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Implications of the Lisbon Treaty on the European Union's Common Security Defense Policy and the Emerging Strategic Partnership Between NATO and the EU

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Introduction

The Lisbon Treaty is a monumental step toward fully integrating European Union (EU) military capabilities within its Common Security and Defense Policy (CSDP). An underlying concern resulting from the treaty is the amount of redundancy it creates with the North Atlantic Treaty Organization (NATO). NATO and the EU had already developed redundancies in military capabilities. To some extent, this duplication is healthy and necessary to allow Europeans to further develop their military capabilities. On the political level, the line between healthy and unhealthy redundancy can be thin. This is particularly true when one organization attempts to take on the role of the other creating competition rather than cooperation.¹ The purpose of this paper is to determine the extent the Lisbon Treaty actually promotes a complementary relationship between NATO and the EU in the field of Security and Defense Policy.

After providing a brief historical background, the investigation begins with a review of NATO's relationship with the EU and its CSDP and the existing cooperation between both organizations. This sets the stage for the subsequent assessment of the Lisbon Treaty within the framework of NATO-EU relations. In this part, the analysis briefly assesses the decisions implemented by the Lisbon Treaty in relationship to the major changes it creates within the CSDP. Then, the analysis focuses on the implications of these changes for the NATO-EU relationship. This includes the impact on the strategic orientation of CSDP, the effects of the Lisbon Treaty's changes on the EU's institutions and procedures, and the relevance of the Lisbon Treaty for collaborative capability development.

Background

The North Atlantic Treaty Organization

NATO has been the cornerstone for European security for more than sixty years and remains a vital component of the global security framework for both the United States (US) and European members.² Since its foundation in 1949, critics often inaccurately portrayed the organization's condition and calculated the Alliance's death in view of its record of perpetual internal political conflict, epitomized by such events as the Suez crisis of 1956, the French withdrawal from NATO's integrated military command in 1966, or the stationing of Pershing II missiles in Europe in the early

¹ The reviewed literature shows that in international relations "competition" is predominantly used in a negative sense of "rivalries" and opposing interests. The paper will follow this definition.

² NATO, *Letter from President Obama* (January 20, 2009), <http://www.nato.int/docu/speech/2009/s090120a.html> (accessed April 26, 2011).

1980s. However, the Alliance has repeatedly proven its ability to overcome internal crisis and diplomatic strategic challenges by successful dispute resolution and effective adaptation.³

From a historical perspective, the Yugoslavia Wars in the Balkans caused the Alliance to transform into an active provider of security outside its territories for crisis management. Member states agreed on a new Strategic Concept in 1999, which defined wider security risks for NATO and shifted the focus of the organization to more global security matters.⁴ In order to meet new threats where they occur, it became necessary to transform NATO member's large and conventionally focused units into agile and deployable expeditionary forces. Thus, member state political leaders endorsed the Defense Capabilities Initiative during the Washington Summit in 1999 to "ensure the effectiveness of future multinational operations across the full spectrum of Alliance missions in the present and foreseeable security environment with a special focus on improving interoperability among Alliance forces."⁵ Promoting security and stability in Europe, the Alliance also reached out to the east: Poland, Bulgaria, and Albania – among other countries – joined NATO in 1999, 2004, and 2009. With this, NATO doubled the number of its members in barely ten years.

Two years later, the appearance of international terrorism posed a new threat for the Alliance. In the wake of the 9/11 attacks, when NATO invoked collective defense under Article 5 for the first time in its history, the member states showed their willingness to adapt to new threats but also revealed that they had not yet transformed their forces sufficiently to close the gap between US and European military capabilities. Consequently, the Alliance refined the Defense Capabilities Initiative during the 2002 Prague Summit and agreed to improve military capabilities in eight specified areas under the Prague Capability Commitment.⁶ The Prague Summit also introduced the NATO Response Force. This high readiness force should serve as a catalyst for focusing and promoting improvements in these areas and should equip the Alliance with a high quality, self-sustainable, expeditionary capability to respond to any crisis within thirty days. The transformation process initiated in Prague 2002 is ongoing. NATO remains heavily dependent on United States' forces and capabilities today and European countries have not yet aligned their efforts and resources within the Alliance sufficiently.⁷ Besides the ongoing transformation process in NATO, twenty-two of NATO's twenty-eight members have also pushed forward their integration in security and defense within the European Union in an equally dynamic, comprehensive, and politically transformational way.

³ NATO is also often referred to as the "Alliance". Both terms will be used synonymously in this article. Ryan C. Hendrickson, "The Miscalculation of NATO's Death," *Parameter* (Spring 2007): 101-104, 112. See also Lawrence S. Kaplan, *NATO Divided, NATO United - The Evolution of an Alliance* (London: Praeger, 2004), 13, 31-34, 91-94.

⁴ NATO, *The Alliance's Strategic Concept* (April 24, 1999), http://www.nato.int/cps/en/natolive/official_texts_27433.htm?selectedLocale=en (accessed April 26, 2011).

⁵ NATO, *Defence Capabilities Initiative (DCI) Overview* (December 1999), <http://www.nato.int/docu/comm/1999/9912-hq/fs-dci99.htm> (accessed April 26, 2011).

⁶ NATO, *Prague Summit Declaration* (Brussels, 21 November 2002): 1, <http://www.nato.int/docu/pr/2002/p02-127e.htm> (accessed 20 April 2010).

⁷ Sally McNamara, *NATO Summit 2010: Time to Turn Words into Action* (Backgrounder No. 2498, Washington D.C.: Heritage Foundation, 2010), 8. Carl W. Ek, *NATO's Prague Capability Commitment*, CRS Report for Congress (Washington D.C.: Congressional Research Service, 2006), 1-6. NATO, *Comprehensive Political Guidance* (Brussels, 29 November 2009), <http://www.nato.int/docu/basicxt/b061129e.htm> (accessed 5 September 2010). Mats Berdal, and David Ucko, "NATO at 60," *Survival* (Mai 2009): 60.

