

## COMMON SECURITY AND DEFENCE POLICY

### NATO and EU: Towards a Constructive Relationship?

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The security challenges of the 21<sup>st</sup> century are likely to be both multifaceted, highly complex and of an increasingly interdependent and global nature. The international community is therefore faced with problems that cannot easily fit into traditional boxes and which require a so-called comprehensive approach, with emphasis on cooperation between different international actors and between different agencies across the traditional divides that separate civilian and military approaches. New ways of thinking are therefore needed and new patterns of cooperation between the main international organisations, such as the European Union (EU), the North Atlantic Treaty Organisation (NATO), the United Nations (UN) and the African Union (AU), are urgently required. Under these conditions, it seems obvious that two international organisations that are both based in Brussels and that share a considerable overlap in membership should be at the forefront of such cooperation – even more so since the organisations share similar concerns and are both engaged in locations such as the Balkans, Afghanistan and the Gulf of Aden. Yet, despite the clear need, and despite pledges from political leaders and high-ranking officials to support a more constructive relationship, relations between NATO and the EU remain hamstrung by the unresolved issues regarding the status of Cyprus.

The separateness of NATO and the EU has effectively always been a reality, but it has only been an issue in recent years with the growing realisation that the new challenges facing the international community can no longer be managed by the organisations individually. NATO recently placed a commitment to a better and more constructive relationship with the EU in its new strategic concept. And during a summit dinner in November 2010, conversations reportedly focused on how to overcome the political obstacles to a more constructive relationship. At this dinner, President of the European Council Herman Van Rompuy said, “the ability of our two organisations to shape our future security environment would be enormous if they worked together”.<sup>1</sup> In other words, the unconstructive nature of the relationship persists despite clear political commitments on both sides to change it for the better, and despite a number of positive experiences of cooperation

between the two organisations on the ground. The question that has to be asked, therefore, is if it is really the case that the establishment of a constructive relationship between NATO and the EU is in effect being held hostage to the long-standing disagreements about Cyprus.

#### Two planets in the same city

The relationship between NATO and the EU has never been a close one as the two organisations have historically tended to focus on different agendas and different policy areas, roughly divided between a focus on economic and development issues and a focus on military and security issues. However, after a rather unconstructive and competitive relationship during most of the 1990s, the first decade of the 21<sup>st</sup> century has witnessed convergence between the two organisations. Through the successful establishment of the European Security and Defence Policy (ESDP) in 1999, the EU has taken on a much greater role as a security actor, whereas NATO’s experience in the Balkans and Afghanistan has clearly revealed that military solutions alone cannot bring peace and prosperity to post-conflict societies.

Convergence between the two organisations in policy areas has been accompanied by geographic convergence, as they are both deeply engaged in the Balkans, Afghanistan, Darfur, Pakistan and the Gulf of Aden. Indeed, it has become obvious that, in some situations, the EU may simply be more relevant than NATO and vice versa, and that the actions of one organisation may positively contribute to the policies and programmes of the other. This was the case in Georgia, for example, where, in the wake of the Russia-Georgia conflict in August 2008, the arrival of EU monitors not only facilitated positive action, which would have been politically difficult for NATO, but was also instrumental in consolidating a ceasefire and promoting a greater degree of transparency. Even though, as suggested by NATO Director of Policy Planning Jamie Shea<sup>2</sup>, such strategic benefits may well have resulted more from a happy coincidence than from an actual concerted effort, the example shows the potential benefits that could be achieved from a closer relationship between the two organisations. Moreover, it seems clear that they will both be involved in the on-going revolutionary situation in North Africa, and that, politically, the EU would be in a more favourable position here than American-led NATO.

