cooperation at all levels with partners, the UN and other relevant international organisations, Non-Governmental Organisations and local actors in the planning and conduct of ongoing and future operations wherever appropriate. These proposals should take into account emerging lessons learned and consider flexible options for the adjustment of NATO military and political planning procedures with a view to enhancing civil-military interface.¹⁶

In June 2007, NATO Defense Ministers confirmed their support for developing a “comprehensive approach” and added that “These proposals should be completed and implemented as a matter of priority.”¹⁷ The comprehensive approach is intended to improve coordination and teamwork by NATO and other organizations at the strategic and intermediate levels of planning and policy formation in order to enhance performance in tactical-level operations in the field.

¹⁶ North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 10.

¹⁷ North Atlantic Council in Defense Ministers Session, 14 June 2007, par. 14.

NATO in transition

The Alliance's interest in a "comprehensive approach" should be placed in historical context. In a sense the Alliance has been learning about how to contribute to a "comprehensive approach" to dealing with security challenges since the early 1990s without benefit of that particular phrase. Explicitly adopting a "comprehensive approach" marks another stage in a transition underway since the end of the Cold War.

NATO has been engaged in a profound adaptation since the early 1990s, when the Allies first began to undertake operations after some 40 years of focusing on the deterrence of possible aggression and preparations for territorial defense operations. The Alliance is perhaps half-way through a transition from its Cold War posture to one adapted to current and emerging security requirements. While deterrence and territorial defense capabilities have not by any means become irrelevant, since the early 1990s the Alliance has had to grapple with urgent crisis response requirements and with long-term stabilization and reconstruction tasks.

Since the breakup of the former Yugoslavia began in 1991, the NATO Allies have had to deal with types of conflicts quite different from their Cold War preoccupation with deterring an outbreak of alliance-versus-alliance conventional war that might escalate to nuclear war. The Allies have had to focus on preventing and containing ethnic and political conflicts within and between states. The goals of the Allies and their international partners have come to extend beyond stopping the immediate violence to creating the conditions necessary for an enduring resolution of the conflicts within and among the western Balkan states and for their closer cooperation with (and possible eventual membership in) European and Euro-Atlantic organizations. Since the terrorist attacks against the United States in September 2001, moreover, the Allies have become conscious of the extent to which derelict or failing states — such as Afghanistan was under Taliban rule — can become safe havens for terrorist movements and organized criminal groups.

If the Allies intend to ensure that conflicts among local antagonists do not resume and that no new havens for terrorists or criminals can be established, they must achieve much more than victory in the traditional sense of defeating an enemy's forces in combat. The tasks of state-building and democratization cannot be accomplished with purely military means. Sustainable security requires stabilization, reconstruction, economic and social development, and good governance. Constructive intervention therefore requires the contributions of multiple international organizations and non-governmental organizations (NGOs).¹⁸

The fact that international organizations have differing strengths and mandates has often facilitated cooperation in working out a sensible division of labor. NATO's most obvious comparative advantage resides in its military capabilities, including its expertise in the planning, organization, and conduct of operations involving the armed forces of the Allies and security partners. On some occasions the Allies have intervened decisively to separate warring parties and put an end to atrocities — as with, for example, Operation Deliberate Force in 1995 in Bosnia and Herzegovina and Operation Allied Force in 1999 in the Kosovo conflict. The Allies have also played a leading role in providing a secure environment for the activities of other organizations — as with the Implementation Force (IFOR) and Stabilization Force (SFOR) in Bosnia and Herzegovina from 1995 to 2004, the Kosovo Force (KFOR) since 1999, and the International Security Assistance Force (ISAF) in Afghanistan since 2003.

However, while the Alliance has some non-military civil capabilities (notably with respect to civil emergency planning, defense aspects of security sector reform, and partnership cooperation programs), NATO is clearly incapable of undertaking the full range of tasks required for state-building and social and economic development. Moreover, the United Nations Security Council has a unique role in providing a framework of legitimacy for the use of force in situations other than the self-defense contingency covered by Article 51 of the UN Charter and Article 5 of the North Atlantic Treaty.

¹⁸ As an expert in London put it in August 2006, "NATO doesn't build prisons or provide alternative livelihoods, but those activities are part of the exit strategy."

The NATO Allies have thus had obvious incentives to seek improved cooperation among international security organizations. Above all, more effective cooperation could save lives and resources. The Allies have discovered, however, that there are political obstacles — within and outside the Alliance — to deepening NATO's cooperation with other international security organizations beyond certain boundaries. Competition is endemic in international politics, even when states have shared interests and are ostensibly committed to cooperation to achieve common goals.

Despite the importance of states, this paper does not dwell on differences in national policies and concentrates on inter-organizational issues. There is, however, some discussion of national differences affecting inter-organizational cooperation, particularly in Chapters 3 and 5. Moreover, it should be recalled that some NATO Allies have unique policies. For example, France and Denmark both have a distinctive status. France has long chosen not to participate in NATO's Defense Planning Committee and Nuclear Planning Group. France is also the only NATO Ally that does not participate in the Alliance's collective defense planning process by providing information on its defense capabilities and plans on a regular basis. (Most Allies supply this information in responses to biannual Defense Planning Questionnaires.) France is nonetheless one of the leading contributors to NATO budgets, operations, and force transformation activities, including the NATO Response Force; and French officers have commanded NATO-led operations in Afghanistan (ISAF) and Kosovo (KFOR).¹⁹ Like France, Denmark is a member of both the Alliance and the European Union. Denmark has the distinction of having been granted an "opt-out" from the EU's European Security and Defense Policy (ESDP) since the European Council meeting in December 1992 in Edinburgh. Denmark has nonetheless chosen to participate in some ESDP-relevant general deliberations in the EU while

¹⁹ Three French Senators recently analyzed the benefits and drawbacks of France's unique status in the Alliance, including its limited participation in NATO military staff organizations, in light of French national interests and objectives and changing international circumstances. See Jean François-Poncet, Jean-Guy Branger, and André Rouvière, *Rapport d'information fait au nom de la commission des Affaires étrangères, de la défense et des forces armées sur l'évolution de l'OTAN*, no. 405 (Paris: Sénat, 19 July 2007), pp. 56-64, available at <http://www.senat.fr/rap/r06-405/r06-4051.pdf>.

refraining from participation in ESDP military operations under EU command.²⁰

Intergovernmental organizations are instruments devised and employed by states. At times these organizations constitute arenas of inter-state antagonism as well as forums for dialogue and cooperation. Relations among organizations are subject to both inter-state and inter-institutional rivalry. The declarations of states regarding their shared interests and values sometimes represent vague aspirations rather than operational realities. Although institutional bureaucracies exert influence in some circumstances, states are the ultimate decision-makers in international security organizations.²¹ States will therefore chiefly determine the extent to which meaningful improvements in inter-organizational coordination are feasible.

²⁰ Gorm Rye Olsen, "Denmark and ESDP," in Klaus Brummer, ed., *The North and ESDP: The Baltic States, Denmark, Finland and Sweden* (Gütersloh, Germany: Bertelsmann Stiftung, June 2007), pp. 22-33.

²¹ For the most part, this paper disregards bureaucracies within states and institutional entities within international organizations. Moreover, it generally disregards the roles played by individuals, despite abundant anecdotal evidence, some of it available in published memoirs, that specific personalities have affected — and continue to influence — NATO's interactions with other international organizations.

CHAPTER 2

NATO AND THE UNITED NATIONS

The preamble to the North Atlantic Treaty begins with the statement that “The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations.” The North Atlantic Treaty refers repeatedly to the UN Charter, and UN Security Council resolutions have furnished the basis for almost all non-Article 5 NATO operations. Moreover, the Allies have reported to the Security Council about all their operations involving the use of force — including the Operation Allied Force air campaign in the 1999 Kosovo conflict — even though the Allies undertook this operation without benefit of an explicit UN Security Council resolution.

While the UN Security Council’s exceptional responsibilities in international security constitute a central aspect of the NATO-UN relationship, the UN offers much more than a framework of legitimacy for the actions of the Alliance and other international organizations. Since the early 1990s, the UN’s specialized departments and agencies have worked closely with the Alliance in coordination with other international organizations and non-governmental organizations. NATO-UN coordination has sometimes been sub-optimal, notably in the Balkans in the early 1990s; and significant lessons have been learned.

The North Atlantic Treaty in relation to the UN Charter

According to Article 24 of the UN Charter, the UN Security Council bears “primary responsibility for the maintenance of international peace and security.” Moreover, Article 103 of the UN Charter asserts its supremacy in relation to all other treaties: “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.” However, the authors of the Charter recognized that the UN Security Council might be incapable of timely and effective action, and

for this reason referred explicitly in Article 51 to “the inherent right of individual or collective self-defense.” Article 51 furnished the basis for the collective defense pledge in Article 5 of the North Atlantic Treaty.²²

While the framers of the North Atlantic Treaty reaffirmed in Article 7 “the primary responsibility of the Security Council for the maintenance of international peace and security,” they deliberately excluded any reference to any of the articles in Chapter VIII of the UN Charter. Article 52, part of Chapter VIII, refers to “regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action.” Article 53, also part of Chapter VIII, declares that “regional arrangements or agencies” are unable to undertake enforcement actions without the approval of the UN Security Council: “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.” The term “enforcement action” is generally taken to mean “any action which would otherwise be in violation of the [UN Charter’s] prohibition of the use of force as spelled out in Art. 2(4).”²³

During the negotiation of the North Atlantic Treaty, there was concern that any suggestion that the Alliance came under Chapter VIII of the UN Charter “might justify the argument that all action taken under the [North Atlantic] Pact should be subject to the veto of the Security

²² Article 5 of the North Atlantic Treaty refers explicitly to Article 51 of the UN Charter as well as to the responsibilities of the UN Security Council. Article 5 of the North Atlantic Treaty reads as follows: “The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.”

²³ Jürgen Bröhmer and Georg Ress, “Article 53,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), p. 861. According to Article 2(4) of the UN Charter, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”

Council.”²⁴ As a result, according to Sir Nicholas Henderson, who participated in the treaty negotiations as part of the British delegation,

All the representatives, including the French, agreed in the end to omit any specific reference in the Preamble, or in any of the Articles of the Pact, to Chapter 8 of the Charter. . . . It was finally agreed, after further discussion in Washington, that the parties to the Pact, in their public statements, should stress the relationship of the Pact to Article 51 but should avoid saying that it was connected with Chapter 8 or other Articles of the United Nations Charter. This understanding was embodied in the agreed minutes of interpretation.²⁵

The authors of the North Atlantic Treaty were not engaging in any noteworthy innovation in taking this approach, because it was consistent with standard interpretations of the Charter. As Waldemar Hummer and Michael Schweitzer have observed,

It had been agreed as early as the San Francisco Conference [in June 1945, when the UN Charter was signed] that an offensive/defensive military alliance *per se* was ‘obviously not a regional arrangement within the meaning of the Charter.’²⁶ . . . NATO has been consciously submitted to Art. 51 by its founders in order to escape the extended obligation to inform

²⁴ Sir Nicholas Henderson, *The Birth of NATO* (Boulder, Colorado: Westview Press, 1983), p. 102. Henderson offers an authoritative account of the discussions concerning Chapter VIII of the UN Charter and NATO’s autonomy in relation to the UN Security Council during the negotiation of the North Atlantic Treaty. See also Marten Zwanenburg, “NATO, Its Member States, and the Security Council,” in Niels Blokker and Nico Schrijver, eds., *The Security Council and the Use of Force: Theory and Reality — A Need for Change?* (Leiden and Boston: Martinus Nijhoff Publishers, 2005), pp. 193-195, 200-203. Zwanenburg provides references to official statements affirming that the Alliance is not a regional arrangement under Chapter VIII of the UN Charter.

²⁵ Henderson, *The Birth of NATO*, pp. 102-103.

²⁶ Waldemar Hummer and Michael Schweitzer, “Article 52,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), p. 819. The passage quoted is derived from Ruth B. Russell and Jeannette E. Muther, *A History of the United Nations Charter: The Role of the United States, 1940-1945* (Washington, D.C.: The Brookings Institution, 1958), p. 706. The passage quoted was from a statement by the U.S. delegate on 1 June 1945 during the negotiation of this part of the UN Charter. According to Russell and Muther, “The viewpoint expressed . . . was approved by the French, Czech, Soviet, Australian, and Chinese members of the subcommittee, none of whom desired to exclude mutual assistance treaties.”

[the Security Council] under Art. 54 and the control by the SC
[Security Council] under Art. 53.²⁷

In other words, it is widely recognized that alliances are based on Article 51 (Chapter VII) of the UN Charter and serve as “outwardly-directed” collective defense mechanisms, in contrast with regional arrangements, which are based on Articles 52-54 (Chapter VIII) of the Charter and function as inwardly-directed collective security systems capable of being authorized by the Security Council to take enforcement actions.²⁸

The Allies have generally agreed since 1949 that the Alliance is not a regional arrangement or agency under Chapter VIII of the UN Charter, and that the Alliance is not subordinate to the Security Council, notably with respect to “the inherent right of individual or collective self-defense” under Article 51. Subordinating NATO to the Security Council could in practice mean subordinating it to Russia and China. According to Article 27 of the UN Charter, the Security Council can make decisions on non-procedural matters only with the concurrence of its five permanent members — also known as the P5 — that is, China, France, Russia, the United Kingdom, and the United States. This provision of the UN Charter is popularly known as the veto.²⁹

It should nonetheless be noted that, despite the agreed Alliance position that NATO is not a regional arrangement or agency under Chapter VIII of the Charter, NATO Allies have supported a number of UN Security Council resolutions in which NATO has been treated as if it were a Chapter VIII regional arrangement or agency. As Robert

²⁷ Waldemar Hummer and Michael Schweitzer, “Article 54,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002) p. 892.

²⁸ Waldemar Hummer and Michael Schweitzer, “Article 52,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), p. 823.

²⁹ “When a bewildered non-P5 ambassador once asked the Soviet representative how one could tell the difference between a procedural matter and a substantive matter, he was informed dryly, ‘We shall tell you.’ And so it remains today.” Paul Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (New York: Random House, 2006), p. 36. For an analysis of interpretation and practice, see Stefan Brunner, Hans-Peter Kaul, and Bruno Simma, “Article 27,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), pp. 476-523.

Simmons, NATO's Deputy Assistant Secretary General for Political Affairs, observed in 2004, "Although the alliance does not consider itself formally a regional organization under Chapter VIII of the United Nations Charter, NATO's transition from a purely collective-defence organization into a security manager in a broad sense has enabled it to act in that same spirit, first in Europe and now beyond."³⁰ However, in some critically important UN Security Council resolutions — for instance, resolution 1244 regarding Kosovo — NATO has been clearly regarded "as an international organization and not as a regional arrangement."³¹

Another problem with defining NATO as "a regional arrangement or agency" — one that has become more apparent since 11 September 2001 — is that this would contradict the potentially distant reach of its defense and security tasks. The Allies agreed at the November 2002 Prague Summit that they need to be able "to meet the challenges to the security of our forces, populations and territory, from wherever they may come," with "forces that can move quickly to wherever they are needed . . . to sustain operations over distance and time."³² The long-term practical implications of this principle remain to be determined. However, the Alliance's operations in Afghanistan since 2003, its humanitarian relief mission in Pakistan in 2005-2006, and its support for the African Union in Darfur since 2005 demonstrate its willingness to take action beyond "the Euro-Atlantic area" highlighted as NATO's focus of concern in the 1999 Strategic Concept.³³

Because the Allies have always rejected the idea of a Chapter VIII-style dependence on the UN Security Council, it was not entirely surprising that they were prepared to use force in the 1999 Kosovo conflict in the absence of an explicit UN Security Council mandate to do

³⁰ Robert F. Simmons in United Nations Security Council, 5007th meeting, 20 July 2004 (UN doc. S/PV.5007), p. 25.

³¹ Jürgen Bröhmer and Georg Röss, "Article 53," in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), p. 862n.

³² North Atlantic Council, Prague Summit Declaration, 21 November 2002, par. 3-4. In an earlier formulation of this principle, the Allies declared that, "To carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, sustain operations over distance and time, and achieve their objectives." North Atlantic Council communiqué, 14 May 2002, par. 5.

³³ North Atlantic Council, Strategic Concept, 24 April 1999, par. 12.

so. The Allies have not agreed, however, on how to formulate the justification for using force in non-Article 5 operations (that is, for purposes other than self-defense) without an explicit mandate from the UN Security Council. They finessed this issue in the 1999 Strategic Concept: “NATO recalls its offer, made in Brussels in 1994, to support on a case-by-case basis in accordance with its own procedures, peacekeeping and other operations under the authority of the UN Security Council or the responsibility of the OSCE, including by making available Alliance resources and expertise. In this context NATO recalls its subsequent decisions with respect to crisis response operations in the Balkans.”³⁴ In the latter sentence the Allies acknowledged obliquely that they had used force in the Kosovo conflict without an explicit authorization from the UN Security Council.

In the same document, however, the Allies reaffirmed among the “fundamental security tasks” of the Alliance the following definition of “Crisis Management: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.”³⁵ This was noteworthy because, according to Article 7 of the Washington Treaty, also known as the North Atlantic Treaty, “This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.” In short, the Allies referred in the 1999 Strategic Concept both to their strong preference that the UN Security Council effectively bear “primary responsibility . . . for the maintenance of international peace and security” and to the fact that, in the Kosovo conflict, they had chosen to use force in the absence of an explicit Security Council mandate.³⁶

³⁴ North Atlantic Council, Strategic Concept, 24 April 1999, par. 31. It is not clear why the Allies referred in the 1999 Strategic Concept to the offer “made in Brussels in 1994,” because the Brussels Summit Declaration of 10-11 January 1994 simply repeated the commitments already made by the North Atlantic Council in 1992. The North Atlantic Council made the commitment with regard to what was then the CSCE in its communiqué of 4 June 1992 (par. 11) and with regard to the UN Security Council in its communiqué of 17 December 1992 (par. 4).

³⁵ North Atlantic Council, Strategic Concept, 24 April 1999, par. 10.

³⁶ The Allies also included the following statement: “The United Nations Security Council has the primary responsibility for the maintenance of international peace and security and, as such, plays a

This was a highly controversial decision. Some Allied observers argued that, in order to persuade other countries to respect UN norms, NATO nations should set standards of strict conformity to international law as defined in the UN Charter, rather than setting precedents (such as asserting a humanitarian necessity to justify unilateral action) that could be used by other states and coalitions to legitimize interventions. Moreover, some observers maintained that in non-Article 5 (that is, non-collective defense) contingencies such as Kosovo, the Allied security interests at stake were not fundamental. In their view, the Allies could have afforded to wait until a combination of economic, political, and military pressures could be constructed to bring about acquiescence, if not active consent and participation, in support of intervention. An explicit UN Security Council mandate would have also provided, it was noted, greater legitimacy in the eyes of public opinion. The decisive counter-argument was the humanitarian emergency at hand in Kosovo. The German Foreign Minister at the time, Joschka Fischer, said, "I am not a friend of using force, but sometimes it is a necessary means of last resort. So I am ready to use it if there is no other way. If people are being massacred, you cannot mutter about having no [UN Security Council] mandate. You must act."³⁷

While all Allies held that Operation Allied Force (the air campaign in the Kosovo conflict) was justified on grounds of humanitarian necessity, some Allies also based their policy on interpretations of relevant UN Security Council resolutions, including Resolution 1199 of 23 September 1998 and Resolution 1203 of 24 October 1998, although no Security Council resolution explicitly authorized the Alliance's use of force in the Kosovo conflict. The Allies agreed that they had an "appropriate" or "sufficient legal base in international law" for their use of force, but they did not agree on its specific content. The Allies were therefore not able to make a common

crucial role in contributing to security and stability in the Euro-Atlantic area." North Atlantic Council, Strategic Concept, 24 April 1999, par. 15.

³⁷ Joschka Fischer quoted in Roger Cohen, "'We Will Deal with Our History': Fischer, Germany's Foreign Minister, Looks Ahead to Berlin," *International Herald Tribune*, 29 January 1999. The British government offered a similar rationale for action: "In the exceptional circumstances of Kosovo it was considered that the use of force would be justified on the grounds of overwhelming humanitarian necessity, without [United Nations] Security Council authorization." Baroness Symons of Vernham Dean, the Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, in *House of Lords, Parliamentary Debates*, 2 November 1998, Written Answers, col. 11.

declaration about the official legal basis for their use of force. Each Ally was responsible for formulating its own national justification, and some Allies chose to make reference both to humanitarian necessity and UN Security Council resolutions.³⁸

Some officials and commentators in Alliance member states declared that NATO's use of force in the Kosovo conflict was an exceptional case that should not be regarded as a precedent, but no such statement was included in the April 1999 Strategic Concept. Marc Grossman, then the U.S. Assistant Secretary of State for European Affairs, stated in October 1999, "Nothing in the Strategic Concept modifies the positions we have taken regarding NATO's ability to act in the absence of a UN Security Council mandate."³⁹

Lord Robertson, then the NATO Secretary General, issued the following statement a year after NATO's military intervention in the Kosovo conflict:

The Allies were sensitive to the legal basis for their action. The Yugoslavs had already failed to comply with numerous demands from the Security Council under Chapter VII of the UN Charter and there was a major discussion in the North Atlantic Council, during which the Council took the following factors into consideration:

- the Yugoslav government's non-compliance with earlier UN Security Council resolutions,
- the warnings from the UN Secretary General about the dangers of a humanitarian disaster in Kosovo,

³⁸ For an illuminating discussion, see Dick A. Leurdijk, "NATO as a Subcontractor to the United Nations: The Cases of Bosnia and Kosovo," in Rob de Wijk, Bram Boxhoorn, and Niklaas Hoekstra, eds., *NATO After Kosovo* (The Hague, The Netherlands: Netherlands Atlantic Association, Netherlands Institute of International Relations "Clingendael," and the Royal Netherlands Military Academy, 2000), pp. 130-132, 135-137. For an example of an official statement justifying the use of force by reference to both humanitarian necessity and UN Security Council resolutions, and thereby affirming national policy regarding the Security Council's authority, see the speech by Alain Richard, then France's Minister of Defense, in Munich on 6 February 1999. Jacques Chirac, then France's President, underscored his view that in the Kosovo conflict NATO was acting in support of Security Council resolutions — and could not legitimately use force in such an operation without the approval of the Security Council — in his press conference at the NATO summit in Washington, 24 April 1999.

³⁹ Statement of Ambassador Marc Grossman, Assistant Secretary of State for European Affairs, before the Senate Armed Services Committee, 28 October 1999, p. 3.

- the risk of such a catastrophe in the light of Yugoslavia's failure to seek a peaceful resolution of the crisis,
- the unlikelihood that a further UN Security Council resolution would be passed in the near future,
- and the threat to peace and security in the region.

At that point, the Council agreed that a sufficient legal basis existed for the Alliance to threaten and, if necessary, use force against the Federal Republic of Yugoslavia.⁴⁰

Some Allied observers suggested that what Lord Robertson called a “threat to peace and security in the region” was a risk of instability tantamount to a collective defense contingency; and in their view this risk justified action on the basis of Article 51 of the UN Charter. However, there was no question of the Allies invoking Article 5 of the North Atlantic Treaty in the Kosovo conflict. Another argument advanced to justify Allied action in the Kosovo conflict was that it was necessary to uphold conditions for the safe and effective implementation of the Dayton accords (the General Framework Agreement for Peace in Bosnia and Herzegovina) and to protect the NATO-led Stabilization Force (SFOR) operating under a UN Security Council mandate.⁴¹ Such arguments and the humanitarian necessity rationale were noteworthy, among other reasons, because they underscored some of the difficult questions raised by the anticipatory use of force.⁴²

Dick Leurdijk, a Dutch expert, has concluded that — aside from the inherent right to collective self-defense recognized by the UN Charter — there are two models for NATO action. The first is a “sub-contracting model” under UN Security Council resolutions, as with the Implementation Force (IFOR) and Stabilization Force (SFOR) in Bosnia and Herzegovina and the International Security Assistance Force (ISAF)

⁴⁰ Lord Robertson of Port Ellen, Secretary General of NATO, *Kosovo One Year On: Achievement and Challenge* (Brussels: NATO, 21 March 2000), p. 24.

⁴¹ In David Lightburn's view, “Kosovo was only part humanitarian – it was also a strategic problem on NATO's southern flank and a potential problem for both operations in Bosnia and Herzegovina and for the Alliance's Balkan PfP [Partnership for Peace] members.” David Lightburn, “Should NATO support UN peacekeeping operations?” *NATO Review*, Summer 2005.

⁴² For background, see David S. Yost, “NATO and the Anticipatory Use of Force,” *International Affairs*, vol. 83 (January 2007), pp. 39-68.

in Afghanistan. The second is an “autonomy model,” as with Operation Allied Force in the Kosovo conflict, because NATO “is not willing to subordinate itself to the UN under all conditions.” Leurdijk explains these two models by referring to what he calls “NATO’s . . . inherently ambivalent character as a collective defence organization that is also willing and capable of performing as an instrument of the UN system of collective security.”⁴³

Some observers in NATO nations object to the “sub-contracting” metaphor employed by Leurdijk, because in their view this implies a subordination of NATO to the UN Security Council. As long ago as 1993, Manfred Wörner, then the Secretary General of NATO, said that “NATO cannot be regarded as an instrument or as a military sub-contractor to the United Nations. Nor do we expect that the United Nations should accept NATO’s leadership. Both must retain the possibility to act independently.”⁴⁴ The Allies generally agree that NATO’s legal bases for action, including the use of force, are not limited to UN Security Council resolutions, and encompass “humanitarian necessity” and related principles in addition to the inherent right to self-defense recognized in Article 51 of the UN Charter.⁴⁵

The sharp criticisms of NATO’s use of force in the Kosovo conflict by Russia and China demonstrated that two of the five permanent members of the Security Council did not accept the view of the Allies that they had a sufficient legal justification in the absence of an explicit Security Council authorization. The Russian and Chinese objections to

⁴³ Dick Leurdijk, “NATO and the UN: The Dynamics of an Evolving Relationship,” *RUSI Journal*, vol. 149 (June 2004), pp. 26-27.

⁴⁴ Manfred Wörner, speech at the annual conference of the International Institute for Strategic Studies, Brussels, 10 September 1993.

⁴⁵ As Katariina Saariluoma, a Finnish scholar, has pointed out, in several resolutions since the early 1990s the UN Security Council has held that “lack of respect for human rights and humanitarian law” could “give rise to a threat to international peace and security.” Katariina Saariluoma, *Operation Allied Force: A Case of Humanitarian Intervention?* (Garmisch-Partenkirchen, Germany: Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, September 2004), p. 54. The concepts of “humanitarian necessity” and “humanitarian intervention” nonetheless remain controversial. According to an authoritative analysis, “There is still no consensus in international legal doctrine on the unlawfulness of forcible humanitarian intervention, that is, the use of armed force for the prevention or discontinuation of massive violations of human rights in a foreign State.” Albrecht Randelzhofer, “Article 2(4),” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), p. 130.

the use of force without a UN Security Council mandate were shared by many member states of the United Nations.⁴⁶ Moreover, the idea of using force without such a mandate was then (and remains) controversial in NATO member nations. Kofi Annan, then the UN Secretary General, declared, “I have many times pointed out, not just in relation to Kosovo, that under the Charter the Security Council has primary responsibility for maintaining international peace and security — and this is explicitly acknowledged in the North Atlantic Treaty. Therefore, the Council should be involved in any decision to resort to the use of force.” However, in the same statement Annan also said that “there are times when the use of force may be legitimate in the pursuit of peace.”⁴⁷ In September 1999, he drew attention to

the universally recognized imperative of effectively halting gross and systematic violations of human rights with grave humanitarian consequences . . . To those for whom the greatest threat to the future of international order is the use of force in the absence of a Security Council mandate, one might ask — not in the context of Kosovo — but in the context of Rwanda: If, in those dark days and hours leading up to the genocide, a coalition of States had been prepared to act in defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold?⁴⁸

Mutual needs and planning dilemmas

NATO needs the UN because the Allies strongly prefer to rely on UN Security Council resolutions as a legal basis for non-Article 5 operations and a political framework of legitimacy for such operations.

⁴⁶ The use of force without the concurrence of China and Russia in a UN Security Council resolution could be seen as undermining their prerogatives as permanent members.

⁴⁷ “Secretary-General Deeply Regrets Yugoslav Rejection of Political Settlement; Says Security Council Should Be Involved in Any Decision to Use Force,” UN Press Release SG/SM/6938, 24 March 1999. Kofi Annan included the following sentence in this statement: “In helping maintain international peace and security, Chapter VIII of the United Nations Charter assigns an important role to regional organizations.” This sentence conveyed the impression that NATO is a regional arrangement or agency under Chapter VIII of the Charter. However, the NATO Allies have generally rejected this view since they founded the Alliance in 1949.

⁴⁸ “Secretary-General Presents His Annual Report to General Assembly,” UN Press Release SG/SM/7136, GA/9596, 20 September 1999.

This legal basis and political framework help the Alliance by furnishing a context for the contributions of other international organizations and non-governmental organizations in demanding tasks such as stabilization and reconstruction, state-building, and promoting sustainable security. The political legitimacy provided by a UN Security Council resolution creates a “moral atmosphere” in which NATO is more readily perceived as part of the solution. As Peter Viggo Jakobsen, a Danish scholar, has noted, UN Security Council mandates are “important with respect to mobilising international acceptance of a global NATO role, particularly in Africa and the broader Middle East.”⁴⁹ The UN framework enables NATO and its diverse partners, including NGOs and other international organizations, to justify their actions as consistent with the will of “the international community.” This has been politically helpful with regard to sensitive missions such as the training of Iraqi security forces.⁵⁰

The legitimacy supplied by UN Security Council resolutions has been (and remains) virtually indispensable for many NATO governments. By the same token, obtaining parliamentary authorization for participation in operations involving the use of force without an explicit UN Security Council mandate has been difficult. For example, during the 1998-1999 Kosovo crisis, the governing majority in Italy headed by Prime Minister Massimo D'Alema was so deeply divided about whether to contribute forces to NATO's Operation Allied Force that only backing from the center-right political opposition led by Silvio Berlusconi enabled the D'Alema government to support NATO's military action. Domestic political dynamics are obviously subject to change, but the importance of UN Security Council mandates for public and parliamentary support for military action (including peacebuilding operations) appears to have risen in most NATO member states since the Kosovo conflict.

⁴⁹ Peter Viggo Jakobsen, “Should NATO support UN peacekeeping operations?” *NATO Review*, Summer 2005.

⁵⁰ “In response to the request of the Iraqi Interim Government, and in accordance with [UN Security Council] Resolution 1546 which requests international and regional organisations to contribute assistance to the Multinational Force, we have decided today to offer NATO's assistance to the government of Iraq with the training of its security forces.” Statement on Iraq Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Istanbul, 28 June 2004.

Aside from its legitimization functions, the UN has been significant to NATO in the conduct of operations. Since the dysfunctional “dual key” episode of 1993-1995, the Alliance has learned how to define the terms of reference for NATO-UN interactions concerning command and control in a more productive fashion. The three NATO Allies that are permanent members of the UN Security Council have played an important role in this regard.

Moreover, the NATO Allies regard UN leadership in the coordination of multilateral stabilization and reconstruction efforts as highly desirable, as with the UN Interim Administration Mission in Kosovo (UNMIK) and the UN Assistance Mission in Afghanistan (UNAMA). UN offices and agencies such as the Department of Peace Keeping Operations (DPKO), the UN Office on Drugs and Crime (UNODC), the UN Development Program (UNDP), and the Office of Coordination of Humanitarian Affairs (OCHA) have capabilities unmatched by other organizations. Operations in the field have clarified the functions of the Special Representatives of the UN Secretary General in interacting with NATO and the roles of staff from UN agencies and departments, including the DPKO and the OCHA.

The UN needs NATO because the Alliance has resources, expertise, skills, and capacity. NATO’s “capacity” resides not only in its military capabilities but in its experience in preparing and leading states to work together in complex multinational and multi-service operations. NATO has an unrivaled capacity to offer large-scale support and to sustain a long-term commitment. NATO has also developed expertise in defense and security sector reform through its partnership and enlargement programs. In 2003, Diego Ruiz Palmer, head of the planning section in NATO’s Operations Division, drew attention to “two major developments in Alliance policy” since the November 2002 Prague Summit:

The first concerns the Alliance itself assuming the strategic leadership of multinational operations that were initiated as non-NATO operations, as will be the case for ISAF [the UN Security Council-mandated International Security Assistance Force in Afghanistan]. The second regards the contribution, on a case-by-case basis, of specialised Alliance know-how and

capabilities to multinational operations that are not led by NATO. Based on the precedent of NATO's support for ISAF III at the request of Germany and the Netherlands, Poland sought NATO assistance in May [2003] for planning its participation in the US-led international force being assembled to stabilise Iraq. Both developments point to a further consolidation of NATO's distinct role, on behalf of the international community, as an architect in the planning, organisation, generation and sustainment of complex multinational peace-support operations, combining forces from NATO, Partner and other non-NATO nations.⁵¹

It may also be politically advantageous for the United Nations to turn to NATO for practical support in some circumstances. NATO may be politically preferable in relation to hypothetical alternatives such as asking the United States or major European states that are former colonial powers to take action. In other words, the Alliance may be more politically acceptable in specific countries or regions than some of its member states viewed in isolation. Moreover, some alternative state suppliers of military forces require substantial financial and practical assistance,⁵² whereas NATO states can provide their own logistical and financial support, as well as planning and operational headquarters.

In some cases, the UN may clearly be the demandeur, as with the earthquake relief operation in Pakistan in 2005-2006. The NATO Allies generally prefer not only a UN mandate (that is, legitimization via a UNSC resolution for a non-Article 5 NATO military operation) but also a UN request for NATO assistance, as with the Pakistan earthquake relief. NATO does not want to be seen as the demandeur, as if it were seeking missions and volunteering specific types of possible assistance in order to justify its existence. NATO governments need to be able to tell their parliaments that the UN has asked for help in specific forms, instead of reporting that NATO has proffered help and has in effect asked for additional responsibilities.

⁵¹ Diego A. Ruiz Palmer, "The Road to Kabul," *NATO Review*, Summer 2003.

⁵² According to interview sources, some developing states have volunteered to provide military support to UN-sponsored operations as a way of funding and maintaining their military establishments.

This understandable political preference may lead to delicate and awkward situations. One aspect of the problem is widespread ignorance in the United Nations, the African Union, and other organizations (and in many nations) about NATO's capacities in areas other than the conduct of military operations, such as planning, training, air transport, and security sector reform. UN staff members and parties in distress may not know what NATO could contribute and what to ask for. NATO has much to contribute, but the Allies prefer to be asked and not to impose themselves. As the NATO Secretary General told the UN Security Council in November 2004, "NATO nations are always prepared to consider further requests for support."⁵³

Another aspect concerns planning. For NATO to act in non-Article 5 contingencies, many Allies would prefer that NATO receive a request from the UN and/or another international organization, such as the African Union, and/or from a specific government, such as Iraq. NATO military authorities cannot formulate plans without a tasking from the North Atlantic Council, which has to agree on the need for a plan of action or preliminary concept of operations — and many Allies would prefer that the request be made before military authorities begin to devise solutions involving action. Some observers have described this as a chicken-and-egg problem, with some people wondering how a security issue is viewed at NATO HQ, the NAC waiting for external requests, and NATO military planners expecting taskings from the NAC. The general problem has been summed up as follows: Who requests what and when? Some observers argue that, if the North Atlantic Council is to make more informed decisions, with sound military advice, methods have to be devised to commission planning for potential operations while making it clear that no decision to undertake operations will necessarily follow.

The main obstacle to devising such methods is political. Some Allies are opposed in principle to expanding the number and scope of NATO operations, particularly in areas far from Europe, such as Africa and Asia. However, these Allies found it politically impossible to say no when the African Union requested transport assistance in the Darfur crisis and the UN requested help with earthquake relief in Pakistan.

⁵³ Jaap de Hoop Scheffer, speech at the meeting of the United Nations Security Council, 11 November 2004.

Political factors influence decision-making on the requesting side as well. In Darfur decision-making the UN has often taken an “arm’s length” attitude toward NATO and has endeavored to maintain the UN’s primacy. UN officials have understood that the UN will need further NATO assistance in the Darfur crisis, but have been cautious about giving it much visibility, owing to persistent perceptions of NATO as a US-led Cold War military organization.

Allied experts hope that the political problems as well as the chicken-and-egg sequencing difficulty in planning might be surmounted to some degree through the “comprehensive approach.” If inter-institutional contacts are cultivated through regular exchanges, and greater mutual knowledge is developed, planning requests might be anticipated and dealt with more expeditiously.

Difficulties encountered and operational lessons learned

In the 1991 Rome Declaration the Allies expressed an interest in constructing a new international “security architecture” based on “interlocking institutions” that would “complement each other.”⁵⁴ Cautious observers underscored the risk that in some cases the major international security organizations might in fact be “inter-blocking” or “inter-knocking” instead of “interlocking.”

This risk was not merely hypothetical, as events demonstrated. Many Allied observers concluded, for example, that the “key” held by Boutros Boutros-Ghali, then the UN Secretary General, under the NATO-UN “dual key” arrangement prevented timely action by NATO in Bosnia and Herzegovina during the UN Protection Force (UNPROFOR) period (1992-1995).⁵⁵ Boutros-Ghali denied that this was the case with either his

⁵⁴ North Atlantic Council, Rome Declaration on Peace and Cooperation, 8 November 1991, par. 3.