European Integration in Security and Defense

During the Cold War, the primary focus of European integration lay on economic integration and economic cooperation through a common European market within the European Communities. In 1992, the Treaty of Maastricht merged these Communities into the European Union and expanded the level of cooperation among the members including a Common Foreign and Security Policy. Given the ongoing NATO transformation process triggered by the Balkan Wars, the EU also chose to rethink its approach towards crisis management. This led to revived interest in the idea of a European Common Defense concept.⁸

NATO's intervention in Bosnia revealed a huge imbalance between European and US military capabilities and led to the creation of a European pillar within the NATO framework, known as the European Security Defense Initiative. This approach, favored by US President Clinton's administration, implied that any political decision on European defense cooperation would always require de facto US approval. The initially hesitant US attitude towards an engagement in the Kosovo conflict in 1998 again demonstrated the inability of European countries to provide security in Europe and convinced European powers to create a European Defense within the EU rather than within NATO.⁹ Consequently, the British-Franco Saint Malo initiative of 1998 proposed that the EU should handle Europe's joint defense and that European countries should correct imbalances in Euro-American security cooperation. The initiative is often referred to as the "birth certificate" of the Common Security and Defense Policy (CSDP).¹⁰ This development raised serious questions among non-EU NATO members, particularly because of fears that CSDP would duplicate NATO assets, discriminate against non-EU NATO members, and decouple the United States from Europe. Hence, the Prime Minister of the United Kingdom (UK), Tony Blair, reaffirmed CSDP's limitation to peacekeeping missions, particularly "where NATO as a whole chooses not to be engaged."¹¹ With

⁸ The forming of the Western European Union was the "first attempt at a common European defense alliance." However, the organization was soon marginalized due to the founding of NATO. The Western European Union nevertheless existed until 30 June 2011. The second attempt to integrate in the field of security and defense was the French proposal of a European Defense Community. The treaty failed to come into effect in 1954, mainly because of France's fears that such an agreement would threaten its national sovereignty. Margarita Mathiopoulos and István Gyarmati, "Saint Malo and Beyond—Toward European Defense," *Washington Quarterly* 22, no. 4 (Autumn 1999): 65. GlobalSecurity.org, *European Defence Community* (EDC) (July 09, 2011), <http://www.globalsecurity.org/military/world/int/edc.htm> (accessed August 17, 2011).

⁹ The Kosovo conflict was one major contributing factor to the British shift in attitude towards European Defense within the EU rather than the European Security Defense Initiative within NATO (the St. Malo initiative), particularly if the US does not want to be engaged. Europa, *European Security Defense Identity* (2010), http://europa.eu/scadplus/glossary/european_security_defence_identity_en.htm (accessed April 26, 2011). Mathiopoulos and Gyarmati, 66, 68.

¹⁰ The EU officially introduced CSDP – originally referred to as European Security and Defense Policy (ESDP) – during the EU summit in Cologne in June 1999. Asle Toje, *The EU, NATO and European Defence—A Slow Train Coming* (Occasional Paper, Paris: European Union Institute for Security Studies, 2008), 11. LTC (GS) Peter Fischer, *European Security and Defense Policy (ESDP) After Ten Years—Current Situation and Perspectives* (Monograph, Fort Leavenworth, KS: School of Advanced Military Studies, 2010), 7.

¹¹ Secretary of State Madeleine Albright spelled out the US concerns and the US policy towards CSDP using the "three Ds" and Donald Rumsfeld repeated this warning addressing the Munich Conference on Security in 2001, expressing US policy-makers' and defense experts' skepticism regarding the value of CSDP. Fischer, 13. Kori Schake, *Constructive Duplication: Reducing EU Reliance on US Military Assets* (Working Paper, London: Center For European Reform, 2002), 5.

these peacekeeping missions, Blair referred to the Petersberg Tasks that the EU had already adopted in 1997. The Union later extended these tasks to include joint disarmament operations, military advice and assistance, conflict prevention, and post-conflict stabilization.¹² To fulfill the Petersberg Tasks, the member states of the EU needed to transform their militaries and to gain access to the military planning capabilities and forces of NATO to avoid unnecessary duplications. To meet these two requirements, the EU adopted the Helsinki Headline Goal of 1999 and the “Berlin Plus” agreements in 2002.¹³ The Helsinki Headline Goal, later transferred into the Headline Goal 2010, set out a general capability requirement with the objective to hold a corps size force of 50,000-60,000 deployable within 60 days with the ability to sustain them for at least one year. Subsequent analysis identified five key shortfalls in European military capabilities: strategic and tactical airlift; sustainability and logistics (including air-to-air refueling); effective engagement technologies including precision weapons; rescue helicopters; and Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance systems.¹⁴

The rapid development potential within CSDP motivated EU member states to create an EU Security Strategy for cooperative defense. This set for the first time a policy framework for CSDP, which led to the adoption of the Headline Goal 2010, and introduced the European Battle Group concept.¹⁵ This should enable the EU to contribute more visibly to external security and to

¹² Initially, the Ministerial Council of the Western European Union introduced the Petersberg Tasks in June 1992, which comprised humanitarian and rescue missions, peacekeeping missions, and tasks for combat forces in crisis management (including peacemaking). The EU adopted these tasks from the Western European Union by the Treaty of Amsterdam of 1997, amending the Maastricht Treaty. The extension of the Petersberg Tasks goes back to a report of Michael Barnier, who suggested creating a European Civil Protection Force in 2002. Assembly of Western European Union, "Security and Defence Aspects of the Lisbon Reform Treaty," *Europa Varietas Institute* (January 31, 2008): 2-3, <http://europavarietas.visuart.eu/files/combarieulisbonneen.pdf> (accessed April 30, 2011). Julian Heß, *Das Verhältnis von NATO und EU—Eine Analyse unter Berücksichtigung des Lissabonner Reformvertrages* (Munich: AVM-Verlag, 2009), 4. Martin Reichard, *The EU-NATO Relationship—A Legal and Political Perspective* (UK, Hampshire: Ashgate, 2006), 73. European Union, *Consolidated Version of the Treaty on European Union*, (May 09, 2008), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF> (accessed April 30, 2011).

