ПРАВО

Constructive or Destructive? The Role of NATO in CFSP/CFDP of EU

Khudoyan G. M.
Postgraduate student at Educational Complex
of Police of the Republic of Armenia(Yerevan, Armenia)
khudoyan@police.am

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Կառուցողակա՞ն, թե՞ ապակառուցողական։ ՆԱՏՕ-ի դերը ԵՄ Ընդհանուր արտաքին և անվտանգության քաղաքականությունում

Խուդոյան Գ. Մ.
ՀՀ ոստիկանության կրթահամալիրի ասպիրանտ (Երևան, Հայաստան)
khudoyan@police.am

Ամփոփում` Ներկայացված գիտական հոդվածում հեղինակը ուսումնասիրում է Հյուսիսատլանտյան դաշինքի կազմակերպության (ՆԱՏՕ), ինչպես նաև ԵՄ Ընդհանուր արտաքին և անվտանգության քաղաքականության և դրա ինստիտուտների ձևավորման հիմնահարցերը։ Հոդվածում նույնպես դիտարկվում են ՆԱՏՕ և ԵՄ Ընդհանուր արտաքին և անվտանգության քաղաքականության հարաբերակցությունը և փոխազդեցությունը միմյանց նկատմամբ։ Ներկայացված խնդրի շրջանակներում հեղինակի կողմից առաջ են քաշվում սեփական եզրահանգումներ։

Վճռորոշ բառեր` ՆԱՏՕ, ԵՄ Ընդհանուր արտաքին և անվտանգության քաղաքականություն, ՆԱՏՕ իրավական գերակայություն, Եվրոպական անվտանգության և պաշտպանության ինքնություն, ստորադասում, ԵՄ մասին պայմանագիր, միջկառավարական։

Конструктивная или деструктивная? Роль НАТО в Общей внешней политике и политике безопасности Европейского Союза

Худоян Г. М.
аспирант Образовательного комплекса полиции Республики Армения (Ереван, Армения)
khudoyan@police.am

Резюме: В научной статье автор рассматривает вопросы создания Организации североатлантического договора (НАТО), формирования Общей политики безопасности и обороны Европейского Союза, а также их институтов. В статье рассматриваются также вопросы соотношения и влияния друг на друга НАТО и Общей политики безопасности и обороны Европейского Союза. Автор сделал собственные выводы по поводу рассматриваемой проблемы.

Ключевые слова: НАТО, Общая политика безопасности и обороны ЕС, правовое превосходство НАТО, идентичность европейской безопасности и обороны, субординация, Договор о Европейском Союзе, межправительственный.

The security and stability are values, which were conquered over the centuries. In this regard, with a view to form a common prosperity, coherent formation of military alliances for self-defending becomes necessary, and the main purpose of each politico-military alliance should be the preservation of peace, security and order. At the time of post-world War II, from Western European point of view the geopolitical situation demonstrated the need of creation of militarized organization for the above-mentioned purposes. Anyway, the formation of such alliances, as NATO also had its own specific goals

and objectives. How much they have been achieved, a controversial issue.

Nonetheless, further European integration, the formation of EU with its own policies, and the need to have its own military forces in the existing unstable geopolitical reality forced to challenge the issue of legal and factual location on its sovereign territory of such kind of militarized organization. For a full perception of the problem, it is necessary to reveal the role and influence of the NATO on the process of formation of EU Common Foreign and

Security/ Defense policies and its importance for EU's regional and global security.

The architecture of Euro-American alliance originates right after World War II, when it became clear that Soviet military power was the main threat to European stability and that balancing such threat would be impossible without implicating the US in the security of Europe. The 1949 Treaty of Washington created NATO and committed the US to the defense of Western Europe[1]. By doing so, it de facto subdued the Dunkirk and Brussels structures[2]. Ever since 1949, NATO would become the key referent of the (Western) European security system. From the very beginning in 1949, the alliance has wrestled with the problem of optimization security and defence assets: it continues today to puzzle over the most rational application of defence means to security ends, even though the old threat has disappeared[3]. The Alliance underpinned a balanced of power that turned around *three main elements*: keeping the *Russians out, the Germans down and the Americans in*. The question of West Germany's fitting in NATO and the Brussels framework, however, remained unresolved[4]. After 1951, economic aid through the Marshall Plan was transformed into military aid to equip NATO and in 1954 to rearm West Germany to be NATO's military shield against the Soviet Union[5]. Nevertheless, despite the development in this direction in 1960, President de Gaulle tried to revamp the idea of European defence cooperation, this time through intergovernmentalism. De Gaulle was frustrated by the EEC's supranational biases and by France's exclusion from NATO's Anglo-American *directoire*, which in his view resulted in the strategic subordination of West Germany and of Europe to the Anglo-Saxons (Peyrefitte 1994)[6]. The strategic and policy preferences of the *Big Three* would guide the development of EPC after it was created. *Britain* would continue to insist that it be kept intergovernmental and informal and that the NATO framework be respected. *France,* while pushing for more institutionalized cooperation, insisted too that the process should remain intergovernmental. *West Germany*, for its part, would seek to advance towards more supranational forms of European defence cooperation[7].

The texts of both founding treaties of the EU and NATO, read in conjunction, contain a clear *preference for NATO's role in European security in general*. Art. 8 North Atlantic Treaty contains a general conflict clause regarding past, present and future third engagements in favour of obligations of the parties arising from the North Atlantic Treaty (thereafter NAT). It is a very strong conflict clause, comparable to Art. 103 UN Charter (to which it is, however, subjected). The historical origins of this clause should be seen in the fact that, in 1949, both Britain and France were still parties to wartime military alliances with the Soviet Union dating from the Second World War Art. 8 not only binds the parties to refrain from conflicting legal commitments with third parties, but also between themselves. The reach of this article goes beyond the obligations contained in the NAT, that is, mutual self-defense. This last point - that Art. 8 NAT extends to activities outside mutual defence - has, however, been rejected by recent scholarship[8].