Since the ESDP was declared operational in 2003, the EU has undertaken 25 military and civilian ESDP operations. NATO’s engagement in Afghanistan has grown from a relatively limited involvement focused on Kabul to one focused on the entire country, with nearly 50,000 troops under the NATO-led International Security Assistance Force (ISAF) command. In the process, the two organisations have been faced with the operational necessity to cooperate in places where both are present on the ground, and it has become increasingly clear that no one sole organisation can manage the conflict and post-conflict situations of the 21<sup>st</sup> century alone. However, whilst the

1. Judy Dempsey, “Between the European Union and NATO, Many Walls”, *The New York Times*, 24 November 2010, available at: <http://www.nytimes.com/2010/11/25/world/europe/25iht-letter.html>

2. Jamie Shea, “Ten Years of the ESDP: A NATO Perspective”, Special Issue of the *ESDP Newsletter*, Council of the European Union, October 2009, pp. 44-46, available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/ESDP%20newsletter%20-%20Special%20issue%20ESDP@10.pdf>

convergence in policy areas and geographic scope suggest an urgent need, and the possibility for, increased cooperation and coordination between the two, most efforts have, so far, been severely hampered by the as-yet unresolved issues between NATO member Turkey and EU member Cyprus, which has prevented any real, enduring and politically sanctioned cooperation between the two organisations. The problem is that without a so called “comprehensive approach”, including constructive cooperation between NATO and EU, the challenges faced – especially in the Balkans and Afghanistan – cannot be overcome. This is a problem that is recognised at the highest political level and by most of the two organisations’ Member States. Yet, the problems that have proved the most stubborn have deep roots and involve countries that feel poorly treated by the institution of which they are not members. As a result, these states have chosen to leverage their position in their institution where they are members, in order to make their point in other. So far, the current political impasse to improving the NATO-EU relationship therefore seems stuck in a seemingly endless cycle of diplomatic retaliations that are damaging to both NATO and the EU.

## The Bermuda Triangle between Turkey, Cyprus and Greece

The current political obstacle finds its roots in the EU’s and Turkey’s complex relationship and in the status of the divided island of Cyprus, whose northern part was invaded by Turkey in 1974 and has been occupied ever since. The northern part of Cyprus is only recognised by Turkey, and Turkey does not recognise the southern (Greek) part, which became a member of the EU in 2004. Once each side of the unresolved Cyprus question was represented in each of Europe’s security organisations (Turkey as a full member of NATO, Cyprus as a full member of the EU and Greece as a full member of both organisations) a political stalemate ensued.

The standard explanation for the impasse is that Greek Cyprus (representing the whole island and a full member of the EU since 2004) blocks Turkish participation in the European defence institutions, such as the European Defence Agency (EDA), and that Turkey responds by obstructing the use of NATO facilities by Cyprus, its participation in Partnership for Peace (PfP) and the signing of security agreements to release classified material to Cyprus. The result is that high-level meetings between NATO and the EU cannot take place because Cyprus cannot participate (as it does not have the necessary security clearance from NATO) and it insists that the meetings cannot take place unless all 27 EU members participate. The result is that the EU and NATO are prevented from discussing urgent problems related to their involvement in, for example, Afghanistan, Kosovo or the Gulf of Aden, and that no security agreements exist concerning, for example, NATO rescuing EU personnel in Afghanistan in the event of a critical situation.

## The overlooked responsibility of the EU

The current situation is clearly frustrating for all concerned. However, it is often overlooked that the EU itself bears some of the responsibility for the impasse. Firstly, when the Cologne

European Council in 1999 decided to transfer the responsibilities of the WEU to the newly agreed European Security and Defence Policy (ESDP), the EU failed to make adequate provisions for associate members of the Western European Union (WEU). Secondly, the EU reneged its own principle that the status of the island of Cyprus had to be resolved before membership of the EU could be realised. And thirdly, there is a lack of clarity about what was actually agreed with Turkey at the 2002 Copenhagen Summit – Turkey subsequently claimed the EU had abandoned agreements made during the summit. The issue is problematic because the precise agreement is contained in a letter from EU High Representative Javier Solana, which is referred to in the official documents, but which has not been made public. The Turkish claim is that the letter contains clear commitments to non-EU NATO members such as Turkey.

The problem is that the *de facto* closure of the WEU effectively robbed Turkey of important privileges, which had only been achieved when Turkey gained associate membership of the organisation in 1998, including membership of the Western European Armaments Group (WEAG) – the organisation responsible for cooperation in the field of armaments within the framework of the WEU. With the absorption of the WEU, the responsibilities of the WEAG were transferred to the European Defence Agency (EDA). But Turkey has not been able to negotiate an agreement that would allow it to participate in the activities of this agency. This has been a major source of contention ever since.