¹³ Berlin Plus has its roots in the “Berlin Agreement” that allowed European countries already limited access to NATO planning capabilities as part of the European Security Defense Initiative. NATO, *Final Communiqué* (June 03, 1996), <http://www.nato.int/docu/pr/1996/p96-063e.htm> (accessed April 30, 2011). Javier Solana, "Remarks by Javier Solana, EU High Representative for the Common Foreign and Security Policy following the agreement on the establishment of EU-NATO permanent arrangements," *Consilium* (December 16, 2002), 1, <http://www.consilium.europa.eu/uedocs/cmsUpload/73803%20-%20Solana%20-%20Permanent%20arrangements%20+%20NATO%20declaration.pdf> (accessed April 30, 2011).

¹⁴ European Council, "Annex IV of the Presidency Conclusions Helsinki European Council," *Consilium* (December 10-11, 1999): 5, 9-11, <http://www.consilium.europa.eu/uedocs/cmsUpload/Helsinki%20European%20Council%20-%20Annex%20IV%20of%20the%20Presidency%20Conclusions.pdf> (accessed April 30, 2011). European Parliament, "The European Security and Defence Policy: from the Helsinki Headline Goal to the EU Battlegroups," *The European Parliament* (September 12, 2006): 4, http://www.europarl.europa.eu/meetdocs/2009_2014/documents/sede/dv/sede030909noteesdp_/sede030909noteesdp_en.pdf (accessed April 30, 2011). European Union, "The EU Battlegroups and the EU Civilian and Military Cell," *Consilium* (February 2005): 1, <http://www.consilium.europa.eu/uedocs/cmsUpload/Battlegroups.pdf> (accessed April 30, 2011).

¹⁵ A Battle Group is a combined arms battalion of approximately 1,500 troops; reinforced with combat support elements, and associated with a Force Headquarters as well as pre-identified transport and logistics elements; deployable within fifteen days; and sustainable for 120 days. Ibid., European Council, "Headline Goal 2010," *Consilium* (June 17-18,

transform European forces more rapidly. To avoid duplicating NATO's command structure, the member states of Alliance and the EU also agreed on the Berlin Plus agreement, which granted the EU access to military planning capabilities and enabled the EU to lead military missions.¹⁶ With regard to the EU's goal of more effective crisis management, CSDP also needed to include civilian capabilities and effective structures to lead operations following a comprehensive approach. From May 2000, the EU thus started to create the structures to plan and coordinate civilian crisis management and to deploy civilian capabilities of its members.¹⁷ The last step in European integration marked the Lisbon Treaty, established in December 2009. Its impact on CSDP made the three-pillar model obsolete, which has described the functioning of the EU until 2009.¹⁸ The significant progress in CSDP and the ongoing transformation in NATO increased the need to improve the strategic partnership between NATO and the EU.

The Lisbon Treaty in Light of NATO-EU Relations

NATO and the EU are founded on common values and strategic interests, particularly in the fields of security, defense, and crisis management. NATO and the EU's cooperation are primarily directed at supporting the fight against terrorism, strengthening the development of coherent and mutually reinforcing military capabilities, and cooperating in the field of civil emergency planning. From a NATO perspective, there is no doubt that a "stronger EU will further contribute to our common security."¹⁹ NATO strives for improvements in the strategic partnership with the EU, which can be summarized by the following four premises: closer cooperation, higher transparency, greater efficiency, and continual autonomy.²⁰ To achieve a closer cooperation and higher transparency,

2004): 3, <http://www.consilium.europa.eu/uedocs/cmsUpload/2010%20Headline%20Goal.pdf> (accessed April 30, 2011).

¹⁶ The agreement of 2002 determined the EU-NATO framework for permanent relations. Operation Althea in Bosnia Herzegovina was the first mission in which the EU accessed NATO command structures under Berlin Plus. Before the EU could take over the mission from NATO, the member states had to agree on the terms, which proved to be difficult due to the Turkish-Greek conflict on Cyprus. This dispute resulted in three years of difficulty negotiations before Berlin Plus became eventually effective on 17 March 2003. Solana, 1. Council of the European Union. "Presidency Conclusions," *Institute of European Integration and Policy*, (October 24-25, 2002), 17, <http://eep.pspa.uoa.gr/cn-Brussels%20Octob%202002.pdf> (accessed April 30, 2011). Reichard, 284, 286, 287.

¹⁷ Andreas Winter, "The Lisbon Treaty and its Implications for the CSDP in the Light of the Emerging Strategic Partnership Between NATO and the EU" (Master's Thesis, Fort Leavenworth, KS: Command and General Staff College, 2010), 38-43. Manfred Lange, "Militärische Aspekte der ESVP aus der Perspektive des deutschen EU-Vorsitzes," *Militärische Aspekte der Europäischen Sicherheits- und Verteidigungspolitik im Lichte der EU-Ratspräsidentschaft* (Michael Staack (ed.), WIFIS No 26, 2008), 20.

¹⁸ From 1992 until 2009, the "three pillar model" explained best the functioning of the EU. Supranational treaties (the original European Communities) characterized the first and strongest pillar. The second and third pillars represented the Common Foreign and Security Policy and the Justice and Home Affairs (transferred into Police and Judicial Co-operation on Criminal Matters by the Treaty of Amsterdam in 1997).

¹⁹ NATO, *Riga Summit Declaration* (Brussels, 29 November 2006): paragraph 41, <http://www.nato.int/docu/pr/2006/p06-150e.htm> (accessed 5 September 2010).

²⁰ Ibid. NATO, *Bucharest Summit Declaration* (Brussels, 3 April 2008): paragraph 14, http://www.nato.int/cps/en/natolive/official_texts_8443.htm (accessed 18 September 2010). NATO, *Strasbourg/Kebl Summit Declaration*, (Brussels, 4 April 2009): paragraph 20, http://www.nato.int/cps/en/natolive/news_52837.htm?mode=pressrelease (accessed 9 August 2010).