Foreign policy and defence have been coordinated among west European states since 1949 within the broader framework of the NAT, under US leadership[9]. In the 1990s, some EU member states-like the United Kingdom wanted to build a European pillar inside NATO and protect the dominance of the Alliance. Other EU member states-like France and Germany-wanted to focus on strengthening the already existing Western European Union (WEU)[10]. WEU would be asked to 'elaborate and implement decisions and actions of the Union which have defence implications'. Based on this provision, one could easily be led to believe that we would never witness the creation of a European Security and Defence Policy. Nevertheless, even this carefully phrased compromise obviously helped recalcitrant Member States (the UK in particular) to get used to the idea of a future role for the EU in this area. The Amsterdam Treaty (1997, entry into force in 1999) turned Article J.4 into Article 17, and took another subtle step forward by formulating a common

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[1] Sḫ́u Global NATO, By Ivo Daalder and James Goldgeier (Foreign Affairs, 2006), p. 2: Web source: https://www.foreignaffairs.com/articles/2006-09-01/global-nato: Sḫ́u ́uшù Ferdinand Gjana, The EU-NATO relations in post-Cold War era (Rome, Italy 2015), p. 16:

[2] Sḫ́u Ferdinand Gjana. ú2ɥ. ш2ʃu., p. 15:

[3] Sḫ́u NATO and European security: alliance politics from the end of the Cold War to the age of terrorism / edited by Alexander Moens, Lenard J. Cohen, and Allen G. Sens. (Praeger 2003), p. 6:

[4] Sḫ́u Luis Simón. Geopolitical Change, Grand Strategy and European Security. The EU-NATO Conundrum in Perspective Institute for European Studies, (Vrije Universiteit, Belgium, 2013), p. 184:

[5] Sḫ́u Ferdinand Gjana. ú2ɥ. ш2ʃu., p. 13:

[6] Sḫ́u Luis Simón. ú2ɥ. ш2ʃu., p. 187:

[7] Sḫ́u Luis Simón. ú2ɥ. ш2ʃu., p. 189:

[8] Sḫ́u The EU-NATO relationship: a legal and political perspective / by Martin Reichard. (Routledge 2006), p. 148.

[9] Sḫ́u Foreign and Security Policy, The Painful Path from Shadow to Substance, William Wallace (Pmeu 2005), p. 430.

[10] Sḫ́u The Future of the European Security and Defence Policy. Josef Alt, Edwina S. Campbell (Maxwell, Alabama 2006), p. 2:

defence policy as an objective of the European Union, rather than a mere possibility[11].

With the Treaty on European Union - signed on 7 February 1992 in Maastricht - the signatories also agreed on the development of a CFSP within the EU. The global ambitions of the EU are not limited to foreign policy, but include a clear security and defence dimension[12]. The 'Provisions on the Common Security and Defence Policy' (CSDP) are laid down in Section 2 of Chapter 2 TEU called 'Specific Provisions on the Common, Foreign and Security Policy'. Indeed, Article 42 (1) provides that "The common security and defence policy shall be an integral part of the common foreign and security policy". Since both CFSP and CSDP deal with 'security' and that concept is not defined by the treaty, it has always been unclear where to draw the line[13]. The Maastricht Treaty objectives was implied that there is a difference between the security of the Union and the security of the Member States, since the objective originally read, "To strengthen the security of the Union and its Member States in all ways". Thus, the objective was not only aimed at strengthening the security of the Union, but also at the security of individual Member States. Nevertheless, the apparent confusion raised by this distinction must have been the reason to delete that reference. These days, the objectives in Article 21 (2) TEU simply state that the Union shall "[…] safeguard its values, fundamental interests, security, independence and integrity"[14]. Although all concepts are not defined by the treaties, practice reveals that CFSP would be linked more to 'Foreign Affairs', whereas CSDP would be the responsibility of the Defence Ministries. This would also draw a relative clear line of division between 'military security' (CSDP) and other forms of security (CFSP). A true common foreign, security, and defence policy depends on the positioning of the Union as a cohesive force in international relations. In fact, the whole purpose of establishing a CFSP in the first place was to make an end to the often-diverging foreign policies of the Member States[15].

However, the different provisions on security and defence policy are far from clear. Obviously, they can again be seen as compromises between states in favour of more integration in this area and states that are afraid of losing control[16]. In conformity with the legal restrictions on NATO members, Art. J.4 (later: Art. 17) TEU was drafted and subsequently interpreted as preventing any diminution of the role of NATO, a point of particular importance to the then John Major government of the UK[17]. It is still today read as an expression of ***NATO's legal primacy*** in the TEU. In addition, it establishes a 'close vinculation' of the defence policies of the EU and NATO. The requirement of compatibility with NATO is seen to set clear legal limits for ESDP. On the other hand, according to Art. 17, para. 4 TEU, the *CFSP*, in turn, sets limits to closer military cooperation of member States in the framework of the WEU or NATO, although it is less clear how the EU would control this[18]. The treaty-based ***primacy of NATO*** in the EU has been maintained in the new European Constitution[19], to NATO's satisfaction. Began, with Maastricht, to assume in addition to its primary economic role a political role as the European Union (with its Common Foreign and Security Policy), gradually taking on responsibility for security in Europe and its near neighbors[20], it crossed the original Rubicon of the Rome Treaties[21] and ventured into ground traditionally covered by NATO. NATO's one-time security monopoly ceased to exist[22], and the possibility was opened for institutional competition[23]. However, the entry of the EU into the security sphere did not just represent an additional actor in the scene of international security institutions. It was also a phenomenon of

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[11] Տե՛u Differentiation in EU Foreign, Security, and Defence Policy: Between Coherence and Flexibility Ramses A. Wessel (International Organizations Law Review · January 2007) p. 244:

[12] Տե՛u S. Blockmans and R.A. Wessel, 'The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?', in Journal of Conflict and Security Law, 2009, No. 2, pp. 265, 308.

