



JCBRN Defence COE

Comprehensive Publication on Civil – Military & NATO – EU Cooperation



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Civil – Military
&
NATO – EU Cooperation

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PART I

Cross-Border Cooperation in Case of CBRN incident

- EXTRACT -

Jasper R. Krause

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Abstract

In 2018, the Civil Emergency Planning Committee was tasked by the North Atlantic Council to develop non-binding guidelines to enhance civil-military cooperation to deal with the consequences of large-scale Chemical, Biological, Radiological and Nuclear (CBRN) incidents, which are induced by terrorists. In February 2019, the Defence Ministers Conference of North Atlantic Treaty Organization (NATO) approved the non-binding guidelines and it became crucial to address this topic not only from a domestic point of view, but also from a NATO-level. This has been done within the research and the subsequent report concerning 'Cross-border cooperation in case of CBRN incidents', of which this article is an extract.

Introduction

"They [the signing states] are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area."

(North Atlantic Treaty)

Since 1949, NATO and its nowadays twenty-nine member States are united by its foundation, the North Atlantic Treaty, with the prospect of stability and well-being for their members. Each member State committed by signing the treaty 'to safeguard the freedom, common heritage and civilizations of their peoples' (North Atlantic Treaty).

To adhere to this commitment and give guidance on the implementation, NATO publishes its strategic concept. The first strategic concept of 1949 was purely aimed at the defence of the Alliance, within the land, naval, air and psychological domain (NATO, 1949). NATO then purely focused on the military aspect of the Alliance. Throughout time, NATO began focusing their strategic concepts from inhibiting the spread of communism and towards nuclear defence during times of the Cold War (NATO, 1969).¹ During the post-Cold War period, NATO opted for a broader definition of security (NATO, 2018a), extending their area of operations in geographical terms (Liebe, 2002), but also expanding their scope of operations towards new

¹ The first mentioning of nuclear weapons within one of NATO's strategic concepts was actually within the first strategic concept.

branches and cooperation (NATO, 1991). The trend of extending the perception of security continues and NATO itself, identifies within its latest strategic concept that in order to protect NATO's territory and populations the Alliance must fulfil three core tasks: collective defence, cooperative security and crisis management (NATO, 2010).

Within NATO's strategy towards the proliferation of weapons of mass destruction (WMD) and defence against CBRN threats, it states that NATO will use a comprehensive approach including political, military and civilian means and lend it means its capabilities if requested, to national authorities (NATO, 2009).

In addition, the North Atlantic Council has agreed on five primary roles for civil emergency planning within NATO:

1. Civil support for Alliance military operations with regards to Article 5.
2. Support for non-Article 5 related crises response operations.
3. Support for national authorities in civil emergencies.
4. Support for national authorities for the protection of populations against terrorism and WMD's.
5. Cooperation with NATO partners (NATO, 2018b).

Furthermore, NATO is set on engaging within information and intelligence gathering, fusion and sharing of the appropriate information and intelligence, projecting stability, advancing international and regional cooperation, supporting consequence management and supporting the protection of critical infrastructure, through a comprehensive approach.

This incorporates the previously mentioned aspects within the strategic concepts towards crisis management and NATO's strategy towards the proliferation of WMD and defence against CBRN threats, which should utilize political military and civilian means.

More recently the 'Non-binding guidelines for enhanced civil-military cooperation to deal with the consequences of large-scale chemical events associated with terrorist attacks' have been compiled by the joint efforts of numerous NATO bodies; however, their focus is upon a domestic level.

Problem outline

Chemical incidents can, when they are large-scale, quickly affect vast areas and reach beyond borders. Therefore, a timely response is required, and it needs to be ensured that resources are swiftly allocated to the stricken areas and information is shared among stakeholders and the public. A non-timely response may result in an increase in lethal contacts and overall more severe effects on the affected areas and its population.

Furthermore, an incident can also have its roots within an intentional release, as might be the case during insurgency and terrorism. To conduct such an attack, aggressors can either utilize toxic industrial chemicals (TIC) or chemical warfare agents (CWA), with the latter being harder to obtain and produce. Moreover, they can use vast ways of delivery.

For the preparedness phase it becomes crucial to understand that information sharing beforehand can lay the basis for information sharing during a crisis situation. The problem that arises here is that chemical agents can spread fast and affect multiple countries easily. Therefore, information about the spread and predicted spread needs to be disseminated fast to evacuate areas and ensure an adequate response. In any CBRN incident, during a peacetime situation, first responders would be the ones who must supply the initially needed capabilities and who need to identify and forward CBRN-related information to the adequate authorities.

Furthermore, one's own civilian capabilities might soon reach its limits and military or international assistance either through civil or military needs can mitigate the potential damage.

A further aspect that NATO and every research addressing a topic within the CBRN world will face, is a lack of practical experience. The lack of practical examples and experience has the subsequent effect that awareness decreases. CBRN incidents, including large-scale chemical incidents, did not occur yet, they are commonly referred to as *high-impact and low-probability events*.

Possibilities of CBRN incidents

Justifiably the question about the potential of any chemical or CBRN event, is a valid question, which needs to be addressed. CBRN defence officers commonly agree that state-induced large-scale CBRN events are becoming less likely within the Euro-Atlantic territory. Moreover, recent state-induced incidents such as the incident within Salisbury in Great Britain, show that states have the offensive

capabilities and willingness to induce CBRN incidents, at least on a smaller-scale, which will not trigger Article 5 of the North Atlantic Treaty. Furthermore, the likelihood of CBRN terrorism is something, which becomes increasingly likely, due to a wider availability of means of delivery and likewise a wider availability of weaponizable chemicals. In addition, information is publicly available and technologies are becoming widely available.

There are three major areas, which can pose a CBRN threat, weapons, devices, facilities and storage or transportation of CBRN substances, which can be released intentionally, non-intentional or as an effect of counterforce.

Considering the wide use of toxic industrial chemicals it becomes feasible that a facility, storage unit or a means of transportation will face unintentional releases due to accidents or malfunctions. Terrorism in any form, would constitute an intentional release, something the Joint Strategic Intelligence Estimate, the Joint Threat Assessment and Political Guidance identify as one of the major points of concern for the security of the Euro-Atlantic Territory.

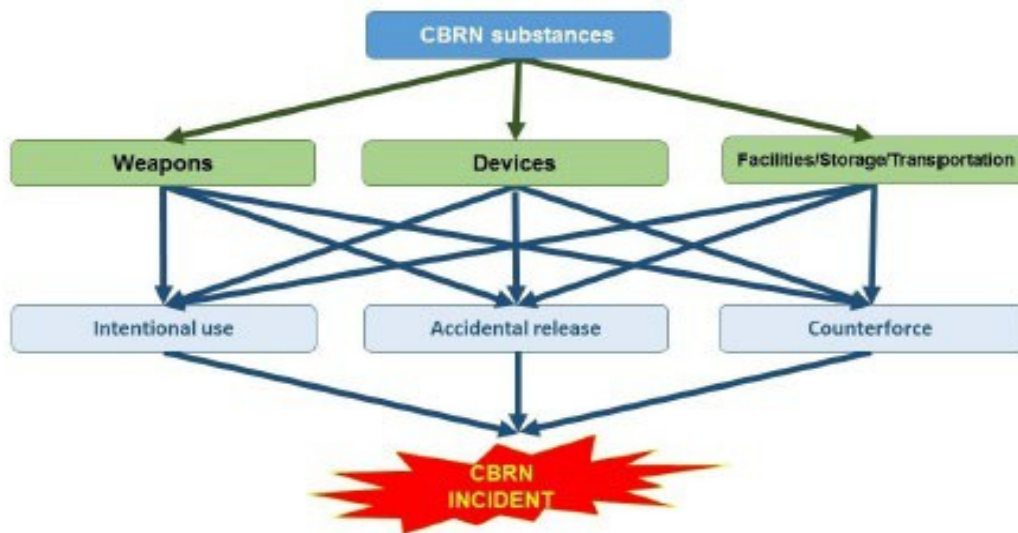


Fig. 8: Showing the possible roots of CBRN substances, their dispersion method and reason for a release (NATO, 2018c).

Hampering factors: The probability of an intentional CBRN event striking NATO-territory gets hampered by a few factors. Legislation restricts and regulates the amount and type of chemicals that may be obtained by individuals, which makes it harder to acquire critical quantities to conduct a chemical attack.

Furthermore, any TIC may be obtainable in smaller quantities, larger quantities will likely raise suspicion or are not available without proper licensing. CWA's are to a certain degree also producible; however, larger quantities also become harder to produce and the handling of materials with a higher toxicity requires sophisticated laboratories. Considering that some molecular structures of CWA's are available it may be considered that aggressors attempt to conduct a retrosynthesis and recreate the molecule. Indeed, it is possible to take any molecule apart; however, recreating a molecule becomes increasingly complex² and requires sophisticated laboratories, expertise, time and access to chemicals.

Legal considerations

Legally, it has to be considered, that forces, and civilians cannot just intervene within any crisis, which is located on foreign territory, unless the receiving State has given prior consent. Therefore, it becomes essential to have a legal framework, which provides enough legal basis for a deployment of a foreign nation's forces to the territory of another nation.

North Atlantic Treaty

"They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area."

(North Atlantic Treaty, Preamble)

Within the preamble of the North Atlantic Treaty a foundation of principles is set, which should determine all of NATO's activities. The safeguarding of freedom, common heritage, stability and well-being within the North Atlantic area are crucial components and should also apply to the efforts, which this report seeks to promote. Any CBRN incident, whether unintentional or even more so being intentional, has the potential to threaten the freedom, heritage, civilisation, stability and well-being of any NATO member State.

As the founding treaty three articles may be predominantly applicable for a situation which is applicable to the scope of this project.

² Within organic chemistry this factor becomes increasingly important.

Article 3: Within the North Atlantic Treaty, Article 3 describes the strive of the signing Parties, to continuously help themselves and each other, to maintain and develop their individual and collective capacity to resist armed attacks.

Article 4: Article 4 of the North Atlantic Treaty regulates that the member States of NATO will consult each other whenever their territorial integrity, political independence or security is being threatened, in the opinion of any member State.

Article 5: The most well-known article of the North Atlantic Treaty regulates that whenever any of the 29 NATO member States are being stricken by an armed attack, the entire Alliance will exercise the principle of collective defence until the Security Council of the United Nations (UN) has restored international security permanently again.

Within the context of this report all three articles may be adequate. Not during accidental releases, but in case of intentional releases, as it may be applicable during CBRN terrorism. Nevertheless, the principles of the preamble remain applicable in both intentional and unintentional incidents.

[NATO Status of Forces agreement \(NATO SOFA\)](#)

NATO SOFA was signed in 1951 and defines the status of a NATO member State's forces and their civilian components, whenever they are deployed on the territory of a member State, either for short-term or long-term deployment. To remain and respect the sovereignty, it is a prerequisite for any state to give its consent before the entry of foreign forces. It has to be mentioned that NATO SOFA does not affect the decision to deploy troops, nor does it provide the consent of a receiving State (NATO, 1951a).

[Partnership for Peace Status of Forces Agreement](#)

A similar agreement exists within the extended NATO framework, which includes countries within the Partnership for Peace programme. It is based on the NATO SOFA, with minor adaptations to make the agreement applicable to PfP countries (NATO, 1951b).

[Bilateral agreements](#)

Despite the international treaties, many countries have bilateral agreements among themselves for the deployment of first responders, beyond borders. The practical implementation of those bilateral agreements gets simplified more specifically within the Schengen area, which allows for an easy crossing

of any borders. However, first responders are often deprived of rights and responsibilities if they are beyond their domestic territory. This affects predominantly police, who have little to no executive power beyond their own border. Furthermore, medical first responders may be eligible to treat patients in a certain manner, while they may not be eligible to do so abroad, due to different standards and response systems.

NATO's Role

Crisis Management Task Force (CMTF)

The CMTF would be in any crisis a task force, which is established by the Secretary General. It is to be adapted according to the crisis itself and thus may consist of experts, from different fields, to ensure the knowledge that any crisis requires, can be found in one forum (NATO, 2017).

Situation Centre

NATO's situation centre receives exchanges and disseminates information from internal and external sources. The main responsibility is to provide situational awareness to the North Atlantic Council and the Military Committee. Furthermore, it provides geospatial services and consults appropriate authorities upon geographical matters (NATO, 2015a).

EADRCC

The Alliance has the designated 'Euro-Atlantic Crisis Response Coordination Centre' (EADRCC) which coordinates member States joint efforts to react to crises (EADRCC, 2001). With the EADRCC, the 'Euro-Atlantic Disaster Response Unit' came into existence, a non-standing unit, including specialists from all across the Alliance, which is designated to assist in disaster relief operation, whenever a disaster strikes within a country, which is part of the Euro-Atlantic Partnership Council.³

The EADRCC's main tasks are disaster response coordination and disaster assessment. Overall, the EADRCC takes a supportive function within disaster relief operations, either originating from natural or technical

³ EAPC countries are all 29 member states and all 21 countries, which participate in the Partnership for Peace programme.

disasters, including CBRN incidents. This supportive function is constituted, by the EADRCC working closely with the UN Office for the Coordination of Humanitarian Affairs (UN OCHA).

CBRN-JAT

The CBRN Joint assessment team (CBRN-JAT) is a high readiness team, that does not solely focus on combat scenarios, but also on making assessments when it comes to accidental releases (NATO, 2017).

CBRN Defence Battalion

The Chemical, Biological, Radiological and Nuclear Defence Battalion is the second component of the CJ-CBRND-TF and was just alike the CBRN-JAT founded in 2003 and became operational in 2004. Its main purpose is to provide a high-readiness and deployable CBRN defence capabilities, in case of CBRN incidents, either during conflict, but also due to natural disasters or industrial accidents.

If authorised by the NAC it may assist civilian authorities; thus, constituting a CBRN-related CIMIC operation.

The CBRN Defence Battalion is capable of reconnaissance, monitoring, sampling, identifying and detection of CBRN-related subjects, as well as providing CBRN assessments and hazard management (NATO, 2015b).

Conclusion

A large-scale incident could have its origin within any accidental release, within facilities, but also during transportation.

Technology and an access to information makes it considerably easier for terrorists to induce and deliver a chemical attack. However, they will likely not be able to produce military-grade chemical weapons and the scale will likely not be large enough to require international assistance. On the contrary, it was seen during the recent incident in Salisbury, that even a comparably small incident can require military assistance.

There are particularly two obstacles for a successful civil-military cooperation in a cross-border setting, also with regards to information sharing. Furthermore, a successful response would currently include vast amounts of different organizations. Information sharing is not discussed individually, since it is rooted within the cultural and legal conclusions, mentioned below, just alike it has been incorporated into the report.

A large-scale chemical incident will require, timely information sharing beyond borders, international assistance and civilian and military capabilities alike.

Culture

The first obstacle is constituted, by a different culture, between countries, but also between civilian and military actors. The issues arise, from being used to working in different situations. However, especially in large-scale CBRN incidents, it might be crucial to have a collaboration between military and civilian actors. The strengths, weaknesses, responsibilities need to be clearly defined and known by all stakeholders to ensure that as little friction is created as possible. However, strengths and weaknesses can vary slightly between national stakeholders.

Legal

The existing legal framework does not allow for a timely deployment of international forces beyond borders, on the entire Euro-Atlantic territory. While there is a legal framework for the deployment of foreign NATO-related forces on the territory of member States, it does not regulate the specifications and still requires extended negotiations between the sending and receiving state; in addition, the conditions under which troops should be sent are not defined. Moreover, it is questionable if the process of deploying would be fast enough to respond effectively to a CBRN incident. While there are regional

partnerships between countries in case of emergencies, there is no agreement, which would allow for a swift response on a NATO-level.

Information Sharing

It needs to be considered that within a peacetime situation, the first responders are virtually always going to be civilian authorities; therefore, they are going to be the ones who share information with other stakeholders, which can be international organizations, authorities or militaries. The initial quality of information will not be dependent upon assessment teams, military CBRN personnel nor laboratory data, instead it will be dependent upon civilian first responders, which need to identify an incident as a CBRN incident, assess the situation and share information adequately.

Information sharing becomes increasingly complex when considering that civilian and military networks are not interconnected and the organizations themselves, predominantly operate separately. This means, that channels of communication are not well-established or barely existent. However, on the tactical level information sharing and more noticeably interpersonal information sharing was less complex.

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PART II

NATO-EU Cooperation On Strategic Issues

Jasper R. Krause

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Abbreviations

BPA: Berlin Plus Arrangements

CBRN: Chemical, Biological, Radiological and Nuclear

CSDP: Common Security and Defence Policy

DSACEUR: Deputy Supreme Allied Commander Europe

EDA: European Defence Agency

EDC: European Defence Community

EID: Energy Import Dependence

EEA: European Economic Area

ESDI: European Security and Defence Identity

ESDP: European Security and Defence Policy

EU: European Union

EUMS: European Union Military Staff

EUMS: European Union Military Staff

EUNAVFOR: European Union Naval Force Atalanta

GDP: Gross Domestic Product

IR: International Relations

NAC: North Atlantic Council

NATO: North Atlantic Treaty Organization

OPCW: Organization for the Prohibition of Chemical Weapons

OSCE: Organization for Security and Cooperation in Europe

PESCO: Permanent Structured Cooperation

PfP: Partnership for Peace

PSC: Political and Security Committee

RDT&E: Research, Development, Testing & Evaluation

SHAPE: Supreme Headquarters Allied Protection Europe

UK: United Kingdom

UN: United Nations

WEU: Western European Union

Executive Summary

Since the beginning of both institutions coming into existence, cooperation has been crucial. With NATO realizing that it has to expand its approach towards its member states security and the EU's understanding of security being crucial for economic gain, the notion of further cooperation has increased. NATO and the EU share twenty-one (21) of their member states, leading to a wider necessity for cooperation.

The results of this report which are the factors contributing towards the willingness for cooperation are the preservation of each organization's respective autonomy and the outlined member states, that both have in common. Moreover, the individual incentivising factors are self-preservation and an enhancement in strategic position for NATO and economic incentives, related to a changed security perception for the EU.

Both institutions should for strategic purposes opt to cooperate, to enhance the security of their shared, but also their non-shared member states. Military advantages would be the prospect for the EU, through a possible cooperation, with advantages for NATO including predominantly an increase in strategic position and political gain. However, cooperation comes with many challenges, which are outlined within this report and are required to be addressed accordingly. Many of those challenges arise on the basis of political and legal issues, that can delay or form an obstacle for the further development of a cooperation towards solving strategic issues.

It is encouraged for both institutions to cooperate on hybrid threats and ensure autonomy as well as shared values being highlighted. Therefore, hybrid threats such as CBRN threats, cyber threats and migration, are the largest issues, both institutions could gain most from by cooperating. Cooperation should be based around the individual interests and respect the autonomy of both institutions and their

individual member states. Moreover, cooperation is encouraged with NATO or the EU being the leading actor, based upon the issue and its domain. Whilst military or civil issues can have overlapping dimensions, it is advised that either institution is in charge whilst running the cooperation.

Chapter 1: Introduction

This paper about the cooperation of NATO and the EU as two security institutions upon strategic issues will outline, the history and current situation of both institutions and their cooperation. NATO and the EU are inevitably linked to each other with twenty-one shared member states, with NATO only having nine non-shared member states and the EU having six, as can be seen in table 1. Moreover, Cyprus forms the only EU member state, that is not associated with NATO either as a member country or as a Partnership for Peace (PfP) country. Vice versa, Canada and the United States of America are the only two countries not formally associated with the EU through being part of the 'European Economic Area' (EEA) nor being an applicant to become a member state of the EU.

As NATO's former Secretary General de Hoop Scheffer outlined, the differing memberships and allegiances to NATO and the EU lead to 'formal wrangles over security agreements' (2007). This notion can be seen repeatedly over the course of the past years, with collaboration between NATO's Sea Guardian Operation (NATO, 2018a) and the EUNAVFOR Operation (Barigazzi, 2019), under the Berlin Plus Arrangements (BPA), which ensured EU access to NATO's operational planning procedures. With the interrelation of the two organisations, major problems also become the concern of both organizations and need to be addressed bilaterally instead of unilaterally. This necessity for cooperation manifests itself on a strategic level, through the afore-mentioned agreements, but also within the field, through anti-piracy missions off the coast of Somalia and anti-terrorism efforts within Afghanistan and Iraq (NATO, 2020). The map of where NATO and the EU are represented can be found below, and a comprehensive list within table 1.

Member States		
NATO only Member States	NATO and EU Member States	EU only Member States
1. Albania (EU Applicant)	1. Belgium	1. Austria (PfP)
2. Canada	2. Bulgaria	2. Cyprus
3. Iceland (EEA)	3. Croatia	3. Finland (PfP)
4. Montenegro (EU Applicant)	4. Czech Republic	4. Ireland (PfP)
5. North Macedonia (EU Applicant)	5. Denmark	5. Malta (PfP)
6. Norway (EEA)	6. Estonia	6. Sweden (PfP)
7. Turkey (EU Applicant)	7. France	
8. United Kingdom	8. Germany	
9. United States of America	9. Greece	
	10. Hungary	
	11. Italy	
	12. Latvia	
	13. Lithuania	
	14. Luxembourg	
	15. Netherlands	
	16. Poland	
	17. Portugal	
	18. Romania	
	19. Slovakia	
	20. Slovenia	
	21. Spain	

Table 1: All NATO, EU and shared member states.

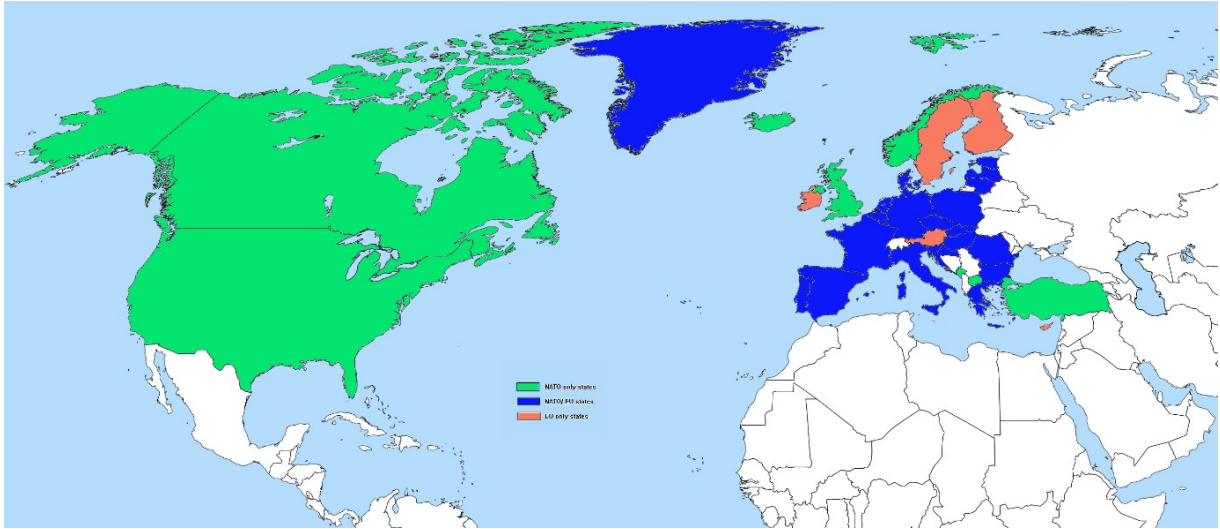


Figure 1: Map showing NATO and the EU countries on the world map. Green represents countries only within NATO, Blue represents countries in the EU and NATO and Red countries only represented through the EU.

NATO, the to date dominant security provider on the European continent, has faced controversy about its existence, from numerous sides, including politicians (Macron, 2019; Trump, 2018 as mentioned in Earle, 2018) and the general public alike. The Alliance has been rumoured to have lost its purpose, a common goal and has become redundant. Contrary, the EU has become a more dominant security provider, yet is far from mirroring a military alliance. Both institutions' involvement with each other can change the future of either institution and the security provision of both institutions to their member countries, which will shape the international political and defence landscape of tomorrow.

Chapter 2: Methods and Techniques

The methodology used is chosen to address the issue at hand from a quantitative stance and a qualitative stance simultaneously, hence allowing for triangulation of results (Lewis-Beck & Liao, 2004). Within the second part of this report, the collected data is presented, and the data is analysed. Firstly, an overview of NATO and the EU's shared history is presented, to give a historical context. This is followed by a quantitative analysis, providing descriptive statistics for the institutions individually, the member states that are only unilaterally represented and the combined potential both institutions have. Through the quantitative analysis, it will be derived which institution is militarily stronger and how the unilateral member states are important for the cooperation. Finally, this will culminate within the document analysis as a qualitative analysis tool, complementing the analysis that has been conducted before. Through the document analysis, a deeper and more detailed understanding will be enabled, that goes beyond the descriptive statistics and allows for social factors to be addressed. Within the document analysis, documents that are mentioned within the historic context are analysed too.

2.1 Quantitative Analysis

A dataset was generated, based on all member states within the EU and NATO and their various military capabilities. Using the above-mentioned military capability measurement and looking specifically at nuclear capabilities, it will be possible to compare NATO and the EU with each other and determine their dependence on each other, by adding all member states' capabilities to each other to form the cumulative sum of their respective institutions, based on the assumption that security institutions are the cumulative result of their member states. This will be done based on each member state individually, with the by the RAND corporation outlined factors for military capabilities (Tellis, Bially, Layne & McPherson, 2000) and the member states' capabilities will be summed to reach the potential capabilities of their respective institutions. According to the paper published by the RAND corporation, military capability can be measured when looking at six aspects: defence Budgets (1), combat research, development, test and evaluation (RDT&E) institutions (2), manpower (3), defence industrial base (4), military infrastructure (5), inventory and support (6) (Tellis, Bially, Layne & McPherson, 2000). Utilizing this evaluation of military capabilities will allow to see the cumulative result, as well as, which countries are contributing the most within each institution. Within the process of analysis, the variables of each independent country will be merged into five different categories: NATO capacities, EU capacities, solely EU countries, solely NATO countries and NATO and EU member states combined. Creating this dataset will allow for a quantitative

analysis, with a focus on descriptive statistics, that can be conducted and evaluate relationships between NATO's and the EU's capabilities and will allow for an evaluation of which institution may be weaker or stronger.

2.2 Document Analysis

Cooperation between both institutions has been based on formal and informal arrangements, both being recorded within numerous documents. Speeches, concepts, legal documents and press releases concerning a cooperation as well as independent documentation of their strategic interests have been analysed (Appendix A). Understanding strategic interests of both the EU and NATO is crucial to understand just as the frameworks under which they operate. This will be understood by researching the base documents, upon which either institution is build, just as the documents upon which cooperation was build. The process will attempt to gain knowledge and elicit meaning (Bowen, 2009) upon the status-quo.

As a method for research, document analysis can assist within the triangulation procedure and is useful for "intensive studies producing rich descriptions of a single phenomenon, event, organisation, or program" (Bowen, 2009, p. 29 as mentioned in Stake, 1995; Yin, 1994). Cooperation concerning security between NATO and the EU, forms such a single phenomenon and hence their documents can assist in researching them. In addition to the above-mentioned criteria that make it useful, Brown outlines a number of advantageous and disadvantageous factors. The obstacles that have occurred within this research are low retrievability of documents with regards to sensitive issues, biased selectivity due to biased publishing of documents and a potential lack of detail (Brown, 2005). Yet, the advantages overweigh, which are defined by efficiency, availability of documents, stability of data, preciseness and coverage (Brown, 2005; Yin, 1994).

2.3 Limitations

Due to the nature of strategic issues numerous limitations and obstacles have been encountered while conducting this research, mainly due to classification, a lack of information, a small group of experts and an astonishingly little progress towards cooperation of the EU and NATO within strategic issues, even though there were multiple attempts. Moreover, there will be a data triangulation since the collected data within the individual methods itself, will be from varying times, and varying cultural, socio-political and geographic stances (Lewis-Beck & Liao, 2004). Official sources from national providers have been used primarily and then international ones by the institution itself. If neither, national nor official international

sources were available, unofficial data has been used, if it can be triangulated to ensure its validity. Considering that the military capabilities has been established for all NATO and EU member states, based on the RAND corporation's model, language barriers arose, as well as issues concerning veracity and availability of data, due to states not wanting to compromise their national security through publishing precise data.

Chapter 3: A Brief History of NATO and the EU

Understanding the historic context is crucial to understand institutional cooperation towards strategic issues, is crucial to understand a phenomenon holistically (Smith, 2013). Not only does it allow to investigate formal relationships between NATO and the EU, but it also allows to elaborate upon non-formal interactions between two institutions. It will first be outlined within this chapter how the early stages of NATO and the EU looked like after the second world war and how they became the organizations they are now. After doing so the BPA will be discussed as a milestone for NATO-EU cooperation and two joint declarations will be discussed as the two newest developments towards cooperation.

3.1 Post World War II

Havoc within international relations and of entire cities, due to the second world war, led to the necessity of ensuring a rebuilding of Europe's cities, economy and stability. Hence, NATO was formed, to counter the threat that could occur in the future, to ensure stability and security within the transatlantic territory, so that Europe could be rebuilt safely and could thrive. Regardless of NATO, the mainland of Europe was always geographically distant of its greatest military ally, the United States of America. Unsurprisingly, this meant that the European countries thought about defence among themselves, with the first attempt after World War II, being the 'European Defence Community' (EDC) (Fursdon, 1992). The EDC was founded by nine European nations, that founded the Western European Union (WEU) in 1954 on the basis of the modified treaty of Brussels, that succeeded the Western Union (Papaioannou, 2019). European autonomous defence however, was boycotted, due to the British acting not in accordance with prior agreements and the French not acting in the best interest of European defence (Fursdon, 1992), which inevitably led to the failure of the EDC. Despite this, the fundamental thought of Europe being self-reliant when it comes towards defence, remained. The WEU also entailed a central element of NATO, a mutual defence clause, that ensured support in the scenario of any member state being under attack. NATO did however, become the dominant security, stability and defence provider since the WEU paralyzed itself in its founding treaty through not wanting to duplicate any organisation's efforts, in which the WEU's member states may also be represented (Brussels Treaty, 1954). With NATO encompassing all member states and acting in precisely the same domain, the WEU became a dormant organization and inevitably led to the termination of the treaty and hence also of the WEU. Relations between NATO and the EU may be traced back to 1954, when France failed to ratify the Treaty establishing the EDC and hence the attempt to create a European army failed as well, creating the necessity for protection under the protective

umbrella of NATO (Papaioannou, 2019). The rebuilding efforts also called for Europe's economy to be established again, including the severely damaged relations between countries, to ensure exports and imports. The European Economic Community (EEC), became the organization that ensured trade, which was established in 1957 and expanded on the already existing European Coal and Steel Community, under the treaty of Paris. Despite being economically oriented, the EU, decided to incorporate WEU's tasks partially into its own organization, through the treaty of Amsterdam in 1999 and in June of the same year, expanded towards incorporating the entire organization into the EU. The 1998 Saint-Malo declaration (Joint Declaration on European Defence: Joint Declaration issued at the British-French Summit, 1998), can be viewed as a decisive factor for the merging, which outlined the United Kingdom's willingness to provide the EU with its own autonomous defence structure (Shearer, 2000). Through this merging of organizations, the EU advanced its efforts to become a security provider and went from the 'European Security and Defence Identity' (ESDI) to the 'European Security and Defence Policy' (ESDP). In 2001 the EU's ambition to become involved as a security provider took another leap forward when the Treaty of Nice was signed in 2001, granting the EU a framework to create political-military structures. This treaty led to the question, of how the EU's defence ambitions can be in unison with NATO, being more prominent than ever and requiring to be addressed, which was successfully done a year after.

3.2 Berlin Plus Arrangements

On the 16th of December 2002, NATO and the EU signed a comprehensive package of agreements, summarized under the term BPA, which have been adopted on March 17th 2003. Its emergence can be traced to the agreements of 1996 between NATO and the Western European Union (Smith, 2013). Moreover, the 'EU-NATO Declaration on ESDP' in 2002 has outlined the "strategic partnership established between the European Union and NATO in crisis management, founded on our [NATO and the EU's] shared values, the indivisibility of our security and our determination to tackle the challenges of the new Century". The 2002 bilateral declaration outlined the through the BPA established, cooperation to ensure that the EU has access to NATO's planning capabilities. The arrangements are considered to be a milestone between NATO-EU relations (de Hoop Scheffer, 2007) and consist of seven separate agreements, outlining the partnership, access to NATO capabilities and assets, procedures and reinforcing capability requirements (Waugh, 2004). However, the BPA are only applicable to a situation in which the EU are conducting an operation, without NATO being present in the same area (de Hoop Scheffer, 2008; Reichard, 2004). Formally, the BPA were outlined by the former Secretary General of NATO Jakob Gijbert de Hoop Scheffer to be a milestone (2007), yet a year later, de Hoop Scheffer framed the BPA as having

become 'too often a straitjacket rather than a facilitator' (2008), with which Smith agrees, since the two organisations would not formally discuss issues that are outside the scope of the BPA (2013). As such, Smith also sees the formal arrangement as constraining, rather than enabling.

After the BPA, NATO and the EU cooperated with each other, by transitioning Operation Allied Harmony, which was a NATO-led operation into Operation Concordia, which became the first operation led by the EU, under the BPA. Operation Concordia in the Republic of Macedonia was preceded by Operation Artemis in the Democratic Republic of Congo; however, operation Artemis was not under the official EU-NATO framework, since it was under mandate of the UN. Operation Concordia became in 2003 the responsibility of the EU and as such also the chain of command was within the EU, yet cooperation with NATO maintained to ensure the BPA was upheld and the EU could benefit from NATO's expertise. On the strategic level the EU's Political and Security Committee (PSC) and NATO's North Atlantic Council (NAC) (Mace, 2004) were responsible for the cooperation. The objective of operation Concordia was to contribute to a stable and secure environment and ensure that the implementation of the Ohrid framework from 2001 would be successful (Lynch & Missiroli, 2005). NATO's Deputy Supreme Commander Allied (DSACEUR), Admiral Rainer Feist, became the operation commander of operation Concordia and reported to EU bodies only, yet he still continued in his function as DSACEUR (Mace, 2004). This shows, how intertwined the NATO and EU relations were with regards to operation Concordia, and there were more high-ranking staff that were involved both with the EU and the operation itself, whilst holding a position within NATO. Hence, it was the manifestation of the within the BPA established access of the EU, to NATO planning capabilities. Locating the operation headquarters within the 'Supreme Headquarters Allied Protection Europe' (SHAPE) of NATO (Gross, 2009) allowed for a direct exchange of information and access to knowledge and proficiency in close proximity to their partners. Whilst operation Concordia occurred, the EU published the first draft of the 'Treaty establishing a Constitution for Europe' (2004), which featured a mutual assistance clause (Keohane, 2009), putting the EU within the domain of NATO and threatening its monopoly on being the sole defence alliance within Europe (Grant, 2003). Upon a meeting between the three heads of state, in Berlin in 2003, from Germany, France and Britain, the initial plans were compromised in coordination with NATO and the Bush administration as a driving force. Whilst the EU gained more influence and a more autonomous role in security issues, NATO was capable of ensuring its monopoly. The latter was predominantly due to the 'mutual defence' clause being erased, and NATO being stated to be the "foundation members collective defence and the forum for its implementation" (Grant, 2003; p.3).

3.3 Joint Declarations

NATO and the EU subsequently signed two joint declarations regarding their partnership in 2016 and 2018. The one from 2016 outlined their interconnectedness when it comes to security issue and addressed ‘unprecedented challenges’ for both organisations, which include hybrid threats, cyber threats, increasing resilience, building a stronger defence industry , coordination on exercises, education, exercise and training, information sharing and migration. Within this joint declaration the two organisations agree to a timely implementation, due to the topics’ strategic significance. The bilateral strategic partnership acknowledged in 2018 through a second and revised joint declaration, that they needed to address more issues then outlined in 2016, by expanding towards ‘military mobility, counter-terrorism, strengthening resilience to chemical, biological, radiological and nuclear-related risks and promoting the women peace and security agenda. Such a concrete development can be seen as a more concrete addressing of the ‘unprecedented challenges’ that were mentioned, but not specified, in 2016. The third progress report that came out within 2018, showed that there was a significant development towards nuclear risks and that the strategic partnership had made progress within the CBRN field. This included staff-to-staff dialogues, workshops, scenarios-based discussions, cooperation between their respective CBRN-related centres of excellence and NATO staff visiting Europol to discuss the possibility of CBRN terrorism. Moreover, to counter hybrid threats, both institutions established cooperating hybrid analysis branches.⁴ Furthermore, the institutions committed more extensively towards the extended integration of women in both organisations and the military mobility initiative under the ‘Permanent Structured Cooperation’ (PESCO) framework. Within the fourth progress report from 2019 (NATO & EU, 2019), the EU and NATO acknowledge their continuous strive to achieve the objectives mapped out within the second joint declaration from 2018, yet they did not add significant progress.

3.4 Informal Cooperation

On the opposite site of formal agreements, that can be deemed constraining are informal arrangements, which have played a role for the development of NATO-EU relations (Græger, 2016). The informal cooperation can be seen as any cooperation that is not formally represented by bilateral agreements between NATO and the EU, which includes personal relationships among staff. There has been within the time frame of this research, a total of thirteen informal meetings between NATO and EU ministers, which

⁴ NATO has the Hybrid Analysis Branch and the EU founded the EU Hybrid Fusion Cell.

constitutes a strategic level (NATO, 2020C). Moreover, there have been numerous other occasions in which the NATO Secretary General participated in an informal meeting between EU foreign ministers, informal talks amidst the NATO-EU PSC, which occurred twice towards the issue of the annexation of Ukraine (NATO, 2014). Moreover, the within the afore-mentioned operation Concordia double-loyalty of the DSACEUR as operational commander of EU-led security operations and his affiliation to NATO, provides a bridge between formal and informal cooperation. Chiefs of Defence of shared member countries are also represented within the EU Military Committee and the NATO Military Committee. A double affiliation of those people leads to an exchange of cultures and opinions and increases connectedness between the two organizations.

Amidst the largest issue however, appears to be the issue of information and intelligence-sharing beyond their own institutional framework and the outlined formal agreements. It appears that the DSACEUR can facilitate with his double affiliation, the information sharing on a strategic level between the NAC and the PSC (Smith, 2011). Issues arise however, on lower levels, where there are no double affiliated employees to facilitate an informal way of sharing information and where no agreements are existing, which make information and intelligence-sharing a time and resource-consuming process. In 2005, Cyprus joined the EU and attempted to decrease EU-NATO cooperation due to its disliking of Turkey, with the historical connection between the two countries being the unofficial reasoning (Smith, 2011; Græger, 2016). Political revenge was ensured when Turkey did not allow for information sharing on the grounds of Cyprus neither being affiliated with NATO nor the PfP initiative, from NATO towards the EU. Cyprus once more halted EU cooperation with NATO, with anything that would be beyond the BPA (Duke, 2008; Smith, 2011). This shows the ability of a single actor to create a stalemate situation, caused by single actors, due to their national preferences. Within the framework of this report, this is an example of the 'Dual-Consensus Rule', which prohibits successful cooperation due to all states and thus also organizations requiring consensus. Hence, Cyprus has blocked cooperation and thus dual-consensus, which ensured a cooperation failure.

3.5 Sub-Conclusion: History of NATO and the EU

When looking at the EU and NATO and their shared history, it becomes evident that their cooperation has a long history, with numerous attempts to enhance cooperation. It also becomes evident that those attempts have been frequent, yet fruitless. The BPA led to Operation Concordia and nothing beyond it, which was a good initiation for a closer cooperation; however, it had little use beyond Operation Concordia. Similarly, the two joint declarations, which were signed after a decade of silence between

NATO and the EU, were implemented, yet they are still to show significant results, in addressing the issues they are set out to address.

Chapter 4: Quantitative Analysis

The quantitative analysis has been conducted based on the military capabilities of each country (Appendix C). However, the challenges that arose were significant. Firstly, there was a lack of available datasets. Scholars appear to not have been focussed on studying military capabilities on a larger scale and no quantitative datasets were available. Primary sources were predominantly EU and NATO sources concerning their member countries military capabilities, or national sources. Secondly, many sources contradict each other, with some mentioning a twofold of military personnel in comparison to other sources. This issue was addressed by repeatedly utilizing the most conservative numbers into the dataset if no official source would be available. As such, the dataset itself may at some points be depicting a more conservative point of view, than reality. Thirdly, the nature of this research attracts misinformation and non-availability of information, since accurate information about a country's military capabilities would result in a strategic advantage for any adversary.

