Still a “Strategic” EU–NATO Partnership? Bridging Governance Challenges through Practical Cooperation

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The EU and NATO share a common interest in responding effectively to threats posed by Russia in the east and by Islamic extremists to the south of Europe. However, bilateral issues and the pursuit of national interests, especially those involving Cyprus and Turkey, as well as a general lack of strategic convergence have limited the effectiveness of both organisations’ crisis-management capabilities. In times of a deteriorating security environment these limitations will be even more detrimental for Euro-Atlantic security. Poland and Norway, participants in both the EU and NATO missions and two principal countries of the GoodGov project are well positioned to break this institutional deadlock.

Security is once again a hot topic on the Euro-Atlantic agenda. Russia’s annexation of Crimea and destabilisation of eastern Ukraine and the violence of ISIS in Iraq and Syria have raised questions about Europe’s ability to respond to both ongoing challenges as well as to the new combination of conventional and asymmetrical threats known as “hybrid warfare.” The EU and NATO, which have 22 states in common, obviously share an interest in managing such crises and security threats. However, the continued inability of the two organisations to further develop the necessary formal framework for cooperation leaves the current state of collaboration at strategic, operational and capability-development levels mismatched to the steep deterioration in the European security environment. The main reason for this is the “participation problem”: the blocking of formal cooperation that was supposed to be facilitated by the Berlin Plus agreement and the cooperation framework adopted in 2002 and 2003, respectively. In brief, formal EU–NATO cooperation (which includes the use of Allied command structures for the purpose of EU missions) has been mutually blocked by Cyprus (a member of the EU but not NATO) and Turkey (a member of NATO but not the EU), due to their political conflict over the island. There has been little political willingness among the members of both organisations to invest in solving the problem. As a result, the only current mission conducted as part of the Berlin Plus cooperation framework is the EU-led Althea operation.

1 For a full overview of the institutions, meeting formats and contact points under Berlin Plus, see www.nato.int/cps/en/natolive/topics_49217.htm?selectedlocale=en.
in Bosnia and Herzegovina, launched in 2004 before Cyprus entered the EU. The operation itself is currently relatively small, having been reduced to 600 personnel when last reconfigured in 2012.3

Althea thus remains an exception. Parallel EU and NATO missions in Kosovo (EULEX and KFOR) and in Afghanistan (EUPOL and both ISAF and NTM-A) provide constructive and replicable lessons about how the EU and NATO cooperate outside the Berlin Plus arrangements.4 This report does not address the separate EU and NATO anti-piracy missions (NATO’s Ocean Shield and the EU’s EUFOR-Atalanta), which, whilst another example of informal cooperation, are less relevant to the geopolitical challenges facing NATO and the EU today. EULEX and EUPOL are the EU’s two most significant Common Security and Defence Policy (CSDP) missions and both operate alongside NATO.5 These EU missions are reliant on NATO for, especially, security. Learning lessons from prior examples of cooperation is critical given the need for NATO and the EU to develop and maintain a united and principled stance regarding the challenges both institutions face, both in tangible security terms and in terms of the two institutions’ shared values. Indeed, NATO Secretary General Stoltenberg affirmed that NATO and the EU face the same security environment and challenges—including a “more assertive Russia, responsible for aggressive actions in Ukraine”—when meeting recently with the EU Foreign Affairs Council.6

**EULEX and KFOR in Kosovo**

The EU Member States agreed in June 2014 to extend the EULEX mission in Kosovo until 14 June 2016.7 The EU took over the UN Interim Administration Mission in Kosovo (UNMIK) in December 2008, with the mission becoming fully operational in April 2009. Its focus was on supporting the rule of law8 through two key elements: an Executive Division that investigates, prosecutes and adjudicates cases of a sensitive nature, such as war crimes and terrorism, and a Strengthening Division, which follows a monitoring, mentoring and advising (MMA) approach to support the local judicial authorities and law enforcement agencies. NATO also sustains a presence in Kosovo with its KFOR mission of now 4,500 troops focused on maintaining a safe and secure environment.9