[13] Տե՛u Ramses A. Wessel. Common Foreign, Security and Defence Policy (Oxford/Malden: Wiley-Blackwell, 2016), p. 404:

[14] Տե՛u նույն տեղում:

[15] Տե՛u Differentiation in EU Foreign, Security, and Defence Policy: Between Coherence and Flexibility Ramses A. Wessel

(International Organizations Law Review · January 2007), p. 247:

[16] Տե՛u Ramses A. Wessel. Common Foreign, Security and Defence Policy (Oxford/Malden: Wiley-Blackwell, 2016), p. 405:

[17] Տե՛u Speech by J. Major (British PM) moving the bill on the Maastricht Treaty in the British Parliament, partly reprinted in: WEU Assembly Doc. 1333, para. 182:

[18] Տե՛u Martin Reichard. նշվ. աշխ., p. 149:

[19] Տե՛u European Constitution, Art. I-41, paras. 2 and 7: Տե՛u նաև՝ Martin Reichard. նշվ. աշխ., p. 149:

[20] Տե՛u Jolyon Howorth, Discourse, Ideas, and Epistemic Communities in European Security and Defense Policy (27 West European Politics, 2004), p. 211:

[21] Տե՛u Anne Deighton, The Military Security Pool: Towards a New Security Regime for Europe? The International Spectator, (Volume 35, 2000 - Issue 4) pp. 41-42:

[22] Տե՛u Martin Reichard. նշվ. աշխ., p. 4:

[23] Տե՛u Anne Deighton, The European Security and Defense Policy, (JCMS, 2002, Volume 40, Issue 4), p. 719:

the new emphasis in international security on crisis management[24].

Next step was the North Atlantic Council ministerial meeting in June 1996 in Berlin. This saw acceptance of the idea of establishing a European Security and Defence Identity (ESDI) - as it was then termed-within NATO, and approval of an overall political-military framework for what were known as Combined Joint Task Forces (CJTF)[25]. The CJTF concept, launched in 1993, was designed to allow for NATO-WEU cooperation for Petersberg-type tasks. Using U.S. military doctrine, CJTFs a means to allow various coalitions of European and or Partnership for Peace countries to contribute peace support operations[26]. After the Helsinki decision to move to an ESDP, the April 1999 Washington summit agreed on the so-called 'Berlin-plus' compromise. This came in four parts: 'assured EU access to NATO planning capabilities'; 'the presumption of availability to the EU of pre-identified NATO capabilities and common assets'; 'identification of a range of European command options'; and 'the further adaptation of NATO's defence planning system to incorporate more comprehensively the availability of forces for EU-led operations'[27]. Moreover, Helsinki Summit member states agreed to form by 2003 a multinational army corps of up to 60.000 troops[28]. Additionally, the CJTF provided deployable headquarters that could be employed by WEU-led operations. Thereby, the CJTF supported building ESDI within NATO. With these actions, the Alliance reaffirmed support for building ESDI inside NATO to rebalance tasks and responsibilities between Europe and the United States[29]. NATO member states made collective assets and capabilities of the Alliance available to EU-led military missions, and initiated the concept of CJTF[30].

Therefore, the creation of ESDP after the Amsterdam Treaty in 1997 was thus a logical next step to the CFSP[31], also in tune with popular expectations by many Europeans[32]. Anyway, it is important to distinguish the EU's European Security and Defence *Policy* (ESDP) from NATO's European Security and Defence *Identity* (ESDI)[33]. ESDI is an older NATO concept, an attempt made in the early 1990s to shift responsibility and influence *within* the Alliance to the European allies. However, the ***fundamental difference*** between the two is that ESDP is fully an EU project (even though, in many areas, factual cooperation with NATO remains essential), while ***ESDI is (or was) always part of NATO***[34]. ESDI was to entail allowing EU forces to be separated out from the NATO force pool in order to undertake a mission with which the United States or "the Alliance as a whole" did not wish to be involved. ESDI was therefore envisioned as a facilitating mechanism within NATO that hinged around the notion of "***separable but not separate***" forces. A key feature was pre-designation of a European command chain allowing the Deputy Supreme Commander (DSACEUR), a European officer, to command a WEU-led operation[35].

Nevertheless "European Security and Defense Identity," "European Security and Defence Policy," and "Common European Security and Defence Policy (CESDP)" are terms of art. NATO, which still proceeds with the preference for creating a European pillar within itself, potentially drawing upon military capabilities "***separable but not separate***" from the alliance, continues to use the term ESDI, which was first introduced in the Maastricht Treaty. The EU, by contrast, beginning with the Cologne European Council in June 1999, and formally at the December 1999 Helsinki European Council, shifted to using the term ESDP, to emphasize that this was a "policy" of the EU, and not just an "identity" derived from NATO. Adding the "C"- for common - does not change the sense of ESDP and thus has no great political significance; but it does bring "CESDP" into parallel with the

[24] Տե՛u Stelios Stavridis, "Militarising" the EU: The concept of civilian power Europe revisited (Taylor & Francis 2001, 36 (4)), pp. 43-44:

[25] Տե՛u P. Cornish, Partnership in crisis: the US, Europe and the fall and rise of NATO (London: RIIA, 1997), p. 97: Տե՛u նաև՝ Text of Secretary Albright's remarks to the North Atlantic Council ministerial meeting, Brussels, December 8, 1998:

[26] Տե՛u Alexander Moens, Lenard J. Cohen, and Allen G. Sens. նշվ. աշխ., p. XX:

[27] Տե՛u Washington Summit Communiqué, NAC-S (99)64, 24 April 1999, para. 10.; See in Beyond the EU/NATO dichotomy: the beginnings of a European strategic culture. Paul Cornish and Geoffrey Edwards, International Affairs 77, 3 (2001), p. 590:

[28] Տե՛u Alexander Moens, Lenard J. Cohen, and Allen G. Sens. նշվ. աշխ., p. 71:

[29] Տե՛u The Future of the European Security and Defence Policy. Josef Alt, Edwina S. Campbell (Maxwell, Alabama 2006), p. 2:

[30] Տե՛u Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 3:

[31] Տե՛u R. de Wijk, The Reform of ESDP and EU–NATO Cooperation, The International Spectator, (Volume 39, 2004 - Issue 1), pp. 71-72:

[32] Տե՛u F.S. Larrabee, ESDP and NATO: Assuring Complementarity, The International Spectator, (Volume 39, 2004 - Issue 1), pp. 51-53:

[33] Տե՛u Martin Reichard. նշվ. աշխ., p. 49: Տե՛u նաև՝ Jolyon Howorth, European integration and defense: the ultimate challenge, ((Paris 2000), Chaillot Paper 43), p. 5:

[34] Տե՛u Martin Reichard. նշվ. աշխ., p. 10: Տե՛u նաև՝ Jolyon Howorth, European integration and defense: the ultimate challenge, ((Paris 2000), Chaillot Paper 43), p. 26:

[35] Տե՛u Ferdinand Gjana. նշվ. աշխ., p. 115:

overarching Common Foreign and Security Policy (CFSP). It has also been argued that CESDP is an acronym easier to handle in some EU languages than ESDP. At NATO sometimes "identity" is used to denote NATO's part of the relationship and "policy" to The European Security and Defense Policy[36]. Five other factors affecting relations between NATO and EU/ESDP- and thus of concern to the United States about the latter's evolution- either came into play after Helsinki or were intensified by decisions made there. These factors involved (1) military and economic cultures, (2) arm's-length NATO-EU relations, (3) a European caucus in NATO, (4) defense production and trade, and (5) crisis management[37]. Thus emerged the grand bargain: The NATO Alliance would help to facilitate the creation of ESDI, but not as a completely independent entity, likely to rob NATO both of resources and, potentially, of capacity to be politically and militarily effective. Instead, ESDI would be built within NATO, possibly drawing upon military capabilities "***separable but not separate***" from the alliance. This implied that a portion of the NATO structure would be made available for use by the WEU-ready to be "borrowed," as it were-and thereby becoming a European pillar that was truly of, rather than separate from, the Atlantic Alliance[38]. The concept of a European Security and Defence Identity (ESDI), on which the alliance had now agreed, expressed US willingness to accommodate French sensitivities, as well as US insistence that the European allies should play a larger role in maintaining the security of their own region[39]. In addition, there was agreement that NATO would remain the fundamental medium for security consultations, and there would be "… full transparency between NATO and the WEU in crisis management…"[40]. With these agreements, ESDI became a "***separable but not separate***" part of NATO[41]. Whatever NATO "assets" were to be made available to the WEU, it should be done in a way that NATO's capacity to act would not be impaired, nor would there be "two NATOs"- one for implementing requirements under Article 5 of the Washington Treaty of 1949 ("the North Atlantic Treaty") and one for so-called non-Article 5 operations, such as peacekeeping or peacemaking. In effect, if the new ESDI were "separated" from NATO, the capacity of the latter to act effectively would not-at least in theory-be impaired in any material way[42]. The EU is now, after the almost total merger of the WEU, itself its military arm, but really autonomous EU capacities are seen as either impossible or undesirable. Therefore, negotiations on the relations between NATO and the EU have become increasingly central, and complex. A significant problem is that it is not easy to delimit clearly the issues under discussion. It is not a question of a mere agreement on the possibility to use some NATO assets; it is also a matter of the two organizations' decision-making autonomy. Indeed, the relations seem to have become rather wider than narrowly defined, as, e.g., the emerging practice of joint meetings on all levels shows.

At the Anglo-French summit at St. Mâlo, on 3-4 December 1998, British Prime Minister Tony Blair and French President Jacques Chirac shifted the focus of common defence and security from the WEU to the European Union. The British Prime Minister and the French President declared that the European Union should have the capacity to respond to international crises when NATO doesn't want to get involved. "In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures… taking account of the existing assets of the WEU and the evolution of its relations with the EU[43]. It was only the St. Mâlo process driven jointly by France and the UK after the latter's turn-about on European defense in 1998 which 'let the genie out of the bottle' and created the real possibility of a European defense capacity autonomous of the Atlantic alliance[44]. St. Mâlo noted that the EU would also require new institutional structures for policy formulation and implementation, including analytical capability, intelligence gathering, and strategic planning[45]. In addition, at the semiannual NATO foreign ministers' meeting in Brussels on December 8, US Secretary of State Madeleine Albright gave the first, quick U.S. response to St. Mâlo. She recalled U.S. support for an ESDI "within the Alliance," and stated that "we enthusiastically support any such measures that

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[36] Տե՛u Robert E. Hunter, The European Security and Defense Policy: NATO's Companion- or Competitor? (RAND 2002), p. 31; See in the Meeting of the North Atlantic Council in Defence Ministers' Session, June 13, 1996, op. cit., regarding "the concept of one system capable of performing multiple functions".

[37] Տե՛u Robert E. Hunter. նշվ. աշխ., p. 71:

[38] Տե՛u Robert E. Hunter. նշվ. աշխ., p. 13:

[39] Տե՛u Foreign and Security Policy, The Painful Path from Shadow to Substance, William Wallace (Pmeu 2005), p. 442.