⁵⁵ The “dual key” arrangement did not apply to enforcement of the no-fly zone, but to offensive air strikes and close air support strikes to defend ground forces. UN Secretary General Boutros Boutros Ghali held the UN “key” to NATO’s conduct of offensive air strikes, and he delegated the UN authority to approve close air support strikes to his special envoy, Yasushi Akashi. In late July 1995, Boutros Ghali delegated air strike authority to UNPROFOR’s commander, French General Bernard Janvier. With this revision, the “dual key” arrangement no longer functioned to hamper NATO action. For a useful concise discussion of Operation Deliberate Force, see Ryan C. Hendrickson, “Crossing the Rubicon,” *NATO Review*, Autumn 2005. For the 27 July 1995 statement by Boutros Ghali on the delegation of the UN “dual key” authority, see Dick A. Leurdijk, *The United Nations*

decisions or those of Yasushi Akashi, his Special Representative in Bosnia and Herzegovina: "Akashi made up a list for reporters titled 'SRSG (Special Representative of the Secretary-General) Approval of Employment of Air Power,' which showed that he had approved eleven air operations since being assigned to Bosnia, agreeing with virtually every request made to him by the commander in the field."⁵⁶ However, numerous experts have drawn attention to significant delays by Akashi in granting approval for air operations, notably with respect to Bihac in March 1994 and Gorazde in April 1994.⁵⁷ As Ryan Hendrickson has noted, "In some cases, the UN approval process took so long that once strikes were authorized, conditions on the ground had changed, such that military strikes were no longer favored due to different operational conditions."⁵⁸

The "dual key" arrangement demonstrated and symbolized a mutual lack of trust between NATO and the United Nations. The mutual distrust extended to NATO and UNPROFOR military commanders, owing in part to the risks on the ground for UNPROFOR troops, who were vulnerable to hostage-taking and attack in response to NATO's use of airpower. As Mark Bucknam, a U.S. Air Force expert, observed, "The dual key was merely symptomatic of the real problem, which was political disunity over the best approach to intervention in Bosnia. This situation in turn gave birth to two command chains with different missions and forces with different vulnerabilities."⁵⁹

The political disunity included leading NATO Allies. The United States criticized UN policy and championed greater use of NATO airpower, while Britain and France provided the bulk of the troops in UNPROFOR and upheld the "dual key" arrangement as a means of

and NATO in Former Yugoslavia, 1991-1996: Limits to Diplomacy and Force (The Hague: Netherlands Atlantic Commission and Netherlands Institute of International Relations 'Clingendael,' 1996), p. 77.

⁵⁶ Boutros Boutros-Ghali, *Unvanquished: A U.S.-U.N. Saga* (New York: Random House, 1999), p. 241. See also *ibid.*, pp. 87, 333.

⁵⁷ Colonel Mark A. Bucknam, USAF, *Responsibility of Command: How UN and NATO Commanders Influenced Airpower over Bosnia* (Maxwell Air Force Base, Alabama: Air University Press, March 2003), pp. 131-132, 137-140.

⁵⁸ Ryan C. Hendrickson, "Leadership at NATO: Secretary General Manfred Woerner and the Crisis in Bosnia," *The Journal of Strategic Studies*, vol. 27, no. 3 (September 2004), p. 522.

⁵⁹ Bucknam, p. 191.

ensuring against the initiation of any NATO air operations that could endanger their forces. In these circumstances, Mark Bucknam concluded, “Without clear, authoritative guidance about objectives, theater-level commanders in NATO and the UN turned to their own internal compasses for direction in decisions about how much risk to take in order to use airpower in Bosnia.” The elements within these “internal compasses” included “expertise and responsibility for mission accomplishment and force protection” but also “national political pressures and UN and NATO organizational preferences.”⁶⁰

Another aspect to the disputes over the control and employment of the Alliance’s airpower during the 1992-1995 UNPROFOR period concerned the notion that NATO airpower could provide protection for the localities in Bosnia and Herzegovina that the UN Security Council had designated as “safe areas.” Lieutenant General Bertrand de Lapresle, a French officer who once served as UNPROFOR commander, pointed out that this idea was misconceived, and that significant additional capabilities would have been required to make the protection of “safe areas” possible:

I knew very well that you can not have light infantry — which we had in the UN — and air support, without anything in this huge gap between light infantry and F-18s or F-16s. And I was horrified when, I was not yet in charge, this concept of safe areas was imposed to the UN, because in my mind it was completely clear that we would not, or the UN would not, be able to implement the mission as far as safe areas were concerned, if this gap was not filled.⁶¹

The most notorious failure to defend a “safe area” was in July 1995 in Srebrenica, which has been called “the worst war crime in Europe since the Second World War”⁶² and “the biggest single mass murder in Europe since World War II.”⁶³ The International Committee of

⁶⁰ Bucknam, pp. 313-314.

⁶¹ Lieutenant General Bertrand de Lapresle interview quoted in Bucknam, p. 133.

⁶² Boutros-Ghali, p. 238.

⁶³ Richard Holbrooke, *To End a War* (New York: Random House, 1998), p. 69.

the Red Cross reported that 7,079 Bosnian Muslims were killed in Srebrenica between 12 and 16 July 1995.⁶⁴

Boutros Boutros-Ghali, the UN Secretary General, blamed the originators of the concept of “safe areas” designated by the UN Security Council (such as Srebrenica, Tuzla, Zepa, Gorazde, and Bihac) for failing to provide the necessary resources to UNPROFOR:

I repeatedly told the Security Council that the UN forces in the “safe areas” were losing what little operational capacity they had because the Serbs were systematically obstructing their supplies of food, ammunition, and other necessities. The UN forces in the “safe areas” were there as peacekeepers, and they had neither the authority nor the means to do battle with the parties to the conflict. If the Security Council had responded to my recommendations on these points, the international community would have had a better chance of “detering” the Serb atrocities in Srebrenica.⁶⁵

Richard Holbrooke, then the US Assistant Secretary of State for European and Canadian Affairs, placed the main responsibility on the European governments with troops in UNPROFOR:

The first line of resistance to any action was the Dutch government, which refused to allow air strikes until all its soldiers were out of Bosnia. . . . The other Europeans had reached their limits; with their own soldiers also at risk, they were not going to agree to any action that endangered the Dutch. The Serbs knew this, and held the bulk of the Dutch forces captive in the U.N. compound at the nearby village of Potocari until they had finished their dirty work at Srebrenica.⁶⁶

The French parliamentary inquiry attributed a “zero death” doctrine to the United States and underscored the fact that the United States had no troops on the ground in Bosnia as a factor in addition to concerns for the safety of French forces to explain the reluctance of the

⁶⁴ Holbrooke, p. 70.

⁶⁵ Boutros-Ghali, p. 239. See also *ibid.*, p. 86.

⁶⁶ Holbrooke, p. 70.

French military and of Lieutenant General Bernard Janvier, then the UNPROFOR commander, to call upon NATO airpower in the Srebrenica crisis:

To explain General Janvier's attitude, it would seem much more pertinent to realize that, over and above his obvious error, till the end, in evaluating the Serbs' intentions, he was a man of a specific culture, a policy, even without having received instructions to this effect. The French military was not opposed to airpower in principle; indeed, they had already used it during the Yugoslavian conflict. But, like some of their British colleagues, they saw so many risks for the Blue Helmets. Although they were not influenced by the "zero death" culture, the French military authorities were obsessed with the protection of their men, which is normal, to the detriment of the protection of the civilian population, which is a problem. And finally, they were less favourable to air power because the planes were flown by NATO, that is, in the framework of an organisation dominated by a country having no troops on the ground since, by virtue of its doctrine of zero deaths, it had deliberately given priority to the lives of its soldiers over those of the Bosnian civilians.⁶⁷

In contrast, Mark Bucknam emphasized the constraints on General Janvier's freedom of action. The greatest constraint was the "dual key" arrangement, which was not significantly modified, with a delegation of air strike authority by the UN Secretary General to General Janvier, until after the massacre in Srebrenica. Bucknam summarized General Janvier's situation as follows:

⁶⁷ René André and François Lamy, *Rapport d'information déposé en application de l'article 145 du Règlement par la mission d'information commune sur les événements de Srebrenica*, no. 3413 (Paris: Assemblée Nationale, 22 November 2001), p. 191, available at <http://www.assemblee-nationale.fr/11/rap-info/i3413-01.asp>. The English text cited is derived from an unofficial translation by Julie Wornan, available at www.msf.fr/documents/srebrenica/Conclusions.pdf

Like his predecessors, he lacked control over the forces under his command; he could neither remove the Dutch peacekeepers nor reinforce them. Nor could he order air strikes without higher UN approval, and, in this case, without Dutch national approval.⁶⁸

In Bosnia and Herzegovina in 1992-1995 the governments in NATO and UNPROFOR showed a lack of unity of purpose, a lack of mutual trust and shared determination. This disunity compounded the problems presented by the UN-NATO “dual key” (or “dual veto”) arrangement. The “dual key” became the symbol of disunity, and Srebrenica the most telling proof of the dysfunctional absence of political consensus on the part of the leading powers in NATO and the United Nations.

The experiences in Bosnia and Herzegovina in 1992-1995 had immediate and longer-term effects. One of the immediate effects concerned the diplomacy regarding Bosnia and Herzegovina. Disagreements between NATO and the UN and among specific personalities (including the UN Secretary General, Boutros Boutros-Ghali, and the US Assistant Secretary of State for European and Canadian Affairs, Richard Holbrooke) appear to have contributed to the disengagement of the United Nations from the diplomacy concerning Bosnia and Herzegovina in late 1995, including the negotiation of the Dayton peace accords.⁶⁹

The longer-term effects include NATO’s interest in ensuring a certain freedom of action in relation to the United Nations. NATO’s frustrations with the “dual key” system in the early 1990s may well have contributed to the resolve of the Allies not to be hamstrung by the UN Security Council with regard to the conduct of Operation Allied Force in 1999.

⁶⁸ Bucknam, p. 251.

⁶⁹ See Holbrooke, pp. 174-175, 200, 202, 322; and Boutros-Ghali, pp. 245-248.

Marten Zwanenburg, a Dutch analyst, has concluded that the Alliance's development of the NATO Response Force and other flexible and readily deployable capabilities "are likely to make the UN more dependent on NATO to undertake or support peace-support operations under the aegis of the UN." However, Zwanenburg has added, "In doing so the Alliance will insist on a certain independence from the UN," owing in part to "the scepticism that all partners share over a UN role in military decision-making after the 'dual-key' experience in the former Yugoslavia."⁷⁰

The dysfunctional "dual key" experience has been a factor contributing to close attention by NATO Allies to negotiations within the UN Security Council about the formulation and renewal of Security Council resolutions mandating operations, notably with respect to command and control arrangements. NATO governments have been concerned that Security Council resolutions be practical and consistent with projected NATO operations, such as KFOR and ISAF. The "dual key" experience in Bosnia and Herzegovina in 1992-1995 helps to explain the reference to "unified command and control" for an "international security presence with substantial North Atlantic Treaty Organization participation" in the pivotal resolution concerning Kosovo adopted in June 1999 by the UN Security Council after the NATO air campaign.⁷¹ This resolution set out the framework for the subsequent involvement of NATO, the United Nations, the European Union, and other international organizations in Kosovo. NATO's autonomy in leading KFOR and its separation from the civil responsibilities under UNMIK's authority may be seen as a consequence of the "dual key" experiences.⁷²

⁷⁰ Marten Zwanenburg, "NATO, Its Member States, and the Security Council," in Niels Blokker and Nico Schrijver, eds., *The Security Council and the Use of Force: Theory and Reality — A Need for Change?* (Leiden and Boston: Martinus Nijhoff Publishers, 2005), p. 211.

⁷¹ UNSC resolution 1244 (1999), Annex 2, par. 4.

⁷² Indeed, a more immediate example was the establishment of the Implementation Force (IFOR) in Bosnia and Herzegovina under NATO command in December 1995 and its separation from the authority of the Office of the High Representative.

Some NATO experts have underscored the magnitude of the lessons that the Alliance learned from negative experiences in Bosnia and Herzegovina in 1992-1995. David Lightburn, who worked with NATO's International Staff in 1992-2000, has summed up these lessons:

NATO learned from UN mistakes in the early 1990s and insisted from the outset [in Kosovo and Afghanistan] that there would be a tight linkage in Alliance operations between mandate, mission, capabilities and resources. It is difficult to conceive of NATO committing itself in advance to an international mission debated and agreed by the UN Security Council, in the absence of prior UN consultations with NATO and Alliance involvement in developing the mission mandate. . . . There should be no more dual keys, vague "safe-area"-style concepts, fluctuating concerns about and limitations over the use of force, and, above all, ambiguous mandates that change at the whim and political convenience of the UN Security Council. Similarly, the detailed tasks and rules of engagement for NATO military forces are the business of the North Atlantic Council and cannot be the subject of scrutiny, control or even observation in New York.⁷³

Practical NATO-UN coordination in the field has benefited from the many operational lessons learned since the early 1990s. For example, the NATO commanders of KFOR and ISAF meet regularly for substantive information exchanges with the local Special Representatives of the Secretary General (SRSG) of the UN. The UN Assistance Mission in Afghanistan (UNAMA) coordinates the work of other UN bodies, such as the UNDP and the UN drug control effort. NATO works with UNAMA via the Commander of ISAF and his subordinates and via NATO's Senior Civilian Representative (SCR).

⁷³ David Lightburn, "Should NATO support UN peacekeeping operations?", *NATO Review*, Summer 2005.

NATO Reporting to the UN Security Council

NATO's Secretary General has submitted reports to the UN Security Council, via the UN Secretary General, about three categories of operations.

The first category consists of non-Article 5 operations pursued under UN Security Council resolutions, such as the Implementation Force (IFOR) and the Stabilization Force (SFOR) in Bosnia and Herzegovina, the Kosovo Force (KFOR) in Kosovo, and the International Security Assistance Force (ISAF) in Afghanistan. The reports have been submitted at the request of the UNSC, monthly for KFOR and quarterly for ISAF.⁷⁴ NATO stopped reporting about Bosnia and Herzegovina after the handover of principal responsibility to the EU in December 2004. Some experts have questioned the utility of these brief reports, sometimes submitted several weeks after the events discussed; but they serve a political legitimization function.

The second category consists of non-Article 5 operations undertaken without an explicit authorization under a UN Security Council resolution. To date there is only one noteworthy example in this category — Operation Allied Force in March-June 1999. Within days after the initiation of this air campaign, Javier Solana, then the NATO Secretary General, sent a letter to the UN Secretary General describing the “serious human rights abuses and atrocities against the civilian population” in Kosovo and describing his action on behalf of NATO: “I have directed the NATO Supreme Allied Command Europe (SACEUR) to initiate a broader scope of operations to intensify action against the Federal Republic of Yugoslavia forces and compel them to desist from further attacks in Kosovo and to meet the demands of the international community.” Owing perhaps to the absence of an unambiguous endorsement of such action from the UN Security Council, the NATO Secretary General added, “NATO military actions are intended to support the political aims of the international community.”⁷⁵

⁷⁴ NATO submitted monthly reports regarding IFOR's operations during its existence from 20 December 1995 to 12 December 1996, and regarding SFOR's operations from its initiation on 12 December 1996 until its replacement by EUFOR via UNSC Resolution 1575 on 22 November 2004.

⁷⁵ Letter dated 27 March 1999 from the NATO Secretary General to the UN Secretary General, in UNSC documents, 30 March 1999, S/1999/360.

The third category consists of operations undertaken under Article 5 of the North Atlantic Treaty (also known as the Washington Treaty) since the terrorist attacks against the United States on 11 September 2001. The North Atlantic Council agreed on 12 September 2001 “that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.”⁷⁶ Lord Robertson, then the NATO Secretary General, wrote at once to Kofi Annan, then the UN Secretary General, as follows: “In the spirit of Article 5 of the Washington Treaty and consistent with Article 51 of the United Nations Charter, I attach for your information, and for circulation in the United Nations Security Council, the text of a statement that was approved this evening by all members of the North Atlantic Council.”⁷⁷

Article 51 of the UN Charter states that “Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” Even though both Article 51 of the UN Charter and Article 5 of the North Atlantic Treaty use the word “immediately” with respect to the requirement to report action to the UN Security Council, the North Atlantic Council did not decide to submit a report to the UNSC until October 2005 — over four years after the decision to invoke Article 5 of the North Atlantic Treaty. It is intriguing that in his January 2006 letter to the UN Secretary General for the attention of the UN Security Council (implementing the October 2005 NAC decision) the NATO Secretary General referred solely to the reporting requirement in Article 5 of the North Atlantic Treaty, and made no reference at all to the UN Charter, much less to Article 51 in particular. In both this letter and his follow-up letter of April 2007, however, the NATO Secretary General affirmed NATO’s commitment to “full implementation” of UNSC Resolution 1373, the September 2001

⁷⁶ Statement by the North Atlantic Council, 12 September 2001, NATO press communiqué, PR/CP (2001) 124.

⁷⁷ SG (2001) 1043, 12 September 2001.

call for action against international terrorism under Chapter VII of the Charter. In each letter, moreover, the NATO Secretary General provided details about Operation Active Endeavour, the Alliance's maritime surveillance operation in the Mediterranean, which has been underway since October 2001.⁷⁸

It is not clear what factors delayed NATO's report to the UNSC regarding its post-11 September 2001 actions. Some officials in certain Allied governments may have been reluctant to submit a report to the UN Security Council about actions taken under Article 5 of the North Atlantic Treaty (and Article 51 of the UN Charter) because it may have implied in their eyes an unwelcome suggestion of subordination for NATO in relation to the UN Security Council.⁷⁹ Moreover, they may have been concerned that such a report could be seen by some members of the Security Council — for instance, China and Russia — as an occasion for the UNSC “to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” In other words, the UN Security Council might choose to assert its “authority and responsibility” to take over direction of NATO's post-11 September 2001 actions, or at least to declare that they could only be continued under a UNSC resolution. Such an initiative from the UNSC would not, however, be possible without the concurrence of all of its five permanent members, three of which are NATO Allies — France, the United Kingdom, and the United States. Some observers have speculated that even if the UNSC asked only that NATO report on its Article 5 actions on a regular basis, some Allies might regard such a continuing reporting obligation as onerous and inconsistent with the Alliance's autonomy. However, the

⁷⁸ The NATO Secretary General's letters of 10 January 2006 and 18 April 2007 discussed solely Operation Active Endeavour, even though Article 5 of the North Atlantic Treaty states that “all measures taken as a result” of an armed attack shall be reported to the UN Security Council. (SG (2006) 0013, 10 January 2006, and SG (2007) 0260, 18 April 2007.) The Alliance decided in October 2001 to take a total of eight measures, including the deployment of NATO AWACS to the United States (Operation Eagle Assist), in response to the terrorist attacks on 11 September 2001. For background regarding the eight measures, see the statement to the press by the NATO Secretary General, Lord Robertson, on the North Atlantic Council decision on implementation of Article 5 of the Washington Treaty following the 11 September attacks against the United States, 4 October 2001.

⁷⁹ Some observers attribute the delay in reporting to the UN Security Council to the Alliance's many preoccupations, including responsibility for ISAF in Afghanistan. Belgium reportedly took the initiative in encouraging the North Atlantic Council to fulfill the reporting requirement in Article 51 of the UN Charter.

UNSC could not ask NATO to report in a more regular fashion without the concurrence of London, Paris, and Washington.

Almost all of NATO's reports to the UNSC have been posted on the UN website. No NATO Secretary General had ever addressed the UNSC formally until November 2004, when Jaap de Hoop Scheffer provided an overview of NATO operations, particularly in the Balkans.⁸⁰ Lord Robertson met with the UNSC on an informal basis in March 2001.⁸¹ Due to the sensitivities associated with such an event, it required some effort to bring about the invitation to the NATO Secretary General to address the UNSC in November 2004. It nonetheless remains generally agreed that NATO should provide written reports to the UNSC about its activities under UNSC resolutions and under Article 51 of the UN Charter.

Prospects for formalization of the relationship

Experts at NATO Headquarters began to take an interest in formalizing the NATO-UN relationship in response to what appeared to be signs of interest at the UN in 2004-2005. In its final report in 2004 the UN Secretary-General's High-Level Panel on Threats, Challenges and Change expressed support for NATO peacekeeping operations and added that NATO might also have "a constructive role . . . to play in assisting in the training and equipping of less well resourced regional organizations and States."⁸² In his March 2005 report, *In Larger Freedom*, Kofi Annan, then the UN Secretary General wrote, "I intend to introduce memoranda of understanding between the United Nations and individual organizations, governing the sharing of information, expertise and resources, as appropriate in each case."⁸³ Ad hoc contacts at the staff level between NATO and the UN encouraged the Alliance to propose in August 2005 a draft joint declaration by the Secretary Generals of NATO and the UN, with a view to its possible publication as soon as the

⁸⁰ See the speech by Jaap de Hoop Scheffer at the meeting of the United Nations Security Council, 11 November 2004.

⁸¹ "Focus on NATO," *NATO Review*, Spring 2001, p. 4.

⁸² *A More Secure World: Our Shared Responsibility, Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change* (New York: United Nations, 2004), p. 86, par. 273.

⁸³ *In Larger Freedom: Towards Development, Security and Human Rights for All*, Report of the Secretary-General, 21 March 2005 (UN doc. A/59/2005), p. 52, par. 213.

following month. In September 2005 the Alliance reportedly also proposed a document setting out with greater precision possible elements of a framework for more structured and comprehensive UN-NATO cooperation.⁸⁴ The NATO proposals did not, however, gain approval at the UN before Kofi Annan left office in December 2006; and no action has so far been taken under the new UN Secretary General, Ban Ki-moon.

Aside from the fact that it takes time for documents to navigate the UN's ponderous bureaucracy, two explanations have been advanced to explain the absence to date of any definitive answer from the UN in response to the NATO proposals: perceptions and policy.

As far as perceptions are concerned, a great deal of anecdotal evidence indicates that NATO's purposes and consensual decision-making processes are poorly understood in the UN and many of its member states. At UN HQ and in many member states of the UN, NATO is widely perceived as an expansionist Cold War military bloc and tool of the United States that has at times resorted too readily to the use of force.

Some UN observers have a perspective on the "dual key" experience in 1992-1995 at variance with that widely shared in the Alliance. They hold that the Alliance was excessively ready to use force in Bosnia and Herzegovina and failed to sufficiently explore opportunities for negotiated settlements. Their impressions about the Alliance's combative orientation were reinforced by NATO's conduct of a prolonged air campaign in the 1999 Kosovo conflict. The view that NATO is highly reliant on the threat or use of force persists in UN circles.⁸⁵

⁸⁴ The NATO spokesman, James Appathurai, said that the NATO Secretary General intended to "move forward the establishment of . . . a strategic relationship" between NATO and the UN on issues such as terrorism, proliferation, and Afghanistan. (Video background briefing, 16 September 2005.) The NATO Secretary General, Jaap de Hoop Scheffer, said that he had met with the UN Secretary General "to establish a more structural relationship" between the two organizations. "NATO: Safeguarding Transatlantic Security," speech at Columbia University, New York, 20 September 2005.

⁸⁵ Some analysts have attributed the persistence of antagonistic views partly to the differing "organizational cultures" of "soft power" and "hard power" institutions. Staff members of organizations may identify positively with their own institution, including its guidelines and policy instruments, and form distorted images of the purposes and behavior of external institutions. Events may then be interpreted in light of established opinions, and a history of rivalry, distrust, and

Whatever the policies of the government in Washington, the United States is regarded with suspicion by many states and UN officials; and this colors perceptions of NATO. Some UN experts have indicated that there are intrinsic limits to developing an institutional relationship between a universal organization and an alliance composed of wealthy “northern” countries, several of which are former colonial powers. In their view, pursuing such a relationship in a highly visible fashion could create a polemical backlash from “southern” countries that could hamper practical cooperation between NATO and the UN.⁸⁶ In view of the difficult NATO-UN political relationship, owing mainly to perceptions on the UN side, they maintain that further efforts to pursue a high-level joint declaration and/or a memorandum on terms of reference for cooperation might prove counter-productive rather than helpful.

As far as policy is concerned, interview sources from several nations indicate that, even though the North Atlantic Council approved the August 2005 draft joint NATO-UN declaration and the September 2005 draft document on themes and methods of NATO-UN cooperation, some observers in all of the three NATO Allies that are permanent members of the UN Security Council have expressed reservations about these proposals.⁸⁷ The main reservation has evidently been a concern that they might create a political constraint, an expectation of automaticity in working through NATO-UN channels that might hamper national flexibility and undermine NATO’s control over its own instruments in its own missions. Some observers speculate that a political presumption of NATO support for UNSC-chartered actions could diminish NATO’s

miscommunication may hinder the pursuit of inter-organizational cooperation. See Rafael Biermann’s paper, “Towards a Theory of Inter-Organizational Networking: The Euro-Atlantic Security Institutions Interacting,” forthcoming in the *Review of International Organizations*, and cited with the author’s permission.

⁸⁶ Another issue is the fact that a number of “southern” UN members are not committed to the Western democratic standards and principles championed by NATO. Expert observers consider this at most a secondary element in the suspicions regarding NATO in the UN and far less important than the perception of the Alliance as a US-dominated organization.

⁸⁷ In the words of an expert observer in Paris, “Three members of NATO are permanent members of the UN Security Council, and this gives them a specificity of status and authority.” According to an expert in Berlin, all five of the permanent members of the Security Council have “an automatic reflex” of wariness regarding any arrangement that might qualify or diminish their “privileged position.” Some interview sources have referred to France and Russia in particular, while others attribute some reluctance concerning a formalization of NATO-UN relations to all five of the permanent members of the Security Council.

independence and constrict the freedom of action of the three NATO Allies most capable of undertaking expeditionary operations on a national basis — France, the United Kingdom, and the United States.⁸⁸

Some UN headquarters officials, including at the DPKO, reportedly expressed policy arguments against the draft proposals as well. These arguments evidently included the concern that closer links with NATO might create a presumption of UN dependence on NATO support and thereby hamper the development of greater UN autonomy in planning and directing peacekeeping and other operations.

Proponents of a formal UN-NATO framework agreement, which might include a memorandum of understanding on themes and methods of cooperation as well as a joint declaration by the Secretary Generals, maintain that it would set a legitimizing standard. That is, Allies could invoke the UN relationship to justify action. Moreover, a framework agreement might be a point of departure, even if it said little of substance on specific issues, that would enable NATO's military and civilian staff to plan on working closely with the UN. This might in turn offer an opportunity to build a more institutionalized relationship. Some proponents maintain that a comprehensive framework agreement specifying multiple areas for NATO-UN cooperation would enhance NATO's "political identity" and give it a clearer "international security policy identity." According to Benedikta von Seherr Thoss, a German scholar,

The UN-NATO declaration is supposed to add an institutional element to, and serve as a political framework for, the already good cooperation in theatre. The aim is to make relations more predictable and provide a platform for intensified dialogue. This would lead to a greater understanding of each organisation's *modus operandi* on issues of common interest. Ideally, it would result in broader and more effective co-operation without duplication.⁸⁹

⁸⁸ Two somewhat contradictory arguments have also been advanced in interviews: that a formal UN-NATO framework agreement might erode the autonomy of the UNSC and that it might endow the UNSC (and hence Russia and China) with leverage over NATO.

⁸⁹ Benedikta von Seherr-Thoss, "A New Strategic Partnership? Deepening UN-NATO Relations," presented at the DGAP (Deutsche Gesellschaft für Auswärtige Politik), New Faces Conference, Oslo, 20-22 October 2006, p. 6.

In other words, the proposed UN-NATO framework agreement, possibly including a joint declaration and a memorandum of understanding, is intended to supply a structure for continuing interaction at all levels instead of only during crisis situations. In addition to expressing a commitment to cooperation, the declaration and the memorandum would set out parameters and multiple themes for future work together. The framework agreement would, it is hoped, thereby promote and facilitate substantive interactions between NATO and UN departments and agencies. These interactions would concern not only current operations but also planning and preparations for future contingencies. Such cooperation could help to build mutual confidence and clear away misconceptions about the Alliance in the UN and about the UN in NATO. Moreover, designating channels of cooperation under the aegis of a UN-NATO framework agreement could legitimize boundary spanning activities and smooth the way toward more comprehensive and effective coordination.

The counter-argument is that it would be sufficient to concentrate on ad hoc case-by-case arrangements. From this perspective, it might be prudent to pursue more limited agreements — for instance, between NATO's Operations Division and the UN's Department of Peacekeeping Operations (DPKO), and between NATO's Supreme Headquarters Allied Powers Europe (SHAPE) and the UN's Office of Coordination of Humanitarian Affairs (OCHA) — instead of a more comprehensive declaration and memorandum at the level of the Secretary Generals.

This counter-argument fails to recognize that an ad hoc piecemeal approach involving only particular UN and NATO agencies and departments would not furnish the political foundation necessary for a fully effective inter-institutional relationship. Such an approach might promote fragmentation and rivalries among sub-organizations and undermine prospects for a sound political dialogue between NATO and the UN. A framework agreement between the two Secretary Generals would avoid a compartmentalization implying that NATO has only military capabilities and roles and avert rivalry between sub-

organizations.⁹⁰ Such an accord might help to create momentum favorable to more substantial long-term cooperation.

If a framework agreement by the Secretary Generals cannot be concluded in a reasonable time, owing to reservations on the part of major powers and/or other factors, some observers have suggested, an alternative solution might be to seek a series of high-level NATO-UN framework agreements on specific topics. For example, rather than seeking a multi-topic umbrella agreement, the EU has for its part concluded separate agreements with the UN — for instance, the UN-EU statements on cooperation in crisis management in September 2003 and June 2007.⁹¹ A NATO-UN joint statement focused on crisis management, some observers have argued, might be more readily accepted than a wider-ranging document concerning multiple issues.

However, the UN-EU statements on cooperation in crisis management may not constitute a relevant model for NATO, because these statements are hardly stand-alone agreements. These statements were formulated in the context of a long-standing and far-reaching UN-EU relationship. The UN General Assembly granted observer status to the European Commission in 1974, and the European Commission has maintained a delegation at UN Headquarters in New York since that time, plus delegations accredited to UN institutions in Geneva, Nairobi, Paris, Rome, and Vienna. In addition, the EU Council established a well-staffed Liaison Office in New York in 1994.

The EU has long provided extensive financial support to the UN. The European Union provides the single greatest share of the UN's regular budget (37.8 percent in 2003, compared to a U.S. share of 22 percent). The EU also supplies the largest share of the UN peacekeeping

⁹⁰ According to interview sources, the NATO Secretary General disapproved a DPKO-SHAPE draft agreement on the grounds that an initial formal accord should be concluded on the level of the Alliance's top political representative and the UN Secretary General. While NATO military authorities favored a DPKO-SHAPE agreement on practical grounds, the Alliance's political leadership decided that long-term operational requirements demand a top-level policy framework.

⁹¹ The Joint Declaration on UN-EU Cooperation in Crisis Management of 24 September 2003 was signed by Silvio Berlusconi on behalf of the Council of the European Union and by Kofi Annan, then the UN Secretary General. The Joint Statement on UN-EU Cooperation in Crisis Management of 8 June 2007 was signed by Frank-Walter Steinmeier on behalf of the Council of the European Union and by Ban Ki-moon, the current UN Secretary General.

budget (around 39 percent in 2003) and well over half the world's official development assistance (56.9 percent in 2002).⁹² Moreover, "In April 2003, the UN and the EC [European Commission] concluded a Framework Agreement on the financing or co-financing of UN projects by the EC. This agreement substantially simplifies and accelerates the conclusion of grant agreements between the two organizations."⁹³

In contrast with the NATO-UN relationship, the EU-UN relationship has been successfully institutionalized. According to a 2003 report by the European Commission, "A process of twice-yearly high-level meetings between the UN and the EU has been initiated, permitting regular contacts between the UN Secretary General and Deputy Secretary General and the [EU] Council and [European] Commission . . . In the context of increasing policy dialogue, both high-level and working-level meetings have become habitual and more forward-looking, taking stock of existing co-operation and identifying common ground to take it further." The report added that "high level dialogue" has been "stepped up since 2001, with, for example, the UNSG [UN Secretary General] or his Deputy meeting at least twice yearly with the EU troika."⁹⁴ The EU troika consists of the rotating Presidency, the EU Council Secretariat, and the European Commission.⁹⁵

Another basic contrast in NATO-UN and EU-UN relations is that the European Union's members generally coordinate their votes in UN General Assembly deliberations as part of the EU's Common Foreign and Security Policy (CFSP). As noted in an EU publication, "Through its CFSP, the EU speaks almost always with one voice at the UN General Assembly (UNGA). From globalisation and human rights, to development and disarmament, the EU aims for unanimity. And the

⁹² *The Enlarging European Union at the United Nations: Making Multilateralism Work* (Luxembourg: Office for Official Publications of the European Communities, 2004), pp. 5 and 7, and 28.

⁹³ "Formal agreements between the EC and the UN," available at http://ec.europa.eu/external_relations/un/intro/agrmt.htm

⁹⁴ *The European Union and the United Nations: The Choice of Multilateralism*, Communication from the Commission to the Council and the European Parliament, Brussels, 10 September 2003, COM (2003) 526 final, pp. 11 and 13.

⁹⁵ EU observers point out, however, that the UN-EU relationship is not without frictions — for instance, concerning arrangements for the potential handover of responsibilities in Kosovo from UNMIK to the EU.

results are clearly evidenced in EU cohesion, which has stood at around 95% of all resolutions passed by the UNGA since the mid-1990s.”⁹⁶

The well-established institutionalization of the EU-UN relationship, the EU’s substantial financial support to the UN, and the coordinated positions of EU member states on many issues stand in contrast to the NATO-UN relationship. The NATO-UN relationship has yet to be formally institutionalized, even with a joint declaration by the two Secretary Generals. Although the Alliance has conducted a number of operations under UN Security Council mandates, there is no question of direct NATO financial support to the UN or of a coordination of the positions of NATO member governments in UN General Assembly deliberations. The differences between NATO-UN and EU-UN relations argue for a comprehensive agreement between NATO and the UN to place the inter-institutional relationship on a strong footing and to reflect the reality of the many areas in which NATO and the United Nations have work to do together.

Room for improvement

NATO has been trying for years to establish a continuing relationship with the UN instead of an ad hoc crisis relationship based on a “reactive” perspective. Ad hoc arrangements are necessarily dependent to a high degree on individual personalities. In setting up operations, it would be advantageous to rely on a relationship based on mutual knowledge and confidence instead of ignorance or mistrust. The miscommunications regarding the Pakistan and Darfur operations show that the two organizations could benefit from a regular dialogue at senior and staff levels and an established pattern of cooperation.

Some dialogue between NATO and UN representatives has taken place regarding peacekeeping, disarmament, counter-terrorism, human trafficking, crisis management, security sector reform, stabilization and reconstruction, women in armed conflict, arms control, small arms disarmament, and non-proliferation of weapons of mass destruction; and actual cooperation has taken place regarding some of these challenges.

⁹⁶ *The Enlarging European Union at the United Nations: Making Multilateralism Work* (Luxembourg: Office for Official Publications of the European Communities, 2004), p. 12.

NATO is particularly interested in improved coordination concerning operations, small arms disarmament, and humanitarian and disaster relief (as in Pakistan after the October 2005 earthquake). NATO involvement in the recently established UN Peacebuilding Commission may therefore be advisable at some point. The UNSC's Counter-Terrorism Committee might also benefit from greater NATO contributions.

In order to cultivate more permanent and institutionalized relationships, some observers have suggested, it might be advantageous for NATO to become an observer in the UN General Assembly (UNGA) like the European Union, the OSCE, and many other organizations. In view of the fact that the General Assembly's rules of procedure call for "a two-thirds majority of the members present and voting" for decisions "on important questions,"⁹⁷ some observers maintain that such a vote would be required for NATO to become an observer in the General Assembly. However, other international security organizations have in the recent past been accorded such status without a vote. In December 2004, for example, the General Assembly granted observer status to the Shanghai Cooperation Organization and the Collective Security Treaty Organization without a vote.⁹⁸

With observer status, NATO could attend UNGA meetings with that recognized standing. The NATO Secretary General has never addressed the UNGA. However, since 2004 the NATO Secretary General has met on a bilateral basis with heads of state and other organizations on the margins of the annual September UNGA debates. Some experts question whether observer status in the UNGA would gain much for the Alliance, but no disadvantages are apparent.

A more significant step forward might be to expand NATO representation at UN Headquarters in New York. From 1992 to 2000, there were temporary NATO representatives at UN Headquarters from the Operations Division of the International Military Staff. Since 2000

⁹⁷ *Rules of Procedure of the General Assembly* (New York: United Nations, 2006), A/520/Rev. 16, p. 23, Rule 83. There are no provisions relating to UNGA observer status in these rules of procedure or in the UN Charter.

⁹⁸ United Nations General Assembly, Fifty-ninth session, 65th plenary meeting, 2 December 2004, A/59/PV.65, p. 12.

NATO has maintained a military liaison officer at UN Headquarters.⁹⁹ Adding a civilian representative would double the number of NATO personnel at UN HQ. This could be advantageous because, whether temporary or permanent, the NATO representative has always been a military officer. This has bolstered the widespread (and incorrect) impression in the UN that NATO is simply a military organization. Adding a NATO civilian representative at UN HQ could help to counter that impression and enhance NATO's ability to contribute to deliberations concerning terrorism, disarmament, and other issues.¹⁰⁰

Each of the NATO military liaison officers has been posted to the Situation Center of the UN's Department of Peacekeeping Operations to coordinate interactions and exchange information on ongoing UN and NATO operations. These information exchanges with the DPKO require military expertise. Military liaison officers may, however, need guidance from NATO Headquarters concerning the political implications of operational planning and other matters. This guidance has been furnished through the military liaison officer's regular contacts with the NATO International Staff. However, a permanent NATO civilian presence at UN Headquarters would be beneficial to deal with the wider political issues involved in planning and conducting operations and establishing long-term inter-institutional cooperation.