Strategic inventory has been identified using the nuclear triad, consisting of nuclear missile submarines, land-launched ballistic missiles and strategic aircraft, with all of them only being present within the two institutions through the USA and France (Norris & Kristensen, 2010). Within the analysis all 35 states that are represented in both or a single institution of NATO and the EU, have been analysed based on their nuclear arsenal, divided into the number of nuclear warheads, and availability of the sub-components of the nuclear triad, which is defined as 'warfighting inventory and support' by Tellis, Bially, Layne and McPherson. The by Tellis, Bially, Layne and McPherson (2000) proposed measurements of military capability were introduced into the dataset. Hence, the military budget and spending in percentage to the countries GDP were taken into account. In addition, the manpower within the military and reserves were added. The defence industrial base as described by Tellis, Bially, Laune and McPherson was determined through the indicator of defence exports and as such is less sophisticated and less detailed in comparison to what was suggested (Tellis, Bially, Layne & McPherson, 2000). However, the availability of information was restricted in this regard and would have been beyond the scope of this report. The military infrastructure that has been addressed could neither be assessed as detailed as the authors suggested and had to be reduced down to strategic support factors, which are predominantly the energy provisions, that can be dissected into renewable, fossil and nuclear energy. However, the focus within this study has been the oil reliance of countries upon imports, which is commonly referred to as 'Energy Import Dependency' (EID). Each factor has been analysed through looking at the entire organizations (NATO & EU), the combined capabilities of both organizations and the countries that are only represented through

one institution. Within the tables, this is referred to as ‘Only NATO’ and ‘Only EU’, which means all countries represented in either institution, excluding all countries that are represented by both institutions.

4.1 Manpower

EU states not represented by NATO, show a significantly higher mean of manpower; however, their sum remains far beyond the countries solely represented by NATO and NATO’s entire capabilities. However, also in general the EU has a higher percentage in manpower with 0,5% in comparison to 0,39% of the labour force being in the military, that the average NATO state has.

Despite this, it should be recognised that both institutions have a significant gain from a potential cooperation. NATO could raise its mean in manpower, whilst the total number of manpower could be raised significantly for the EU. What can be seen however is again the reliance upon the USA, with their significant manpower, making up 40% of the potentially combined manpower. The manpower comes with the added benefit of having more personnel means more available knowledge and capacities, which is beneficial for the EU under i.e. the BPA agreements, where the EU gets access to operational planning procedures.

Institution	N	Mean Manpower %	Mean Manpower (in thousands)	Sum Manpower (in thousands)
Only NATO (excluding EU)	8	0,30	229240	2063160
Only EU (excluding NATO)	6	0,78	15782	94692
NATO	30	0,39	115427	3462810
EU	28	0,50	55346	1494342
Combined	35	0,45	98819,50	3557502

Table 1: Manpower in percent of the total labour force, that is within the military, as well as means and the total sum, for NATO, the EU, combined and the countries only represented in one institution.

4.2 Reserves

A country's reserve serves as a backup in manpower, that can be called upon when necessity arises. Dependent on the country, reserves can be composed of former military personnel or reserves that enlisted themselves, often in countries where conscription has been abandoned. It can be seen that in the country's only represented by NATO, the number of reserves in correlation to the population is rather small; however, in the countries which are only part of the EU, this number rises to 1,13%. As such, it goes hand-in-hand with the tendency in the active military manpower mentioned above, where the countries that are not represented in NATO, show a greater percentage of enlisted personnel.

A similar tendency can be seen when looking at all of NATO, in comparison to the entire EU, where the latter has far more reserves in percent. The causation for this may be searched for within cultural and societal settings, since four out of the six countries that are not represented through NATO have not abandoned mandatory military service, which does also grant them more reserves to call upon. Predominantly, the reserves that are not represented in the EU, stem from the USA, which makes up 860.000 of the entire 105.6000. For both institutions it may be beneficial to cooperate based on this factor, since NATO could add close to half a million reserves to its potential reserves and the EU close to one million. The deterrence factor from greater military capabilities, could hence be increased.

Institution	N	Mean Reserve %	Mean Reserve (in thousands)	Sum Reserve (in thousands)
Only NATO	7	0,21	117333,33	1056000
Only EU	6	1,13	80416,67	482500
NATO	29	0,45	83467,83	2504035
EU	28	0,67	71501,3	1930535
Combined	35	0,56	82959,31	2986535

Table 2: Means and sums for all the reserves within NATO, the EU, combined and the countries only represented through one institution.

4.3 Military Spending

When looking at the entire case of 35 states, it becomes evident that most states are spending below 2% of their GDP on their respective militaries, with a few extraordinary cases, being on the far end of this spectrum, which include Bulgaria and the USA, both spending beyond 3% of their GDP on their militaries.

Through calculating the means of military spending, it becomes evident that the average spending of GDP, among NATO and NATO-only member states is greater than within the EU alone. Comparing the means of the GDP, we can see that it should be within the interest of the six countries that are solely represented in the EU, to gain access to NATO capacities since NATO has GDP-wise, close to one-third more capacities, which becomes more evident when looking at the mean of the military budget in billions. Here NATO has more than twice as much total defence spending and the NATO-only countries outnumber the countries represented solely by the EU, by spending more than 1600 times more in total military budget. However; for NATO, there is no significant increase in either average GDP that is spent nor in total military budget. Evidently this is predominantly due to the USA being a major contributor and spending 20004 billion dollars itself upon its military and thus representing 90% of the entire military budget of only-NATO and more than half of the entire NATO military spending.

Institution	N	Mean GDP	Mean Budget (in Million USD)	Sum Budget (in Million USD)
Only NATO	7	1.60	60519,5	544676,3
Only EU	6	0.92	2454,6	14727,6
NATO	29	1.60	24840,3	745210,3
EU	28	1.45	7972,6	215261,6
Combined	35	1.49	21109,38611	759937,9

Table 3: Means and sums of total GDP spending and percent of GDP spent for NATO, the EU, combined and countries only represented through one institution.

4.4 Defence Industrial Base

Looking at the indicator of exports for the defence industrial base, has the luring trap of believing that the export number has to be in direct correlation to the actual size of the industry. However, this is false, and it needs to be considered that a country may be low on exports whilst having a solid domestically-used industrial base. This mean, the conclusions made from the table below should be considered carefully. Yet, for a potential partner, those exports (or imports for the partner) may be of interest to strengthen their own shortcomings when it comes to their industrial base.

It can be seen that NATO has by far a higher mean and a higher export sum, hinting at a stronger and more diversified industrial base. Regardless, this strong industrial base is stemming predominantly from four countries (in decreasing order), the USA, France, Germany and Spain. Three of which are in the EU and hence it is likely due to the nature of the EU, that EU-member states have a vast access to an array of

Institution	N	Mean Exports (in Million USD)	Sum Exports (in Million USD)
Only NATO	7	1354888,8	12194000
Only EU	6	48000	288000
NATO	29	631466,6	18944000
EU	28	260666,7	7038000

Table 4: Showing defence exports for EU, NATO, combined and countries only represented through one institution.

defence equipment. Taking a closer look onto the USA, brings forward the fact that the country itself can dwarf the defence economy of the entire EU, by more than half. Considering that there are six more NATO countries, which are not in the EU, it becomes evident that the addition of all NATO countries industrial base to the EU, would have significant benefits for the EU.

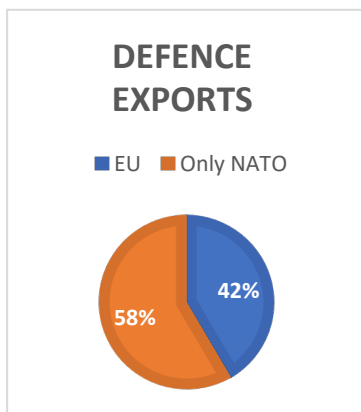


Figure 5: Showing Defence Exports in percent, between EU and states only within NATO.

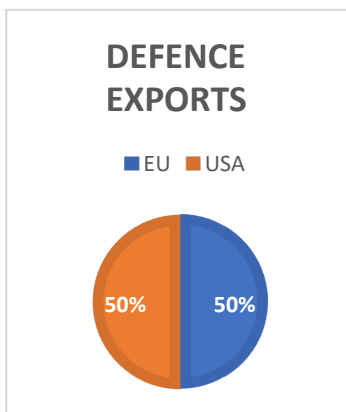


Figure 6: Showing Defence Exports in percent, between EU and USA.

4.5 Nuclear Capabilities

From the 35 countries that are either part of the EU or NATO, only three are in possession of nuclear warheads, which are the USA, France and the UK. The remaining countries do have nuclear capabilities; however, only as defensive measures, often in form of a CBRN battalion within their respective armies. Nuclear capabilities are a crucial component of the security umbrella that especially the USA provide to its allies and have strategic importance. Therefore, they have been separately measured.

Yet, when looking at the distribution, it should come as little surprise that the USA are dominating when it comes to nuclear capabilities, they are having more than, 90% of the joint nuclear capabilities. Despite this, France and the USA are the only two that are currently forming a nuclear triad and can provide deterrence for any of their partners or own adversaries. Based on the nuclear capabilities and the security umbrella that especially the USA provide as a military hegemon, make it easy to understand the attractiveness such a powerful potential ally poses. France and the UK, both represented in the EU, can grant some protection; however, their potential limited due to the organizational structure of the EU in comparison to NATO, which does not include a mutual defence clause. Moreover, providing for nuclear security as the EU, becomes redundant, due to the CSDP, that relies significantly on NATO for this task. It should also be considered that NATO as a nuclear power, which combines three of the nine nuclear states in one institution, is securing its position as a security provider in the European territory. Especially the USA, gains considerable influence over the European mainland due to this dynamic, since it creates a perceived necessity of its presence within Europe, to deter potential adversaries.

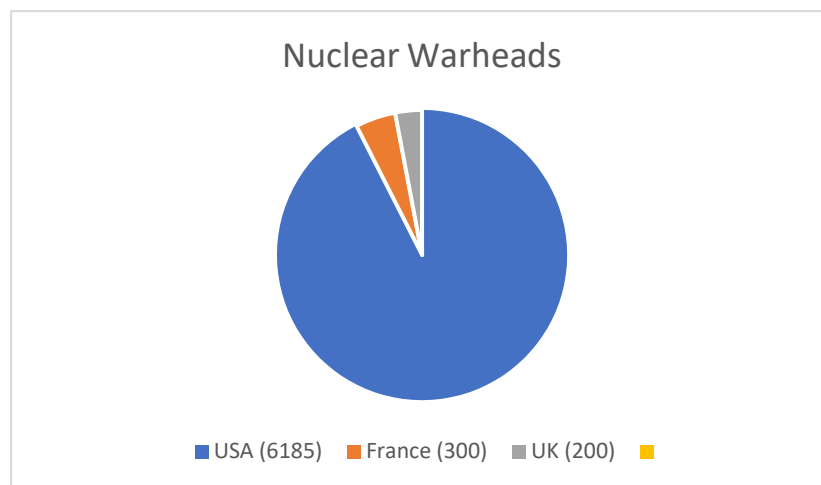


Figure 7: Pie chart showing the amount of nuclear warheads per country.

4.6 Energy Import Dependence

Energy is a crucial factor within any country, since without a long-term provision of energy, a country will be incapable of sustaining its economy and normal functioning of society. However, even more important for this report is the factor that a country requires energy materials, especially petroleum based, to sustain its military and defence capabilities. Therefore, the EID has been measured on the basis of petroleum imports. It should be considered that in case of a defence scenario due to armed conflict, a country would likely be able to sustain itself far longer than the listed EID would suggest, due to strategic oil reserves and a redistribution of available resources towards necessary goals.

As can be seen, there is significant dependence in both NATO and the EU; however, the countries that are only in NATO show a significantly smaller dependence upon energy imports since Canada and Norway are self-sustaining and the USA have a low dependency of only seven percent, followed by Iceland with ten percent. Hence, the EU could benefit from partners, that are capable of sustaining themselves and their defence efforts longer, with Norway even being capable of providing for other states too.

Institution	N	Mean EID
Only NATO	6	27,88
Only EU	6	85,80
NATO	29	71,85
EU	27	89,60
Combined	33	74,17

Table 5: Showing the Energy Import Dependence for NATO, the EU, combined and countries only within NATO or the EU.

4.7 Sub-Conclusion: Quantitative Analysis

Within the quantitative analysis, it can be seen that NATO is militarily stronger in manpower, reserves, military spending, defence industrial base, nuclear capabilities and EID. The Alliance dwarfs the Union militarily and the Union has military gain from a potential cooperation, giving them an incentive for a potential cooperation. This means, that NATO has no interest on a cooperation, when looking at the potential gain NATO could make militarily. It could be argued that even the small gain could be enough incentive for NATO; however, the EU's incentive would still remain greater.

Chapter 5: Document Analysis

The document analysis has been conducted on the basis of fifteen key documents (Appendix A) for a cooperation between NATO and the EU and has been coded through the elements that define this research (Appendix B). Concretely there has been a focus on ten factors, which are related to the research question and considerations provided through the theoretical framework. Hence, the documents have been analysed upon weaker and stronger actors, initiation of cooperation, formal and informal cooperation, wicked problems, capability enablement and shared principles norms and values, to determine factors that lead to a cooperation. These do already anticipate the theoretical framework to the most extent; regardless, individual categories have been made to ensure a more detailed and theory-driven approach. Issues that occurred, were the inaccessibility of the seven components of the BPA. Even though scholars have written a great number of scholarly articles about the topic, the original texts could not be derived.⁵ It should be taken into account that a vast number of analysed documents could be found within either the NATO or EU archives and as such, form a bias from their organizational point of view. Joint documents, such as declarations or agreements often appear to portray a positivistic outlook upon the cooperation.

5.1 Initiation of cooperation

Within the document analysis, no indication could be found that NATO initiated the cooperation and only a minor indication could be found of an EU member state, ensuring cooperation with NATO, which was Germany, through its Chancellor Kohl. Regardless, the true initiator of the cooperation appears to be blurred through time and the complexity of the cooperation. However, many indications provide insight into the fact that there may not have been an initiation in a direct form, but that it rather developed naturally into a cooperation that was mutually beneficial, militarily for NATO and economically for the EU. Alexandros Papaioannou summarises this development simply yet correct "The institutional relationship evolved out of necessity." (2019). This can be identified with both organizations having their initial roles as either a security or economic organization, with NATO providing security to the ECC under its security umbrella. However, the political changes through the end of the cold war and the fall of Warsaw pact, led to both institutions attempting to incorporate former Soviet countries into their organization. This parallel development, led to an increased pool of shared member states, among the two organizations and both

⁵ Confirmation was received by a legal advisor within NATO, that the BPA are not publicly accessible.

organizations evolving through those developments. Through the EU's ambition to develop a common defence policy since the signing of the Treaty of Maastricht in 1993 and an extension upon this ambition through the Treaty of Nice in 2001 (Papaioannou, 2019), the EU became involved in the realm of NATO and the two institutions had to cooperate amongst each other. This culminated in the BPA in 2003, ensuring cooperation upon EU-led operations. From there on, little cooperation happened officially, with only informal cooperation (see pages 15, 22, 37) being present after the completion of Operation Concordia. Official measures to strengthen cooperation were resumed after virtually a decade of little development, as can be seen through the documents since no significant documents being available from 2004 to 2014. Through the threat from the East and South by issues neither could resolve by themselves, the perception was increased, that cooperation is crucial. The EU highlighted this by initiating the PESCO initiative and the founding the European Defence Fund (EU, 2019; Papaioannou, 2019). Those two pillars for common defence were joined by a third pillar for the EU, which was NATO-EU cooperation (Papaioannou, 2019). In 2016 and 2018 two joint declaration marked a new level of cooperation, and 74 common actions, both institutions were to undertake. This led to a further incorporation of both institutions into each other, with NATO policies nowadays always including an EU dimension (Papaioannou, 2019).

5.2 Principles, Norms and Values

It has been highlighted on numerous accounts that NATO and the EU share similar norms and values. Predominantly it has been mentioned that both seek to provide security and stability within their territories, through creating stability externally. However, looking at the founding treaties of both organisations, which are the manifestation of principles, norms and values, the differences become clearly visible. Whilst both feature defence aspects and maintenance of security, the Maastricht treaty, puts and emphasis on economic development and furthering Europe's trade. A distinguishing feature however, is that the EU declares the willingness to establish a common identity and authority with legislative power, which is one of the treaties main aspects. The North Atlantic Treaty's most important articles Art. 3, 4 and 5, consisting of self-help and mutual aid, consultation and culminating in the mutual defence clause of Art. 5, which captures NATO's identity and foundation, reflect the willingness to cooperate of the Alliance's members with each other, in times where a single member country may not be capable of addressing a security issue on itself.

What both founding treaties feature, is the strive towards stability and the safeguarding of human rights, including freedom, democracy, equality and the rule of law. The North Atlantic Treaty does so indirectly

by referring to the Charter of the UN, apart from mentioning freedom directly. The Treaty of Maastricht too, refers to the UN Charter and its principles and the preserving of peace and international security. Hence, both institutions' founding treaties feature the same principles, norms and values with regards to security. However, the EU depicts a more broadened definition of security, with a focus on economic aspects, due to the nature of the organization. The Charter of the UN being represented in the North Atlantic Treaty and the Treaty on the European Union, provides a solid framework for both organizations, based on liberal and democratic principles, focussed on human rights.

However, it can also be argued that there are similarities as mentioned above, yet the differences outweigh the similarities. The UN Charter is one of the most important documents for international relations and as such it should come as little surprise that it is included in both founding treaties. Both institutions after all feature significant differences in purpose, which are manifested in their founding treaties. As such, the EU can function partially as a legislative body, while NATO does not strive to do so and instead has a focus on mutual defence, which the EU does not entail.

5.3 Task-related Division of Labour

The division of labour between the EU and NATO has been outlined to be one, where NATO leads the defence aspects and the EU is taking on a supportive role. However, the dominant aspect of where the two institutions are cooperating are strategic challenges that one actor cannot solve alone. Those issues are mainly hybrid threats, cyber threats, terrorism, CBRN risks and migration issues, which some scholars may define as a wicked problem (Weber & Khademian, 2008). Those problems would thus require a multitude of actors to cooperate, since one actor alone does not have the capacity to address any of those issues on its own. NATO and the EU, providing their military and civilian capabilities can thus address those problems, by using their strengths. This was described by Fiott (2020), who wrote 'The CSDP in 2020', as 'Finally, after more than 15 years, it was clear that CSDP military missions and operations did not in any way threaten NATO's own role and responsibilities but rather complemented it''.

Despite this interpretation, alternatively, the division of labour may also be considered as a division of power and influence. Through using its strength as a military power, NATO can secure its positions as a security provider in Europe and diminish the necessity for the EU to develop into one and excluding the EU vastly from military issues. Moreover, it could be argued that hybrid issues are issues in the public spotlight and as such, those efforts of cooperation on those issues are politics for the satisfaction of the public and not necessarily meant to yield significant long-term benefits. Despite the reasoning, the

establishment of the European Defence Agency (EDA) and the way both institutions are attempting to not duplicate each other, but take on complementary tasks as mentioned by de Hoop Scheffer (2007), shows that both institutions are committed to ensuring they can use each other's strengths for their mutual benefit.

5.4 Preservation of Autonomy

Within most documents and speeches, the autonomy of both organisations was mentioned, and it was ensured to highlight that neither institution seeks to replace the other. Autonomy was described on two levels, organizational and sovereignty of the state. The former can be interpreted as the organizations' autonomous decision-making, without interference of the other, whilst the latter is the autonomy of the state, that is still main provider of its assets, on an autonomous basis. Such an autonomy can be seen within the BPA, where the assets may be available to the EU; however, the decision to make them available is still within state authority. This would hence confirm the theoretical framework of cooperation between institutions not being among the institutions themselves, but instead states still being the source of power and the organizations having to justify themselves in front of them. This means, there are two forms of autonomy present within the cooperation between NATO and EU, national autonomy and institutional autonomy. Neither country, nor institution can be forced through their respective institution or partners into cooperation and therefore can maintain their own autonomy if they deem this necessary. Within the joint declaration between NATO and the EU in 2018, the national autonomy was outlined through stating that "They [the capabilities developed] should be available to both organisations, subject to the sovereign decisions of the countries that own them.", and due to the dual consensus rule countries can also maintain institutional autonomy if deemed necessary.

It is frequently argued that institutions build their own cultures and staff detaches itself from their respective countries and align themselves with the institution and its interest. This consideration may lead to the alternative interpretation of NATO and EU staff wanting to secure their institutional autonomy and not their respective national autonomy. Within the documents, autonomy was mentioned to be preserved by focusing on interoperability instead of duplication of their capabilities (Brustlein, 2019). The necessity to adjust one's own preference to partners, is thus not given.

5.5 Capability Enablement

The militarily weaker actor, in this case the EU, has been outlined to have gained numerous advantages through a cooperation with NATO. This includes planning capabilities and access to military hardware, as

well as the founding of the European Defence Agency. Planning capabilities enable the EU to have greater capacity within Europe and beyond. Despite the material gains, non-material advantages such as it being 'a catalyst for transformation', interoperability and an enhancement of quality of the armed forces, are mentioned to be existing through the cooperation. What has been highlighted, but was from the theory unanticipated, was the capability enablement gain for NATO as well. However, this effect is an indirect one from an enhanced European defence contributing to an enhanced capability of NATO. Yet, this does not coincide with the previous quantitative analysis, showing that NATO has very little to gain.

As it was stated in the joint declaration of 2018 by NATO and the EU "Our two organisations have developed a broad range of tools to provide greater security to citizens in Europe and beyond", which can be interpreted as the EU's interest of covering Europe. However, also through NATO's perspective of enabling another actor to ensure stability within a region, without the necessity of NATO requiring to cover components such as the founding of a police force which are more civilian in nature. This interpretation can be supported through the Riga Summit Declaration, mentioning that the cooperation through the BPA in regards to Operation Althea has "contributed to peace and security" (2006). Whilst this shows the enablement of capabilities it could be seen as NATO attempting to give up some of its monopoly as the dominant security provider. What NATO does not do however, is giving up any military operations and to this point only engaged with the EU, when the EU took over civilian components.

5.6 Inter-Organizational Cultures

Cultures that are shared among NATO and the EU, were a nearly neglected domain, that has been addressed only within the speech given by former NATO Deputy Secretary General Rose Gottemoeller during a press conference. She stated that the substantial amount of shared member countries leads to the same 'family' (2019). What she means within this context is that the fundament of both organisations is partially shared and as a result, similarities resonate through both organisations from their member states into the organizational culture. It should be considered that the fundament or 'family' may be comparable; however, the structures build on top are different, since their function is different. NATO remains a military and defence alliance with minor civilian components whilst the EU remains a civilian alliance with minor military components. Capabilities and modus operandi are thus vastly different from each other. Therefore, the organizational culture is likely to be less adjusted to each other and similarities should not be exaggerated. As Hatjiadoniu describes "A Security and Defence Policy is a deep reflection of a nation's culture and the sense of its role in the world." (2000, p. 11) and hence the similarities of and integration of policies into each other's (Papaioannou, 2019), allows for the conclusion that cultures are

shared amongst each other. This argument can be supported through analysing both founding treaties. It is visible that both treaties share the afore-mentioned same principles, from which it can be concluded once more that even the backbone of both institutions is comparable to each other. It is pointed out by de Hoop Scheffer however, that the 'family' has problems. Not all member states of both institutions are entirely content with the cooperation, which can be seen through the non-cooperation between Turkey and Cyprus or Turkey's decision, not to engage within the EDA (de Hoop Scheffer, 2008). This would allow for a different interpretation, seeing the 'family' as a source of concern, rather than connection due to members disliking each other, within the cooperation. Hence, this shows the dissimilarities in culture, that stem from states in this cooperative family, which are only engaged within one institution. While de Hoop Scheffer claims there to be a family, he also clearly states the existence of a 'participation issue', which he describes within his speech "I have said before that NATO-EU relations could only benefit if all the members of each institution are comfortable with that relationship. [...] As everyone knows, this is not currently the case and the political repercussions are having a major impact on both internal NATO business and the NATO-EU relationship" (2008). Hence a mixture of those interpretations should be used, with there indeed being a family through shared member states, yet states that are an extended family since they are only within one institutions, result in participation issues and an amendment of culture within their institution. Through the dual-consensus rule, they however, gain significant power to ensure cooperation may succeed or fail.

Furthermore, cultures tend to merge if people interact within close proximity of each other on a regular basis. This is manifested through the integration of the two organizations within each other's physical representations. This was mentioned to be the integration of liaison officers at the UN and NATO liaison officers present at the EU Military Staff (EUMS) (Rehrl & Weisserth, 2010). The EUMS is the small amount of military personnel in the EU, addressing military issues and works in close cooperation with NATO.

5.7 Provision and Resource Pooling

Saving resources and hence graspable improvements in finance and availability of hardware, and knowledge appear to be a dominant motivating factor that ensures cooperation. Those capabilities are hence available to both organizations under the guidance of the member country that owns them. As de Hoop Scheffer formulated it in his speech "it is a matter of binding both institutions together in such a way that the various instruments can be used together and as effectively as possible". By pooling their resources organizations can enhance their efficiency and the service they can provide to their respective member states and the respective citizens, which is security within the context of their cooperation. The

major concern is the issue of hybrid threats and the necessity to enhance resilience towards them, to ensure security, which one actor is incapable of doing. A wicked problem is formed through hybrid threats and requires more resources and capabilities than either actor can provide themselves. The wicked problems outlined within the theoretical framework appear to be synonymous with the strategic issues outlined within the joint declarations, BPA and CSDP.

Additionally, the EU receives access to NATO planning procedures and is covered under NATO's security umbrella. Through this, the EU has less economic burden to carry itself, by not having to finance costs to develop structures that they receive access to from NATO. A reoccurring factor was the duplication of capabilities, described as "wasting valuable money and effort by duplicating our [NATO and the EU's] capabilities and development programmes (de Hoop Scheffer, 2008), which was also mentioned in example by Rehrl and Weisserth as "More resources for defence and better use through pooled and shared assets, avoid duplication." This shows two interpretations of resource pooling in relation to duplication, one being duplication being the reason money and efforts are wasted and the second being sharing assets can avoid duplication, since the other institution will not have the necessity to gain capabilities or hardware themselves if they already have access to it.

5.8 Enhancement of Reputation and Position

Both organizations mention within their joint and respective documents that they do gain reputation and an enhanced position; however, solely in an indirect way. A 'premium' is how NATO described it within the declaration of the Riga summit 2006 and within the joint declaration of 2018, both organisations state that EU efforts will complement NATO in its tasks, without replacing the Alliance. Given the controversy and discussion about NATO and the justification of its existence, this ensures for NATO that a potential replacement on the European continent becomes a partner that commits to not taking over tasks for NATO and thus ensures that NATO's existence is preserved. However, the EU may address this as an opportunity to establish itself as a security provider, even though having lesser means.

Similarly, NATO also promotes that the ESDP has been an inseparable part of European integration into providing security within Europe, in coordination with their partners, which is comparable to the 'premium' described by NATO for themselves. In addition, the High Representative and Vice President of the Commission is set to coordinate the cooperation for the EU. This results in the EU being mutually responsible and having a direct channel into the military cooperation with NATO, which puts the EU in a favourable position.

5.9 Hybrid Problems

Within the joint declarations, the Riga summit declaration and the European Union-NATO Declaration on the European Security and Defence Policy (ESDP), both institutions outline together the topics upon which they ought to cooperate. Those topics have been predominantly the already mentioned, being terrorism, CBRN issues, cybersecurity and migration. Each individual topic provides significant issue density and issue duration, since all topics have a substantial amount of problems that occur for the people addressing it and a failure to address them has a high impact. Additionally, all mentioned topics have a long history of being unresolved and hence feature a high issue duration. Through those two factors being present for both organisations, it can be argued that they are enhancing the likelihood for cooperation yet may require a trigger (2007). This trigger may be found in events that occurred, such as large terrorist actions, mass migration, cyber-attacks or events in which CBRN weaponry has been utilized. In this regard, it is notable that the first-time migration was mentioned as an issue both institutions would cooperate upon, was after mass migration into Europe, which could be argued to have been the triggering event. Likewise, other events may have triggered either one or both institutions into the willingness to cooperate upon them. If only one institution would have the necessity to cooperate, the shared pool of member states is likely to have been a facilitating factor that forms a bridge and puts issues also on the agenda of another institution.

Moreover, those issues are ones which need to be addressed on multiple levels at once. Their geographic cause and effect can be seen in great distance of one another and require different capabilities to be addressed. This is another beneficial effect of a cooperation between NATO and the EU, with NATO being capable of addressing the issue in crisis zones where they arise and the EU, being capable of minimizing the effects within Europe.

5.10 Formal and Informal Cooperation

Cooperation in a formal sense, through official agreements and meetings, is most prominent within the analysed documents. The BPA, meetings between officials of NATO and the EU and joint declarations are witnesses of formal cooperation. Formal cooperation is a facilitating factor for the cooperation of both organizations and provides a framework for interactions. Although providing a framework, formal cooperation is often also regarded as a restraining factor by several documents. It provides issues and may lead in certain cases to a chokehold upon cooperation, as the BPA were frequently accused of doing, which de Hoop Scheffer called within one of his speeches a 'straitjacket' (2008). This expression may also

be interpreted as a metaphor and as such, a straitjacket would be shielding someone or something external, by restraining the threat. However, this interpretation is unlikely, since he refers to the internal relationship.

Informal cooperation has been outlined by De Hoop Scheffer and scholars, to be an enabling factor. Whilst formal cooperation could enable, yet also restrain, informal cooperation was seen within the analysed documents to be a crucial factor for a successful cooperation and enhanced political relationship as De Hoop Scheffer formulated it in his speech (2008). Not having this informal cooperation between staff of both organizations could be a debilitating factor for cooperation. Whilst formal cooperation provides a framework, informal cooperation and the interaction between people is ensuring progress and cooperation. The informal cooperation is thus promoted through integration among each other's organizational framework; however, the decisive factor is the staff and people that interact with each other and establish a common culture of cooperation. Those people are forming a bridge between NATO and the EU and are crucial for the success of the cooperation.

5.11 Sub-Conclusion: Document Analysis

Through the document analysis it can be derived that NATO and the EU share significantly similar values, which are featured in their founding treaties and repeated in the two joint declarations. Those similarities in principles, norms and values are likely due to the shared pool of member states. Since the defence policy is a reflection of a country's culture, the similarities and alignment of both institutions in defence policy, can be argued have been emerged from being made up out of partially the same member states. Hence, the dissimilarities can be argued to be existing due to the states, that are only engaging in one institution instead of both. Moreover, preservation of autonomy, can be seen as a factor both institutions require, before being willing to cooperate in the first place. This autonomy can be seen on the state, but also on the institutional level.

An enhancement of position is made out for both institutions, just as are the benefits through sharing their resources more capabilities are enabled and they gain the advantage of being able to address hybrid issues, which neither institutions can do separately. Finally, it should be outlined, how important informal cooperation is. As can be seen through the historical context, formal cooperation has been attempted, but yielded no significant results. Informal talks have facilitated the cooperation significantly and allowed for relationships among the institutions to form.

Chapter 6: Conclusions

6.1 Factors for successful cooperation

For both institutions it appeared that the majority of strategic issues they cooperated upon, were hybrid threats. The dominant amount of hybrid threats, which they addressed together were, terrorism, CBRN-related issues, migration and cyberthreats. Terrorism appears to be an issue, which NATO is fighting militarily, yet requires cooperation with civilian actors such as the EU and its bodies, such as Europol, once terrorism is inside of European borders. Since NATO committed to fight terrorism, the Alliance has to do so abroad and within its borders, which includes Europe. Moreover, the EU itself became aware of the destabilizing affects terrorism has and the affects it has economically; thus, widening its scope and becoming more involved in security issues too. The same reasoning can be applied towards the remainder of the issues, where NATO provides military expertise and the EU civilian expertise to solve an issue neither of them could unilaterally (Papaioannou, 2019), yet which would have a high negative impact if not addressed.

Hybrid threats are the most common issue upon which cooperation is built around. As such, the main issues that NATO-EU cooperation is focused upon is the resolution of terrorism, CBRN issues, cyberthreats and migration, since they can destabilize their member countries and have security implications for the conservative perception of security and the holistic perception of security.

In addition, there have been a number of factors that should be described as facilitating factors, which were required for the successful cooperation to be constructed upon. They differ from the incentivising factors through being a prerequisite for cooperation and not being an individual factor for each organisation to cooperate. These two factors are the *preservation of autonomy* and the already pre-existing *inter-organizational cultures*, that can be traced to the substantial shaped pool of member countries, which shape the two organizational cultures. The latter factor is due to the bottom-up reasoning of a *shared pool of member states*, providing the partially equal fundament to build an institution upon.

A further factor is the preservation of autonomy, which requires to have a look at two levels, the institutional and national level, on which autonomy exists. Through dual-consensus any member country of either institution is capable to block cooperation and as such can exercise the ability to protect the institutional autonomy. If dual-consensus is reached, every country within the institution still remains in

charge of their national capabilities and can decide to opt out of participating for the cooperation; hence, exercising national autonomy.

6.2 Further steps

Neither institution has the capability to address hybrid threats in a unilateral way. Both institutions require assistance from the other institution to achieve the best possible approach of addressing any issue; however, certain topics, such as CBRN defence should be addressed with NATO as the leading institution, in comparison to the EU being more suited to address issues resulting from migration towards the Euro-Atlantic territory. Ensuring this can best be done by addressing issues through formal cooperation that ensures autonomy of either institution and build upon shared norms and values. Moreover, the formal cooperation should facilitate informal cooperation, by ensuring personnel can be involved in both institutions at the same time.

Therefore, the BPA forms a prime example for cooperation and should be extended, to ensure NATO and the EU can cooperate to ensure the best possible provision of security. A focus should be given in this regards towards hybrid issues, that are a challenge to both institutions. Therefore, cooperation is encouraged upon cyber threats, CBRN threats and migration, should be encouraged and the appropriate parts of the organization should cooperate to initiate a broader cooperation.

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Appendices

A – Document Analysis List

This list entails the most crucial documents to be included within the document analysis.

Document	Reason for Analysis	Page
EU-NATO COOPERATION (Factsheet)	EU factsheet for NATO-EU cooperation, concerning advantages.	68
Joint Declaration 2016	Joint Declaration evaluation by NATO and the EU.	69
Joint Declaration 2018	Joint Declaration evaluation by NATO and the EU.	70
Press conference: NATO Deputy Secretary General Rose Gottemoeller at the Defence and Security Conference, Prague	Remarks of high-ranking NATO diplomat, with regards to NATO-EU relations.	72
Riga Summit Declaration, 2006	NATO declares willingness for comprehensive approach.	73
The Daedalus European Security: The Interactions of NATO, EU, WEU	Academic approach towards the history of NATO and the EU.	74
North Atlantic Treaty	Founding Treaty of NATO.	75
Treaty on the European Union	Founding treaty of the EU.	76
Secretary of State Madeleine K. Albright Statement to the North Atlantic Council, Brussels, 1998	High-ranking politician addressing NATO and EU cooperation towards emerging problems and a vision for the future.	78

The CSDP in 2020 - The EU's legacy and ambition in security and defence	Official document of the EU Institute for Security Studies outlining CSDP and reviewing international relationships.	78
European Union-NATO Declaration on the European Security and Defence Policy (ESDP)	Crucial document outlining the strategic partnership between NATO and the EU	80
Handbook on CSDP: The Common Security and Defence Policy of the European Union	EU handbook and elaboration on CSDP, including NATO's role and nuclear strategy.	81
NATO and the EU: Time for a New Chapter	Former NATO Secretary General on NATO-EU relations.	83
Secretary General Jaap de Hoop Scheffer at the High-level seminar on relations between the European Union and NATO	Jaap de Hoop Scheffer speech about NATO-EU cooperation in 2008.	84

B – Code Books: Document Analysis

EU-NATO COOPERATION (Factsheet)	
Cooperation initiated by stronger actor	Not applicable (n.a.)
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	n.a.
Capability enablement	<p>“EU and NATO staffs continue the dialogue on industry matters, which includes regular updates on related NATO and EU activities.”</p> <p>“ Coherence and synergies between NATO and EU efforts are being made to improve military mobility”</p> <p>“ U-NATO cooperation constitutes an integral pillar of the EU’s work aimed at strengthening European security and defence, as part of the implementation of the EU Global Strategy.”</p>
Preservation of autonomy	“[...]openness, transparency, inclusiveness and reciprocity, in full respect of the decision-making autonomy and procedures of both organisations without prejudice to the specific character of the security and defence policy of any Member State.”
Task-related division of labour	“[...] the main forum for sharing information and coordination of efforts.”
Inter-organizational cultures	n.a.
Provision and resource pooling	“ The European Centre

	<p>of Excellence for Countering Hybrid Threats effectively contributes to strengthening EU-NATO cooperation in this area.”</p> <p>“[...]the main forum for sharing information and coordination of efforts.”</p>
Enhancement of reputation and position	“The established practice of mutual invitations to relevant ministerial meetings continued.”
Wicked Problems	

Joint Declaration 2016	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	<p>“ enhancing our neighbours' and partners' stability in accordance with our values”</p> <p>“ contributes to our security and to sustainable peace and prosperity”</p> <p>“we will continue to support their sovereignty, territorial integrity and independence, as well as their reform efforts”</p>
Capability enablement	“Develop coherent, complementary and interoperable defence capabilities of EU Member States and NATO Allies”
Preservation of autonomy	“decision-making autonomy and procedures of our respective organisations”
Task-related division of labour	n.a.
Inter-organizational cultures	n.a.

<p>Provision and resource pooling</p>	<p>“ Our citizens demand that we use all ways and means available to address these challenges so as to enhance their security.”</p> <p>“Boost our ability to counter hybrid threats”</p> <p>“Bolstering resilience”</p> <p>“ [...] invest the necessary political capital and resources to make this reinforced partnership a success”</p> <p>“[...]and because we have to make the most efficient use of resources.”</p>
<p>Enhancement of reputation and position</p>	<p>“ The European External Action Service and the NATO International Staff, together with Commission services as appropriate, will develop concrete options for implementation, including appropriate staff coordination mechanisms, to be presented [...]”</p> <p>“ On the EU side, the High Representative/Vice President of the Commission will steer and coordinate this endeavour.”</p>
<p>Wicked Problems</p>	<p>n.a.</p>

<p>Joint Declaration 2018</p>	
<p>Cooperation initiated by stronger actor</p>	<p>n.a.</p>
<p>Cooperation initiated by weaker actor</p>	<p>n.a.</p>
<p>Shared principles norms and values</p>	<p>“ We share the same values”</p>

Capability enablement	“ Our two organisations have developed a broad range of tools to provide greater security to citizens in Europe and beyond”
Preservation of autonomy	“ our partnership will continue to take place in the spirit of full mutual openness and in compliance with the decision-making autonomy and procedures of our respective organisations and without prejudice to the specific character of the security and defence policy of any of our members”
Task-related division of labour	<p>“ We welcome EU efforts to bolster European security and defence to better protect the Union and its citizens and to contribute to peace and stability in the neighborhood and beyond.”</p> <p>“We welcome efforts undertaken by NATO in collective defence, crisis management and cooperative security, to ensure the defence and security of the Euro-Atlantic area, notably through deterrence and defence, projecting stability and the fight against terrorism.”</p> <p>“ EU efforts will also strengthen NATO, and thus will improve our common security.”</p>
Inter-organizational cultures	n.a.
Provision and resource pooling	“They [the capabilities developed] should be available to both organisations, subject to the sovereign decisions of the countries that own them.”
Enhancement of reputation and position	“ EU efforts will also strengthen NATO, and thus will improve our common security.”
Wicked Problems	n.a.

Press conference: NATO Deputy Secretary General Rose Gottemoeller at the Defence and Security Conference, Prague	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	“ So, I always like to remind everyone that 22 members of the E.U. are also at the same time member States of NATO, so I like President Junkers mention of the same family.”
Capability enablement	<p>“ A European defense fund will help to develop new military capabilities, improve cooperation and reduce duplication.”</p> <p>“ Stronger European defense means a stronger NATO. NATO is ultimately the guarantor of Europes collective defense and the Trans-Atlantic bond remains the bedrock of European security.”</p>
Preservation of autonomy	“ Stronger E.U. efforts in defense are to be welcomed but anything the E.U. does must complement and not compete with what NATO does.”
Task-related division of labour	“ NATO is ultimately the guarantor of Europes collective defense and the Trans-Atlantic bond remains the bedrock of European security.”
Inter-organizational cultures	“ So, I always like to remind everyone that 22 members of the E.U. are also at the same time member States of NATO, so I like President Junkers mention of the same family.”
Provision and resource pooling	“ NATO welcomes plans for greater E.U. investment in defense.”
Enhancement of reputation and position	n.a.
Wicked Problems	n.a.