[40] Տե՛u Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 4:

[41] Տե՛u Robert E. Hunter. նշվ. աշխ., p. 18:

[42] Տե՛u նույն տեղում:

[43] Տե՛u Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 4:

[44] Տե՛u Jolyon Howorth, European integration and defense: the ultimate challenge, ((Paris 2000), Chaillot Paper 43), p. 4:

[45] Տե՛u Alexander Moens, Lenard J. Cohen, and Allen G. Sens. նշվ. աշխ., p. 85:

enhance European capabilities[46]. Then, Madeleine Albright, set the tone of American attitudes to ESDP, with her *'3 Ds'* statement, which outlined that the US welcomed an EU defence policy as long as it met three conditions: *no de-coupling* of the US from Europe; *no discrimination* against non-EU NATO members (such as Turkey); and *no duplication* of NATO assets (such as military planning headquarters)[47]. Thus the U.S. introduction of this "D" after St. Mâlo was designed to underscore a substantive point, especially in view of one underlying idea of ESDI: It is about increasing the storehouse of European security, writ large, by creating a capacity for EU states to have a Common Foreign and Security Policy and a defense component able to respond to CFSP decisions, at least regarding Petersberg Tasks[48]. It will be ensured that ESDI is based on three key principles, the three I's: improvement in European defense capabilities; inclusiveness and transparency for all Allies, and the indivisibility of transatlantic security, based on our shared values[49]. At the EU Cologne summit in June 1999, it was determined that the WEU would not become part of the European Union; instead the EU would adopt WEU-like functions to deal with the ESDP. The Cologne declaration reiterated the objectives set out at St. Mâlo, with the added precision that the EU would assume responsibility for "the full range of conflict prevention and crisis management tasks defined in the Treaty of the European Union, the so-called 'Petersberg Tasks,' hitherto the responsibility of the WEU[50]. Turkey was extremely disturbed by the new ESDP. Turkey had previously taken part in all the security discussions of the WEU, but ESDP didn't offer that possibility because Turkey was not a member of the European Union[51]. Therefore, Turkey was very alarmed about "… a potential loss of influence and

in particular a situation in which Greece might be able to call upon the EU's rapid reaction force, which in turn would be able to call upon NATO assets for use in a conflict with Turkey in the Aegean."[52]. For that reason, Turkey decided in 2000 to "… block any EU access to NATO capabilities through exercising its veto in the NAC, unless Turkey is given 'appropriate' influence in the ESDP structures."[53]. Finally, after years of high-level negotiations, the EU and NATO resolved the long-running dispute between Turkey and Greece in December 2002[54].

With the Treaty of Nice (2001), a security and defence policy (ESDP) has finally become part of the competences of the European Union as a subdivision of the Common Foreign and Security Policy (CFSP)[55]. The signing of the "NATO-EU Declaration on ESDP" on 16 December 2002 formed the basis for the practical work between both organizations[56]. The question under discussion is closely intertwined with such questions as should the EU operate in the military field, even establish a European Army? How and when would governments decide to use the EU rather than NATO? How 'autonomous' was the force to be? What was the relationship with NATO?

After the EU-NATO declaration on ESDP in December 2002, on 17 March 2003 the EU and NATO announced they had signed a 'framework for cooperation' which included an agreement on the Berlin Plus arrangements, most of which remains classified[57]. This quickly led to the EU initiating its first peacekeeping operation using the Berlin Plus mechanism in the Former Yugoslav Republic of Macedonia (FYROM), replacing the NATO operation in that country. Overall, EU-NATO cooperation seemed to work very smoothly for the FYROM operation. However, the constructive spirit that could have arisen from that experience had already been shattered by splits between EU Member States over the US invasion of Iraq, which

[46] Տե՛ս The text of Secretary Albright's remarks to the North Atlantic Council ministerial meeting, Brussels, December 8, 1998:

[47] Տե՛ս Madeline K. Albright, 'The right balance will secure NATO's future', Financial Times, 7 December 1998.; European Security and Defence Policy: the frst ten years (1999-2009), Edited by Giovanni Grevi, Damien Helly and Daniel Keohane (EU Institute for Security Studies 2009), p. 128:

[48] Տե՛ս Robert E. Hunter. նշվ. աշխ., p. 37:

[49] Տե՛ս NATO, November 15, 1999, op. cit. Compare the first part of this statement with that of the French defense minister in February 2001: "what might damage the cohesion of the Alliance would be for Europeans to have failed to decide to improve their military capabilities" (Alain Richard, February 3, 2001).

[50] Տե՛ս Alexander Moens, Lenard J. Cohen, and Allen G. Sens. նշվ. աշխ., p. 85:

[51] Տե՛ս Defending Europe. The EU, NATO, and the Quest for European Autonomy: Howorth, J., Keeler, J. (Eds.), (Palgrave Macmillan US, 2003), p. 143-144:

[52] Տե՛ս Van Oudenaren, John. Uniting Europe: an introduction to the European Union. (2nd ed. Lanham, MD: Rowman & Littlefield, 2005.), p. 311:

[53] Տե՛ս Howorth, J., Keeler, J. նշվ. աշխ., p. 151:

[54] Տե՛ս Howorth, J., Keeler, J. նշվ. աշխ., pp. 140-150:

[55] Տե՛ս R. A. Wessel, 'The State of Affairs in European Security and Defence Policy: The Breakthrough in the Treaty of Nice' J of Conflict & Security L (vol 8, no 2 (2003)), p. 225:

[56] Տե՛ս Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 8:

[57] Տե՛ս Statement by NATO's Secretary General – Berlin-Plus, Brussels, 17 March 2003 in Antonio Missiroli (ed.), 'From Copenhagen to Brussels – European Defence: Core Documents, vol. IV', Chaillot Paper no. 67, European Union Institute for Security Studies, Paris, December 2003, pp. 48-49:

began only three days after the EU-NATO framework was signed[58].