By the same token, it would be beneficial to restore UN representation at NATO HQ. From 1999 to 2006, there was a UN representative at NATO HQ from the UN's Office of Coordination of Humanitarian Affairs (OCHA). He focused on disaster relief, including NATO's humanitarian relief operation after the earthquake in Pakistan in October 2005. The UN office in Brussels appears to be oriented mainly to working with the EU, and its interactions with NATO have been limited to matters such as arranging for the UN Secretary General's visit to NATO Headquarters in January 2007.

⁹⁹ In 2000-2001 a Dutch colonel served as the first permanent NATO liaison officer at UN HQ. He was followed by an Italian colonel in 2001-2004, a Danish colonel in 2004-2007, and a Belgian colonel in 2007.

¹⁰⁰ Benedikta von Seherr-Thoss has suggested that a NATO civilian representative be assigned to the UN's Department of Political Affairs. See her paper, "A New Strategic Partnership? Deepening UN-NATO Relations," presented at the DGAP (Deutsche Gesellschaft für Auswärtige Politik) New Faces Conference, Oslo, 20-22 October 2006, p. 6.

Since inaccurate perceptions of NATO constitute one of the major obstacles to better relations with the UN, the Alliance might be well-advised to pursue more effective public diplomacy regarding its contributions to operations. NATO has, for example, unique skills in defense sector reform and genuine achievements in helping to build defense ministries with democratic oversight mechanisms conforming to international standards; but its non-military tools and accomplishments are little-known. As one expert has noted, many people in the United Nations and other international organizations have yet to learn that “NATO is not just bombing” and that NATO can make contributions in areas in addition to conducting military operations and establishing a secure environment for the activities of other organizations. Observer status in the UN General Assembly for NATO and increased NATO representation at UN HQ might furnish means to clear up at least some misperceptions about NATO. Distorted images of the Alliance in the UN probably reflect differing organizational histories and cultures as well as ignorance. The tasks of communication in the interests of improved cooperation facing the Alliance are accordingly formidable.

Some observers have speculated that NATO might become the UN’s principal advisor in political-military interventions, owing to NATO’s significant experience and capacity in planning demanding multinational operations. Experts regard the UN planning process as slow, inefficient, and cumbersome in comparison with that available from NATO. If the UN had an interest in getting operations launched more rapidly and effectively than the UN process allows for, it has been suggested, NATO might provide operational planning services for the UN on a case-by-case basis at the request of the UNSC. This hypothetical arrangement is unlikely to win favor, however. The UN bureaucracy would probably not wish to openly acknowledge its weaknesses; at least some UNSC members would be unwilling to support visible dependence on NATO; and some NATO nations would have reservations about an arrangement that might be seen as enhancing the Alliance’s international security role at the expense of the UN’s autonomy.

Some NATO Allies might also have reservations about arrangements that could imply a degree of automaticity in Alliance commitment to UNSC-requested action. In 2002-2003, during early

discussions of the possible roles of the NATO Response Force, some Allies raised the idea of making the NRF available as a rapid reaction force for the UN, but this did not win consensus in the Alliance.

Another approach to enhanced NATO-UN cooperation, some observers have suggested, might be to apply the NATO-EU “Berlin Plus” model to interactions between the Alliance and the United Nations. That is, NATO might agree to make certain common assets and capabilities available to the UN, subject to various conditions, such as a request from the UN Security Council, approval by the North Atlantic Council, and arrangements for the monitoring and return of the NATO assets and capabilities. This approach might include the establishment of a UN strategic planning cell, either ad hoc or permanent, at NATO’s Supreme Headquarters Allied Powers Europe (SHAPE). The main obstacles to pursuing such an approach would be political. It is unclear whether it would be endorsed at UN headquarters, and some NATO Allies might have reservations about an approach that could be seen as enhancing the Alliance’s political standing in relation to the United Nations.

Rather than welcoming the potential assistance of NATO in planning and organizing demanding multinational operations, the UN General Assembly in June 2007 approved measures that may enhance the capacity for autonomy of the UN Department of Peacekeeping Operations (DPKO). The DPKO had grown to be the largest UN agency, with 90,000 troops deployed under its authority, and a budget that had increased from one to five billion US dollars from 1997 to 2006.¹⁰¹ In June 2007 it was decided to split off from the DPKO a new mission support department, but to stipulate that the head of this new department will be subordinate to the head of the DPKO. According to Jean-Marie Guéhenno, a French diplomat currently serving as head of the DPKO, the reorganization “provides resources that we would probably not have obtained if we had remained a single department.” The additional resources include the establishment of 150 new staff positions (or 285, if one counts transfers). Guéhenno described this as “the largest increase since the Department was founded, both quantitatively and qualitatively” and “a major breakthrough” in the establishment of a coherent ensemble

¹⁰¹ Jean-Louis Turlin, “Le Coréen Ban Ki-moon prend la tête de l’ONU,” *Le Figaro*, 14 December 2006.

capable of planning, managing, and providing strategic direction for all aspects of a peacekeeping operation.¹⁰²

This reorganization is also expected to make it possible for the United Nations to establish an operational level of command for peacekeeping operations within the DPKO in New York, based on the ad hoc model adopted for the UN Interim Force in Lebanon (UNIFIL) in the summer of 2006.¹⁰³ France played a leading role in bringing about this reorganization. According to Jean-Marc de La Sablière, the French ambassador to the United Nations,

We have expressed our support for the reform. It should enhance the effectiveness and operational capability of the Department of Peacekeeping Operations. But it all depends on how it is implemented. We must remain particularly vigilant in this regard. The DPKO's primacy over the mission support department must be effective and verified in everyday work.¹⁰⁴

Despite the mutual needs of NATO and the UN, questions of autonomy in the use of force and its legitimate basis will probably continue to complicate the relationship. The Allies have often repeated the reference in Article 7 of the North Atlantic Treaty to "the primary responsibility of the Security Council for the maintenance of international peace and security." However, as Dick Leurdijk has noted, the Alliance has retained a "right to decide autonomously on the use of force, without a formal authorization by the UN Security Council, given its character as

¹⁰² Jean-Marie Guéhenno quoted in Jean-Louis Turlin, "La France veut garder son rang à l'ONU," *Le Figaro*, 5 July 2007. See also Guéhenno's remarks on the DPKO's decisive role in designing the reorganization in Jean-Louis Turlin, "Ban Ki-moon réforme le maintien de la paix," *Le Figaro*, 21 February 2007.

¹⁰³ According to interview sources, the French and Italian governments were determined to avoid the command and control problems experienced with the UN Protection Force (UNPROFOR) in Bosnia and Herzegovina in 1992-1995 as well as to overcome the perception of weakness and ineffectuality that had previously burdened UNIFIL in accomplishing its mandate. The operational command established at UN headquarters in New York includes French and Italian general officers, and it is intended to provide for responsive decision-making and effective liaison between the DPKO and force-providing governments, notably France and Italy. See the interview with Philippe Douste-Blazy, then France's Minister of Foreign Affairs, in *Le Figaro*, 29 August 2006.

¹⁰⁴ Jean-Marc de La Sablière quoted in Jean-Louis Turlin, "La France veut garder son rang à l'ONU," *Le Figaro*, 5 July 2007.

a collective defence organization.”¹⁰⁵ Benedikta von Seherr-Thoss has pointed out that the Allies have asserted this right not only with reference to the Alliance’s status as a collective defense organization, but also in light of the Alliance’s “self-perception as a contributor to collective security and as a community of values.”¹⁰⁶

The 1998-1999 Kosovo conflict illustrated the inadequacy of the assumption that the authority to legitimize the use of force resides solely with the UN Security Council. As Inis Claude once observed, two principles of collective security may contradict each other in specific circumstances.

Respect for the principle of collectivism would impel a state to remain passive in the face of what it regarded as aggression, if no collective determination of the fact of aggression and authorization of counteraction were forthcoming. Adherence to the collective security maxim that anybody’s aggression threatens everybody’s stake in world order would impel a state to take action on the basis of its own judgment that aggression had occurred, even without benefit of collective legitimization.¹⁰⁷

The principle confirming a state’s right to take action against aggression and in support of collective security, even in the absence of an explicit authorization from a universal international organization, would seem to apply to the Alliance as well. In some circumstances, the only available means of pursuing collective security may be outside the framework of an authorization to act granted by an organization nominally committed to that purpose.

¹⁰⁵ Dick Leurdijk, *UN Reform and NATO Transformation: The Missing Link*, Egmont Paper 10 (Brussels: Academia Press for the Royal Institute of International Relations, November 2005), p. 7.

¹⁰⁶ Benedikta von Seherr-Thoss, “A New Strategic Partnership? Deepening UN-NATO Relations,” paper presented at the DGAP (Deutsche Gesellschaft für Auswärtige Politik) New Faces Conference, Oslo, 20-22 October 2006, p. 3.

¹⁰⁷ Inis L. Claude, Jr., “The Collectivist Theme in International Relations,” *International Journal*, vol. 24 (Autumn 1969), p. 655.

With regard to the UN Security Council, as long ago as 1993 Michael Rühle called attention to

the danger of establishing a precedent whereby NATO could only act under a UN mandate. Such a development would make NATO's crisis management contributions hostage to the UN Security Council (UNSC), that is to the domestic evolution of Russia or China. In light of the not so low probability of a return of the UNSC to its former stalemate [that is, during the Cold War], it is essential not to foreclose the option of NATO acting independently under the UN Charter's right to assist other states spelled out in Article 51. . . . Such an independent NATO option seems even more legitimate as there is a clear difference in quality between NATO and [the] UN as concerns [the] democratic legitimacy of the governments involved. . . . Given the tendency to establish the legal norm of 'humanitarian intervention,' it would seem almost grotesque if an Alliance of 16 democracies would be prevented from providing assistance to a threatened state or even an ethnic community, simply because a non-democratic member of the UNSC vetoes it.¹⁰⁸

Indeed, Russian or Chinese interests might conflict with those of the Alliance. Depending on Moscow and Beijing to consistently endorse NATO-led crisis management and peace operations in support of collective security might therefore be imprudent, if not self-defeating. Differences in interests among the major powers, including the five permanent members of the UN Security Council, constitute a major factor constraining prospects for NATO-UN cooperation.¹⁰⁹

¹⁰⁸ Michael Rühle, "Crisis Management in NATO," *European Security*, vol. 2 (Winter 1993), p. 497.

¹⁰⁹ For a more extensive discussion, see David S. Yost, *NATO Transformed: The Alliance's New Roles in International Security* (Washington, D.C.: United States Institute of Peace Press, 1998), pp. 251-259.

CHAPTER 3

NATO AND THE EUROPEAN UNION

The European Union (EU) has formally been pursuing a European Security and Defence Policy (ESDP) since the European Council meeting at Cologne in June 1999. The key step that made this possible — the abandonment by the United Kingdom of its longstanding opposition to EU involvement in military security and defence matters — took place in late 1998.¹¹⁰ From the beginning of the EU's Common Foreign and Security Policy (CFSP) in December 1991, with the framing of the Maastricht version of the Treaty on European Union, until October 1998, the United Kingdom held that the Western European Union (WEU), an organization based on the 1948 Brussels Treaty, as modified in 1954, should be responsible for implementing EU decisions with defense implications. It was mainly owing to British policy that in the Maastricht and Amsterdam versions of the Treaty on European Union EU members committed themselves to relying on the Western European Union "to elaborate and implement decisions and actions of the [European] Union which have defence implications."¹¹¹

Since all members of the WEU are members of the Alliance, it was possible to regard the effort to construct what was called a European Security and Defence Identity (ESDI) during most of the 1990s as essentially a project within the Alliance. During the WEU-centered phase of this effort, from 1991 to 1998, the focus was on strengthening the WEU, as the European pillar of the Alliance and the defense component of the European Union. In January 1994, for example, the NATO Allies declared that

¹¹⁰ Tony Blair, then the British Prime Minister, indicated that changes in British policy in this regard were at hand in his remarks at a press conference in Pörschach, Austria, on 25 October 1998. The changes received formal expression in the joint declaration by the heads of state and government of France and the United Kingdom at St-Malo, 3-4 December 1998.

¹¹¹ For the Maastricht version, see *Treaty on European Union* (Luxembourg: Office for Official Publications of the European Communities, 1992), p. 126, Article J.4, par. 2.

We support strengthening the European pillar of the Alliance through the Western European Union, which is being developed as the defence component of the European Union. . . We welcome the close and growing cooperation between NATO and the WEU that has been achieved on the basis of agreed principles of complementarity and transparency. . . We therefore stand ready 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. We support the development of separable but not separate capabilities which could respond to European requirements and contribute to Alliance security.¹¹²

The Alliance devised arrangements, notably those approved at a June 1996 Berlin ministerial meeting, to make its collective assets available for WEU-led operations. One of the key principles was to make arrangements for “the use of separable but not separate military capabilities in operations led by the WEU.”¹¹³

Until 1998, however, two conceptions of the WEU’s role clashed within the EU: the British/Dutch view linking the WEU as closely as possible to NATO, and the French/German objective of binding the WEU as tightly as possible to the EU, with the ultimate aim of merging key elements of the WEU into the EU. The latter approach carried the day with the pivotal change in British policy in late 1998.¹¹⁴ The victory of the latter approach spelled the end of the “separable but not separate” approach, because the EU would increasingly pursue ESDP decision-making and command structures as well as capabilities distinct from those of the Alliance.¹¹⁵

¹¹² North Atlantic Council, Brussels Summit Declaration, 11 January 1994, par. 5 and 6.

¹¹³ North Atlantic Council, Final Communiqué, 3 June 1996, par. 6.

¹¹⁴ For a valuable analysis of the shift in British policy, see Jolyon Howorth, “Britain, France and the European Defence Initiative,” *Survival*, vol. 42 (Summer 2000).

¹¹⁵ For a farsighted discussion of the implications of the EU’s plans to absorb WEU institutions, see Peter Schmidt, “ESDI: ‘Separable but not separate?’”, *NATO Review*, Spring-Summer 2000.

After the shift in British policy in late 1998, European Union members decided to pursue an ESDP under EU auspices and turned away from the previous WEU-centered focus. WEU member governments (all members of the EU) transferred most of the WEU's assets to the EU, including the WEU's military staff, situation centre, satellite data interpretation centre, and security studies institute, as well as all WEU bodies involved in promoting European armaments cooperation.¹¹⁶ Since some EU members are not Alliance members,¹¹⁷ the challenge at hand was no longer constructing a WEU-based ESDI within the Alliance but working out arrangements for the EU to pursue an ESDP in cooperation with the Alliance. Michael Rühle has rightly summed up the magnitude of this challenge: "A European Union with a distinct military dimension constitutes the most profound institutional change within the transatlantic security community since its creation almost six decades ago." As he pointed out, this means that 21 of the 26 NATO Allies "now organize themselves in a framework that also covers security — and conducts its own dialogue with Washington."¹¹⁸

Working out the "Berlin Plus" arrangements

The Alliance took an important step with a view to effective NATO-EU teamwork at the Washington Summit in April 1999. The Allies approved principles for cooperation with the EU known as "Berlin Plus," to signify that they would build on the June 1996 agreements in Berlin. The Allies declared that they were "ready to define and adopt the necessary arrangements for ready access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily as an Alliance," and added that these arrangements would address:

¹¹⁶ The sole operational WEU body still in existence is the Assembly of the Western European Union, which is now the *de facto* Interparliamentary European Security and Defence Assembly. The treaty on which the WEU is based, the 1948 Brussels Treaty, as amended in 1954, remains in force, including its mutual defense pledge. Since November 1999 Javier Solana has served as Secretary-General of the WEU in addition to his EU posts as Secretary-General of the EU Council and High Representative for the Common Foreign and Security Policy.

¹¹⁷ The EU members that are not members of NATO are Austria, Cyprus, Finland, Ireland, Malta, and Sweden. The NATO members that are not members of the EU are Canada, Iceland, Norway, Turkey, and the United States.

¹¹⁸ Michael Rühle, "A More Political NATO," *NATO Review*, Winter 2005.

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 operations, further developing the role of DSACEUR in order for him to assume fully and effectively his European responsibilities;

The further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations.¹¹⁹

It took the NATO Allies and the EU member states from April 1999 to December 2002 to determine how to formalize this agreement. Tony Blair, then the British Prime Minister, said that the challenge had been “to resolve differences between Turkey and Greece.”¹²⁰ In a less diplomatic analysis Fraser Cameron attributed the delay to “blocking manoeuvres by, alternately, Greece and Turkey.”¹²¹

The December 2002 European Council meeting in Copenhagen took note of one of the key decisions relating to NATO-EU cooperation: “As things stand at present, 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 agreements with NATO.” The European Council noted that the exclusion would

¹¹⁹ North Atlantic Council, Washington Summit Communiqué, 24 April 1999, par. 10. The statements in the 1999 Strategic Concept about NATO-EU cooperation, adopted the same day as the Washington Summit Communiqué, are less precise and not entirely consistent with the political reality of an emerging ESDP, perhaps owing to a residual wish on the part of some NATO Allies to retain the previous concept of an ESDI within the Alliance. For example, the Strategic Concept states that “the European Security and Defence Identity will continue to be developed within NATO” and adds that “This process will require close cooperation between NATO, the WEU and, if and when appropriate, the European Union.” The call in the Strategic Concept for “the full participation of all European Allies if they were so to choose” may have reflected the concerns of Turkey and other non-EU European Allies. North Atlantic Council, Strategic Concept, 24 April 1999, paragraph 30.

¹²⁰ Tony Blair, statement on the European Council meeting on 12-13 December 2002 in Copenhagen, on 16 December 2002.

¹²¹ Fraser Cameron, *The EU and International Organisations: Partners in Crisis Management*, EPC Issue Paper No. 41 (Brussels: European Policy Centre, 24 October 2005), p. 22.

affect Cyprus and Malta, which would “not take part in EU military operations conducted using NATO assets once they have become members of the EU,” nor have access to “any classified NATO information.”¹²² The principle limiting NATO-EU transfers of classified information to EU members that are also members of NATO’s Partnership for Peace and that have concluded a security agreement with NATO in that framework was formalized in March 2003 in a separate NATO-EU document.¹²³

On the day following the European Council’s December 2002 Copenhagen declaration concerning “Berlin Plus,” the North Atlantic Council adopted several decisions to implement the “Berlin Plus” principles first outlined at NATO’s 1999 Washington Summit. Lord Robertson, then the NATO Secretary General, stated that “These decisions follow a letter from EU High Representative Javier Solana informing me that the European Council has agreed modalities to implement the Nice provisions on the involvement of non-EU European Allies in EU-led operations using NATO assets.”¹²⁴ For Iceland, Norway, and Turkey, one of the most important aspects of the subsequent EU-NATO Declaration on ESDP was indeed the statement that “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.”¹²⁵

¹²² Declaration of the Council Meeting in Copenhagen on 12 December 2002, in Copenhagen European Council, 12 and 13 December 2002, Presidency Conclusions, Council of the European Union, Brussels, 29 January 2003, 15917/02, Annex II, p. 13. According to interview sources, the EU regards the phrase “as things stand at present” as a qualification that has made the December 2002 decision outdated. The EU holds that all 27 member states of the EU should participate in all NATO-EU meetings and activities. Turkey and some other NATO Allies do not share this interpretation of the December 2002 European Council decision.

¹²³ Agreement between the North Atlantic Treaty Organisation and the European Union on the Security of Information, 14 March 2003, Article 5.

¹²⁴ Statement by the Secretary General, 13 December 2002, NATO Press Release (2002) 140.

¹²⁵ EU-NATO Declaration on ESDP, 16 December 2002, NATO Press Release (2002) 142. The 13 December 2002 letter from the EU High Representative is a classified document. Reaching agreement on this aspect of the arrangements was evidently the most significant difficulty in the negotiations. Lord Robertson said after a NAC-PSC meeting in October 2001 that success in concluding the arrangements would depend “on the resolution of the participation issue of the non-EU countries that are members of NATO.” NATO Update, “NATO-EU Meeting on Security Cooperation,” 23 October 2001.

According to the EU-NATO declaration, the ESDP's "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." The declaration also stated that "a stronger European role will help contribute to the vitality of the Alliance, specifically in the field of crisis management," and affirmed that the NATO-EU relationship would 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; [and]

Coherent, transparent and mutually reinforcing development of the military capability requirements common to the two organisations.¹²⁶

In March 2003 NATO and the EU announced that they had worked out a "Berlin Plus" package of arrangements to allow the Alliance to support EU-led operations in which the Alliance as a whole is not engaged. The "Berlin Plus" package consists of approximately fifteen

¹²⁶ EU-NATO Declaration on ESDP, 16 December 2002, NATO Press Release (2002) 142.

agreements, most of which are classified.¹²⁷ The main elements of the package include the following:

- a NATO-EU Security Agreement (covers the exchange of classified information under reciprocal security protection rules);
- assured EU access to NATO's planning capabilities for actual use in the military planning of EU-led crisis management operations;
- presumed availability of NATO capabilities and common assets, such as communication units and headquarters for EU-led crisis management operations;
- procedures for release, monitoring, return and recall of NATO assets and capabilities;
- terms of reference for NATO's Deputy SACEUR - who in principle will be the operation commander of an EU-led operation under the "Berlin Plus" arrangements (and who is always a European) - and European command options for NATO;
- NATO-EU consultation arrangements in the context of an EU-led crisis management operation making use of NATO assets and capabilities;
- incorporation within NATO's long-established defence planning system, of the military needs and capabilities that may be required for EU-led military operations, thereby ensuring the availability of well-equipped forces trained for either NATO-led or EU-led operations.¹²⁸

NATO and EU-led operations

The March 2003 agreement on the "Berlin Plus" package made possible the first EU-led peacekeeping mission, Operation Concordia in the former Yugoslav Republic of Macedonia, from March to December

¹²⁷ The fact that most of the "Berlin Plus" agreements are classified may be a factor contributing to continuing disputes about the scope of the arrangements and the specific political obligations assumed by NATO and the EU, notably with respect to crisis consultations.

¹²⁸ This summary of the "Berlin Plus" arrangements, approved by NATO and the EU on 17 March 2003, is drawn from "NATO-EU: A Strategic Partnership," available at <http://www.nato.int/issues/nato-eu/evolution.html>

2003.¹²⁹ Operation Concordia was the successor to a series of three NATO-led operations in the former Yugoslav Republic of Macedonia.¹³⁰ According to interview sources, the EU's interest in undertaking this operation accelerated the conclusion of the "Berlin Plus" package in March 2003. NATO made assets available to the EU for Operation Concordia, and the operational commander was the Alliance's Deputy Supreme Allied Commander Europe (DSACEUR). At the end of Operation Concordia in December 2003, the EU decided to launch a police capacity-building mission called Operation Proxima.

In July 2003 the EU and the Alliance agreed on "a common vision" for the western Balkan region: stability, democracy, prosperity, and closer cooperation with (and possible eventual membership in) European and Euro-Atlantic organizations.¹³¹ In the framework of this vision the Alliance decided at the June 2004 Istanbul Summit to conclude its Stabilization Force (SFOR) operation in Bosnia and Herzegovina by the end of 2004 and to work with the EU in the "Berlin Plus" framework to organize the transition to an EU-led operation in Bosnia and Herzegovina named Althea.¹³²

Operation Althea began in December 2004. The commander of the European Force (EUFOR) responsible for Operation Althea is NATO's DSACEUR. This command arrangement helps to ensure NATO-EU coordination and facilitates EU access to NATO assets and capabilities. The EU has established liaison missions at NATO's Supreme Headquarters Allied Powers Europe (SHAPE) and at NATO's

¹²⁹ NATO and the OSCE consistently use the name "the former Yugoslav Republic of Macedonia" in their documents in deference to Greece. NATO regularly adds a note in its documents indicating that "Turkey recognises the Republic of Macedonia with its constitutional name."

¹³⁰ The three NATO-led operations in the former Yugoslav Republic of Macedonia were Operation Essential Harvest, from 22 August to 23 September 2001, which concentrated on the collection and destruction of weapons surrendered voluntarily by ethnic Albanian groups; Operation Amber Fox, from 23 September 2001 to 15 December 2002, which contributed to the protection of international monitors overseeing the national peace plan's implementation; and Operation Allied Harmony, from 16 December 2002 to 31 March 2003, which furnished further support to the international monitors and advice to the government on security arrangements.

¹³¹ See "EU and NATO agree concerted approach for the Western Balkans," NATO Press Release (2003) 089, 29 July 2003.

¹³² NATO had agreed to consider this option at the meeting of NATO and EU foreign ministers in December 2003. See the Joint Press Statement by the NATO Secretary General and the EU Presidency, NATO Press Release (2003) 153, 4 December 2003.

Joint Force Command in Naples. Since the termination of the SFOR operation in December 2004, NATO has maintained a presence in Bosnia and Herzegovina via a military liaison and advisory mission in Sarajevo and has assisted local authorities with defence reform, counter-terrorism, the detention of people indicted for war crimes, and the country's membership in NATO's Partnership for Peace.¹³³

EU-led ESDP operations need not necessarily be conducted in close coordination with NATO. In June-September 2003, the EU conducted Operation Artemis in the Democratic Republic of the Congo (DRC), the first EU military operation outside Europe; and it was accomplished without NATO assistance. In Operation Artemis, EU troops (mostly from France) stabilized the security situation in the Bunia area of the DRC.

Moreover, since January 2003 the EU has classified under the ESDP rubric a large number of essentially civilian operations — police, rule of law, security sector reform, monitoring, and other missions in Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, the DRC, Iraq, Indonesia, Sudan, Gaza, and elsewhere.¹³⁴ Of these the most recent is the EU Police Mission in Afghanistan (EUPOL Afghanistan), launched in June 2007.

Since the enlargements of the EU and the Alliance in 2004, and the adherence of Bulgaria and Romania to the EU in 2007, 21 countries (out of 27 in the EU and 26 in the Alliance) belong to both organizations. Each organization has expressed its resolve to deepen and improve cooperation, in view of their shared interests, common values, and limited resources.

¹³³ NATO invited Bosnia and Herzegovina to join the Partnership for Peace and the Euro-Atlantic Partnership Council at the November 2006 Riga summit. The President of Bosnia and Herzegovina signed the Partnership for Peace Framework Document on 14 December 2006.

¹³⁴ EU activities in security sector reform in the Western Balkans have been conducted in coordination with NATO. See "EU and NATO agree concerted approach for the Western Balkans," NATO Press Release (2003) 089, 29 July 2003, par. 10, available at <http://www.nato.int/docu/pr/2003/p03-089e.htm>.

Moreover, NATO and the EU have much work to do together. For example, the EU envisages a police and rule of law mission that would perform several of the functions currently accomplished by the UN Interim Administration Mission in Kosovo (UNMIK). The EU planning team has been consulting closely with the NATO-led KFOR in order to delineate the respective responsibilities and the interaction of the military and civilian security operations in Kosovo. The basic principle is that NATO troops would operate under KFOR command and civilian EU personnel under the head of the EU police and rule of law mission. NATO-EU interactions will remain essential to clarify functions on the ground. For example, some of the Italian *carabinieri* and French *gendarmes* in KFOR may be reassigned to the future EU police and rule of law mission. Throughout the Western Balkans, NATO and the EU face demanding tasks in preventing renewed violence and promoting peaceful transitions.¹³⁵

However, despite the achievements of NATO-EU cooperation and the substantial shared tasks facing these organizations, there are serious difficulties in their relations. The difficulties include institutional and national rivalries, the participation problem, and disagreements about the proper scope and purpose of NATO-EU cooperation.

Institutional and national rivalries

As Simon Lunn, the Secretary General of the NATO Parliamentary Assembly, has observed, “whenever a fresh crisis arises, there is always a strong sense of institutional rivalry and competition.”¹³⁶ 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. In the event, both NATO and the EU have assisted the African Union regarding Darfur (outside the “Berlin Plus” framework, it should be noted); and countries that are members of both organizations have in several cases made contributions under the auspices of both NATO and the EU. Some EU nations — for instance, France — would have preferred strictly EU action, without any

¹³⁵ For an informative analysis, see Jeffrey Simon, *Preventing Balkan Conflict: The Role of Euroatlantic Institutions*, Strategic Forum no. 226 (April 2007).

¹³⁶ Simon Lunn, letter in *Europe's World*, Spring 2006, p. 26.

NATO involvement. These nations hold as a matter of principle that NATO should stay out of Africa and that the EU should be responsible for security assistance to this continent, in view of the magnitude of EU development aid to Africa. Moreover, the EU includes several former colonial powers with long-standing ties in Africa that wish to make the EU an instrument of enduring influence in this continent.

EU and NATO nations have in recent years considered establishing a military training center in Africa. France, supported at times by Belgium and Greece, has opposed the idea of a NATO training center in Africa, and has argued that the EU should undertake this project. No one doubts that such a center would be within the EU's financial means, but it can be argued that NATO's superior operational experience and expertise in multinational education, training, and exercising would make a decisive difference in the implementation of training programs.

As noted in the Introduction, the EU differs from other international organizations in that it is a political project involving transfers of sovereignty in certain policy areas from the member states to central institutions. It should be noted, however, that EU member states have pursued the European Security and Defense Policy (ESDP) on an intergovernmental basis.¹³⁷ That is, ESDP decisions depend on a consensus involving all member states of the EU. Because ESDP actions may involve military operations and entail the use of force, EU members have been unwilling to make transfers of sovereignty regarding such matters. In contrast, transfers of national sovereignty have been evident in the "first pillar" economic matters decided by shared EU institutions.

The "first pillar" of the European Union concerns trade and economic matters, including the customs union, the single market, and agricultural policy. The "second pillar" consists of the EU's Common Foreign and Security Policy, including the ESDP. The "third pillar" covers cooperation in justice and law enforcement matters. To repeat,

¹³⁷ For an analysis of the social attitudes in EU member states that suggest that ESDP will continue to be pursued on an intergovernmental basis in the foreseeable future, see Wolfgang Wagner, *The Democratic Legitimacy of European Security and Defense Policy*, Occasional Paper no. 57 (Paris: European Union Institute for Security Studies, April 2005).

some of the policy areas included in the “first pillar” involve transfers of sovereignty; and for this reason the decision making by shared institutions in certain policy areas is sometimes called “supranational” or “communitarian.” Decision-making in the second pillar remains intergovernmental, and this means that each nation retains its sovereign right not to participate in particular ESDP operations. There is no qualified majority voting in ESDP decision-making; and a consensus rule applies, as in NATO.

Whether “second pillar” and “third pillar” matters that are currently under national sovereignty will eventually come under supranational EU institutions remains to be seen. The draft of a new Treaty on European Union, in lieu of the proposed EU constitutional treaty rejected in referenda in France and the Netherlands in 2005, may be complete by the end of 2007 and may enter into force in 2009. The new Treaty on European Union is expected to adopt a different approach to the concept of pillars, which may lose their conceptual and practical importance. However, ESDP matters will continue to be handled on an intergovernmental basis.¹³⁸

The EU’s multiple functions and capacities mean that it has economic, police, justice, social and other instruments to support reconstruction, reform, and democratization far beyond what NATO has historically been able to offer. The EU’s civilian assets outside NATO’s scope of activity include tools essential to state capacity-building. There is, for example, no NATO equivalent to the European Agency for Reconstruction.¹³⁹

Moreover, in dealing with some situations the EU can brandish an incentive to promote cooperation — the prospect of EU membership

¹³⁸ The mandate for the Intergovernmental Conference (IGC) responsible for preparing the new Treaty on European Union, to be known as the “Reform Treaty,” stipulates twice that the IGC will recall “that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.” IGC Mandate, Annex I of the Presidency Conclusions of the Brussels European Council, 21/22 June 2007, Council of the European Union, Brussels, 20 July 2007, 11177/1/07, p. 19, note 6, and p. 26, note 22.

¹³⁹ See the essay by the director of this agency, Richard Zink, “The EU and Reconstruction in the Western Balkans,” in Jean Dufourcq and David S. Yost, eds., *NATO-EU Cooperation in Post-Conflict Reconstruction*, Occasional Paper no. 15 (Rome: NATO Defense College, May 2006), pp. 42-45, available at http://www.ndc.nato.int/download/publications/op_15.pdf.

— that may be in some cases more potent than NATO’s capacity to offer partnership or membership. In principle the EU’s many capacities offer opportunities for synergies and high levels of effectiveness. In practice, however, rivalries among EU institutions — including the Commission and the Council — may hinder the EU in achieving optimal results.

The NATO-EU competition over missions derives in part from the fact that NATO’s non-Article 5 operations and the EU’s Petersberg tasks concern the same types of challenges. The declared purposes of the EU’s ESDP today remain the Petersberg tasks, first formulated by the Western European Union (WEU) in 1992. In that year the WEU member states agreed that, in addition to the continuing collective defense obligations of the WEU members under the 1948 Brussels Treaty, as amended in 1954, and the 1949 North Atlantic Treaty, “military units of WEU member States, acting under the authority of WEU, could be employed for: humanitarian and rescue tasks; peacekeeping tasks; [and] tasks of combat forces in crisis management, including peacemaking.”¹⁴⁰ These phrases were integrated into the Amsterdam and Nice versions of the Treaty on European Union.

It is relevant to consider the security and defense policy objectives indicated in the proposed EU constitutional treaty, despite its rejection in referenda in France and the Netherlands in 2005, for two reasons. First, the document is representative of recent thinking in EU governments. Second, many of its elements, including with respect to the ESDP, may be retained in the alternative treaty currently being negotiated.

In the proposed EU constitutional treaty, the declared purposes of the ESDP were recast to include “peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter.”¹⁴¹ According to the proposed EU constitutional treaty, ESDP tasks “shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance

¹⁴⁰ Western European Union, Meeting of the Council of Ministers on the Petersberg, outside Bonn, 19 June 1992, “Petersberg Declaration,” par. 4 of Part II, “On Strengthening WEU’s Operational Role.”

¹⁴¹ Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, 16 December 2004, p. 30, Article I-41, par. 1.

tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.”¹⁴²

In short, in terms of ratified treaties, the ESDP’s purposes remain limited to the Petersberg tasks, but the proposed constitutional treaty envisaged adding “joint disarmament operations . . . military advice and assistance tasks, conflict prevention . . . [and] post-conflict stabilisation.” The potential for duplication or competition with NATO’s non-Article 5 operations is obvious. Although NATO and EU foreign ministers have declared that “NATO and the European Union bring different comparative strengths” to the fight against terrorism and other tasks,¹⁴³ the significant overlaps between NATO’s non-Article 5 missions and the EU’s Petersberg tasks mean that these organizations have been — and remain — in competition for similar responsibilities. Some observers have proposed that the two organizations might agree on a “division of labor” in crisis response operations based on geographical or practical criteria (the type or intensity or scale of projected operations) in order to avoid competition. However, neither NATO nor the EU appears prepared to accept such a constraint on its latitude for action, owing in part to national ambitions for specific organizations and the uncertainty of future security requirements.

The competition could become more intense if the EU members agreed to pursue collective defense in the ESDP framework. The ESDP does not yet compete with NATO in the field of collective defense, however. The reference to collective defense in the currently operative version of the Treaty on European Union makes clear that the pursuit of this goal is conditional and dependent on a unanimity among the member

¹⁴² Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, 16 December 2004, p. 138, Article III-309, par. 1. The prominence of terrorism in these formulations, in comparison with those in the Amsterdam and Nice treaties, may be attributed to the impact of the terrorist attacks of 11 September 2001. It is noteworthy that the constitutional treaty’s “solidarity clause” applies “if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster.” Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, 16 December 2004, p. 32, Article I-43, par. 1.

¹⁴³ Joint Press Statement by the NATO Secretary General and the EU Presidency, NATO Press Release (2001) 167, 6 December 2001.

states that does not yet exist: “The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide.”¹⁴⁴

Even in the proposed constitutional treaty, the mutual defense clause based on Article 51 of the United Nations Charter is carefully circumscribed to protect the autonomy of neutral and NATO members of the EU: “This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.”¹⁴⁵

The EU’s tendency to compete with NATO can be seen as the mirror image of NATO’s tendency to compete with the EU. In a sense, this competition goes back to the summer of 1992, long before the EU’s ESDP came into being, with the NATO-WEU rivalry over embargo enforcement in the Adriatic Sea.¹⁴⁶ Some observers have described the

¹⁴⁴ Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community, *Official Journal of the European Union*, 29 December 2006, p. 17, Article 17. The wording in the proposed constitutional treaty employs the future tense, but is nonetheless conditional on unanimity: “The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides.” Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, 16 December 2004, p. 30, Article I-41, par. 2.

¹⁴⁵ Treaty Establishing a Constitution for Europe, *Official Journal of the European Union*, 16 December 2004, p. 31, Article I-41, paragraph 7. The same stipulation is expressed, with slightly different wording, in the version of the Treaty on European Union currently in force: “The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.” Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community, *Official Journal of the European Union*, 29 December 2006, p. 17, Article 17.

¹⁴⁶ For background, see “When Europeans Unravel,” *The Economist*, 1 August 1992, p. 38. On 8 June 1993 the North Atlantic Council and the Council of the Western European Union agreed to join the previously distinct but coordinated NATO and WEU naval operations in the Adriatic Sea into a combined operation named Sharp Guard. The objectives in combining the operations included “unity of command, appropriate levels of engagement and adequate force levels.” Günter Marten and Sir Keith Speed, Rapporteurs, *WEU initiatives on the Danube and in the Adriatic — reply to the thirty-*

NATO-EU relationship, not entirely in jest, as one of long-standing “mutual paranoia,” aggravated since 1999 by the ESDP.