Riga Summit Declaration, 2006	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	<p>“[...] cooperate closely with the population of Kosovo, the EU and other international actors to promote stability [stability is one of the North Atlantic Treaties core principles] [...]”</p> <p>“ NATO and the EU share common values and strategic interests.”</p>
Capability enablement	<p>“ It also serves as a catalyst for transformation and interoperability and will enhance the overall quality of our armed forces, not only for NATO, but also for EU, UN or national purposes.”</p> <p>“Our successful cooperation in the Western Balkans, including through the Berlin Plus arrangements regarding EU operation Althea, is contributing to peace and security.”</p>
Preservation of autonomy	“[...]in a spirit of transparency and respecting the autonomy of the two organisations.”
Task-related division of labour	“[...] avoid unnecessary duplication [...]”
Inter-organizational cultures	n.a.
Provision and resource pooling	“ We welcome efforts by donor nations, the European Union (EU), and other international organisations to increase their support.”
Enhancement of reputation and position	“ This puts a premium on the vital role NATO plays as the essential forum for security consultation between North American and European Allies.”
Wicked Problems	n.a.

The Daedalus European Security: The Interactions of NATO, EU, WEU	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	<p>“ German Chancellor Kohl moved to allay US concerns about its continued role in Europe. He called a united Europe without NATO “unthinkable”.”</p> <p>“ We intend therefore to develop a more cohesive European defence identity which will translate more effectively into practice the obligations of solidarity to which we are committed through the modified Brussels and North Atlantic Treaties.” (From The Hague Platform by the WEU, 1987)</p>
Shared principles norms and values	<p>“ France’s decision to pursue the ESDI within the Alliance was the main cause of a general agreement in the principles of ESDI at Berlin.”</p>
Capability enablement	n.a.
Preservation of autonomy	<p>“[...] NATO has verified one more time its role as the primary framework for European security with the efficient conduct of the crisis in Balkans, the adoption of the new strategic concept, and the realisation of the first phase of the enlargement process.”</p> <p>“[...] the efforts of the major European states to materialise the vision of an autonomous but compatible to NATO European security and defence policy.”</p>

	“[...] by doing this France was preserving its autonomy in foreign and defence affairs [...]”
Task-related division of labour	n.a.
Inter-organizational cultures	“ A Security and Defence Policy is a deep reflection of a nation's culture and the sense of its role in the world.”
Provision and resource pooling	“ We support the development of separable but not separate capabilities which could respond to European requirements [...]”
Enhancement of reputation and position	n.a.
Wicked Problems	n.a.

North Atlantic Treaty	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	<p>“ he Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area.</p> <p>They are resolved to unite their efforts for collective defence and for the preservation of peace and security.”</p>

	“ The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being.”
Capability enablement	n.a.
Preservation of autonomy	“ This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.”
Task-related division of labour	n.a.
Inter-organizational cultures	n.a.
Provision and resource pooling	n.a.
Enhancement of reputation and position	n.a.
Wicked Problems	n.a.

Treaty on the European Union	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	“[...] as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”

	<p>“ The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.”</p> <p>“ It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy.”</p> <p>“ RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on civil and military assets [...]”</p>
Capability enablement	n.a.
Preservation of autonomy	n.a.
Task-related division of labour	n.a.
Inter-organizational cultures	n.a.
Provision and resource pooling	n.a.
Enhancement of reputation and position	n.a.
Wicked Problems	n.a.

Secretary of State Madeleine K. Albright Statement to the North Atlantic Council, Brussels, 1998	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	n.a.
Capability enablement	n.a.
Preservation of autonomy	“Any initiative must avoid preempting Alliance decision-making by de-linking ESDI from NATO,”
Task-related division of labour	n.a.
Inter-organizational cultures	n.a.
Provision and resource pooling	“[...]avoid duplicating existing efforts [...]”
Enhancement of reputation and position	‘Any initiative must avoid preempting Alliance decision-making by de-linking ESDI from NATO,’
Wicked Problems	<p>“ We have all recognized the need to develop military forces that are mobile, effective, sustainable, and survivable.”</p> <p>“ My vision of NATO can be summarized in one sentence: we want an Alliance strengthened by new members [...]committed to meeting a wide range of threats to our shared interests and values [...]”</p>

The CSDP in 2020 - The EU’s legacy and ambition in security and defence	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.

Shared principles norms and values	n.a.
Capability enablement	<p>“ the ‘Berlin Plus arrangements’, which were designed to give the EU access to NATO assets and capabilities under specific conditions.”</p> <p>“Yet this is not a problem confined to the EU only, as even European NATO states would be equally unable to defend Europe without the US commitment to collective defence or protecting the global commons.”</p> <p>“ 20 years of European capability development have not enabled Europe to act autonomously in all crisis management operations, let alone in the context of territorial defence.”</p>
Preservation of autonomy	<p>“[CSDP] did not in any way threaten NATO’s own role and responsibilities [...]”</p> <p>“ 20 years of European capability development have not enabled Europe to act autonomously in all crisis management operations, let alone in the context of territorial defence.”</p> <p>“ In 1999, their priority was to prevent any CSDP capabilities encroaching on NATO’s defence role”</p> <p>“ In any case, any CSDP that evolves in the future to undertake both crisis management tasks and continental security would have to deal with uncomfortable conversations about nuclear deterrence.”</p>
Task-related division of labour	<p>“ Finally, after more than 15 years, it was clear that CSDP military missions and operations did not in any way threaten NATO’s own role</p>

	<p>and responsibilities but rather complemented it.”</p> <p>“[...]and shown that efforts conducted within the EU actually strengthen NATO as well and complement it effectively.”</p> <p>“Of course, most EU-NATO members would still likely favour the Alliance in such cases, but this is not true for EU member states that are not part of NATO.”</p>
Inter-organizational cultures	
Provision and resource pooling	<p>“[...]NATO and Britain calling for a stronger EU defence as a way of exhorting Europeans to take on more burden sharing within NATO.”</p>
Enhancement/Manifestation of reputation and position	<p>“ [In the early 2000’s, the main challenge was] first, to reassure NATO that ESDP was not about collective defence but crisis management;”</p>
Wicked Problems	n.a.

European Union-NATO Declaration on the European Security and Defence Policy (ESDP)	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	<p>“Welcome the strategic partnership established between the European Union and NATO in crisis management, founded on our shared values, the indivisibility of our security and our determination to tackle the challenges of the new Century [...]”</p>
Capability enablement	n.a.

Preservation of autonomy	“ Equality and due regard for the decision-making autonomy and interests of the European Union and NATO”
Task-related division of labour	n.a.
Inter-organizational cultures	n.a.
Provision and resource pooling	n.a.
Enhancement of reputation and position	n.a.
Wicked Problems	n.a.

Handbook on CSDP: The Common Security and Defence Policy of the European Union	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	n.a.
Capability enablement	<p>“ Stronger civilian resources and capabilities (combine resources of Member States and EU Institutions). EU-NATO arrangements!”</p> <p>“ Firstly, it can have recourse to NATO assets and capabilities using the Berlin-Plus arrangements. In this case, the preferred option is to establish the EU Operation Headquarters at SHAPE.”</p> <p>“ The consistency between the EU's capability development with that of NATO is ensured</p>

	<p>through a joint EU-NATO Capability Group.”</p> <p>“ The strategic partnership in crisis management between the EU and NATO rests on the so-called Berlin-Plus arrangements adopted in December 2002, under which NATO's collective assets and capabilities can be made available to the EU for operations.”</p> <p>“[...] the two organisations meet also in the EU-NATO Capability Group to exchange information on capability development processes.”</p> <p>“ The EU-NATO permanent arrangements, in particular Berlin-Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the two organisations in crisis management”</p>
Preservation of autonomy	<p>“ Nevertheless, the status of neutrals and of non-allied and NATO partners will be respected.”</p> <p>“ It contributes to full transparency between NATO and the EU [...].”</p>
Task-related division of labour	n.a.
Inter-organizational cultures	<p>“[The EU Cell at SHAPE] supports DSACEUR in his role as the potential operational commander for an EU-led operation.”</p> <p>“ [...] an EUMS military liaison officer to the United Nations is established in New</p>

	<p>York to further enhance cooperation between the military parts of the two organisations and a NATO liaison team is also present at the EUMS.”</p> <p>“ To support close co-operation in crisis management, an EU cell has been established at SHAPE and a NATO liaison team is hosted in the premises of the EU Military Staff in Brussels.”</p>
Provision and resource pooling	“ More resources for defence and better use through pooled and shared assets, avoid duplication.”
Enhancement of reputation and position	“ One of the core elements of the international system is the transatlantic relationship – NATO is an expression of this relationship.”
Wicked Problems	“ However, no single country is able to tackle today’s complex problems on its own.”

<p>NATO and the EU: Time for a New Chapter</p> <p>Keynote speech by NATO Secretary General, Jaap de Hoop Scheffer</p>	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.
Shared principles norms and values	n.a.
Capability enablement	“ That agreement [Berlin Plus] gives the EU assured access to NATO capabilities – to both planning and military hardware.”

	<p>“ Third, military capabilities. The discussions we are holding on this subject within the "Berlin Plus" framework have acquired a new dimension with the establishment of the European Defence Agency.”</p>
Preservation of autonomy	<p>“ Even the USA, after some initial hesitation, has acknowledged that this process is right and important – and that an ESDP must be seen as an opportunity, not a danger. And no one today would still seriously assert that NATO and the EU are rivals whose aim is to drive each other out of business.”</p>
Task-related division of labour	<p>“In this way the right course was set early on: an intelligent division of labour, instead of superfluous duplication.”</p> <p>“We must also talk about energy security, and about defence against terrorism – because both institutions could take on different but complementary tasks in these areas.”</p>
Inter-organizational cultures	n.a.
Provision and resource pooling	<p>“ It is a matter of binding both institutions together in such a way that the various instruments of both institutions can be used together and as effectively as possible.”</p>
Enhancement of reputation and position	<p>“The ESDP has meanwhile become an inseparable part of European integration.”</p>
Wicked Problems	n.a.

Secretary General Jaap de Hoop Scheffer at the High-level seminar on relations between the European Union and NATO	
Cooperation initiated by stronger actor	n.a.
Cooperation initiated by weaker actor	n.a.

Shared principles norms and values	n.a.
Capability enablement	“ I welcome in this respect the emphasis that the French Presidency has put on the need to develop more robust EU military capabilities in addition to strengthened planning structures.”
Preservation of autonomy	“ In NATO's experience, one can gain from greater involvement of the partners, without loss of autonomy or flexibility. ”
Task-related division of labour	n.a.
Inter-organizational cultures	“ Finally, I shall not evade what we specialists delicately call the “participation issue”. I have said before that NATO-EU relations could only benefit if all the members of each institution are comfortable with that relationship. As everyone knows, this is not currently the case and the political repercussions are having a major impact on both internal NATO business and the NATO-EU relationship.”
Provision and resource pooling	<p>“ We must stop wasting valuable money and effort by duplicating our capabilities and development programmes.”</p> <p>“ So Berlin + has become too often a straitjacket rather than a facilitator.”</p> <p>“ We need to do better at delivering the key capabilities needed for our operations, and to share the burdens more equitably in both human and financial terms.”</p>
Enhancement of reputation and position	
Wicked Problems	“We are both keen to tackle 21st century challenges such as energy security, cyber defence, terrorism, and proliferation.”

C – Quantitative Dataset

Country	Military Spending	Military Budget	Military Manpower	Military Reserves	Energy ImpDep	Defence Industry	Nuclear Triad	Nuclear Weapon	Only NATO1	Only EU1	Combined1	AIEU	AMATO	Manpower Full	Reserve Full
Albania	1.26	13,00	0.30	0.00	33.28	0.00	2.00	0.00	1.00	2.00	1.00	2.00	1.00	10000,00	0,00
Austria	0.70	3,38	0.30	1.70	93.99	3000,00	2.00	0.00	2.00	1.00	1.00	1.00	2.00	22500,00	150000,00
Belgium	0.93	483,00	0.30	0.00	100,67	42000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	30000,00	50000,00
Bulgaria	3.25	58,00	0.40	0.30	96,19	14000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	30000,00	20000,00
Canada	1.31	1671,00	0.20	0.10	0,00	188000,00	2.00	0.00	1.00	2.00	1.00	2.00	1.00	71500,00	30000,00
Croatia	1.68	56,00	0.40	0.00	82,11	3000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	15500,00	0,00
Cyprus	1.60	0,49	2.60	0.00	99,23	36000,00	2.00	0.00	2.00	1.00	1.00	1.00	2.00	10000,00	50000,00
Czech Rep	1.19	211,00	0.20	0.00	99,46	13000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	25000,00	0,00
Denmark	1.32	328,00	0.30	0.80	19,24	4000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	16000,00	45500,00
Estonia	2.14	27,00	0.50	1.00	84,33	0,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	6500,00	12000,00
Finland	1.40	3,57	0.40	5.10	45,30	24000,00	2.00	0.00	2.00	1.00	1.00	1.00	2.00	21500,00	28000,00
France	1.84	2595,00	0.40	0.30	97,69	336800,00	1.00	300,00	2.00	2.00	1.00	1.00	1.00	268000,00	183635,00
Germany	1.38	3614,00	0.20	0.00	95,48	118500,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	182650,00	30000,00
Greece	2.28	207,00	1.90	5.10	97,93	3000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	200000,00	550000,00
Hungary	1.21	143,00	0.30	0.50	85,94	41000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	25000,00	45000,00
Iceland	0,00	0,00	0,00	0,00	10,96	5000,00	2.00	0.00	1.00	2.00	1.00	2.00	1.00	0,00	0,00
Italy	1.22	1901,00	0.30	0.30	89,84	491000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	175000,00	182000,00
Ireland	0.33	0,87	0.02	0	98,41	14000	2.00	0.00	2.00	1.00	1.00	1.00	2.00	11500	2,500
Latvia	2.01	31,00	0.30	0.40	98,07	9000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	5300,00	8000,00
Lithuania	2.03	47,00	0.70	0.30	98,43	6000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	18500,00	7000,00
Luxembourg	0.56	62,00	0.70	0.00	99,73	0,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	900,00	0,00
Malta	0.50	0,06	0.90	0.00	96,21	5000,00	2.00	0.00	2.00	1.00	1.00	1.00	2.00	1692,00	0,00
Montenegro	1.66	5,00	0.30	0.00	0,00	0,00	2.00	0.00	1.00	2.00	1.00	2.00	1.00	2000,00	0,00
Netherlands	1.36	840,00	0.20	0.00	93,88	285000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	35500,00	5000,00
Norway	1.80	412,00	0.40	0.70	0,00	32000,00	2.00	0.00	1.00	2.00	1.00	2.00	1.00	24000,00	40000,00
Poland	2,00	565,00	0.30	0.20	98,74	21000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	118000,00	75400,00
Portugal	1.52	217,00	0.30	2.00	104,18	3000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	30500,00	212000,00
Romania	2.04	214,00	0.30	0.20	63,10	108000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	70000,00	50000,00
Slovak Rep	1.74	101,00	0.30	0.00	101,25	12000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	16000,00	0,00
Slovenia	1.04	50,00	0.30	0.10	99,24	0,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	7300,00	2000,00
Spain	0.92	1336,00	0.30	0.00	98,95	1061000,00	2.00	0.00	2.00	2.00	1.00	1.00	1.00	124000,00	15500,00
Sweden	1.00	6,32	0.30	0.00	94,05	206000,00	2.00	0.00	2.00	1.00	1.00	1.00	2.00	30000,00	0,00
Switzerland	1.89	952,00	0.40	0.50	94,91	245000,00	2.00	0.00	1.00	2.00	1.00	1.00	1.00	355000,00	38000,00
Turkey	2.14	3081,00	0.30	0.10	24,47	972000,00	2.00	200,00	2.00	2.00	1.00	1.00	1.00	192660,00	83000,00
United Kingdom	1.89	2004,00	0.40	0.30	7,31	10752000,00	1.00	6185,00	1.00	2.00	1.00	2.00	1.00	1400000,00	860000,00
United States of America	3.42	2004,00	0.40	0.30	7,31	10752000,00	1.00	6185,00	1.00	2.00	1.00	2.00	1.00	1400000,00	860000,00

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PART III

NATO-EU COOPERATION, WITH SPECIAL FOCUS ON COORDINATION AND INTERACTION, IN CASE OF LARGE-SCALE CBRN INCIDENTS

Elisabeth Tamara Janette Bijl

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Executive Summary

'In light of the common challenges we are now confronting, we have to step up our efforts: we need new ways of working together and a new level of ambition; because our security is interconnected; because together we can mobilize a broad range of tools to respond to the challenges we face; and because we have to make the most efficient use of resources. A stronger NATO and a stronger EU are mutually reinforcing. Together they can better provide security in Europe and beyond.'

- Joint NATO-EU Declaration of 2016 -

This report concerns “NATO-EU cooperation in crisis management with special focus on coordination and interaction in case of large-scale CBRN incidents”. It focuses therefore on large scale CBRN incidents which require NATO and EU to provide aid. Furthermore, NATO and EU cooperation and resilience to CBRN incidents is a central focus point of this report.

The information in this report has been gathered mainly through two types of research. The first consists of information exchange with NATO and EU personnel in tactical, operational, and strategic positions within their respective organizations, as well as projects. Secondly is the analysis of policies, agreements and other NATO and EU public documentation concerning NATO-EU cooperation and CBRN defence. This has produced a significant assortment of information including NATO-EU history of cooperation, NATO and EU CBRN defence capabilities and legal considerations.

Challenges to NATO-EU cooperation has revealed that political uncertainty and a lack of cooperation framework are vital but not the only challenges and issues which NATO and EU are facing when continuing their journey to a more effective and mutually beneficial cooperation. Furthermore, the necessary build-up of resources and capabilities to deal with large-scale CBRN systems is an important obstacle that must be considered.

It is therefore recommended to actively work on expanding the necessary frameworks, establish processes, and intensify the building up of trust through exercises, workshops, and improved communication. Additionally, the build-up of CBRN defence assets and the creation of combined inventories are a small part of what can be done to further NATO-EU cooperation and thereby strengthen resilience against CBRN incidents in Europe.

Scope

The focus of this document will be on the cooperation between the North Atlantic Treaty Organization (NATO) and the European Union (EU) during a large-scale chemical, biological, radiological, and nuclear (CBRN) incident⁶. This indicates that the focus will be on the preparation and response to a CBRN incident in which national capabilities are overwhelmed and the assistance of NATO and EU is requested. For this all types of CBRN incidents must be considered, whether it is intentional or accidental release.

Should national capabilities be overwhelmed, there are many organizations who may have a stake in providing aid to the stricken nation. In this document however NATO and EU will be the most important actors and will be the objects of assessment and recommendation. Specifically, this focus will be on the cooperation through coordination and interaction for a large-scale CBRN incident. This includes communication platforms, cooperation frameworks, policies, agreements and legal consideration, and Capabilities.

Though NATO is an intergovernmental military alliance and both it and EU have capabilities for action during war-time situations, the focus of this assessment will be NATO and EU cooperation during a CBRN incident in a peacetime situation. Both NATO and EU have mechanisms in place for civil protection and this document will analyse, assess, and give recommendations on how these two civil protection mechanisms may work together to mitigate the consequences of a CBRN incident.

This document therefore focuses on NATO-EU cooperation, through coordination and interaction in the preparatory and response phases, during a large-scale CBRN incident in a peacetime situation.

Limitations

NATO-EU cooperation is a very wide and complex topic which is too large to be completely covered by this document. It therefore requires additional research upon completion of this document.

This document is created wholly from unclassified, publicly available documents and research, and information exchanges with people in the field. This means that there is possibly a significant amount of

⁶ “An occurrence due to the suspected or confirmed presence of chemical, biological, radiological or nuclear substances, either arising from the intention to use them by an aggressor or following their intentional or accidental release.” (NATOTerm, 2015).

information concerning large-scale CBRN incidents, preparedness, and response, as well as NATO and EU cooperation which will not be mentioned within this document as it is not publicly available.

Introduction

In 2018, the Joint Chemical, Biological, Radiological and Nuclear Defence Centre of Excellence (JCBRN Defence COE) released a document entitled 'Cross-border Cooperation in case of CBRN incidents'. This document contains an analysis of civil military cooperation between NATO and individual nations in case of a large-scale CBRN incident. That report focuses on current policies of CBRN crisis management, NATO, and nations individual roles within CBRN crisis response, legal aspects to civil-military and cross border cooperation, as well as possible hampering factors to successful cooperation and recommendations on how these hampering factors may be overcome. (JCBRN Defence COE, 2018).

The document was then used to establish the 'The first JCBRN Defence COE Advisors Conference'⁷, held in Prague, Czech Republic, from 17 – 19 September 2019. This initiative was conducted to analyse enhancing civil-military cooperation in case of a large-scale CBRN incidents. This conference was attended by 39 participants representing 10 countries as well as international organizations. The countries represented were Czech Republic, Finland, France, Germany, Greece, Italy, The Netherlands, Poland, Romania, and United States of America, and international organizations were NATO Headquarters – International Staff, Supreme Headquarters Allied Powers Europe (SHAPE), and JCBRN Defence COE. (Allert and Kralikova, 2019).

Some results from this Advisors' conference includes the development of a joint-military concept for NATO coordination on CBRN consequence management issues, the review of NATO's Advisory Support Teams (AST) and Rapid Reaction Teams (RRT), introducing biological and chemical incidents into scenario-based discussions (SBD) at the North Atlantic Council (NAC) level, and introducing large-scale incidents into NATO's major exercises. The most important recommendation concerning this report, however, is the recommendation to intensify NATO-EU cooperation concerning civil-military cooperation in the CBRN domain. (Allert, 2020).

This document, therefore, as an extension of the report written concerning the 'cross border cooperation during CBRN incidents', and a result of the recommendations made during the aforementioned JCBRN

⁷ More information can be found in Appendix B.

Defence COE Advisors Conference, will analyse the capabilities as well as hindrances to NATO-EU cooperation, and especially coordination and interaction, during a large-scale CBRN incident.

What is the problem...?

Following 9/11 and subsequent anthrax attacks, CBRN incidents have become increasingly important on the global agendas including those of NATO and the EU (Vicar and Vicar, 2011).

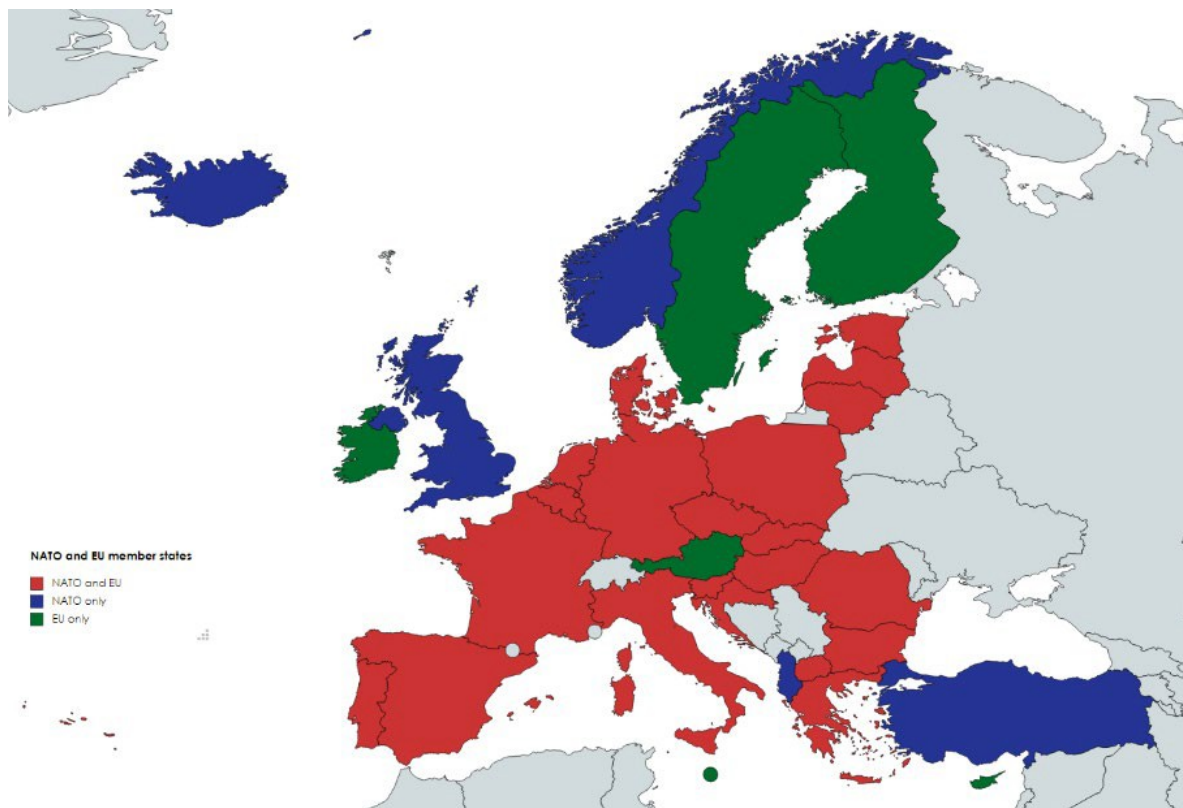
Although CBRN incidents are often seen as being a low probability but high impact event (European Commission, 2017), there have been known occurrences, such as the Salisbury attacks in 2018 against former Russian double agent Sergei and Yulia Skripal (Wood, 2019; Wojtas, 2019; European Commission, 2017). Furthermore, there has been increasing evidence of terrorist organizations being interested in and/or obtaining the knowledge and capabilities to execute CBRN attacks (Lindstrom and Tardy, 2019; European Commission, 2017). A report by Atlantic Treaty Association (ATA, 2017) states that there are more than 150 cases of illegal radioactive substance trafficking reported to the International Atomic Energy Agency (IAEA) every year.

There are different types of CBRN incidents which can occur. Firstly, is an attack of a non-state actor like a terrorist group. This includes contaminating the food or water supply⁸ (Gerevini, 2019), or creating an improvised explosive device (IED) containing a radiological substance (ATA, 2017). Another type of CBRN incident is an attack caused by a state actor, as possibly done during the 2018 Salisbury attack (Wojtas, 2019). The last incident type concerns an unintentional accident or leakage such as the Ghislenghien Gas pipeline explosion in Belgium in 2004 or the Ajka Reservoir chemical spill in Hungary in 2010 (Wood, 2019).

With this increasing threat of CBRN incidents it is important that not just national actors, but also international organizations are prepared. This is especially essential in the case of a large-scale CBRN incident. NATO (2019a, pp. 3-4) defines a large-scale CBRN incident as an incident which is “large enough to stress a nations capacity to respond effectively”. In such an instance the stricken nation can request the aid of NATO or EU partners. Both these organizations have certain mechanisms in place designed to coordinate the aid from one NATO or EU member to another (NATO, n.d.; Otte, 2019).

⁸ Example: A man was arrested in Germany in 2017 for putting poison in baby food at a supermarket (Gerevini, 2019)

As increased knowledge and technology makes it easier to create CBRN threats, it is also increasingly important that NATO and EU work more effectively together. NATO was originally established as a defensive organization providing collective defence to the Euro-Atlantic area by providing the military force. EU, on the other hand, was formed as a civilian security organization providing political action, such as sanctions, for European security. With these organizations operating in the same geographical area, facing similar threats and with the close nexus between defence and security, it seems to be the perfect combinations of factors for a thriving partnership. Besides this, they also share twenty-one nations who are members of both NATO and the EU⁹. At the same time, both organizations also have certain differences which make the separate identities and tasks. This can be seen in NATO's position, using military force, covering the upper end and EU, specializing in political and civilian action and sanction, covering the lower end of the force spectrum. (Lindstrom and Tardy, 2019). Regarding its possibilities for partnership, as well as the efforts which have been taken to develop a working relationship between these



two organizations it is a question why, after more than 15 years (Juncker, Soltenberg and Tusk, 2016), there are still difficulties between those two organizations hindering the development of an effective

⁹ Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, and Spain.

cooperation. With the signing of the Joint Declaration in 2016 (Juncker, Soltenberg and Tusk, 2016) and 2018 (Juncker, Soltenberg and Tusk, 2018), NATO and EU once again attempted to forge cooperation, both organizations showing that they are indeed willing to coordinate and interact in certain security domains. One of these identified domains being NATO-EU resilience to CBRN threats.

European Union Development in the security field

The European Union was originally established in order to prevent another major war such as the second world war (EU, n.d.). The Treaty establishing the European coal and steel community (ECSC) was signed by Belgium, France, Germany, Italy, Luxembourg, and the Netherlands (EU, 1951). This treaty started the economic and political cooperation between European nations, first through arranging the steel and coal industries under one management and later as the organization began to grow, by also guaranteeing open borders and no or less customs, establishing a European investment bank and Social fund (Treaty of Rome) (EU, 2016), as well as a council and commission to oversee these communities (Merger treaty) (EU, 1967). Finally, in 1992, the Treaty on European Union (EU, 2012a) was signed, officially making the communities into the European Union. During this development, the Western European Union was acting as the security mechanism for the institutions being created into the European Union (EEAS, 2016).

Western Union and Western Union Defence Organization

In 1948, Belgium, France, Luxembourg, the Netherlands, and the United Kingdom joined together to sign the Treaty on Economic, Social and Cultural Collaboration and Collective Self-Defence (also known as the Brussels Treaty). This established the Western Union (WU), also known as the Brussels Treaty Organisation (BTO) (European Union, n.d.). Furthermore, this treaty included a framework for the collective defence of western Europe as well as improved cooperation in economic, social, and cultural matters between the signing nations. The collective defence against any armed aggression organization in Europe became known as the Western Union Defence Organization (WUDO). Furthermore, out of the framework established in this treaty were born both the Council of Europe and NATO, both established in 1949. (EEAS, 2016).

WUDOs military capabilities did not last long however, as the need to back up NATOs creation with capabilities led to the WU handing over its military personnel, capabilities and plans for the Western Union Defence Organization (WUDO) to NATOs Allied Command Europe (ACE) in 1951, thereby creating SHAPE,

with WUDOs senior officer, Field Marshal the Viscount Montgomery of Alamein, becoming the first Deputy Supreme Allied Commander Europe (DSACEUR). (SHAPE, n.d.a).

From Western European Union to European Union

Then in 1954, the Brussel treaty was amended to include Italy and West Germany into the WU for West Germany to be permitted into NATO. This led to the establishment of the Western European Union (WEU) in 1955. The aim of this organization was “to create a firm basis for European economic recovery in Western Europe; to offer mutual assistance to member countries in resisting any policy of external aggression; and to promote unity and encourage positive integration in Europe.” (EEAS, 2016).

With the creation of ‘European Coal and Steel Community’(ECSE) in 1951, the Treaty of Rome (signed in 1957) leading to the creation the European Economic Community (EEC) and the European Atomic Energy Community (Euratom), and finally the 1965 Merger Treaty in which these three Communities where integrated into a single commission, the tasks dealing with social and economic matters where gradually passed on to the Council of Europe and its communities, and Defence became the WEUs only mission. From 1954 through to 1984, it acted mainly as European security and defence consultation and discussion forum. (EEAS, 2016).

In 1984, an agreement was reached in Rome stating that the WEU should also begin to focus on security in the case of a crisis in other regions instead of only considering internal European matters. Furthermore, it accepted Portugal and Spain by signing a Protocol of Accession in 1988. Then in 1992, the European Union was established with the signing of the Treaty of the European Union (also known as the Maastricht Treaty), the WEU invited the members of the EU to become members of the WEU or observer states, leading Greece to join and Ireland, Austria, Finland, Sweden and Denmark to join upon their accession to the EU. NATO members, specifically Iceland, Norway and Turkey where also asked to become associate partners which they did and in 1994 Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia, where asked to join the WEU. (EEAS, 2016).

In 1989, the WEU created the WEU Institute for Security Studies in Paris, France and in 1991, the WEU Satellite Centre in Madrid, Spain. In 2000, the WEU decided to transfer all its functions and capabilities to the EU. Thereby, in 2002, the Institute for Security Studies became the European Union Institute for Security Studies (EUISS) and the Satellite Centre, the European Union Satellite Centre (EUSC). Additionally, the European Defence Agency (EDA) created in 2004, is based on the WEU armament organization. With

the WEU tasks handed to the EU and the Lisbon Treaty signed in 2007, the WEU officially ended in 2011. (EEAS, 2016).

The Petersberg Tasks

The Peterberg tasks were agreed upon by the WEU in 1992. It was a declaration in which three reasons were outlined which would permit the military to be deployed. These include humanitarian and rescue aid; peacekeeping; and crisis management, including peacemaking. (EEAS, 2016).

When the treaty of Amsterdam was entered into force in 1999, the European Union incorporated these tasks into their treaty on the European Union. Then, with the, entering into force of the 2007 Lisbon Treaty in 2009, EU added three more tasks which would allow military deployment: joint disarmament operations; military advice and assistance tasks; and post-conflict stabilization tasks. (EEAS, 2016).

Amsterdam Treaty

EU member states signed the Amsterdam Treaty in 1997 and it entered into force in 1999. The Amsterdam treaty includes the strengthening of the European Common Foreign and Security Policy (CFPS). In this Treaty the post of High Representative for Common Foreign and Security Policy was established. Furthermore, this treaty indicated the possibilities of creating a common future defence policy for EU. Lastly, as mentioned above, the Amsterdam Treaty adopted the Petersberg tasks into the EU as well as expanding on the number and types of tasks permitted. (EEAS, 2016).

Cologne European Council

At a 1999 European Council meeting in Cologne, Germany, it was decided by EU heads of state that EU should have their own capacity for action in a case of an international crisis in which they do not have to be dependent on NATO. With the development of the Common Security and Defence Policy (CSDP), EU was prepared to take its place to play a role on the 'international stage'. For this they took certain steps, which included "regular meetings of the General Affairs Council (GAC), including, when appropriate, national defence ministers; A permanent body in Brussels, the Political and Security Committee (PSC), consisting of representatives at ambassador level with political/military (pol/mil) expertise; An EU Military Committee consisting of military representatives that make recommendations to the PSC; An EU Military Staff including a Situation Centre; and Other resources such as a Satellite Centre and an Institute for Security Studies." (EEAS, 2016).

Furthermore, the development of crisis management capabilities, such as military forces and headquarters were discussed, with a thought to either drawing its capabilities from nations or from NATO. Lastly, EU also discussed the possibility of absorbing the WEUs tasks into those of the EU. (EEAS, 2016).

Treaty of Lisbon

Signed in 2007, and having entered into force in 2009, the Treaty of Lisbon makes amendments to the Treaty of the European Union of 1992 and the Treaty of the Functioning of the European Union. In these changes, is the addition of all the decisions made in the Cologne council deliberations. Furthermore, it adds to the CSDP by including a “mutual assistance and a solidarity clause, the creation of a framework for Permanent Structured Cooperation, the expansion of the Petersberg tasks, and the creation of the European External Action Service (EEAS) under the authority of the High Representative for Foreign Affairs and Security Policy.” (EEAS, 2016).

In its solidarity and mutual assistance clause, the EU, however, does clarify that ‘commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organization, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation’. (EEAS, 2016).

NATO as a security provider

“Keep the Russians out, the Americans in, and the Germans down.” This was the phrase used by Lord Hastings Ismay, First Secretary General of NATO, in 1949 to describe the main aims for NATO. The aims are based on the need which Europe had of America in light of the economic and security which the United States provided for Europe. The Russian where to be kept out due to the danger of communism which was pertinent throughout the cold war era. Finally, the Germans where to be kept down as they had been the starters of the previous world war and so the other NATO nations where eager to keep Germany unarmed. This changed however when French, British and American forces left west Germany to create the Federal Republic of Germany in 1949. Although not supported by all nations, it was believed that Germany had to be armed for the protection against the Soviets considering the diminished number of forces in the German federal Republic. One suggestion was to accept Germany into NATO and let its troops be under NATO supervision. (Haftendorn, 2005)

NATO had 3 reasons for its establishment: Deterring the Soviets, using the North American presence to deter “Nationalist Militarism” in Europe, and encouraging political integration (NATO, n.d.a). With the North Atlantic Treaty (Washington Treaty) having been signed in 1949 and stating the need for collective defence and cooperation in the Trans-Atlantic area, it was quickly apparent, through the exploding of the first Soviet nuclear bomb in 1949 and the Korean war, that the organization would need military capabilities in order to function. Therefore, based on the WUDO framework, SHAPE was created in 1951 (SHAPE, n.d.a).

With the joining of West Germany to NATO in 1955, there was a stand-off between NATO and the Soviet-led ‘Treaty of Friendship, Cooperation and Mutual Assistance’ (Warsaw pact). By the end of the 1960s, NATO had another task. Namely that of trying to relax tensions between the West and East of Europe. Then in 1989 the Berlin wall fell, leading to a new era of peace which meant that though NATO was no longer needed against the ‘Soviet Threat’, its other two objectives still stood. In 1991, the Allies established the North Atlantic Cooperation Council, which was renamed as the Euro-Atlantic Partnership Council in 1997. This brought together the Allies with the Central and Eastern European countries for consultation. (NATO, n.d.a). Many became NATO Partners, and some would join NATO as members in 1999, 2004, 2009, 2017, and 2020 (NATO, 2020ba).

In 2001 Article 5 of the Washington treaty was activated for its first and currently only collective defence mission. In the meantime, it continued accepting new members and Partners. In 2010, the NATOs Strategic Concept stated that NATO would start to deal with all stages of a crisis. (NATO, n.d.a). This meant more cooperation with other international actors and so NATO has been building its framework with the agreements such as the Partnership for Peace programme (NATO, 2020b), the Istanbul Cooperation Initiative (NATO, 2019d) and the Mediterranean Dialogue (NATO, 2015).

Harmel Report

The ‘Report of the Council on the Future Tasks of the Alliance’, more commonly known as the Harmel Report, was adopted in 1967 and formed a crucial addition to the basic principles of NATO. At this time the West and East Europe had been split by the iron curtain and the Berlin wall causing a tension between the East and West. Furthermore, there were fears that within three years NATO would no longer be relevant and united. (NATO, 2017)

This Report therefore introduced deterrence¹⁰ and détente¹¹ as additional NATO principles. This meant that NATO would keep an army big enough to deter any aggression and to defend any member state if aggression should occur while at the same time looking for methods to relax the tension between the East and the West and create a more stable relationship. This way NATO would be able to adapt to changing circumstances while keeping the North-Atlantic area stable. (NATO, 1967)

The Harmel Report was also NATO's first step to preparing for the 1991 change to a more cooperative approach of dealing with security issues. (NATO, 2017)

Declaration on Peace and Cooperation

The Declaration on Peace and Cooperation (Rome Declaration) was issued to allow NATO to enter into a new chapter of NATO history. This new chapter was the fostering of increased cooperation with countries from Eastern Europe. These countries were invited to become NATO Partners and to join the North Atlantic Cooperation Council at a ministerial level and, the North Atlantic Council at an ambassadorial level and NATO subordinate committees as well. (NATO, 1991)

The focus of the cooperation was on security issues such as defence planning, and civil-military relations and cooperation of air traffic management. Furthermore, the declaration considers the reduction of nuclear arms by both sides as well as the non-proliferation of weapons of mass destruction. (NATO, 1991).

Partnership for Peace Programme

The Partnership for Peace (PfP) programme was started in 1994. It was designed to foster stability and security through cooperation and common action. This partnership consists of countries who are not members of NATO but who want deeper ties with NATO. (NATO, 2020b)

In the PfP framework, these Partners will cooperate with NATO for “Facilitation of transparency in national defence planning and budgeting processes; ensuring democratic control of defence forces; maintenance of the capability and readiness to contribute, subject to constitutional considerations, to operations under the authority of the UN and/or the responsibility of the CSCE¹²; the development of cooperative military

¹⁰ Serving to discourage, prevent, or inhibit (Merriam-Webster, n.d.)

¹¹An [improvement](#) in the [relationship](#) between two [countries](#) that in the past were not [friendly](#) and did not [trust](#) each other (Cambridge, n.d.)