NATO and the EU agreed in December 2003 on further NATO-EU consultation and planning. In this context, the EU established a permanent cell at Supreme Headquarters Allied Powers Europe (SHAPE) in Mons, Belgium, and NATO created a permanent liaison team at the European Military Staff in Brussels, Belgium[59]. Obviously, no reference is made to the creation of a 'European army'. Any explicit hints in that direction would have been unacceptable for certain Member States[60].

This could ultimately lead to a EU-NATO fusion[61]. Because of the inherent interlinkages between different fields in the EU, a fusion would imply that the non-EU NATO countries, particularly the USA, would become involved in the EU's other policy fields as well, not only the ESDP. The only way to avoid this would be to build a 'fire-wall' to impede 'filtering' or impeding the spillover that would otherwise take place. This 'fire-wall' would isolate security and defence from other fields of EU policy, making it an exception where decision-making rights would be shared with NATO. As an outcome, the fire-wall would mean isolating defence from the EU's overall development and keeping it firmly intergovernmental, letting military decisions fall in the field of NATO. In this fusion alternative, NATO would thus provide the crucial answers to questions on ESDP development, as it would be very likely that it would already have them[62].

It is necessary to fully represent the similarity and difference between European and American approaches: Divergent Interests - Iran cases, Afghanistan, Iraq, Russian sanctions etc., and it also nearly different vectors of moving and different value systems.

Will, or rather, should the EU challenge the traditional division of labour with the US/NATO, which has been condescendingly described as the Americans 'making the dinner' and the Europeans 'doing the dishes', in other words, the US fights and the EU deals later with peacekeeping, reconstruction

and nation-building[63]. A new framework exists today in which US security priorities do not have to be considered to the same degree: ESDP. The slowly shifting balance in European security from NATO to the EU thus seems to be helped by NATO's new global reorientation[64].

R. Asmus et al. noticed already in 1996 a growing divergence between US and European security priorities and apparently differing perceptions on the two sides of the Atlantic regarding vital national interests. There is thus a disconnect between current NATO missions and top US concerns regarding serious threats to perceived American vital interests: proliferation, the Persian Gulf, and Northeast Asia[65].

NATO fosters reassurance among its members is by integrating their security policies. To varying but usually substantial degrees, NATO countries formulate and execute their security policies as part of the alliance rather than on a purely national basis. This denationalization of security policy tempers the natural rivalry and competition for military primacy that might otherwise occur among the major European powers, and it helps to preclude any intra-European use of military posturing for political influence. Should renationalization occur, on the other hand, it "could give rise to concerns about internal imbalances in Western Europe "and generate renewed mistrust, competition, and even conflict[66].

The EU`s continued ***subordination*** to US economic power and dependence on US military technology stunts the effectiveness of the EU powers' imperial strategies, which are being feeble addressed through the formation of an EU military outfit. The bombing of Yugoslavia, at the same time that it annihilated the divisionary power of UN Security Council, also underlined the subordination of NATO-member EU powers to US strategic imperatives. Within NATO, the US continues to dominate with the aid of the UK, an obedient and mediating EU-NATO ally. For this reason, there are attempts to make the EU a superpower, absorbing only those eastern European states that further

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[58] Տե՛u Giovanni Grevi, Damien Helly and Daniel Keohane. նշվ. աշխ., p. 130:

[59] Տե՛u Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 8:

[60] Տե՛u Differentiation in EU Foreign, Security, and Defence Policy: Between Coherence and Flexibility Ramses A. Wessel (International Organizations Law Review · January 2007) p. 235:

[61] Տե՛u Dr. Hanna Ojanen. Theories at a loss? EU-NATO fusion and the 'low-politicisation' of security and defence in European integration, (Finnish Institute of International Affairs (UPI)), p. 13:

[62] Տե՛u Dr. Hanna Ojanen. նշվ. աշխ., p. 14:

[63] Տե՛u The quest for a European strategic culture: changing norms on security and defence in the European Union/Christoph 0. Meyer. (Palgrave Macmillan, London 2006), p. 176:

[64] Տե՛u Martin Reichard. նշվ. աշխ., p. 119:

[65] Տե՛u R. D. Asmus / R.D. Blackwill / F.S. Larrabee, Can NATO Survive? The Washington Quarterly Volume 19, Issue 2 (RAND 1996), pp. 79-88:

[66] Տե՛u John S. Duffield, NATO's Functions after the Cold War. Political Science Quarterly, Vol. 109, No. 5 (Winter, 1994-1995), p. 775:

strengthen the process[67]. The United States did not want a decoupling of Europe's security from its own, a duplication of effort or capabilities, nor discrimination against those NATO allies outside the EU[68]. The US needs NATO to legitimize its ongoing presence and influence in Europe'[69]. The US, through NATO, underpins the readiness of many European States to engage in security and defence cooperation and integration at the EU level[70]. For instance, in the medium term, strategic-military cooperation under ESDP seems to have been accelerated by the Iraq dispute, despite the eclipse of the CFSP during the crisis. This also brings the EU a few steps closer to becoming a global actor, a goal that finds increasing support in public opinion after the Iraq crisis. It is an interesting continuation of the fast improvements which European security policy saw as a result of the frustrations over European incapacity in the Balkan Wars[71].