Since the EU states were themselves split on the status of Kosovo,10 the EULEX mission adopted a status-neutral position and agreed to operate under the existing mandate of the UNMIK.11 Because of operational constraints associated with the UN status-neutral umbrella, EULEX has struggled to (re-)establish the rule of law in northern Kosovo.12 In 2012, the EULEX mission also received public criticism regarding its capability and mandate from then-NATO Secretary General Anders Fogh Rasmussen and then-German Defence Minister Thomas de Maizière, with the latter asserting that NATO reservists were having to conduct tasks that should have been completed by EULEX or the Kosovo police.13
Despite tensions at the political level, the EU–NATO missions have collaborated on a practical level. EULEX–NATO relations were handled via technical agreements regulating the joint response to public order situations, military support to police operations and exchange of information. The first of these agreements, inspired in part by criticism of KFOR’s involvement in civilian policing activities, set out a tiered response to incidents depending on their severity, with the local police designated as first responder, EULEX as second responder and KFOR as third for the most serious incidents. This tiered response has been praised in terms of its policy convergence, with each organisation’s individual role meshing well with the others. While looking good on paper, however, EULEX’s modest field presence meant that NATO often performed a first responder role. This provoked criticism on the grounds that a military approach to a civilian conflict could exacerbate the security situation. On the other hand, this informal division of labour has enabled NATO to provide a secure environment in which EULEX can conduct its mission.

One interesting feature of EULEX is that around 70 U.S. staff operated under EU authority as part of the mission. The technical agreements also created space for Turkish and Cypriot experts to join the mission, despite their countries’ political disagreements. This would appear to show the ability of the two states to behave pragmatically, at least at an operational level. Nevertheless, the Cypriot and Turkish vetoes on the exchange of information between the EU and NATO created significant overlap and coordination problems between the EULEX and KFOR missions. The sharing of NATO-graded documents has been a challenge both in headquarters and in mission areas, with KFOR receiving criticism for failing to share information and intelligence with EULEX and other civilian institutions. Informal sharing became the norm: one KFOR officer described information sharing as “what is important is who is meeting who at a barbecue,” whilst one EULEX official underlined that “sharing only happens through personal contacts.”

Whilst this suboptimal cooperation did not fatally undermine EULEX’s mission, it is clear that this kind of ad-hoc approach is insufficient, particularly when operating in more challenging environments—as exemplified by the second case addressed in this report: Afghanistan.

EUPOL and ISAF in Afghanistan

The beginning of 2015 saw a milestone in international involvement in Afghanistan with the end of NATO-led International Security and Assistance Force (ISAF) combat operations and the transition to a new NATO training and assistance mission, Resolute Support. Resolute Support also encompasses the work of NATO Training Mission-Afghanistan (NTM-A), a special NATO mission designed to build, train and mentor the Afghan national security forces, including the Afghan National Army and the Afghan National Police Force. And the mandate of the EU’s existing CSDP mission, EUPOL Afghanistan, has been prolonged to the end of 2016, when it will mark almost a decade of effort to build a sustainable police force in the country. Indeed, the acquisition of police legitimacy and self-sustainment in Afghanistan has been described as one of the primary objectives in halting the insurgency and delivering stability, along with combating the Taliban through ISAF activities.

Whilst military efforts were channelled through NATO, civilian efforts were much less organised. Like EULEX, EUPOL was outside the Berlin Plus framework. Unlike EULEX, EUPOL lacked even basic technical

15 N. Graeger, op. cit., p. 171.
18 O. Dursun-Ozkanca, op. cit., p. 450.
19 Interview, NATO HQ, 18 November 2014, conducted by Nina Graeger.
agreements with NATO, such as those which had created the tiered response agreement in Kosovo. Instead EUPOL negotiated individual agreements with every one of the Provincial Reconstruction Teams (PRT). In overall terms, the EU also found it difficult to establish a solid working relationship with the NTM-A, EUPOL’s implementation of the Security Sector Reform (SSR) model in time of war, at any rate a tall order, could not afford the “institutional cacophony” within and between the EU and NATO. In terms of this cacophony, three key strategic disconnects between the EU and NATO have had a direct impact on the effectiveness and efficiency of EUPOL: the lack of any formal inter-organisational agreement on cooperation (whether Berlin Plus or some other); a resourcing and commitment gap (the U.S. has, through NATO, devoted significantly more resources to police reform than the EU); and EU “civilianisation” vs. NATO militarisation approaches to police reform (broadly conceptualised).

EU–NATO Strategic Disconnect I—Lack of Formal Agreement

In the operations studied here, the lack of a formal agreement between the EU and NATO has been widely criticised. Turkey’s veto of a broad EU–NATO agreement was highly embarrassing for the Alliance given that EU involvement had come at NATO’s request. This lack of agreement had the practical effect of slowing down deployments because bilateral agreements had to be reached with each PRT. The lack of EU–NATO agreement hindered cooperation, undermining security and the ability to share intelligence. On occasions, the PRTs had to act as informal “go-betweens” to enable information-sharing between the EU and NATO personnel—hardly an ideal situation. The United Kingdom’s House of Lords EU Committee, in its report on EUPOL, stated that the lack of formal agreement endangered the lives of mission personnel, branding the lack of agreement “unacceptable.” Given the hugely challenging operating environment, the lack of formal agreement between the EU and NATO seems especially unfortunate.