¹² Commission on Security and Cooperation in Europe (also known as the U.S. Helsinki Commission). In 1995 the CSCE was renamed the Organization for Security and Cooperation in Europe (OSCE). (OSCE, 1995)

relations with NATO, for the purpose of joint planning, training, and exercises in order to strengthen their ability to undertake missions in the fields of peacekeeping, search and rescue, humanitarian operations, and others as may subsequently be agreed; the development, over the longer term, of forces that are better able to operate with those of the members of the North Atlantic Alliance.” (SAF, 1994)

Mediterranean Dialogue

The Mediterranean Dialogue was first established in 1994 as a political dialogue and practical cooperation framework. Currently seven countries in the Mediterranean region, who are not NATO members, are part of this Dialogue. It was started with three main aims: regional security and stability, better mutual understanding, and to dispel any misconceptions about NATO and its relationship with Mediterranean countries. (NATO, 2015)

The Dialogue works mostly with bilateral agreements; however, they also allow and do preform multilateral meetings as well. On the practical level, the Mediterranean Dialogue fosters political consultations on an ambassadorial and working level and on a practical cooperation level an annual work programme is created which includes workshops, training, and exercises. (NATO, 2015)

Istanbul Cooperation Initiative

The Istanbul Cooperation Initiative (ICI) was started in 2004. The ICI focusses on increasing and improving NATO cooperation with countries in the Middle East. To this end six areas of improved cooperation have been developed. When agreeing to the cooperation, the new ICI partner can choose how many and which of the six cooperation areas they will cooperate on with NATO. The activities that can be agreed on are advice on defence transformation, budgeting, planning and civil military relations; military cooperation through training and exercises; cooperation in fighting terrorism; cooperation in the proliferation of weapons of mass destruction; cooperation in border security (terrorism, small arms and light weapons, and illegal smuggling); and civil emergency planning. (NATO, 2019d)

Open door policy

“The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty.” – Article 10 of the Washington treaty (NATO, 1949)

Since its inception in 1949, NATO has increased in size from 12 to 30 countries. During this long process NATO has worked with the process of having an open-door policy. Having its basis in Article 10 of NATOs

founding Treaty, the open-door policy states that any European country is permitted to join the Treaty and contribute to the security of the North Atlantic area. The accession process has various stages including talks to confirm willingness and ability to conform to political, legal and military commitments to NATO; signing and ratifying Accession protocols and finally acceding to NATO and becoming full members. (NATO, 2020b).

NATO-EU road to cooperation

“Strategic autonomy and cooperation with our partners — starting with NATO — are two sides of the same coin” - former EU High Representative/Vice President Mogherini (Legrand, 2020).

NATO and EU cooperation is not a new topic of discussion. Work to establish a fruitful cooperation between NATO and EU has been happening since 2002 (NATO, 2021) . During then and now a variety of different agreements were signed in order to develop a closer working relationship.

Joint Declaration on ESDP

The first declaration to address the possibilities of NATO-EU cooperation was the Declaration on European Security and Defence Policy (ESDP). Signed in 2002, this Declaration reaffirmed EU assured access to NATO's planning capabilities for the EU's own military operations. The Declaration was signed after steps were taken in the 1990s to promote greater defence responsibilities in Europe. This was especially after the task of crisis management transferred from the Western European Union to the European Union in 1999. (NATO, 2021)

In this agreement, both EU and NATO welcomed the strategic partnership which is forming between NATO and EU and officially notified that this cooperation is based on the following principles: Partnership; mutual consultation, dialogue, cooperation and transparency; Equality and due regard for the decision-making autonomy and interests; Respect for the interests of the Member States; Respect for the principles of the Charter of the United Nations (as this is the basis for both the Treaty on European Union and the Washington Treaty); and Coherent, transparent and mutually reinforcing development of the military capability requirements. (NATO, 2002)

Berlin Plus

The Berlin Plus agreement followed closely behind the ESDP and was signed in 2003. This agreement allowed NATO to support EU operations even if NATO was not directly involved. This was done through

granting EU permission to use NATO capabilities for its missions. Berlin plus also provided a formal framework for NATO-EU cooperation, specifically regarding NATO-EU missions. (NATO, 2021)

The formal elements of the Berlin Plus agreement (details of which are not available to the public) include: “A NATO-EU Security Agreement that covers the exchange of classified information under reciprocal security protection rules; Assured access to NATO planning capabilities for EU-led operations; Availability of NATO assets and capabilities for EU-led civil-military operations; Procedures for release, monitoring, return and recall of NATO assets and capabilities; Terms of reference for using NATO’s DSACEUR (Deputy Supreme Allied Commander Europe) for commanding EU-led operations; EU-NATO consultation arrangements in the context of an EU-led operations making use of NATO assets and capabilities; Arrangements for coherent and mutually reinforcing capability requirements, in particular the incorporation within NATO's defence planning of the military needs and capabilities that may be required for EU-led military operations.” (EEAS, 2016).

European Parliament resolution on the role of NATO in the security architecture of the EU

This EU resolution was signed in 2009. Building on the Declaration of 2002 and the Berlin Plus agreements, this resolution underlines that a “strong and vibrant Euro-Atlantic partnership” is the best way to guarantee security and stability in Europe. It considers that security in the modern era is changing with increasing occurrences of phenomena such as terrorism, cyber threats, organized crime, etc. With these emerging threats a closer partnership is required between NATO and EU, especially in the areas of planning, technology, equipment, and training. (European Parliament, 2009)

This resolution goes on to give practical suggestions concerning cooperation in security and defense issues, such as avoiding conflict through the division of labour and increasing the EU diplomatic, economic and military capabilities; the necessity of EU operational headquarters to complement and not undermine NATO command structures and transatlantic integrity; capabilities and military spending, such as EU and NATO using a single pool of resources and greater coordination in investments into defence capabilities; and NATO-EU compatibility, suggesting that problems between members and non-members of both organizations should be addressed. (European Parliament, 2009)

2010 NATO Strategic Concept

The 2010 NATO Strategic Concept is a document outlining NATO's values and its strategic objectives for the next decade. Besides describing NATO's core tasks and principles, this document also describes NATO's goals concerning defence and deterrence, crisis management, cooperation, and reform and transformation. (NATO, 2010).

Concerning cooperation, the Strategic Concept testifies to NATO's goal to form a strategic partnership with the EU who is considered a "unique" and "essential" partner in providing European defence. NATO states that they are willing to contribute to the creation of favourable circumstances for the creation of a partnership. This can be achieved through "full mutual openness, transparency, complementarity and respect for the autonomy and institutional integrity of both organisations", as well as practical and political consultation and cooperation in operations and capability development. (NATO, 2010)

The next Strategic Concept may take into account the recommendations featured in from NATO's 2030 vision in view of the increasing importance and interest in NATO-EU cooperation.

Joint Declarations

In 2016 and 2018, NATO's Secretary General, and the Presidents of the European Council and the European Commission, signed Joint Declarations. In it, both NATO and the EU showed their interest in working more closely together for the mutual security of the Euro-Atlantic area. (Juncker, Stoltenberg and Tusk, 2016; Juncker, Stoltenberg and Tusk, 2018).

2016 Joint Declaration

As mentioned, the 2016 Joint Declaration was the original declaration signed by NATO and EU in the hopes of encouraging an increase in the cooperation between these two organizations. Seven areas were identified in which the focus of this cooperation improvement would be. These are: countering hybrid threats, operational-level cooperation, cyber security and Defence, defence capabilities, defence industry and research, exercises, and defence and security capacity-building (Juncker, Stoltenberg, and Tusk, 2016). Furthermore, 42 action points were identified in 2017 in order to aid in making NATO-EU cooperation a reality (NATO and EU, 2017a). Later in December 2017, another 32 points were added. (NATO, 2021)

Hybrid threats

Ten of the original 42 focused on hybrid threats. These can be grouped into four sections: situational awareness, strategic communication, crisis response, and bolstering resilience. Many of the points concerned the improvement of information sharing and creating greater guidelines for crisis response. This area could include the CBRN defence domain. (NATO and EU, 2017a).

Operational cooperation

The seven points focusing on operational cooperation, especially for maritime security, also stressed increased relationship building and information sharing. (NATO and EU, 2017a).

Cyber security and defence

Cyber security and defence had a total of four action points. Most of these included increased combined training and exercises as well as the increased cooperation between the EU and NATO Cooperative Cyber Defence Centre of Excellence (Cyber defence COE). (NATO and EU, 2017a).

Defence capabilities

Increased staff to staff contact, capability sharing and increased standardization were the most important of the six key action points of the Defence capabilities focus. This area is also very focused on the Aviation sector. (NATO and EU, 2017a).

Defence industry and research

With two action points, this area was to be improved through further development of a dialogue between EU and NATO staff and enhance staff to staff cooperation on common areas of interest. (NATO and EU, 2017a).

Exercises

Observation of the other organizations training exercises, increased information sharing, and combined development of exercises are a few of the six action points for this area of improvement. (NATO and EU, 2017a).

Defence and security capacity-building

This area again identifies improved communication as one of the major factors, including shared information between COEs and other training programmes with five of its seven points concerning communication. Another point makes the creation of shared projects a priority. (NATO and EU, 2017a).

2018 Joint Declaration

The 2018 Joint Declaration was an addition to the declaration signed in 2016. It restated the desire to increase cooperation between these NATO and EU and developed another four areas in which cooperation was to increase. The new areas of improvement are military mobility; counterterrorism; strengthening resilience to chemical, biological, radiological, and nuclear related risks; and promoting the women peace and security agenda. However, no new list of proposals was made to plan the actions which must be undertaken to improve these domains. (Juncker, Stoltenberg and Tusk, 2018).

This Joint Declaration is important for this report however, as it developed a focus and importance to CBRN resilience as a focal point for improved cooperation.

Progress

Berlin Plus

This agreement had various successes including the launch of the Operation Concordia. This operation took place in the Former Yugoslav Republic of North Macedonia and occurred when EU took over from NATO's operation Allied Harmony in March 2003. A year later there was another cooperation with European Union force (EUFOR) taking over from NATO's Stabilization Force (SFOR) in Bosnia and Herzegovina. In this cooperation NATO's Deputy Supreme Allied Commander Europe (DSACEUR) had command of the mission whereas the council of EU had political control and strategic direction of the operation. Also this led to the development of an EU command cell at SHAPE and EU liaison teams being at Joint Force Command in Naples. (Mesterhazy, 2017).

Joint Declaration - Progress reports

In light of the creation of the Joint Declarations, an annual progress report has been developed by the EU High Representative/Vice President and the Secretary General of NATO underlining the developments made in NATO-EU cooperation including in CBRN resilience.

Progress report June 2017

With the Joint Declaration having been signed in July 2016, the first progress report already claims to have made substantial strides in improving NATO-EU cooperation. It reads that NATO-EU cooperation is becoming "the established norm, a daily practice, fully corresponding to the new level of ambition referred to in the Joint Declaration". The document states that in almost all the seven mentioned areas there has been a substantial increase in the communication and interaction with some areas, such as countering hybrid threat, leading the way. (NATO and EU, 2016)

Progress Report November 2017

The second progress report again iterates its success in the improvement of cooperation between NATO and EU in all areas identified. It states that “Cooperation has indeed become the established norm with constant interaction between the two staffs.” A notable CBRN improvement can be found in the ‘Defence and security capacity building’ domain in which there is a focus being developed on training and education concerning CBRN threats in certain nations. Most of the improvement noted consists of information sharing and consultation. There are two coordination improvements, namely the setting up of the European Centre of excellence (COE) for Countering Hybrid Threats and the coordination and interaction in the Mediterranean between NATO operation Sea Guardian and EU operation Sophia. (NATO and EU, 2017b).

Progress report June 2018

In this progress report, it shows again how much increased communication there has been between different NATO and EU bodies with conferences, meetings and staff to staff communication increasing in all indicated domain. In the increasing CBRN defence cooperation domain, there have been improvements when considering that NATO visited Europol to discuss CBRN matters and are now invited to also attend the Europol meetings on explosive precursors. Furthermore, the JCBRN Defence COE and European Union Risk mitigation CBRN Centres of Excellence initiative have created links and the JCBRN Defence COE is joining in the EU Horizon 2020 CBRN research programme. Thirdly, a CBRN cooperation workshop was held by NATO in which EU addressed their EU action plan against CBRN risks. (NATO and EU, 2018).

Progress report June 2019

Great leaps of improvement have been made concerning NATO-EU cooperation according to this progress report. There have been improvements in communication and closer relationships have been formed in almost all domains. In the resilience to CBRN risks domain, this is also the case. Staff-to-staff dialogue continues and there was a CBRN defence workshop in May 2019. As the discussion featured a biological attack on a nation who is both a NATO and EU member, it became a method for identifying policies and plans for increasing CBRN preparedness and resilience. There is also an UN-NATO project concerning CBRN resilience which EU had joined. Informal information exchange had taken place between NATO and EU staff concerning the building up of CBRN capabilities and the JCBRN Defence COE and EU CBRN CoE are increasing their communication. In December 2018, NATO and EU also met to discuss various topics concerning counter-terrorism developments, of which one topic was CBRN defence. (NATO and EU, 2019).

Progress report June 2020

This is currently the most recent progress report. In it is stated that the most notable highlights are that dialogue on both political level and staff level are improving and increasing. NATO and EU are working together to limit disinformation and ensuring coherence between NATO and EU projects. It is also stated that as the pandemic began, NATO and EU been closely coordinating their efforts. On the CBRN defence level, information exchange is still strong. Both NATO and EU staff attended combined workshops in both July 2019 and January 2020. Furthermore, biannual talks took place concerning CBRN defence issues in October 2019 and EU briefed the NATO Committee on Proliferation concerning approaches to addressing CBRN threats several times. (NATO and EU, 2020).

Legal aspects in a nutshell

One of the important aspects of a cooperation are legal aspects that must be taken into consideration at such an endeavour. Below can be found a summary of few of the main documents which highlight the legal aspects to NATO and EU cooperation. These are, however, not all of the documents which are important. A more detailed and comprehensive examination concerning the legal aspects, and the basis of this summary, is the article “NATO’s Involvement in Crisis Management and Disaster Response: Legal Considerations” by Zdeněk Hýbl (2020).

NATO

North Atlantic Treaty

Since being signed in 1949, the North Atlantic Treaty has been unchanged and is NATO's primary legal document. This Treaty determines all the principles that underline NATO's actions. From its inception NATO has worked on safeguarding the freedom, common heritage and civilization of their members as well as promoting stability and well-being in the North Atlantic area and preserving peace and security through collective defence. (NATO, 1949).

An CBRN attack would prove to be a major hindrance to the aim expressed by NATO. Therefore, protection of a nation from CBRN incidents is covered by NATO through its Articles 3, 4 and 5. These Articles consider the building up of capacities, consultation if a nation is threatened, and the intervention through collective defence if a country is attacked, respectively. Concerning the cooperation between NATO and EU, one of the Articles of the North Atlantic Treaty is very effective. This is Article 3 which states that “the Parties,

separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.” (NATO, 1949).

NATO SOFA

The NATO status of forces agreement (SOFA) document, signed in 1951, is of critical importance when considering the status of the forces for both the Military personnel and the civilian component. This includes access regulations, such as consent by host nations, even in the case of a large-scale CBRN incident. (NATO, 1951).

PfP SOFA

In 1995, an additional NATO SOFA document was signed which regulated the status of forces between NATO members and the PfP countries. Many of the principles are similar to those of the original NATO SOFA with a few exceptions due to technical reasons. (NATO, 1995).

NATO's 2010 Strategic Concept

NATO's Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization of 2010 describes the cooperation with the EU as important, highlighting that the EU is both a 'unique' and 'essential' partner for NATO. Furthermore, it lists the necessity to increase both consultation and practical cooperation with EU as well as in cooperation of building capabilities for the defence of the Euro-Atlantic area. (NATO, 2010).

AJP-4.5(B)

The 2013 Allied Joint Doctrine for Host Nation Support (AJP-4.5(B)) provides a framework which allows the deployment and sustainment of international forces through the timely and effective support from the host nation (HN). This Document also considers the necessary agreements which must be made between the sending nation (SN) and the HN before the SN troops can be deployed to the HN. These agreements include Memoranda of Understanding (MoU) and other agreements stipulating costs, logistics, etc. Standing MoUs are possible and encouraged, however, if that is not available then a new MoU must be made for each new exercise or operation. This doctrine, however, refers only to military personnel and not to civilians. (NATO, 2013).

EU

Treaty on European Union

As the basis legal document forming the European Union, the Treaty of the European Union is of vital importance to the workings of the EU in making decisions concerning the principles and aims on which the EU is built. For the notion of collective defence, the Treaty on the European Union has article 42 which provides the provisions of the Common Security and Defence Policy. This article states that member states will have to come to the aid of a fellow member state if they are the victim of armed aggression on its territory. Additionally, it states the EU defence commitments shall be consistent with the commitments under NATO which is the “foundation of their collective defence and the forum of its implementation”. (EU, 2012).

Furthermore, in article 21 of the Treaty on the European Union, the EU has stated its fundamental desire for the cooperation with international, regional, and global organizations for the development of relations to safeguard values, interests, security, independence and integrity as well as democracy, rule of law and international law, and human rights. (EU, 2012a)

Treaty on the Functioning of the European Union

In article 222 of the Treaty of the functioning of the European Union, the EU stipulates that it will act jointly with its member states if a fellow member state is the object of a terrorist attack both through civilian and military means. The same article also states natural and/or manmade disasters as another reason for the combined assistance action by member states. (EU, 2012b).

NATO and EU resilience to CBRN threats

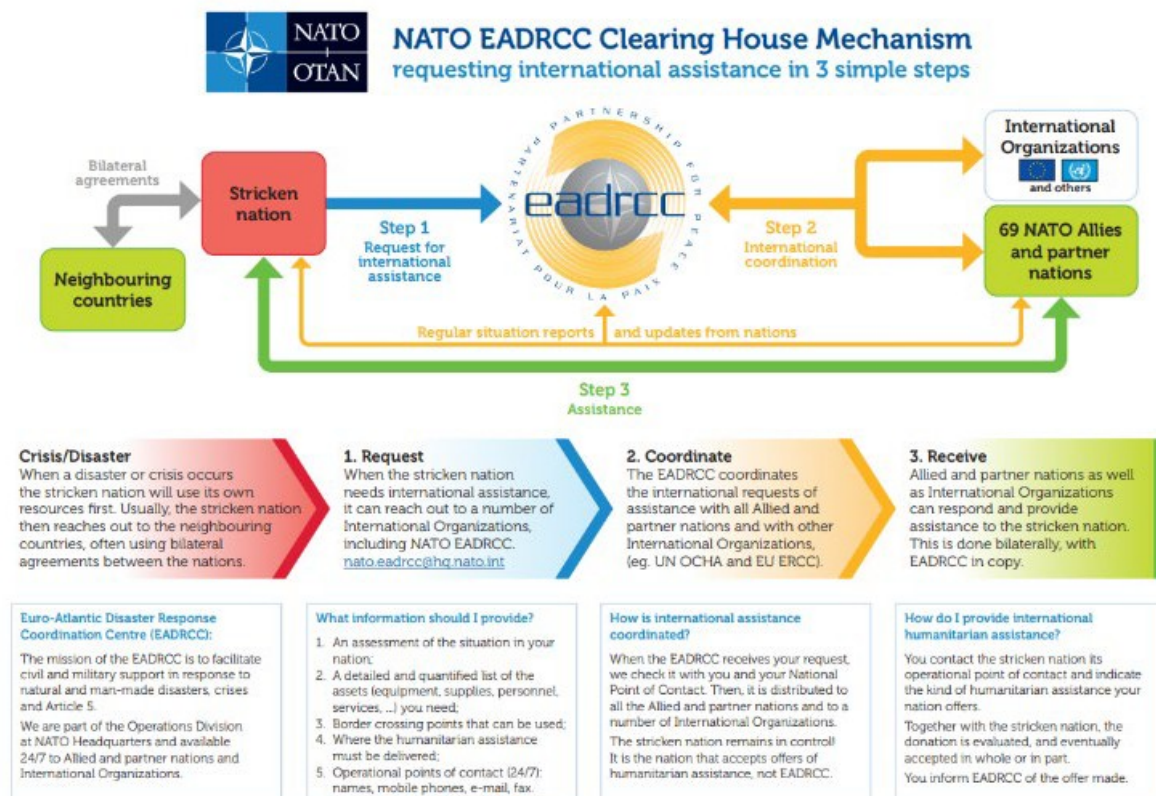
In order to analyse the progress which NATO and EU have made concerning CBRN resilience it is important to analyse their defence capabilities as individual organizations before assessing the progress to resilience when they cooperate.

Defence Capabilities

NATO

EADRCC

The mechanism with which NATO deals with CBRN threats is known as the 'Clearing House Mechanism'. At its centre is the Euro-Atlantic Disaster Response Coordination Centre (EADRCC). If a NATO member state, Partner country or partner organization, such as the UN, requires assistance, it sends a request to the EADRCC who forwards it to all other NATO member states. If a member state has the correct resources at its disposal, it can offer this aid to the stricken nation, who in turn must officially accept it. Once the aid is accepted, the EADRCC assists in delivery and deployment of the resources. (Appendix A; NATO, n.d.).



NATO Clearing House Mechanism (NATO, n.d.b)

NATO physical and intellectual assets

Prague Capabilities Commitment

In order to improve the operational capabilities of their armed forces, NATO leaders met at the Prague Summit of 2002 and signed the Prague Capabilities Commitment (PCC) agreement. PCC covered eight different military operational fields of which the first is nuclear, biological and chemical (NBC) defence. Within the field of CBRN defence certain decisions were made which greatly influenced NATO's ability to deal with CBRN incidents. (NATO, 2011)

Combined Joint CBRN Defence Task Force

One of the major changes of PCC was the creation of a CBRN defence task force, named the 'Combined Joint CBRN Defence Task Force' (CJ-CBRND-TF). The CJ-CBRND-TF is comprised of a CBRN Joint assessment Team (CBRN-JAT), trained in CBRN advice, and a CBRN Defence Battalion (CBRN-Bn), specializing in reconnaissance, monitoring, sampling, and detection of CBRN substances (SHAPE, n.d.b) as well as decontamination. Both are at high readiness and although they have originally been set up for action during military conflict, they can also be called upon to aid in a civil setting. (NATO, 2020d).

CBRN Stockpile inventory

After the events of 9/11, NATO had tasked the EADRCC to create a list of CBRN defence assets owned by each partner country of the Alliance. In this list, countries were asked to name the assets which could be sent to the aid of other nations should a CBRN incident occur. This list however has not been updated since 2014, and can therefore be seen as outdated, especially concerning the current advancements in technology. NATO's Defence Planning Process also does a survey every three years in which questions are asked concerning the CBRN defence capabilities of a nation. This is however not the main focus of the survey and some nations may also be reluctant to share their knowledge concerning new technologies for CBRN threats. NATO currently has no explicit, up-to-date stockpile of CBRN defence assets which means that if an incident does occur, the EADRCC has limited options of sending immediate aid to the stricken nation. (Appendix A).

JCBRN Defence COE

With its vision to be the "Centre of Gravity" for all CBRN defence related issues in the Alliance, the JCBRN Defence COE is NATO's main expert organization on CBRN defence. The JCBRN Defence COE continuously

supports NATO's transformation process. Its work includes organizing and performing CBRN training¹³, exercises, education, workshops, experimentation, and lessons learned as well as capability development, CBRN defence concept and doctrines, and modelling and simulation. Furthermore, the Centre acts as the CBRN Discipline Leader of the EU as well as Department Head for NATO WMD/CBRND training and Education. Additionally, the JCBRN Defence COE is at the centre of NATO's operational support capabilities. (JCBRN Defence COE, n.d.a)

The JCBRN Defence COE is also active in forming closer bonds and partnerships within the CBRN defence community of interest (COI). This is done through working to create a network of partner organization such as international organizations, governmental and non-governmental organization, nations and other institutions in order to further develop CBRN defence capabilities. Civil-Military cooperation is also worked on in the Centre including forming cooperation with EU through programmes such as Horizon 2020 while working on the e-NOTICE project¹⁴. Furthermore, the JCBRN Defence COE cooperates with the EU Risk Mitigation CBRN Centres of Excellence (EU CBRN CoE)¹⁵. (JCBRN Defence COE, n.d.b)

The JCBRN Defence COE also hosts the core element of NATO CBRN Reachback capabilities process (JCBRN Defence COE, n.d.a). CBRN Reachback is a process which aids the deployed forces during WMD proliferation, protection, and recovery through giving timely, coordinated, authoritative and detailed advice on CBRN hazards and defensive countermeasures by using remote expert sources of information (NATO, 2009).

EU

ERCC

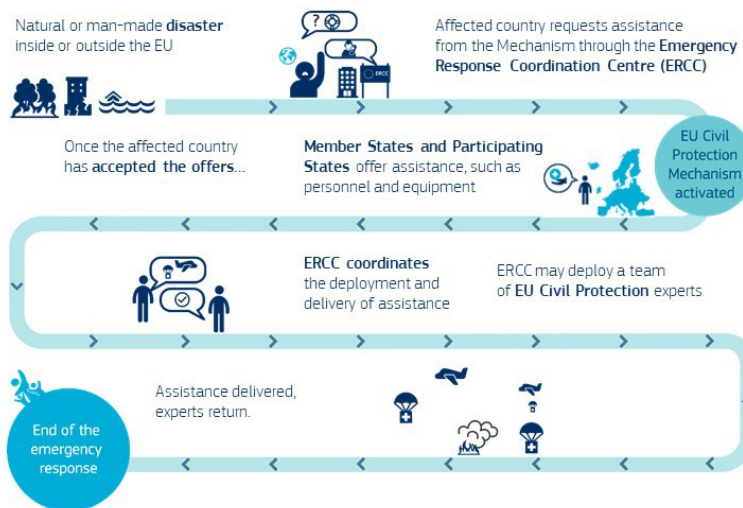
EU response capacities are based on the European Union Civil Protection Mechanism (UCPM). This mechanism is coordinated by the Emergency Response Coordination Centre (ERCC). ERCC is part of the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO). This is the EU department which oversees humanitarian aid and civil protection. (European Commission, n.d.a)

¹³ Further information on JCBRN Defence COE courses interesting for EU may be found in Appendix C.

¹⁴ Further information on Horizon 2020 and e-notice will be found on page 22.

¹⁵ Further information on the EU CBRN CoE will be found on page 20.

How does the **EU Civil Protection Mechanism** work?

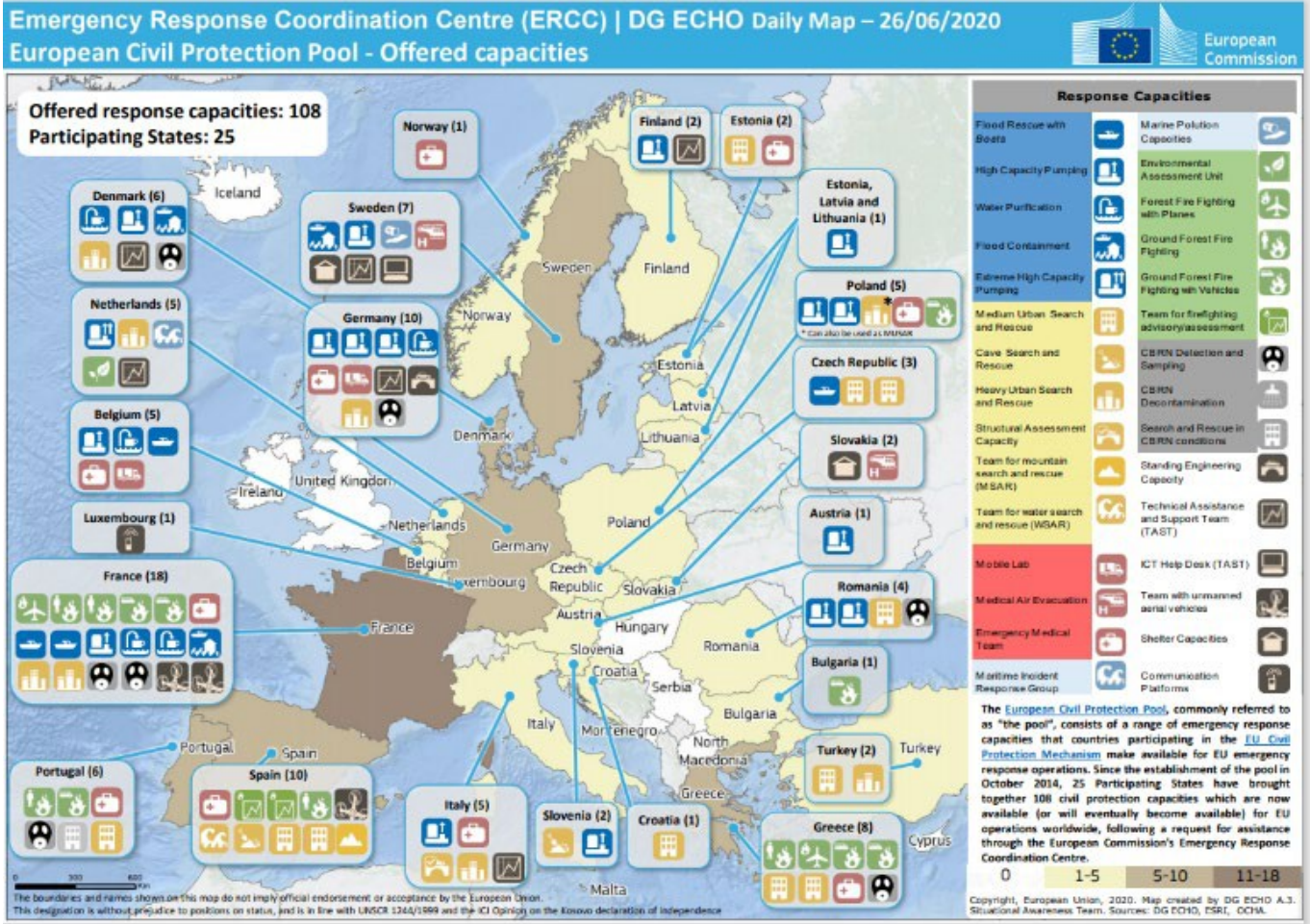


European union civil protection mechanism (ECHO, n.d.a)

EU Physical and intellectual assets

CBRN Stockpile

The EU has a stockpile which also contains CBRN defence assets. This stockpile is known as the European Civil Protection Pool (ECP). The ECP is an inventory of resources which are pre-committed to be used by the ERCC should the need arise. In this instance, the ERCC asks the nation to deliver its capability to the stricken nation. Should the giving nation, however, believe that they will have need of that specific capability in the near future then they are permitted to refuse sending the capability to a stricken nation. (Appendix K; ECHO, n.d.b).



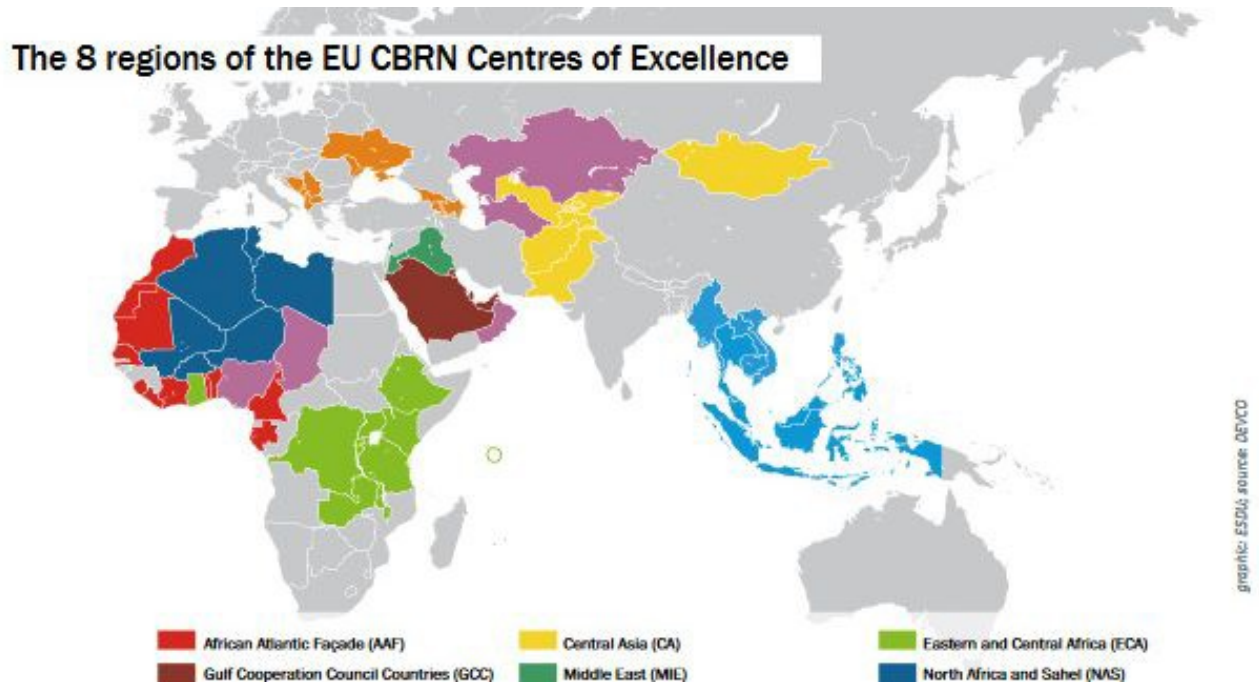
European Civil Protection Pool Capacities (ERCC, 2020)

RescEU

RescEU is a new EU stockpile capability which is currently under development. This new variation of stockpile differs from the ECPP in that it belongs to the EU rather than individual member states. This indicates that the European Commission is wholly in control of when and under what circumstances these capabilities can be deployed. As the capabilities are under EU control, these capabilities act as a security blanket for the EU. They cannot be withheld by individual nations in case of an expected incident or need as is the case with the ECPP. (ECHO, n.d.c).

EU CBRN CoE Initiative

EU has a specialized programme, the EU CBRN risk mitigation Centre of Excellence Initiative (EU CBRN CoE) Currently associates 62 partner countries, organized around 8 regional secretariats, to develop and implement national needs and risk assessments, national and regional action plans, and, on a regional basis, organize trainings, train the trainer modules, and tabletop and real time field exercises, including



cross border exercises. (EU, n.d.b).

EU CBRN CoE regions (Simonart, 2020)

The EU CBRN CoE operates through the use of a National Focal Point (NFP). This is a person who represents and acts as “spokesperson” for their respective country. Each NFP then establishes and leads a CBRN national team. These teams, with the expert support of the EU, analyse and assess their national needs and develop their own national CBRN action plan. These action plans must lead to an “integrated and effective CBRN policy” which is made in line with international standards. The EU CBRN CoE assists in solving any shortcoming which the country might face in implementing their national action plan. This is done through “tailored regional projects”. (EU, n.d.c).

The EU CBRN CoE was led by the Directorate-General for International Cooperation and Development (DG DEVCO) until 2021, when it was moved under the Foreign Policy Instrument (FPI) and it operates in eight different Regional Secretariats: Middle East, North Africa and Sahel, African Atlantic Façade, Eastern and

Central Africa, South East and Eastern Europe, Central Asia, South East Asia, and Gulf Cooperation Council Countries. Each of these Regional Secretariats supports its individual members. The implementation of activities in the framework of the EU CBRN CoE initiative is closely coordinated with the European External Action Service (EEAS), the European Commission Joint Research Centre (JRC) (technical and expert support), and the United Nations Interregional Crime and Justice Research Institute (UNICRI) who ensures effective cooperation in the field. (EU, n.d.b).

[Joint Research Centre](#)

The Joint Research Centre (JRC) is the “European Commission science and knowledge service”. This Centre has the job of creating, managing, and clarifying knowledge as well as develop tools and technologies for policy makers. In order to complete this task, the JRC cooperates with a thousand organizations who have collaboration agreements with the JRC and therefore have access to JRC facilities. Some of the JRC facilities and projects also have an impact on the CBRN risk mitigation capabilities of the EU. (European Commission, n.d.b)

[Union Civil Protection Knowledge Network](#)

The Union Civil Protection Knowledge Network is a new 2019 revision to the Union Civil Protection Mechanism (UCPM). The aim of this network is to “bring together civil protection and disaster management experts and organizations, increase knowledge and its dissemination within the UCPM, and support the Union’s ability and capacity to deal with disasters.” (European Commission, 2020).

Due to its recent development, the knowledge network is still in the process of being developed. When it is ready however the knowledge network will use cooperation and partnerships to bring together experts, practitioners, policymakers, researchers, trainers and volunteers during different crises and disasters and give access to expertise and good practices. The knowledge network also works in strengthening the cooperation between the EU initiatives already in existence (such as the Disaster Risk Management Knowledge Centre) and other national and international knowledge structures. (ECHO, n.d.d).

The knowledge network will organize training for the UCPM to allow experts to deepen their knowledge. Additionally, it will allow for the exchange of civil protection experts between different member or participating states. The knowledge network will also work on broadening the exercise scope of the European Commission's Civil Protection and Humanitarian Aid Operations department by coming up with new types of exercises. (ECHO, n.d.d).

Disaster Risk Management Knowledge Centre

The Disaster Risk Management Knowledge Centre (DRMKC) is a European Commission knowledge centre which is based on three pillars: partnership, knowledge, and innovation. With these three pillars the DRMKC uses its network to gain scientific research from lessons learned, trainings and exercises and using that to come up with new innovations in developing tools and technologies to deal with disaster situations. (DRMKC, n.d.a)

DRMKC has built up a large network of experts in a wide variety of disaster situations including CBRN defence. An example of this is the electronic Major Accident Reporting System (eMARS) which aids in the exchange of lessons learned regarding accidents or near misses with dangerous substances such as chemicals in order to prevent and mitigate chemical accidents and its consequences. Another example is the EU Natural and technological Expert Group (EU Natech Expert group) which is a prevention and preparedness to Chemical accidents forum for EU member states. It functions as a “science-policy interface” meaning the relationship and shared knowledge between the scientific researchers and policy makers to improve decision making. (DRMKC, n.d.b).

HORIZON 2020 and e-NOTICE

The EU HORIZON 2020 sponsored European Network of CBRN Training Centres (e-NOTICE) is a project designed to improve the European resilience to CBRN threats through establishing a European network of CBRN training, testing and demonstration centres as well as creating a collaboration between CBRN training centres and CBRN innovation and research in order to fulfil practitioners needs in the CBRN domain. This project is part of a large seven-year EU research and innovation programme named Horizon 2020, designed to bring discoveries from the lab to the market. (European Commission, n.d.c; Appendix I).

The e-NOTICE project has three main goals:

Establish a Framework.

The e-NOTICE project is attempting to develop a framework for the creation of a network of CBRN testing, training, and demonstration centres. It does this by identifying and rostering the existing CBRN defence centres and analysing their capabilities, geographical location, links with other CBRN defence centres as well as and facilities in order to categorize each centre according to their expertise. Furthermore, members are asked to join in platforms including the Community of Users (CoU) CBRN segment as well as

other platforms. Lastly, e-NOTICE wants to expand and elaborate their framework by getting more CBRN training centres and other stakeholders to join the network. (H2020, n.d.a).

Connect training centres.

The second aim is to make the network visible through a web-based information sharing platform on which information can easily and clearly be shared between the practitioners and new CBRN defence technology developers in a secure way. Furthermore e-NOTICE encourages CBRN defence training centres to actively share information and needs and through this to find common interests and opportunities for collaboration. Finally, it uses this platform to make CBRN training centres visible and enlighten other partners about each training centres expertise and capabilities. (H2020, n.d.a; Appendix I).

Optimize Resources

The third and last goal of e-NOTICE is to divide CBRN defence resources in such a way as to get most out of its use. It does this by identifying good practices and training these during exercises, sharing information with partners as well as external partners and organizing conferences and meetings to encourage the sharing of information. Furthermore e-NOTICE supports EU CBRN defence policies regarding national and cross-border CBRN defence capacities, provides recommendation for EU research and development (EU R&D) and aids in attempting to create a plan to pool and share CBRN resources. (H2020, n.d.a).

Members

The e-NOTICE project currently has 12 organizational partners which each have a wide variety of different tasks and expertise. For instance there are practitioners such as the Dortmund (Germany) and Seine-et-Marne (France) fire and rescue services; organizations focusing on research and biological mobile capacity development such as the “Centre de Technologies Moléculaires Appliquées (CTMA – Centre for Applied Molecular Technologies)” which works with the Belgian Ministry of Defence (BE-MOD), the Université catholique de Louvain (UCL) and its associated academic hospital (Cliniques universitaires St-Luc), and training centres like the “CBRN Defence Training Centre and Military Faculty” of the Polish War Studies University (WSU). (H2020, n.d.b; Appendix I).

This EU project also has a link with NATO through the JCBRN Defence COE which became a partner and consortium member of e-NOTICE in 2017. The project is expected to continue until 2022 and may be prolonged to 2023 due to the COVID-19 pandemic.

Policies/guidelines

One of the key organizations for maintaining international peace and security is the United Nations (UN). Having a large role in this endeavour, both NATO and the EU have based their policies on civil-military cooperation on the guidelines which the UN stipulates in its Oslo guidelines (EU, 2019; NATO, 2003). As such it is necessary to consider the UN civil-military guidelines before focusing on NATO and EU policies.

Oslo guidelines

Officially known as the 'Guidelines on The Use of Foreign Military and Civil Defence Assets In Disaster Relief', the UN Oslo guidelines are the basis of both NATO's and EU's action plan on the concepts of civil military cooperation. Written in 1994 and updated in 2007, these guidelines were developed by the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), with the aid of a variety of countries and organizations including NATO and EU. This document forms the basic framework for the use of military in a civilian setting. It outlines the types of aid which the military may provide depending on the situation; the proper agreements such as funding, security, and legal status; as well as the roles and responsibilities which each actor is advised to adhere to. (OCHA, 2007).