It needs to be solid, sustained political and military *dialogue between the EU- through ESDP/CFSP- and NATO* and between national governments and parliaments. This is especially true regarding the U.S. Congress. In particular, the transatlantic dialogue on "burden sharing" has often been poisoned by different definitions of the term: with the United States' focusing almost exclusively on military activity; and with the Europeans' demanding credit for nonmilitary contributions to a broader definition of "security". A thoughtful dialogue across the Atlantic is essential if burden sharing is not to become an increasing irritant in transatlantic relations[72]. Today's skeptical sight of the U.S. policy towards the ESDP will improve, if the future development of the ESDP is seen as consistent with the interests of the United States. The U.S. hopes that the ESDP will provide additional, credible and more autonomous military capabilities for European responses to security concerns-this would relieve the United States of some military burdens. In addition, the U.S. expects that the common ESDP will make the EU member states more willing to use those new military capabilities to conduct military missions in accordance with the Petersberg Tasks beyond

Europe's borders[73]. Finally, there is the intangible matter of American prestige. Perhaps no development would symbolize the decline of U.S. power and international influence more than would the effective demise of NATO[74].

There is a premium on the rapid completion of basic ESDP and CFSP institution building-even though political maturation is still many years away-so that attention, both at the EU and, by default, at NATO, can begin moving from the current intense focus on developing bureaucratic structures related to ESDP and toward the what, the how, and the how much (in terms of real capabilities) of European security[75].

The question of the relationship between the European Rapid Reaction Force and the NATO Response Force is another aspect of the theoretical question of *NATO primacy*. This question, which remains at best unclear from EU and NATO statements over time, cannot be decided in the affirmative from the EU and NATO peacekeeping practice either[76].

The reality is that today the Europeans could not conduct autonomous military operations without NATO. Incapability of creation of own military component nullifies all efforts in the security and defence area. All ESDP operations, currently and in the past, "… have been conducted from within NATO command structures, employing NATO assets."[77]. Therefore, in the situation when the national interests of Americans or Europeans will be opposed to each other the European system of security to show one's insolvency. The ESDP will be a significant policy only if all the member states collectively commit themselves to common security interests and practices. European Community should be guided only by their national interests and not flirted with a big brother and serve alien interests. All mentioned became actual in connection with the recent statements concerning NATO to increase in paid contribution from part of member states. US president Donald Trump used his first NATO summit on 25 May 2017 to demand European allies pay more towards their defence. "NATO members must finally contribute their fair share and meet their financial obligations," Mr. Trump said, while other leaders looked on awkwardly[78]. Europeans have decided that it's better to pay for own armed

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[67] Տե՛ս Empire's New Clothes. Unveiling EU Enlargement / edited by József Böeöcz and Melinda Kovács- Salvatore Engel-Di Mauro (Central Europe Review ltd., UK 2001), p. 135:

[68] Տե՛ս Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 9:

[69] Տե՛ս J. Howorth, ESDP and NATO - Wedlock or Deadlock? (Coop. & Confl. Vol 38, Issue 3, 2003), p. 236:

[70] Տե՛ս Martin Reichard. նշվ. աշխ., p. 37:

[71] Տե՛ս Martin Reichard. նշվ. աշխ., p. 42:

[72] Տե՛ս Robert E. Hunter. նշվ. աշխ., p. 21:

[73] Տե՛ս Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 12:

[74] Տե՛ս John S. Duffield. նշվ. աշխ., p. 786.

[75] Տե՛ս Robert E. Hunter. նշվ. աշխ., p. 155:

[76] Տե՛ս Martin Reichard. նշվ. աշխ., p. 355:

[77] Տե՛ս Josef Alt, Edwina S. Campbell. նշվ. աշխ., p. 19:

[78] Web source: http://www.telegraph.co.uk/news/2017/05/25/trump-demands-europe-pay-toward-nato-excoriating-speech-brussels/(on 15.11.2017, at 16:05):

forces and make it reality. The 13 November 2017 has been a truly historic day for the European Union: 23 European countries have signed on a "Permanent Structured Cooperation" in the field of defence. Technically, it is called PESCO, in practice it is the foundation of a future European defence. Member States have agreed to work together to make European citizens more secure, to rationalize spending through joint investments in research and development for new assets, to set up joint initiatives to be more effective and efficient, because a strong Europe can only make NATO stronger[79].

In this context, it is obvious, that the role of NATO in European Defence system should be considered more as ***Destructive,*** as long as Europeans cannot build something theirs if they do not control and rolling them. European national interests became secondary. Moreover, NATO never miss the opportunity of military presence and influence in European continent thereby ensuring American interests. In addition, since presence and influence of NATO on the European continent is a fact, then it is impossible consider European security and armed forces as an independent and self-reliant.