The tendency to compete with NATO may be aggravated by the fact that the ESDP missions do not concern collective defense, but “optional” activities. What NATO considers non-Article 5 tasks and what the EU has designated as ESDP missions are all “by choice” operations, as opposed to binding treaty obligations or existential imperatives of national survival. This increases the potential scope for national contention and posturing about organizational roles. The leading powers in the EU have differed fundamentally about the extent to which ESDP should be pursued autonomously or in cooperation with NATO.

The EU has in recent years strengthened its capacity to plan and conduct EU-led operations without depending on NATO assets and capabilities. It is for this purpose that the EU established a Civilian/Military Cell within the EU Military Staff that could serve as “the nucleus of an operations centre.” According to the German Foreign Ministry, “It is envisaged that the ‘OpsCen’ will plan and conduct autonomous EU-led operations in the event that no national headquarters has been designated for this purpose. It has been ready for activation since 1 January 2007.”¹⁴⁷

It should be noted, however, that this capability falls short of what Belgium, France, Germany, and Luxembourg proposed in April 2003.¹⁴⁸ Instead, the United Kingdom negotiated with France and Germany to establish the current arrangement.¹⁴⁹ As Frank Kupferschmidt, a German scholar, has noted,

eighth annual report of the Council, Report submitted on behalf of the Defence Committee, Document 1367 (Paris: Assembly of Western European Union, 15 June 1993), p. 153, par. 45.

¹⁴⁷ “EU-NATO Cooperation,” German Foreign Ministry fact sheet, 25 January 2007.

¹⁴⁸ “Meeting of the Heads of State and Government of Germany, France, Luxembourg and Belgium on European Defence,” 29 April 2003, in *From Copenhagen to Brussels — European Defence: Core Documents*, vol. IV, compiled by Antonio Missiroli, Chaillot Paper no. 67 (Paris: European Union Institute for Security Studies, December 2003), pp. 76-80.

¹⁴⁹ “Joint Paper by France, Germany and the United Kingdom,” Naples, 29 November 2003, in *From Copenhagen to Brussels — European Defence: Core Documents*, vol. IV, compiled by Antonio Missiroli, Chaillot Paper no. 67 (Paris: European Union Institute for Security Studies, December 2003), pp. 283-284. This paper was submitted by the Italian EU Presidency to the European Council for approval.

Britain prevented the establishment of a European HQ that could have become a competitor of SHAPE but accepted a limited additional capacity for early warning, situation assessment and strategic planning within the EU Military Staff (EUMS). As an exceptional option for the conduct of EU autonomous operations of a smaller scale, it was agreed that upon Council decision based on EU Military Committee advice an operations centre could be set up drawing on the EUMS personnel and augmentations from member states. As a result of these developments the future of ESDP will more than ever depend on British cooperation.¹⁵⁰

It was a fundamental shift in British policy that made the launching of what became the ESDP possible in late 1998. Owing in large part to its exceptional military capabilities and prowess, the United Kingdom retains pivotal influence over the course of the EU's ESDP and its relationship with NATO.

Berlin Plus in reverse?

As noted earlier, the "Berlin Plus" arrangements adopted in March 2003 provide for assured EU access to NATO operational planning capabilities and for the availability of NATO capabilities and common assets, such as headquarters and communications units, for EU-led operations. The clearest example is Operation Althea in Bosnia and Herzegovina, an EU-led operation supported by NATO's Supreme Headquarters Allied Powers Europe (SHAPE) under the command of NATO's Deputy Supreme Allied Commander Europe (DSACEUR). In view of this precedent, some observers have suggested, it might be possible to envisage a "Berlin Plus in reverse" or "Berlin Plus-Plus" arrangement, whereby the EU would provide support to NATO with the EU's civilian assets.

However, some NATO observers have expressed reservations about the "Berlin Plus in reverse" concept. In their view, it could be counterproductive to create a sense of dependence in NATO on EU assets

¹⁵⁰ Frank Kupferschmidt, "EU and NATO as 'Strategic Partners' – The Balkans Experience," 26 February 2007, a contribution to a forthcoming book entitled *Beyond NATO: The Transatlantic Security Relationship Approaching 2010*, quoted with the author's permission.

and capabilities, because this could delay or prevent NATO operations by enabling the EU (or specific EU members) to say no to the Alliance. This concern is, to be sure, the mirror-image of that expressed by EU observers dissatisfied with the “Berlin Plus” arrangements and correspondingly eager to promote the EU’s autonomy and gain independence from reliance on NATO assets and capabilities. Some EU nations have expressed little enthusiasm for the proposition of lending EU assets and capabilities to NATO, particularly in the fields of civilian crisis management and post-conflict stabilization and reconstruction. Some European observers maintain that “Berlin Plus in reverse” would undermine the rationale for the EU’s ESDP and lead to the EU subsidizing NATO.

Civil-military missions in reconstruction and stabilization may offer the most promising area for improving the NATO-EU relationship. However, it could limit NATO’s freedom of action if the Alliance was obliged to ask the EU for help. It would smack of a dependence that some Atlanticists would be uncomfortable with. The assumption that NATO should hand off operations to the EU and civilian agencies as soon as a safe and secure environment has been established has become common in both Europe and North America, and this may constitute an obstacle to strengthening NATO’s civil-military and non-military capacities.

The “Berlin Plus in reverse” discussion may be overtaken by events if the “Berlin Plus” arrangements become less central to NATO-EU interactions. Some experts speculate that Operation Althea in Bosnia and Herzegovina may be the last operation under “Berlin Plus” auspices for various reasons. Some EU member states prefer autonomy, and for them turning to the “Berlin Plus” arrangements is a “last resort” for cases in which the EU absolutely cannot get by with its own capabilities and those which it can lease — e.g., transport aircraft. In their view, “assured EU access” to NATO assets and capabilities is obviously less desirable than direct control over EU assets and capabilities, because the Alliance might in some circumstances regard its requirements as more compelling than those of the EU and choose to recall its assets and capabilities. This line of reasoning concludes that the EU should build up its capabilities to such an extent that the “Berlin Plus” arrangements would become unnecessary and irrelevant.

Moreover, some NATO Allies do not care for the impression that the Alliance may be used by the EU as a “tool box.” NATO decision-making about interactions with the EU has become increasingly stalemated, if not paralyzed, by the “Berlin Plus” arrangements; and some experts see them as increasingly problematic. Indeed, some observers have noted a tendency to seek ways to “work around” the “Berlin Plus” arrangements in the interests of effective NATO-EU cooperation in the field.

Until January 2007 the main alternative to the “Berlin Plus” arrangements for the EU to conduct a military operation was to rely on one of the operational command headquarters furnished by one of the five member states with such facilities: France, Germany, Greece, Italy, and the United Kingdom. The EU relied, for example, on French facilities for Operation Artemis in the Democratic Republic of the Congo in 2003 and on German facilities for Operation EUFOR Congo in the same country in 2006. In January 2007, however, as noted earlier, the EU Operations Centre in the EU Military Staff was declared ready for activation.¹⁵¹ The EU Operations Centre was activated for the first time in June 2007 in an EU command-post crisis management exercise. Lieutenant General David Leakey, Director-General of the EU Military Staff, said that the Operations Centre “gives us the extra flexibility to run an operation, particularly at short notice.”¹⁵² Some observers have interpreted the establishment and activation of the Operations Centre as signs of an interest in the EU in greater autonomy and less dependence on NATO.

Formal NATO-EU deliberations

The EU Council’s Political and Security Committee (PSC) was an interim body in late 2000, but it has been in a position to meet with the North Atlantic Council (NAC) since the beginning of 2001. Ambassador-level NAC-PSC meetings have taken place with the following frequency: 8 in 2001, 6 in 2002, 8 in 2003, 10 in 2004, 6 in 2005, 4 in 2006, and 3 in the first half of 2007. These meetings were originally co-chaired by the

¹⁵¹ “Ready for Activation: The New EU Operations Centre,” in *Impetus: Bulletin of the EU Military Staff*, Issue no. 3 (Spring/Summer 2007), p. 5.

¹⁵² Lieutenant General David Leakey quoted in “Military exercise sees first OpsCentre activation,” in *ESDP Newsletter*, Council of the European Union, Issue no. 4, p. 5.

NATO Secretary General and the Ambassador to the PSC of the EU member state holding the rotating Presidency of the EU. The PSC decided at the beginning of the Netherlands Presidency in July 2004 that the EU Council's Secretary General/High Representative would henceforth serve as the co-chair for the PSC; and this agreement has been respected under subsequent Presidencies. A representative of the European Commission has also attended NAC-PSC meetings. If the EU Council and the European Commission disagree, neither can speak for the other. Representatives of the EU Council have attended meetings of the NATO-EU Capability Group since its first meeting in May 2003, and representatives of the European Commission have also attended since November 2004.

The EU Council's Secretary General/High Representative has been invited to all meetings of the North Atlantic Council at the level of foreign and defense ministers and to all NATO summits. However, the NATO Secretary General has normally been invited only to meetings of EU defense ministers, and has rarely been invited to summit-level European Council meetings or to meetings of the General Affairs and External Relations Council (that is, meetings of the foreign ministers of EU member states).¹⁵³ The NATO Secretary General and the EU Council's Secretary General/High Representative reportedly meet every month or two, or more often when necessary.

NATO and EU foreign ministers have held formal meetings on only five occasions: 30 May 2001, 6 December 2001, 14 May 2002, 3 June 2003, and 4 December 2003. Their joint press statements expressed their agreement in pursuing "complementary measures to enhance security, stability and regional cooperation" in the Balkans;¹⁵⁴ their determination to "play mutually supportive roles to fulfil the common goal to achieve peace and stability in the region,"¹⁵⁵ "their commitment to

¹⁵³ The NATO Secretary General participated in the meeting of the General Affairs and External Relations Council held the day after the terrorist attacks against the United States on 11 September 2001. *NATO Handbook* (Brussels: NATO Public Diplomacy Division, 2006), p. 248.

¹⁵⁴ Joint Press Statement on the Western Balkans by the EU Presidency and the NATO Secretary General, NATO Press Release (2001) 080, 30 May 2001.

¹⁵⁵ Joint Press Statement by the NATO Secretary General and the EU Presidency, NATO Press Release (2001) 167, 6 December 2001.

achieve a close and transparent NATO-EU relationship;”¹⁵⁶ their support for the “Berlin Plus” arrangements, described as “essential to effective partnership;”¹⁵⁷ and their “common strategic interests” in building “a closer and trusting partnership.”¹⁵⁸ According to an exchange of letters between the EU Presidency and the NATO Secretary General in January 2001, the two organizations agreed to convene joint meetings of foreign ministers twice a year.¹⁵⁹ Despite this agreement and their professions of a shared commitment to effective cooperation and partnership, NATO and EU foreign ministers have not held any formal meetings since December 2003, owing to the “participation problem.”

The participation problem

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. EU member states hold that all EU members should attend NATO-EU meetings, while NATO member states maintain that the Alliance must uphold the NATO-EU agreement on security that stipulates that classified information can only be shared with EU members that have joined NATO’s Partnership for Peace (PfP) and concluded a security agreement with NATO in that framework. Turkey in particular has adopted a restrictive approach. Ankara has on various occasions blocked consensus within NATO concerning interactions with the EU, including the distribution of information to EU members.

In other words, the EU will not meet formally with NATO to discuss matters outside the “Berlin Plus” framework without all 27 EU members present, while NATO — owing in part to Turkey’s firm and principled position on the matter — will not meet in an official NATO-EU format with nations that have not completed a security agreement in the framework of PfP. Turkey is not an EU member, while Cyprus and

¹⁵⁶ Joint Press Statement by the NATO Secretary General and the EU Presidency, NATO Press Release (2002) 060, 14 May 2002.

¹⁵⁷ Joint Press Statement by the NATO Secretary General and the EU Presidency at the NATO-EU Ministerial Meeting, NATO Press Release (2003) 056, 3 June 2003.

¹⁵⁸ Joint Press Statement by the NATO Secretary General and the EU Presidency, NATO Press Release (2003) 153, 4 December 2003.

¹⁵⁹ *NATO Handbook* (Brussels: NATO Public Diplomacy Division, 2006), pp. 247-248.

Malta are the two EU countries that are not PfP members and that have not concluded security agreements with NATO in that framework.

Operation Althea is the only on-going EU-led operation under “Berlin Plus,” and it is the sole operation that can be considered in a formal NATO-EU format. All the EU countries participating in Operation Althea are in PfP and have a security agreement with NATO. As a result, aside from capability development issues, Althea is the only agreed agenda subject that can be discussed without the presence of Cyprus and Malta. While Malta’s stance on joining PfP and concluding a security agreement in that framework may change in the coming years, a solution to Cyprus status issues appears to be more remote.

Turkey has since 1963 refused to recognize the government of the Republic of Cyprus, which joined the EU in May 2004. Turkey has since 1983 recognized the Turkish Republic of Northern Cyprus, and has maintained that the Nicosia government has lacked the legal authority to represent Cyprus as a whole and to join the European Union.¹⁶⁰ Since all NATO Allies must recognize and approve candidates for Partnership for Peace (PfP) membership, Ankara’s non-recognition policy vis-à-vis the Nicosia government blocks any move toward PfP membership by Cyprus. This makes it impossible for Cyprus to conclude a security agreement with NATO in the PfP framework. The NATO-EU “participation problem” is thus rooted in part in the absence of a negotiated settlement in Cyprus.¹⁶¹

¹⁶⁰ According to the Turkish Ministry of Foreign Affairs, “in 1963 . . . the Turkish Cypriots were ousted by force from all organs of the new Republic by their Greek Cypriot partners in clear breach of the founding documents and the Constitution. The claim put forth thereafter by the Greek Cypriots to represent the ‘Republic of Cyprus’ has been illegal, and has not been recognized by Turkey. . . . Turkey and [the] TRNC [Turkish Republic of Northern Cyprus] argued that the Greek Cypriot side had no authority to negotiate on behalf of the whole Island and that this accession [to the European Union] would be in contravention of the relevant provisions of the 1959-1960 Treaties on Cyprus, and thus, constituted a violation of international law. The said Treaties prohibit Cyprus from joining any international organization of which both Turkey and Greece are not members.” See “Cyprus Issue (Summary)” on the website of the Turkish Ministry of Foreign Affairs, available at http://www.mfa.gov.tr/MFA/ForeignPolicy/MainIssues/Cyprus/Cyprus_Issue.htm.

¹⁶¹ Some observers maintain that there are three possible solutions, all improbable in the near term: Turkish membership in the European Union, the reunification of Cyprus, or Cyprus becoming a member of Partnership for Peace and concluding a security agreement with NATO in that framework. The last solution is the most plausible in the near term, if only because Turkish recognition of the Nicosia government would presumably have to precede the reunification of Cyprus or Turkish membership in the EU. However, in current circumstances Turkey’s non-recognition

The participation problem has been aggravated by an extensive interpretation of the “Berlin Plus” package which has limited NATO-EU cooperation to capabilities development discussions and crisis management operations using NATO assets and capabilities. In other words, the participation problem has contributed to a scope problem, owing to the policies of at least one non-EU NATO European Ally — Turkey. Ankara’s decision to uphold the NATO-EU security agreement in relation to participation in all aspects of “the strategic partnership established between the European Union and NATO in crisis management,” to use the phrase in the EU-NATO Declaration on ESDP,¹⁶² presents an obstacle to extending NATO-EU cooperation to additional domains. This combined participation and scope problem is linked to the main scope problem discussed below — that is, the reluctance of some EU member states that are NATO Allies to expand the scope of NATO-EU cooperation beyond capabilities development discussions and operations under the “Berlin Plus” arrangements.

To repeat, the “participation problem” has resulted in confining official interactions to Operation Althea in Bosnia and Herzegovina and capabilities development. As currently interpreted, the “Berlin Plus” package functions to restrict cooperation, not to facilitate and promote it. This situation could deter EU and NATO members from using “Berlin Plus” arrangements to deal with important future tasks— for example, the eventual transfer of KFOR from NATO to EU command, on the model of the replacement of SFOR by EUFOR’s Operation Althea in Bosnia and Herzegovina.

Participants in NAC-PSC meetings on Bosnia and Herzegovina have reported that the meetings usually involve no genuine dialogue: only formal statements of policy by the representatives of each organization, with no follow-up discussion. The same unproductive pattern has been repeated in a number of the NATO-EU meetings on capability development.

policy vis-à-vis the Nicosia government would prevent a NATO consensus to approve a hypothetical Cypriot application to join NATO’s Partnership for Peace. Turkey might reconsider its position in light of progress on the Cyprus question and/or improvements in its relations with the EU.

¹⁶² EU-NATO Declaration on ESDP, 16 December 2002, Press Release (2002) 142. Some interview sources have also referred to the phrase “NATO-EU strategic cooperation,” which was evidently employed in an unpublished North Atlantic Council decision on 13 December 2002.

The Cyprus/Malta “participation problem” and the extensive interpretation of “Berlin Plus,” particularly by Turkey, have created serious dysfunctions in the NATO-EU relationship. NATO and the EU conducted a crisis management exercise in November 2003, but have been unable since the 2004 expansion of the EU to agree on another. Such an exercise is overdue, and was envisaged for September 2007; but it has been postponed until perhaps 2010.

In December 2003, at their last formal meeting, NATO and EU foreign ministers “discussed the fight against terrorism . . . and agreed to develop closer cooperation in this area, beginning with a seminar on terrorism which will be co-sponsored by NATO and the EU.”¹⁶³ Some observers expected the NATO-EU co-sponsored seminar to facilitate the pursuit of other steps, including enhanced information exchanges concerning terrorism and the proliferation of weapons of mass destruction, the definition of possible coordinated responses to these threats, and the formulation of a joint declaration by NATO and the EU in this regard. However, the implementation of the announced plan for a NATO-EU seminar on terrorism has been shelved, owing to the “participation problem” that has emerged since EU enlargement in May 2004.

The “participation problem” is one of the main explanations for the sub-optimal relations between NATO and the EU, and it accounts for the jocular assertions that NATO and the EU are divided by a common city and that the relationship amounts to a “frozen conflict.” On the positive side, as Mihai Carp has pointed out,

Despite institutional NATO-EU policy disagreements at the Brussels level, cooperation and coordination are proceeding in the field. In Afghanistan, for instance, the NATO Senior Civilian Representative regularly meets with the EU's Special Representative to exchange views. In September 2005, NATO also agreed to provide in extremis support to the EU election observation mission at the request of the EU Commissioner for External Relations. Yet Afghanistan has never been on the

¹⁶³ Joint Press Statement by the NATO Secretary General and the EU Presidency on the NATO-EU Ministerial Meeting, NATO Press Release (2003) 153, 4 December 2003. See also North Atlantic Council, Final Communiqué, 4 December 2003, par. 15.

agenda of joint meetings of NATO's North Atlantic Council and the EU's Political and Security Committee. Ironically, this is also the case with other operations in which NATO and the EU have convergent interests but seem unable to have a constructive exchange of views at a formal level. On Darfur, staff level contacts have been productive (including a scheduled joint assessment mission on possible further needs of the African Union) but no formal meetings among NATO and EU Ambassadors have taken place.¹⁶⁴

By the same token, some EU observers have drawn a contrast between NAC-PSC interactions and most other forms of NATO-EU interaction, including relations between the EU Military Staff and NATO's International Military Staff and command organizations and between NATO's International Staff and the staff of the European Commission and the EU Council's General Secretariat. According to these observers, interactions below the NAC-PSC level — including in operations in the field — generally proceed productively, thanks in part to improvised ad hoc arrangements, whereas participants in NAC-PSC meetings often lack a sense of shared objectives and are instead preoccupied with institutional prerogatives and agendas.¹⁶⁵ As a result, observers report, ambassadors from the same country, one serving on the NAC and one on the PSC, sometimes pursue divergent objectives in NAC-PSC meetings.

Informal meetings of NATO and EU foreign ministers

As noted above, the principles in the NATO-EU security agreement exclude the formal participation of Cyprus and Malta with regard to operations under "Berlin Plus." So far only sub-optimal solutions — such as informal ministerial meetings — have been found to

¹⁶⁴ Mihai Carp, "NATO Policy and Perspectives on Reconstruction Operations and NATO-EU Cooperation," in Jean Dufourcq and David S. Yost, eds., *NATO-EU Cooperation in Post-Conflict Reconstruction*, Occasional Paper no. 15 (Rome: NATO Defense College, May 2006), p. 40, available at http://www.ndc.nato.int/download/publications/op_15.pdf

¹⁶⁵ For a valuable discussion of the achievements and limitations of pragmatic NATO-EU coordination in the field, see Leo Michel, *NATO and the European Union: Improving Practical Cooperation* (Washington, DC: Institute for National Strategic Studies, National Defense University, 2006), at http://www.ndu.edu/inss/Repository/Outside_Publications/Michel/NATO-EU_Workshop_Final_Summary.pdf

include these countries and promote high-level dialogue among all the member nations of NATO and the EU. NATO foreign ministers agreed at their informal meeting in Vilnius in April 2005 to seek “informal meetings of NATO and EU Foreign Ministers on a semi-regular or regular basis to discuss the broad range of issues on the agendas of both organisations, where they complement each other, where they work together.”¹⁶⁶

The foreign ministers of NATO and EU member nations have subsequently met, together with the NATO Secretary General, the EU Council’s Secretary General/High Representative, and the EU Commissioner for External Relations, in informal lunches and dinners. The first of these meetings took place at UN Headquarters in New York in September 2005 in conjunction with the UN General Assembly meeting.¹⁶⁷ This was followed by meetings in December 2005 in Brussels, in April 2006 in Sofia, in September 2006 in New York, in January 2007 in Brussels, and in April 2007 in Oslo. These informal lunches and dinners have been called “transatlantic” events and have not been, strictly speaking, NATO-EU meetings, despite the attendance of top-level institutional representatives.¹⁶⁸ In each case the host country has invited the foreign ministers of the member states of NATO and the EU to an informal no-agenda gathering.

Some observers have praised these “transatlantic” events for promoting a “very healthy” form of interaction. The NATO Secretary General praised the first such lunch as “exactly the kind of dialogue we need to keep having between our two organisations.”¹⁶⁹ While such a dialogue is obviously superior to having none at all, the prospects of informal NATO-EU mechanisms are inherently limited and less than

¹⁶⁶ Video background briefing by the NATO Spokesman, James Appathurai, 29 April 2005.

¹⁶⁷ Switzerland’s foreign minister attended the September 2005 meeting. According to interview sources, Switzerland’s status as a member of neither NATO nor the EU removed any NATO-EU label from the meeting and facilitated the attendance of the foreign ministers of Cyprus and Turkey.

¹⁶⁸ The same formula of informal “transatlantic” events has been applied to meetings involving NATO and EU ambassadors (and the NATO Secretary General, the EU Council’s Secretary General/High Representative, and a representative of the EU Commissioner for External Relations). Each such meeting has been devoted to a single topic: Darfur in June 2005 and April 2006, and Kosovo in February 2007.

¹⁶⁹ Jaap de Hoop Scheffer, “NATO: Safeguarding Transatlantic Security,” speech at Columbia University, New York, 20 September 2005.

fully satisfactory. The off-the-record “at 32” meetings may have carried forward deliberations on some issues, but no decisions have to date been attributed to these events.

The scope problem

NATO and EU members have disagreed frequently and sometimes heatedly about the proper scope and purpose of NATO-EU cooperation. As the NATO Secretary General observed in a widely noted speech in Berlin in January 2007, “when one looks at how diverse and complex the challenges to our security have become today, it is astounding how narrow the bandwidth of cooperation between NATO and the [European] Union has remained.” He pointed out that NATO and the EU ought to conduct a genuine and far-reaching dialogue on Kosovo, Afghanistan, and military capabilities. With regard to the last area, he noted, the pattern has remained one of “leaving it at a mere exchange of information . . . [I]nstead of cooperation, we are talking about ‘deconfliction.’” He called for a “comprehensive dialogue” between NATO and the EU on strategic challenges, including terrorism, energy security, the proliferation of weapons of mass destruction, “the enlargement processes of both institutions,” and their broader outreach policies: “[T]he EU’s Neighbourhood Policy and NATO’s Partnership policy could complement one another excellently if we had a regular exchange on these issues.”¹⁷⁰

The NATO Secretary General attributed the sharply restricted scope of NATO-EU dialogue and cooperation partly to the participation problem, which has led to “formal wrangles over security agreements, the exchange of information or the format of meetings.” As he remarked, “if those who put up these hurdles do not display more responsibility and flexibility, it will continue to place a heavy burden on NATO-EU relations.” The second and “more important” factor behind the narrow scope of NATO-EU dialogue and cooperation, he said, resides in the policy choices of some states:

¹⁷⁰ Jaap de Hoop Scheffer, “NATO and the EU: Time for a New Chapter,” speech in Berlin, 29 January 2007.

Some deliberately want to keep NATO and the EU at a distance from one another. For this school of thought, a closer relationship between NATO and the EU means excessive influence for the USA. Perhaps they are afraid that the European Security and Defence Policy is still too new and too vulnerable for a partnership with NATO. And time and again I hear the argument that the EU is a superior form of an institution compared to the purely intergovernmental NATO, for which reason the very idea of a genuine strategic partnership between the two is misguided.¹⁷¹

In his role as the Secretary General of the Alliance, Jaap de Hoop Scheffer was not in a position to name specific allies as the parties responsible for constricting the scope of NATO-EU cooperation and dialogue. Independent analysts, such as the Irish scholar Daniel Keohane, have been able to refer more freely to particular countries. According to Keohane,

France thinks NATO should not be a forum for global security issues, and therefore it is inappropriate to discuss these issues at EU-NATO meetings. France's blocking tactics have greatly frustrated other governments, in particular the Netherlands, the UK and the US. They want the EU and NATO to discuss closer co-operation on a whole host of issues, including Afghanistan, the Caucasus and counter-terrorism. They suspect France is using the Turkey-Cyprus dispute as an excuse to prevent closer co-operation between the EU and NATO. The French seem to worry that EU defence is a delicate flower which risks being squashed in the embrace of a military giant such as NATO. French officials sometimes say that close EU-NATO co-operation could lead to the US gaining excessive influence over EU foreign and defence policy. They also say that the US may use NATO missions as a means for getting European troops to serve American strategic interests.¹⁷²

¹⁷¹ Jaap de Hoop Scheffer, "NATO and the EU: Time for a New Chapter," speech in Berlin, 29 January 2007.

¹⁷² Daniel Keohane, "Unblocking EU-NATO Cooperation," *CER Bulletin*, Issue 48 (June/July 2006). The *CER Bulletin* is published by the Centre for European Reform, London. With regard to the last point, some observers in Paris have been less than entirely enthusiastic about expanding NATO's involvement in Afghanistan through ISAF, owing to an impression that the United States has belatedly obtained European assistance via NATO for an intervention that began with the US-led Operation Enduring Freedom coalition. This argument overlooks the major contributions by

Many other observers have attributed to France a desire to confine NATO's potential and enlarge that of the EU by limiting the scope of NATO-EU dialogue and cooperation.¹⁷³ France's objectives evidently include containing U.S. influence and creating greater room for the EU to expand its field of competence. The widespread and long-standing French conviction that the EU should become an autonomous great power, an *Europe-puissance*, is linked to French conceptions of the EU's *finalité*, or ultimate purpose. The French have not been entirely alone in championing this vision of the EU's future, and have won support from various other EU members on specific issues. Belgium, Germany, Greece, Luxembourg, and Spain have been among the EU members supporting French views on particular matters, particularly Germany under Gerhard Schröder and Spain under José Luis Rodríguez Zapatero. France has, however, been the most consistent and systematic advocate of this vision of the EU's future political and strategic autonomy. As Fraser Cameron has observed, "There has long been an underlying tension between those, led by France, with a desire to have a fully autonomous ESDP and those, led by the UK, with a determination to keep ESDP wedded to NATO."¹⁷⁴

Some French analysts — for instance, Laurent Zecchini — have presented the tension as ultimately a competition between France and the United States concerning the future responsibilities of the EU and NATO, and hold that the EU alone has "the legitimacy of a political organization."¹⁷⁵ That is, the EU is a political project involving transfers of sovereignty to shared supranational institutions in certain policy domains. In contrast, NATO is an intergovernmental organization, an alliance founded for the collective defense of its member states that has been applied to additional purposes since the early 1990s.

European NATO Allies from the outset to both Operation Enduring Freedom and ISAF. Moreover, the strategic interests at stake in Afghanistan concern all the NATO Allies, not only the United States.

¹⁷³ See, for example, Nora Bensahel, *The Counterterror Coalitions: Cooperation with Europe, NATO, and the European Union* (Santa Monica, California: RAND, 2003), pp. 52-53. According to interview sources, France has blocked NATO-EU dialogue on terrorism and the proliferation of weapons of mass destruction, among other topics.

¹⁷⁴ Fraser Cameron, *The EU and International Organisations: Partners in Crisis Management*, EPC Issue Paper No. 41 (Brussels: European Policy Centre, 24 October 2005), p. 22.

¹⁷⁵ Laurent Zecchini, "Quand l'Europe freine, l'OTAN accélère," *Le Monde*, 12 May 2006.

Although NATO and the EU have asserted that they stand for a common vision, they have not been able to work together with optimal productivity at the top political level. Aside from institutional rivalries, the national policies of France, Turkey, and to some extent other states, depending on the issue, have created what has come to be called the “scope problem.” As noted in the discussion of the “participation problem” above, the participation problem has contributed to the scope problem. Some commentators single out both France and Turkey as leading factors in the scope problem: “Turkey is opposing some EU-NATO discussions beyond the implementation of ‘Berlin plus’ in the presence of Cyprus, while France was not ready to accede to the NATO request for a joint EU-NATO discussion on the fight against terrorism.”¹⁷⁶

The French have made clear their ambition for the EU to become an even more influential actor in international security affairs. In the interests of advancing this vision for the EU, they have attempted to constrain NATO’s areas of competence and responsibility; and this has included efforts to constrict the scope of NATO-EU cooperation. The French have presented their policy with subtlety and finesse, as with President Chirac’s repeated statements that NATO is “a military organization” and that its true “legitimacy” resides in its collective defense role.¹⁷⁷ Michèle Alliot-Marie, then the Minister of Defense, wrote in October 2006 that “reconstruction missions must imperatively be a matter for the competent organizations — particularly the UN and the European Union . . . Let us be careful not to dilute the Alliance with vague missions in which it would lose its soul and its effectiveness.”¹⁷⁸

¹⁷⁶ Lord Tomlinson, Rapporteur, *New challenges for a common European foreign, security and defence policy — reply to the annual report of the Council*, Report submitted on behalf of the Political Committee, Document A/1937 (Paris: Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, 19 June 2006), p. 22, par. 94.

¹⁷⁷ Allocation de M. Jacques Chirac, Président de la République, lors de la présentation des vœux du Corps diplomatique, 10 January 2006.

¹⁷⁸ “Pour autant, les missions de reconstruction doivent impérativement relever d’organisations qui en ont la compétence — en particulier l’ONU et l’Union européenne. . . . Faisons bien attention à ne pas diluer l’Alliance dans des missions floues où elle perdrait son âme et son efficacité.” Michèle Alliot-Marie, “L’Otan doit rester une organisation euro-atlantique,” *Le Figaro*, 30 October 2006.

Whether French policy will change under President Nicolas Sarkozy, elected in May 2007, remains to be seen. In his March 2007 speech on defense questions, Sarkozy declared that NATO must “maintain a clear geopolitical anchorage in Europe and a strictly military vocation.”¹⁷⁹ Commentators have interpreted Sarkozy’s remarks as consistent with those of his predecessor at NATO’s Riga summit in November 2006.

The United States has been among the leading proponents within the Alliance of the contrary viewpoint, one that would not limit NATO to military operations, particularly collective defense, but that would build up the Alliance’s capacity to take on stabilization and reconstruction tasks in cooperation with other international organizations. According to Eric Edelman, the U.S. Under Secretary of Defense for Policy,

NATO’s future must not be limited to just the combat missions we prepared for during the Cold War. The challenges of this new century will call for NATO developing a capability to take on missions that provide stabilization, reconstruction and reform to failed states. The Alliance must step up and master this most complex mission, and Afghanistan is the test case for that proposition. NATO missions in the Balkans helped us prepare for the challenge of working with the international community to help rebuild a nation; success in Afghanistan depends on NATO rising to the occasion and helping to lead the effort.¹⁸⁰

As the NATO Secretary General suggested in his speech in Berlin in January 2007, there are several important areas in which NATO and the EU could constructively cooperate. It would be desirable, moreover, for NATO’s Defense Group on Proliferation to improve cooperation on chemical, biological, radiological, and nuclear (CBRN) matters with the EU, perhaps in early warning and data sharing. The proposals advanced by the German Minister of Defense in February 2006

¹⁷⁹ “L’OTAN . . . doit conserver un ancrage géopolitique clair en Europe et une vocation strictement militaire.” Discours de Nicolas Sarkozy, Journée UMP de la Défense, Paris, 7 March 2007, available at http://www.sarkozy.fr/press/?mode=cview&press_id=87&cat_id=3&lang=fr

¹⁸⁰ Eric Edelman, Under Secretary of Defense for Policy, speech presented to the Center for Strategic and International Studies, 20 September 2005.

suggest how much remains to be done in usefully expanding the scope of NATO-EU cooperation:

Possible areas of cooperation range from intelligence sharing to coordinated force planning to joint training of the NATO Response Force and the EU Battlegroups. One of these possibilities is the right of either organization to speak before the bodies of the other, another is the further development of diplomatic capabilities and, where possible, the pooling of military capabilities, and to make an even greater effort to pursue transformation.¹⁸¹

Room for improvement

NATO-EU liaison arrangements currently consist of military representatives — an EU cell at NATO's Supreme Headquarters Allied Powers Europe (SHAPE) and a NATO liaison team at the EU Military Staff. Some observers maintain that the access accorded to these liaison teams is asymmetrical — that is, while the EU cell at SHAPE has extensive access to NATO planning and decision-making, the NATO liaison team has encountered rigid limitations regarding access to the EU Military Staff headquarters and is consulted by the EU Military Staff only concerning Operation Althea, the sole current “Berlin Plus” operation in which the EU is benefiting from NATO support. The effectiveness of these liaison arrangements might be expanded through greater sharing of documents and joint assessments of potential crises and responses.¹⁸² Moreover, NATO and the EU might also establish civilian liaison arrangements. The EU civilian liaison mission could consist of an office at NATO Headquarters to interact with the NATO International Staff.

The EU would have to determine whether a counterpart NATO civilian liaison office should interact with the European Commission or the EU Council Secretariat or both. Some observers maintain that one of the complicating factors in the NATO-EU relationship is institutional

¹⁸¹ Franz-Josef Jung, Minister of Defense, Federal Republic of Germany, speech at the 42nd Munich Conference on Security Policy, 4 February 2006.

¹⁸² Some NATO observers have suggested that the operational military headquarters of NATO and the EU be co-located at SHAPE, on the grounds that this would maximize opportunities for interaction and simplify liaison arrangements. It appears most unlikely, however, that this suggestion would win political approval from all EU governments.

rivalry within the EU. For example, in Afghanistan, the European Commission office in Kabul is distinct from that of the Special Representative of the EU Council. This is parallel to the situation in Brussels, where the European Commission's decision-making is separate from that of the EU Council Secretariat.¹⁸³

It is not clear whether it would be possible to find resourceful “work-arounds” to promote greater complementarity and deconfliction without passing documents on to member states. Some observers have proposed that keeping the documents at the level of the EU and NATO staffs without communicating them to national capitals might be a solution, at least in some policy areas. NATO and EU staff members could, it is argued, achieve greater transparency and report to capitals without passing on classified materials. It seems doubtful that such an approach would be accepted by all the member states of NATO and the EU. Joint briefings to NAC-PSC meetings by NATO and EU field commanders regarding topics of common concern — the operational situation in Kosovo, for example — might be a more practical way to promote greater mutual understanding and consensus about the right way forward in policy implementation.

Some observers have suggested that the value of the informal “transatlantic” events involving the foreign ministers of NATO and EU member states, the NATO Secretary General, the EU Commissioner for External Relations, and the EU Council's Secretary General/High Representative could be enhanced by offering a chairman's statement — or press conference — at the end. The counter-argument is that such an arrangement would be inconsistent with the informal nature of the meetings. Belgium, Cyprus, France, Greece, and Turkey might be among the nations most likely to oppose instituting such an arrangement.

Another “work around” approach suggested by some observers would be for NATO and the EU to hold separate but parallel discussions on topics of common interest on an agreed agenda. The NATO Secretary General and the EU Council's Secretary General/High Representative could coordinate these discussions, and briefings could be exchanged

¹⁸³ Some EU observers maintain that the European Commission represents the interests of the European Union as a whole and the EU Council Secretariat the interests of the member states.

with respect to the interim conclusions from the discussions in each organization. Such an arrangement would respect the autonomy of each organization and might carry forward the pursuit of consensus on emerging security requirements.