NATO CBRN defence policies

CBRN defence policies

NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of WMD and Defending against CBRN Threats

NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending against Chemical, Biological, Radiological and Nuclear (CBRN) Threats is a 2009 NATO document which provides guidance and directions on how to deal with CBRN and WMD threats. Recognizing the increasing chance of CBRN and WMD to be used intentionally by adversaries, such as for terrorist purposes, this document outlines a practical approach to addressing this issue. Furthermore, this document concluded a double paradigm shift from CBRN defence as a part of force protection to protecting NATO's populations and territories, as well as from protection and recovery to protection. (NATO, 2009)

The policy focuses on various stages, specifically the prevention of the proliferation of WMDs, protection against WMDs and CBRN attacks, and recovering from a WMD attack or CBRN incident. For each of these areas, NATO has agreed to take certain actions to prevent a WMD attack or CBRN incident from occurring as well as ensuring NATO's ability react to and recover from a CBRN incident or WMD attack. These actions

range from building up capabilities, to placing mitigation measures, to preparation to deploy military options. (NATO, 2009).

Additionally, the policy highlights the importance of certain strategic enablers which are capabilities which allow NATO to prevent, protect against and recover from CBRN incidents and/or WMD attacks. It indicates that Intelligence and information sharing, and CBRN Reachback is important as well as international outreach and partner activities, and public diplomacy and strategic communications. Recommendations are given on how these enablers could be achieved. Lastly, also cooperation among NATO bodies is described as an important factor to a successful action against WMD and CBRN incidents. (NATO, 2009).

Guidelines for first responders to a CBRN incident

When considering the guidelines which are necessary for the fast removal of the CBRN threat, NATO has developed the 'guidelines for first responders to a CBRN incident'. This is a plan from 2014 containing non-binding guidelines and minimum standards for first responders to CBRN incidents focusing on: Information gathering, assessment and dissemination; Scene management; Saving and protecting life; and Additional/specialist support. These four steps are clearly outlined stating the procedure, capability, and equipment required for each of the steps. This makes this guideline a CBRN first responders handbook for Planning, Training, Procedure and Equipment. (NATO, 2014).

CBRN civil-military cooperation policies

AJP-3.19

NATO's civil-military cooperation (CIMIC) doctrine (AJP-3.19) is a 2018 document outlining everything that must be known about the concept of civil-military cooperation. It includes basic information such as the definition, purpose, and functions of civil-military cooperation within NATO, as well as the principles that govern when CIMIC is to be used and the principles which show the relationship between civil and military authorities during a CIMIC operation such as communication, cultural awareness, and transparency. The AJP-3.19 document then continues with the operational aspects of CIMIC such as tasks, especially concerning whether the situation is an Article 5 operation (collective defence) or not. (NATO, 2018).

The document goes on to stipulate which tasks must be performed when dealing with different domains such as cyberspace, maritime, air and land environments as well as in combat situations. Additionally, the command structure in instances of CIMIC forces is outlined as well as how these command structures should work. This includes the leadership responsibilities in CBRN incidents, where it is stated that local

civilian authorities have the responsibility, but that if aid is requested it can go through the Civil Emergency Planning Committee (CEPC). (NATO, 2018).

[Non-binding guidelines for enhanced civil-military cooperation to deal with the consequences of large-scale CBRN events associated with terrorist attacks.](#)

Created in 2019, a NATO guideline focusing on CBRN incident and simultaneously on a cooperation level is the 'Non-binding guidelines for the enhanced Civil military cooperation to deal with large-scale CBRN events associated with terrorist attacks.' The guidelines suggest that military support to CBRN incident is a critical component for successful response. Although, the military will always work in support of civilian responders, civil military cooperation should be integrated into the existing emergency operations plans and procedures. Additionally, both military and civilian emergency responders should be familiar with the incident management process and the role, authority, and capability of their counterparts. Furthermore, it emphasizes that it is vital for relations to be built in preparedness through training and development programmes. (NATO, 2019b).

[EU CBRN risk mitigation policies](#)

[CBRN Policy](#)

In 2017 EU adopted the 'EU Action plan to enhance preparedness against CBRN security risks'. This was an update to its previous plan from 2010 until 2015 and included feedback from this prior action plan. This feedback included identified problems such as difficulties in coordinating actors and insufficient information exchange on incidents, threats, equipment, and technologies. The new 2017 action plan then focused on four different objectives: reducing accessibility to CBRN material (Prevention); ensuring more robust preparedness for, and response to, CBRN incidents (preparedness and response); building stronger internal and external links with key regional and international EU partners (preparedness and response); and enhancing knowledge on CBRN risks. (European Commission, 2017).

In order to achieve these objectives, the plan stipulates proposals such as increase training and exercises, the development of a common EU CBRN training curriculum, encouragement to member states to commit more CBRN defence capacities to the EERC, improve early warning response signs, deepen cooperation with strategic partners including NATO, and create a CBRN framework, advisory group and support network. (European Commission, 2017).

Civil-military cooperation policy

'EU Concept on Effective Civil-Military Coordination in Support of Humanitarian Assistance and Disaster Relief' is a document adopted by the EU in 2019. Taking its advice from the Oslo Guidelines by UN OCHA, this document outlines the lessons learned from EU missions as well as improved recommendations on how to handle civil-military cooperation in a humanitarian aid setting including in the case of a CBRN incident. Furthermore, this concept paper also involves the suggested tasks and responsibilities which each actor is expected to follow, as well as the types of information which should be shared among the civilian and military. (EU, 2019).

NATO-EU civil-military CBRN cooperation assessment

Since there have been very few major CBRN incidents, it is not completely certain how either organization would respond to the emergency and if and/or how the urgency of the situation would/could change the way in which both organizations work. However, if the current state of cooperation is analysed, it is possible to make a short evaluation of the expected NATO-EU cooperation during CBRN incidents.

It is important to take into consideration CBRN incidents require all levels of an organization to give an effective response to a serious situation like a large-scale CBRN incident. Therefore, though for this report the various aspects have been divided into categories based on political, strategic, operational and tactical assessments, examples, challenges and recommendations, most of the following information is applicable to all organizational levels.

Political level

Both Joint Declarations prove that there is a willingness to cooperate. The Joint Declarations claim that daily interaction is becoming the norm. Various NATO and EU bodies see the Joint Declaration and especially the 2017 agreements containing 74 points as a basic outline of how cooperation should proceed. This again, however, is not the necessarily view of all NATO and EU bodies. (Appendix A; Appendix G; Appendix F)

Non-published and restricted information

That cooperation as the norm is not the opinion of all the bodies of NATO and EU. When considering the communication between bodies such as EADRCC and ERCC there seems to be a reluctance to share information that has not already been published, which in a case of CBRN incident can be disastrous, especially if this leads to duplication or lack of necessary aid provision. This is also important considering the substantial amount of classified and/or confidential documents used by both NATO and EU. (Appendix A)

Strategic level

Framework

Although as mentioned previously, there is certain degree of belief that the 74 points agreement is a framework for cooperation, there seems to be no binding framework for cooperation which outlines clearly how NATO and EU must work together as agreed by both organizations. Both NATO and EU have created individual non-binding guidelines or plans for dealing with cooperation and CBRN defence/risk

mitigation (NATO's non-binding guidelines and EU action plan respectively). These plans, however, reflect the view of each organization and therefore, although they each state that it is vital for cooperation to be improved, they each have different operating procedures, operating language, as well as expectations of the task which the other organizations or actors must be prepared for. (NATO, 2019c; European Commission, 2017).

Operational level

Exercises

Exercises claimed to have been done in combination with NATO and EU are frequently hailed as a large success by both NATO and EU at its completion. These are generally large-scale exercises in which cooperation, coordination and interaction is one of the elements practiced. This cooperation is achieved through the exchange of liaison officers who have the specific task of organizing the timely information sharing which makes cooperation possible. As mentioned, however, they do not always reflect the assets and capabilities which will be available during an actual incident. Exercises are claimed happen every few years with EADRCC and ERCC being involved in shared NATO-EU exercises almost every two years. (Appendix A).

NATO and EU combined exercises are, however, not as simple as they seem. This is due to the fact that for example, when a NATO exercise is done, the EU may be represented but often not by an active member of the organization. This signifies that although an expert, who knows the processes of the EU joins the exercise, active members of the EU are not present. Alternatively, members of the EU also occasionally fill empty spaces or augment positions in other organizations for the duration of the exercise but do not fill the actual position of the EU. (Appendix D). On certain occasions as well, the EU joins the exercise but in a very tick-the-box manner (Appendix A).

Tactical level

Communication

Staff-to-staff communication

As mentioned previously, communication according to the progress reports has increased greatly since the Joint Declarations have been signed. The progress reports state that NATO and EU bodies are sharing information and communication and interaction has become an everyday aspect of work. (NATO and EU, 2016; 2017b; 2018; 2019; 2020). In certain operations we see that this is indeed the case such as EU Operation Sophia and NATO operation Sea Guardian (NATO and EU, n.d.).

These examples, however, seem to be exceptions, and is not necessarily the position taken by all members of NATO and EU. Staff-to-staff communication often occurs in a very ad hoc and informal manner. This is often brought about through an individual at one organization being acquainted with a member of the other organization. They make contact and then maintain contact at the discretion of the individual. There is very little formal communication. Furthermore, once one individual leaves, the process of building a rapport has to begin anew. (Appendix H) .

Workshops and conferences

There have been various workshops, meetings, and conferences which have taken place between NATO and EU on the topic of CBRN defence/risk mitigation. For example, as mentioned in the progress report from 2020, there was a workshop concerning “Resilience and cross-sectoral cooperation in responding to CBRN threats with hybrid elements” in July 2019 (NATO and EU, 2020). Additionally, “Building Capacities, Strengthening Resilience: EU and NATO partnerships for addressing CBRN risks and threats” was a workshop held in January 2020 (NATO and EU, 2020). Finally, in February 2021 there was a virtual workshop and discovery experiment concerning the ‘Implementation of Comprehensive Civil-Military CBRN Defence Capabilities’.

Liaison officers

Communication also does not always seem exemplary during real life situations. Although in exercises, liaison officers are occasionally exchanged between NATO and EU and some exercises are done concerning communication and cooperation, the reality is different during a real crisis. In such an instance, liaison officers are not exchanged and interorganizational communication is left to the discretion of individuals within a NATO or EU body. An example of this is the lack of communication officers exchanged during the 2020 COVID-19 crisis in which neither the EADRCC nor the ERCC were permitted to exchange liaison officers. This led to problems such as duplication. (Appendix A).

Centres of Excellence

Of the 27 existing NATO accredited COEs (NATO, 2020c), one of the most active in cooperation and communication with the EU is the JCBRN Defence COE. One of the aspects in which they cooperate was assisting the EU CBRN CoE Initiative in developing their training curriculum. Additionally, the JCBRN Defence COE is part of the EU e-NOTICE and cooperates with the Community of Users (CoU). These links have mainly been built up through individuals who forged contacts with individuals in the EU.

Assessment

As the evidence provides, though there is a limited amount of cooperation between NATO and EU, however, their Civil-military cooperation in CBRN incidents requires a certain amount of modification and improvement if it is to work effectively and benefit both organization as well as increasing European resilience to CBRN threats. Currently, should both NATO and EU aid in a CBRN incident it would happen on an individual basis with exception to the occasional staff-to-staff communication should an individual take the initiative. NATO-EU cooperation can therefore be evaluated as partially unprepared, especially if action has to be taken quickly and effectively. As such NATO-EU cooperation in case of large-scale CBRN incidents requires both a certain degree of revision and amendment.

Examples of NATO-EU cooperation

The Joint Declarations of 2016 and 2018 developed a combined number of 10 areas in which cooperation must be improved. Some of these areas are more successful than others and some have seen more increased cooperation than others. Although there are no examples of NATO and EU cooperating during a large-scale CBRN incident, there are a few examples of times when NATO and EU worked on the same problem outside the CBRN domain.

Political level

The signing of the joint declarations of 2016 and 2018, as well as the creation of the work points made and signed in 2017, and the yearly progress reports shows the wish at the highest political level to develop a strong bond between NATO and EU and to increase the cooperation to daily communication and fruitful interaction. This includes the CBRN community through the 2018 joint declaration. The difficulty is however that although at a high political level, members state that they want cooperation, when it comes down to actively interacting with the EU, political difficulties are a large portion of the hinderances to interaction.

Strategic level

Structure Dialogue

Besides under-the-radar communication between NATO and EU, there are Structured Dialogue meetings at least twice a year in which NATO International staff (IS), International Military Staff (IMS) and different bodies of the EU, such as the European External Action Service (EEAS), come together to discuss CBRN defence/risk mitigation and NATO-EU cooperation. These meetings occur at a policy level. (Appendix E; Appendix G).

Crisis Management Exercise (CMX)

The NATO Crisis Management Exercises (CMX) are the largest series of NATO political-military strategic level exercises. Started in 1992, these exercises have grown and are currently attended by a large number of participants with the last 2019 exercises reaching a number of 2,000 attendees. These exercises use simulations to replicate a major crisis in order to test NATO's processes and arrangements, as well as looking at new technologies and cooperation. For this reason, the EU is also invited to join these exercises. (Got, 2020)

Operational level

Migration cooperation

Another example of when both NATO and EU worked on the same problem, was the migration problem in the Mediterranean Sea. In this instance there was a collaboration between the EUNAVFOR MED operation Sophia, the European naval force operation rescuing migrants afloat in the Mediterranean, and NATO Operation Sea Guardian. In this cooperation the tasks were clearly defined, with NATO providing security and EU providing the humanitarian aid. During this cooperation information was shared through the Shared Awareness and De-Confliction Mechanism in the Mediterranean (SHADE MED), which is the main forum for communication. NATO and EU took turns chairing this platform. (NATO and EU, n.d.).

In addition, EU are assisting with the migrant problem through funding and humanitarian projects especially concerning Syrian immigrants to Turkey (European Commission, 2020). NATO was also assisting in this issue through working to stem the influx of immigrants going from Syria to Turkey. (NATO, 2019b).

Steadfast Jupiter-Jackal 2020

Steadfast Jupiter Jackal 2020 (STJU-JA 20) was a large command post exercise (CPX) which was kicked off on December 1st, 2020. With exercises in Denmark, Belgium, Netherlands, Germany, Italy, Norway and Turkey, this exercise lasted for 10 days and can be seen as NATO largest CPX up to date. (JWC, 2020a). This exercise provided training in planning for and responding to a crisis response operation; challenged the strategic, operational, and tactical levels of NATO; and encouraged to train and improve civil-military cooperation and interaction (JWC, 2020b).

For this exercise, EU was also invited (NATO and EU, 2020). Though members of EU joined they did not play the part of EU but rather joined the exercise in other positions, augmenting other organizations (Appendix D).

Tactical level

COVID-19

The 2020/2021 COVID-19 crisis is one example of an incident in which both NATO and EU are deeply involved. The crisis hit the world hard, and many nations have asked for aid from either NATO or EU when their national capabilities were overwhelmed. Both organizations work through their respective crisis aid mechanism to provide assistance to their member or partner countries. This includes providing ventilators, masks, doctors or even getting prepared to deliver vaccines. However, although both

organizations are involved, this is a very loosely based cooperation with only some irregular phone calls between members of the EADRCC and ERCC in which information is transferred. There is no real-time information sharing mechanism making it possible for nations to ask both NATO and EU for aid simultaneously and so duplicate the required assistance. This may cause future difficulties as one country may receive more aid than they require whereas other nations may not receive enough as there is not enough left due to the large amounts going to the first nation. On occasion NATO and EU are asked to work together on a certain problem concerning the COVID-19 crisis, however in those cases all pressure for cooperation comes from the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) who acts as a mediator between NATO and EU. (Appendix A).

Challenges and issues to NATO-EU cooperation

As mentioned, becoming effective cooperating partners is a difficult road for any organization. Especially two such large organizations as NATO and EU. It is therefore prudent to realize that there are many factors which add to the hinderances to an effective and efficient cooperation between NATO and EU especially in such a situation as large-scale CBRN incidents. Currently, the NATO-EU cooperation is not up to the standard which was wanted during the signing of the Joint Declarations and as mentioned there are many reasons for this issue. These hampering factors are at all levels.

Political level

Political uncertainty

A major hindrance often cited is political strife. There are certain members in either NATO or EU which have been having political conflicts for several decades (Appendix A; Appendix F; Appendix G; Appendix H; Appendix J; Appendix K). These nations may work hard to veto any action in which they are forced to cooperate, or which would even slightly benefit the other nation in the other organization. Due to the consensus rule, all nations, in both NATO and the majority in the EU, have to agree with a plan or action before it can be implemented. If cooperation is suggested, however, it is vetoed by these member states. An example of this can be seen during exercises, when all nations of NATO and EU allow a liaison officer to be exchanged between NATO and EU. However, in the real crisis such as COVID-19, this did not occur as certain nations did not wish to actively interact. (Appendix A).

Consistency

With 21 nations being member of both NATO and EU, it would be expected that those nations have a willingness to cooperate, however this has not always proved to be so. Certain Nations vary on their support for cooperation and interaction with other organizations. This could be due to the possible deficiency of communication within the nations themselves, thereby allowing that certain a nation claims support for NATO-EU interaction to one organization and opposition to NATO-EU cooperation on the other. (Appendix H).

Furthermore, the nations which support NATO-EU cooperation at both NATO and EU tend to be less vocal and active concerning this issue than those nations who are opposed. This may cause a feeling of unwillingness to cooperate in both organizations. (Appendix H).

Strategic level

Combined framework

In case of a CBRN incidents it is very important to act quickly and decisively in order to limit the spread of the substance and limit fatalities. It is therefore important that both NATO and EU are aware of what each expects as their own task as well as those of the other organization. This is especially important in order to avoid duplication as well as prevent certain aid not being supplied due to the expectancy that the other organization supplies this. Both NATO and EU have crisis management plans on how to deal with CBRN incidents, however these have various discrepancies between them. Therefore, a hindrance to cooperation is the lack of a clear framework for cooperation accepted by both organizations, which includes the main responsibilities, leadership and roles for each actor involved in the incident depending on the strengths of each organization. (Appendix A; Appendix F; Appendix H).

Mandates, and Systems

Through the ERCC and EADRCC, both EU and NATO have developed their own systems and procedures in order to deal with civil incidents and through such, CBRN incidents. Additionally, each organization has given the proper mandates for their individual nations to cooperate, however there are no systems, mandates or procedures for the common cooperation between NATO and EU, which are accepted by all members and at all levels of NATO and EU. It is however important that these mandates, systems, and procedures are developed as it can lead to both ease of use as well as to ensure continuity of cooperation even these is a change or transition in the organization such as if personnel are changed or rotated. (Appendix G).

Trust

One of the overarching hindrances of cooperation between NATO and EU is lack of trust. Trust that the other organization will do its work and share the same amount of information is of vital importance because that is the only way in which each organization will be willing to share its knowledge and capabilities. Furthermore, the issue of lack of trust also leads to other obstacles to cooperation such as communication problems, lack motivation to cooperate, as well as hindering capacity building. (Appendix E).

Operational level

Varying Standards

Both NATO and EU rely on memberships of nations. This means that both NATO and EU must balance the different cultures of different countries. This includes the variance of when to use the military forces and when to use civilian capabilities, but also the standards at which they work.

These varying standards may cause tensions to arise between nations as well as military and civilian forces concerning the procedures to deal with CBRN incidents, as certain nations and organizations allow a certain type of standard which is too low in the eyes of other nations. This could include the protection that must be worn, the equipment that may be used, the way in which harmful substances may be disposed of or destroyed, or even who is in command and whose procedures take precedence. This in turn may cause legal or environmental issues, and additionally cause required and offered aid to be declined due to the standards of the resources and procedures. (Appendix H).

It should be taken into consideration that NATO has its limit in standards and EU has as well, however, that does not mean that these minimum standards are the same for both organizations.

Capabilities

Although, as mentioned in the resilience assessment, both NATO and especially EU have a few capabilities for CBRN defence and response at their disposal, however, there may not be enough to combat a large-scale, and especially cross-border, incident. Though both NATO and EU are creating certain inventories to consider which capabilities are at their disposal it is necessary to understand that not all nations are able to invest much in both NATO and EU. This is especially the case in smaller countries in the EU. They may not have the ability to set apart capabilities for both NATO and EU to draw upon in the case of both NATO and the EU. (Lindstrom and Tardy, 2019; Appendix H)

Tactical level

Communication

Platform

One of the largest hindrances to cooperation is the lack of communication platform. Communication is one of the most critical aspects of cooperation, coordination, and interaction. Currently, the only method of communication between these two organizations is through ad hoc staff-to-staff communication initiated by the individuals within the group (Appendix A, G, H,) or through a mediator such as UN OCHA

(Appendix A). This is very ineffective as it takes longer to communicate via mediator, a problem which cannot be risked in a large scale CBRN incident. Furthermore, once a member or contact person of the staff leaves, it is necessary to build up a whole new rapport with the new staff member in order for communication to be continued (Appendix H). Additionally, under the radar staff-to-staff communication is also not ideal as this informal communication may cause legal or bureaucratic problems in the future.

Duplication

A result of lack of communication is duplication. Duplication means that both NATO and EU, inadvertently, take the same action in providing assistance, thereby doing actions double and lessening the aid that they can give for future requests. The COVID 19 pandemic has proved that this is indeed a very real problem. Various times it occurred that nations sent requests to both the EADRCC and the ERCC. To both organizations they requested the same resources such as ventilators. With both the EADRCC and ERCC providing the ventilators, the asking nation had more ventilators than they required and the EADRCC and ERCC had less resources to help the other nations who might request assistance. Both the EADRCC and the ERCC were unaware that they were both providing the same aid to the same nation. (Appendix A; Appendix H)

Terminology

Another obstacle to communication and cooperation is the differences in terminologies between the two organizations. Both organizations use large varieties of terms and abbreviations, some of which have possible very different or slightly different definitions or meaning. This discrepancy may cause confusion or potentially mistakes during communication as well as strategic agreements. (Appendix I).

An example of this are the differences between the NATO and the EU definitions of cooperation. A possible NATO definition for cooperation is "The co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organizations and agencies" (NATO, 2003, p.7). According to the MC 0411/2 document, civil military Interaction (CMI) is defined by NATO as "a group of activities, founded on communication, planning and coordination, that all NATO military bodies share and conduct with international and local non-military actors, both during NATO operations and in preparation for them, which mutually increases the effectiveness and efficiency of their respective actions in response to crises." (Tan Berge, 2014, p.4). When comparing these NATO definitions with the EU definition for Humanitarian civil-military cooperation, which is as follows, "the essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect

and promote humanitarian principles, avoid competition, minimize inconsistency, and when appropriate, pursue common goals” (EEAS, 2019), we can see that the EU definition of cooperation has more in common with the NATO definition of interaction rather than cooperation.

Recommendations

The question which now remains concerns what NATO and EU can do to improve their cooperation, as well as resilience to CBRN definition, in light of the obstacles outlined previously. These recommendations require the sincere effort and motivation of both NATO and EU in order to be implemented effectively. Additionally, these recommendations will take time to create and implement and so it is necessary that both NATO and EU aware concerning this.

Political level

Relationship building

The first recommendation concerns the building of relationships which fosters trust among members of both NATO and EU. This relationship can be built up via conferences, exercises, and other forms of increased dialogue between NATO and EU staff. Furthermore, relationship building can be achieved via sharing of goals and through this discovering a common identity and goal. This goal then provides motivation and trust as it allows staff of both organizations to profit from the other on the road to a shared outcome.

These relationships can be built through the use of conferences (both physical and virtual), workshops and talks. With these, both NATO and EU will learn more about each other thereby fostering an increased trust and understanding which will aid in cooperation.

Consistency

As mentioned previously, consistency is an obstacle to cooperation. It would therefore be recommended that nations ensure that at both NATO and EU, they are consistent in their choice whether to support cooperation in the CBRN domain or whether to oppose it. Furthermore, with the rise of interest in NATO-EU cooperation in individuals at both NATO and EU it may be beneficial for nations to make clear whether they support NATO-EU cooperation for civil protection and CBRN defence.

Strategic level

Cooperation Framework

Another important recommendation is the creation of a framework for cooperation. This indicates that both NATO and EU have to come together and make arrangements so that both organizations have plans that do not overlap or duplicate work but rather complement the work of each organization depending

on the strength and capabilities of each organization. This framework must also give a basic plan of action should both NATO and EU be asked for assistance and should emphasize the responsibilities of each actor involved including the stricken nation(s). If this is applied effectively, it could make cooperation much more effective and efficient, thereby increasing the NATO's and EU's resilience to CBRN threats.

Translate political documents into action.

In order for NATO and EU to be able to cooperate both NATO and EU must take the political documents which have been signed and translate them into physical action. Both NATO and EU have political documents which clearly show action plans and intentions. Now it is necessary for both NATO and EU to take these ideas and active them for the security and resilience of Europe and its people.

Sustainability

It is important for both NATO and EU to ensure that research done is shared with all stakeholders. This ensures that projects which have been sponsored for by both NATO and EU will have a benefit rather than investing financially into a project after which the results become lost. If a project is initiated and the other organization becomes a partner, then it is important that the results of the project are not lost but are shared with the partners. This in turn also encourages cooperation as organizations are more inclined to partner in a project that will provide beneficial results.

Varying Standards

As mentioned and explained in the challenges section of this report, varying standards is a challenge which NATO-EU cooperation faces. It may therefore be beneficial for NATO and EU to discuss this together and develop a baseline of what the standards should be for combined actions in the CBRN field. This includes the baseline concerning how CBRN substances should be destroyed or disposed of as well as the basic standard which equipment and personal protective equipment should satisfy.

Operational level

Build-up capacities.

It is important for both NATO and EU to be actively building up the capacities which can be deployed for a CBRN incident, as well as make clear, up-to-date assessments of the current CBRN capabilities and technological advances. Even though the probability of a CBRN incident occurring is low, the impact can be very high and currently there are not enough capabilities to handle the situation of dealing with a major incident. Therefore, to increase the resilience to CBRN incidents there must be a build-up in capabilities and possibly an agreement on the sharing of capabilities.

In addition to building up the necessary capacities against CBRN incidents it may also be beneficial for NATO and EU to consider creating a single set of forces through the combining of CBRN defence capabilities, both physical and intellectual. Through the combination of capabilities, both NATO and EU will have a greater network of resources to aid in the case of a large-scale CBRN incident.

Operational planning process

Currently both EU and NATO have their own CBRN training process and curriculum. A recommendation would therefore be for both these organizations to harmonize their training. By harmonizing the trainings of both NATO and EU, processes on how to deal with CBRN incidents become harmonized making it easier to interact and coordinate as each organization knows what the other is doing.

Exercises

Exercises are essential for building trust, finding the limits and possibilities of an organization's capabilities, testing technologies, terminologies, and training cooperation for a real-life situation. In a large-scale CBRN incident, NATO and EU will have to work together in order to minimize the damage and casualties. It is therefore important for both NATO and EU to cooperate in exercises with both attending as active members of the organizations in question. In order for the exercise to be realistic, both NATO and EU have to be involved fully and committed to exercise in such a way as is likely to occur should a large-scale CBRN incident occur.

One practical recommendation concerning how NATO-EU exercises could possibly be improved is to develop NATO-EU cooperation at CMX exercises and then take the scenarios which have been developed for those exercises and translate these into scenarios for exercises at an operational and tactical level in which both NATO and EU are actively involved as organizations reacting to an actual CBRN incident.

Tactical level

Platform for Communication

Another important framework is the framework for communication. This should be a part of the framework of cooperation and should outline the methods used for communication, before, during and after a large-scale CBRN incident. This includes the channels used for cooperation as well as the most important person of contact. Real-time communication is important in a crisis scenario and it is therefore important that all members involved are aware and able to easily and quickly communicate with the other organization. Even a crisis management communication platform can be created in which it is simple to

communicate and easy to involve different actors depending on the type of crisis faced. This platform can also aid in increasing the dialogue between the two organizations before and after the crisis incident.

Terminology

In order for communication to be lessened it is important that both NATO and EU members understand what they are communicating with each other. Therefore, it is important that there is a base terminology which is used by both organizations. This terminology report can include terms which are often mistaken as well as NATO and EU abbreviations.

Combined Inventory

Both NATO and EU have a certain inventory with CBRN defence assets and capabilities. These inventories are specifically for their organization. However, if a NATO and EU were to make a combined Inventory, in which all resources are recorded it has the ability to improve the resilience of NATO and EU against CBRN incidents. This is because, with a combined inventory, both organizations know what is available and who has it.

Furthermore, this has advantages for less equipped countries who may not be able to afford keeping resources and capabilities at standby for both NATO and EU, whereas if combined it would be more useful for both organizations. Furthermore, it would give both organizations faster and easier access to more capabilities.

Gap analysis

Creating a regular gap analysis in order to identify the resources which are necessary in case of a large-scale CBRN incident is a practical recommendation which increases preparedness and resilience for both the EU and NATO as it ensures that both organizations are prepared for any contingency and that all the current measures are taken for the security of the Euro-Atlantic area. The combined inventory will be very useful in this aspect as it provides a general overview of the resources which are currently available as well as which resources are lacking and in which resources should be invested.

Look to the future...

With all the data which has been collected and collated in this report, the question remains, that after these recommendations have been put into practice, what other aspects of civil-military cooperation and CBRN defence can be explored to improve the European and world resilience to CBRN threats even further.

NATO-UN Cooperation

One of the possible topics for future research considers the increased cooperation and communication between NATO and United Nations (UN). This is essential as the UN is one of the key players in providing security in both Europe and the rest of the world. Therefore, in order for resilience against CBRN threats to be as good as possible it is necessary for there to be a strong relationship between UN and NATO.

To further this, the possibilities to a NATO-UN-EU, three-way cooperation is also an exciting prospect for future projects.

NATO-EU cooperation in different domains

This report focuses on the cooperation between NATO and EU in the case of large scale CBRN incidents, however, there are more domains and areas in which NATO and EU can further their cooperation. This is both in the domain of CBRN defence but also in other areas such as space.

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Appendix A: Information Exchange EADRCC

Topic: NATO – EU cooperation

Interviewee: Euro-Atlantic Disaster Response Coordination Centre (EADRCC)

Date: 20/11/20

Disclaimer: An Interview was done with a member of the Euro-Atlantic Disaster Response Coordination Centre; however, due to sensitivities this interview will not be released to the public and will remain in the possession of the Joint Chemical, Biological, Radiological and Nuclear Defence Centre of Excellence.

The information given in this interview is not a NATO position but the position of a specialist in the Field.

Appendix B: The first JCBRN Defence COE Advisors Conference

The first JCBRN Defence COE advisors Conference was held from the 17th until the 19th of September 2019 in Prague, Czech Republic, organized by the JCBRN Defence COE. This conference was initiated after Defence Ministers task how to enhance civil-military cooperation to deal with the consequences of large-scale CBRN events associated with terrorist attacks.”

39 people were present representing 10 nations as well as international organizations. The countries represented were Czech Republic, Finland, France, Germany, Greece, Italy, The Netherlands, Poland, Romania, and United States of America. NATO HQ – International Staff, SHAPE and JCBRN Defence COE were the International organizations present. The conference was chaired by former Ambassador Major General (ret.) Petr Voznica. With a wide selection of participants and nations represented, thorough and fruitful discussions occurred including between military and civilian participants.

The Conference produced a wide range of recommendations. These could be divided into different sectors, namely:

- 1) Political and Strategic Guidance
- 2) Doctrine
- 3) Organization
- 4) Education, Training and Exercises
- 5) Material
- 6) Legal
- 7) Way Ahead

The recommendations included for instance the increased use of CBRN scenarios in discussions and large-scale trainings and exercises, the creation of a common CBRN response terminology for both military and civilian use, develop a Civil-military concept for CBRN consequence management, and the increased improvement of civil and military CBRN capabilities. One other highly significant recommendation to emerge from this conference concerns the increased cooperation between NATO and EU for the prevention, preparation for, and recovery from a large scale CBRN incident. This including the recommendation to ensure that the EU is represented for the next JCBRN Defence COE Advisors Conference.

Appendix C: JCBRN Defence COE Courses

The JCBRN Defence COE offers a variety of courses of which a couple are interesting for both NATO and the EU.

Introduction to the International CBRN Training Curriculum for Trainers of First Responders to CBRN Incidents Course

Date: 24 - 28 May 2021 (Enrol before 12 April 2021)

The aim of this course is to familiarize the course participants with the Introduction to the International CBRN Training Curriculum for Trainers of First Responders; to provide knowledge and understanding required for implementation of the Introduction to the International CBRN Training Curriculum for Trainers of First Responders within their own nations, and to enhance interoperability among first responders in an international response to CBRN events. This course is organised in close cooperation with the Civil Emergency Planning Committee (CEPC).

Learning Objectives:

1. Understand the security context behind national and international CBRN preparedness and response;
2. Understand the methods employed to recognise a CBRN incident;
3. Understand the protection of responders and safety of victims;
4. Understand the decontamination options at a CBRN incident;
5. Understand basic medical and psychological considerations in relation to CBRN incidents;
6. Understand the basic principles of detection and sample taking;
7. Understand the principles of command and control in relation to CBRN incidents;
8. Understand the implications of bilateral or international assistance for local first responders.

Training Audience: CBRN trainers to improve their knowledge in the field of CBRN Defence. Participants should have substantial experience in fire and rescue, police or paramedic services, or similar activities (civilian and military) and with training activities in this field. It is expected that attendees will have experience in delivering CBRN training to first responders and have good English language skills.

Duration: 5 days.

Number of participants: min 10, max 18 participants.

Security classification: Non-sensitive information releasable to the public.

Course fee: The course is tuition fee-free. The sending nation is responsible for paying the travel arrangements, accommodation and per diem in accordance with its national regulations.

Course pre-requisites: students are expected to undergo “ADL Pre-Learning for the Introduction to the International CBRN Training Curriculum Course “ – follow link <https://www.jcbrncoe.cz/tp/mod/scorm/view.php?id=1008>

(Course catalogue, 2020)

Live Agent Training Course

Date: 18 - 22 October 2021 (Enroll before 18 June 2021)

The course is designed to provide students with knowledge, skills and abilities to work confidently in protective clothing in a toxic environment containing Chemical Warfare Agents and/or Toxic Industrial Chemicals. Through the training, the course participants will gain practical experience in the use of Individual Protective Equipment (IPE), will understand and be able to apply safe work practices and will have an appreciation of the equipment and methods for detection and decontamination.

Learning objectives:

1. Understand the chemical threat and how to protect against it;
2. Understand the detection of chemical agents;
3. Understand the execution of immediate/ operational decontamination;
4. Understand planning, organisation and execution of LAT in a training facility.

Preconditions for participation:

1. All trainees must be physically fit and accomplish basic CBRN Training;
2. The only person having a Medical Clearance Package confirmed prior Live Agent Training is approved to perform the Live Agent Training;
3. The Medical Clearance Package serves as documentary proof of actual health status, and it is necessary to be confirmed by a physician that course participant passed a medical examination before the Live Agent Training Course.

Training Audience: Students are supposed to have a common level of knowledge to work safely and effectively in a toxic environment.

Duration: 5 days.

Number of participants: min 10, max 20 participants.

Security classification: Non-sensitive information releasable to the public

Course fee: 2000 - 3000 EUR/ person (will be determined on a number of students). The sending nation is responsible for paying the travel arrangements, accommodation and per diem in accordance with its national regulations.

Course pre-requisites: students must undergo “ADL Live Agent Training Course” – follow link <https://www.jcbrncoe.cz/tp/mod/scorm/view.php?id=1219>

Course catalogue (2021). Course Catalogue: Joint Chemical, Biological, Radiological and Nuclear Defence Centre of Excellence. Retrieved from [Course catalogue 2021.pdf \(jcbrncoe.org\)](#)

Appendix D: Information Exchange NATO-EU Exercises

Topic: NATO – EU cooperation in Exercises

Interviewee: Joint CBRN Defence COE: Training, Exercises and Education Department

Date: 20/01/21

Disclaimer: Information given in this interview is not a NATO position but the position of a specialist in the field. Additionally, blackout has been added in case of sensitive information and for the anonymity of the interviewee.

Notes

- JCBRN Defence COE supports both NATO and Multinational CBRN defence exercises.
 - NATO exercises are paid for by NATO and Multinational CBRN defence exercises are paid by individual host nations in cooperation with other entities.
- In NATO exercises, EU is not playing its role.
 - Acted as an observer or augmented someone else positions in the JFC HQs.
 - The EU is considered as a non-NATO entity, there are no formal agreements concerning support of NATO exercises.
- SHAPE (Partnership Directorate) leads the process of deciding which non-NATO entities will be invited to the exercises.
- NATO requires EU to be endorsed by the military committee (MC) and approved by North Atlantic council (NAC) in order to join NATO Article V exercises.
 - EU is not recognized as a training audience in NATO's planning process for exercises.
- NATO is also not involved in EU exercises.
- There is an initiative at SHAPE and NATO HQ Brussels to bridge the gap and open the door for further cooperation. EU suffered from setback at NATO School Oberammergau (NSO). EU representatives are not allowed to participate in courses held at NSO. EUMS waits for the NATO authorities' approval to participate in NSO Courses in 2021. Even though the NATO Military Committee has not endorsed EUMS participation yet, this setback is considered as a temporary one subjected to the further progress in the future.
- JCBRN Defence COE offers NATO listed courses also for EU.
- JCBRN Defence COE is NATO CBRN Department head

- Organize the individual training and match courses and environments.
- JCBRN Defence COE is also EU WMD/CBRN defence Discipline leader
 - Similar tasks to those of the NATO department head.
 - As Discipline the centre was asked to develop training courses for EU.
 - NATO listed courses to be used to the maximum extent to avoid duplication. If a new EU requirement is set EU DL will investigate new training opportunities.
 - Any supervision is missing for those being responsible for both NATO DH and EU DL.
- There are only 4 positions at EU structure representing CBRN defence but only 1 is occupied by CBRN specialist.
 - Any additional training courses for EU would be organized for 4 people. That is why all existing training opportunities have to be utilized.
- SHAPE (HICON-High control) and Units (LOCON-Low control) together make EXCON (exercise control).
 - In between that is the training audience (e.g JFC Brunssum or JFC Naples) for whom the exercises as such is organized.
 - EU should support NATO exercises in SIDECON as other non-NATO entities.
- There have not been any major NATO-EU partnered exercises held.

Appendix E: Information Exchange EEAS

Topic: NATO – EU cooperation

Interviewee: European External Action Service (EEAS)

Date: 03/02/21

Disclaimer: Information given in this interview is not an EU position but the position of a specialist in the field. Blackout has been added in case of sensitive information and for the anonymity of the interviewee. Additionally, this information exchange was taken in note form as recording was not permitted.

Notes

- The EEAS sees the Joint declaration (2016) and the common set of proposals (2017) as a framework for cooperation.
 - Seen as sufficient as “where there is a will there is a way.”
 - The Joint declaration showed enough of the overarching objectives.
 - Common set of proposals develops these objectives further.
 - There is progress in the fields of sharing information on capacity building and the exchange of expertise, trainings, and programmes to support partners in building their CBRN risk mitigation capacities.
- EU colleagues visited JCBRN defence COE to establish a direct cooperation between the JCBRN CoE and the EU CBRN CoE Initiative.
 - Not exactly EU-NATO cooperation per se because JCBRN Defence COE is NATO accredited institution, but it counts.
- At that time already the EU engaged in support for partner countries/capacity building in CBRN through EU CBRN Centres of Excellence Initiative.
 - At the time, EU CBRN CoE initiative had approx. 30 partner countries, currently it has 62.
 - 2017 – first steps in the cooperation between EU CBRN CoE and JCBRN defence COE
- Biggest difference between NATO and EU approach is that EU is focused on civilian security.
 - Engages with all CBRN related stakeholders in all ministries (agriculture, health, industry, customs, energy, etc.) and not just ministry of defence; when engaged, ministries of defence are represented e.g. by medical branch/service, not military branch.
- NATO provides military expertise; EU provides civilian expertise.