Bibliography

1. *Luis Simón.* Geopolitical Change, Grand Strategy and European Security The EU-NATO Conundrum in Perspective ***Institute for European Studies, (Vrije Universiteit, Belgium, 2013), 286 p.***
2. Speech by J. Major (British PM) moving the bill on the Maastricht Treaty in the British Parliament, partly reprinted in: WEU Assembly Doc. 1333, para. 182.
3. European Constitution (Art. I-41).
4. Dr Hanna Ojanen. Theories at a loss? EU-NATO fusion and the 'low-politicisation'of security and defence in European integration, (Finnish Institute of International Affairs (UPI)) 19 p.
5. Jolyon Howorth, European integration and defense: the ultimate challenge, ((Paris 2000), Chaillot Paper 43), 114 p.
6. Jolyon Howorth, Discourse, Ideas, and Epistemic Communities in European Security and Defense Policy (27 West European Politics, 2004), pp. 211-234.
7. Anne Deighton, The Military Security Pool: Towards a New Security Regime for Europe? The International Spectator, (Volume 35, 2000 - Issue 4) pp. 41-54.
8. Anne Deighton, *The European Security and Defense Policy,* (JCMS, 2002, Volume 40, Issue 4), pp. 719-741.
9. Stelios Stavridis, "Militarising" the EU: The concept of civilian power Europe revisited *(Taylor & Francis 2001, 36 (4)), pp. 43-50.*
10. Ferdinand Gjana, The EU-NATO relations in post-Cold War era (Rome, Italy 2015) 241 p.
11. Madeline K. Albright, 'The right balance will secure NATO's future', *Financial Times*, 7 December 1998.; European Security and Defence Policy: the frst ten years (1999-2009), Edited by Giovanni Grevi, Damien Helly and Daniel Keohane (EU Institute for Security Studies 2009), 448 p.
12. Statement by NATO's Secretary General – Berlin-Plus, Brussels, 17 March 2003 in Antonio Missiroli (ed.), 'From Copenhagen to Brussels – European Defence: Core Documents, vol. IV', *Chaillot Paper* no. 67, European Union Institute for Security Studies, Paris, December 2003, pp.48-49.
13. Ramses A. Wessel. Common Foreign, Security and Defence Policy (Oxford/Malden: Wiley-Blackwell, 2016), pp. 394-412.
14. P. Cornish, *Partnership in crisis: the US, Europe and the fall and rise of NATO* (London: RIIA, 1997), 130 p.
15. Washington Summit Communiqué, NAC-S (99)64, 24 April 1999, para. 10.; See in Beyond the EU/NATO dichotomy: the beginnings of a European strategic culture.
    Paul Cornish and Geoffrey Edwards, *International Affairs 77*, 3 (2001) pp.587-603.
16. John S. Duffield, NATO's Functions after the Cold War. Political Science Quarterly, Vol. 109, No. 5 (Winter, 1994-1995), pp. 763-787.
17. Global NATO, By Ivo Daalder and James Goldgeier (Foreign Affairs, 2006), web source: https://www.foreignaffairs.com/articles/2006-09-01/global-nato.
18. Empire's New Clothes. Unveiling EU Enlargement / edited by József Böeöcz and Melinda Kovács-Salvatore Engel-Di Mauro (Central Europe Review ltd., UK 2001) 305 p.
19. The quest for a European strategic culture: changing norms on security and defence in the European Union/Christoph 0. Meyer. (Palgrave Macmillan, London 2006), 211 p.
20. Robert E. Hunter, The European Security and Defense Policy: NATO's Companion- or Competitor? (RAND 2002), 179 p.; See in the Meeting of the North Atlantic Council in Defence Ministers' Session, June 13, 1996, op. cit., regarding "the concept of one system capable of performing multiple functions".
21. Text of Secretary Albright's remarks to the North Atlantic Council ministerial meeting, Brussels, December 8, 1998.
22. NATO, November 15, 1999, op. cit. Compare the first part of this statement with that of the French defense minister in February 2001: "what might damage the cohesion of the Alliance would be for Europeans to have failed to decide to improve their military capabilities" (Alain Richard, February 3, 2001).
23. R. D. Asmus / R.D. Blackwill / F.S. Larrabee, Can NATO Survive? The Washington Quarterly Volume 19, Issue 2 (RAND 1996), pp. 79-101.
24. J. Howorth, ESDP and NATO - Wedlock or Deadlock? (Coop. & Confl. Vol 38, Issue 3, 2003), pp. 235–254

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[79] Web source: http://www.federicamogherini.net/historic-day-pesco/?lang=en (on 15.11.2017, at 16:00):

25. The EU-NATO relationship: a legal and political perspective / by Martin Reichard. (Routledge 2006), 428 p.
26. R. de Wijk, *The Reform of ESDP and EU–NATO Cooperation*, The International Spectator, (Volume 39, 2004 - Issue 1), pp. 71-82
27. F.S. Larrabee, *ESDP and NATO: Assuring Complementarity,* The International Spectator, (Volume 39, 2004 - Issue 1), pp. 51-70
28. S. Blockmans and R.A. Wessel, 'The European Union and Crisis Management: Will the Lisbon Treaty Make the EU More Effective?', in *Journal of Conflict and Security Law*, 2009, No. 2, pp. 265-308.
29. R. A. Wessel, 'The State of Affairs in European Security and Defence Policy: The Breakthrough in the Treaty of Nice' J of Conflict & Security L (vol 8, no 2 (2003)), pp. 265-288;
30. M. Trybus, *European Union Law and Defence Integration* (Oxford: Hart, 2005) ch 3.
31. Differentiation in EU Foreign, Security, and Defence Policy: Between Coherence and Flexibility *Ramses A. Wessel (*International Organizations Law Review · January 2007) pp. 223-248.
32. Foreign and Security Policy, The Painful Path from Shadow to Substance, William Wallace (Pmeu 2005) pp. 229-256.
33. The Future of the European Security and Defence Policy. Josef Alt, Edwina S. Campbell (Maxwell, Alabama 2006), 37 p.
34. Van Oudenaren, John. *Uniting Europe: an introduction to the European Union*. (2nd ed. Lanham, MD: Rowman & Littlefield, 2005.), 401 p.
35. Defending Europe. The EU, NATO, and the Quest for European Autonomy: Howorth, J., Keeler, J. (Eds.), (Palgrave Macmillan US, 2003), 247 p.
36. NATO and European security: alliance politics from the end of the Cold War to the age of terrorism / edited by Alexander Moens, Lenard J. Cohen, and Allen G. Sens. (Praeger 2003), 187 p.
37. Web source: https://www.foreignaffairs.com/articles/2006-09-01/global-nato
38. Web source: http://www.telegraph.co.uk/news/2017/05/25/trump-demands-europe-pay-toward-nato-excoriating-speech-brussels/(on 15.11.2017, at 16:05).
39. Web source: http://www.federicamogherini.net/historic-day-pesco/?lang=en (on 15.11.2017, at 16:00).