If the political obstacles could be surmounted, more direct interactions could usefully be pursued regarding urgent matters. Leo Michel, an American expert, has proposed that NATO and EU member states and representatives engage in informal discussions during crisis build-up situations:

As a potential crisis develops, senior representatives of member states of NATO and EU, plus the NATO Secretary General and EU High Representative and senior military representatives of both organizations, should gather — if need be, on an “informal” basis — for a *tour de table* to air and discuss initial assessments and hear from each other what capabilities might be available to formulate a comprehensive crisis management response. The member state representatives would then take information back to capitals to deliberate on an appropriate response. The initial NATO-EU meeting would not be “joint decision making” — everyone understands this is a bridge too far — but it would serve the purpose of getting key parties to put their cards on the table, allowing all member states and NATO and EU officials to make better informed decisions.¹⁸⁴

Some NATO experts have proposed that NATO and the EU elaborate modalities for combined civil-military missions. In their view, these modalities should allow NATO nations to conduct such missions under NATO auspices and avoid the presumption that one organization or the other does all the civilian missions or all the military missions. The concept of mixed civil-military missions under NATO leadership has, however, evoked strong political objections from some observers in France, Germany, Italy, and other countries. Their concern is that such an approach could undermine the coordinating role of the United Nations in mixed civil-military missions. They hold that the correct interpretation of

¹⁸⁴ Leo Michel, “NATO-EU Cooperation in Operations,” *Research Paper*, no. 31, (Rome: NATO Defense College, February 2007), p. 4, available at http://www.ndc.nato.int/download/publications/rp_31.pdf

the comprehensive approach calls for close cooperation between the civilian activities of other states and organizations and the military operations under NATO auspices.

In Afghanistan, for example, the military elements in all Provincial Reconstruction Teams (PRTs) have been under the command of the NATO-led International Security Assistance Force (ISAF), while the civilian elements have been under national chains of command in close coordination with the UN Assistance Mission in Afghanistan (UNAMA). Since the deployment of the European Union Police Mission in Afghanistan (EUPOL Afghanistan) in June 2007, some personnel from EU member states have been “re-hatted” and put under an EU chain of command while other personnel — for instance, diplomats and development experts — have remained under national command.

Another contested issue is whether and how EU member states should respect the agreed principle of “equality and due regard for the decision-making autonomy and interests of the European Union and NATO,” as stated in the December 2002 EU-NATO Declaration on ESDP. Some French officials have proposed organizing an EU caucus within NATO, so that EU members would speak with one voice in NATO, as they often do within the UN, the OSCE, and some other forums. In November 2006, for example, French President Jacques Chirac wrote that “France . . . wishes that the voice of the [European] Union could be heard within the Alliance. This presupposes in particular the possibility for its members to establish a specific concertation there.”¹⁸⁵

Proposals for an EU caucus show, some observers have argued, a lack of regard for NATO’s institutional autonomy. The EU members of the Alliance would determine a common position before meetings of the North Atlantic Council and present the rest of the Alliance members with a pre-coordinated EU policy that could not be readily modified. Indeed, if the caucus principle was upheld strictly, EU members of the Alliance

¹⁸⁵ “La France . . . souhaite que la voix de l’Union [européenne] puisse être entendue au sein de l’Alliance. Cela suppose notamment la possibilité pour ses membres d’y établir une concertation spécifique.” Tribune de M. Jacques Chirac, Président de la République, à l’occasion du sommet de l’OTAN à Riga, 28 November 2006.

might decline to make decisions, pending the determination of a common EU position. This approach would make NATO decision-making hinge upon prior choices by the EU, and thus the EU would become the primary forum of deliberation. Such proposals could invite counter-proposals to form a NATO caucus within the EU — that is, the Alliance members of the EU might in theory choose to support NATO policies in EU deliberations and refuse to make decisions in the absence of an agreed NATO policy.¹⁸⁶

Proponents of an EU caucus in NATO have cited Article 19 of the Treaty on European Union to support their position: “Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the common positions in such forums. In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the common positions.”¹⁸⁷ There is clearly a tension between this article and the agreed principle of “equality and due regard for the decision-making autonomy and interests of the European Union and NATO.” Respect for the agreed principle would mean no pre-coordination of EU positions in NATO deliberations or vice-versa.

NATO and the EU have nonetheless not yet found an effective way to express the political reality of the EU’s ESDP within the Alliance. If NATO-EU cooperation is to move forward, the states in these organizations must find a means to reflect the fact that 21 of the 26 NATO Allies are EU members.¹⁸⁸ If the NATO Allies cannot find a way to take the ESDP into account within Alliance structures and make cooperation with NATO attractive, the tendency for several EU members to give increased attention to autonomous ESDP structures and capabilities outside the Alliance framework will persist. This will remain a key policy issue for the Alliance in the coming years.

¹⁸⁶ This counter-proposal is plainly hypothetical in terms of practical politics, because it is difficult to imagine France and some other EU member states agreeing to it.

¹⁸⁷ Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community, *Official Journal of the European Union*, 29 December 2006, p. 18, Article 19.

¹⁸⁸ Conversely, the fact that 21 of the 27 EU members are NATO Allies could furnish a political basis for seeking solutions to the “participation problem.” The solutions might include addressing unresolved questions regarding the status of Cyprus and ensuring satisfactory implementation of agreed arrangements for consultations and participation by non-EU NATO European Allies in ESDP operations.

Daniel Keohane's three modest suggestions for improving NATO-EU cooperation indicate that important basic steps have yet to be taken:

First, the EU's foreign policy chief, Javier Solana, and the NATO secretary-general, Jaap de Hoop Scheffer, should meet once a month, to share information and co-ordinate policy on issues such as counter-terrorism. If they jointly presented their ideas to meetings of EU and NATO ambassadors, it could help to foster a new spirit of co-operation between the organisations.

Second, the EU and NATO should talk to each other before conducting operations. One way would be for their 'situation centres' - the cells that assess the situation in a country before an operation - to share information. That would help the situation centres to develop better and common analyses. The two centres could also think of ways that their organisations could help each other on the ground.

Third, both organisations find it hard to get their members to provide the military capabilities that they need, and they should ensure that if faced with future shortfalls they do not compete to use the same equipment. For example, they should co-ordinate their use of available transport aircraft through the Eindhoven-based European airlift co-ordination cell.¹⁸⁹

As Keohane's third point suggests, more could also be done with the NATO-EU Capability Group established in May 2003. Its interactions have been of uneven quality. Some meetings have involved genuine and productive dialogue, while others have been limited to formal

¹⁸⁹ Daniel Keohane, "Unlocking EU-NATO Cooperation," *CER Bulletin*, Issue 48 (June/July 2006). The principle articulated in Keohane's third point is sound, but the import of his example is less than entirely clear. The European Airlift Centre (EAC) at Eindhoven in the Netherlands is not an EU organization. The EAC participants include seven EU members (Belgium, France, Germany, Italy, the Netherlands, Spain, and the United Kingdom) and one non-EU country (Norway). The EAC's predecessor, the European Airlift Coordination Cell (EACC) at Eindhoven, began working closely with SHAPE regarding air transport requirements for ISAF in 2002. This relationship has continued since the EACC was renamed the EAC in July 2004. The EAC and the SHAPE Allied Movement Coordination Centre have, for example, coordinated EU and NATO strategic airlift contributions to the African Union Mission in Sudan (AMIS) since 2005. In other words, effective coordination of strategic airlift has been underway for years, so strategic airlift is not an example of coordination that has yet to be accomplished.

presentations of agreed NATO and EU positions. According to Leo Michel, “some nations have blocked the formation of NATO-EU subgroups of technical experts who could actually coordinate on, or propose joint solutions to, specific capabilities development tasks.”¹⁹⁰ European Defence Agency and NATO staff members have had informal discussions, but the dialogue could be developed to a much greater extent. Moreover, there could be more planning for EU use of NATO assets and capabilities.

The coherence of NATO-EU capabilities planning and coordination is important because the military resources of all the NATO Allies and EU members are finite. Important concepts in this domain include harmonizing plans for NATO Response Force rotations and EU Battlegroup commitments and integrating EU requirements in NATO’s defense review and force planning process. Some observers have called for joint NATO-EU defense planning, but this goal remains remote in foreseeable political circumstances.¹⁹¹

The fact that NATO Allies that are also EU members have only one set of forces has been underscored by the practice of attaching “caveats” to the usability of forces. As General James Jones, then the Supreme Allied Commander Europe (SACEUR), pointed out in 2004,

A national caveat is generally a formal written restriction that most nations place on the use of their forces. A second facet of this “cancer” is unofficial “unwritten” caveats imposed by a military officer’s superiors at home. The NATO tactical commander usually knows nothing about “unwritten caveats” until he asks a deployed commander to take an action, and the subordinate commander says, “I cannot do this. . . .”

¹⁹⁰ Leo Michel, “NATO-EU Cooperation in Operations,” *Research Paper*, no. 31 (Rome: NATO Defense College, February 2007), p. 3, available at http://www.ndc.nato.int/download/publications/rp_31.pdf

¹⁹¹ EU priorities have, however, been integrated in NATO planning for several years. According to interview sources, EU Military Staff members, European Defence Agency staff members, and representatives of non-NATO EU member states have attended NATO meetings to discuss NATO planning, including the responses of NATO Allies to Defence Planning Questionnaires. The EU has evidently not welcomed NATO staff members or representatives of non-EU NATO European Allies to its meetings to a commensurate extent, reportedly owing to concerns about protecting its institutional autonomy.

Collectively, these restrictions limit the tactical commander's operational flexibility.¹⁹²

Similarly, in 2006, General Henri Bentégeat, then Chief of Staff of the French Armed Forces, declared that "the multiple caveats imposed by nations hamper commanders on the ground and present risks for the forces."¹⁹³ Now the Chairman of the EU Military Committee, General Bentégeat has reason to be concerned that the practice of attaching caveats to the usability of forces could affect the organization and conduct of EU-led military operations as well as NATO-led missions. According to interview sources, some British and Dutch officials have resented French and German decisions not to operate in southern Afghanistan, while some French officials have deplored German caveats in the 2006 EU operation in the Democratic Republic of the Congo.

General Jean-Louis Georgelin, the Chief of Staff of the French Armed Forces, underscored the crucial importance of NATO-EU relations in October 2006: "The question of relations between NATO and the EU is . . . in my view the major strategic question, in terms of capabilities, organization, and political control, the one which must illuminate our thinking about our military instrument and guide our relations with our Allies."¹⁹⁴

Some analysts have discerned a consistent logic in (a) French opposition to strengthening the Alliance's civilian capabilities and/or integrating civilian and military activities in stabilization and reconstruction operations under NATO auspices and (b) French reservations about expanding the scope of NATO-EU cooperation, in that both policies can be seen as designed to confine NATO's latitude for action and inhibit an expansion of its political standing and thereby create

¹⁹² General James L. Jones, USMC, address to the 21st International Workshop on Global Security, Berlin, Germany, 8 May 2004, available at www.nato.int/shape/opinions/2004/s040508a.htm

¹⁹³ General Henri Bentégeat quoted in Leo Michel, "Quelle place pour la France dans l'OTAN?" *Le Monde*, 6 June 2007.

¹⁹⁴ "La question des relations entre l'OTAN et l'UE est . . . à mes yeux la question stratégique majeure, en termes de capacités, d'organisation, de contrôle politique, celle qui doit éclairer nos réflexions sur notre outil militaire et guider nos relations avec nos alliés." Allocution du Général d'Armée Jean-Louis Georgelin, Chef d'État Major des Armées, au Séminaire de rentrée de la division euratlantique de l'EMA, 13 October 2006, available at http://www.defense.gouv.fr/ema/base/breves/allocution_du_chef_d_etat_major_des_armees

space for the EU to take on greater responsibilities. As Leo Michel has noted, a paradoxical consequence of France's approach is that it may place at risk operations in which France's European partners are engaged and "undermine the capacity of the two organizations to work together in crisis prevention or in supporting other actors on the international scene, such as the UN or, as in Darfur, the African Union."¹⁹⁵ In other words, one of the major risks raised by sub-optimal NATO-EU cooperation is that the capacity of both organizations to make effective contributions to international security — and to the security of their member states — could be diminished.

The EU is the only major organization with which NATO has formally structured cooperation, but this cooperation has been far from optimal. The key problems, as suggested above, concern "participation" and "scope," and these problems derive from firmly maintained national policies. Only nations can choose to change their policies; and fundamental changes appear improbable, at least in the near term. Each nation has a sovereign right to its own policies concerning the extent to which flexibility is in order regarding the interpretation of particular agreements. Similarly, each nation has a sovereign right to its own views as to whether certain types of activities fall within the appropriate sphere of competence of specific international organizations. Prevailing political factors offer little ground to expect NATO-EU relations to become more than marginally more productive in the near term. It is therefore doubtful whether many of the ideas listed above under the heading of "room for improvement" will win support in current circumstances.

¹⁹⁵ Leo Michel, "Quelle place pour la France dans l'OTAN?" *Le Monde*, 6 June 2007.

CHAPTER 4

NATO AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Conference on Security and Cooperation in Europe (CSCE) was an important element in the Cold War's East-West political competition. The CSCE originated in a series of proposals and counter-proposals made by NATO and the Soviet Union during the 1950s and 1960s for an all-European security conference. These proposals finally led to a conference of thirty-five participants — all the countries of Europe (except Albania), plus Canada and the United States — that took place in Helsinki in 1973–75.

The concluding document of the conference in 1975, called the Helsinki Final Act, is not a legally binding treaty but a political declaration covering three dimensions of security, known as “baskets.” Basket I encompasses political-military matters, including a Declaration on Principles Guiding Relations between Participating States (for instance, refraining from the threat or use of force and respecting the inviolability of frontiers and the territorial integrity of states) and a document on confidence-building measures (for instance, prior notification of major military maneuvers). Basket I has also come to include provisions for arms control, owing to the agreements that have been adopted in the CSCE framework since 1975. Basket II concerns cooperation in economics, science and technology, and the environment. Basket III covers cooperation in humanitarian domains, such as human rights, freedom of information, culture, and education.

These three dimensions define the broad scope of the activities of the Organization for Security and Cooperation in Europe (OSCE), as the CSCE has been officially known since January 1995. As in the past, the OSCE is not treaty-based but dependent on the political commitments of the participating states. Owing mainly to the emergence of multiple successor states following the disintegration of the Soviet Union and the

Federal Republic of Yugoslavia, there are now 56 participating states in the OSCE from Europe, North America, the Caucasus, and Central Asia.

The 1990s saw the institutionalization of the OSCE, with a greater sense of permanence.¹⁹⁶ The participating states established specific bodies, such as the Conflict Prevention Centre (CPC) and the Office for Democratic Institutions and Human Rights (ODIHR), as well as a High Commissioner on National Minorities.

Moreover, the participating states in 1992 founded the Forum for Security Cooperation (FSC) as a decision-making body for political-military matters (initially known as Basket I affairs). The OSCE's Permanent Council is — like the FSC — composed of representatives of the participating states. The Permanent Council concentrates on the second and third dimensions (initially known as Baskets II and III), plus other non-military aspects of security.

NATO-OSCE cooperation

The moral standing and political legitimacy earned by the CSCE during the Cold War became apparent when NATO took its first steps to intervene in an international crisis after the end of the Cold War. As noted earlier, in June 1992, the Allies declared their willingness “to support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the CSCE, including by making available Alliance resources and expertise.” Although NATO has not yet undertaken any peacekeeping activities “under the responsibility” of the OSCE, it has worked closely with the OSCE in crisis management activities in the Balkans.¹⁹⁷ For example, the OSCE's

¹⁹⁶ In July 1990 the NATO Allies proposed several steps to institutionalize the CSCE, including the establishment of a secretariat, an election-monitoring mechanism, and “a CSCE Centre for the Prevention of Conflict that might serve as a forum for exchange of military information, discussion of unusual military activities, and the conciliation of disputes involving CSCE member states.” North Atlantic Council, London Declaration on a Transformed North Atlantic Alliance, 5-6 July 1990, par. 22.

¹⁹⁷ It is unclear, as a matter of international law and practical politics, whether NATO could in fact undertake operations “under the responsibility” of the OSCE without the involvement of the UN Security Council. In July 1992 the CSCE heads of state or government declared that “the CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations” and that “The rights and responsibilities of the United Nations Security Council remain unaffected in their

Kosovo Verification Mission operated under NATO protection in 1998-1999, but was withdrawn before the Alliance initiated Operation Allied Force.

NATO and the OSCE have pursued distinct missions in a coordinated fashion. The NATO Allies have always supported the human rights dimension of the CSCE and its successor, the OSCE. In January 1994, for example, the NATO Allies declared that

Our own security is inseparably linked to that of all other states in Europe. The consolidation and preservation throughout the continent of democratic societies and their freedom from any form of coercion or intimidation are therefore of direct and material concern to us, as they are to all other CSCE states under the commitments of the Helsinki Final Act and the Charter of Paris. We remain deeply committed to further strengthening the CSCE, which is the only organisation comprising all European and North American countries, as an instrument of preventive diplomacy, conflict prevention, cooperative security, and the advancement of democracy and human rights.¹⁹⁸

NATO has not, however, been involved in implementing the economic or human rights dimensions of the OSCE, and has concentrated on the international security dimension. NATO has generally not directly supported OSCE operations, except by providing security, logistics, planning, information, and communications support for OSCE activities in territories in which NATO forces have been deployed.

The first noteworthy NATO-OSCE cooperation of this nature took place regarding Bosnia and Herzegovina in the mid-1990s. In 1996, Ambassador Gebhardt von Moltke, then NATO's Assistant Secretary General for Political Affairs, spoke to the OSCE Permanent Council regarding implementation of the Dayton accords and held related

entirety." *CSCE Helsinki Document 1992: The Challenges of Change*, part IV, par. 2. As noted previously, Article 53 of the UN Charter (part of Chapter VIII) states that "regional arrangements or agencies" are unable to undertake enforcement actions without the approval of the UN Security Council: "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council."

¹⁹⁸ North Atlantic Council, Brussels Summit Declaration, 10-11 January 1994, par. 10.

consultations with OSCE officials; and Ambassador Robert Frowick, the Head of the OSCE Mission for Bosnia and Herzegovina, addressed the North Atlantic Council on the OSCE's cooperation with the NATO-led Implementation Force (IFOR). NATO-OSCE consultations led the North Atlantic Council to authorize "IFOR to provide priority support to the OSCE in preparing the elections on 14 September 1996, particularly in such areas as planning, logistics and communications." Moreover, with regard to the arms control aspects of the Dayton accords, "NATO provided concrete support to the OSCE in the area of verification by making available its expertise deriving from the years of coordination in verification and implementation of the Conventional [Armed] Forces in Europe (CFE) Treaty."¹⁹⁹

In 1998 Javier Solana, then the NATO Secretary General, described the Alliance's establishment of the Kosovo Verification Coordination Centre at Kumanovo in the former Yugoslav Republic of Macedonia as "another step forward in NATO-OSCE relations and in creating a workable system of mutually reinforcing institutions strengthening security for our continent." As Solana noted, the centre's purpose was to

play an important liaison, planning, coordination and information exchange role with the OSCE mission in Pristina . . . The OSCE of course carries the main burden on the ground in verifying compliance by all parties with the provisions of UNSCR 1199 in Kosovo. But the OSCE cannot do it alone. The assistance offered by NATO — through its air reconnaissance and through the NATO-led Extraction Force — is essential for the success of the OSCE's mission.²⁰⁰

NATO conducted Operation Eagle Eye, the air reconnaissance mission in support of the verification on the ground accomplished by the OSCE in Kosovo, from October 1998 to March 1999. During the same period the Alliance organized, as Solana indicated, an Extraction Force

¹⁹⁹ Lamberto Zannier, "Relations Between the OSCE and NATO with Particular Regard to Crisis Management and Peacekeeping," in Michael Bothe, Natalino Ronzitti, and Allan Rosas, eds., *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (The Hague: Kluwer Law International, 1997), pp. 262-263.

²⁰⁰ Remarks by Dr. Javier Solana, Secretary General of NATO, at the inauguration of the Kosovo Verification Coordination Centre, 26 November 1998.

prepared to evacuate OSCE personnel from Kosovo in an emergency. Following the safe withdrawal of OSCE monitors from Kosovo and the initiation of Operation Allied Force in March 1999, both Operation Eagle Eye and the Extraction Force were terminated.

Ad hoc NATO-OSCE cooperation, in conjunction with EU efforts, has also been effective. For example, in January 2001 the OSCE established a mission to the Federal Republic of Yugoslavia which focused on the problematic area of Southern Serbia, where there had been an ethnic Albanian insurgency. This mission coordinated its work with that of international partners, including NATO and specific NATO nations, such as the United Kingdom and the United States, to stabilize the situation and implement confidence-building measures. The peace agreement concluded in 2002 provided for the disarmament of insurgents, the integration of ethnic Albanians into state institutions, and local elections on a proportional basis. Serbian forces were not present in the “ground safety zone” of 5 km on the Serbian side of the boundary with Kosovo, and this fact was exploited by ethnic Albanians. NATO worked on an agreement to remove the vacuum.

The crisis at the same time in the former Yugoslav Republic of Macedonia also called for NATO-EU-OSCE coordination.²⁰¹ As Mihai Carp, a NATO staff officer, has written,

In managing both crises, the international organisations involved successfully avoided duplication of efforts and engaged in the areas in which they had the most expertise. . . . [E]very organisation helped re-enforce the missions and goals of the others. In Southern Serbia, for example, the European Union enhanced its monitoring presence in the area while the OSCE quickly set up its multi-ethnic police-training programme as soon as they had received NATO/KFOR support for possible emergency extraction. . . . In the former Yugoslav Republic of Macedonia, . . . frequent joint high-level visits by the NATO Secretary General, the EU High

²⁰¹ For a judicious and detailed account of the origins of the crisis and inter-institutional cooperation in managing its initial phases, see Alice Ackermann, “On the Razor’s Edge: Macedonia Ten Years after Independence,” in *OSCE Yearbook 2001* (Baden-Baden: Nomos Verlagsgesellschaft, 2002), pp. 117-135.

Representative, and the OSCE Chairman-in-Office to Skopje added political weight to the international leverage over the main players and underscored the international community's unity of purpose and vision. Despite heavy conflicting schedules and other pressing responsibilities, near-weekly meetings by the *Troika* of Lord Robertson, Javier Solana and Mircea Geoana to the offices of President Trajkovski and other senior government officials in Skopje became a common feature and, more than symbolically, underscored international commitment.²⁰²

In addition to this preventive diplomacy, NATO and the OSCE have cooperated in the Ohrid border management process that was initiated in May 2003 and which involves what are officially termed the Four Partner Organizations: NATO, the OSCE, the European Union, and the Stability Pact for South Eastern Europe. Working Table III of the Stability Pact functions as the secretariat of the Ohrid border process, a cooperative effort affecting Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia.²⁰³ Under the auspices of the Ohrid border process, the OSCE has taken the lead to promote a series of initiatives for cross-border cooperation, initially through programs financed by its own budget, and subsequently in the context of the CARDS (Community Assistance for Reconstruction, Development and Stabilisation) program of the European Commission. This effort may, however, be replaced by direct EU engagement as the EU assumes greater responsibilities in the Western Balkans.

²⁰² Mihai Carp, "Back from the Brink," *NATO Review*, Winter 2002.

²⁰³ Ohrid (pronounced "okh-rid") is the name of a lake in Macedonia. The name has been applied to the border management process in southeastern Europe. In May 2003 the Four Partner Organizations agreed at a conference near this lake to initiate a process for the reform of border management affecting five countries: Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and Serbia and Montenegro. Montenegro gained independence in 2006 and remained part of the process. The Ohrid border management process initiated in May 2003 is distinct from the Ohrid Framework Agreement of 2001, which concerns political reconciliation, reform, and reconstruction within the former Yugoslav Republic of Macedonia.

Aside from coordination in the field in the Balkans, the specific areas of NATO-OSCE interaction in recent years have included border security and management-related issues;²⁰⁴ the security and disposal of small arms, light weapons, ammunition, and rocket fuel; anti-terrorism work, including an initiative against man-portable air-defense systems (MANPADS); combating human trafficking; and regional cooperation, notably in the south Caucasus, southeastern Europe, and Central Asia. Regional cooperation meetings have involved NATO, the UN, the IOM, the UN Development Program (UNDP), the EU, and the UNHCR. The OSCE inaugurated an annual Security Review conference in 2003, and NATO has participated as an observer every year.

In 1999 NATO established an ad hoc working group on small arms and light weapons (SALW) mainly because of the impact of the proliferation of these weapons in the Alliance's operational areas. The ready accessibility of SALW augmented the threat facing NATO peacekeepers. The following year, under the Partnership for Peace program, NATO initiated a Trust Fund policy to destroy landmines in support of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction.²⁰⁵ The Alliance soon extended this policy to cover the destruction of SALW and excess ammunition stockpiles. The Trust Fund operates on the basis of voluntary contributions from a lead nation and contributing nations and an executive agency. The NATO Maintenance and Supply Agency (NAMSA) has served as the executive agent in most projects but the UNDP has also functioned in this capacity. The current Trust Fund projects include the largest demilitarization program ever attempted — the destruction of excess SALW and ammunition in Ukraine. The United States is the lead nation for this project, and NAMSA is the executive agent.

The OSCE began comparable security and disposal efforts in 2002, providing a political framework that some nations have preferred to working with NATO or the United States. NATO and the OSCE have

²⁰⁴ The OSCE is involved in border security and management processes in Eastern Europe (Belarus, Moldova, and Ukraine) and in the Caucasus and Central Asia. However, the Ohrid border management process in southeastern Europe is the only one involving both NATO and the OSCE.

²⁰⁵ For background, see the *NATO Handbook* (Brussels: NATO Public Diplomacy Division, 2006), pp. 202-203 and 294-295.

exchanged information regarding security and disposal activities for small arms, light weapons, ammunition, and rocket fuel mélange on an ad hoc project-by-project basis, without an overall strategy or comprehensive framework.²⁰⁶ To conduct its projects, the OSCE has issued tenders to hire commercial enterprises to perform disposal tasks in cooperation with donor states and international organizations. In order to promote high professional standards and build local capacities, the OSCE has prepared “best practices” guides for security and disposal activities as well as for the full life-cycle of small arms from manufacture through marking, record-keeping, stockpile management, brokering, export control, and destruction.²⁰⁷ OSCE “best practices” guides have also been prepared regarding conventional ammunition stockpile management and transportation.²⁰⁸

In 1996 a British expert reviewed the extensive program of exercises, education and training activities, and transparency and interoperability efforts under NATO’s Partnership for Peace (PfP) and concluded that it represented “the most extensive and intensive programme of military cooperation yet conceived in Europe — quantitatively and qualitatively beyond anything achieved within the OSCE.”²⁰⁹ OSCE experts object to such comparisons, because at that time the OSCE had not yet developed a capacity to carry out practical cooperation activities on the ground. OSCE field operations have, moreover, not focused on military cooperation but on assisting participating states in the implementation of OSCE commitments and decisions.

The OSCE concentrates on promoting democratization, the rule of law, respect for human rights, reconciliation, conflict prevention, and post-conflict rehabilitation and peace-building. In the political-military domain the OSCE has provided a broad framework for arms control.

²⁰⁶ In Azerbaijan, for example, NATO and the OSCE agreed that the NATO Maintenance and Supply Agency would eliminate the hazardous liquid rocket fuel mélange, while the OSCE would take charge of soil remediation owing to contamination by mélange and samine (a toxic component of rocket fuel).

²⁰⁷ *Handbook of Best Practices on Small Arms and Light Weapons* (Vienna: Organization for Security and Cooperation in Europe, 2003).

²⁰⁸ *OSCE Document on Stockpiles of Conventional Ammunition*, FSC.DOC/1/03, 19 November 2003.

²⁰⁹ Nick Williams, *The Future of Partnership for Peace* (Sankt Augustin bei Bonn: Konrad-Adenauer-Stiftung, April 1996), p. 18.

However, the 1990 Conventional Armed Forces in Europe (CFE) Treaty is not an OSCE matter, and its states parties do not include all OSCE participating states. Although the CFE negotiations (1989-1990) were conducted within the framework of the CSCE, the negotiations were autonomous and resulted in a legally binding treaty. OSCE commitments are politically and not legally binding, and only the states parties have legal obligations under the CFE Treaty. Exchanges in 1997-1999 in the NATO-Russia context facilitated the negotiations concerning the Adaptation of the CFE Treaty, which was signed at the OSCE Istanbul summit in 1999. The 1990 CFE Treaty established an implementation body in Vienna called the Joint Consultative Group (JCG), which consists of representatives of all 30 states parties to the treaty. Every year the chairman of the Joint Consultative Group sends a report to the Chairman-in-Office of the OSCE regarding the work done in the previous year concerning the CFE Treaty.

The OSCE participating states have focused their political-military negotiations on confidence- and security-building measures (CSBMs), norm-setting, and transparency measures. The norm-setting activity extends from general codes of conduct on political-military security affairs to promoting respect for “best practices” guidelines in post-conflict rehabilitation processes.²¹⁰ The OSCE’s focus on such specific activities helps to explain why there has been little competition regarding missions between NATO and the OSCE.

The informal NATO caucus in the OSCE

The informal NATO caucus dates from when there were three caucuses in the CSCE: NATO, the Warsaw Pact, and the neutral and non-aligned. The last two have disappeared since the end of the Cold War. However, the ambassadors of NATO countries in Vienna continue to meet weekly to coordinate views on issues involving NATO and

²¹⁰ See the *Code of Conduct on Politico-Military Aspects of Security*, DOC.FSC/1/95, 3 December 1994. The OSCE has approved “best practices” guides with regard to measures affecting small arms and light weapons in disarmament, demobilization, and reintegration (DD&R) processes, including collection, “buy back,” and registration programs.

international security, such as current political-military developments, arms control, and the development of OSCE structures and institutions.²¹¹

NATO has two additional consultation forums directly or indirectly related to the OSCE: the High Level Task Force (HLTF) and the Joint Consultative Group-T (JCG-T). The HLTF, based at NATO Headquarters in Brussels and composed of representatives from NATO capitals, focuses on conventional arms control in general, and in particular on the 1990 Conventional Armed Forces in Europe (CFE) Treaty and related questions, including the still-unratified 1999 Adapted CFE Treaty, Russia's 1999 commitment to remove its forces from Moldova and Georgia, and confidence- and security-building measures (CSBMs). When the NATO Allies consult about JCG matters at the expert level in Vienna, their group is called the JCG-T.²¹²

Finally, OSCE participating states have agreed on a large number of CSBMs under the auspices of the OSCE's Forum for Security Cooperation (FSC). Many of these political commitments were consolidated in the 1999 Vienna Document, which is the direct descendant of the 1975 Helsinki Final Act's confidence-building measures (CBMs).²¹³ The NATO Allies coordinate their policies about FSC issues, including CSBMs, in the NATO caucus.

²¹¹ The Western Consultation Office (WCO) should not be confused with the NATO caucus. The WCO is a support facility attached to the Canadian Embassy in Vienna for NATO personnel working on arms control matters. Most of the personnel at the WCO have come from the International Military Staff at NATO Headquarters and from Supreme Headquarters Allied Powers Europe (SHAPE).

²¹² Estonia, Latvia, Lithuania, and Slovenia, the four NATO Allies that are not parties to the CFE Treaty, have participated by invitation in the JCG-T. Expert observers disagree as to whether the "T" in JCG-T stands for "technical" or "tea." Partisans of the latter view note that the meetings usually occur in mid-afternoon.

²¹³ The term employed in the 1975 Helsinki Final Act is confidence-building measures (CBMs). The term confidence- and security-building measures (CSBMs) was adopted in March 1981 at the CSCE meeting in Madrid, at the suggestion of Yugoslavia, in order to signify the aspiration to establish CBMs more substantial than those in the Helsinki Final Act. For background, see David S. Yost, "Arms Control Prospects at Madrid," *The World Today*, vol. 38, no. 10 (October 1982), pp. 387-394.

Prospects for formalization of the relationship

Participation in high-level meetings has constituted an important element in the NATO-OSCE relationship. The OSCE was first represented at North Atlantic Cooperation Council (NACC) ministerial meetings by a Chairman-in-Office from a NATO or Partnership for Peace country (Italy in 1994 and Hungary in 1995). The Swiss foreign minister, then the OSCE Chairman-in-Office, spoke regarding OSCE issues at the NACC ministerial in Berlin in June 1996.²¹⁴ Since the late 1990s the OSCE Chairman-in-Office has on various occasions addressed the North Atlantic Council or the Euro-Atlantic Partnership Council. The OSCE Secretary General has addressed the EAPC less regularly.²¹⁵ NATO and OSCE representatives also began during the late 1990s to participate in seminars organized by their counterparts on topics such as peace-keeping, military doctrines, confidence- and security-building measures, and conflict prevention.²¹⁶ Since 1998 high level NATO officials have been invited to participate in and address OSCE Permanent and Ministerial Council meetings, as well as the OSCE's Forum for Security Cooperation. In 1999, Lord Robertson was the first NATO Secretary General to address an OSCE summit meeting. Moreover, NATO and the OSCE have held regular staff-level talks since 1998.

In 2003 the NATO Allies discussed means to better structure their relations with the OSCE. NATO agreed on an approach but decided not to present a formal proposal because (according to some expert observers) there was reason to expect that Russia and perhaps other participating states would reject it. The essential idea was to seek more frequent and comprehensive NATO-OSCE interactions. For instance,

²¹⁴ This was noteworthy because Switzerland was not yet a member of NATO's Partnership for Peace. Switzerland joined the PfP in December 1996. Hungary left the PfP and became a NATO Ally in March 1999. NATO established the NACC in December 1991 as a mechanism for dialogue between the NATO Allies and their former adversaries, the states that had been either members of the Warsaw Pact (which was dissolved in July 1991) or republics of the Soviet Union (which collapsed in December 1991). The NACC was replaced by the Euro-Atlantic Partnership Council in May 1997.

²¹⁵ The current OSCE Secretary General, Marc Perrin de Brichambaut, addressed the EAPC on 11 July 2007.

²¹⁶ Lamberto Zannier, "Relations Between the OSCE and NATO with Particular Regard to Crisis Management and Peacekeeping," in Michael Bothe, Natalino Ronzitti, and Allan Rosas, eds., *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes* (The Hague: Kluwer Law International, 1997), pp. 258-260.

instead of staff talks twice a year, NATO proposed staff talks four times a year, alternately in Vienna and Brussels, with a better structured and fully agreed agenda. While NATO's plan was never formally proposed, some of its provisions were temporarily implemented. In 2004, Lamberto Zannier, an Italian diplomat then serving as the Director of the OSCE's Conflict Prevention Centre, stated that experts from the OSCE Secretariat and the NATO International Staff were holding "four regular staff level meetings per year, to discuss operational issues of common interest, and to exchange views on political issues."²¹⁷

However, in 2006 the OSCE Secretary General, Marc Perrin de Brichambaut, directed that the number of regular staff meetings be cut back to twice a year, with no lowering of the level of OSCE representation, no lowering in the quality of the NATO-OSCE relationship, and no revision in the agenda.²¹⁸ The agenda has remained focused on regional cooperation issues such as Kosovo, the Western Balkans as a whole, and Central Asia, and on security tasks such as counter-terrorism and the security and disposal of small arms, light weapons, conventional ammunition, and rocket fuel.

Formalization of the NATO-OSCE relationship via a joint declaration or memorandum of understanding appears to be unnecessary. Some observers argue that NATO's most effective relationship with another major international organization is that with the OSCE. Aside from the regular staff-level discussions on the entire range of issues of common interest, NATO and OSCE experts also meet on specific topics, notably within the framework of the OSCE's Forum for Security Cooperation and NATO's Euro-Atlantic Partnership Council. There is little significant competition regarding missions and resources between NATO and the OSCE (in contrast with NATO-EU relations) and there are no noteworthy disagreements between NATO and the OSCE about

²¹⁷ Lamberto Zannier, "Enhancing Cooperation between the OSCE and Other International Organizations," speech in Ljubljana, Slovenia, 10 September 2004, p. 3.

²¹⁸ The OSCE Secretary General reportedly took this decision in order to establish a more consistent policy. The OSCE holds annual staff talks with the European Union, the Council of Europe, and the United Nations. Cutting back the frequency of staff talks with NATO may set a precedent for the OSCE's interactions with the Collective Security Treaty Organization and other bodies. The OSCE delegation in the NATO-OSCE staff talks is still headed by the Director of the Conflict Prevention Centre or the Director of the Office of the Secretary General.

legitimizing operations (in contrast with NATO-UN relations).²¹⁹ Moreover, several recent Chairmen-in-Office have been NATO Allies.²²⁰

Whether further formalization would be politically practical is doubtful. France has been quite reserved about establishing any formal NATO-OSCE arrangements, including proposed exchanges of letters, that might endow NATO with a stronger role in international politics, partly because Paris would prefer to enhance the EU's capabilities and autonomy in relation to NATO and the United States. Some OSCE-NATO workshops have been conducted and some OSCE-NATO studies have been published despite French objections, because OSCE rules do not require consensus in all matters. Moreover, Russia, Belarus, and the Central Asian participating states look critically at OSCE outreach to other organizations, except for the Collective Security Treaty Organization (CSTO) and the Shanghai Cooperation Organization (SCO). According to interview sources, Central Asian participating states have been consulting with their CSTO partners before deciding to participate in OSCE activities such as border management.

Russia and the OSCE

In the 1990s, the Russians wanted the OSCE to act as an overarching body that might supervise NATO and the EU. One of the tools would have been OSCE mandates for peacekeeping. The 1992 CSCE document on peacekeeping implied that the CSCE had the authority to mandate peacekeeping operations.²²¹ This gave many

²¹⁹ There has been some overlap in OSCE and NATO activities such as conferences on military doctrine; security and disposal measures for small arms and light weapons; and demobilization, demilitarization, and re-insertion (DDR), including retraining, for retired military officers. However, few observers have regarded such "duplication" as problematic.

²²⁰ It has been reported that some NATO Allies have blocked Kazakhstan's nomination for the Chairman-in-Office role in 2009 as premature. The decision on the Chairman-in-Office for 2009 must be taken no later than December 2007, because the OSCE's "troika" leadership system includes the forthcoming as well as the previous Chairman-in-Office.