Turkey’s difficult position *vis-à-vis* the EU following the signing of the Nice Treaty in 2001 was recognised by, amongst others, the United States (US) and the United Kingdom (UK). And on Turkey’s insistence, a process of negotiations to clarify Turkey’s position as a NATO member but not a EU member was set in motion. The process led to the acceptance of the so called Ankara Agreement, which was later renamed the “Nice Implementation Document”. The gist of the agreement is that the EU would recognise that it had some liabilities to fulfil *vis-à-vis* non-EU NATO members. The negotiations enabled agreement to occur at the December 2002 Copenhagen Summit in the form of a NATO-EU Joint Declaration, which allows the EU to have access to NATO assets under the so called Berlin-Plus arrangements. The “Berlin-Plus” agreement between NATO and the EU allows the EU to use NATO’s collective assets and capabilities for EU-led crisis management operations when NATO as an institution is not involved. The crucial point is that a complex negotiation process paved the way for Turkey to agree to the deal. And it is during these negotiations that the EU agreed to a number of provisions *vis-à-vis* Turkey.

The provisions agreed to at the Copenhagen Summit include that Berlin-Plus arrangements would only apply to EU members that also belonged to NATO or Partnership for Peace (PfP). Secondly, that the EU would engage in peacetime consultations with Turkey regarding security issues near Turkey. However, although Turkey has twice requested such consultations (in connection with the war in Iraq and the war in Georgia) none have taken place. Thirdly, there was a commitment to Turkish membership of the EDA, and lastly an agreement for exchange of classified information between Turkey and the EU to pave the way for Turkish participation in the ESDP.

Turkey insists that the agreements of the 2002 Copenhagen Summit are the foundation for Turkey's relationship with the EU through NATO, and that since this agreement was entered into before Cyprus gained membership, Cyprus should be bound by its contents. In doing so, Turkey effectively puts the blame for the unconstructive EU-NATO relationship at the doorstep of the EU, arguing that the EU failed to make sure that the accession of Cyprus to the EU would not interfere with previously reached agreements. The situation is murky to say the least: the letter itself is perhaps not part of the *acquis* – although it might be, as it is mentioned in documents that are part of the *acquis*. If the Turkish position is right and the letter does constitute a legal agreement, then, in saying that accession countries are required to abide by previously agreed decisions, it would appear that they have a point. Therefore, although it is technically true to say that the problem started with the accession of Cyprus to the EU in 2004, the root of the problem is really to be found well before then and in areas where the EU probably ought to have been more careful in the accession negotiations with Cyprus.

## An end in sight?

The question, of course, is: where do we go from here? Can the negative dynamic be broken so that the EU and NATO can fulfil their stated ambitions of moving towards a more constructive relationship? The “easy answer” is that the situation can certainly be changed by “simply” solving the Cyprus problem and granting Turkey membership to the EU – but this is, of course, easier said than done. Following the failure of negotiations between the Greek and Turkish parts of Cyprus, which were conducted under the leadership of the UN until April 2003, the conclusion was that an end to the Cyprus problem was due to a lack of political will rather than absence of favourable circumstances. Similarly, although making Turkey a member of the EU would most likely constitute a security gain for Europe and improve relations with the Muslim world, politically there is currently little chance of Turkey becoming a Member State of the EU. In other words, we are left with small steps and partial solutions to remedy an unsustainable situation. It would be unrealistic to assume that solutions to the two main issues at the core of the EU-NATO relationship will be found in the near future. However, there may still be room for small steps and for negotiation on some of the issues at hand. Nevertheless, in recognition that the international environment is substantially changed since April 2003, the Cypriot government may be willing to invite the Turkish Cypriots to revisit the UN plan and solve the Cyprus issue – without reopening substantive parts of the plan. However, the above analysis points in the direction of seeking more positive action from the EU concerning the principle of new members' acceptance of prior agreements (especially in relation to Turkish membership of EDA). Meanwhile, NATO and especially the United States may be able to put pressure on Turkey to agree to Partnership for Peace status for Cyprus, and to sign security agreements. Until such a time, however, NATO and the EU will almost certainly have to find innovative new ways of “working around” the political situation, through the so called transatlantic dinners and on-the-ground practical cooperation.