NATO took various initiatives within the NATO-EU Capability Group—a forum established in 2003 to allow formal coordination between both organizations besides the existing informal NATO-EU staff-to-staff dialogue.²¹ To achieve greater efficiency in NATO operations, the Alliance also agreed to integrate civilian public service planners (e.g., police) into the planning and conduct of military operations, following the idea of a “comprehensive approach” for conflict resolution. Considering the scarce resources of its members, NATO cannot afford to develop its own civilian capabilities and thus relies on cooperation in this field with other organizations, namely the EU.²² Avoiding unnecessary duplications would also allow greater efficiency to get more (capabilities) out of less (resources). Particularly, NATO encourages nations to re-prioritize financial resources, “including through pooling and other forms of bilateral or multilateral cooperation.”²³ However, two major political obstacles prevent closer cooperation, higher transparency, and greater efficiency between NATO and the EU. First, France and the UK differ substantially in their political end state of CSDP and the question of how to progressively carry forward European integration in the defense sector. Second, the Greece-Turkey conflict over Cyprus blocks effective cooperation within the NATO-EU Capability Group. The missing security agreement between the EU and NATO allows Turkey to block cooperation with Cyprus. In return, Cyprus and Greece oppose Turkey having closer relationships with the EU, particularly through administrative arrangements with the European Defense Agency (EDA), which hinders effective cooperation between NATO and the EDA. Those political obstacles have a huge impact on NATO who is struggling to define how the Alliance wants to achieve an effective strategic partnership with the EU, how to achieve greater transparency in its relations with the EU, and how CSDP could effectively contribute to NATO’s missions and vice versa. Particularly, this materializes in sharing information and intelligence in such missions, the development and employment of military and civilian capabilities, and the overcoming of the highly fragmented European industrial defense market, which is a major factor in military capability shortfalls of European countries.²⁴

The Lisbon Treaty and CSDP

The effect of the Lisbon Treaty on the EU, and in particular, on the Union’s CSDP is considerable. The changes concern three areas: the strategic goal and orientation of CSDP, the modification of institutional structures responsible for carrying out CSDP, and the procedures for future capability development under the head of EDA.²⁵ The modified strategic goal for CSDP is a continuation of the provisions of the European Security Strategy, which aimed at strengthening “mutual solidarity of the EU [to make the EU] a more credible and effective actor.”²⁶ This will eventually lead to a common defense and solidarity among EU member states in case of an armed attack, a natural

²¹ Paul Sturm, “NATO and the EU: Cooperation?” *European Security Review* No. 48 (February 2010): 1, http://www.isis-europe.org/pdf/2010_artrel_445_eu-nato-capabilities.pdf (accessed 20 September 2010).

²² NATO, *Comprehensive Political Guidance*, paragraph 7e.

²³ *Ibid.*, paragraph 15.

²⁴ Winter, 55, 61-62, 90-91.

²⁵ For a more detailed assessment of the changes of the Lisbon Treaty: Winter, 62-73. European Union, *Treaty of Lisbon—Amending the Treaty on European Union and the Treaty Establishing the European Community* (Brussels, 3 December 2007), <http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf> (accessed 20 September 2010).

²⁶ European Union, *A Secure Europe in a Better World—European Security Strategy* (Brussels, 12 December 2003): 1, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (accessed 11 September 2010).

disaster, or a man-made accident. Additionally, the EU also adopted the extended Petersberg Tasks for CSDP from the Western European Union, which now include “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilization.”²⁷

The major changes to the institutional structures and main decision making bodies responsible for implementing CSDP impact various areas. First, the Treaty establishes the European Council as an official institution, which is now chaired by a long term and full-time President in contrast to the former six month rotation cycle of the Presidency. Second, the treaty adapted the office of the High Representative for Common Foreign and Security Policy (HR) and, third, establishes the European External Action Service as a diplomatic service of the EU.²⁸ With this step, the EU merges two former areas of EU foreign relations and takes the next step towards more coherent and consistent external relations. The bureau of the HR is in fact a new and independent office, which now coordinates and conducts CSDP as a link between the Council of the EU. The European Commission now also serves as head of the European External Action Service, and as president of the EDA. Lastly, the EU integrates EU civilian and crisis management structures at the strategic planning level introducing the Crisis Management and Planning Directorate (CMPD).²⁹ The directorate will streamline existing structures responsible for civilian crisis management, will unify civilian and military planning at the strategic level as integral part of EEAS, and will serve as the highest institution of civilian crisis management planning within the EU.³⁰

The treaty also officially introduces Permanent Structured Cooperation in Defense (PSCD) as a tool to foster the military capacity of its member states and to harmonize, pool, and specialize military needs, means and capabilities – including higher cooperation in the fields of training and logistics, particularly through EDA. The Lisbon Treaty elevated the EDA from Joint Action to Treaty level, which provides a much firmer legal base to work from and clarifies existing practices in armament cooperation. EDA is now an official part of CSDP and—under the direction of the HR—identifies

²⁷ After the Lisbon Treaty came into effect, the Western European Union treaty was terminated in 2010 and the organization ceased to exist on 30 June 2011. The extended Petersberg Tasks can be executed within the Union framework only by a group of member states, “which are willing and have the necessary capability for such a task.” Western European Union, *Western European Union* (Brussels, 27 May 2011), <http://www.weu.int/> (accessed 28 November 2011). European Union, *Treaty of Lisbon—Amending the Treaty on European Union and the Treaty Establishing the European Community* (Brussels, 3 December 2007): 47, <http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf> (accessed 20 September 2010).

²⁸ The EU also renamed the post to “High Representative of the Union for Foreign Affairs and Security Policy.”

²⁹ Although not introduced by the Lisbon Treaty, CMPD is very important for gaining a better understanding of the Treaty’s impact adapting its institutional level. European Peacebuilding Liaison Office, *Statement on Civilian-Military Integration in European Security and Defence Policy* (Brussels, 6 January 2009): 8, and 14, http://www.eplo.org/documents/EPLO_Statement.pdf (accessed 21 June 2010).