²²¹ "The CSCE may benefit from resources and possible experience and expertise of existing organizations such as the EC [European Community], NATO and the WEU, and could therefore request them to make their resources available in order to support it in carrying out peacekeeping activities. Other institutions and mechanisms, including the peacekeeping mechanism of the Commonwealth of Independent States (CIS), may also be asked by the CSCE to support peacekeeping in the CSCE region." *CSCE Helsinki Document 1992: The Challenges of Change*, part III, par. 52. These statements were qualified by the declaration in the same document that "the CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations."

observers the impression that the CSCE could mandate NATO non-Article 5 operations. NATO itself referred, as noted earlier, to the possibility of conducting peacekeeping operations under the responsibility of the CSCE. The Platform for Cooperative Security approved at the November 1999 OSCE Istanbul summit put the OSCE at the center,²²² but it was never translated into operational arrangements.

Moscow has in recent years complained that the prevailing agenda in the OSCE has become tilted against Russian priorities, owing to what Moscow regards as an unbalanced focus on democratization and conflict resolution.²²³ The Russians have increasingly seen the OSCE not as a means by which they might influence NATO and EU policies, but as a vehicle for NATO and EU interference in their sphere of influence. Russian objections to the OSCE's approach to election monitoring and human rights activities constitute one of the main reasons why the OSCE has been in some ways in decline in recent years. Russia holds that there should be greater attention to the OSCE's political-military dimension. The Russians were also disappointed to discover that the OSCE could not be used to prevent NATO's 1999 intervention in the Kosovo conflict or to block the NATO enlargement process. Russia has nonetheless seemed at times to value the NATO-Russia Council more highly than the OSCE.

Russia's perceptions of its national security interests have changed since Vladimir Putin took power in December 1999, and this includes views regarding the OSCE. Many Russians have asserted that the OSCE has been fomenting "colored revolutions" in former Soviet

²²² Its declared goal was "to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area." Platform for Cooperative Security, *Istanbul Document 1999* (Vienna: Organization for Security and Cooperation in Europe, 1999), p. 43, par. 1.

²²³ Moscow has in effect returned to its complaints in the 1970s and 1980s about the human rights dimension of what was then the CSCE. In retrospect, the policies under Gorbachev and Yeltsin from the late 1980s through the 1990s appear as variations from Moscow's fundamental position. The Russian government today would not endorse the principles that the Soviet government under Gorbachev approved in 1991: "The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned." Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991.

republics — the “orange revolution” in Ukraine, the “rose revolution” in Georgia, and (to a lesser extent) the “tulip revolution” in Kyrgyzstan. The Russian objections have sometimes been formulated in terms of “East and West of Vienna” — that is, OSCE election monitoring and other activities have concentrated on cases east of Vienna. In February 2007, Russian President Vladimir Putin complained about the OSCE “interfering in the internal affairs of other countries” and asserted that “People are trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries. And this task is also being accomplished by the OSCE’s bureaucratic apparatus which is absolutely not connected with the state founders in any way.”²²⁴

Russia has made clear its interest in eliminating the autonomy of the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) and scaling down its activities. Russian Foreign Minister Sergei Lavrov has reportedly proposed that reports by OSCE election monitoring teams receive the unanimous approval of all OSCE participating states before being published.²²⁵ Russia has also been trying to bound the latitude of the OSCE Chairman-in-Office and to institute control mechanisms that would prevent any OSCE institutional action without the approval by consensus of all OSCE participating states.²²⁶

In May 2007 Russia proposed a charter for the OSCE that would make it a treaty-based organization with legal personality and capacity. It is noteworthy that Russia’s draft proposed charter makes no reference to the OSCE’s ODIHR or the CPC or to the field operations. Some observers have interpreted these omissions as consistent with a Russian interest in terminating these institutions and activities or bringing them under greater oversight by the participating states, with a requirement for Russian concurrence regarding their future endeavors. Some OSCE

²²⁴ Vladimir Putin, President of the Russian Federation, speech at the Munich Conference on Security Policy, 10 February 2007, available at <http://www.securityconference.de/konferenzen/rede.php?sprache=en&id=179>

²²⁵ Judy Dempsey, “Russia most concerned with itself in the battle for human rights,” *International Herald Tribune*, 29 June 2007.

²²⁶ See, among other studies, Wolfgang Zellner, “Russia and the OSCE: From High Hopes to Disillusionment,” *Cambridge Review of International Relations*, vol. 18, no. 3 (October 2005); and Victor-Yves Ghebali, “Growing Pains at the OSCE: The Rise and Fall of Russia’s Pan-European Expectations,” *Cambridge Review of International Relations*, vol. 18, no. 3 (October 2005).

participating states reportedly have reservations about the Russian proposal for a treaty basis for the OSCE. Although a treaty basis might simplify structuring the OSCE's relations with other international organizations, a precisely worded charter might entail a loss of the flexibility that some OSCE institutions currently benefit from, with broad mandates and extra-budgetary contributions. Russia might attempt to use the charter to restrict extra-budgetary activities concerning the third dimension of the OSCE.²²⁷

Russia promised at the 1999 OSCE summit in Istanbul to withdraw its forces from Georgia and Moldova. Moscow has not yet honored these commitments. NATO's consistent position has been that the Allies will not ratify the Adapted CFE Treaty until Moscow honors its troop-withdrawal commitments. NATO's position is supported by Georgia, Moldova, and some additional non-NATO OSCE participating states. The NATO Allies reiterated their position in July 2007, when Russia announced that it would suspend its participation in the CFE Treaty in December 2007. The Allies found Russia's suspension decision "deeply disappointing" and reaffirmed their commitment to "implement fully all their obligations under the CFE Treaty and associated documents." The Allies declared that "We hope that the Russian Federation will join us in constructive and creative dialogue to ensure the continued operation and viability of the landmark CFE Treaty including its flank regime and not undermine prospects for entry into force of the adapted CFE Treaty."²²⁸

Russia's distinctive views on certain "frozen" or "unresolved" conflicts — above all, those in Abkhazia, South Ossetia, and Transdniestria — constitute the main reason why there has been no consensus within the OSCE on a joint ministerial political declaration since 2002. If conflicts such as those in Transdniestria and South Ossetia

²²⁷ Some observers have nonetheless seen potential advantages for the OSCE in the basic idea of changing it into an organization with legal personality and capacity, instead of continuing its current status as a politically-based conference institution. For instance, OSCE operations might gain diplomatic status as a matter of course rather than on a case-by-case basis. OSCE professional staff members might have improved career prospects, and this could be helpful in recruiting and retaining personnel.

²²⁸ "NATO response to Russian announcement of intent to suspend obligations under the CFE Treaty," NATO Press Release (2007) 085, 16 July 2007.

were internationalized, Russia's role and influence might be diminished. To Russia's credit, it should be noted that the mandates for almost all of the OSCE's field operations have to be renewed annually, and Moscow has continued to approve them.²²⁹

Room for improvement

There may be some potential for greater NATO-OSCE synergy. NATO-OSCE information exchanges and coordination in assisting nations with security and disposal measures for small arms, light weapons, ammunition, and rocket fuel might be improved, some observers have suggested. One of the options might be more systematic and comprehensive exchanges of project summaries on a regular basis. Another suggestion has been to establish an unclassified password-protected central data base online. The data base might be maintained and shared by NATO, the OSCE, the EU, the UNDP, the Collective Security Treaty Organization, and other bodies. This might significantly reduce and even eliminate the inefficiencies and waste associated with "forum-shopping" (also called "donor-shopping") — that is, the practice of requesting help from several organizations and nations in search of multiple grants of funding for the same tasks, from assessment studies to actual disposal measures. If all the major international security organizations and the leading donor nations knew about the security and disposal requirements of specific nations and each other's plans and activities in this regard, opportunities for "forum-shopping" could be drastically curtailed.

NATO and the OSCE might also cooperate in "outreach" programs concerning nations and organizations beyond the Euro-Atlantic area, usually defined as limited to the territory of OSCE participating states. For example, NATO and the OSCE have exchanged information about their respective Mediterranean outreach programs, but have not yet undertaken joint activities in this domain.

²²⁹ The exception is the OSCE center in Ashgabad, Turkmenistan, which began in January 1999 and which has an open-ended mandate that does not require annual renewal.

One of the limits to more extensive cooperation is institutional. The OSCE (like NATO and the EU) prefers to act autonomously when this is practical. NATO has its own liaison officer for the south Caucasus and its own security sector reform programs, and the Allies have chosen not to leave such activities solely to the OSCE.

As with NATO-UN and NATO-EU relations, the decisive factors curbing NATO-OSCE cooperation are essentially political. Among the NATO Allies, France has most openly opposed formalizing NATO-OSCE relations. Moreover, given prevailing Russian policies, it is impossible for the OSCE to define a policy on cooperation with NATO at the political level. Cooperation is only possible on an ad hoc basis at the technical, practical level.

The boundaries of the feasible practical cooperation are determined by political factors — above all, the differences between most OSCE participating states and Russia and certain other former Soviet republics. As Marc Perrin de Brichambaut, the Secretary General of the OSCE, has observed,

The OSCE is fragile . . . Tensions have increased as some states have proved less willing to accept the intrusiveness inherent to some of the mechanisms adopted in previous eras, while others have been unwilling to invest in the organization beyond areas that directly interest them. All sides have been tempted to hold the organization hostage, leaving it in a state of permanent crisis, struggling from one ministerial council to the next.²³⁰

The OSCE's political problems are reflected in the fact that no OSCE summit has been held since 1999 and that there have been no agreed ministerial political declarations since 2002.²³¹ Moreover, the OSCE's participating states have fixed its budget at a “zero growth” level of 168 million euros since 2005.

²³⁰ Marc Perrin de Brichambaut, “Mid-Life Crisis?” *The National Interest*, no. 88 (March/April 2007), p. 40.

²³¹ OSCE experts point out that summit meetings would be pointless when agreements cannot be reached at the ministerial level, and note that the priority should be overcoming the obstacles to the implementation of existing agreements.

Of the three international organizations cited most consistently by NATO as important partners, the OSCE is the least prominent, not only in its budget and staff numbers, but also in its political influence. The NATO-OSCE relationship has been comparatively unproblematic partly because the OSCE's political-military agenda has been for the most part distinct from (and complementary to) that pursued by the Alliance. NATO and the OSCE have had little to dispute about, and have benefited from each other's activities. NATO has provided security for OSCE activities; and OSCE activities such as election monitoring, democratization, and the protection of human rights have served NATO's broader political objectives. In contrast, while all the NATO Allies strongly favor acting under UN Security Council mandates, the NATO-UN relationship has been marked by a continuing undercurrent of disagreement about the legitimacy of the Alliance's retention of an option of autonomy in undertaking the use of force in non-Article 5 operations. In the NATO-EU relationship there has been a visible competition over "turf," since NATO's non-Article 5 missions concern many of the responsibilities that the EU has assumed in the Petersberg tasks.

CHAPTER 5

AN EMERGING SECURITY ARCHITECTURE?

On a global level, no international security architecture more coherent than the existing one appears likely in the near to medium term, if only because of the salience of new and long-standing competitions for influence and status among states and organizations. Moreover, as in the past, events and operational requirements in the field will probably drive progress in institutional development and inter-organizational cooperation more than the deliberate and carefully considered choices of policy-makers. However, the NATO Allies can and should carry forward their efforts to build more effective relationships with the main organizations affecting their security interests within and beyond the Euro-Atlantic region.

NATO has an incentive to work as effectively as possible with other organizations in order to establish the relationships of trust and confidence necessary for success in current and future operations. What some have called “ad-hoc-ery” in the coordination of efforts by international organizations since the early 1990s has worked, although at sub-optimal effectiveness. Some observers have accordingly referred to “an awkward teenage phase” in the Alliance’s relations with international organizations and non-governmental organizations. The roles in international security of these organizations and the Alliance have been expanding since the early 1990s; and they promise to grow further, both functionally and geographically.

While the United Nations is by definition an organization of global scope, it is noteworthy that NATO, the EU, and to some extent even the OSCE have in recent years adopted a more global perspective. Since 2002 both NATO and the EU have undertaken operations far from the Euro-Atlantic region traditionally defined as the territory of OSCE participating states. NATO’s most ambitious operation outside the Euro-Atlantic region has been leading the International Security Assistance Force (ISAF) in Afghanistan; but the Alliance has also assisted the

African Union in Darfur, supplied training to security forces in Iraq, and provided humanitarian relief after the 2005 earthquake in Pakistan. The EU's ESDP missions outside the Euro-Atlantic area have included stabilization, police, and support operations in the Democratic Republic of the Congo; peace agreement monitoring in Aceh, Indonesia; police and border assistance in the Palestinian Territories; and police capacity-building in Afghanistan.

The OSCE has in recent years acquired Asian and Mediterranean Partners for Cooperation,²³² and the OSCE has provided assistance with the conduct of elections in Afghanistan.²³³ Moreover, in 1999 the OSCE participating states declared that "security in areas nearby, in particular in the Mediterranean area as well as areas in direct proximity to participating States, such as those of Central Asia, is of increasing importance to the OSCE. We recognize that instability in these areas creates challenges that directly affect the security and prosperity of OSCE States."²³⁴ However, as Dov Lynch has pointed out, "The OSCE remains focused essentially in operational terms on 19 operations inside [the Euro-Atlantic] area, acting with the consent of the participating States in question."²³⁵

It is difficult to get large multilateral organizations with different strengths, agendas, and decision-making dynamics to work together in expeditionary operations. Darfur, for example, has presented significant coordination challenges because it involves the UN, NATO, and the EU, as well as the lead organization, the African Union.

One successful method has been to seek agreement at the outset on a division of labor. In Kosovo, for example, there has been since June 1999 a basic agreement on the tasks of each organization. The NATO-led Kosovo Force (KFOR) has been responsible for military security. The

²³² The OSCE's Mediterranean Partners for Cooperation are Algeria, Egypt, Israel, Jordan, Morocco and Tunisia. The Asian Partners for Cooperation are Afghanistan, Japan, Mongolia, the Republic of Korea, and Thailand.

²³³ An OSCE team provided technical assistance for the October 2004 presidential election, but its presence was limited to two weeks. The OSCE has no standing presence in Afghanistan, and it has to date not maintained a standing presence anywhere outside OSCE territory.

²³⁴ OSCE Charter for European Security, Istanbul, 19 November 1999, par. 6.

²³⁵ Dov Lynch, "Refining NATO's Relationship with the OSCE," 1 December 2006, unpublished paper, p. 2, quoted with the author's permission.

UN Interim Administration Mission in Kosovo (UNMIK) has coordinated efforts in four domains. Two of these domains have been under UNMIK itself: civil administration, and civil police and judicial affairs. The EU has been in charge of the third domain: reconstruction and economic development. The OSCE has been responsible for the fourth domain: institution and capacity-building in local and central governance, human rights monitoring, the rule of law, democratization, and elections. The roles of the diverse organizations have thus been coordinated.

By contrast, the military presence in Afghanistan has been effective in various ways, but the civilian presence has been less successfully coordinated than in Kosovo. The difference may be partly explained by the fact that Kosovo is not an independent state, while Afghanistan is a sovereign country. In Kosovo the United Nations has had leadership and governance responsibilities that belong to the national authorities in Afghanistan. The UN “footprint” has accordingly been much lighter in Afghanistan than in Kosovo. Several expert observers maintain that the UN “footprint” in Afghanistan has in fact been “too light.” In their view, the United Nations should have a much stronger presence in the field in Afghanistan and the UN Assistance Mission in Afghanistan (UNAMA) should have long ago taken a more vigorous and higher-level approach in order to coordinate more effectively the activities of the many states, international organizations, and NGOs active in this country.

As emphasized at the outset, the major international security organizations discussed in this paper have different histories, purposes, and capacities. Their differences stand out in the issues of autonomy, hierarchy, and primacy that have arisen in their interactions; and in their contrasting approaches to classified information and the institutionalization of bilateral relations.

Issues of autonomy, hierarchy, and primacy

In principle international organizations are the instruments of their member governments. However, each organization has a bureaucracy and institutional interests. Issues of autonomy, hierarchy,

and primacy in relationships between organizations have unavoidably arisen. References to “non-hierarchical cooperation” between organizations, as at the OSCE Council meeting in Copenhagen in December 1997, mean that hierarchy has in fact been an issue.²³⁶ Similarly, when the NATO Secretary General said in April 2005 that NATO and the EU were “not in competition with each other in any way,” his statement suggested that a certain rivalry had indeed been present.²³⁷ In a press conference the same day, Michel Barnier, then the French foreign minister, said that,

As regards . . . European Union-NATO relations, I recalled — as a precondition, if I can call it one, as far as France is concerned — the principle of the European Union’s autonomy of decision-making and action. The European Union can’t be subordinate to, or be in any way under any kind of control of NATO. . . . Now that is clear, I repeat, we can discuss things [between NATO and the European Union] on an equal footing. . . . I am open to strengthening this dialogue which will moreover encourage the Europeans to have their own vision, their own action, as in fact the European Constitution provides for.²³⁸

With both the UN and the EU, NATO has encountered problems of rivalry and precedence in decision-making, text-drafting, and command and control of operations. The OSCE’s capacity as a regional arrangement under Chapter VIII of the UN Charter to undertake what the Charter calls “enforcement action” is dependent on the authorization of the UN Security Council.²³⁹ In contrast, NATO has on some occasions asserted a certain autonomy in relation to the UN Security Council.

²³⁶ Pol De Witte, “The Past, Present and Future of OSCE-NATO Relations,” in Victor-Yves Ghebali, Daniel Warner, and Barbara Gimelli, eds., *The Future of the OSCE in the Perspective of the Enlargements of NATO and the EU* (Geneva, Switzerland: Graduate Institute of International Studies, 2004), p. 61.

²³⁷ “Closing News Conference by NATO Secretary General Jaap de Hoop Scheffer,” Vilnius, Lithuania, 21 April 2005, available at <http://www.nato.int/docu/speech/2005/s050421h.htm>

²³⁸ “Informal meeting of NATO foreign ministers — Press briefing given by M. Michel Barnier, Minister of Foreign Affairs (excerpts),” Vilnius, 21 April 2005, available at <http://www.ambafrance-uk.org/Informal-meeting-of-NATO-foreign.html>

²³⁹ Some experts have questioned the significance of this legal constraint, in view of political realities. Given the OSCE’s consensus rule in decision-making, no enforcement action could be taken against a participating state unless the “consensus minus one” principle was applied. This principle has been applied only once, with the suspension of Yugoslavia’s participation in the CSCE in 1992;

Some NATO observers have baldly termed the principle that the EU operates “where NATO as a whole is not engaged” an Alliance “right of first refusal” in relation to the EU. This phrase implies that NATO should be the primary forum for decisions about how to deal with specific crisis contingencies. For example, in November 1999, the U.S. Senate approved a “sense of the Senate” resolution holding that, “on matters of trans-Atlantic concern, the European Union should make clear that it would undertake an autonomous mission through the European Security and Defense Identity [*sic*] only after the North Atlantic Treaty Organization had declined to undertake that mission.”²⁴⁰ Some EU observers have, however, deplored reliance on the concept of a NATO “right of first refusal.” For example, Penny Douti, Deputy Director of the CFSP Directorate in the Greek Ministry of Foreign Affairs, recently wrote that “The EU must stop hiding behind NATO’s decisionmaking supremacy, using as an excuse the right of first refusal.”²⁴¹

The idea of a NATO “right of first refusal” can be regarded as an inference from a principle articulated from the outset in the formulation of the EU’s ESDP — that is, EU “military action where the Alliance as a whole is not engaged,” as in the December 1998 Franco-British St-Malo declaration,²⁴² or “where NATO as a whole is not engaged,” as in the Presidency Conclusions of the December 1999 European Council at Helsinki.²⁴³ The British Prime Minister and the German Chancellor each employed the phrase “where NATO as a whole chooses not to engage” in

and the failure to achieve the results desired in this case is one of several factors that make further applications of this principle uncertain. Moreover, the OSCE participating states have shown no inclination to endow the organization with means to take collective military action. All OSCE personnel undertaking operations have to date been unarmed, even in tense and unstable situations, as with the Kosovo Verification Mission in 1998-1999 and the Border Monitoring Operation along the border between Georgia and Russia in 1999-2004.

²⁴⁰ S. Res. 208, adopted 8 November 1999. The Senators referred to the obsolete WEU-centered European Security and Defense Identity (ESDI) concept but clearly meant the EU’s European Security and Defense Policy (ESDP).

²⁴¹ Penny Douti, “A workable ESDP-NATO division of labour,” in *Europe’s World*, Summer 2007, available at <http://europesworld.org>

²⁴² The Joint Declaration by the Heads of State and Government of France and the United Kingdom at St-Malo, 3-4 December 1998, may be found in Maartje Rutten, *From St-Malo to Nice: European Defence: Core Documents*, Chaillot Paper no. 47 (Paris: Western European Union Institute for Security Studies, May 2001), pp. 8-9.

²⁴³ See the Presidency Conclusions of the 10-11 December 1999 European Council at Helsinki in Maartje Rutten, *From St-Malo to Nice: European Defence: Core Documents*, Chaillot Paper no. 47 (Paris: Western European Union Institute for Security Studies, May 2001), p. 82, par. 27.

joint statements with the U.S. President in 2001.²⁴⁴ The NATO Allies have repeatedly endorsed the establishment of means to support EU decisions to act in circumstances in which the Alliance has chosen not to do so, notably in their April 1999 commitment to define “the necessary arrangements for ready access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily as an Alliance.”²⁴⁵ These arrangements were concluded under the name of “Berlin Plus” in March 2003, as discussed in Chapter 3. The European Council in Brussels in December 2003 approved the following statement:

NATO is the forum for discussion and the natural choice for an operation involving the European and American allies. In accordance with the EU/NATO permanent arrangements adopted in Nice, in a crisis contacts and meetings will be intensified so that EU and NATO can discuss their assessments of the crisis and clarify their intentions regarding possible engagements. The experience of 2003 shows that these arrangements are fundamentally sound, providing for intensified consultation, while respecting fully the decision-making autonomy of both organisations. Where NATO as a whole is not engaged, the EU, in undertaking an operation, will choose whether or not to have recourse to NATO assets and capabilities, taking into account in particular the Alliance’s role, capacities, and involvement in the region in question. That process will be conducted through the “Berlin plus” arrangements.²⁴⁶

In other words, although the “right of first refusal” phrase has become politically charged, owing to a connotation of primacy and precedence that some observers find unpleasant, in practice it simply

²⁴⁴ Joint Statement by President George W. Bush and Prime Minister Tony Blair, 23 February 2001, available at <http://www.whitehouse.gov/news/releases/2001/02/20010226.html>; and Joint Statement by President George W. Bush and Chancellor Gerhard Schroeder on a Transatlantic Vision for the 21st Century, 29 March 2001, available at <http://www.whitehouse.gov/news/releases/2001/03/20010329-5.html>

²⁴⁵ North Atlantic Council, Washington Summit Communiqué, 24 April 1999, par. 10.

²⁴⁶ European Council, Presidency Document entitled “European Defence: NATO/EU Consultation, Planning and Operations,” Brussels, 12 December 2003, in Antonio Missiroli, *From Copenhagen to Brussels: European Defence: Core Documents*, Chaillot Paper no. 67 (Paris: European Union Institute for Security Studies, December 2003), p. 322.

refers to the fact that the EU's decision on whether to make use of the Alliance's collective assets and capabilities under the "Berlin Plus" arrangements would follow a decision by the Allies not to take action under NATO auspices.²⁴⁷ The EU is obviously at liberty to act without employing Alliance assets and capabilities. That is, in the words of Ignacio Cosidó Gutiérrez, a Spanish Senator, the EU may choose "not to exercise the option of having recourse to the NATO assets and capabilities (including the chain of command) available to the EU for its military missions."²⁴⁸

In 2001, Tony Blair, then the British Prime Minister, said that the EU's security and defence initiative "applies only where NATO has chosen not to act collectively."²⁴⁹ It has, however, since become clear (notably in light of Operation Artemis in 2003) that the ESDP also includes actions conducted without any formal prior NATO decision not to take action and without any EU reliance on NATO assets and capabilities. The EU is nonetheless politically committed at the highest level to consult with NATO in the course of deciding whether to undertake an operation with or without the use of NATO assets and capabilities. Indeed, the December 2002 EU-NATO Declaration on ESDP calls for "Effective mutual consultation, dialogue, cooperation and transparency."²⁵⁰

²⁴⁷ Some European leaders have explicitly endorsed a principle of NATO primacy. For example, German Chancellor Angela Merkel asked in February 2006, "Do we want to give NATO a kind of primacy in transatlantic cooperation, meaning an attempt first being made by NATO to carry out the necessary political consultations and decide on the required measures – which doesn't mean everyone participating in everything all the time -, or do we want to relegate NATO to a secondary task? This is a decision which has to be taken. In my view we should decide that NATO has that primacy, and that other courses should not be explored until the Alliance fails to arrive at an agreement." Opening Speech by Angela Merkel, Chancellor of the Federal Republic of Germany, at the 42nd Munich Conference on Security Policy, Saturday, 4 February 2006, available at <http://www.germany.info/relaunch/politics/speeches/020506.html>

²⁴⁸ Ignacio Cosidó Gutiérrez, Rapporteur, *European Union operations in the Democratic Republic of the Congo (DRC) — reply to the annual report of the Council*, Report submitted on behalf of the Defence Committee, Document A/1954 (Paris: Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, 20 December 2006), p. 19, par. 97.

²⁴⁹ Prime Minister Tony Blair's speech to the Canadian Parliament, 23 February 2001, available at <http://www.number-10.gov.uk/output/Page1582.asp>

²⁵⁰ EU-NATO Declaration on ESDP, 16 December 2002, NATO Press Release (2002) 142.

The chief proof of the UN Security Council's continuing supremacy as the preferred source of legitimization is the keen interest expressed by NATO and other organizations, including the EU and the OSCE, in obtaining UN Security Council resolutions authorizing operations in support of specific political settlements — for instance, with regard to the future status of Kosovo. It is unclear whether and to what extent NATO and EU members would be prepared to support Kosovo's independence under the Ahtisaari plan in the absence of a new UN Security Council resolution.²⁵¹ Action to support independence without such a resolution would raise questions about the mandates for the NATO-led KFOR mission and the EU's ESDP mission; and an OSCE role might be politically impossible, in view of Russian policy opposing the independence of Kosovo without Serbia's explicit approval.²⁵²

In all organizations, fears of marginalization and a loss of influence constitute a factor in addition to dedication to positive agendas. The leading international security organizations are to some extent competing for the same resources and sometimes for the same missions. The EU and the OSCE are, for example, competing in police, governance capacity-building, and border management activities; and the EU has great political and resource advantages in this rivalry. Some OSCE observers are therefore concerned that the OSCE's role might be undermined in some ways by the EU as well as by NATO's Partnership for Peace, the Euro-Atlantic Partnership Council, and the NATO-Russia Council. As noted above, NATO's non-Article 5 operations and the EU's Petersberg tasks intersect to a noteworthy extent, and this helps to account for what some observers have called "turf battles" between these two organizations.

²⁵¹ The report and the Comprehensive Proposal for the Kosovo Status Settlement by Martti Ahtisaari, the Special Envoy of the UN Secretary General for the future status process for Kosovo, may be found as attachments to the UN Secretary General's letter to the President of the UN Security Council, 26 March 2007, S/2007/168.

²⁵² For an incisive analysis, see Oksana Antonenko, *Russia and the Deadlock over Kosovo*, *Russie.Nei.Visions* no. 21 (Paris: Russia/NIS Center, Institut Français des Relations Internationales, July 2007).

In their 1999 Strategic Concept, the NATO Allies declared that “Mutually reinforcing organisations have become a central feature of the security environment.”²⁵³ Mutual reinforcement has not, however, excluded competition; and competition may not always promote mutual reinforcement. Rather than recognizing opportunities for complementarity based on comparative strengths, organizations may seek to develop equivalent capacities of their own in order to diminish potential dependence on other institutions.

The June 2007 approval of the reorganization of the UN’s Department of Peacekeeping Operations (DPKO) and the June 2007 activation of the EU Operations Centre are cases in point. Both the UN and the EU are developing improved capabilities to plan, organize, and command complex multinational operations. The acquisition of greater autonomy through such capabilities means that they may well have less need to call on other organizations for assistance — notably including NATO, despite the Alliance’s great experience and capacity in planning and conducting demanding multinational operations. The UN DPKO case in particular shows how specific states within organizations can take the lead in championing greater institutional autonomy vis-à-vis other organizations in support of national agendas.

The converse of institutional insecurity may be organizational aggrandizement. Efforts to achieve an improved position may derive from ambition as well as fear. For some Europeans who deplore the asymmetry in military capabilities between the United States and its European allies, it is imperative that the EU build up its military assets, assume greater responsibilities, and acquire experience in conducting operations autonomously. In their view this course of action would enable the EU to progressively diminish its dependence on NATO and American military power. Robert Cooper, Director-General for External and Politico-Military Affairs, General Secretariat of the Council of the European Union, has written as follows:

Even outside the context of a major threat to Europe the lack of credible force means that when it comes to questions like Kosovo, Iraq or Afghanistan the key decisions are taken in

²⁵³ North Atlantic Council, Strategic Concept, 24 April 1999, paragraph 14.

Washington. If the world were to take a turn for the worse, if missiles and weapons of mass destruction became a real and present threat to the lives of Europeans, they would find themselves highly dependent on American goodwill. . . . It is time that Europe reviewed its position. It is unsatisfactory that 450 million Europeans rely so much on 250 million Americans to defend them. . . . The idea is not that Europe should attempt to equal the United States in military power. That project is wholly unrealistic (and, *inter alia*, it would entail increases in defence spending in every European country except Greece, the creation of something like a European army, so that all planning and purchasing would be done in common, plus a long period of spending *above* US levels to overcome a technology and equipment gap of fifty years). But it could do much better than it does at the moment. . . . The logic of European integration is that Europe should, sooner or later, develop common foreign policy and a common security policy and, probably, a common defence.²⁵⁴

Cooper has added that “Europe is a means but is also an end. We want to be able to act autonomously because that is what ‘we’ means. Independence, autonomy, [and] self respect . . . are normal, legitimate policy goals. . . . If we can do this we can be a better partner for the USA So long as European countries, when they undertake something abroad, have in the back of their mind the feeling that if it goes wrong the US will rescue them, they are not really responsible.”²⁵⁵

Classified information

Information-sharing and classification stand out as an issue in NATO’s relations with other international organizations. As noted earlier, it is a key element in the “participation problem” in NATO-EU relations because of the status of Cyprus and Malta. There is no NATO-UN agreement on the security of information, and the UN generally avoids dealing with classified information. Nor has NATO sought any agreement with the OSCE in this domain, because the OSCE has no

²⁵⁴ Robert Cooper, *The Breaking of Nations: Order and Chaos in the Twenty-First Century* (London: Atlantic Books, 2003), pp. 161, 165, 168, 171; italics in the original.

²⁵⁵ Robert Cooper, “ESDP Goals and Ambitions,” 12 October 2005, unpublished paper, quoted with the author’s permission.

capacity to handle classified information. All proceedings in the OSCE are in principle transparent and accessible, and there is no concept of an OSCE security clearance. The OSCE's commitment to transparency has placed limits on its cooperation with NATO and the EU.

It might also be noted that some OSCE experts regard NATO and the UN as fairly straightforward to work with in comparison with the EU, which has been described as an exceptionally complex and “most untransparent” organization. From an OSCE perspective, however, NATO has been less transparent and “forthcoming” with information than the OSCE itself — for instance, with regard to counter-terrorism analyses and measures. NATO's practices and responsibilities as a collective defense organization obviously limit its ability to share information with external organizations. Moreover, operational security requirements often apply during the preparation and conduct of non-Article 5 missions.

NATO's long-established practice has been to conclude security agreements with specific states. However, the Alliance is reportedly developing a new security policy that would permit the conclusion of “security assurances” with other organizations and/or with sub-organizations such as the UN's DPKO, OCHA, and Counter-Terrorism Committee. Some expert observers regard the definition of a new Alliance information security policy as overdue and imperative. In their view, NATO's withholding of information from UN counterparts in Afghanistan and elsewhere has constituted a critical operational constraint and has hampered effective cooperation.

Institutionalization of bilateral relations

In May 2005, the NATO Secretary General declared that “we need to raise our sights beyond ad hoc cooperation on the ground. We need structured relationships at the institutional level as well — to coordinate strategically, not just cooperate tactically.” He called for

“closer institutional relations” with both the UN and the OSCE and “a much closer NATO-EU relationship.”²⁵⁶

NATO’s bilateral relations with the main international security organizations have yet to be successfully institutionalized, however. Even the NATO-EU “Berlin Plus” arrangements have to date proven sub-optimal. Unresolved participation issues have played a role in limiting cooperation to capability development discussions and Operation Althea in Bosnia and Herzegovina. More fundamental problems include the fact that some EU member states evidently wish to confine NATO-EU cooperation to a narrow range of activities in order to create space for the EU to undertake broader responsibilities. Moreover, the implementation of arrangements for consultations and participation by non-EU NATO European Allies in ESDP operations has apparently been less than fully satisfactory.

The obstacles encountered in trying to formalize UN-NATO and OSCE-NATO relations through a high-level joint declaration and/or memorandum have led some experts to question the utility of pursuing such frameworks for relations between organizations.

While some observers see high-level formal framework agreements or joint policy statements as a minimal basis for cooperation, others deem such documents, to quote an observer in Washington, “thankless to negotiate and of little substantive value.” As Pol De Witte, a Belgian diplomat, has written with regard to NATO-OSCE relations, “To date, attempts at institutionalising or formalising relations have been inconclusive. This has not impeded increased political dialogue and cooperation. There is merit in pursuing this pragmatic approach focusing on areas (both in the geographic and functional sense of the word) of interest to both organisations, and through increased contacts at political and staff levels.”²⁵⁷ Actual achievements in cooperation are more

²⁵⁶ Jaap de Hoop Scheffer, NATO Secretary General, “Reinventing NATO – Does the Alliance reflect the changing nature of Transatlantic Security?”, keynote address at the “New Defence Agenda” conference, Brussels, 24 May 2005.

²⁵⁷ Pol De Witte, “The Past, Present and Future of OSCE-NATO Relations,” in Victor-Yves Ghebali, Daniel Warner, and Barbara Gimelli, eds., *The Future of the OSCE in the Perspective of the Enlargements of NATO and the EU* (Geneva, Switzerland: Graduate Institute of International Studies, 2004), p. 87.

important than formal texts, but their advocates see such accords as means to promote more effective coordination.

Another problem is that some officials in international organizations see formalized cooperation, whether in an unpublished memorandum of understanding or in a public joint statement by leaders, as an infringement on their autonomy and competence. Moreover, some officials are uncomfortable with such texts because they furnish a basis for disputes about their meaning and scope. In their view, seeking formalization of inter-organizational cooperation in a document is “a counterproductive distraction.”

Some officials in other organizations, perhaps reflecting certain national perceptions, have even seen NATO as “trying to take over.” Such an impression could damage Alliance interests. The Allies must avert the risk of an ill-founded *procès d'intention* based on mistaken assumptions about NATO's objectives by making clear the fact that the Alliance does not have a grandiose agenda of providing leadership for other organizations. As the NATO Secretary General, Jaap de Hoop Scheffer, pointed out in February 2007, the North Atlantic Council had recently convened a ministerial meeting on Afghanistan with representatives of the EU, the UN, the World Bank, and major donor states such as Japan and the Republic of Korea, “not because NATO wants to co-ordinate all those international organizations, but because NATO wants to co-ordinate with them and that is something else and something fundamentally different than the co-ordination of them.”²⁵⁸

Some organizations have invested more than others in building relationships with other institutions. The EU appears to be much more advanced than NATO in networking and consensus-building at the UN and the OSCE. NATO has invested less effort than the EU in deepening relations with the UN. In contrast with the members of the EU, which have built a strong EU-UN relationship, the NATO Allies have not reached a consensus on the extent to which they wish to pursue an institutionalized relationship between NATO and the UN. The EU has been building a robust relationship with the UN's DPKO and, as noted in

²⁵⁸ NATO Secretary General, Jaap de Hoop Scheffer, speech at the Munich Conference on Security Policy, 9 February 2007.

Chapter 2, the EU is a major contributor to the UN's regular budget and to various UN agencies. The EU has a staff of 40 people at UN headquarters in New York, including a military liaison officer, whereas NATO has only a single military liaison officer at UN headquarters.²⁵⁹

The strong relationship between the UN Secretary General and the EU's Secretary General/High Representative has long been visible — for example, in the assembly of the UNIFIL-Plus operation in Lebanon. This is not an EU-led operation, but the EU tends to regard the actions of EU member states as somehow actions of the EU — for instance, adding together aid from EU nations with aid from EU entities, such as the European Commission. Statements by the UN Secretary General have lent UN legitimacy to the EU taking credit for actions and contributions by EU member states, and this has probably been a factor in the EU's high profile in UN circles, in comparison with that of the Alliance.

As noted in Chapter 2, EU-UN relations have long been far more extensive than NATO-UN relations. The institutionalization of the EU-UN dialogue is well-established, the EU furnishes extensive financial support to the UN, and EU member states routinely coordinate their positions on many issues in the UN General Assembly and other UN decision-making forums. However, according to expert observers, some leading EU member states have discerned a competition between the EU and NATO in building mutually beneficial relations with the UN and have therefore resisted improvements in NATO-UN cooperation. This circumstance suggests that one of the keys to improving NATO-UN cooperation might reside in developing better EU-NATO relations.²⁶⁰ Conversely, continued stalemate in the efforts to improve EU-NATO relations may constitute one of the factors inhibiting the pursuit of more effective NATO-UN relations.