EU–NATO Strategic Disconnect II—Resource and Commitment Gap

There was also a resourcing and commitment gap. Even if both NATO and the EU have missions focused on police training and reform operating in Afghanistan, the disparity in levels of resourcing is stark: it is expected that the U.S. will allocate $1.6 billion to $1.7 billion annually to the ANP from 2015. By way of comparison, EUPOL’s budget for 2015 was just €58 million. EUPOL’s ability to take the lead on police reform is weakened given the differing scale of the EU and U.S. commitments. Indeed, ISAF became the de facto lead on police reform even whilst EUPOL continued to operate in parallel with it. An example of this is in Ghazni province where the PRT has been jointly run by the U.S. and Poland: the NATO effort—in the form of, for instance, POMLTs, or Police Operational Mentor and Liaison Teams—greatly outweighed that of EUPOL. The House of Lords EU Committee underlined this point, stating that the EU commitment was never large enough, damaging relationships with the U.S. and NATO and undermining the reputation of EU missions more widely.

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24 Provincial Reconstruction Teams are made up of military and civilian personnel and are led by various NATO countries. See E. Gross, Security Sector Reform in Afghanistan: The EU’s Contribution, European Union Institute for Security Studies Paris, 2009, p. 31.
27 M.J. Williams, op. cit., p. 99.
28 E. Gross, op. cit., p. 31.
31 D.J. Planty, R.M. Perito, “Police Transition in Afghanistan,” United States Institute of Peace, 2013, p. 2; EUPOL n.d. The NATO mission, Resolute Support, has a total strength of 13,195, whilst EUPOL has 208 international and 178 local staff.
32 E. Gross, op. cit., p. 32.
34 European Union Committee, 2011, op. cit., p. 29.
EU–NATO Strategic Disconnect III—Different Approaches to Police Reform

Finally, the EU and U.S. took very different approaches to police training. The EU has focused on a civilian rule-of-law approach and state-building whilst the U.S. view (and, by extension, the NATO effort) of police as a force contributing to conflict operations led to a more militarised approach. Some in Kabul joke that “the U.S. is teaching the ANP how to shoot; Europe is teaching the ANP when not to shoot.” As part of the U.S. approach, counter-insurgency became dominant: the Pentagon took the lead on strategy for police reform because of its predominance in funding and personnel. Accordingly, what progress has been made in Afghan police reform seems to be limited mainly to the security aspect of policing.

To sum up, the three strategic disconnects, in combination with a highly challenging operating environment, made EUPOL’s task extremely difficult. Looking ahead, EUPOL, NATO Resolute Support and the German Police Project Team have signed a Memorandum of Cooperation to support the evolution of the Ministry of the Interior and the development of an accountable, effective and professional Afghan National Police.

Between Innovation and Fatigue

Although cooperation and division of labour were underlined from the start as the main goals of both pairs of operations, there was inevitable duplication: the EU and NATO developed parallel capabilities and launched separate operations in the same theatres. But the impasse stemming from the Berlin Plus format means that informal practice on the ground has in many ways become the defining characteristic of EU–NATO cooperation. “Technical agreements” and informal cooperation under the radar of national decision-makers have taken the place of formal cooperation. This has been to a large extent facilitated by bilateral cooperation between the members themselves, and, especially, by practical solution-seeking, social skills and entrepreneurship of personnel. And without informal cooperation on the ground, there would be a danger of casualties.

EU and NATO staff in offices, headquarters and missions act on shared professional values, interests and a sense of duty, yet such a community of practice is not necessarily sustainable over time. Though a muddling-through approach may work, informal cooperation cannot fully compensate for the absence of strategic cooperation and the unnecessary impasse at the strategic level creates extra work and causes morale and relationship issues within and between NATO and the EU. Concerns should not only be raised about the effectiveness of EU–NATO cooperation: another problem is the lack of democratic accountability inherent in informal cooperation and related structures. Who is to be held responsible should something go wrong when no one formally authorised an action? Indeed, the lack of political

35 E. Gross, op. cit., p. 14; M.H.A. Larivé, op. cit., p. 188.
41 This view is supported by practitioners with experience from NATO operational headquarters, as well as from the NATO HQ when interviewed by N. Greger in 2012 and 2014. See also, S.J. Smith, op. cit., p. 258.
42 N. Greger, op. cit.; the concept of community of practice was introduced by Etienne Wenger, see: E. Wenger, Communities of Practice: Learning, Meaning, and Identity, Cambridge University Press, 1998.
guidelines and interest at the top has left civilian and military personnel and leaders on the ground—both in offices and missions—feeling abandoned and that their work is unrewarded and fruitless.44