³⁰ Carmen Gebhard, “The Crisis Management and Planning Directorate: Recalibrating ESDP Planning and Conduct Capacities,” *CFSP Forum* Vol. 7, No. 4 (Vienna, Institute for Advanced Studies, July 2009): 8, http://carmengebhard.com/CFSP_Forum_vol_7_no_4_Gebhard.pdf (accessed 3 July 2010).

operational requirements and implements any measures needed to strengthen a competitive European defense market and a strong European industrial base.³¹

The Lisbon Treaty and its Effects on the NATO-EU Relationship

The Lisbon Treaty constitutes a very important juncture for CSDP and its strategic orientation, even though the Treaty does not resolve the Union's lack of strategic culture. First, by unifying the EC and the EU, the EU undoubtedly assumes a single legal personality, which strengthens the organization's position in negotiating international agreements (the treaty making power) using its entire means. It also allows the Union to establish bilateral diplomatic relations with international actors, by speaking and acting as one body. Furthermore, the Lisbon Treaty provides a possible end state for CSDP (mutual defense), amends its spectrum of future missions (the extended Petersberg Tasks), and specifies its strategic vision of a "more active, more coherent, and more capable" Union.³²

Despite these important strategic effects on the EU, it is equally important to address remaining shortcomings in European strategy development. The EU has not initiated a continuous progression in its strategic thinking, even though it is already demanded by the EU Security Strategy and suggested by a variety of international scholars. The absence of corresponding objectives for the Union's political, diplomatic, military, civilian, and trade and development activities actually fosters internal disputes and internal division about strategic objectives and priorities, which leads to EU actions that appear unpredictable and weak to external actors.³³ However, the Lisbon Treaty as a next step towards higher integration in the European defense sector would address all of the shortfalls in European strategic development.³⁴

Mutual Defense and the Solidarity Clause

At first glance, the intent of mutual defense duplicates NATO's role of providing a common defense of member states. This would be contradictory to achieving a complementary relationship and probably promote competition between both organizations. However, for the EU to act as

³¹ Jean-Pierre Darnis et. Al., *Lessons Learned from European Defence Equipment Programmes*, Occasional Paper (Paris: European Union Institute for Security Studies, 2007), 18. Ibid., 89. European Union, *Treaty of Lisbon—Amending the Treaty on European Union and the Treaty Establishing the European Community*, 46.

³² European Union, *Treaty of Lisbon—Amending the Treaty on European Union and the Treaty Establishing the European Community*, 11. Klaus Olshausen, "Zehn Jahre Europäische Sicherheits- und Verteidigungspolitik," *Der Mittler-Brief* 24. Jg (Herford, 2009), 5-6. Lange, 17. Sven Biscop, "A 'European Army' for the EU and NATO?" *Egmont Paper* (Brussels: Egmont—Royal Institute for International Relations, 3 March 2007), 12. Winter, 73-74.

³³ Sven Biscop and Jo Coelmont. "A Strategy for CSDP—Europe's Ambitions as a Global Security Provider," *Egmont Paper* No. 37 (Brussels: Egmont—Royal Institute for International Relations, October 2010): 8, <http://www.egmontinstitute.be/paperegm/ep37.pdf>, (accessed 11 October 2010). Biscop, "A 'European Army' for the EU and NATO?" 12.

³⁴ The "bottom-up approach" is an important characteristic of the EU's external policies. Usually, (a group of) individual states take the initiative to create something new and/or to build up their involvement in CSDP, rather than following a supranational decision to become involved. A good example is the creation of the European Security Strategy, which was provided in 2003, after European countries had already started building capabilities under CSDP five years earlier.

another provider of collective defense is questionable for two reasons. First, the Lisbon Treaty explicitly defines NATO's primacy in this regard. The Treaty clearly states that the EU respects "the obligations of certain Member States, which see their common defence realized in [NATO]" and that its policy will "be compatible with the common security and defence policy established within that framework."³⁵ Second, the EU's six neutral Member States do not indicate any intent to change their distinct national defense policies of not participating in a CSDP. In practice, this means that the EU will not be able to organize its military forces for a territorial defense. Given NATO's and the EU's similar threat assessment, such an attempt would also be unnecessary and redundant. However, the solidarity clause might have important legal implications for the Union, for instance, in case of a terrorist attack. Meeting such threats remains vital for the EU, especially in conjunction with proliferation of weapons of mass destruction. Mutual defense may allow the EU to use military force internally to meet such threats and their consequences, including natural disasters, man-made accidents, or collapses of supply networks and communications. The mutual defense clause may also help to overcome the wide array of national caveats on the use of military forces inside the EU, and signals that solely nationalistic approaches in defense planning of its members are no longer feasible.³⁶

In light of these reasons, the mutual defense clause is not directed to duplicate NATO's role and will certainly not promote competition between NATO and the EU. The legal and secondary implications of the clause could actually encourage EU Member States to focus on streamlining capability planning under the head of the EU. As long as this is in line with NATO capability planning, this could have positive effects for the Alliance as well. In this sense, the mutual defense clause could even promote a complementary partnership between both organizations, if the EU does not decide to decouple military defense planning from NATO's procedures and if the organization translates the political goal of common defense in operational terms. This emphasizes the need for NATO and the EU to strengthen cooperation through regular consultation, highlights that political consensus within the EU is required to shape CSDP more progressively in the future, and raises the question of how cooperation with NATO should be institutionalized.³⁷

The Extended Petersberg Tasks

In adopting the extended Petersberg Tasks for CSDP, the EU partly took over tasks, such as providing military advice, military assistance, and conflict prevention. Since 1994, these tasks were already fulfilled by NATO's Partnership for Peace program. This creates an overlap in tasks between NATO and the EU, but does not necessarily lead to competition between both organizations. The credo of Berlin Plus – to launch EU-led operations only "where NATO as a whole is not engaged" – still determines whether the EU can actually fulfill these tasks.³⁸ EU-led operations such as

³⁵ European Union, *Consolidated Version of the Treaty on European Union*, 26.

³⁶ Alyson J. K. Bailes, *Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP): Challenges and Prospects* (Hamburg: IFSH, 2005), 3-4.

³⁷ Sturm, 1, 3.