Just as NATO-UN relations are less developed than EU-UN relations, the EU's influence in the OSCE is greater than that of NATO. This influence is enhanced by the fact that EU member states contribute

²⁵⁹ The European Commission's delegation to the UN in New York has 27 staff members, plus 8 interns, and the EU Council Secretariat has 13 staff members, plus 3 interns. The author is indebted to Sarah Curran, Information Officer, Delegation of the European Commission, for this data.

²⁶⁰ Another key might well be to cultivate better US-UN relations, in view of the fact that NATO is widely seen in UN circles as a US-dominated organization.

around 70 percent of the OSCE's budget. Some EU participating states also make extra-budgetary contributions to support specific OSCE operations and projects.

Moreover, the EU caucus in the OSCE is much stronger than the NATO caucus. The EU member states speak with one voice in most OSCE deliberations, and this voice is routinely supplemented by those of the participating states that aspire to EU membership or that wish to maintain a close association with the EU.²⁶¹ The NATO states speak with one voice in OSCE deliberations only with regard to certain points of agreed NATO policy — for instance, the Alliance's decision not to ratify the Adapted CFE Treaty until Russia honors its commitments to withdraw its military forces from Georgia and Moldova.

The OSCE has no representation at NATO, the UN, or the EU.²⁶² While NATO-OSCE relations in the field have been constructive, the OSCE's cooperation with the UN and the EU continues to be more developed than that with NATO on the institutional and political levels.

Aside from the differences among the major international security organizations that NATO works with, significant national political factors constrain cooperation. These factors include disagreements among the Allies on comprehensive approaches involving civilian instruments.

²⁶¹ For example, at the end of one statement by the EU the following note is found: "The candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia; the countries of the Stabilisation and Association Process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro, and Serbia; the European Free Trade Association countries and members of the European Economic Area Iceland and Norway; as well as Ukraine and the Republic of Moldova align themselves with this statement." Statement by the European Union at the 651st Meeting of the OSCE Permanent Council in response to the statement by Mr. Nikolai Bordyuzha, Secretary General of the Collective Security Treaty Organization, PC.DEL/117/07, 13 February 2007.

²⁶² The European Commission has a delegation in Vienna that deals with OSCE issues, among other matters, while the EU Council is represented by the rotating presidency. There is no OSCE representative at UN headquarters, NATO headquarters, or the European Commission or the EU Council. The OSCE participating states rejected a proposal in 2006 to establish an OSCE representative at UN headquarters. There is no UN representative at the OSCE, but the OSCE interacts with specific UN agencies, such as the UNODC.

National political factors constraining cooperation

National political priorities have played a role in bounding the scope for NATO's cooperation with each of the three main international organizations that it has worked with since the end of the Cold War. These same political factors are likely to affect the prospects of various proposals for more effective cooperation between NATO and other international organizations.

Some NATO European Allies have long seen U.S. policy as a hindrance to the development of the EU's ESDP because of an American tendency to stipulate boundaries. In December 1998, promptly after the landmark British-French initiative that effectively launched the ESDP, Madeleine Albright, then the U.S. Secretary of State, listed three conditions:

First, we want to avoid decoupling: NATO is the expression of the indispensable transatlantic link. It should remain an organization of sovereign allies, where European decision-making is not unhooked from broader alliance decision-making. Second, we want to avoid duplication: defense resources are too scarce for allies to conduct force planning, operate command structures, and make procurement decisions twice — once at NATO and once more at the EU. And third, we want to avoid any discrimination against NATO members who are not EU members.²⁶³

In September 2005, Eric Edelman, the U.S. Under Secretary of Defense for Policy, offered another list of stipulations:

[W]e want to be sure EU efforts do not undercut NATO's work by becoming a competitor for scarce European defense resources. . . . The US has long supported the European Security and Defense Policy (ESDP) based on the understanding that it would:

- help build new European capabilities
- for operations "where NATO is not engaged"

²⁶³ Madeleine K. Albright, "The right balance will secure Nato's future," *Financial Times*, 7 December 1998.

- in a manner that would be cooperative, not competitive, with NATO.²⁶⁴

Stipulations that seem moderate, self-evidently reasonable, and consistent with agreed Alliance policy to Americans have not always been well-received by Europeans committed to seeking greater autonomy through the ESDP. Indeed, some U.S. attempts to influence the ESDP's development have come across as heavy-handed and have had effects contrary to those intended. That is, in some cases they have strengthened the resolve of Europeans to pursue autonomy and increase the capacity of EU member states to take action without support from NATO.

Similarly, some U.S. policy statements have seemed to minimize the options available with EU military capabilities — for instance, “There are going to be tasks better suited for the European Union, maybe lower-end peacekeeping, humanitarian tasks, other, higher-end, rougher tasks where you need NATO.”²⁶⁵ Such statements have convinced some Europeans that the EU needs to improve its “high end” military capabilities and lessen its dependence on NATO. It is nonetheless worth noting that in February 2007 Michèle Alliot-Marie, then the French Minister of Defense, drew a comparable contrast in discussing NATO and EU capabilities. She described the Alliance as “particularly adapted to operations requiring a high level of equipment and long-term deployments, because it can call on American means and has command structures accustomed to periodic rotations,” whereas the European Union, thanks to its 1,500-men battle groups, has “a very rapid reaction capability enabling it to intervene effectively in regions it knows well, in the framework of operations conceived from the outset as being of short duration, notably for operations intended to prevent the extension of conflicts.”²⁶⁶

²⁶⁴ Eric Edelman, Under Secretary of Defense for Policy, speech presented to the Center for Strategic and International Studies, 20 September 2005.

²⁶⁵ Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs, testimony before the House Foreign Affairs Committee, 22 June 2007.

²⁶⁶ Alliot-Marie testimony of 6 February 2007, reproduced in Jean François-Poncet, Jean-Guy Branger, and André Rouvière, *Rapport d'information fait au nom de la commission des Affaires étrangères, de la défense et des forces armées sur l'évolution de l'OTAN*, no. 405 (Paris: Sénat, 19 July 2007), p. 74.

Another major aspect of U.S. policy since the 1990s that has complicated the development of NATO's relations with other international organizations has been "unilateralism" — that is, a U.S. tendency to organize coalitions of the willing outside NATO and other established alliance frameworks. While this tendency was in evidence during the Clinton administration, decisions by President George W. Bush, notably with regard to Iraq, have created considerable and enduring caution among NATO allies about endorsing U.S. policy. Allied critics of U.S. policy regularly cite the fact that the United States organized the coalition for Operation Enduring Freedom in Afghanistan outside a NATO framework, even though the NATO Allies had invoked Article 5 of the North Atlantic Treaty in response to the terrorist attacks of 11 September 2001. Donald Rumsfeld, then the U.S. Secretary of Defense, compounded their irritation by implying that a standing alliance, such as NATO, might "dumb down" the operational strategy. In Rumsfeld's words,

[W]ars can benefit from coalitions of the willing, to be sure. But they should not be fought by committee. The mission must determine the coalition, and the coalition must not determine the mission. If it does, the mission will be dumbed down to the lowest common denominator, and we can't afford that.²⁶⁷

U.S. policy regarding the requirement to seek a mandate from the UN Security Council for the use of force outside the necessity for national or collective self-defence specified in the UN Charter has also been a source of discord within the Alliance since the 1990s. This was apparent during the Kosovo conflict in 1998-1999, when the Clinton administration's resolve to use force was not shared to the same degree by all the NATO Allies, notably those concerned about taking military action without an explicit UN Security Council mandate. Their reservations were reinforced by the U.S.-led coalition intervention in Iraq in March 2003.

²⁶⁷ Secretary of Defense Donald Rumsfeld, remarks at National Defense University, Washington, DC, 31 January 2002, available at <http://www.defenselink.mil/speeches/2002/s20020131-secddef.html>

While many countries argued that an explicit authorization of the use of force in Iraq by the Security Council in a new resolution was required, in March 2003 the United States sent a letter to the Security Council stating that the military operations in Iraq were necessitated by “Iraq’s continued material breaches of its disarmament obligations under relevant Security Council resolutions, including resolution 1441 (2002),” and that these military operations were “authorized under existing Council resolutions, including its resolutions 678 (1990) and 687 (1991).”²⁶⁸ The legal and political justifications for the use of force in Iraq advanced by the United States did not persuade all NATO Allied governments, and Operation Iraqi Freedom led to significant divisions in the Alliance. Owing in part to America’s influential position in NATO decision-making, these divisions have translated into caution regarding U.S. policy in matters seemingly distant from Iraq, such as NATO’s relations with other international organizations, particularly the EU and the UN. Some European governments — notably Belgium, France, and Germany — found in U.S. behavior in early 2003 a rationale for seeking greater strategic planning autonomy for the EU.

U.S. officials have been striving, particularly since the beginning of the second term of President George W. Bush in January 2005, to communicate the message that the phase of “unilateralism” in U.S. policy is over. In September 2005, Eric Edelman said,

let me dispel an "urban legend" that seems to be a view held by some in the European press that the Administration, especially the Department of Defense, is convinced that it can "go it alone" in confronting crises and believes it is a “burden” to bring along Allies or NATO. Multilateral diplomacy is hard work and building consensus at NATO can be frustrating. But the hard work the US has put into NATO and coalition efforts in Afghanistan, Darfur, the Balkans and in dealing with Iran and its nuclear weapons program help illustrate that the US does not go it alone, but prefers to work in partnership with other nations and institutions.²⁶⁹

²⁶⁸ The US government’s letter is quoted in Marjorie Ann Browne, *The United Nations Security Council — Its Role in the Iraq Crisis: A Brief Overview*, RS21323 (Washington, DC: Congressional Research Service, 16 May 2003), p. 6.

²⁶⁹ Eric Edelman, Under Secretary of Defense for Policy, speech presented to the Center for Strategic and International Studies, 20 September 2005.

In May 2006 Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs, summed up U.S. policy as follows: “Unilateralism is out. Effective multilateralism is in. We are working to make NATO the centerpiece alliance through which the transatlantic democratic community deals with security challenges around the world.”²⁷⁰

Some Allies have expressed reservations about U.S. plans “to make NATO the centerpiece alliance” with deepened partnerships with states outside the Euro-Atlantic region and closer relationships with other international organizations. These reservations in some cases reflect wariness about the magnitude of U.S. military power as well as about various aspects of U.S. policy since the late 1990s.

As often in the Alliance’s history, the United States has been the chief proponent of one approach, and France that of another. While various Allies — including Belgium, Germany, Greece, Luxembourg, and Spain — have adopted positions similar to those championed by France on particular issues, France has expressed reservations about enhancing the Alliance’s political role and pursuing expanded and formalized cooperation between NATO and other international organizations more openly and systematically than other Allies.

France holds, for example, that the “comprehensive approach” may give NATO too strong a political role in interacting with other international organizations. It has been easier for France to accept interactions consistent with a “comprehensive approach” in specific operations than at the conceptual level, owing to its policies opposed to establishing new roles for NATO.²⁷¹ France has been more flexible in practice than with reference to general principles, because Paris has often

²⁷⁰ Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs, remarks at the National Conference of Editorial Writers, Washington, DC, 2 May 2006.

²⁷¹ Since the mid-1990s an evergreen jest among Allied observers has been that France is prepared to recognize that multi-organizational cooperative arrangements work in practice but that Paris remains unwilling to admit that they work in theory. The jest conceals a serious point. From a French perspective, it is more prudent to approve and operate under such arrangements on a case-by-case basis than to endorse the general principle as a matter of policy. The latter approach could constrain France’s flexibility and deprive it of negotiating leverage.

taken a leading role in NATO operations, with substantial force contributions.

Turkey's policy regarding NATO-EU cooperation has also complicated development of the proposed "comprehensive approach." Turkey holds that all NATO-EU cooperation must take place within the participation criteria of the agreed "Berlin Plus" framework. All the other NATO Allies (and all the EU member states) maintain that "Berlin Plus" concerns only operations in which NATO provides support to the EU with military assets and capabilities. The projected "comprehensive approach" brings civil and military action under the same heading. Apart from France's reservations, the NATO Allies other than Turkey favor applying the "comprehensive approach" to the Alliance's interactions with all international organizations, while Turkey maintains that all NATO-EU interactions (even those involving civil capabilities or exercises, as opposed to operations involving NATO military assets and capabilities) should be treated on the basis defined in the "Berlin Plus" framework. According to interview sources, in taking this position Turkey is upholding a broad interpretation of "the strategic partnership established between the European Union and NATO in crisis management,"²⁷² and also an unpublished North Atlantic Council decision of 13 December 2002 on the agreed framework for NATO-EU relations that referred to participation criteria for "NATO-EU strategic cooperation" as well as for EU-led operations making use of NATO military assets and capabilities under the "Berlin Plus" arrangements.²⁷³

This policy has been a major factor hindering the development of NATO-EU relations, in addition to the unwillingness of some EU member states to expand the range of NATO-EU cooperation. Aside from grievances regarding Cyprus and the uncertain prospects for Turkish membership in the EU, Turkey's policy has been attributed to dissatisfaction with the practical implementation by the EU of its December 2002 commitment to ensure "the fullest possible involvement of non-EU European members of NATO within ESDP."²⁷⁴

²⁷² EU-NATO Declaration on ESDP, 16 December 2002, Press Release (2002) 142.

²⁷³ Interview sources indicate that the North Atlantic Council decision of 13 December 2002 was included in the March 2003 list of documents establishing the agreed "Berlin Plus" framework for NATO-EU relations.

²⁷⁴ EU-NATO Declaration on ESDP, 16 December 2002, Press Release (2002) 142.

According to Turkish sources, the EU's December 2002 commitment represented the endorsement by the European Council in Copenhagen that month of the Nice Implementation Document, a paper based on the December 2001 Ankara Document negotiated by Turkey, the United Kingdom, and the United States, in an effort to define concrete expression for the decisions approved at the European Council in Nice in December 2000 concerning "consultation and participation of non-EU European NATO members" in ESDP operations.²⁷⁵ Turkish observers hold that the Nice Implementation Document has not been put into practice properly.²⁷⁶ Turkish authorities have for the most part articulated their concerns in this respect in general terms, and little precise information is publicly available. It appears that neither the EU nor Turkey (or Iceland or Norway, for that matter) has published much information on the practical application of the Nice Implementation Document or other agreements concerning participation by non-EU European members of NATO in ESDP consultations and operations.

Interview sources hold that Turkey was "the main loser" when European Union members decided to abandon their previous policy, expressed in the Maastricht and Amsterdam treaties, of relying on the Western European Union (WEU) "to elaborate and implement decisions and actions of the [European] Union which have defence implications."²⁷⁷ While Turkey was not a Signatory State of the Brussels Treaty, as

²⁷⁵ Esra Doğan, "Turkey in the New European Security and Defence Architecture," *Perceptions: Journal of International Affairs*, vol. 8, no. 1 (March-May 2003), pp. 176-180, also available at www.sam.gov.tr/perceptions/Volume8/March-May2003/EsraDogan.pdf, pp. 10-12. The key passages in this regard in the Presidency Conclusions from the European Council in Nice may be found in Maartje Rutten, *From St-Malo to Nice: European Defence: Core Documents*, Chaillot Paper no. 47 (Paris: Western European Union Institute for Security Studies, May 2001), pp. 172, 199-203.

²⁷⁶ In June 2003 the Turkish defense minister identified several "deficiencies" in the EU's application of the Nice Implementation Document, including "the arrangements for the permanent representation of our [Turkish] officers in EU military structures," in the status accorded Turkey with regard to EU exercise planning, and in arrangements for possible Turkish contributions to EU capability improvement efforts. Vecdi Gönül, Minister for National Defence of Turkey, in *Official Report of Debates*, first sitting, 2 June 2003, Assembly of WEU, p. 13, available at http://www.assembly-weu.org/en/documents/sessions_ordinaires/cr/2003/cr01.php?PHPSESSID=f3137d60. Turkish observers hold that the Nice Implementation Document has also not been put into practice appropriately with regard to participation of non-EU European Allies in peacetime ESDP consultations, relations with the EU Military Staff and national headquarters involved in EU-led operations, involvement in EU-led exercises, modalities for participation in EU-led operations, and involvement in the preparation, planning, and management of EU-led operations.

²⁷⁷ For the Maastricht version, see *Treaty on European Union* (Luxembourg: Office for Official Publications of the European Communities, 1992), p. 126, Article J.4, par. 2.

modified in 1954, on which the WEU is based, Turkey was invited to become an Associate Member of the WEU in 1992.²⁷⁸ As a Turkish diplomat has written, “the arrangements in the WEU . . . provided Turkey, as an associate member, with *de facto* full membership” and had the additional advantage of being “based on the primacy of the Alliance.”²⁷⁹ The decisions in 1999 and 2000 to transfer many of the WEU’s capabilities and activities to the EU eliminated the practical relevance of Turkey’s status as an Associate Member of the WEU. From a Turkish perspective the EU’s ESDP has signified reduced influence and a greater sense of exclusion for Ankara.²⁸⁰ The EU’s commitment to “the fullest possible involvement of non-EU European members of NATO” in ESDP has not proven in practice to be equivalent to Associate Member status in the WEU.²⁸¹

The transfer of WEU-related activities to the European Union has also affected the Western European Armaments Group (WEAG) and the Western European Armaments Organization (WEAO), bodies in which Turkey had played an active role.²⁸² When the EU decided to establish the European Defence Agency (EDA), Turkey’s minister of defense stated that “Turkey is ready and willing to be involved in the activities of the new agency as well. We believe that any European armaments cooperation should be based on membership of WEAG.”²⁸³ Javier

²⁷⁸ Turkey’s status as an Associate Member of the WEU became effective in March 1995, when the process of Greece’s accession to the 1948 Brussels Treaty, as modified in 1954, was completed.

²⁷⁹ Esra Doğan, “Turkey in the New European Security and Defence Architecture,” *Perceptions: Journal of International Affairs*, vol. 8, no. 1 (March-May 2003), p. 166, also available at www.sam.gov.tr/perceptions/Volume8/March-May2003/EsraDogan.pdf, p. 6.

²⁸⁰ For an informative discussion of what Associate Member status in the WEU provided Turkey, see Antonio Missiroli, “EU-NATO Cooperation in Crisis Management: No Turkish Delight for ESDP,” *Security Dialogue*, vol. 33, no. 1 (March 2002), pp. 10-13.

²⁸¹ Turkey has nonetheless contributed to ESDP operations, including Operation Althea in Bosnia and Herzegovina and EUFOR RD Congo in the Democratic Republic of the Congo. According to interview sources, the C-130 H transport aircraft provided by Turkey in the latter operation was a particularly significant contribution to meeting EU airlift requirements. For background, see Ignacio Cossidó Gutiérrez, Rapporteur, *European Union operations in the Democratic Republic of the Congo (DRC) — reply to the annual report of the Council*, Report submitted on behalf of the Defence Committee, Document A/1954 (Paris: Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, 20 December 2006), p. 22, par. 117.

²⁸² Turkey was a founding member and active participant in two predecessor bodies as well: the Eurogroup and the Independent European Programme Group.

²⁸³ Vecdi Gönül, Minister for National Defence of Turkey, in *Official Report of Debates*, first sitting, 2 June 2003, Assembly of WEU, p. 14, available at http://www.assembly-weu.org/en/documents/sessions_ordinaires/cr/2003/cr01.php?PHPSESSID=f3137d60

Solana, the EU Council's Secretary General/High Representative, and Nick Witney, chief executive of the EDA, indicated in 2005 that Administrative Arrangements would be concluded with Norway and Turkey, the two non-EU members of the WEAG.²⁸⁴

While the Administrative Arrangements agreement with Norway was concluded in March 2006, no such agreement had been reached with Turkey as of mid-2007. According to French Senator Yves Pozzo di Borgo, the delay in the Turkish case may be attributed to "reasons linked with the complex relations between the [European] Union and this candidate country."²⁸⁵ With greater precision, the Turkish foreign minister said that "the Agreement on Administrative Arrangements negotiated between Turkey and the European Defence Agency (EDA) was blocked by a third party."²⁸⁶ According to interview sources, the third party was and remains Cyprus.²⁸⁷

In view of this situation and the apparently incomplete application of the Nice Implementation Document on consultations and participation of non-EU European Allies in ESDP operations, it is not surprising that from a Turkish perspective the demands that Ankara show greater "flexibility" on the "participation problem" seem one-sided and even ironic. The Turkish foreign minister stated in 2005 that, "While we acknowledge the clear need to maintain momentum in further deepening

²⁸⁴ Report by Javier Solana to the Council, Brussels, 21 November 2005, S374/05, annex entitled "EDA's Relations with Key Stakeholders;" and interview with Nick Witney, *NATO Review*, Spring 2005.

²⁸⁵ Senator Yves Pozzo di Borgo, Rapporteur, *The European Defence Agency two years on*, Report submitted on behalf of the Technological and Aerospace Committee, Document A/1965 (Paris: Assembly of Western European Union, The Interparliamentary European Security and Defence Assembly, 6 June 2007), p. 13, par. 47.

²⁸⁶ Statement by H.E. Mr. Abdullah Gül, Minister of Foreign Affairs and Deputy Prime Minister of the Republic of Turkey, at the 44th meeting of the EC-Turkey Association Council, Luxembourg, 26 April 2005, Association Between the European Community and Turkey, The Association Council, CE-TR 107/05, Brussels, 21 June 2005, p. 14, available at register.consilium.eu.int/pdf/en/05/st00/st00107.en05.pdf

²⁸⁷ This confirms the reciprocal nature of the stalemate. The veto wielded by Cyprus (and sometimes Greece) on Turkey's participation in certain EU activities is matched by Turkey's refusal to recognize the Nicosia government of Cyprus. As noted in Chapter 3, Turkey's non-recognition policy vis à vis the Nicosia government effectively blocks participation by Cyprus in NATO's Partnership for Peace and hence the conclusion of a security agreement in the PfP framework that would allow Cyprus to participate in NATO-EU activities. The Turkish government believes that it has solid grounds for its non-recognition policy, but one of the effects of this policy is to complicate forward movement on NATO-EU cooperation.

NATO-EU cooperation, it would not be fair to place the burden of finding a solution solely on Turkey's shoulders and at the expense of the mutually agreed framework."²⁸⁸ The stalemate has, however, affected prospects for improved NATO-EU cooperation concerning Kosovo and Afghanistan.²⁸⁹

In the OSCE, the main political forces limiting cooperation with the Alliance have been France and Russia, plus Moscow's closest CIS and CSTO allies, particularly Belarus and Kazakhstan. In the UN, each of the five permanent members of the Security Council evidently has reservations about a more formally institutionalized relationship with NATO; and many UN member states continue to see the Alliance through Cold War lenses — i.e., as a military auxiliary of the United States. In the EU, France has been the chief advocate of a vision that would constrain the Alliance's missions and areas of competence in order to create a larger field of action and responsibility for the EU while limiting U.S. influence.

Disagreements among the Allies on comprehensive approaches involving civilian instruments

NATO's November 2006 Riga Summit Declaration called for "a comprehensive approach by the international community involving a wide spectrum of civil and military instruments, while fully respecting mandates and autonomy of decisions of all actors," and "practical cooperation at all levels with partners, the UN and other relevant international organisations, Non-Governmental Organisations and local actors in the planning and conduct of ongoing and future operations wherever appropriate."²⁹⁰

However, as noted previously, France and some other Allies — Belgium, Germany, Greece, Luxembourg, and Spain, to varying degrees and at various times — would prefer to see NATO as only (or at least

²⁸⁸ Statement by H.E. Mr. Abdullah Gül, 26 April 2005, p. 14.

²⁸⁹ Mark John, "Turkey blocking NATO-EU cooperation on Kosovo," Reuters, 22 May 2007; and George Parker, Daniel Dombey, and John Thornhill, "France in threat to Turkey's EU hopes," *Financial Times*, 13 June 2007.

²⁹⁰ North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 10.

primarily) a military instrument and have accordingly been reluctant to pursue a comprehensive approach in which the Alliance would employ and enhance its civilian policy instruments and even develop new ones.

The Alliance's civil emergency planning activities demonstrate that its policy instruments have not been exclusively military for a long time. Indeed, the Allies first agreed on mutual assistance arrangements to deal with natural or man-made disasters in 1953. NATO includes clearly civilian entities such as the Senior Civil Emergency Planning Committee (SCEPC). The SCEPC oversees 8 planning boards and committees involving about 300 experts from national governments, industry, and non-governmental organizations in areas such as civil aviation, food and agriculture, surface transport, public health, and civil electronic communications.²⁹¹ Moreover, NATO has a Senior Civilian Representative in Afghanistan, and many civilian experts in its International Staff.

Daniel Fried, the U.S. Assistant Secretary of State for European and Eurasian Affairs, testified in June 2007 that "The tools that NATO needs to succeed in Afghanistan — expeditionary capability, counterinsurgency capacity and, most important, an ability to combine security with governance and development and to work with other organizations to that end, will define the directions NATO must go in the future."²⁹²

Some NATO Allies, with France as their spokesman, might seek clarification or qualify this statement. In their view, "an ability to combine security with governance and development" would go well beyond the Alliance's core purpose of collective defense. As noted previously, Michèle Alliot-Marie, then France's Minister of Defense, wrote in October 2006 that "reconstruction missions must imperatively be a matter for the competent organizations — particularly the UN and the European Union."²⁹³

²⁹¹ *Backgrounder: NATO's Role in Civil Emergency Planning* (Brussels: NATO Public Diplomacy Division, September 2006).

²⁹² Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs, testimony before the House Foreign Affairs Committee, 22 June 2007.

²⁹³ Michèle Alliot-Marie, "L'Otan doit rester une organisation euro-atlantique," *Le Figaro*, 30 October 2006.

In short, as on some previous occasions in the Alliance's history, France and the United States have emerged as the key proponents of contrasting policy approaches. The United States and some other Allies have in recent years argued for enhancing NATO's non-military capabilities and capacity to contribute to state-building, reconstruction, and development in cooperation with other international organizations. France and some other Allies have favored an approach that would confine NATO to military tasks, particularly collective defense, and rely mainly on the EU and the UN for state-building, reconstruction, and development.

France has given the impression on some occasions that it would also support developing a military security dimension in US-EU cooperation, an approach that might detract from NATO's role as the central transatlantic security forum. The American response has been to insist that US-EU cooperation focus on a "wider agenda" than the military security affairs that properly belong in NATO. In the words of Eric Edelman,

Issues like Iran's nuclear ambitions and China's expanding political, military, and economic aspirations underscore the importance of working toward a common vision of transatlantic security interests. The US and the EU must consult more frequently and act together more often on this wider agenda. This wider agenda includes practical cooperation in areas like homeland security . . . , terrorism, law enforcement, and border security.²⁹⁴

Some Allied observers, and not only in the United States, hold that the Comprehensive Political Guidance may exaggerate NATO's dependence on other organizations for certain purposes. As one expert in Washington has asked, for example, is there any substantive reason why NATO nations cannot do police training in Afghanistan without "laundering" it through the EU? The presumption that NATO's sole business is military has been reinforced by pressure from France and some other Allies. However, the Allies have significant reconstruction and stabilization capabilities, and the only obstacles to using them under

²⁹⁴ Eric Edelman, Under Secretary of Defense for Policy, speech presented to the Center for Strategic and International Studies, 20 September 2005.

NATO auspices are political. Practical requirements in specific operations may lead the Allies to undertake non-military activities that support the rehabilitation or construction of states.

Possible means to promote multilateral interactions involving NATO and other international organizations

NATO has long sought more extensive cooperation with other international organizations. The UN Secretary General convened the first meeting between the UN and regional organizations in 1994. NATO participated in this meeting and has attended each subsequent meeting, even though the Alliance is not a regional agency or arrangement in the sense of Chapter VIII of the UN Charter. In September 2006, at the seventh meeting at UN headquarters in New York of regional and other intergovernmental organizations, the NATO Secretary General declared it “critical” that

we . . . develop more structured relations between our organisations, and a culture of cooperation that will permit us to be less reactive and more proactive in future contingencies — in assessing their explosive potential, the particular strengths of each of our organisations that we might wish to bring to bear, and how we can best complement each other’s efforts. To develop such a culture of cooperation, we all need to show pragmatism, imagination, and a greater understanding of each other’s capabilities. For example, NATO is certainly an organisation that is geared towards military action. Yet we have many other tools at our disposal, such as capability building, training and assistance with defence reform. We are also a forum for consultation, not only among the 26 Allies, but also with an extensive network of partner nations. These are all tools that have a wider availability beyond NATO, and should be exploited in concertation with the tools of other international bodies and organisations to deliver a coherent and comprehensive approach to today’s security challenges.²⁹⁵

²⁹⁵ Jaap de Hoop Scheffer, Secretary General’s remarks at the seventh high-level meeting between the United Nations and regional and other intergovernmental organisations in New York, 22 September 2006.

Several means have been proposed to realize the vision articulated by the NATO Secretary General. This review of such proposals begins with those which appear to be less difficult and proceeds to those which seem to be the most daunting and hard to achieve.

The easiest and least ambitious step would be to convene some workshops. NATO could invite representatives of the main international security organizations to discuss in an open yet off-the-record fashion the main obstacles to more effective cooperation and possible methods to surmount them. However, in view of the risk that the “who invites whom?” question could become politically sensitive, it might well be advantageous if the United Nations hosted the workshops. If the UN declined to do so, NATO might try to work with the UN and/or other organizations as co-hosts. Another approach might be for the Alliance to cooperate with an initiative by a non-governmental organization to convene such workshops. In addition to representatives of the UN, the EU, and the OSCE, the organizers might consider inviting experts from international financial institutions such as the World Bank and various other bodies, including the International Organization for Migration. However, particularly in an initial workshop, inclusiveness might be purchased at the price of effectiveness. There are strong arguments for starting with exclusively the main organizations, and making this the basis for a series of workshops.

It should be clear that such workshops would be but a beginning, and to some extent simply a re-beginning, since some workshops have already been held — particularly on NATO-EU relations and on what the Allies have increasingly called the “comprehensive approach” to operations involving teamwork with other organizations. These workshops have had few results and have been pursued with little overall coordination or follow-up. Moreover, according to expert observers, representatives of other organizations have not always attended with great enthusiasm.

One way to enhance the value of workshops might be to focus on topics of concern to other international organizations — for instance, whether and how to pursue modifications in NATO’s policies on sharing classified information with representatives of other organizations. As

noted above, the Alliance is reportedly investigating a new approach to “security assurances,” and some expert observers consider NATO’s current information-sharing policies a hindrance to optimally effective cooperation. If workshops are to make a difference, they need to be organized around operationally relevant topics, pursued with a high level of commitment, and conducted in conjunction with a sustained and wide-ranging set of additional measures.

NATO could also, for example, provide more extensive education and training opportunities for staff members of other international security organizations and leading NGOs at the NATO School, the NATO Defense College, and other NATO facilities. The five-month Senior Course at the NATO Defense College in Rome, Italy, provides course members with instruction about NATO and international security issues and enables them to build relationships with peers from NATO and partner governments and organizations. Small NGOs might find it impractical to send staff members for the five-month Senior Course, however. The NATO Defense College may therefore develop courses as brief as two or three days designed for participants from NGOs and international organizations.

NATO School courses are normally only one or two weeks long and focused on highly specific topics. Several of these topics are relevant to NATO’s cooperation with other international organizations. For instance, the NATO School invited representatives of several international civilian and military organizations to attend the pilot International Security Assistance Force (ISAF) Provincial Reconstruction Team (PRT) Pre-Deployment Course in September 2006, and planned to offer four iterations of the one-week course in 2007.²⁹⁶

In pursuing the comprehensive approach, however, the Alliance would be well-advised to make clear that it understands that its staff members have much to learn from other organizations and that education and training do not constitute a one-way street, with NATO always in the teaching role. The reported reluctance of some governments, NGOs, and international organizations to send staff members to NATO-sponsored

²⁹⁶ “First ISAF PRT Course held at the NATO School,” NATO School Press Release, 22 September 2006. The NATO School is located in Oberammergau, Germany.

education and training activities might be diminished if NATO increased its participation in such activities under the auspices of other organizations. For example, in 2004 the UN Institute for Training and Research (UNITAR) organized training courses in Afghanistan on the special needs of women and children in conflict,²⁹⁷ and in 2006 the UN Assistance Mission in Afghanistan (UNAMA) and the International Security Assistance Force (ISAF) organized a course in Kabul and Herat concerning Provincial Reconstruction Teams (PRTs).²⁹⁸ The participation of NATO staff in these courses and the support for them from ISAF constitute positive precedents in this regard.

NATO might also invite other international organizations to consider establishing a program for the exchange of civilian staff officers. The duration of the exchanges might be variable on a case-by-case basis, from a few weeks to six months or even a year or two. Staff officer exchanges could promote networking and mutual understanding, and they could enable NATO and other international organizations to build a stronger sense of pursuing shared objectives.

NATO could also expand its exercise activities involving representatives of other international organizations. If participation in high level political-military exercises is defined as involvement in the planning as well as the conduct of the exercise as a fully contributing entity, NATO's first joint crisis management exercise was planned and conducted with the Western European Union (WEU) in February 2000.²⁹⁹ The second, and most recent, joint crisis management exercise was conducted with the EU in November 2003. As noted earlier, owing to the unresolved "participation problem" in NATO-EU relations, the follow-on NATO-EU crisis management exercise previously envisaged for September 2007 has been postponed until perhaps 2010. In view of the dormant status of most WEU institutions since 2000, the EU is at present the only fully functioning international organization to have participated

²⁹⁷ "The Special Needs of Women and Children in Conflict," available at www.unitar.org/wcc/unama.html

²⁹⁸ UNAMA/ISAF PRT Conference, International Security Assistance Force press release no. 2006-031, 28 April 2006.

²⁹⁹ NATO and the WEU also conducted a "joint exercise study" not involving troops in June 2001. For details, see "Western European Union-led Combined Joint Task Force related exercise (Joint Exercise Study 2001)," NATO Press Release (2001) 081, 5 June 2001.

with NATO in joint crisis management exercising; and this participation took place as part of the joint NATO-EU crisis management exercise in November 2003.³⁰⁰

Observation of NATO crisis management exercises at NATO HQ has included attendance at (but not participation in) North Atlantic Council and committee meetings. NATO has invited the OSCE to observe crisis management exercises at NATO HQ annually since 1998. The OSCE observed crisis management exercises at NATO HQ in 1998, 2000, 2001, 2002, 2004, 2005, and 2006. (The 1999 exercise was cancelled, owing to the Kosovo conflict; and the OSCE's observation of the 2003 joint NATO-EU exercise was primarily at EU facilities, owing to the exercise's design.) NATO has invited the UN's Department of Peacekeeping Operations (DPKO) to observe crisis management exercises at NATO HQ annually since 2000, but the DPKO has done so only in 2005 and 2006. The representative at NATO HQ of the UN's Office for Coordination of Humanitarian Affairs (OCHA) observed exercises in 2003 and 2005. NATO has invited the EU to observe its exercises since 2004, and the EU has done so in 2004, 2005, and 2006. The EU has to date held two crisis management exercises, in 2002 and 2004, and NATO accepted the EU's invitations to observe each of them.

EU Council Secretariat personnel, including EU Military Staff members as well as civilian staff representatives, have observed NATO crisis management exercises under NATO-EU security agreements and arrangements. However, the representatives of other international organizations observing NATO exercises have to date been restricted to personnel holding security clearances that are citizens of countries with which NATO has concluded security agreements. With the Alliance's proposed new approach of establishing "security assurances" with other international organizations and sub-organizations, it may be possible for NATO to allow representatives of other organizations to take part in such activities on a more pragmatic and equal basis.

³⁰⁰ The author is indebted to Ilay Ferrier, Head, Crisis Exercising and Management System, NATO International Staff, for the information about NATO's participation in crisis management exercises involving other international organizations.

Aside from possible future joint NATO-EU exercising, a first stage in enhancing future participation might be to engage other organizations in planning and participating in NATO-managed exercises. A second stage might be to engage in jointly owned exercises in which each major participating organization, including NATO, would have an equal voice in planning and conducting the activity. Staff from UN agencies, the OSCE, the African Union and other organizations (including NGOs, such as the International Committee of the Red Cross) might cooperate in the future with NATO in designing and running high level political-military exercises dealing with peacekeeping and humanitarian relief, including some in which post-conflict stabilization and reconstruction, and consequence management in the wake of natural or man-made disasters, might form part of a portrayed crisis scenario.³⁰¹ Moreover, NATO staff might be invited to reciprocate by participating in exercise activities initiated by the UN and other organizations.

While significant steps could be taken to improve NATO's cooperation with other international organizations through enhanced participation in exercising, the Alliance will probably encounter boundaries in expanding exercise activities beyond a certain point. Most other organizations have not invested decades in planning and conducting exercises as a method of enhancing effective political-military coordination; and they are consequently, as one expert observed, less "mentally geared" to this type of exercising activity. Owing in part to NATO's operational security roles, the Alliance's experience in developing high level political-military exercise activities is probably more comprehensive than that of any other major international security organization. Aside from the fact that other organizations may be less convinced of the value of exercising at this level, and less committed to planning and conducting exercises, political factors may in some cases impose barriers to moving beyond observation to participation and joint ownership.

The unclassified password-protected online central data base that some observers have proposed to avoid duplication in certain security and disposal activities (notably for small arms, light weapons, ammunition,

³⁰¹ Exercises dealing with collective defense (Article 5) preparations would necessarily remain limited to NATO Allies.

and rocket fuel) could be applied to cooperation among international security organizations about border management, planning, exercises, and other activities in which improved coordination would be beneficial.