Over time this may undermine even informal cooperation: particularly given that the security environment is becoming less and less permissive. The previous EU High Representative, Catherine Ashton, and NATO Secretary General Anders Fogh Rasmussen primarily sought pragmatic solutions and informal ways of getting around the political stalemate. Their answer was the mutual (albeit informal and occasional) participation in the EU’s Foreign Affairs Council and the North Atlantic Council, and working meetings of the pair. This practice seems to be sustained by the two newcomers to these positions. At their first meeting, Jens Stoltenberg and Federica Mogherini “shared the need for a firm and strong reaction” to the situation in the Ukraine, and the NATO defence minister meeting in May 2015, where Mogherini was present, discussed how EU–NATO cooperation could be intensified.45 Neither the speeches nor subsequent communiqués mentioned the “participation problem,” though.

The Way Forward: A Case for Poland and Norway?

In the present strategic situation, overcoming the operational as well as political impasses in the EU–NATO partnership seems more important than ever. In the face of new threats against Europe and its immediate neighbourhood from individual states, ISIS and possibly also other non-state actors, a concerted and targeted Euro-Atlantic response, potentially involving the use of both military and non-military means is required. Could these developments encourage a re-negotiation of parts of the Berlin Plus agreement and framework, or of a side agreement? The Cyprus conflict is far from any political solution, where the Cypriot and the Turkish governments stand firmly against each other, and the latter does not even recognise the former. A well-known recommendation is that the EU should make the first move, to reiterate former NATO Secretary General Fogh Rasmussen. At least bringing Turkey closer to the EU seems to be a key to enhanced EU–NATO cooperation.

This is particularly important given the risks posed by the instability and violence in the Middle East. This violence might also be a distraction that drives the EU and NATO even further away from any agreement engaging Ankara and Nicosia and, as pointed out by several diplomats in Brussels, solving the “participation problem” will not solve the entire problem, which indirectly involves more countries, including Greece. In addition, Turkey’s recent differences of opinion with the U.S. over Syria show that Turkish President Recep Tayyip Erdoğan is willing to act independently of the U.S. and NATO where he perceives it to be in Turkey’s interest.46

Nevertheless, addressing the impasse between EU and NATO can and should become an important point in the common agenda of Poland and Norway, particularly given the upcoming NATO Summit in Warsaw, which will be held on July 2016. Both Poland and Norway believe that NATO is the best organisational framework for ensuring European security and for keeping the U.S. engaged in Europe. Warsaw and Oslo share an Atlanticist security policy orientation, have contributed heavily to NATO-led operations, and are proponents of a return to territorial defence and NATO’s “core tasks” in response to the current strategic situation.47 Non-EU member Norway has sought as close relations with the CSDP as possible since its adoption, both institutionally and through troop contributions. Norway has an agreement with the EU on participation in crisis-management operations, a security agreement about information-sharing, and an administrative arrangement with the European Defence Agency (EDA), thus it can provide expertise on how to link a non-EU country like Turkey with the CSDP.

44 This has been documented by S.J. Smith, 2011, and N. Græger, 2014.
For Norway and Poland, improving EU–NATO relations is first and foremost about facilitating cooperation about the strategic posture of both organisations, their capability development initiatives and operations. One recommendation, which should be taken up by both countries, would be to bring together a forum for shared learning with representatives from the EU and NATO missions in Kosovo and Afghanistan, as well as the EU and NATO anti-piracy missions in the Gulf of Aden (though not part of this paper). Such a forum, ideally held by the Polish government prior to hosting the June 2016 NATO Summit, should address the successes and failures of EU–NATO cooperation on the ground, thus providing useful lessons in terms of operational cooperation as well as some further impetus for a more comprehensive agreement. The latter issue could then be promoted by Poland in its role as NATO summit host. The findings of the policy forum could lead, for instance, to a joint EU–NATO statement that technical agreements on operational cooperation (as agreed in Kosovo) would become an entry condition and a default option when initiating operations in the same mission area. This would appear to be a bare minimum for future EU–NATO cooperation given the complex range of challenges to the shared values of NATO and the EU.
The GoodGov project explores how Poland and Norway can learn from each other in the crucial policy areas of security, energy and migration. This paper is one of three analyses devoted to the problem of migration and mobility in the European Union and the European Economic Area. It is one of the core issues in relations between sending countries, like Poland, and receiving countries, like Norway. The project is conducted by PISM in cooperation with the Norwegian Institute of International Affairs and the Institute of Political Studies of the Polish Academy of Sciences. The project is managed by Lidia Puka (PISM). The content editor is Roderick Parkes (PISM).

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