³⁸ Heß, 59. European Security and Defense Assembly, "The EU-NATO Berlin Plus Agreements," *Assembly Factsheet* No. 14 (November 2009): 1, http://www.assembly-weu.org/en/documents/Fact%20sheets/14E_Fact_Sheet_Berlin_Plus.pdf (accessed 12 October 2010).

CONCORDIA in Macedonia (completed on 15 December 2003) and EUFOR ALTHEA in Bosnia (still ongoing) have shown that the agreement can be successfully achieved, enabling the EU to act. In both operations, NATO's Deputy Supreme Allied Commander Europe acted as Operational Commander for the EU and the Union launched its missions following a terminated NATO mission (e.g., ALLIED HARMONY and SFOR).³⁹ In contrast, the duplication of tasks can also lead to negative examples, such as, the "beauty contest" between NATO and the EU over West Sudan. Both organizations were divided due to a US-French argument about the question of whether NATO or the EU was supposed to lead management of the crisis. Another example is Operation ARTEMIS, launched in 2003 to stabilize conflict areas in the Democratic Republic of Congo. The EU was able to deploy military forces without NATO support utilizing Berlin Plus. This was an important accomplishment for the EU, but simultaneously raised annoyance among some NATO Members because of the EU's lack of consultation with the Alliance.⁴⁰

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

Adapted Institutions and their Effects for a Strategic Partnership

The officially introduced European Council, the widely adapted tasks and responsibilities of the HR, and the newly introduced EEAS are remarkable amendments in the EU's institutional framing and exercising of CSDP. With the introduction of CMPD and the streamlining of its civilian crisis management institutions, these changes will have significant effects for the future of the EU and its relations with NATO.

The European Council as a Intergovernmental Institution

Officially introducing the European Council and its new presidency as the main body responsible for developing general guidelines and strategic lines for CSDP strengthens the intergovernmental character of CSDP.⁴¹ The Lisbon Treaty underlines that the principle of unanimity as a cornerstone of security and defense cooperation in the EU will remain, although qualified majority voting applies for some areas of CSDP. This has positive and negative aspects for CSDP. On the one hand, decisions that require consensus among the EU's members send a strong and firm internal and external message demonstrating the EU's determination to act. On the other hand, unanimity gives member states the power to block decisions that a vast majority might want to take. This hampers

³⁹ CONCORDIA and EUFOR ALTHEA were actually the only missions conducted under Berlin Plus. Ibid., 1.

⁴⁰ Stephen F. Larrabee, "The United States and the Evolution of ESDP," *What Ambitions for European Defense in 2020?* (Paris: Rand Cooperation, 2009): 50, http://www.rand.org/pubs/reprints/2010/RAND_RP1404.pdf (accessed 21 August 2010). LTC (GS) Peter Fischer, "European Security and Defense Policy (ESDP) After Ten years-Current Situation and Perspectives" (Monograph, School of Advanced Military Studies, Fort Leavenworth, KS, 2010);, 27-28.

⁴¹ Guérot, 41.

the EU in carrying out CSDP more progressively.⁴² There is, nevertheless, a good chance that political issues between the Member States could be mitigated through the HR, the EEAS, and the EDA and that CSDP will be more capable in the future.⁴³ However, progress in this field will continue to be slow and will remain dependent on bottom-up initiatives.

Inter-governmentalism for CSDP neither fosters nor hampers a complementary relationship between NATO and the EU. Nevertheless, there are risks that existing political issues between EU Members as well as between EU and non-EU Members may become institutionalized, which will prevent a strategic partnership. On the one hand, the EU's definition of national security as the sole responsibility of individual Members also undermines the organization's attempt to create common security. This reduces the power of its adapted institutions and creates obstacles to aligning military and civilian capabilities as well as in creating a competitively viable European industrial defense base. On the other hand, the Treaty explicitly provides possibilities to delegate specific defense policy tasks and functions to a group of states. This mitigates the risks of internal issues for the conduct of CSDP and can lead to multinational cooperation between willing and more capable EU Member States. In view of capability development and a strategic partnership with NATO, this can only be appreciated.

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

The most prominent and probably most important institutional amendments by the Lisbon Treaty are the "new" HR and the introduction of a diplomatic service for the Union. The office of the HR was clearly strengthened and can – in tandem with the EEAS – function as a "transmission belt for national foreign policy goals, which the smaller member states in particular stand to profit from," while the EEAS could benefit from the nations' experiences, networks, and traditions.⁴⁴ Both the HR and the EEAS as a single structure have great potential to bring external actions and foreign policies of the EU together. Due to the diversity of national interests of its Members, this will probably not lead to a unified face in foreign policy for the Union in the intermediate term. However, by merging formerly divided responsibilities and fragmented competencies, the HR will ensure much more consistency and coherence within the EU regarding foreign policy and will have the formal right to initiate proposals regarding CSDP.

Of critical importance is the HR's central role between the European Commission, the Council, the European Council, and the EDA. These links provide the HR the possibility of exercising CSDP more consistently and coherently – from initiating political objectives down to promoting multinational cooperation in capability development. The EEAS, directly supporting the HR, will facilitate its work and further consolidate the ties to the main decision making bodies of the EU. With this, the HR and EEAS can significantly affect and effectively conduct CSDP within the framework of the other EU institutions.

⁴² Center For Security Studies, "ESDP after Lisbon: More Coherent and Capable?" *CSS Analyses in Security Policy* Vol. 3, No. 28 (ETH Zurich, February 2008): 2-4, http://se2.isn.ch/serviceengine/Files/ESDP/46839/ipublicationdocument_singledocument/9BDF5F23-3BC5-49A6-9DDA-F9CB1414FBC0/en/28e.pdf (accessed 8 October 2010).

⁴³ Major, 5.

⁴⁴ Guérot, 43.

In view of a complementary relationship with NATO, the HR and the EEAS are likely to play a significant role as well. Unifying responsibilities in the two offices will contribute significantly to more coherence and transparency in all fields of CSDP. Thus, the modifications are likely to have a positive effect creating greater transparency and establishing closer cooperation between both organizations – two of NATO Members’ main goals in CSDP. However, to what extent the new Foreign Minister of the EU will actually shape CSDP will depend mainly on the personalities exercising the adapted post. In this regard, the “grotesque dispute over personnel”⁴⁵ in appointing the first HR for the EU dampens hope that the Member States fully recognize the importance and the chances the HR and the EEAS create for the EU and NATO.