Such arrangements could significantly augment public diplomacy efforts and enable representatives of other international security organizations to gain a better understanding of NATO's capabilities and decision-making processes.

Some Allies may nonetheless have reservations about these comparatively modest suggestions to improve inter-organizational cooperation — workshops, education and training, staff officer exchanges, invitations to contribute to the planning and conduct of certain types of exercises, and an online central data base. If so, their reservations might be more pronounced with respect to bolder concepts.

One suggestion, for example, has been to convene tripartite NATO-EU-UN staff meetings to discuss the current operations in which all the organizations are involved. By this logic, it might also make sense to convene quadripartite meetings involving the OSCE as well or even to establish a “contact group” of international security organizations for each specific operation. Such contact groups could be established at an early stage to perform joint assessments of probable requirements and to coordinate all civil and military activities in a particular zone of operations. If political factors hindered the formation of such contact groups, representatives from UN and EU bodies (and from other organizations) might attend meetings at NATO headquarters on an ad hoc basis.

The Joint Coordination and Monitoring Board (JCMB) established for the implementation of the Afghanistan Compact offers an example of a pragmatic ad hoc arrangement that provides a forum for international organizations to exchange views.³⁰² The obvious objection

³⁰² The JCMB is composed of 7 Afghan government representatives, all members of the Afghanistan National Development Strategy Oversight Committee, and 21 representatives of the “international community.” The JCMB’s quarterly meetings are co-chaired by the Senior Economic Advisor of the President of Afghanistan and the Special Representative of the UN Secretary General for Afghanistan. In addition to the latter, the representatives of the “international community” include “Afghanistan’s six largest development assistance contributors (US, UK, Japan, Germany, EU and

to the concept of NATO-EU-UN encounters is that NATO-EU political relations have been problematic, particularly since the “participation problem” arose with EU enlargement in 2004. The JCMB model suggests, however, that constructive dialogue among multiple states and organizations can take place when they share a commitment to a specific objective and agenda. Such dialogue might in some circumstances furnish the basis for the establishment of an effective inter-organizational coordination mechanism.

Since the ultimate decision-makers regarding the choices of international organizations reside for the most part in national capitals, some experts have noted, leading states might consider mechanisms to promote more effective inter-institutional cooperation. The annual G-8, Davos, and Munich security conferences might provide venues for such discussions. The goal of more coherent and better coordinated action by international security organizations can only be achieved if major powers agree to pursue it.³⁰³

A more ambitious concept for the future would look beyond multilateral meetings of representatives of international security organizations focused on specific contingencies in order to establish a multilateral standing staff involving representatives from all the major international security organizations. At a minimum, this would include the UN, the EU, and NATO — the UN because of its legitimization function and unparalleled ability to attract resources on a global basis, the EU because of its leadership in rule of law efforts and development investments, and NATO because of its proven capacity to organize and conduct military operations and provide security for the activities of other organizations. The OSCE, the African Union, and other bodies — regional and global — might contribute to deliberations and operations on an ad hoc basis, together with non-governmental organizations.

India), three neighbouring countries (Pakistan, Iran, and China), three regional countries (Saudi Arabia, Turkey, and Russia), the international military supporters (NATO, CFC-A, Canada, Netherlands, Italy, and France), and two International Financial Institutions (the World Bank and Asian Development Bank).” Joint Statement on Outcome of 1st JCBM Meeting, 30 April 2006. CFC-A stands for the Coalition Forces Combined Forces Command-Afghanistan.

³⁰³ Genuine consensus might solve the problem that some observers have called “institution-hopping” — that is, inconsistencies in national policies. For instance, some governments have evidently approved certain policies in NATO deliberations, but not in the UN or the EU.

Such a multilateral standing staff might include civilian and military experts to assess and define options with respect to a regularly updated “watch list” of potential crisis situations. Its work might be supported by early warning monitoring, and one of its main merits might be to promote thinking about constructive interventionary steps on a multilateral basis at an early stage of a potential crisis situation.³⁰⁴ Its effectiveness in dealing with actual challenges might be enhanced by exercises in generic planning and crisis management that would establish channels of communication, standard operating procedures, and well-founded expectations about how to work together productively.

While such a multilateral standing staff of representatives from major international security organizations would be consistent with the Alliance’s professed interest in a comprehensive approach, the policies of some Allies might place it beyond the realm of practical politics. France and other Allies that have a particular vision of the Alliance’s appropriate role — one that would limit it mainly to performing military security functions — might object to an arrangement that could be seen as upgrading NATO’s status and placing it on the same level as the UN and the EU.

An even more elaborate and ambitious solution might be a permanent assembly of international and non-governmental organizations to promote improved coordination in conducting various types of operations — including humanitarian relief in the wake of natural disasters, armed intervention to separate warring parties, and post-conflict stabilization and reconstruction. One model for such an assembly might be the Inter-Agency Standing Committee (IASC), which brings together the key UN and non-UN organizations involved in humanitarian assistance.³⁰⁵

³⁰⁴ Some observers have suggested that the major organizations with continuous 24/7 watch officers — above all, NATO, the EU, and the UN — take steps to establish communications links among their watch officers as a first step toward more effective cooperation in the assessment of emerging crisis situations. If classification issues could be surmounted, another step might be a program for watch officer exchanges.

³⁰⁵ IASC full members include the Food and Agricultural Organization (FAO), the UN Office for Coordination of Humanitarian Affairs (OCHA), the UN Development Program (UNDP), the UN Population Fund, the UN High Commissioner for Refugees (UNHCR), the UN Children’s Fund (UNICEF), the World Food Program, and the World Health Organization. IASC standing invitees include the International Committee of the Red Cross, the International Council of Voluntary

Such an assembly, which might be called the Crisis Response Committee (CRC), could be organized in coordination with the United Nations. It could in principle offer “one stop shopping” at an entity bringing together under one roof all the major international security organizations and non-governmental organizations. In this “grand design” approach NATO’s contributions might include working with NGOs and intergovernmental organizations on “best practices” guides and “lessons learned” studies concerning operations and exercises. NATO and its partners in such an assembly could deepen their expertise concerning the full sequence of operations from crisis monitoring and prevention measures to intervention, if necessary, and stabilization and reconstruction. Conducting joint activities in a shared institution could help NATO and other international organizations devise a common framework of analysis and reach consensus on a division of labor in dealing with upcoming challenges. NATO interoperability standards could be extended beyond Partnership for Peace, Mediterranean Dialogue, Istanbul Cooperation Initiative and other partners. The CRC could promote comprehensive disaster response coordination involving all major organizations, including NATO’s Civil Emergency Planning Directorate and Euro-Atlantic Disaster Response Coordination Centre (EADRCC) and the UN’s Office for Coordination of Humanitarian Affairs (OCHA).

Some observers have even speculated that the NATO Response Force and perhaps other military units in NATO nations could be maintained on a standby basis for intervention in Africa or elsewhere at the request of the UNSC and in cooperation with other international security organizations. According to Article 45 of the UN Charter, “Members shall hold immediately available national air-force contingents for combined international enforcement action.” Article 47 envisaged “a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council’s military requirements for the maintenance of international peace and security.” At the September 2005 World Summit convened by the United Nations, heads of state and government agreed to “ensure that regional organizations that have a

Agencies, the International Organization for Migration, and the World Bank. UN General Assembly resolution 46/182 furnished the basis for the ISAC’s establishment in June 1992 as the leading mechanism for inter-agency coordination of humanitarian assistance efforts.

capacity for the prevention of armed conflict or peacekeeping consider the option of placing such capacity in the framework of the United Nations Standby Arrangements System.”³⁰⁶

However, this agreement was explicitly placed within the context of Chapter VIII of the UN Charter, and (as noted previously) NATO governments have consistently held since 1949 that the Alliance does not fall under Chapter VIII of the Charter. Moreover, some Allies might well have reservations about any arrangements that might imply automaticity in their commitment of forces. If no automaticity was implied, there would be little difference from the current situation. The NATO Response Force and other Alliance capabilities could be employed at short notice if the UN Security Council requested support and the North Atlantic Council decided to provide it.

These bolder proposals suggest what the “comprehensive approach” might imply if it was pursued in a truly comprehensive way. However, certain states, within and outside NATO, as well as policy-makers in some organizations might resist pursuing even the less ambitious concepts. The significant difficulties in the NATO-EU relationship demonstrate that an extraordinarily strong political impetus from national governments would be required to establish a multilateral standing staff of representatives from major international security organizations and to make it function effectively. Historically policy failures and practical needs in severe crises — as in the Balkans in the 1990s — have been the most potent generators of organizational changes, including modifications in inter-institutional relations.

The debate over the comprehensive approach has revealed differences among the Allies on the purpose and future course of the Alliance. Some Allies have reservations about the Alliance’s assuming new political roles; and they see formalizing and deepening the Alliance’s relations with the UN, the OSCE, and other organizations as inconsistent with its traditional focus on collective defense and military operations. Moreover, some states outside NATO have retained a Cold War image of the Alliance as essentially a combat-oriented military

³⁰⁶ 2005 *World Summit Outcome*, 16 September 2005, Resolution Adopted by the General Assembly (UN doc. A/RES/60/1), p. 37, par. 170.

organization. The attitude of “we do peace, NATO does war” also persists among some staff members in the UN and the OSCE. The fact that NATO has become the world’s largest destroyer of small arms and light weapons is little-known outside the Alliance. NATO’s activities in civil emergency planning and other civil domains are virtually unknown outside expert circles.

The achievement of a “grand design” for a more coherent architecture of international security organizations and non-governmental organizations is a goal well worth pursuing; and some progress in this direction may be feasible. However, a continued pattern of improvisation — ad hoc accommodations and compromises — appears to be more likely. As noted above, the continuing competition among organizations derives in large part from the ambitions of some states for certain organizations. With the partial exception of the EU’s supranational bodies, which draw their support from shared institutional mechanisms, international security organizations depend on states for resources. Moreover, as noted previously, the EU’s European Security and Defense Policy (ESDP) is pursued on an intergovernmental basis.

States choose to allocate resources to specific international organizations to serve particular purposes, and states strive to influence the formulation of organizational strategies for action — including decisions as to which organizations should perform certain functions in given contingencies. States may disagree for various reasons as to which organizational frameworks should be appropriately employed for specific forms of collective action; and their assessments and strategies regarding how to advance their national interests — and broader international interests — may fluctuate to a significant degree. State disagreements can lead to stalemates (as in certain areas of NATO-EU interaction) or to a channeling and containment of cooperation to the lowest common denominator pattern acceptable to all the states and organizations involved (as with a number of inter-organizational compromises in Kosovo and Afghanistan). Any agreement on a “grand design” encompassing relative areas of organizational strength, a projected division of labor among organizations, and “best practices” for their interactions would therefore be a snapshot of a dynamic and evolving competition for resources, authority, and status.

In other words, one of the main obstacles to pursuing a “grand design” approach is the fact that governments and international organizations have interests other than maximizing the effective use of resources and achieving optimal effects through cooperation. More productive coordination of activities might nonetheless be possible in some areas. Even if often-stated goals of synergy and comprehensive complementarity are likely to remain elusive, some reduction in waste and duplication may be feasible. While a standing cooperative association of organizations would be desirable for various reasons, getting organizations to work together more effectively on the ground does not necessarily require a grand architecture in the form of a standing body bringing together multiple institutions.

Potential relations with the CSTO and the SCO

Another factor that may affect the feasibility of any “grand design” approach to inter-institutional cooperation involving multiple organizations is the possible rise in influence of international organizations in which Russia and/or China play leading roles. Indeed, an intriguing question for the future is whether NATO might find it in its interests in some circumstances to work with institutions such as the Collective Security Treaty Organization (CSTO), the Commonwealth of Independent States (CIS), and the Shanghai Cooperation Organization (SCO). In January 2006, Sergei Ivanov, then Russia’s Deputy Prime Minister and Minister of Defense, called for continuing “joint exercises with countries interested in global stability, including partners from the Atlantic Alliance, the Collective Security Treaty Organization and the Shanghai Cooperation Organization.” Ivanov added that Russia was “ready to run peacekeeping operations mandated by the UN or CIS.”³⁰⁷

At present the CSTO appears to be the most important international security organization that NATO has not to date cooperated with. The CSTO is a mutual defense organization composed of former Soviet republics under the de facto leadership of Russia.³⁰⁸ According to

³⁰⁷ Sergei Ivanov, “Russia Must Be Strong,” *Wall Street Journal*, 11 January 2006, p. A14.

³⁰⁸ The original parties to the May 1992 Collective Security Treaty (CST) were Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan. Azerbaijan, Belarus, and Georgia soon adhered to the treaty as well. However, Azerbaijan, Georgia, and Uzbekistan declined to sign a

Dmitri Trenin, a Russian expert with the Carnegie Moscow Center, “Having left the Western orbit, Russia is also working to create its own solar system.”³⁰⁹ The President of Belarus, Alexander Lukashenko, has called the CSTO a “Eurasian NATO”³¹⁰ and a counterweight to the “unipolar dictatorship of a single super-power” — that is, the United States.³¹¹ As Lukashenko’s comments suggest, some of the autocratic post-Soviet regimes that feel threatened by democratization initiatives emanating from the EU and NATO regard Russia as their protector and the CSTO as a critically important security framework.

Competition and discord have become obvious in relations between Russia and some other former Soviet republics, on the one hand, and NATO and the EU, on the other, regarding the future political orientation of the post-Soviet space. This has been most apparent with respect to Georgia and Ukraine, but the political rivalry concerns the entire region. As Hannes Adomeit, a German scholar, has observed,

American and NATO ideas of a “Europe whole and free,” the EU’s concept of Wider Europe and the European Neighborhood Policy (ENP), and the Common Vision of the countries loosely allied in the Community of Democratic Choice are in conflict with notions of a Wider Russia. Western, including NATO, and Russian perceptions and policies are at odds with each other in the whole area stretching from the Baltic States via Belarus, Ukraine, and Moldova to the northern and southern Caucasus.³¹²

protocol extending the treaty in 1999 and instead withdrew. The remaining parties to the treaty founded the Collective Security Treaty Organization (CSTO) in October 2002. Uzbekistan restored its membership in 2006.

³⁰⁹ Dmitri Trenin, “Russia Leaves the West,” *Foreign Affairs*, vol. 85, no. 4 (July/August 2006), p. 92.

³¹⁰ Lukashenko quoted in Ivan Safronov, “Presidenty prevratili dogovor w organizatsiiu,” *Kommersant* (online), 15 May 2002, cited in Hannes Adomeit, “Inside or Outside? Russia’s Policies Towards NATO,” paper delivered at the Annual Conference of the Centre for Russian Studies at the Norwegian Institute of International Affairs (NUPI), Oslo, 12-13 October 2006, p. 22, quoted with the author’s permission.

³¹¹ Lukashenko quoted in Vladimir Socor, “CIS Collective Security Treaty Organization Holds Summit,” *Eurasia Daily Monitor*, vol. 2, no. 123, 24 June 2005.

³¹² Hannes Adomeit, “Inside or Outside? Russia’s Policies Towards NATO,” paper delivered at the Annual Conference of the Centre for Russian Studies at the Norwegian Institute of International Affairs (NUPI), Oslo, 12-13 October 2006, p. 22, quoted with the author’s permission.

This political rivalry has been intensified by the Russian tendency to regard NATO and the CSTO as military rivals. Nikolay Bordyuzha, Secretary General of the Collective Security Treaty Organization, declared in June 2007 that “We believe that actions relating to the deployment of the [U.S.] missile defense system in the Czech Republic and Poland are only one element in very serious, planned, systematic work by the United States and the NATO states to create military infrastructure elements around the CSTO member states.”³¹³ The “encirclement” rhetoric that Russians have employed for over a decade with reference to NATO enlargement policies has thus been extended to encompass Moscow’s CSTO allies.

CSTO spokesmen as well as heads of state and government of CSTO member countries have nonetheless called for cooperation with NATO to supplement the CSTO’s ongoing cooperation with the OSCE, various UN agencies, the CIS, the Shanghai Cooperation Organization, and other international organizations.³¹⁴ In June 2004, Nikolay Bordyuzha announced that one of the CSTO’s goals was to establish “an anti-drug security ring around Afghanistan” as a first step in “the formation of a global anti-drug-trafficking coalition, and in this we are relying on close collaboration with other international organizations, first and foremost with the relevant bodies of the United Nations, the OSCE, the European Union (EU) and NATO.”³¹⁵

³¹³ Interview with Nikolay Bordyuzha, Secretary General of the Collective Security Treaty Organization, in *Volgalnform*, 25 June 2007, in Foreign Broadcast Information Service (FBIS), CEP20070626358004.

³¹⁴ J.H. Saat, *The Collective Security Treaty Organization* (Camberly, England: Conflict Studies Research Centre, Defence Academy of the United Kingdom, February 2005), p. 10. As noted in Chapter 2, the CSTO and the SCO have had observer status in the UN General Assembly since 2004, whereas NATO has not to date sought such status.

³¹⁵ Statement by Mr. Nikolay Bordyuzha, Secretary General of the Collective Security Treaty Organization, at the second OSCE Annual Security Review Conference, Vienna, PC.DEL/567/04, 24 June 2004.

The CSTO has attached particular importance to establishing relations with NATO. CSTO spokesmen have expressed corresponding frustration about the difficulties encountered in pursuing this objective. In the spring of 2007, Mikhail Kokeyev, Counselor of the Secretariat of the Collective Security Treaty Organization, wrote that

for political and status considerations the Alliance continues to avoid full-scale cooperation with major regional security organizations, such as the Shanghai Cooperation Organization and the Collective Security Treaty Organization. The case with the CSTO is particularly remarkable. In July 2004, its Secretary General sent a letter to his NATO counterpart with a proposal to establish dialog and interaction between the two organizations in combating drug trafficking, including in Afghanistan. In particular, he invited the Alliance to participate in the CSTO's annual anti-drug exercises, Operations Channel, as well as create anti-drug security belts to the north of Afghanistan. . . . Incredibly, NATO only replied to the letter a year later, not in essence and only after repeated reminders, including at the highest political levels. In its formal reply, Brussels only expressed its readiness to listen to representatives of those states that chaired the CSTO in 2004-2005 at a session of the Euro-Atlantic Partnership Council. . . . The Alliance has not yet responded to the CSTO's initiatives. . . . The CSTO views the Alliance's approach as a politically motivated mistake, which, sooner or later, will be replaced by Brussels' realization of the objective need to act in major global affairs in the spirit of real partnership.³¹⁶

When the NATO Secretary General was asked in December 2005 whether the Alliance was "ready to cooperate with this [Collective Security Treaty] organization as a whole entity," he replied, "The Allies prefer the cooperation in the framework as we have it now, that is that the [Russian Foreign] Minister [Sergey] Lavrov, in his capacity as president in office of the CSTO, briefs." Lavrov had briefed both the NATO-Russia Council and the Euro-Atlantic Partnership Council (EAPC) and, as Jaap

³¹⁶ Mikhail Kokeyev, "Russia-NATO Relations: Between the Past and the Future," *Russia in Global Affairs*, vol. 5, no. 2 (April-June 2007), pp. 95-96.

de Hoop Scheffer pointed out, “all the relevant parties are in the EAPC.”³¹⁷

CSTO spokesmen have formed the impression that NATO has been reluctant to lend legitimacy and standing to the CSTO by meeting with it as an equal, as proposed by Moscow. In an interview in May 2007, Nikolay Bordyuzha indicated that

We are still waiting for the appropriate reaction to our proposals from [the NATO Allies in] Brussels. Right now we are told that they have been unable to “achieve consensus” in this regard. This sort of NATO stance suggests that evidently they do not want to “legitimize” the CSTO by establishing formal relationships with it, and view it virtually as a rival as the North Atlantic Alliance pursues its own course of “assimilating” the post-Soviet space to its standards and yardsticks. Meanwhile it is not the CSTO, but NATO, primarily, which stands to lose from the lack of such contacts with our Organization, for example in the context of its anti-terror operation in Afghanistan.³¹⁸

In contrast with the CSTO, the SCO includes a prominent country outside NATO’s Partnership for Peace (PfP) and Euro-Atlantic Partnership Council (EAPC) — China. The policies of the SCO’s members (China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan) have led some observers to suspect that the SCO might become an “antidemocratic bloc of authoritarian Eurasian governments that rail against intervention in internal political affairs.” In order to “help prevent this outcome,” Eugene Rumer has argued, NATO, the OSCE, the EU, and the United States should seek ways “to work with SCO countries on mutual interests.” These shared interests might include anti-terrorism, border policing and customs, humanitarian relief and peacekeeping, and “a dialogue on how enhanced governance and economic reforms could heighten long-term stability and security in the region.” As Rumer notes, humanitarian relief and peacekeeping activities and exercises involving

³¹⁷ Press conference by NATO Secretary General, Jaap de Hoop Scheffer, following the meeting of the NATO-Russia Council, 8 December 2005.

³¹⁸ Interview with Nikolay Bordyuzha, Secretary General of the Collective Security Treaty Organization, by Oleg Gorupay, in *Krasnaya Zvezda*, 15 May 2007, in Foreign Broadcast Information Service (FBIS), CEP20070516436001.

all these states except China have already taken place under Partnership for Peace auspices, and one might envisage “joint PFP/SCO activities” by opening participation to China.³¹⁹ Whether the SCO members, notably China and Russia, would welcome such cooperation with NATO and PfP is unclear, given their current policies, but it cannot be excluded in the longer term.

Political rivalries and distrust, latent or explicit, among major powers may inhibit the development of cooperation between NATO and the CSTO and/or between NATO and the SCO. As with NATO’s interactions with the UN, the EU, and the OSCE, cooperation will be conditioned by the fact that specific states have divergent ambitions for the future agendas of these organizations. Suspensions, sometimes well-founded, and competition remain major factors hampering efforts to construct a more coherent and cooperative international security architecture.

³¹⁹ Eugene B. Rumer, *China, Russia and the Balance of Power in Central Asia*, Strategic Forum no. 223, November 2006, pp. 7-8. On possible NATO outreach to the SCO, see also Harlan Ullman, “NATO: Going, going . . . but not yet gone,” *The National Interest*, no. 88 (March/April 2007), p. 56.

CHAPTER 6

CONCLUSION: PURSUING A COMPREHENSIVE APPROACH

The Alliance has been conducting operations in coordination with other international organizations since the early 1990s. One of the chief discoveries by the NATO Allies in these operations has been that improvements in the coordination of efforts by states, international organizations, non-governmental organizations, and local authorities enhance the prospects for success. Ambitious goals such as democratization and sustainable security can only be achieved through economic and political development. Because the pursuit of these goals requires policy instruments in addition to those maintained by the Alliance, the NATO Allies have long been interested in concepts such as those discussed in the Introduction — Enhanced Civil-Military Cooperation, Concerted Planning and Action, and the Effects-Based Approach to Operations. These concepts all call for closer and more systematic cooperation among international organizations. In NATO's November 2006 Riga Summit Declaration such cooperation was defined as a key element of "a comprehensive approach by the international community involving a wide spectrum of civil and military instruments."³²⁰

While the phrase "comprehensive approach" is currently in favor, the idea behind the phrase clearly matters more than which term is employed to describe it. Lieutenant General David Leakey, the Director-General of the European Union Military Staff, recently observed that,

in NATO, in the UN and in EU capitals, we are talking about effects-based operations, comprehensive approach or global approach. It does not matter what you call it. I think we all know roughly what we are talking about: the integration of lines of activity between the military, economic, political, and judicial components, as well as the police. And it is only where

³²⁰ North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 10.

one gets a good integrated effect that one can succeed in the areas of instability around the world.³²¹

The essential point is that it would be highly desirable to improve coordination in operations involving the Alliance and other international organizations. The Allies agreed, for example, at the November 2006 Riga summit that the assistance of other international organizations is indispensable in Afghanistan:

There can be no security in Afghanistan without development, and no development without security. . . . Provincial Reconstruction Teams are increasingly at the leading edge of NATO's effort, supported by military forces capable of providing the security and stability needed to foster civilian activity. Guided by the principle of local ownership, our nations will support the Afghan Government's National Development Strategy and its efforts to build civilian capacity and develop its institutions. We encourage other nations and international organisations, notably the UN and the World Bank, to do the same. NATO will play its full role, but cannot assume the entire burden. We welcome efforts by donor nations, the European Union (EU), and other international organisations to increase their support.³²²

How is enhanced cooperation between NATO and other international security organizations to be achieved? This paper offers two conclusions about pursuing a "comprehensive approach," both based on the Alliance's historical experience. First, although high level political initiatives are necessary on some occasions, incremental progress at the working level has frequently proven more fruitful than such initiatives. Second, intractable obstacles to cooperation rooted in national policies have generally been surmounted only under the compulsion of events. Despite bureaucratic institutional priorities, states are the ultimate decision-makers in international organizations; and states tend to uphold established policies and persist in the pursuit of competitive advantage

³²¹ Interview with Lieutenant General David Leakey, British Army, *NATO Review*, Summer 2007.

³²² North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 6.

until convinced by harsh necessity that they have no choice but to adapt their policies to new security requirements.

Practical “bottom up” cooperation and “high politics”

The NATO Allies have been striving since the early 1990s to build more effective relationships with the main international organizations relevant to their security interests within and beyond the Euro-Atlantic region. Important differences nonetheless persist among the Allies about what form these relations with other international organizations should take, particularly with respect to the EU and the UN.

Practical “bottom up” mission-driven cooperation in the field has often proven more productive than the “high politics” level of interactions among governments. The “art of the possible” has sometimes been practiced more successfully by working-level staff than by political authorities. The Allies need to continue to make optimal use of the scope for action available to lower-level problem-solvers in the field.³²³ However, reliance on the resourcefulness of dedicated staff members is not sufficient as a policy. Staff members need political backing. Working-level benevolence and ingenuity cannot prevail over political disunity among the Allies. Sometimes a measure of polite hypocrisy, an artificially maintained pretext of unity, may help the Allies avoid a counterproductive confrontation on secondary matters, but such an approach cannot provide enduring solutions to fundamental problems.

Moreover, it must be recognized that some staff members may at times pursue national agendas rather than Alliance policy — or their own conception of what national or Alliance policy ought to be. This is most likely to happen when the Allies are divided as to their objectives and plans of action. “Bottom up” staff cooperation cannot be effective in the absence of agreed Alliance policy. Nor can much be accomplished when there is no consensus among leading states on a sound inter-organizational framework of cooperation to guide decision-making. In such circumstances, as with the dysfunctional aspects of NATO-UN

³²³ This scope may be limited at times by political constraints. According to an Italian observer, at one point France regarded NATO-EU deliberations as so sensitive that Paris would not permit “any staff to staff contacts without previous political consent and monitoring.”

relations concerning Bosnia and Herzegovina in 1992-1995, individuals may pursue national agendas, sometimes acting in conformity with their own view of what national policy is or ought to be, without having received specific instructions.

To the maximum extent possible, pragmatic Allies need to try to prevent the politicization of issues (or, if it is too late for that, to depoliticize them) and strive to minimize “high politics” deliberations involving national prestige and principles of ideological (or even theological) importance to specific national agencies and officials. Conversely, far-sighted high-level political agreements may be necessary in some cases to ensure that organizations are not working at cross-purposes and wasting years of effort. Reconciling these considerations may be difficult, because what some governments consider “hot button” or “red line” concerns may turn up unexpectedly in deliberations regarded by most parties as technical or even pedestrian. In some cases, moreover, it may be impossible to depoliticize firmly held national differences or to avoid stalemate. Alliance and inter-organizational arrangements will remain subject to disruption or deadlock by conflicting state interests.

For the most part the Alliance has been pursuing the most practical way forward: to concentrate on the pragmatic requirements of operations in the field. The Alliance’s operators in the field generally prize flexibility and inclusiveness, without ideological complexes or institutional egotism, so long as the work at hand can be done effectively. It is imperative that ways be found to enable NATO and other major international security organizations to work together more productively, but these ways may sometimes have to be pursued via modest and little-noticed methods.

As NATO’s Secretary General has pointed out, the Alliance supports a comprehensive approach not because it wishes to coordinate the work of others, but because it sees its role as making a contribution to international security within a broader approach involving the United Nations and other international organizations, non-governmental organizations, and partner states in cooperation with local authorities. In contingencies other than the collective defense of the Allies, NATO does

not aspire to be the captain of the team, but an effective team player. Furthermore, in non-Article 5 operations, NATO would only take on a team captain role in transitional circumstances — that is, the absence of any other organization capable of leadership.

According to the UN Charter, as noted previously, the UN Security Council has “primary responsibility for the maintenance of international peace and security.”³²⁴ However, if the UN Security Council is stalemated or incapable of action, as in the Kosovo conflict in 1998-1999, NATO may have little choice but to exercise leadership on a temporary basis to create the security conditions necessary for other organizations to make their contributions to the construction of an enduring peace. In Kosovo and Afghanistan, the UN Security Council has effectively delegated certain interim leadership roles to the Alliance, owing to its capacity to establish the security framework essential to the work of other organizations.

Prospects for bilateral and multilateral improvements in cooperation

From an Alliance viewpoint, the three bilateral relationships discussed in this paper differ in substantial ways. In contrast with the UN-NATO and OSCE-NATO relationships, the EU-NATO relationship has been formalized with an array of agreed texts and institutional mechanisms. The EU-NATO relationship is nonetheless at present stalemated to a significant degree, owing in part to the “participation problem” deriving from differing national interpretations of these texts and diverging views on the proper functioning of these mechanisms. The other main difficulty in EU-NATO relations, the “scope problem,” stems in part from an inter-institutional competition rooted in overlapping missions and contrasting national ambitions for the two organizations.

³²⁴ As many experts have pointed out, the “primary responsibility” phrase in Article 24 of the UN Charter does not endow the Security Council with “exclusive responsibility.” The French text of Article 24 refers to “responsabilité principale.” While the Security Council has exclusive authority regarding decisions on, for example, enforcement measures under Chapter VII of the Charter, the General Assembly, the International Court of Justice, and the member states of the United Nations also have responsibilities “for the maintenance of international peace and security.” See Jost Delbrück, “Article 24,” in Bruno Simma, ed., *The Charter of the United Nations: A Commentary*, second edition, vol. I (Oxford and New York: Oxford University Press, 2002), pp. 442-452.

NATO-EU cooperation will be exceptionally arduous as long as the NATO Allies and EU member states disagree on its scope and the proper roles of the EU and the Alliance. This question is inextricably linked to national differences within the EU about the EU's *finalité*, its ultimate purpose.

The OSCE-NATO relationship can be seen as the polar opposite to the EU-NATO relationship in that there is no scope problem, no participation problem, and no fundamental basis for competition. Although some NATO Allies have opposed a formalization of OSCE-NATO relations, lest it enhance the Alliance's political status, this opposition is not rooted in any matter intrinsic to OSCE-NATO relations but in a generalized objection to any measures that might augment NATO's political standing. The OSCE-NATO relationship also stands at sharp variance with the EU-NATO relationship not only in that the terms of the OSCE-NATO relationship have not been formalized, but also in that there is no pressing need for such formalization. The OSCE-NATO relationship can be regarded, as noted in Chapter 4, as inherently less competitive and therefore less problematic than the UN-NATO and EU-NATO relationships.

The UN-NATO relationship is distinctive in that a greater formalization of the relationship through a high-level framework agreement would be highly desirable and of mutual benefit.³²⁵ Bringing about such a formalization may be difficult, however, for multiple reasons. Above all, influential states in the UN Security Council, including the three NATO Allies that are permanent members, may have reservations about such a formalization, depending on how it is defined and implemented. Some non-NATO UN member states may also oppose such a formalization, owing to their perceptions of the Alliance as a Cold War military organization composed of wealthy "northern" countries and dominated by the United States. These distorted impressions of the Alliance are shared by a number of UN officials. Moreover, one of the objective bases for an improved UN-NATO relationship — the UN's need for the Alliance's capabilities — may be subject to some erosion as

³²⁵ As noted in Chapter 2, a UN-NATO framework agreement might include a joint declaration by the Secretary Generals and a memorandum of understanding setting out themes and methods of dialogue and cooperation.

the UN's Department of Peacekeeping Operations (DPKO) pursues its efforts to achieve greater autonomy in its ability to plan, manage, and provide strategic direction for all aspects of a peacekeeping operation.

As noted in Chapter 5, bringing about substantial improvements in multilateral relations among the main international security organizations may be difficult, owing to practical questions such as handling classified information and political questions relating to institutional autonomy, hierarchy, and primacy. National political factors constitute the greatest constraints on cooperation, and these are not limited to the policies of non-Allies such as Russia in the OSCE and the United Nations. Significant disagreements persist among the NATO Allies on what precise meaning to give to the phrase in the Riga Summit Declaration cited above: "a comprehensive approach by the international community involving a wide spectrum of civil and military instruments."³²⁶

It is therefore not clear to what extent the NATO Allies may choose to pursue even comparatively modest steps designed to promote more constructive interactions among international organizations, such as workshops, education and training programs, staff officer exchanges, invitations to contribute to the planning and conduct of certain types of exercises, and establishing an online central data base. Bolder concepts such as multi-organizational standing staffs are likely to meet with greater reservations from some Allies. Moreover, the pursuit of such multi-organizational staff arrangements might become more challenging if the UN, the OSCE, and other international organizations choose to cooperate more closely with bodies such as the Collective Security Treaty Organization and the Shanghai Cooperation Organization.

The Alliance's ability to improve its cooperation with other international security organizations and achieve greater effectiveness in operations depends largely on political factors — above all, the policies of the leading states in these organizations and in NATO itself. The Alliance has been unable to formulate a concerted strategy of engagement with other international organizations owing in large part to

³²⁶ North Atlantic Council, Riga Summit Declaration, 29 November 2006, par. 10.

disagreements among the NATO Allies. This situation cannot be expected to change — however vigorous the calls for the exertion of political will — unless and until key Allies are convinced that new security requirements have made revisions in their policies unavoidable.

Fundamental changes in national and Alliance policy have historically derived not from carefully negotiated strategies but from improvisations under the pressure of necessity in crises. This was the case with the establishment of the Alliance's military command structure in 1950-1951 in response to the outbreak of the Korean War and with the decision to invoke Article 5 and take multiple steps in response to the terrorist attacks against the United States on 11 September 2001, and with regard to many intervening events. The end of the Cold War, the dissolution of the Warsaw Pact, and the collapse of the Soviet Union led the Allies to establish the North Atlantic Cooperation Council in 1991 and the Partnership for Peace in 1994. The Alliance's cooperation with other international organizations began mainly in response to the conflicts in the Balkans in the early 1990s. In short, just as the main innovations in inter-organizational cooperation since the early 1990s have been undertaken in response to urgent requirements in the field, major future improvements in cooperation are more likely to flow from compelling events than from earnest exhortations, judiciously framed strategies, and high-level diplomacy.

The shortcomings in cooperation among NATO, the UN, the EU, and the OSCE demonstrate that these organizations — and the states that formed and sustain them — have not felt threatened enough by the security challenges since the early 1990s to deem working together more closely a compelling necessity. Inefficiencies and rivalries over status and precedence are the luxuries of nations and organizations that judge, sometimes without much conscious thought, that they can afford them.

LIST OF ACRONYMS

ATA	Afghan Transitional Authority
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CBMs	confidence-building measures
CBRN	chemical, biological, radiological, and nuclear
CFE	Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CIMIC	civil-military cooperation
CIS	Commonwealth of Independent States
CPA	Concerted Planning and Action
CPC	Conflict Prevention Centre
CRC	Crisis Response Committee
CSBMs	confidence- and security-building measures
CSCE	Conference on Security and Cooperation in Europe
CSTO	Collective Security Treaty Organization
DPKO	Department of Peace Keeping Operations
DRC	Democratic Republic of the Congo
DSACEUR	Deputy Supreme Allied Commander Europe
EADRCC	Euro-Atlantic Disaster Response Coordination Centre
EAPC	Euro-Atlantic Partnership Council
EBAO	Effects-Based Approach to Operations
EDA	European Defence Agency
ESDI	European Security and Defense Identity
ESDP	European Security and Defense Policy
EU	European Union
EUFOR	European Force

EUMS	EU Military Staff
EUPOL	EU Police Mission
FSC	Forum for Security Cooperation
HLTF	High Level Task Force
IASC	Inter-Agency Standing Committee
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICRC	International Committee of the Red Cross
IFOR	Implementation Force
IPTF	International Police Task Force
ISAF	International Security Assistance Force
JCG	Joint Consultative Group
JCG-T	Joint Consultative Group-T
JCMB	Joint Coordination and Monitoring Board
KFOR	Kosovo Force
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NAMSA	NATO Maintenance and Supply Agency
NGOs	non-governmental organizations
OCHA	Office of Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
PfP	Partnership for Peace
PRT	Provincial Reconstruction Team
PSC	Political and Security Committee
SACEUR	Supreme Allied Command Europe
SALW	small arms and light weapons
SCEPC	Senior Civil Emergency Planning Committee
SCO	Shanghai Cooperation Organization
SCR	Senior Civilian Representative

SHAPE	Supreme Headquarters Allied Powers Europe
SFOR	Stabilization Force
SRSF	Special Representative of the Secretary General
UNAMA	UN Assistance Mission in Afghanistan
UNDP	UN Development Program
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees
UNIFIL	UN Interim Force in Lebanon
UNITAR	UN Institute for Training and Research
UNMIK	UN Interim Administration Mission in Kosovo
UNODC	UN Office on Drugs and Crime
UNPROFOR	UN Protection Force
UNSC	UN Security Council
UNSG	UN Secretary General
WEAG	Western European Armaments Group
WEAO	Western European Armaments Organization
WEU	Western European Union

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