- Brussels declaration (2018) provides a more general framework requesting swift and demonstrable progress in strengthening resilience to CBRN risks.
 - Its “additional encouragement” but does not bring new elements into cooperation.
- Coordination Staff to staff meetings are taking place on regular bases.
 - Had already happened before the joint declaration.
 - Was not regular and no tangible results.
 - Since 2017
 - At least 2 times per year (rather more often)
 - All CBRN stakeholders of NATO and EU staff to staff meetings
- The EU CBRN CoEs Initiative represents EU support in the field of CBRN risk mitigation in its external dimension.
 - Activities related to CBRN field within the EU internally developed by several Directorates General - DG HOME, DG ECHO, etc.
- NATO side is led by Arms control, disarmament and WMD Non-Proliferation Centre (ACDC).
 - Has parallel coordination meeting on the political aspects led by non-proliferation division: this is the cooperation when NATO and EU are agreeing on political and diplomatic matters such as nonproliferation agreements.
- This is the cooperation when NATO and EU are agreeing on political and diplomatic matters such as non-proliferation agreements.
- EU CBRN CoE Initiative and JCBRN Defence COE cooperation is practical and project focused.
 - Capacity building, trainings etc.
- Not sure if whether truly joint capacity building projects will be possible in the future.
 - However, positive that information is being shared.
 - EADRCC and ERCC are sharing information.
 - COVID 19 presented new elements for improved information sharing.
 - Member states duplicated requests without informing the other.
- A platform of communication and formal agreement would avoid duplication.
- EU has more possibility to manoeuvre.
 - EU and Commission have their own budget.
 - Member states can approve it or veto it in the financial framework.

- However, within the agreed financial envelopes, e.g. for the EU CBRN CoE Initiative, individual activities do not need to be approved by MS.
 - There are red lines but there is more manoeuvring room.
- NATO seems to be less comfortable concerning funding.
 - Every project must be agreed by the allies.
 - Overall sum of money is much less than EU has for CBRN programmes.
 - Asymmetry of funding means that it's not easy to develop joined projects.
 - Some EU partners can be identified which will be comfortable with working with NATO (as they are already partnering NATO in different cooperation schemes).
 - To sell a project to constituencies as a joined project it has to be balanced.
 - If EU provides funding and NATO can't, it will be difficult.
 - Political sensitivities also make it difficult.
- Duplication of efforts usually doesn't happen and sharing information should help to avoid it.
 - EU and NATO differences in expertise and recipients of support. But it could complement each other.
 - CIVMIL cooperation was necessary in COVID 19 crisis.
 - Synergies can be identified but requires a lot of coordination, also with 3rd countries.
 - Cooperation is very much about exchange of information.
- Cooperation can be improved.
 - However, when it requires approval by constituents, there might be sensitive.
 - EU also sometimes has problems but not every detail has to be approved in EU.
 - NATO IS does
- Jan 2020 there was a NATO-EU CBRN capacity building in support for 3rd countries workshop.
 - Wanted to organize as a NATO-EU event
 - Invite both EU member states and NATO allies' representatives
 - it was hosted by a MS Permanent representation to provide a neutral ground.
 - Promoting CBRN work
 - Many member states do not know much about what was happening in the CBRN domain.

- If there is a CBRN event there are no borders
 - Nevertheless, political issues influence cooperation in CBRN capacity building with 3rd countries anyway.
 - E.g., COVID-19 19 Pandemic
- Cooperation is delicate. It can be done.
 - Must move exchange of information to coordination.
 - There are potential partners, 3rd countries where we can try to use synergies rather than do a join project.
 - Trying to work on that.
- Asymmetry of funding and political sensitivities is holding back the practical cooperation.
- JCBRN Defence COE
 - Have training courses for EU partners countries CBRN experts.
 - EU funds the training and chooses the experts who join.
 - 2 or 3 different courses.
- CBRN audit in one partner country of the Initiative
- EU project led by international and EU experts in which the JCBRN Defence COE was invited to join.
 - It was practical and it worked well.
 - JCBRN Defence COE is independent.
 - Doesn't require agreement by all NATO member states, just its sponsoring member states.
 - EU funds.
- At expert level a lot of can be done.
 - Expertise comes first.
- More detailed tasking could be given by a new joint declaration, but highly improbable due to current situation.
- EU CBRN CoE
 - Launched in 2010.
 - It's an CBRN expert Network. Currently associates 62 partner countries, organized in 8 regional secretariats.
 - Starts with assessment of CBRN risks and threats at partner country's level.
 - All projects have a regional dimension

- CBRN threats have no borders.
 - Try to improve cross border/regional cooperation.
- EU CBRN CoE is the National CBRN team and what supports it, regional secretariat, etc.
 - Experts from different ministries whose agenda is somehow related to CBRN.
 - Not institution or training centre but a national expert hub or network.
- In CBRN there is no necessity to go into terminology.
 - Experts level terminology is the same for all.
 - There are no big mistakes in terminology or no misunderstandings.

Appendix F: Information Exchange DG ECHO/DG DEVCO

Topic: NATO-EU Cooperation

Interviewee: Currently Directorate General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), formerly Directorate-General for International Cooperation and Development (DG DEVCO¹⁶)

Date: 21/01/21

Disclaimer: Information given in this interview is not an EU position but the position of a specialist in the field. Additionally, blackout has been added in case of sensitive information and for the anonymity of the interviewee.

A: I will welcome a starting basis to get more familiar to what you know already, what you don't know and what are your assumptions. Then we can go into serious questions. Because I know you already started kind, you contacted several people. Some of my colleagues possibly [REDACTED] and others. So just to be on the same page. If you can briefly summarize where you are and what are your basic starting point in this discussion?

Q: Of course, so what I found concerning NATO EU cooperation is that although on the political level, with the joint declaration being signed and the progress reports, it all makes it sound very "we are on the right track, things are happening, staff to staff communication is fantastic, it's an everyday occurrence" and so on. But when I talk to people in the field or other people who are actually working with it, they pretty much all say that there is very limited communication, there is no communication framework, no cooperation framework (formally or informally), any contact between NATO and EU is generally done through someone in NATO or someone in the EU who happens to know someone working for the other organization who then contacts that person. Something else I found is that a large problem is the [REDACTED] [REDACTED] issue, with [REDACTED] blocking NATO and [REDACTED] hindering EU to a certain degree. So, these are some of the big ones, then there's also with capabilities, NATO and EU are both working on that. I talked to

¹⁶ Currently, DG DEVCO has changed its name to Directorate General for international partnerships (DG IMPA).

██████████ about RescEU that she is working on and how EU is building that up but that they don't have CBRN capabilities yet, it's still too early but they are working on that. I talked to NATO about capabilities that they have.

A: Did you talk to ██████████?

Q: I was supposed to have a meeting with ██████████ yesterday but that got cancelled last minute because she was having problems with communication so its rescheduled. She said she would let me know when she could do it, so I'm planning on doing that, but I haven't had that talk yet.

A: It's just to be aware because we work in the same unit. And she is particularly from the ECHO side following this ECHO EU-NATO cooperation and as I was for DG DEVCO before, at DG research before. So it's good that you talk to her. Maybe also to our colleague ██████████ because she is dealing with the specific EU RescEU module which will come through procurement to build decontamination facilities but all this you may already be aware, the RescEU is a kind of last resort modality that is still being implemented. It new and it will increase even more in the future. It will help member states together with the European Union, the commission and DG ECHO to provide CBRN assistance, and the preparedness so where there is a gap inside the EU but also very presumably also in the border in the neighbourhood and in the more midterm, globally speaking with partner countries. This will be kind of one contribution, quite operational, quite practical to build shared modalities, services, capacities, equipment but that would not necessarily be easily available or quickly available from each individual member state. So, it's to fill gaps and definitely this is very operational but that is at the same time very political because it is under direct control and blessing from each single member state in the EU. So, it's very much something under close scrutiny from EU 27 as you probably know. If you want to get more into the details, certainly you can arrange a call with ██████████ as well, they are working together.

Because the discussions at the political level, internal legislations are delt in our unit and then when it comes to the implementation its shifted to a more operational unit where ██████████ is working together with another colleague indeed. This is the CBRN increasing under development because there is not much so far which is being implemented. Although from that perspective, as far as I know, the connection, the civmil or EU-NATO connection, even civmil dimension is still to be looked at more closely and not necessarily the first priority for the moment. It certainly should come. But I was referring to the

ECHO engagement on non CBRN. Also, the responsible colleague, we have 3 teams in the unit B1 where I am working. Namely in the international relation team there is another colleague who is in charge of the policy and the legislation and the governance of the UCPM and [REDACTED] are working under his responsibility. So, [REDACTED] can also be interesting to discuss with though maybe he will immediately refer to [REDACTED]. Ok and maybe I interrupted you so I will let you...

Q: No like I said the biggest problems that I could identify from my research on EU and NATO is the political issue between [REDACTED], the fact that there is no communication framework, no cooperation framework.

A: Formal? yeah that's true.

Q: Well both formal and informal communication are very much initiated by one of the organizations who just happens to know someone the other organization rather than organization or as a group reaching out to the other group if you understand what I mean.

A: Yes, that is indeed not far from my experience. Even if we are meeting regularly, well, not very regularly, but still with some regularity for soft tour de table, what we are doing but in terms of more concrete exchanges it pretty much depends on the availability, willingness of the different staff, colleagues and its true that in both systems, EU commission and NATO, if I may, the split of interactions, the diversity of stakeholders, of players, being involved from one angle of the other into the CBRN business, CBRN matters is very wide. Inside the EU and particular the commission but also involving the external service we have built through the years quite a nice and quite efficient CBRN inter service group, where we are exchanging quite a lot of modern research on the internal policy DG HOME external cooperation DG DEVCO, FPI, ECHO, trade, customs, border ad also all the nuclear framework under the umbrella of the EURATOM treaty, with the RC and centers of excellence. As far as the external dimension is concerned where the EU CBRN centers of excellence, im sure you are aware of them, or if no I can give some more details which are presented outside the EU 61 partner countries today, working in different regions together for different kinds of activities including the CBRN gaps and needs assessment and risk assessment, national,

now going to also doing the regional assessments. Very challenging but it's happening up to the countries agree in the region and definitely also in terms of regional operational activities, share of expertise, trainings, train the trainers but even cross border exercises sometimes equipment as we have seen this year in central Asia with mobile apps, in Africa. But this is all under the framework of the CBRN centres of excellence which is quite active, and which trigger some quite high visibility outside the EU. And it is in the framework of this programme for which I was working before until last November. Until recently I was available with other player to coordinate and implement concrete activities with the sort of Vyskov, definitely, [REDACTED], and also previously with [REDACTED] and we are still in contact by the way. We organize specific training in Vyskov or even very exceptional kind of team Europe audit in one country that happened to last year in the gulf, you may have been informed of this. It was a kind of first of its kind really EU-NATO combined team to perform a high level CBRN assessment in one country upon request of one country and the minister of interior from Abu Dhabi to be precise and this kind of approach is quite interesting and could be developed further and is true that it is something that came, not under top down instructions but that came to the field because we know each other, because we are involved in this formal/informal discussions and because thanks to that we understood that the things on the ground could be discussed and even come through concrete operations. And so that is why Vyskov, they have been very kind to welcome a series and continue of high level trainings on live agents or CBRN officials or from external, not EU, but external state parties and also been very open to discuss the modalities of specific onsite trainings, particular with Morocco which did not take place yet but which has been under discussion for more than a year and now the Moroccans hide, they have to provide a reply to make it happen but from EU-NATO side we have been working on that and they are ready, Wolfgang will confirm it to you or maybe you know already deployable kind of mobile team to Morocco for CBRN purposes. But these are a bit ad hoc. But they are very concrete operation that I am aware of. I am not aware of what is happening or not in the other fields of Cyber of Hybrid and more but on CBRN, this has a huge potential. There are also other interesting collaborations that took place and there are that will continue and will be increased with all the sides of NATO. I am now referring for example to the science for peace, the SPF programme, which is under the control of the headquarters of NATO Brussels and [REDACTED] [REDACTED] you may have heard of him, he is in charge of this programme and following that closely. Were we have been able to identify some gaps that could be fulfilled by and funded or co-funded by the SPS programme, thanks to this EU – NATO CBRN cooperation. This is another angle that has been quite concrete, even if not very, well we could do much more and much more often but still it's something concrete and the people know each other so it's just a question

of deciding, we go for it or it's not such a priority for one or the other organization. Then another very interesting area of potential for the near future is the development in the gulf through the cooperation which is under discussion between the EU CBRN centres of excellence in Abu Dhabi, the minister of interior and EU UN, invented by the EU, by my former team, it's not anymore, the DG DEVCO but the FPI, the foreign policy instrument in charge and it's on one side. And on the other side the GCSE NATO is done with cooperation at CI centre in Kuwait City that I visited two years ago. Two years which was very, very interesting and were we sat down the basis for future cooperation. But this now has been in a kind of waiting position and this could be easily relaunched if the NATO and Kuwaiti GCC counterpart are ready to be activated. Of course, it's far away from the main EU-NATO interest inside land but it's still some kind of interesting cooperation through which we are able, not only to demonstrate to these outside, non-EU, non-NATO countries that there is a strong, let's say civilian opposed to another more military or defence approach represented by NATO cooperation. That where the similar if not the same, at least the similar language can be shared. With all constraints and limitations due to the differences between NATO and EU in terms of functioning, in terms of decision making, in terms of partnership. And the Cyprus-Turkey issue is definitively something which is hurting a lot in this process, unfortunately. But I believe that the only difficulty to lift.

So yes, I tried to see. Well, another example, you may be aware of it but, I wonder if you attended the EU-NATO Dialogue that we had in December of November.

Q: No unfortunately I didn't.

A: Oh ok. It's a pity because ... well it's a pity. I'm not even sure if Vyskov was represented. No, I don't think so. But were we discussed with NATO representatives and the EU side, the external service and the different DGs, DEVCO, ECHO, JRC, but this framework of exchanges that takes place every year or twice a year according to the agenda. And because we discussed these issues and all these matters, and I also came back with these proposals for further strengthening the cooperation. If there is a political appetite, we should take it because it's not too difficult to implement if there is a wish and a support. And then, if I may, I see also another example of very interesting cooperation between EU CBRN and NATO external side, but which is the support that we got. When I say we, the EU CBRN centre of excellence located in central Asia, Tashkent to benefit from the NATO and German defence support to deliver mobile

equipment and trainings and a strong technical cooperation to Uzbekistan that took place, even during COVID and which is continuing for two more years. And this is a clear CIVMIL cooperation and indirectly, it's not necessarily fully NATO, but indirectly representing military defence and a European NATO partner. So, all this is taking place, but and I think those are very interesting examples because they demonstrate the feasibility in terms of operationality, feasibility. But not only feasibility but also great added value and if I can come back to the example of this specific kind of team Europe audit, CBRN audit, in the UAE, emirates last year, 1 year ago, it was not only an EU-NATO combined team we were 8 or 9 expert officials to go to perform this mission, but it was also, it was EU-NATO but for EU it was internal-external. It was really involving internal EU experts with the external dimension, so it was for us very useful to demonstrate the interest and added value of combining EU member states expertise together with international experts and NATO expertise on that matter. So, I believe this is the, I would say at my level, this is certainly one very interesting way to go ahead in the future and to repeat and to strengthen and through those kinds of examples I expect that this may also have a very positive effect on at the political level, to reassure and demonstrate that it's not always such a big issue. Things can happen on the ground and if you want to accelerate it if you want to be quicker or to speed it up its up to you to take a political decision. And we wait for this. We are, I would say, on the field. Basically, of course there are always difficulties, but we are basically, the field is basically ready to do more. For CBRN, I would not dare to generalize it to the fields of EU-NATO cooperation which are maybe different in one way or the other, but with CBRN, yeah there is quite interesting, especially I would say, definitively inside but from my perspective because I have been much more involved for the external side. Definitively huge rescue to show how, because I can tell you, and please talk with [REDACTED] because certainly he was in close touch with [REDACTED], who was a member of the team representing Vyskov and NATO. It was really, for our interlocutors in Abu Dhabi, by welcoming such a team, it makes a difference. Because we were taken very seriously because it was not only that the EU represented very, quite a representative team of experts from different countries, internal/external dimensions, but also with NATO and the more military or defence side, the expertise. So, it was very much appreciated and the sign of trust and confidence but also efficient partnership. And it might, it's a contribution but its something that should trigger I believe, more attention because its those countries when they are facing their own challenges they are turning to any kind of help, any kind of support, any kind of Idea that they can find in the world. And in the gulf specifically, they look at EU. They are not afraid, but they are looking also at the US, definitely a lot, but also at china, also at US, also at any other big players, so if there is a place to take, the EU is fit to do something. And as a role, as a place to take. And if its not taking any place the others will take it. So, its

kind of from a diplomatic point of view it is also real potential. And we have in the CBRN era we have made such an intricate network in the gulf, in central Asia, in the neighbourhood of the EU that it's there to be used and we should not minimize it. Otherwise, it may die in the future. But yeah, that is how I would see the cooperation. Then there are, I am sure you discussed also colleagues in DG HOME, or you will in the commission who are dealing with the CBRN file and policy from inside the security point of view. This might be very useful. One good official with very good experience on that at the working level is [REDACTED]. I don't know if you were in touch with DG HOME yet but if not, it would be certainly the entry point and also, you should talk with, if you haven't done that yet, with [REDACTED] from EEAS because she was my counterpart at EEAS when I was responsible for the CBRN COE, so she is also on top of this EU-NATO CBRN connection. So, I'm sure you will...

Q: Yes, I actually sent an e-mail to her so I'm hoping to have a talk with her soon.

A: You can send them a kind follow up message saying that you had a discussion with me and that you are looking forward after our discussion to follow up with her. In case she is not replying quickly. It's up to you. Because she knows a lot. She is [REDACTED]. She is not an engineer, but she knows quite a lot about the background, the history behind the EU-NATO cooperation and the Warsaw summit etc.

Q: I'll definitely try to talk to her.

A: You should not miss a discussion with her.

Q: Alright. Something else, concerning what you said about how those examples of the EU-NATO cooperation can work, such as the audit, do you think that it could, in the future, lead to a formal but flexible framework for cooperation between NATO and EU? Or do you think that is still not feasible at this point in the CBRN domain?

A: Well feasible, if there is a kind of blessing, political blessing to let, then yes, it is. Then, are our political ministers or our heads of states or our hierarchy immediately ready for giving the green light, I don't know, but I think that there are some of them who are pretty much ready to activate it, to support it, be it in the FPI which is now responsible for the CBRN COE programme and you could maybe try to reach out to them and their director, head of services, [REDACTED], and if she's not able to talk to you because she is very busy but she might indicate a contact in the FPI just to trigger the attention of the point. You might not get much more information, that I shared because its CBRN COE which is under FPI and was with DG DEVCO before so I can. But in terms of reaching out, showing some, putting some attention on that, it might trigger their interest I am sure. And because they are very close to the geopolitical security interest of the EU, they would be very welcome to be informed and go forward. And EEAS, the vice president is also even the secretary general are also very keen to support all kinds of Civmil but also EU-NATO cooperation ahead. But of course, they are following the, let's say the blessing, or the not blessing form the 27 member states and from the European commission. I think it will follow in DG ECHO, but I don't think that DG ECHO is the main partner on CBRN today. It may change in the future especially next to the huge political attraction and interest but also engagement commitments and budget which is on the table now with more than 1.9 billion for civil protection including CBRN actions in the next 7 years. It will make a change. Today is still probably at the margins but this may change, and I will certainly be interested to follow it and to be involved if it comes under my responsibility. But yes, I think that kind of examples may trigger some interest some attention. It could be become a more common practice. But the question is how to frame it, how to develop kind of a framework that is politically accepted and then working efficiently due to the also quite complex bureaucracy, don't quote me, but on both organizations with NATO not being the last one. So, it's a question of alignment. You see, things may change. Just have a look at something different but the deal on the climate. The US have a new president, the positions are completely changing. Not necessarily around everything but the election is completely opposite so at least there will be some new dialogue, new trying to increase multilateralism to increase even US-EU connections with very strong multilingual and even French speaking team around Joe Biden, just to give an example. So, things may change if there is a strong appetite and the crisis like the COVID unfortunately still not behind us, but it may it should hopefully trigger some attention on closer connection between the civilian and the military side and then immediately the NATO question is on the table. From the EU perspective definitely, it is pretty much interlinked because the actors are almost basically the same with some minor but important exceptions.

A: Yes, I know the only EU country who is not somehow tied to NATO is [REDACTED] The others are all member states partners for peace.

Q: Like [REDACTED]

A: Yeah. So happy to follow on that and when you have something reported that you can share or even a draft would certainly be welcome, that is kind of interesting reading.

Q: Well, hopefully this report will not only be shared in NATO but also the EU. Anyway, I really appreciate the time and information you have given me.

Appendix G: Information Exchange IMS

Topic: NATO-EU Cooperation

Interviewee: NATO International Military Staff

Date: 29/01/21

Disclaimer: Information given in this interview is not a NATO position but the position of a specialist in the field. Blackout has been added in case of sensitive information and for the anonymity of the interviewee. Additionally, this information exchange was taken in note form as recording was not permitted.

Notes

- Cooperation is quite difficult.
 - Limited to informal cooperation done frequently and as support.
- Cooperation is more on political level, with support / advice from the military.
 - There is cooperation with EEAS and different DGs.
 - On NATO HQ level, there is limited information we can share (classified information).
- There is no official communication, but only staff-to-staff communication and no liaison officer specifically for CBRN defence issues.
 - We meet EU colleagues every 3-6 months on an informal basis and without Allies / member states present (staff personnel only).
 - Used to establish personal relationships.
 - Former counterpart in EUMS left.
 - Process to build relationship has to start over.
 - Most of communication is verbal or informal.
- A formal framework is good on technical side for CBRN.
 - On political level it is not good.
 - More intensive Official relations are not wanted by some countries.
 - This does not help.
- Relaxed Official cooperation with EU sounds good.
 - But not likely to happen.
- There are differing views among Allies as to the security agreements with EU.

- Therefore, communication is informal and under-the-radar.
- The political affairs and security policy (PASP) division of the IS have responsibility for NATO-EU cooperation, supported by the cooperative security (CS) division of the IMS.
- COE has more freedom of action than IMS, because it is responsible “only” to its steering committee.
 - COE does not have all 30 allies, not being a NATO entity but a MOU based organization.
- NATO is a consensus-based alliance.
 - One ally does not agree, then all have to accept that.
 - This makes NATO strong.
 - If we lose this principle, difficulties may arise for NATO cohesion.
- Even if something is not specifically focused on NATO-EU cooperation but NATO-EU cooperation is a small part of it, it becomes more difficult.
- Example: Concept document was worked on last year.
 - About CBRN,
 - Focused on outside entities putting information into Reachback process.
 - For example: universities, GOs and NGOs.
 - EU was also one of these.
 - 98% of the document was fixed in a week.
 - Took more than a year to fix the last 2% because it was about NATO-EU cooperation.
 - Discussions were on the security policies for information exchange.
- There is also disagreement if documents are valid if they are older.
 - Especially if they have been made before the accession of certain EU member states, which some Allies view differently compared to others.
 - EU has evolved over time.
- If it takes so long to sort out a paragraph, a formal framework would be desirable, but extremely hard to achieve (shooting ourselves in the foot).
- Documents like the joint declaration have been watered down, due to the need for consensus.
 - The wording is often softened.
 - This means that the document can end up very generic.
 - More political means more generic.
- NATO-EU cooperation often becomes quickly political or exploited to pursue political aims.

- Even if the language is finally agreed upon by the various nations, there has to be room for interpretation by each organization.

Appendix H: Information Exchange IS

Topic: NATO-EU Cooperation

Interviewee: NATO International Staff (Policy and Planning Division)

Date: 05/02/21

Disclaimer: An Interview was done with a member of the Policy and Planning Division of the NATO International Staff; however, due to sensitivities this interview will not be released to the public and will remain in the possession of the Joint Chemical, Biological, Radiological and Nuclear Defence Centre of Excellence.

The information given in this interview is not a NATO position but the position of a specialist in the Field.

Appendix I: Information Exchange e-NOTICE

Topic: e-NOTICE project and civil-military cooperation

Interviewee: e-NOTICE

Date: 25/01/21

Disclaimer: Information given in this interview is not an EU position but the position of a specialist in the field. Additionally, blackout has been added in case of sensitive information and for the anonymity of the interviewee.

Q: Can you tell me a little about the e-NOTICE project?

A: Ok, so we are a networking project. We do not develop technologies. We do not develop any guidelines, any special things. We are networking, ok. This project is funded by the European commission by DG Home. You are familiar with the structure of the Commission, right?

Q: Yes

A: Ok, so currently it is funded by DG HOME. It is a 5-year project. We started in September 2017 and we run until August 2022. It might be that we request for extension because all the year before was totally empty. We could not do much. We have plenty of exercises and projects we could not make and so maybe we will have to ask for extension. And then I don't know, maybe it will be one year extension. But this I do not know yet, we will decide within 2 months. Why we made this project is because at some point we had a lot of discussions in our previous projects, research projects with the commission, that there is always a problem of dialogue between technology suppliers and practitioners. In the security field of course and the problem is that technology suppliers, they sometimes develop some technology. There is a procurement procedure, the procedure is very complicated in the civil security field and it often is the case that technologies are made by some labs or companies, somebody but there is no clear market. The developers cannot access the practitioners, the users of this technologies. So, they are sometimes not

sure who will use and how. This was always the problem for their projects and then we started to think: ok, in the security field it is training centres who should be put in the centre because they are real and natural operational link between new technologies suppliers and the practitioners. Because training centres have all the capability, they have the end users and practitioners of all the disciplines: Fire brigade, medical teams, police, civil protection, military experts, really everybody, everybody who might be contacted by technology suppliers to test their technologies with them. So, they might come to training centre and test something which has been developed to receive immediate feedback from the practitioners right during the exercise. During the training. So that was the initial idea of this proposal, when we were developing this proposal into the commission. Already then, when we were preparing this proposal, we thought that in the CBRN field, because of course we work in this domain we must, absolutely must, take both civilian and military training centres because in CBRN field it's impossible to do otherwise. Army plays a big role, even if we are a civilian project and principle because we are funded by the commission. The commission usually funds, especially at that time, in 2017, there was not really a lot of civil military cooperation programs. European defence agency, yes, they had some but the commission itself, not really. So, we were positioned like a civilian project. But still we thought "ok, in CBRN it's very important to have both" because without militaries in CBRN its difficult. We can pretend that civilians do everything. Ok that's why we have, and maybe you know the composition of the consortium. I don't know if [REDACTED] maybe showed you. So, we have currently 12 partners, the coordinator is our lab, Centre for Applied Molecular Technologies. We are at university but actually we are a very operational partner. We are a combination of academic, clinical and defence and the same structure and we have a mobile capacity, biological. Biological mobile capacity which we use in civilian and operational conditions in real missions. So, we are based in a university, but we are not completely academic. We have real strong operational capacity. And of course, we have several civilian training centers in Belgium, large one Campus Vesta, in France - large one in Gurcy-le-Chatel. We have university of Rome 'Tor Vergata' who have also training capability, well mainly they do training courses a lot of CBRN master courses, really a lot, big problem. We have Turkish training centre, they are more for serious gaming and modelling relations and they work with the French training centre, not in Gurcy but with another one in ARMINES. They work together, really cooperate on serious gaming, which is ok, for training it is important, so we have them. Then we have a polish civilian training centre that is like more, I would say, firefighters, also some research they do but they are firefighters. Then we have west-midlands police and we have national CBRN training centre in the UK. And we have Dortmund, German, fire department. And we have military, there are three. So of course, your centre and we know of course that you are not

a pure training centre but training capabilities play an important role, everything is clear, NATO accredited, this we know all about the organization, [REDACTED] explained everything about that so there is no confusion and no misunderstanding about the position of your organization. But your organization is really the key partner in this NATO link of course. Another military partner is the Italian Rieti CBRN school, they are not a full partner in the consortium but a third partner because they cannot really participate in the European project directly. They participate through the university of "Tor Vergata" in Rome but anyway, it is this military school which organizes exercises. They already organized one. They are supposed to organize one more in their premises, in their base. So, we took actually them exactly for this military school and ok everybody knows that. And the third of the military training centre is War studies University in Warsaw, Poland. Also, a very interesting partner, Why? Because it also proves why this network is so important because it appears that training centres who are in the same country, even in the same city, they didn't know each other. These polish training centres, one civilian and one military, they never worked before together. They were so happy to be in the same project, to be in the same city and now they had an opportunity like this to organize a joint exercise which they will do at the end of this year and I was really a golden opportunity for them. They were really happy with us because they said, "well we have heard something about each other, but it was something big and far and we never worked together." And now we are so happy to do it. It's really amazing ehh, not just in the same country, but in the same City, they didn't work together. So, we thought ok, for many of those centres it was really important to bring. Because also, we want to pretend that we are like everybody is so enthusiastic, some centres in Europe they are not so much interested to join the network. They are happy with what they have already. They have their regional or national niche, and they have everything ready at their place rapidly. But some are really interested to go beyond, to the cross border, to exchange practices, trainers, knowledge. And small ones, large ones they are different, so we work with those who are really explicitly interested. Some of them who were not interested initially said "well we will see how your network grows. If it's successful, we might want to join it finally." But they were careful at first but then they came, and they decided "we might try." So apparently, we have these twelve partners as consortium, actually who signed agreement with the commission and who are really partners in the project, and we have in total 49 members of the network. So, these 49 members they include this training centre of the consortium plus all these external training centres who are not in the consortium but of those who we approached, explained about the purpose of this networking, explain the benefits that they might have from it, so then they might want to join. And in order to join they need to fill us a very comprehensive, very big, very long, very detailed questionnaire. It is like a survey where they describe all the capabilities, all the capacities

what they have, all the training courses they have, practical courses, theoretical courses and the size of their premises, how many trainees they can accept, if they can accept only civil or only military trainees or a combination of both, or which discipline they train for example some training centres are only focused on firefighters, some are only on civil protection or some only for militaries or they combine everything or if they are focused only on chemical for example or only radiological or if they also have a biological components. All of this is described in this big survey which is designed by training centres themselves so of course they know what to ask. Finally, as it's a big thing but those training centres who are interested, they fill all this in, it is online, with a password. They come online and they fill the survey, and they can access it and update information when it is needed. And then they have to explicitly tick the box allowing us, allowing the project to put the information on our website in the catalogue of training centres. So then this information becomes visible to others and visible actually to everybody to the commission which was important, I mean we were a commission project, they want to know what capabilities we have, what training centre are here, what are their capacity so then in case of needed for example for the training of DG HOME, not only, can be DG ECHO, their humanitarian missions and protection missions and everything and they have CBRN department now also, in DG ECHO, or DG DEVCO who, about this I can speak a little bit later, DG DEVCO is also interested and so the commission wants to know what is existing. Another of course, other training centres and practitioners and in this industry, they want to see who is there. To whom they can address in case of for example technology providers, to see where they can go, whom they can contact in order to test their technologies and of course sometime e-NOTICE project, we can facilitate the contact but sometimes it's not necessary. Any company, any technology supplier can directly contact a training centre. And they themselves will decide if they are interested or not. Some training centres are not interested. For example, militaries are very careful in working with industries. There is no problem with that, it's up to them to decide, we are just there, and we don't force anyone to do anything. It's really not network and knowledge about what is existing, what are the possibilities to provide this mechanism for interaction to create these opportunities. But then each of the organization can decide by themselves what they want to do and what they don't want to do. We never, ever force anyone for anything. That's for sure.

About DG DEVCO, this is interesting because at some point, when DG DEVCO knew that we created this survey, this questionnaire for training centres, they said "it is very interesting. We want to use it." Because they said, "we also do this networking of training capacities, but outside European Union." So, they go it for Africa, for Asia, central Asia, for Middle East. So, they said like, "Ok, we would like to use your questionnaire to approach those training centres outside." And then we said "ok" and we sign a special

agreement with them, and we shared this questionnaire with them, and they use it indeed to approach their training centres outside the European union. For this reason, if you open the e-NOTICE catalogue, you can find there training centres from Tunisia, Uzbekistan, Burkina Faso, I mean this is because of this cooperation with DG DEVCO, because e-NOTICE itself, initially, we were focused only on European union and it is DG DEVCO who looks outside of that.

Ok, so, this is basically what e-notice project is doing and how we are doing that networking itself we decide that that is very boring for people to come to just the meeting rooms and discuss, it's not enough. So, the main thing what we do, we do exercises. These exercises are not funded by the project because we would never have funding for so many exercises that we have. We have 17 exercises during the project. The commission would never have enough resources to fund so many. So, the idea is that every training centre, which is member of the consortium, they have already their annual plan for their trainings and they agree to open one exercise per year so that they can invite other stakeholders to come to see this exercise. They choose themselves which exercise they want to open. If they for example want to close it and to play only some very sensitive operating procedures, no problem at all. They open all those exercises which they believe can be opened. So again, absolutely nobody is looking for any classified information, sharing secrets, not at all. We by the way, in European projects, we do not have this mechanism of sharing classified information. That's why we always, always, at all meetings, with all stakeholders, we underline specifically, "please don't share with us any sensitive information!" Neither in the questionnaire which you fill nor in the exercises, whatever. So, for example, if they come, training centres and practitioners, if they come to see the exercises and they are interested to go deeper, they want to discuss with their peers and then they can establish bilateral relationship with non-disclosure agreements or whatever mechanism they want and then they can share everything what they want. But within the project, within our reports and deliverables, we never ever share anything classified. This is our policy; this we underline always everywhere. So, this is important to remember, and this builds also the trust between these civil military cooperation's, so that militaries especially, and by the way for civilians it's also very important in the security field that they feel at ease when they are sure that there will be no leakage, no problems, so they share only what they want to share. Absolutely no one expects them to share something they don't want. So, it's like that.

So far, we have organized 11 exercises. We were supposed, we were planning to organize more in 2020 but you know that it was really a disaster. Really a disaster. I don't know when it will be possible to organize the next face-to-face meeting. We hope it will be possible in April, in Italy, at the military base,

but I don't know. They are not yet sure if the Italian authorities will allow them to do that or not. So, we are waiting for their decision and then we will know. And we will surely ask for extension because otherwise we will not be able to fulfil all our obligations under the grant agreement on making all the exercises what we must do under the grant agreement. So, we will ask for extension, most likely. But anyway, we do these multidisciplinary exercises. So, some exercises are very small, for example our very first exercise with a training centre in France, it was only for firefighters, only. Then the same training centre organized a much larger exercise, multidisciplinary with hundreds of participants, with participation level on national or regional level authorities, so it was really big. And that was for firefighters, for medical teams, for civil protection, militaries I don't remember, I think they did not participate, but anyway, it was multidisciplinary. And we organize sometimes cross border exercises for example between German and Polish partners. We have cross border.

And coming back to the issue of civil military cooperation, it has gained more and more importance. Really. So, as I imagine, initially we just felt that it is necessary, now we are absolutely sure. Why? It came to us from different angles at the same time. First of all, we in e-NOTICE were at special meetings for policy makers. So once a year we organize the so called 'policy meetings'. This one was just for commission representatives. There were DG HOME, DG ECH, DG DEVCO. They were explaining what they expect from this network in the future. But the second policy meeting, it was held in Dortmund in Germany, and that was dedicated specifically to civil military cooperation. And there were many militaries invited to this particular exercise, to this meeting, and they were sharing a lot of their expertise and their vision. So, we decided that it is absolutely necessary. Maybe you know, colonel [REDACTED]. He is the ex-boss of [REDACTED], maybe he mentioned him, but he is a famous figure in this because he is very interested in this network and this project and he advised us a lot about it, and he participated in this meeting and he even contributed to writing reports, so I am really happy with his participation and with his cooperation. It is really important. So, what we decide through this policy meeting, that this deeper and more structured civil military cooperation, it is very, very important. Between the civilian training stakeholders and particular through the NATO framework. And this is supposed to be this driving dialogue. Not national defence cooperation. Integration and this dynamic is significant for e-NOTICE.

Then, we want to combine military and civilian knowledge and competence to improve risk assessment, civilian incident response, standard operating procedures. We want to offer more training and exercising opportunities with a focus on standardizing the approach, when cross border training, in order to comply with procedures and standards of neighbours. Because actually standards are also a tricky point.

Militaries, they of course always comply with NATO standards, and this we know very well, and that's why it is more clear because everybody knows NATO standards. That is fine. But for civilians, this standard procedure in the security field, it's much more complicated. It is very low and very complicated, really. And it is very versatile. So of course, it would be nice to come to some common conclusions. So that civilians start to work with military standards but that is not the case. So for standards it is really something what we must work on. It is a big gap, especially for civilian.

Then, we must look into legal constraints, absolutely. Because we need to learn and to take into account what procedures are acceptable in some member states, and what procedures are not acceptable in member states. Because it's so very different. For example, you can imagine probably, that huge difference between [REDACTED] for example. In some countries the military plays a very important role. Whatever incident or accident takes place, the army takes control. Because they are supposed to have more resources, more capability, better training, better structure and they are quick to deploy their capacities. In some countries it is absolutely other way around. Army is expelled from any public activity, I will say, and in case of some civilian incident, there will be fire brigade, there will be civil protection, there will be whatever, but it will be not military, and then, in case of cross-border cooperation. Imagine there is a cross border incident. I don't know, there is a radioactive cloud moving from one country to another and there are lots of responses necessary. What would you do if those countries, who have completely different procedures for response, how are they going to cooperate with each other? That is a big question marker because we have to look into, of course standard operating procedures and this legal framework. What is important? What is acceptable and what not for each member state? This is a difficult topic, but it is not really the focus of e-NOTICE, that we must really look into it and produce recommendations and come up with some conclusions about it. But it is unavoidable. We of course always think about, so it's not our focus, but we try to at least point out that there is a question for the commission, for everybody, to look into.

Then through this civil military cooperation we want to prioritize the training of trainers. And exchange of trainers instead of exchanging full groups of trainees. Because full teams of trainees are sometimes very expensive and difficult to perform and exchange of trainers, that would save resources for travelling, accommodation, for training itself and it would be better for language barriers because it is not a secret that practitioners, I mean real operational people, speak no foreign languages. It's not their strong part and no one expect them to speak many languages but if they go abroad for training, they are supposed to speak English at least and fairly fluently to be able to follow the training. This is not always the case.

Not all countries for sure, well maybe the Dutch. The Dutch are very advanced in this. [REDACTED]

[REDACTED] So, they are so much happier when their national staff and they don't really do a lot of cross border exercises. Or if they do, for example they do it with [REDACTED] because they speak [REDACTED], [REDACTED] also. But I mean with [REDACTED] it is possible. With those organizations who [REDACTED] speaking, it is possible for [REDACTED] to cooperate. This is just an example, but overall, it is a problem. The language barrier, it is a problem. We know that, and then maybe it is easier to find like one or two people who are trainers, who can come to follow the course and then to teach the course back in their national organization. Then at least the whole team of people who you are never sure if they are able to follow or not, can follow and it is less costly.

Then maybe, maybe it is possible to use military capacities in operations led by civilian actors. And this idea was expressed by militaries themselves because sometimes, when things are led by militaries, they very, very seldom accept civilian participants. But that is not the case vice versa. So, in an operation led by civilians, they can invite militaries because again the militaries have the resources, they have the capacity, they have the structure, easily deployable staff and they have their knowledge, and competence and their expertise. Of course, that is very beneficial, so. In our understanding what was discussed during this policy meeting, it was nicely welcomed by the participants. Of course, we want to, you know, avoid the duplication of effort and conflict of interest when we want to conduct more comprehensive civil military, scientific and technological research, development of innovation with alignment of civil and military programmes and funding mechanisms. We want to avoid this duplication of effort because I told you that initially the European commission, they didn't really have civil military programs, that was more on the side of the European defence agency. But EDA they don't have a lot of budget. Their projects are always very tiny and very limited budget. Then seeing this more and more interest for civil military cooperation, the commission now also is more interested, and they also established more mechanisms for this civil military cooperation. There are security files, defence files, and they have also this research programmes. Joined research programmes. So, both civilians and militaries can participate together and by the way, I have to say for sure that e-NOTICE played a very important role here because we are really, I would say, so far, the most successful European project in terms of civil military cooperation. We show that it is possible. That we already have civil military organizations inside the consortium. Everybody is happy with this cooperation. Everybody works together. There are no problems at all. And the, yes, the commission was more inspired to say "ok, maybe we can encourage others to do the same". Because you know, initially. Before, it was really a problem. I mean, civilian and military world, they were like

completely different universe. Civilian were very suspicious towards the military, saying that yes, we know their knowledge, but they are so rigid, so structured, with like their box which they never share anything, they are not allowed, whatever question you ask them they say it is classified. It's impossible to work with them practically. And militaries say "ok, civilians are not useful. Militaries are much more knowledgeable, much more competent, the resources are on the military side, advanced technologies are on the military side because civilian technologies are coming from universities, it is research. Even if it is commercial technologies, yes, but still sometimes they are not very well tested by the practitioners because they do not have access to the practitioners. It is very difficult." So, military's you can imagine such a technology, which for military purposes, which is designed for the military it is always known for sure who and for what purpose will use it. And so they have everything. Moreover, they have a lot of funding and they have governmental support which civilian, ok it is in the commercial world, no governmental support is only for some companies. Large companies mainly, but not really for SMEs. With SME I mean in the civilian sense. Small medium enterprise. They develop a lot of stuff, but governmental support is out of the question. They are too small. Who would care? So, there was always this, like, misunderstanding, and, I would say, mistrust. Moreover, for many militaries, they are very careful in dealing with industry.