Integrating and Streamlining Civilian Crisis Management Planning

With the introduction of CMPD, the EU reduces the fragmentation of civilian-military crisis management planning capacities at the political level, provides a more coherent and efficient capability for the HR and the EEAS to exercise their responsibilities, and institutionalizes the comprehensive approach to strategic level planning. The creation of CMPD is a result of the suboptimal civil-military planning cell in the European Union Military Staff, which failed to “act as a ‘system integrator’ that would unify the civilian and the military strand of [CSDP].”⁴⁶ In conjunction with the Civilian Planning and Conduct Capability, CMPD is the attempt to increase effectiveness, coherence, and efficiency of planning and execution procedures for civilian crisis management operations and to establish a civilian counterpart to the strategic military chain of command within CSDP.

Streamlining its civilian crisis management institutions enables the EU to apply a comprehensive approach at the strategic level and will contribute to more efficiency and coherence in CSDP. This capability has the potential to benefit a complementary relationship between NATO and the EU, if both organizations link their strategic planning capabilities. Yet again, this calls for institutionalized coordination and cooperation between both organizations.

Berlin Plus as a Framework for a Successful Comprehensive Approach?

At this point, it does make sense to briefly reflect on the EU’s existing procedures to apply its means in a comprehensive approach as introduced earlier. As shown, the provisions of the Lisbon Treaty integrate permanent military and civilian planning capabilities on the strategic level of CSDP. However, the EU does not possess the capabilities to actually plan and lead a military operation on the highest military level. For its civilian operations, the Union can rely on ad hoc structures to form an Operational and Force Headquarters. However, to utilize a comprehensive approach in crisis management, the EU relies on the Berlin Plus agreements for operating military command structures.

The Lisbon Treaty does not provide specific provisions for accessing non-inherent capabilities and using them in a comprehensive approach in crisis management operations. The EU still depends on

⁴⁵ Nations circulated second rate candidates and prominent candidates were refused nomination in order not to jeopardize their national careers. *Ibid.*, 40.

⁴⁶ Gebhard, 12.

Berlin Plus, which has been successfully utilized in the past. However, cooperation under Berlin Plus is continuously overshadowed by the Turkey-Cyprus-Greece conflict and their competing national interests and objects on how to shape CSDP. Thus, a strategic and complementary relationship between NATO and the EU is unachievable under Berlin Plus.

The effects of the Lisbon Treaty on Capability Development

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

The Lisbon Treaty's most important, innovative, and ambitious amendment is certainly the introduction of PSCD as a tool to deepen the cooperation of its Member States in various areas of CSDP. PSCD seems indeed to be the Union's solution for this issue.⁴⁷ Key provisions of the PSCD are the prerequisites it demands of a nation to join, as well as the measures to assess progress and the ability to suspend a participating country that fails to meet these standards. Although initially high standards were set, proposed prerequisites to join a PSCD were soon lowered on behalf of smaller countries during the Treaty text negotiations, which virtually eliminated any discriminator to join.⁴⁸ However, this will not likely have any serious consequence, because PSCD must be inclusive in order to avoid a division of the EU concerning defense cooperation, and to increase political coherence in security matters. On the other hand, too many participants would pose the risk of slowing down the pace of planning and executing a PSCD. Thus, only the right balance of a critical mass of member states will make PSCD an effective tool.⁴⁹

EDA will have to play a major role in creating future concrete criteria to assess the progress of a PSCD. Assessment criteria will also have to include proposals on how to suspend a country from cooperation. The Lisbon Treaty does provide the theoretical conditions to do this; whether the EU will be able to achieve this in practice remains uncertain. This also applies to the question of whether a PSCD can be established if it violates particular interests of another EU Member State.⁵⁰ PSCD does have the potential to generate a top-down approach in CSDP and to accelerate capability development for the Union. However, it is not the "silver bullet" for solving the EU's problems.⁵¹

⁴⁷ Once established, only members participating in the PSCD are eligible to vote and to determine ends, ways, and means of their cooperation. Christian Mölling, "Ständige strukturierte Zusammenarbeit in der EU-Sicherheitspolitik: Auswirkungen des Lissabon-Vertrags auf die Entwicklung von Fähigkeiten und die Rüstungskoooperation in der Europäischen Union," *SWP Aktuell* Vol 13 (Berlin: Stiftung Wissenschaft und Politik—German Institute for International and Security Affairs, February 2010), 3. European Union, *Treaty of Lisbon*, 49.

⁴⁸ Major, 3.

⁴⁹ Pierre Hougardy, "Permanent Structured Cooperation", in: Sven Biscop and Franco Algieri (eds.), "The Lisbon Treaty and ESDP: Transformation and Integration," *Egmont Paper* No. 24 (Brussels: Egmont—Royal Institute for International Relations, June 2008): 12, <http://www.egmontinstitute.be/paperegm/ep24.pdf> (accessed 10 October 2010).

⁵⁰ Mölling, 3.

⁵¹ Hougardy, 11-12. Sven Biscop, "Permanent Structured Cooperation and the Future of ESDP: Transformation and Integration," *Egmont Paper* No. 20 (Brussels: Egmont—Royal Institute for International Relations, 18-19 September 2008): 16, <http://www.egmontinstitute.be/paperegm/ep20.pdf> (accessed 22 June 2010).

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

EDA as an Official Organization of the EU

Introducing EDA as an official organization of the EU has the potential to be the most significant change resulting from the Lisbon Treaty. Although at first glance unimposing, associating the EDA with the HR and integrating it in CSDP will offer a significant number of possibilities in three interacting areas: harmonizing, specializing and pooling of European military forces, overcoming the fragmented European defense market, and the proactive framing of multinational armament cooperation.