In e-NOTICE by the way is a big discussion in this year, in 2020 online policy meeting, about sustainability of the network. How we are going to proceed and how we are going to make all this network stable for continue after the project so that militaries and civilian training centres can work together. So it was a lot discussed about how to overcome this mistrust of militaries towards industry. Because, when we speak about sustainability of the network, what does it mean? For us it means that this network could become a public-private partnership. So, for example funded by industry. Where to find the funding for the network? When the funding of the commission will be over. Natural way would be to think, industries who come to test their technologies and training centres, they should pay for it. Then some of the centres are saying, no because then we have to allow them to every of our exercises, no way. Because we have some operating procedures which cannot, never, should go to the public. It is classified and then of course we must establish such a mechanism that we should explain which exercises in which training centres will be open for industry and which not. So that industry cannot say that "we are the host here, we can take everything, we can go wherever we want". This will never happen. We know that for sure and we will explain that always to everybody. So, the training centres, they decide who and where they can join. To which exercises can be opened and which cannot. It is up to them to see what they want to show during this exercise and what not. So, every time it is the training centre who will be the master of the game. This is very important for everybody to understand. Otherwise, this network will crash and the training centres

will never trust. This we know. So, it is up to us to find and establish such a mechanism, to define very clear conditions of such participation of industry so that all can benefit from their participation, because they can supply the commercial side. The network can be really existing by being with industry. So, the participation they won't disrupt the procedures of the practitioners.

As you see, I am combining what we do and activities together with challenges which we need to overcome. So, this is mainly all these things which we are talking about and what we are concerned with. So physically these gaps about standards, about sharing or not sharing sensitive information, and what is shared or not shared. These are the main things what we are concerned with. But we feel that with all the participation of all the training centres both civilian and military, we have a good way forward because they all are interested. They are very enthusiastic about it. And of course, we are very, very happy with the participation of your organization. Of the centre of excellence in Vyskov. Because we pushed forward this cooperation with NATO in terms of interoperability, capability of response, sharing expertise, sharing of resources. And through your partner, the joint CBRN defence centre of excellence, who is NATO department head for weapons of mass destruction, for CBRN training and discipline. This link with already this network of already military and civilian defence training centres, and the recently established European union military training group. And so, your centre of excellence, which is now NATO department head and the European union discipline leader for CBRN defence training, it is very important for us, so that we have the application and that we enhance this interoperability. The European CBRN defence units which are designated to NATO missions as well as to EU led missions. So, the point here is that we establish links with NATO, mainly through you, but also it is very important to investigate the robust civil military cooperation link within the EU themselves. It is like a double-sided thing. So, first of all, cooperation between EU and NATO but also within the EU itself we also need to establish all these things. But it is now, as I mentioned, yes, the commission is looking into it more and more and other organizations as well because many you heard about the European CBRN action plan. There are some national action plans but also there is a European one. In the European one, which I think the last version was in 2017, it was explicitly established, the civil military cooperation is one of the priorities. So, ok, we have all of this and e-NOTICE is fully in line with that so for this civil military cooperation, for multidisciplinary training, for cross border training. It is all written in the CBRN action plan. We are just following that guidelines and they are doing everything. Because we believe in it for all the reasons that I already mentioned. We strongly believe in this cooperation. It's an absolute must. And civil and military organizations believe now that they cannot really exist without each other. Synergies are a must. We cannot pretend to do one without the other. But I think that with so much discussion on it recently, not only in e-NOTICE but really

in the commission and everywhere, that I think there is no more doubt from anyone. I do not hear anymore, something like “we never work with militaries anymore”. Militaries I told you. They are more careful. Because sometimes they say like “ok with research we might, but with industry, no way. They will take everything; they will disclose everything. It is not possible”. So, we know that we must look into it to see it as I explained to benefit from industry and at the other hand to avoid that they create some conflict. Conflict of interest, conflict of sharing something which is not shareable.

What else, you had a question about how we handled sensitive or classified information. And about dissemination. So, about dissemination, as I said we explain to everybody, we never share anything classified or sensitive. We always see to it that sensitive information is never put in any report, in any deliverable of the project. Because all our reports and deliverables are public. We all publish it on our website. We are networking, we have absolutely nothing to hide. We do not have any classified information. Everything whatever training centres or practitioners, during the exercise, they want to share between themselves, they are very welcome to establish the bilateral discussion and they can share everything that they want.

Then, very recently, with this stupid pandemic crisis, it really makes us a lot of problems. When we had to cancel and postpone and cancel our joint exercises, like field exercises, because we have real life field exercises and tabletop exercises, and serial gaming and now we have to cancel all in the last year. But of course, we have to keep going. And we started to launch a series of workshops, with training centres only. So, these are the workshops to which we do not invite any large network of stakeholders. I mean we do not invite any such projects. We do not invite commission; we do not invite any big staff. We only invite centres and operational people, practitioners. Our first workshop was about COVID 19 procedures and training and biological components started to be framed in the training centres because previously, biological components was very, very rare. Very rare in training centres. Only for example our training university, where we have a specially dedicated mobile lab, then we have it. But even our large training centre in campus vesta, in Belgium, close to Antwerp, they have everything but bio. And when they need bio, they invite us. Otherwise, they do not have it. But it seems that with this COVID-19 stuff and they are forced with this COVID-19 pandemic crisis plaguing everyone, it seems that training centres and practitioner organizations, they start to pay more attention to this. For example, how to use personal protective equipment more efficiently. They started to teach their trainees how to act within this crisis conditions, because yes, many exercises face to face were cancelled at training centres, but the operations of practitioners and firefighters, civil protection, everything, life goes on. They have to operate. But they

have to be trained how to do it correctly in this crisis. So, training centre have to adopt some procedures for that. So, we looked into this during this first workshop. Our next workshop, it will be in February 26, organized by the west midlands police in the UK by their national CBRN centre. The topic will be counterterrorism. They invite only training centres and practitioners and operational people. Only operational people whom they want to invite. And the reports from these workshops are not printed, they will never be put on the website, they are never shown to the commission. But maybe to the project officer we will have to show but, in any case, it does not have a large dissemination. Still, even at these workshops we do not expect people to share classified information. Not at all. I mean we speak online by WebEx, by Teams, what classified information can we... of course not. Still, we encourage people to speak freely to be sure that it will not go to industry, it will not go to any commercial parties, consultants, or whatever, who training centre don't really trust. So, we make sure, we guarantee to them that the results, the reports from this workshop, will be not largely disseminated. It will only be circulated to the members of the network. This is something what we decided to do because you know, to activate somehow the training centres, because you know otherwise, we were concerned that during this totally empty year of 2020, we thought they might sleep, and nothing happens, and they forget about this network. So, we said "no, no, no, we should activate them, at least online workshops". Yes, it is also tricky, but ok, we do not have large participation like dozens and dozens of people, but no they are busy, sometimes they have some other duties during this dedicated time of the workshop. Of course, it happens, but certain training centres are usually participating, I speak about external. Of course, our consortium is always there, of course. But I mean external, something like 10 and then maybe around 20 people, we have participants in this workshop and its ok. It's a nice discussion. It's an operational discussion. It's something wat is really interesting for operational people. This is really important. So, it's not about blah, blah, blah policy and things. Policy is also important, but that is for another audience and for other types of meetings. But for this, operational people, we want really operational discussion. Somehow compensate for the absence, temporary absence of face-to-face normal meetings. Of course, I hope that they will be possible very soon, because this is the essence of our project. We don't like meetings and meeting rooms. We like close up. When people come to the training centre and they can see everything with their own eyes. What training centre has, what capacity it has, what are their trainings used for, how they design their courses, how they design their practical training. It's very important because it speaks by itself. The open discussion. It's the best, for training centres itself it is a big promotion, so that people from everywhere, from other countries, they come and see it.

What else, maybe I told you everything, but if you have more questions...

Q: This is certainly interesting information. Especially the gaps between the civil and military components.

A: Yes, there is a lot to work on still, but I think there is a big will now, by both civilian and military side and I am really grateful to your colleagues, [REDACTED], they are very, very helpful, really. And these people, they really, you know, you see that they are interested and enthusiastic and they do everything for support. [REDACTED] is the partner in e-NOTICE, and he is very active, really. By means of him we achieve a lot. [REDACTED], he got driven into deliverables. I remember he is a very fun but serious person, looking into this terminology. I think his key topic is terminology. I had a huge contend with him, but I learned a lot. I was so grateful to him because he corrected me. He was saying like “this was B*****, what was written in your deliverable, this was B*****, this was B*****, this does not exist, this must be adhering to this document, to these guidelines. Tonnes of references. Without him, I would never know that what is correct and what is not, and he really opened my eyes to many things. I am really, really grateful. It was really nice and so from that time, if I have a real concern if it is correct or not, I ask him. And he always replies, he is so helpful. He really criticized it and he is right to criticize this civilian approach for example to terminology. I can tell you very clearly, from all this CBRN projects, civilian and security, what I have participated in since a long, long time ago, people are very, very careless about terminology. For example, people have absolutely no problem in the same document to use CBRN, CBRNe, CBRNE with large letters, CBRNe with small letters, CBRN with small e meaning electromagnetic or whatever, and they put it all together and then when you ask but what actually do you mean, what’s the difference. And [REDACTED] explains you exactly the difference. There is no such a thing as CBRNe according to NATO standards, it is only CBRN and not another thing exists. Ok in my lesson I also teach other projects and tell them not to use CBRNe.

Q: But did you ever find that in meetings or exercises, that civilians and military were working together and were both looking at each other like, “wait, what do you mean now?”

A: Yes, yes, it happens a lot. Even this term itself civil military cooperation, there is a completely different understanding from the civilian side than from the military side on what this means. On the civilian side it

is mainly what I now explained to you. From the point of view from the civilian organizations and of course now we understand better what the militaries mean by that. Because there is a special deadline at NATO, I don't remember but I can give you the reference. Bernd knows it for sure because it came from him. If you have time, I will open the document and I will remember exactly how it is called. So, via this cooperation it is explained from the military point of view so that, like in case of war or in case of terrorist attack when there is a military operation. Military they do not speak about civilian operation at all. It's like it doesn't exist. But it's like sometimes they might need the participation of civilians in order to ensure that civilian part is not making a problem for them. For the military organization. That the population accepts military operation. So, they say that "ok, in some cases we might need some contribution from civilians, but only for that." They never say, never ever, "we need civilian research, we need civilian results, we need civilian knowledge." They reject it totally. These NATO guidelines which were, I don't remember anymore which year they were written. Not so long ago. Maybe 2016 or something like that. I will check this document. But civil military cooperation it is only written from the military side and then it was said now that we have to a little bit revise it. We have to see that otherwise there is a bias only for the civilian side or there is a bias only for the military side. We really have to put people working together like equals. Not feeling that one side is superior to the other. No because both sides have their weaknesses and strengths, which of course have to combine, and we have to play on the strengths. And there are plenty of common points. By the way, many militaries and many civilians see that it is really difficult to compare because military structure is so dedicated and so precise, and everything is clear but civilian is completely different. But if you look at the military police or if you look at the structure of civil protection, you will find a lot of similarities with a military structure. So, it is not much different after all. We have many common points to compare and to speak about and this was especially underlined by DG ECHO recently when they say that "look, if you see the function of civil protection and their operations, it is very similar to military structures." And then ok, so, maybe our differences are not so huge as people used to think. It's just that we need to overcome this mentality and to put people together, to bring them together to discuss, and then they will discover that it is not so bad. And by our network, by our project, we don't really speak about that, we just assumed that it is possible, and we showed it by example that here it works, look we have our military and civilian training centres both in the project, working together and they are very happy to work together. That is definitively no problem. We do not have a problem, a discussion but indeed, these differences, sometimes understanding the terminology, it was pointed out by not by [REDACTED] initially, but by another person [REDACTED], I think he left the organization by now, but he was there before, and he was at the e-NOTICE meetings and he was like "what are we talking here

about?" Then we started to discuss about terminology and then we got to a deliverable which I discussed with [REDACTED]. Really, I am so grateful to him, a really nice person. So, sometimes there were some issues, but it is never about real problems like tensions. No. We just see that there is a lot to learn about from each other and we do, and everybody now sees all the advantages. So, with [REDACTED] we made a joined communication some time ago and the European, it was not so big a thing, but it was not a huge article but still, it was a joined article. Very nice one; it is published. And we are all going to speak together on this point the coming in the community of users, the EU will speak about DG DEVCO meeting, about civil military cooperation. We usually speak together like e-NOTICE partners but again on this topic. It works; it works very well. And we are looking forward to making it even deeper, even better and even more beneficial. There can be no other way.

Q: Alright, thank you for your time.

Appendix J: Information Exchange IS

Topic: NATO-EU Cooperation

Interviewee: NATO International Staff (Arms Control and Coordination Section, Political Affairs and Security Policy Division)

Date: 03/02/21

Disclaimer: Information given in this interview is not a NATO position but the position of a specialist in the Field. Blackout has been added in case of sensitive information and for the anonymity of the interviewee. Additionally, this information exchange was taken in note form as recording was not permitted.

Notes

- There is a very firm communication between NATO and EU.
 - Affects the individual cooperation and partnership on the ground.
 - The deep cooperation is reflected in those individual partnerships programmes.
 - Not only in CBRN areas but in the entire cooperation with NATO and EU
 - In many strands of work (e.g., Civil resilience and among them is CBRN).
- There is an established confidentiality agreement.
 - Using this, NATO and EU can share documents.
 - related to for example CBRN aspects and Civil military cooperation.
 - These are framed and established in mutual agreements.
- There is an established framework.
 - There is a biannual evaluation how far the progress of cooperation has been made.
 - CBRN aspects are again among these.
 - The 74 items which assess and evaluate how cooperation with the EU is going was worked on again recently.
- For cooperation there is always room for improvement.
 - This improvement is in many aspects including CBRN.
- Last year has been a little restrained in regard to COVID-19.
 - There used to be, 2 times a year, staff-to-staff meetings.
 - NATO ACDC and EU EEAS.

- COVID 19 blocked that personally, but there was a conference organized.
 - EU organized it with a contribution from Czech embassy who provided a room and necessary equipment to hold a conference in January.
 - Another meeting in autumn last year which was a virtual meeting.
- The largest possible obstacle is an insufficient will to cooperate.
 - However, at the moment there is a great will to cooperate on both sides.
 - There is a will to keep cooperation going through information exchange based on the confidentiality agreement.
 - So currently the greatest obstacle is the COVID 19 Crisis which means we cannot meet.
 - But Communication is held all the time.
 - VTC communication are happening now which allows contact with relevant bodies of the EU.
- The [REDACTED] issue is a very well-known fact.
 - [REDACTED] is part of NATO and so they should be allowed to express their opinion.
 - Lots of those problems are being brought up currently.
 - We are trying to solve the problem among NATO allies and talking very openly about issues which need to be sorted out.
 - CBRN is a secondary aspect of those talks.
 - Talk about this on the committee on proliferation and defence format.
 - Held regularly at NATO HQ and all allies are present.
 - There CBRN Civil-Military Cooperation is discussed.
- NATO is military, even if it has a political side to it.
 - When discussing technical aspects of CBRN we use NATO terminology and NATO acronyms.
 - These may sometimes be confusing for civilian parts on the EU side.
 - But they also have liaison officers.
 - These were established a long time ago.
 - Around 2012.
 - The liaison officer has access to the terminology and can explain the terms to the EU.
 - So, terminology is not really a big issue.
 - There is an acronyms catalogue which describes what terms mean.

- NATO organizes International partnership cooperation programme (IPOE)
 - In this we welcome EU bodies, and it is related to CBRN.
 - Last time this happened was in Greece 2018.
 - Its an international partnership event.
 - The one which was supposed to happen last year was cancelled due to COVID-19.
- EU organized a seminar last year to which we were invited.
 - Unfortunately, due to COVID 19 we could not attend.
- In January there was a EU conference on EU-NATO Cooperation.
- The statement that NATO-EU cooperation will never work does not reflect reality.
- If NATO-EU cooperation doesn't work then we would not still be talking to each other, but we are.
- Some issues take years to sort out, that's diplomacy.
 - Worked here for 3 years and there is an issue which is still happening.
 - Have made a bit of headway but are still far from an agreement.
 - Measuring by short term, yes it seems impossible to solve those issues.
- NATO-EU have worked since the end of WW2.
 - There are many of the same contributors.
 - Cooperation has become closer and closer.
- Joint declaration is not the beginning.
 - It has a historic background.

Appendix K: Information Exchange DG ECHO

Topic: EU CBRN and EU-NATO Cooperation

Interviewee: DG ECHO

Date: 23/02/21

Disclaimer: Information given in this interview is not an EU position but the position of a specialist in the field. Blackout has been added in case of sensitive information and for the anonymity of the interviewee. Additionally, this information exchange was taken in note form as recording was not permitted.

Notes

- EU CBRN Action plan is the 4th part of terrorism package.
 - Lead service is DG HOME.
 - It is and is not the latest EU policy.
 - Lot of work going on all the time.
 - Latest official version of the action plan.
 - Related work is never done.
 - Things have been changed/taken place since 2017.
- No one most important aspect of CBRN.
 - Lots of parts in one acronym.
 - Highly complex subject.
 - Impossible to say what is most important.
 - EU level has different entities and services working on the different aspects of it.
 - Public Health issues and pandemic are considered as bio threats as well.
 - Depends on the angle of CBRN.
 - All of CBRN is important.
 - Its work which is ongoing.
 - In EU try to take a comprehensive approach to security.
 - CBRN is important on the EU level.
- Safety and security are national competence.
 - EU has a supporting role.

- Facilitate and support.
 - Not only in CBRN. Overall policy.
 - In some areas the legal framework works differently, or EU has more of a Directive.
 - Some EU member states have given EU mandates to do so.
 - Different aspects of CBRN are also covered under that.
 - Technology differs.
 - Depends on which aspect of CBRN is looked at.
- Policies are revised on an ongoing basis.
 - Technologies taken into account in policies that are being made.
 - But sometimes difficult to have a comprehensive overview of everything that is being done.
 - Even DG ECHO work to CBRN: very varied with different projects, exercises, scenarios, trainings.
 - Ideal world: everything is taken into account.
 - Reality: Very difficult to do so.
 - Very common challenge, also for NATO and national entities.
 - Always trying for better cooperation and overview.
 - Aid national entities in this too.
 - One of the most important ways in which EU and NATO can facilitate CBRN preparedness.
- Cooperation in EU is general
 - Not separate cooperation for one thing and then another.
 - There are areas with more cooperation.
 - 74-point action plan.
 - General and specific actions.
 - Overall cooperation takes place from this.
 - EADRCC and ERCC have regular talks, especially during COVID 19.
 - Exchange information on other types of deployments if NATO has a role.
 - Civil emergencies are much more relevant to the EU than NATO.
 - Civilian side of NATO works with the same issues.
 - E.g., Information shared on Lebanon response.

- Cooperation is improving all the time.
- Not sure if cooperation is because of the Joint declaration.
 - But the Declaration is important for framing cooperation.
 - High level mandate/request.
 - There was cooperation with NATO before.
 - Would cooperate with NATO regardless.
 - There was cooperation but declaration made it more important.
 - Showed where cooperation is necessary.
- There are challenges to Cooperation.
 - Countries interests have to be taken into account.
 - Including interests of EU members who are not part of NATO. E.g., Finland, Sweden, Ireland.
 - NATO includes Turkey for example.
 - Countries are not always equal partners in both organizations.
 - Not necessarily and obstacle.
 - We can still cooperate. It's more a challenge.
- Example of Cooperation is COVID 10.
 - Lots of cross briefing to task forces and working parties.
 - On how COVID response is being approached and what is being done.
 - Also new legislation on the EU side.
 - EU had to adapt extremely quickly to the new reality.
 - Given a new momentum to do things which we knew we had to do for a while.
 - Public health and civil protection and emergency response and preparedness.
 - Revision of the UCPM mechanism.
 - NATO has started doing things that they never did before.
 - All information has been shared.
- Bi-weekly discussions
 - Very small groups. Around 5 people.
 - Between ERCC and operational people.
 - Very operational

- To know where we are overlapping and where we can support each other.
- The EU has a CBRN inventory and do gap analysis.
 - They assess national level risks and threats and every other year they share this overview with the EU.
 - On EU level they put together a risk landscape which becomes the basis for further planning.
 - Definitively on a national level.
- Different types of Gap analysis
 - Must assess the capacities under the Civil protection mechanism.
 - Ongoing at this moment.
 - We look at previous deployments, risk assessments, countries capabilities.
 - Made into a comprehensive approach to further planning.
- Under civil protection mechanism three different categories of deployable capacities.
 - 1. RescEU.
 - Very in focus and revolutionary.
 - 2. European civil protection pool – most important defence.
 - Deployable capacities owned by member states and participating countries.
 - Capabilities can be offered by nations to be put on standby.
 - Capabilities have to undergo a quality assurance test and training and exercises.
 - When capacities are deployed, we know that they are capable of handling the context.
 - 3. Spontaneous offers.
 - Critical for new and emerging threats (E.g., Hybrid and CBRN)
 - Gives flexibility and adaptability to the mechanism and EU response.
 - Countries offer it and can deploy it immediately.
 - Makes this a very important component.
- NATO has a mapping of its member states capabilities.
- NATO and EU DO NOT have the same status as a nation state.
 - It is up to countries to decide how much cooperation takes place between the civilian and military side.
 - Ideally, they have capabilities mapped on the national level.
 - Often times not the case.

- The biggest obstacle is to have a comprehensive overview.
 - The question is if NATO and EU require such an overview of civilian capacities.
 - It would be helpful.
- Why would NATO need access to capabilities like RescEU?
 - RescEU are intended for countries.
 - If there is a request, we will send it.
 - If there is no request, there is no response.
 - Not even through NATO.
 - Transparency is very important.
- The decider is the nation state.
 - There always has to be a clear request and acceptance.
- With the protection pool, a country is still at liberty to refuse.
 - The resources are on standby, so there is less leeway, but it is possible.
 - The reason for the RescEU creation.

Appendix L: Information Exchange Czech Fire Rescue Service

Topic: Civil-military cooperation and exercises

Interviewee: Czech Fire Rescue Service

Date: 27/01/21

Disclaimer: Information given in this interview is not a NATO position but the position of a specialist in the field. Additionally, blackout has been added in case of sensitive information and for the anonymity of the interviewee.

Q: Could you give me your name and rank for the record?

A: My name is Roman Hlinovský, Brigadier General of the fire rescue service of the Czech Republic.

Q: Thank you. So, could you give me an outline of the exercises which you went to? What it was about, where it was, what you did?

A: I sent you some short basic overview. The problem is that the exercises are almost the same. The same scheme, except international exercises I of course attended national exercises in the Czech Republic. But if we are talking about civil-military cooperation or coordination, it's not so easy, because in the European Union every country has its own first responders for dealing with hazardous materials or CBRN incidents. So, they are in charge and they have a mandate. Mostly it's the fire rescue service or some civil protection staff. For example, in Italy, civil protection has a strong dealing with hazmat or CBRN. The military, there is a problem with the mandate. Because their priorities are a bit different because their task is to defend their country and not act inside in case of some CBRN incident for example. Mostly, they're deployed to the scene via some agreements amongst some integrated rescue system staff. In the Czech Republic it's a law integrated rescue system. So, really a system. Not an organization, it's a set of rules and the Czech army is a part of it. But they are not deployable in hours, the better is days. One or two days. In case of

chlorine or ammonium it's not the best approach. But they have specialists and some equipment, they are equipped and trained, but not in action on the spot.

Q: So, if I understand correctly, their deployment is longer?

A: Yes. And maybe because they don't have shifts, like the firefighters and their system is not prepared to act immediately because, I don't know how it is for example in Germany, Austria and Italy but I've been there, or Denmark on exercises. In some cases, armed forces were involved in these exercises. It was in plan for exercises, there was some agreements, and their task was I think in the logistic field, transportation and one of the exercises as I described it was boats, ships and helicopters for example. Means of transport. Trucks.

Q: So, the military, in the exercises that you participated in, they rarely had action in something like CBRN focus?

A: Not CBRN. Maybe some chemical in Italy, there was some hazardous materials, but it was solved by local firefighters not army. They were in the logistic. Norway, there was some chemical accident too but there wasn't any armed forces.

Q: So, they went in the exercise at all?

A: No. Because it was in the coastal and in Norway the coastguard, they have everything, boats, helicopters. No problem.

Q: Right ok. So, for the exercises that did have civil military partial cooperation?

A: A bit, for example in Denmark where I've been there as an assessment expert for the European civil protection team and we were dealing with an air force base, not some air force strike or something like this. There were firefighters. But they had some trucks and were able to evacuate some people by it.

Q: And have you ever noticed any difficulties between Civil and Military?

A: No, no. But it was prepared before. So then its no problem. In the Czech Republic, every two years is a large exercise named Zone. Its focused on the nuclear power plant. And there is Czech army involved too. But it's a plan, agreement before and they are prepared. I have attended one exercise, it was, I don't know, 2005? 6? I'm able to find it in my laptop. There was some CBRN accident in this exercise with a dirty bomb at a large international sporting event exercise. But again, it was contained plan and agreement. For example, Czech special chemical team was at the Olympic games in Greece I think but the same case, pre-preparing, and agreement, not action on the spot adjustment.

Q: So, do you think if there was actual need for action on the spot, the ...

A: I don't know how it is in Europe but in the Czech Republic we have some mechanism if I as a fire chief in some region, need some special forces from Czech army, I send a request via regional emergency call centrum to the national emergency call Centre which is provided by the fire rescue service of the Czech Republic and they send the request to the Czech army where is some chief of staff system. They assess the request, of course we can send somebody, and send some recon team, small, 2 or 3 people with one off road. They assess the situation and then they send, maybe, some special forces. But they don't have a shift as I said, they are working from Monday to Friday, from 7:00 to 15:00 and Sunday 3am is a problem because you don't have a partner.

But they are very good in planning. They are very good in some huge accidents like floods for example. They are able to on the second, third or fourth day to deploy some small amount of people, 10, 12, 20. But some useful equipment, like for example bridges or some scrapers or something. And according to

CBRN in Liberec, a city in the northern part of the Czech Republic, they are specialists for CBRN actions, and they are able to provide some measures, some analysis but not just now but in hours, 12, 24.

Q: So, what kinds of agreements are needed before civil and military can work together?

A: It depends. It depends on abilities, because you can have some good agreement but on the other side there are no people if they are working from Monday to Friday. But first responders as ambulances, police and fire rescue service, they are working 24 hours, 7 days in a week. So no problem to call them and send them somewhere.

Q: And those agreements they aren't pre-made?

A: We have a law about it. There are some rules, there is a mandate for the staff, and we have some basic members of the integrated rescue system. The rule is that they are working on the whole territory of the country in 24/7 regime and other members of the integrated rescue system, they are not working on the whole territory, like municipality police, or not in 24/7 regime like the Czech army. They are working on the whole territory but related to fighting.

Another problem is money because everything is for money. If the Czech army have some different resources maybe they will be able to work on shifts, but I think its not a priority because first responders has trained and equipped people, for example in the capital cities, special CBRN department. There are 10 fire stations in this city, almost 1000 firefighters and one of the stations is special for chemical or radiological accidents. They have some analyzation measurements and so on. And not the same but similar is, the Czech Republic has 14 regions. It means 14 fire rescue services of the regions and there are some points, we call it points, for CBRN incidents. So, fire rescue service of the Czech Republic has specialists for dealing with CBRN. But not for actions 3, 4, 5 days because it's a problem to rotate some people and it is for like chlorine leakage in a chemical plant in hours and maybe days, but you can switch it off.

I think in the normal democratic countries in the European Union army has different priorities, not the acting in CBRN incidents inside a country. But because there are first responders.

Q: Has it ever happened that you needed Military backup in any incident?

A: In real situations, no. Because... no I was working in chemical plant for 16 years. I huge or great chemical plants in the Czech Republic there are firefighters who are employees of this chemical plant. Factory firefighter. And they are equipped and trained for fire hazard in the plant. They have special tools, special training, special chemical suits, everything. Because its dangerous to work with stuff like chlorine or ammonium or chlorine dioxide or something. They are equipped and they know their work.

Maybe one phase in particular in 2002 in the Czech republic where huge floods. I was working in the chemical plant, there was a huge leakage of the chlorine. 16 tons so really a huge amount and there was firefighters not only from the capital plant, there were firefighters from the Region because it was a huge accident. And there were some members of the Czech army from the Liberec because they are specialists for chemical accidents and provided some measures, but it was 3, 4, 5 days, not the day of the accident. And it was about equipment, the minister of interior, the minister of defence and, I think, premier of country this time.

Q: So, are they trying to improve the civil military Cooperation?

A: In normal situation it is not necessary, no. It's good in maybe, in big events. Three years ago, I think, maybe four, it doesn't matter. In the Czech Republic was an event, 150 years or Harley Davidson. It means 70,000 people on motorbikes with 70,000 fuel tanks in a small place and maybe some political dangers because there were people from around the world. From the United States of course, because Harley Davidson, from Israel for example, could be some safety risk. Again, its planned so there may be could have Czech army some task. For example, some preparing for dirty bomb or so on. Could be. And, integrated rescue system rules have some standard operation procedures where is the Czech army involved. But no, there is no international cooperation, just now I'm here at the COE and I can see some

cooperation because in the COE I'm skilled in training people, why not. On this floors is really good example for modelling of the situation. Why not use it. We have our specialist for modelling but not in this scale. Only in this quality. A little bit easier way and quicker way. But for planning you can use your time.

I can imagine better cooperation, coordination but it depends on possibilities. I like them, the green people because they have many useful stuffs. But it needs change the system.

Q: How?

A: In the case of the Czech Republic, change the law. And maybe change the mind of green generals. I understand them, they have a lack of money, they need new helicopters, some special trucks and so on and they are army, they are focused to the defence of this country, not the rescue people. That's our task, firefighters. But some cooperation, why not. You don't need helicopters for the functionality of the fire rescue service. Ok we have some rescue teams, but they are cooperating with the police officers of the Czech Republic because police has helicopters. We are able to cooperate with them without problem because we have some special courses, we have agreement and we have regularly, we are regularly training with them. That is no problem. But, why not to use the army because they are sitting on their bases waiting for something.

Q: Someone has to prod them to action.

A: I was a rescue climber for 10 years. But its history. Up and down from the helicopter for the people in need. But I'm a little bit old.

Q: Its interesting to get a civilian perspective to civil-military cooperation.

A: I'm afraid we didn't find some way to agree with each other just now, maybe fire rescue service have to wide range on the exercises. Maybe Czech army has its own problems right now. Because they have a

completely different system again with people and it is connected with their priorities, I understand. But if they don't change their system from Monday to Friday, they are not accessible to act.

Q: And there is no quick response team or something similar?

A: Yes, but for battle action and not for rescue people. It is connected with history because the Czech army in the past they have some kind of rescue battalions but some of them was cancelled, some of them was, or part of them was removed to the fire rescue service. So the fire rescue service has 14 regional fire rescue services and one rescue brigade. But they are used for long term accidents. So, it's about planning.

Q: So they sort of got moved over to the fire rescue service?

A: Yeah, it got to build some tents towns for 600 people, preparing for them some food, emergency equipment and conditions, they are able to build bridge or destroy some buildings for example because they have tools for it. They are specialists. Or diving actions. Fire rescue Service in the Prague, and I think Hradec Kralove. Mainly Ceske Budejovice, which is in the centre of the Czech Republic, north, south, east, and west, has its own fire rescue divers but this is special. They have some nice toys. But not in all cases the fire rescue service in the Czech Republic is not dealing with the army in cases of the daily working. But in case of exercises in and there is a planning and in case some special accidents floods is the best example because we have it sometimes in 2012, 2010, 2013, because some rivers. I think in the Czech Republic are only two rivers but some springs we have this kind of problem and the army is, I think, very good equipment for it. And in case of bird flu for example, they send some 3 or 4 trucks for decontamination or the rescuers with 2 or 4 soldiers. Not much but it was useful.

Q: right. What about like information sharing?

A: I'm afraid it's not ongoing. Only if the fire rescue service is some request, they are able to respond but normal information sharing. In my mission, this machine, is some, my view to set some automatic computerized system for sharing. But maybe in the future. But its only my vision just now. Not the common vision of the fire rescue service.

Q: There is not even ad hoc communication?

A: No.

Q: You do have pre-planned training, is that once a year?

A: It depends on region because it's not the same. It depends on ability of the Czech army in concrete region. For example, the Liberec region because they are chemical specialists, or CBRN specialists. They have regularly once a year exercise. Czech army has not only regular members of the Czech Republic army but something like American national guard members who are trained regularly, equipped and according to plan they are sometimes useful for pre-planned actions. For example, in the capital city there is sometimes danger of floods and they are able to help with the preparing for the flood. To build some walls around the river and so on. But its also with planning again. Action on the platform. I think it's a common problem because I have been to Italy and there were some armed forces, but the exercise was planned. Denmark the same, exercise was planned.

Q: It make me wonder that if they are having problems organizing civil-military cooperation in a country, how can multinational organizations achieve it?

A: I think it's a shame because armed forces in every country have some useful trucks, special logistic stuff. Airplanes and trucks. Czech Republic has special team urban search and rescue. Satisfied by international rules. 1 of 10 in the world. They are specialists, they were in Beirut last year, they were in Nepal earthquake, they were in Pakistan earthquake, Turkey and so on. They are very well trained and equipped but they don't have a plane, airplane. If you need to transport some stuff from Czech Republic to Nepal

it's a problem, you know. You can't use trucks. But Czech army doesn't have huge cargo planes and they are not able to transport trucks. Only small cars or some equipment, not trucks. We need our trucks. That's the problem. When I was in Afghanistan the focus on transporting had US air force because they had big planes. It's about priorities, people and maybe in the first place, money because everything is for money. Czech air force doesn't have huge airplanes because they are very expensive. Not only to buy it, to fly with it, to have it. So these revisions, we will take the stuff, expensive.

Q: It almost sounds like the Czech Republic would be quicker to call on NATO to supply some aid than they do from their own army. Yeah, how do you do that if you can't work nationally how would you work internationally?

A: I think that is not so difficult. Needs some small changes. In my view the Czech army, their specialists are able to act. And maybe we need to use them more often. Not only once a year for the exercise maybe we need to push them to cooperate with us. Maybe it's more on our side. If we want to cooperate with the army, if we want good civil military cooperation, we need a bit to change the rules which means law and maybe the thinking. Maybe first the thinking.

Q: You mean to get people to know that they need the other organization as well. You think that's likely to happen though or are they very set in their thinking?

A: So, I think this year the fire rescue service will change the head maybe. I think I've seen him; I don't know. Maybe we are too much traditional. And the green people too.

Q: The green people...

A: My father was a soldier for 20 years, but he was working at the airport repairing some communication stuff.

Q: Different type of green man.

A: A little bit. Not in charge.

Q: Anyway, maybe if you can change it in the exercises, both will see that it can work?

A: I think it depends on preparing, but mostly it works, I think. But I'm afraid that exercises which are repeated it's like copy paste. The same. Nothing new really.

Q: So you mean that they always do the same thing and follow the same procedures?

A: Same people, same things. Maybe same area, same time. It's a challenge when something is changed. When for example not chlorine but different type of gas is used.

Q: In the exercise do you like exchange liaison officers or something similar?

A: Not really. There are liaison officers but there is a plan I think that every unit of firefighters, police, ambulance and Czech army, they have their tasks and they do it.

Q: So, they don't really care if something changes for one of the other groups.

A: That would be a problem. 2014 maybe in the capital city there was an exercise in a metro. There were firefighters and so on. And the Czech army but I could see it but I'm afraid its some of actions was not really connected to reality. Especially with the time planning There were some shortcuts maybe. Maybe

there was some time for the audience not for the real. So in my view its one of the dangers of common exercises because nobody wants to say “we are not able to do something, We were wrong”. Impossible.

Q: So, what about the international exercises? Have you done exercises where military components were also involved?

A: In UK, there was in an army base so there were army, in Demark was similar and we used their trucks. In Italy, I think they cooperated on the building of the tents and some logistical operations, but I can't see everything behind the curtain. And I don't know exactly how it works in these countries.

Q: So even if you were part of the exercise you wouldn't have contact with the army?

A: Depends, I was mostly assessment expert and you can see only part of the exercise but in UK and Italy I was observer so you can see almost everything. But no planning of the exercise. And Good exercise which take 3 days is planned maybe half a year and there are people who are focused only with the exercise, maybe 20 people. In Romania it was tabletop exercise. There were 12 attendants and maybe 30 people who prepared the exercise. There is a photo... This is it. I think this and two of them are people which are in attendance or members of the exercise, these are all people who are preparing the exercise. It's a crucial point, I think. To prepare it and be able to change the ongoing operations. To have some scenarios connected with reality. Its not easy.

Q: And here there was no military?

A: No. Only fire fighters and coastguard and volunteers. Because they were cleaning the coast. They had in the past some accident with some tanker in this area and the exercise was I think connected with reality in the good way.

Q: I don't have anything more to ask. If you have anything else....

A: I'm thinking. Because this is important for the future. I have the opportunity to change something because I'm here. So, I have some basic thesis and I am working on it. And your material is...the best. Really. Its good to work on something cooperation to unite NATO and EU especially with the EU civil protection mechanism because its quite useful system and in connection with the NATO structures or NATO specialist. And information sharing is a challenge. If it depends on people and on people who know each other. It's not good, its necessary to set a system and rules and next time it will be automatic information because every staff, every member of the system has its own system and computer, infosystem. I think in the 21st century you can connect it. No problem. Its in the heads, not in the computers. Of course, some information is classified but we don't need to share that classified information. We need share some basic information. If the Czech army has some chemical specialists and they have info about some chemical accident in this country, they are able to prepare themselves, their material and their equipment. Why not. But if depends only on request from fire rescue service to the Czech army, the time is going.

Q: And I imagine part of the time to be deployed is also process of asking for help?

A: Yeah, we have 112, the emergency call line in the Czech Republic. And the 112 system in the Czech Republic is fully computerized and there is some info sharing system among fire rescue service, police of the Czech Republic, and regional ambulances or rescue services. So, and somewhere its connected with the municipality police. For example, in the capital city. So why not connect the Czech army too? But I'm not sure if they want it.

Q: Has it ever been asked?

A: Not really, I think, at least not in this way. Maybe because we didn't think about it. They are looking for tanks and so but they need it. You can't fly with a helicopter 13 years old.

Q: Well, if it still flies... but not sure I want to be in it.

A: I've been in the old helicopters of the Czech army and the Slovak army too, because we have some cooperation. I don't know. It's a little difference between the modern US Bell 421 helicopter from the police and the old soviet helicopters.

Q: Thank you for your time.

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PART IV

NATO's involvement in Crisis Management and Disaster Response – COVID-19: Legal Considerations

Zdeněk Hýbl

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Introduction

Crisis management belongs among the core tasks and principles of North Atlantic Treaty Organization (NATO) together with collective defence and cooperative security.¹⁷ NATO recognizes that crises beyond NATO's borders, and we can argue that crises within the NATO borders as well, can pose a direct threat to the security of the Alliance. Lessons learned from NATO operations in Afghanistan and the Western Balkans, make it clear that a comprehensive political, civilian, and military approach is necessary for effective crisis management.¹⁸

One of the crises, which may have significant impact on Alliance security, can be caused by a large-scale chemical, biological, radiological and nuclear (CBRN) incident. This incident can result from an intentional release, as might be the case of terrorism, or can be unintentional. NATO understands the significance of the potential threat and responded to it in 2009 by adopting NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending Against CBRN Threats. Since then several documents were embraced, including but not limited to NATO's Strategic Concept. In February 2019, NATO Defence Ministers endorsed the non-binding guidelines¹⁹ to enhance civil-military cooperation to deal with the consequences of large-scale CBRN incidents. The focus of the guidelines is primarily upon a national level. The aim of the article is to address this topic not only from a national point of view but foremostly from a NATO-level. The United Nations (UN) and European Union (EU) will be mentioned as well, nevertheless the focus belongs to NATO.

To tackle NATO involvement completely would not be possible without dealing with privileges and immunities NATO possess as an international organization. Additionally, privileges and immunities of NATO staff and military and civilian personnel of NATO member States should be addressed as well.