In the first area, the range of possibilities is certainly immense but at the same time hindered by the most significant political obstacles. Abandoning certain military capabilities to focus on niche capabilities and specialization does increase political interdependence among collaborating nations and can lead – in the worst case – to an inability to employ viable military force. This narrows the scope of cooperation mainly to pooling of non-expeditionary forces, the alignment of military doctrine and concepts, and the standardization of equipment and logistics. A first positive example of successful harmonization and pooling of capabilities is the European Air Transportation Command. With, continuously decreasing military budgets and constant high political ambitions, such harmonization, specialization, and pooling of military forces are likely to increase.⁵² At the strategic level, EDA will play a central role in this regard.

In the second and third areas, EDA has a great chance of accomplishing short-term objectives, although significant political obstacles exist in these areas as well. The major reason for the increasing capability gap between European and US forces lies in the relatively high costs European countries have to bear for research, experimentation, and development, and not primarily in a lack of budgets and spending.⁵³ The disproportional costs result from highly fragmented national defense programs, which also diminish military interoperability and further consolidate the already fragmented industrial base for defense equipment in Europe.⁵⁴ Here, the primary political obstacles are various degrees of government-industry relations among EU countries and unresolved questions of the ownership of intellectual property rights of developed technology.⁵⁵ With a high redundancy of industrial skills on the national level, countries seek to run their own research and development programs. Elevated to Treaty level and under the direct lead of the HR, the EDA is in the right position to address those issues and to overcome protectionism among member states' defense

⁵² Olshausen, 9.

⁵³ François Heisboug, cited in: David S. Yost, "The NATO Capabilities Gap and the European Union," *Survival* Vol. 42, Issue 4 (UK: Oxford University Press, 2001), 99.

⁵⁴ Darnis et. al., 18.

⁵⁵ Darnies, 23-24.

markets.⁵⁶ As such, the EDA will probably perform first the management and coordination tasks. Linked by the HR to the EU's main decision bodies, EDA can play a central role initiating such cooperation and utilizing PSCD as a tool to facilitate progress and to overcome political obstacles.

EDA is likely to play a crucial role in the strategic partnership between NATO and the EU, particularly in the field of capability development. Embedding EDA in CSDP under the HR, the EU has taken significant steps clearly directed towards a more capable and deployable European force. More harmonized, specialized and pooled European military forces, a competitive defense market, and more multinational cooperation will most certainly lead to an increase of deployable military capabilities in Europe. Furthermore, EDA provides NATO with a single point of contact to discuss and to align military capability development programs. This is in the Alliance Members' best interests. However, limiting EDA to EU's Members does exclude non-EU countries, such as Turkey, from participation. With a view on the Cyprus conflict, this appears counterproductive to efforts to resolve strategic issues between NATO and the EU.

Conclusion

In implementing the Lisbon Treaty, the EU is undertaking the necessary steps to strengthen CSDP. The treaty aligns and harmonizes the institutions and procedures in CSDP and provides a fertile framework for future military capability development. That does not mean that the Treaty resolves every shortcoming in CSDP and that all provisions are directed towards a complementary relationship with NATO. This would be beyond rational expectations.

On the strategic level, the main political obstacle for a true strategic partnership between NATO and the EU remains the unresolved Turkey-Greece-Cyprus conflict. The resulting strategic stalemate denies the EU the ability to develop a more coherent CSDP, prevents effective NATO-EU cooperation, and hampers military capability development through EDA. Furthermore, the strengthening of the intergovernmental character of CSDP dampens the hopes for the development of an inherent strategic culture, which would allow the EU to operationalize the EU Security Strategy into a civil-military strategy for CSDP. The limited political coherence yet denies the EU developing a strategic frame that explains the rationale behind the Lisbon Treaty's amendments and raises questions of how integration in foreign relations and the defense sector should go forward. Despite those limitations, one must acknowledge that Lisbon Treaty's mutual defense clause and the extended Petersberg Tasks do not aim at replacing the Alliance's role and have rather a high potential to promote a strategic partnership between NATO and the EU through its significantly adapted institutional structures. The most significant effects of the Treaty are its provisions regarding the EU's institutions that deal with CSDP. These provisions will enable the Union to establish a strategic partnership with NATO. However, the changes also have the potential to reinforce already existing political obstacles within the EU as well as the NATO-EU relationship. First, by introducing the European Council as an official institution the EU strengthens the intergovernmental character of CSDP and provides an anchor for its Members to oppose further integration as well as block important decisions. This decreases the chances for establishing a supranational CSDP and continues to limit EU's capabilities to the least common denominator. However, by introducing the

⁵⁶ European Defence Agency, "Steering Board Decision in NADS Formation on EDA Input to the Commission's Consultation Process on the Green Paper" (Brussels, 2 March 2005): <http://uu212-190-205-2.unknown.uunet.be/genericitem.aspx?area=Reference&id=142> (accessed 8 October 2010).

HR, the EEAS, the CMPD, and the PSCD, the EU is undertaking innovative and ambitious steps to increase transparency, coherence, and efficiency of CSDP. The HR and the EEAS have the potential to be the driving forces in CSDP and to strengthen the interconnection with NATO towards a complementary partnership.

The introduction of the PSCD provides the EU an appropriate tool to overcome member state dissent over CSDP and clearly facilitates military capability development through multinational cooperation of those Members who are willing and capable to do so. Streamlined strategic planning, operational capability, and the EU's ability to apply a comprehensive approach in strategic crisis management planning, offer opportunities for future cooperation with NATO. All these changes are in the best interests of NATO and EU Members, if the EU takes appropriate steps to link its institutions, procedures, and planning capabilities to NATO. It will require significant political effort of major state players of both organizations to mitigate the inertia caused by the unresolved Turkey-Greece-Cyprus conflict.

With regard to military capability development, the Treaty introduces EDA as an official institution and embeds the Agency in CSDP appropriately. The agency has the potential of being a cornerstone in future NATO-EU relations and cooperation between both organizations in capability development. This is in the best interests of NATO Members, particularly the US. However, limiting EDA for EU Member States institutionalizes existing political issues and hampers progress. Overall, the Lisbon Treaty creates the necessary institutional prerequisites for successful capability development among EU Member States and promotes a complementary relationship between NATO and the EU.

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