Dealing with any CBRN incident is a complex issue. It gets even more complex when the incident reaches out to another country or even countries. In such scenario, different sort of entities will attempt to cooperate to solve the issue. If the incident is so severe it may easily exhaust the capabilities and capacities both civilian and military of the affected country or countries. The international cooperation may come

¹⁷ Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted by Heads of State and Government at the NATO Summit in Lisbon 19 – 20 November 2010

¹⁸ Ibis 2

¹⁹ Non-binding Guidelines for enhanced civil-military cooperation to deal with the consequences of large-scale CBRN events associated with terrorist attacks.

into play with all challenges linked to international disaster response. Therefore, the basic principles of disaster management and NATO's involvement in disaster management should be addressed by this article as well.

Legal considerations

There are a few questions that deserve an answer. The aim is not to provide exhaustive answers for all of them but to generate discussion among the key stakeholders. Moreover, answers to some of the questions might be already available, nevertheless the article might provide other perspective and generate further on discussion.

The question to be addressed are as follows:

- A) NATO's ROLE IN DISASTER RESPONSE

- B) CROSS-BORDER AUTHORITY (invitation)

- C) LEGAL BASIS (to stay and operate):
 - NATO troops – NATO status of forces agreement (SOFA) (is it enough? – NO – cooperation with civilian capabilities is not covered)
 - First Responders – bilateral and multilateral agreements (are they in place? Are they enough?)

- D) ABILITY TO RESPOND AND LIABILITIES AND CLAIMS:
 - Privileges & immunities for:
 - Organization (immunity from legal process)
 - Staff (ability to execute the job (doctors, police, firefighters, soldiers) together with authorization to use own equipment and medication/drugs)

- E) NATO – EU COOPERATION / INTERACTION²⁰

²⁰ NATO terminology defines NATO – EU ,Interaction' whilst the EU uses the term ,Cooperation'. This example shows that there is still a gap in comon NATO - EU terminology. In this article the more frequently used term ,ccoperation' is used.

NATO'S ROLE IN DISASTER RESPONSE

The first question to answer, although partially covered by the first paragraphs of this article is whether NATO, as a major political – military organization, has any role in disaster response? NATO obviously plays an important role on this field, although it is not a major humanitarian actor and has no aspiration to become one. Nevertheless, NATO's involvement in disaster response and humanitarian operations goes back almost 60 years when in 1953 the Alliance assisted Belgium and the Netherlands²¹. Both countries were hit by floods. Since then NATO has provided assistance to many countries inside or outside NATO's borders.²²

NATO Strategic Concept²³ provides that the Alliance must and will continue fulfilling three essential core tasks: a) collective defence, b) crisis management and c) cooperative security. In terms of crisis management NATO has a unique and robust set of political and military capabilities to address the full spectrum of crises – before, during and after conflicts. NATO will actively employ an appropriate mix of those tools to help manage developing crisis, to stop ongoing conflicts and to help consolidate stability in post-conflict situations to ensure Alliance security.²⁴

Another high-level NATO document addressing this issue is NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of WMD.²⁵ In its mission statement the Policy states that NATO will work actively to prevent the proliferation of WMD by State and non-State actors, to protect the Alliance from WMD threats should prevention fail and be prepared for recovery efforts should the Alliance suffer a WMD attack or CBRN event.

²¹ Cooperation in Natural Disaster Management and Prevention Coordination between States and between Military and Civilian Actors, Case Study: NATO's Involvement in Pakistan Earthquake Relief in 2005, Presented by G. W. Bretschneider, 22nd OSCE Economic and Environmental Forum "Responding to environmental challenges with a view to promoting cooperation and security in the OSCE area", First Preparatory Meeting, Vienna, 27-28 January 2014, Session IV

²² Assistance provided to the United States in 2005 after Katrina hurricane; Assistance provided to Pakistan in 2005 after the devastating earthquake; etc.

²³ Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted by Heads of State and Government at the NATO Summit Lisbon, 19 – 20 November 2010

²⁴ Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization, adopted by Heads of State and Government at the NATO Summit Lisbon, 19 – 20 November 2010, page 7 -8

²⁵ NATO's Comprehensive, Strategic-Level Policy for Preventing the Proliferation of Weapons of Mass Destruction (WMD) and Defending Against Chemical, Biological, Radiological and Nuclear (CBRN) Threats, released on 1 September 2009; available at https://www.nato.int/cps/en/natolive/official_texts_57218.htm.

CBRN threats encompass a wide scope of events, including but not limited to naturally occurring disasters, accidental incidents as well as deliberate incidents.²⁶ Although the United Nations via United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) would act as the focal point for the coordination of disaster relief, the primary responsibility to react on a CBRN incident belongs to the affected nation and its first responders. First responders would be the first one to tackle the situation and provide information to the adequate authorities.

In case of a large-scale CBRN incident, whether intentional or unintentional, first responders together with other civilian capabilities might soon reach its limits. In case national civilian response capabilities are overwhelmed, the national military capabilities are used. Nevertheless, those military CBRN defence capabilities might be limited, if there are any at all, or exhausted as well. The international support might be sought as we can see from numerous cases in the recent history.²⁷

International coordination might be sought also in situations that are not, technically, and doctrinally speaking, CBRN incidents. This was clearly demonstrated during the SARS-CoV-2 pandemic (or 'COVID-19'). The pandemic and NATO's response to it will be elaborated later in this article, although the aspiration is not to provide answers to all questions related to this topic.

For the time being it can be said that SARS-CoV-2 had tremendous impact on functioning of states and international organizations. Things that seemed unlikely or even impossible, such as closure of borders of states worldwide, including but not limited to the EU became part of our lives, at least for certain period. Some borders were closed by individual nations, with exemptions for certain category of personnel.²⁸ However, no overall coordination during the pandemic was fully executed. Some nations adopted laws that enable cross-border crossing for forces, including Allied forces²⁹ without sending those people to quarantine. Other nations list categories of people allowed to cross the border without explicitly stating whether those people would be required to stay in quarantine.

²⁶ EU preparedness against CBRN weapons, study requested by the subcommittee SEDE, Policy Department for External Relations, Directorate General for External Policies of the Union, PE 603.875 – January 2019, page 8

²⁷ The Law of International Disaster Response: Overview and Ramifications for Military Actors, David Fisher, International Law Studies – Volume 83, page 294- “[...] over the last thirty-five years, there have been over fourteen thousand non-conflict disasters worldwide, resulting in more than 2.3 million deaths and affecting an astonishing 5.8 billion persons.”

²⁸ <https://www.mvcr.cz/mvcren/article/coronavirus-information-of-moi.aspx>, visited on 25 May 2020

²⁹ Such as Poland

Reaction to the pandemic, firstly by states and consequently by the EU, was severe. After the border of some EU states were closed, the President of the European Commission criticized some EU countries for border restrictions as well as for limitations for export of medical supplies and material.³⁰ After the situation in Europe got worse the EU Commission proposed to close external borders of the EU, for at least a period of 30 days. On 17 March 2020, all Schengen area member states approved the plan proposed by the EU Commission. Consequently, the external borders of the territory were closed for 30 days.³¹ This was quite unprecedented decision, which showed how the virus spread can have direct impact on day-to-day live in whole Europe.

The crisis clearly demonstrated that nations' first reaction was to act alone, securing their national interest, predominantly lives of their own citizens. But what if the situation was not caused by naturally develop virus? What if this would be action of an adversary state(s) or a terrorist attack. Would be the reaction of the affected nations any different?

From the cross-border cooperation perspective there is a difference what was the cause of the incident. Whether the situation is caused by intentional or unintentional release of chemical, biological or radiological agents. It is obvious that chemical or radiological/nuclear incident would require quick and orchestrated reaction not only from the affected state but its neighbours as well. On the other hand, a biological incident usually takes time to evolve. This can be demonstrated on the COVID-19 crisis as nations were aware about the situation well in advance before the COVID-19 stroke in Europe and America. Nations did have enough time to prepare themselves, their health and rescue systems and secure necessary equipment.

When dealing with crisis situations the cooperation between different shareholders is essential. One of the most visible examples during the COVID-19 pandemic was cooperation between NATO and the United Nation's Office for Coordination of Humanitarian Affairs (UN OCHA). On 5 May 2020 Euro-Atlantic Disaster Response Coordination Centre (EADRCC) received "COVID-19 Pandemic Military and Civil Defence Assets Request No. 1" from the UN OCHA and already on 13 May 2020, Allies approved forwarding the request to Supreme Headquarters Allied Powers Europe (SHAPE) for action. Consequently, SHAPE coordinated

³⁰ <https://www.novinky.cz/zahranicni/koronavirus/clanek/sefka-evropske-komise-zpochybnuje-ucinnost-uzavirani-hranic-40316597>, visited on March 24th, 2020

³¹ <https://www.schengenvisainfo.com/news/breaking-eu-decides-to-close-all-schengen-borders-for-30-days/>, visited on 24 March 2020

those actions necessary to facilitate the movement of material and personnel, as requested, and provided on a voluntary basis.³²

The EADRCC role is to coordinate assistance provided by other stakeholders, nations, or international organizations. Nevertheless, this support does not involve deploying military or civilian personnel. It has to be said that utilizing forces within another country, especially if they are of military nature, arises more legal issues and to solve those can be a time-consuming process. And from the legal perspective, one of the most critical areas for deploying any forces or civilian components is the area of privileges and immunities. This will be dealt in depth later in this article, nevertheless it is worth to demonstrate how important having the appropriate legal arrangements in place is prior commencement of any disaster relief operation. The Report to the Ministerial Council on Strengthening the Legal Framework of the Organization for Security and Cooperation in Europe (OSCE) in 2014 states that “The consequences of that lack of clarity became sharply manifest during the involvement of the OSCE in the events occurring in Ukraine. [...] By applying urgent efforts, the appropriate legal status, privileges and immunities to enable successful implementation of the mandate and the protection of the OSCE officials deployed, were concluded in record time. Nonetheless, a full 10 weeks passed before the legal arrangements were in place and in force.”³³

Also, there are numerous international and regional agreements, bilateral agreements, and ad hoc arrangements. However, the question remains how, if at all, those agreements address the status of forces deployed on relief operation.

³² https://www.nato.int/nato_static_fl2014/assets/pdf/2020/5/pdf/200515-eadrcc-094-unocha-covid19-request.pdf, visited on 18 May 2020

³³ Report to the Ministerial Council on Strengthening the Legal Framework of the OSCE in 2014, OSCE Ministerial Council, Basel 2014, MC.GAL/5/14, 2 December 2014; <http://www.osce.org/cio/128916?download=true>

CROSS-BORDER AUTHORITY

The second question to be addressed is the cross-border authority. The accordance with the international law the states shall respect sovereign equality of each other.³⁴ Therefore, the invitation remains the ultimate legal background for admittance of first responders or troops. This is valid also for NATO member states' troops as the consent of the receiving state is embodied into the preamble of NATO SOFA.³⁵

The cross-border authorization shall not encompass personnel only but also equipment, including but not limited to vehicles and goods. Domestic regulations on the passage or enter of the equipment might have direct influence on the relief operation. For example, one year after the tsunami struck Indonesia, over four hundred containers of goods were still awaiting customs clearance in Jakarta and Medan.³⁶

In case of emergency, such as COVID-19 pandemic, NATO through its EADRCC, was able to react swiftly. Already on 23 March 2020, the EADRCC has received a request for international assistance from the Armed Forces of Ukraine in their response to the global pandemic of the coronavirus COVID-19. In order to prevent the spread of the virus in the military units of the Armed Forces of Ukraine, the EADRCC asks international partners to provide assistance to the Ministry of Defence of Ukraine in supplying humanitarian assistance.³⁷ On 30 March 2020, a team of experts from the NATO Support and Procurement Agency (NSPA), working closely with the Luxembourg Army, led the construction of multiple field hospital tents, equipping Centre Hospitalier du Luxembourg (CHL) with 200 additional beds to treat COVID-19 patients. *“These additional facilities will enable us to considerably adapt the triage area for patients with an adjacent zone equipped with laboratory tests and an X-ray area provided by the Luxembourg government”*, said a CHL representative. The CHL is also treating critical COVID-19 patients transferred from France.³⁸ And of course there are numerous other examples.

³⁴ Charter of the United Nations, Article 2(1)

³⁵ Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, dated 19 June 1951

³⁶ The Law of International Disaster Response: Overview and Ramifications for Military Actors, David Fisher, International Law Studies – Volume 83 (2007), page 303

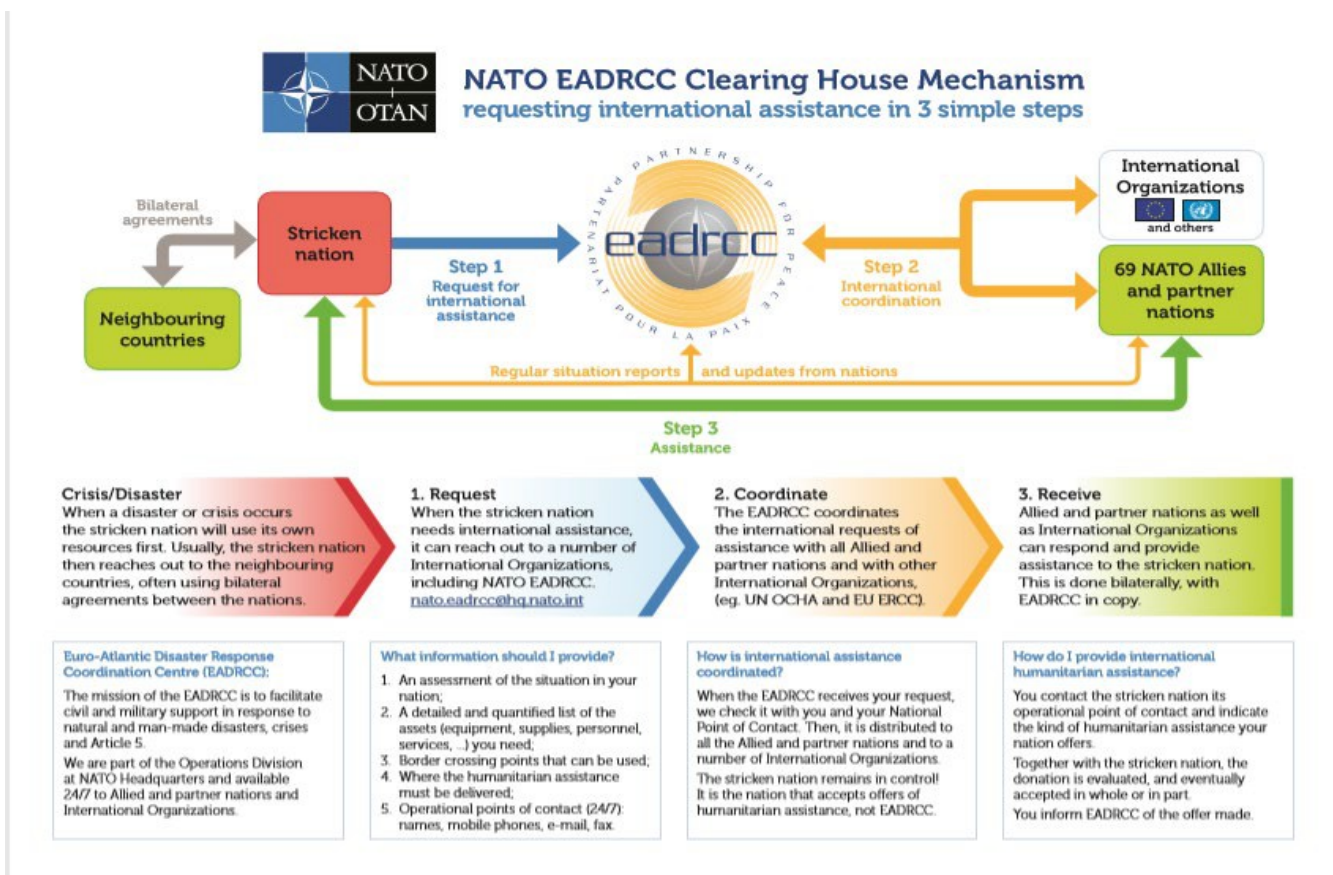
³⁷ https://www.nato.int/cps/en/natohq/news_174481.htm?, visited on 24 March 2020

³⁸ https://www.nato.int/cps/en/natohq/news_174783.htm, visited on 1 April 2020

It might be valuable to describe how the EADRCC works. The table³⁹ below can be used as the starting point.

The EADRCC upon request for assistance from a stricken country and/or the UN OCHA will be responsible for⁴⁰:

- Informing the Secretary General and, through him, the Euro-Atlantic Partnership Council (EAPC) for political guidance as appropriate, as well as the Civil Emergency Planning Committee (CEPC) in EAPC format and the NATO Military Authorities (NMAs), of such requests for disaster assistance. In addition, the Secretary General will be informed of any special political and operational implications;
- Coordinating, in close consultation with the UN OCHA, the response of EAPC Countries to a disaster occurring within the EAPC geographical area;



https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/200401-EADRCC-Requesting-assistance-in_3.pdf

³⁹ https://www.nato.int/nato_static_fl2014/assets/pdf/2020/4/pdf/200401-EADRCC-Requesting-assistance-in_3.pdf, visited on 20 April 2020

⁴⁰ https://www.nato.int/eadrcc/sop/sop_eadrcc/sop_eadrcc.htm#Sample Promulgate Request, visited on 21 April 2020

- Acting as the focal point for information-sharing on disaster assistance requests among EAPC member countries; and
- Maintaining close liaison with both UN OCHA and the European Union as well as other organizations involved in international disaster response.

As can be seen the EADRCC has several functions. The EADRCC serves as focal point for information sharing, responds to requests for assistance and serves as the point of entry for UN into NATO.⁴¹

In accordance with the declaration by NATO Foreign Ministers issued following their meeting of 2 April 2020, Allies are supporting each other – including with medical professionals, hospital beds, vital medical equipment, and best practices and ideas on how to fight this deadly disease. “We are airlifting critical medical supplies from across the globe, providing medical personnel, essential materials, and vital equipment from military and civilian sources, and harnessing our medical, scientific, and technological knowledge and resources to help deliver innovative responses”.⁴²

The current COVID-19 pandemic is a time when resilience⁴³ is being tested. As part of the Alliance’s work to strengthen resilience, NATO and Allies have been working continuously to enhance preparedness across the whole of government, including in the health sector. In support of Allies, NATO’s primary body that addresses preparedness and resilience – the Civil Emergency Planning Committee – is monitoring and assessing the impact of the crisis and facilitates an exchange of information and best practices among Allies on an ongoing basis.⁴⁴

Other organizations, such the OSCE focused, at least at the beginning of pandemic, more on internal measures, such as undertaking preventive measure, preparing contingency plans, and monitoring the situation regarding the virus outbreak.⁴⁵

⁴¹ NATO’s Role in Disaster Assistance, NATO 2001, Second Edition, First Edition Published May 2000

⁴² https://www.nato.int/cps/en/natohq/official_texts_174855.htm, visited on April 6th, 2020

⁴³ NATO defined “resilience” as “the ability of a functional unit to continue to perform a required function in the presence of faults or errors” (NATOTerm, record 31202).

⁴⁴ Resilience and Article 3, https://www.nato.int/cps/en/natohq/topics_132722.htm, visited on May 25,2020

⁴⁵ <https://www.osce.org/secretariat/448675>, visited on April 1st, 2020

LEGAL BASIS

NATO Legal Framework

In case of NATO's legal framework, the main legal document to look at is the North Atlantic Treaty, the document that remained unchanged ever since its creation. It is thus important to underline that all NATO's activities are conducted in accordance with, and therefore justified by the Treaty's principles. The preamble of the Treaty provides that the Parties to this Treaty are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and rule of law⁴⁶. They seek to promote stability and well-being in the North Atlantic area. Those activities are crucial components and should also apply to the efforts, which this article seeks to promote. Any CBRN incident, whether unintentional or even more being intentional, has the potential to threaten the freedom, heritage, civilization, stability and well-being of any NATO member state.

In the Treaty itself, apart from preamble, three articles may be of our interest, especially in case of intentional release, as may be applicable during terrorist attack:

- Article 3 – establish that the Parties separately and jointly will maintain and develop their individual and collective capacity to resist armed attack;
- Article 4 – provides that the Parties will consult together whenever the territorial integrity, political independence or security of any of the Parties is threatened;
- Article 5 which is beyond any doubt the most famous article and the cornerstone of NATO providing that whenever any of the 29 NATO member states are being attacked, the entire Alliance will exercise the principle of collective self-defence until Security Council of the United Nations takes the measures to restore and maintain international peace and security.

Another crucial document is NATO SOFA, signed in 1951. This Agreement regulates the status of forces and their civilian components, whenever they are deployed on the territory of a NATO member state, either for short-term or long-term deployment. Friendly admittance of troops requires the consent of the sovereign host state. Depending on the laws and practice of the state receiving the visiting forces, the consent can be formal or informal, and it can be announced as an explicit consent or invitation to conduct

⁴⁶ The North Atlantic Treaty, dated 4 April 1949, available at https://www.nato.int/cps/en/natohq/official_texts_17120.htm

or participate in specific activities, or as a license to perform defined actions. It must be highlighted that nothing in NATO legal framework confers any rights to Allied states to deploy forces to the territory of another ally without the consent of that State. The consent of the affected state or states will be required even in the case of any large-scale CBRN incident.

As a part of NATO legal framework, we should not forget NATO's 2010 Strategic Concept, which is stressing the importance of crisis management and promotion of international security through cooperation, while not losing out of sight its traditional functions.

NATO Policy on Cooperation for Disaster Assistance in Peacetime was approved by the North Atlantic Council (NAC) on 9 May 1995.⁴⁷ The Policy established that if requested to do so by NATO, a partner, a stricken country or a relevant international organization, NATO should be ready to employ cooperation procedures established by the policy, also in case of disasters outside NATO's boundaries.

NATO-led military activities, including military assistance provided by NATO-led forces in disaster relief and consequence management planning will be covered, to certain extend, by Allied Joint Doctrine for Host Nation Support - AJP-4.5(B)⁴⁸. This doctrine provides host nation support (HNS) guidance to those involved in support planning for NATO military activities, where Allied Forces are planned to be located on, operating in or transiting through the territory of a host nation (HN). Partnership for Peace (PfP) nations, Mediterranean Dialogue (MD), Istanbul Cooperation Initiative (ICI)⁴⁹ and other nations participating in NATO partnership and cooperation programmes are invited to follow this guidance when acting as a HN or sending nation (SN) in a NATO-led operation or exercise. The dynamic nature of HNS planning and implementation necessitates that the doctrine and procedures can be adapted to any military activity and expanded with specific logistic arrangements/Memoranda of Understanding (MOU) as required. This doctrine refers to the NATO or PfP SOFA and does not apply to civilian relief personnel except as attached to military forces, or in any case in the absence of a SOFA.

⁴⁷ <https://www.nato.int/docu/logi-en/1997/lo-1124.htm>

⁴⁸ AJP-4.5, Allied Joint Doctrine for Host Nation Support, Edition B, Version 1, May 2013

⁴⁹ <https://www.nato.int/cps/en/natohq/51288.htm>, visited on 2 July 2020

EU Legal Framework

EU Member States retain the primary responsibility for the management of crises within their territory. However, complex threats such as CBRN large-scale incidents or terrorist attacks may overwhelm national capacities, requiring the involvement of the EU and of other member states. CBRN large-scale incident may fall within the scope of the mutual assistance or defence as envisaged by the Treaty on European Union (Article 42(7) – “If a member state is the victim of armed aggression on its territory, the other member states shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain member states. Commitments and cooperation in this area shall be consistent with commitments under NATO, which, for those states which are members of it, remains the foundation of their collective defence and the forum for its implementation”.) and solidarity clauses introduced by the Treaty on the Functioning of the EU (Art. 222 “solidarity clause” – “The Union and its member states shall act jointly in a spirit of solidarity if a member state is the object of a terrorist attack or the victim of a natural or man-made disaster.”).

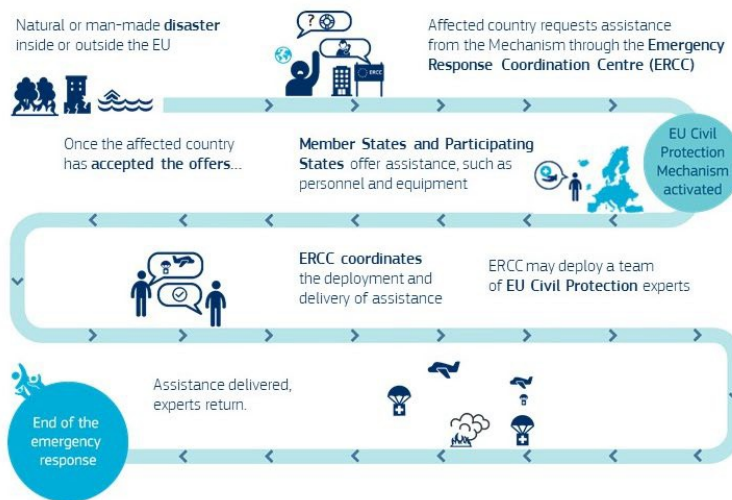
The Common Security and Defence Policy (CSDP) is framed by the Treaty on the European Union (TEU) and is an integral part of the EU common foreign and security policy. It provides the EU with an operational capacity drawing on civilian and military assets and as such is a part of comprehensive crisis management approach.

The overall objective of the EU Civil Protection Mechanism is to strengthen cooperation between the EU member states and six participating states⁵⁰ in the field of civil protection, with a view to improving prevention, preparedness, and response to disasters. When the scale of an emergency overwhelms the response capabilities of a country, it can request assistance via the Mechanism⁵¹. Through the Mechanism, the European Commission plays a key role in coordinating the response to disasters in Europe and beyond and contributes to at least 75% of the transport and/or operational costs of deployments.

⁵⁰ Iceland, Norway, Serbia, North Macedonia, Montenegro, and Turkey (https://ec.europa.eu/echo/what/civil-protection/mechanism_en)

⁵¹ https://ec.europa.eu/echo/what/civil-protection/mechanism_en, visited on 2 July 2020

How does the EU Civil Protection Mechanism work?



https://ec.europa.eu/echo/what/civil-protection/mechanism_en

Bilateral and multi-lateral agreements

The overwhelming bulk of existing international disaster response law instruments are bilateral agreement between states and between states and international humanitarian organizations.⁵² The example of such bilateral agreement can be Treaty between Germany and the Czech Republic.⁵³ The Treaty lays down the basic conditions for the provision of voluntary assistance in the event of disaster or serious accidents. In accordance with the Treaty provisions, any assistance will be provided based on a request of assistance. Article 5 provides details on border crossing and presence on the territory of either contracting state. Generally, all border crossing formalities should be limited to the absolute minimum. Moreover, members of an emergency team may cross the border of the requesting State and remain on its territory without travel documents. Emergency team members and individual skilled

⁵² The Law of International Disaster Response: Overview and Ramifications for Military Actors, David Fisher, International Law Studies – Volume 83 (2007), page 299

⁵³ Treaty between the Federal Republic of Germany and the Czech Republic concerning mutual assistance in the event of disaster or serious accident, dated 19 September 2000, available at <http://disasterlaw.sssup.it/wp-content/uploads/2015/11/Treaty-Germany-Czech-Republic-on-mutual-assistance-the-event-of-disasters-and-serious-accidents-2003.pdf>, visited on May 28, 2020

personnel shall not require a work permit for their activities in rendering assistance on the territory of the requesting State and are also entitled to wear a uniform.

Bilateral agreements would cover cooperation of two states. But what about if more than two states are affected? The multinational coordination would be required. In such a case, organization like NATO and EU can play significant role not only in coordination of help but also in coordination of direct response to an incident. As stated in the study requested by the Subcommittee on Security and Defence (SEDE), not all CBRN scenarios would involve the systematic use of military means at European level, as in many cases the situation would not overwhelm national response capacities and, should the scale and severity require their involvement, civilian European emergency response means.⁵⁴

ABILITY TO RESPOND AND LIABILITIES AND CLAIMS

Going through above-mentioned bilateral agreement between the Czech Republic and Germany and compering its provisions with terms of Oslo Guidelines⁵⁵ one of the key elements is privileges and immunities of operation/organization and its personnel. The importance of this area was recognized by NATO in a document prepared by NATO Civil Emergency Planning Committee, Civil Protection Group. The document provides that among the problem that a mission can encounter one of the most significant are potential liability issues, which can lead to significant financial costs, delays in deployment and even diplomatic tensions between states.⁵⁶

The privileges and immunities are paramount for successful functioning of an international organizations, including but not limited to NATO. The importance of the privileges and immunities rise significantly in

⁵⁴ EU preparedness against CBRN weapons, Study requested by subcommittee SEDE, Policy Department for External Relations, Directorate General for External Policies of the Union, PE 603.875 – January 2019, available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603875/EXPO_STU\(2019\)603875_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603875/EXPO_STU(2019)603875_EN.pdf), visited on June 2, 2020

⁵⁵ Guidelines on The Use of Foreign Military and Civil Defence Assets In Disaster Relief, Revision 1.1 November 2007, United Nations Office for the Coordination of Humanitarian Affairs, available at https://www.unocha.org/sites/unocha/files/OSLO%20Guidelines%20Rev%201.1%20-%20Nov%2007_0.pdf, visited on 1 June 2020

⁵⁶ NATO Civil Emergency Planning Civil Protection Group, Model Technical Arrangement on the Liability of Relief Personnel, 2014, available at https://www.nato.int/eadrcc/docs/Tech_Arr_Liability-Relief_Personnel_2014.pdf

the time of crises. This can be demonstrated on the OSCE, where the lack of lack of privileges and immunities had direct impact during the OSCE involvement in Ukraine in 2014⁵⁷.

Obstacles to entry and operations together with regulations on the passage of materiel and personnel plus various custom delays can serve as another example where the lack of privileges and immunities can hamper the success of the mission. For example, one year after the tsunami struck Indonesia, over four hundred containers of relief goods were still awaiting customs clearance in Jakarta and Medan.⁵⁸

Other crucial area is exposing an organization or its staff to the risk of civil and even criminal liabilities. As mentioned above, this risk has been recognized by not only by NATO but also by other international organizations, such as United Nations and EU.

The above-mentioned examples serve as a proof that privileges and immunities for NATO is not just a slogan. To work efficiently, as was demonstrated in the OSCE's examples, the protection of the Alliance and its staff is crucial for successful accomplishment of the mission or tasks given.⁵⁹

NATO possesses juridical personality⁶⁰ and enjoys privileges and immunities. The Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed in Ottawa 1951 (Ottawa Agreement) guarantees inviolability of the premises of NATO and protection of archives as well as fiscal privileges, such as exemption from all direct taxes and custom duties. Similarly, to the Convention on the Privileges and Immunities of the UN, the Ottawa Agreement regulates the privileges and immunities of the Representatives of Member States and the International Staff and Experts on Mission for the Organization.⁶¹

⁵⁷ Report to the Ministerial Council on Strengthening the Legal Framework of the OSCE in 2014, OSCE Ministerial Council, Basel 2014, MC.GAL/5/14, 2 December 2014; <http://www.osce.org/cio/128916?download=true>

⁵⁸ The Law of International Disaster Response: Overview and Ramifications for Military Actors, David Fisher, International Law Studies – Volume 83 (2007), page 303

⁵⁹ Privileges and Immunities of International Organizations, Zdeněk Hýbl, The Three Swords, The Magazine of the Joint Warfare Centre, July 2017, Issue No. 32, page 24

⁶⁰Article IV of the Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed in Ottawa 1951 states that the Organization, meaning the North Atlantic Treaty Organization, consisting of the Council and its subsidiary bodies, “shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.”

⁶¹ Privileges and Immunities of International Organizations, Zdeněk Hýbl, The Three Swords, The Magazine of the Joint Warfare Centre, July 2017, Issue No. 32, page 22

Although Article 2 of the Ottawa Agreement exclude applicability of the Agreement either to any military headquarters established in pursuance of the North Atlantic Treaty or to any other military bodies. Therefore, it can be argued that two Supreme Headquarters (Allied Command Operations and Supreme Allied Command Transformation) are not covered by the provisions of the Ottawa Agreement. This would inevitably cause issues during any operations run by the headquarters as privileges and immunities provided for by the NATO SOFA⁶² and Paris Protocol⁶³ might not be sufficient to protect them from different legal actions potentially held against the headquarter and their subordinated commands. Specifically, the lack of immunity from legal process, if applicable, can have significant impact on the ability of the organization to fulfil its mission. Therefore, more thorough look to the applicability of Article 2 of the Agreement should be executed. The *Travaux Preparatoires* of the Paris Protocol provides that “The object of the present Protocol is to apply to Allied Headquarters the Agreement of 19 June 1951 on the Status of Armed Forces. For the questions not covered by that Agreement - and for those questions only – it is possible to refer to the Agreement signed in Ottawa on 20 September 1951, concerning the status of NATO civilian agencies”.⁶⁴ For the further reference and in accordance with Snee, this statement is called “paragraph 26”.

Having in mind that NATO itself consists of three different international organization (International Staff, International Military Staff and Agencies being one and SHAPE and HQ SACT as the second and the third) under the umbrella of the North Atlantic Treaty then we have to put three core agreements on the same level. Those three agreements would be Ottawa Agreement, NATO SOFA and Paris Protocol.

Putting those three agreements at the same hierarchical level means, in accordance with the interpretation of Vienna Convention⁶⁵ that those treaties must be used and interpreted together.

⁶² Agreement between the Parties to the North Atlantic Treaty regarding the status of their forces, signed at London, on 19 June 1951

⁶³ Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed at Paris, on 28 August 1952

⁶⁴ Deputies document D-D(52)2, in Joseph M, Snee (Ed), NATO Agreements on Status: Travaux Preparatoires, U.S. Naval War College, International Law Studies 1961, page 596

⁶⁵ Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969 and entered into force on 27 January 1980, Articles 31 - 32

To conclude, “paragraph 26” of NATO document D-D(52)2 of 3 January 1952 on the ‘Protocol on the Status of Allied Headquarters’ confirms that all NATO bodies count on the same privileges and immunities and that the Paris Protocol is only complete, from a conventional standpoint, when reference is made to both the NATO SOFA and the Ottawa Agreement. In February 2018, the Kaiserslautern Labour Court in the Klag case confirmed the recognition of the conventional immunity from jurisdiction of the Supreme Headquarters per the *travaux préparatoires*.⁶⁶

Privileges and immunities serve as a tool for an international organization to exercise its tasks and duties. This becomes crucial when dealing with a crisis’s situation such as, but not limited, to any large scale CBRN incident. Any organization, and NATO specifically, should be able to react swiftly without any fear and thoughts on its possible responsibilities.⁶⁷

Another interesting part is privileges and immunities for staff. As mentioned, lack of diplomatic or inter-governmental privileges and immunities may lead to risk the risk of civil or criminal liability.⁶⁸

Moreover, questions like:

- Could a doctor or nurse work on the territory of other state?
- Could he/she face legal claims?
- What if the doctor or nurse is part of military?
- Under what conditions medical equipment/military equipment can be used?

should be answered prior any deployment takes place. As mentioned above, in case of a chemical or radiological incident, the deployment should be done in hours, days latest. There is not much time and space for negotiation when the situation required swift and coordinated action. Lack of clarity can lead to significant financial costs, delays in deployment and diplomatic tensions between states.⁶⁹

Members of a force and its civilian component would be covered, when in the territory of another Contracting Party in the North Atlantic Area in connexion with their official duties by provisions of NATO

⁶⁶ Klag v Supreme Headquarters Allied Powers (SHAPE), Kaiserslautern Labour Court, Reference Number 3 Ca 843/17 (20 February 2018), pp. 7 and 11. The judgment became final on 27 March (YEAR?) since Mr Klag did not appeal ⁶⁷ https://legal.un.org/ilc/guide/9_11.shtml, visited on 17 June 2020

⁶⁸ The Law of International Disaster Response: Overview and Ramifications for Military Actors, David Fisher, International Law Studies – Volume 83 (2007), page 304

⁶⁹ NATO Civil Emergency Planning Civil Protection Group, Model Technical Arrangement on the Liability of Relief Personnel, 2014, available at https://www.nato.int/eadrcc/docs/Tech_Arr_Liability-Relief_Personnel_2014.pdf

SOFA.⁷⁰ The term “official duties” covers not only NATO duty but covers also units associated with common defence under the North Atlantic Treaty.

The existing legal framework does not allow for a timely deployment of international forces beyond borders, on the entire Euro-Atlantic territory. While there is a legal framework for the deployment of foreign NATO-related forces on the territory of member States, it does not regulate the specifications and still requires extended negotiations between the sending and receiving State. Moreover, the conditions under which troops should be sent are not defined. Moreover, it is questionable if the process of deploying would be fast enough to respond effectively to a large scale CBRN incident. While there are some agreements in place, mostly regional partnership between neighbouring countries, there is no agreement, which would allow for a swift response on a NATO-level.⁷¹

The solution can be an overarching agreement like the one prepared on UN level⁷² or standardized existing bilateral or multilateral agreements under NATO’s umbrella. The inspiration can be found in the Oslo Guidelines on the Use of Foreign Military and Civil Defence, which also provides the model agreement covering the status of military and civil defence assets.⁷³

NATO – EU Cooperation / Interaction

NATO’s Comprehensive, Strategic-Level Policy for Preventing the Proliferation of the WMD and Defending Against CBRN Threats⁷⁴ provides that planning for CBRN consequence management is a multi-dimensional effort, requiring coordination within the Alliance at all levels, as well as with civilian emergency planning authorities and other international organizations, as appropriate. It also states that NATO has considerable CBRN defence capabilities to offer to Allies’ and partners’ first responders and it also serves as a forum where planning arrangements for such eventualities can be coordinated among countries.

⁷⁰ Article I, para 1(a) of the NATO SOFA

⁷¹ Cross-Border Cooperation in Case of CBRN incidents – EXTRACT, Jasper R. Krause, Zdenek Hybl, full paper can be requested via: postbox@jcbncoe.cz

⁷² Draft Convention in Expediting the Delivery of Emergency Assistance, available at <https://www.ifrc.org/docs/idrl/I358EN.pdf>, visited on 30 June 2020

⁷³ Guidelines on the use of foreign military and civil defence assets in disaster relief, Revision 1.1 November 2017, available at https://www.unocha.org/sites/unocha/files/OSLO%20Guidelines%20Rev%201.1%20-%20Nov%2007_0.pdf, visited on 30 June 2020

⁷⁴ [Please](#) see footnote 9.

The EU CBRN Action Plan also stresses the need for close cooperation with key partners and organizations. However, some European member states made it clear that the EU's own capacity-building initiatives should not compete with those of NATO. Therefore, Policy Department for External Relations in its paper "EU preparedness against CBRN weapons" stresses out that taking into account political considerations, available resources but also challenges related to CBRN threats, it is thus crucial to develop closer cooperation with NATO and avoid duplication.

In 2016, during the NATO summit, the EU and NATO signed a joint declaration on increasing practical cooperation, including but not limited to actions that will develop coherent, complementary and interoperable defence capabilities of EU Member States and NATO Allies, as well as multilateral projects.

The EU and NATO signed a new joint declaration ahead of the NATO summit in 2018. It reaffirms the importance of a continued cooperation in the context of multiple and evolving challenges coming from the East and the South and emphasizes the significance of the implementation of the common actions. Strengthening resilience to CBRN related risks is one of the four areas where swift and demonstrable progress will be sought.

Conclusion

The existing legal framework does not provide adequate protection for the first responders and consequently members of a force and its civilian component in cases of crisis management and disaster response, hence in cases of cross-border cooperation among states. Although, there were several attempts to draft, negotiate and adapt comprehensive treaties on disaster relief, such as a “Draft Convention on Expediting the Delivery of Emergency Assistance” prepared by the UN⁷⁵, those attempts failed, and the Convention has never been adopted.

There are several global treaties as well as regional laws and agreements, but majority of cooperation is covered by bilateral or multilateral agreements, which might prove insufficient in case of a large-scale incident or crisis, such as COVID-19 pandemic. Speaking about NATO, NATO SOFA provides basis for deployment of a force and its civilian components. Nevertheless, it is questionable if the process of deploying would be fast enough to respond effectively to a CBRN incident. While there are regional partnerships between countries in case of emergencies, there is no agreement, which would allow for a swift response on a NATO-level.⁷⁶

The most effective solution is creating an overarching legal framework. However, negotiating and concluding one may consume considerable amounts of resources and time. Moreover, as history teaches us, developing and concluding a comprehensive treaty is challenging.

Therefore, it is advised to use already existing agreements and build upon those to create a coherent form of legal framework among countries. The aim is to standardize existing agreements and therefore slowly allow NATO to build up a structured system of agreements, which consider NATO’s role within consequence management operations.

⁷⁵ <https://www.ifrc.org/docs/idrl/1358EN.pdf>, visited on 23 June 2020

⁷⁶ Cross-Border Cooperation in Case of CBRN incidents – EXTRACT, Jasper R. Krause, Zdenek Hybl, full paper can be requested via: postbox@jcbrncoe.cz



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