

Prospects for US-EU cooperation on security, freedom and justice

PROJECT ON FORGING A STRATEGIC US-EU RELATIONSHIP

Paris, 14th September 2009

Rapporteur: Bart M.J. Szewczyk
EUISS Visiting Fellow

On 14 September 2009, the European Union Institute for Security Studies (EUISS) hosted a seminar on prospects for US-EU cooperation on security, freedom, and justice. The event was part of a larger project organised by three US think-tanks (Center for Transatlantic Relations, Atlantic Council, and CSIS) on forging a strategic US-EU relationship. The seminar's purpose was to determine how the US and EU can work more effectively on security cooperation, which includes a vast agenda of issues beyond the framework of NATO, as well as how 'societal resilience' can be improved in order to tackle threat networks such as criminal and terrorist groups.

Most participants agreed that President Obama's immense popularity in Europe, often twenty percentage points higher than polls in the US, created a highly propitious environment for enhanced US-EU cooperation. Similarly, it was pointed out that the Spanish EU Presidency has made the issue of US-EU cooperation a high priority. Based on recent Transatlantic Trends released by the German Marshall Fund, one participant observed that there was enormous convergence in values and views on human rights between the US and EU. However, it was noted that this moment was not going 'last forever' and that the time for action is now.



From left to right: Catherine Witol de Wenden, Daniel Hamilton, Álvaro de Vasconcelos, Marcin Zaborowski during Session IV.

US-EU Cooperation on Security

There was general agreement on the need for further cooperation and partnership between the US and EU on security matters, though the implications for NATO remained contested. One European official noted that there is enough conflict in the world to go around, and argued that there are areas of EU common interest, e.g., in Chad or the Congo, where NATO 'doesn't have

a dog in the fight' and would find it difficult to intervene effectively in any event. As an emerging security actor, the EU has several missions in such areas, which the US has in fact supported by, for instance, participating in EULEX in Kosovo and through a US liaison in the Congo mission. However, a US official questioned whether unity of effort between NATO and the EU is even possible. Arguing in favour of transatlantic defence within NATO instead of an autonomous EU defence, the official suggested that NATO should be utilised for military force whereas EU deployments should be reserved for conflict prevention purposes.

Several suggestions were offered on improving US-EU cooperation on security. Noting that there is general agreement between the US and EU on the need for such improvement, but which does not deliver, one analyst argued in favour of a 2008 proposal by the European Parliament to establish a Transatlantic Political Council, which would provide an institutional mechanism for more frequent and strategic meetings between the US and EU to exchange views on security challenges and formulate common policies. Another participant argued, however, that such a proposal entailed 'a certain degree of fantasy,' as neither the Commission nor the Council is very popular, and that the US would prefer EU support rather than partnership. In the same vein, one US official noted that EU Member States often lack common policies on security issues, precluding any possibility of US-EU common policies. Another participant commented, however, that the US is an actor of European integration and its involvement in US-EU fora would increase the likelihood that the EU would succeed in formulating a common policy. US support in the past for European integration on security and defence through ESDP, one US official noted, was intended to increase capacity within the EU that would be available inclusively through NATO, rather than autonomously through the EU.

On the other hand, several analysts maintained that the Lisbon Treaty should improve the potential for cooperation, with the External Action Service, a strengthened High Representative with a larger budget, and permanent structured cooperation in European defence. Instead of institutional innovations at the transatlantic level, one EU official proposed 'progress through pragmatism,' with common task forces on discrete issues of common concern. In this regard, the Crisis Management Cooperation Work Plan was offered as a useful model to develop common analyses, coordinate actors on the ground, and enhance the ca-

pability of other actors such as the African Union. This perspective was shared by several US participants, whose focus was on 'funded and approved projects to do within six months' and specific areas of concern such as Afghanistan and Pakistan.

US-EU cooperation on conflict prevention and management

Even more than with security issues, there was significant agreement on the need and feasibility of US-EU cooperation on conflict prevention and management. One participant noted that all post-Cold War reconstruction efforts have shared the same end-state objectives of a safe and secure environment, rule of law, good governance, and a free market economy. Moreover, according to the analyst, these goals still remain uncontested, even though the time horizon to achieve them may be conceded to be longer and the intermediate objectives may have altered. Though the likelihood of a new state-building operation, even if multilateral, was deemed unlikely in the short-term, the participant advised strengthening the emerging civilian capacity on the US side so as to marry it with the 'extraordinary' EU civilian capabilities when the need arises. Another analyst suggested creating a Transatlantic Fellowship to recruit EU and US officials with prior experience in transatlantic cooperation to form a ready cadre to facilitate such joint activities in the future.

One participant suggested common analyses on the countries listed in the Failed States Index published by the *Foreign Policy* magazine. Questioned as to the practicality of such an effort, the individual pointed out that there are already desk officers in the US and EU analysing these countries, but that significant synergies could be achieved through exchange of information, perspectives, and assessments. A US official observed that President Obama has mandated his administration to engage in multilateralism 'in a real way' through joint planning, exercises, simulations, and lessons-learned assessments, which has resulted in an environment politically conducive to this type of proposal.

Greater clarity was encouraged both in the reasons for intervention and in the responsibility for operations. For instance, one participant questioned whether the mandate of the International Security Assistance Force (ISAF) in Afghanistan to provide stability was

consistent with the US war against al-Qaeda. Another analyst argued that given the EU's multilateral basis, it could be a more neutral actor than the US in conflict prevention and management in places such as Africa or Pakistan. However, such a position of neutrality was a myth, according to one participant, since any intervention entails supporting certain groups and interests and opposing other groups and interests that are hostile to one's allies.

US-EU cooperation regarding counter-terrorism

US-EU cooperation on counterterrorism was greatly improved already during the Bush administration, in the aftermath of 9/11. For instance, one official pointed out that the US and EU exchanged information on stolen passports, and the Treasury Department was given ready access to the SWIFT money-transfer database to collect information on potential terrorist financing. On the other hand, there were significant frictions related to detentions at Guantanamo Bay and the legal justifications underpinning the war on terror. Similarly, another participant observed that while there was a legal and organisational basis for EU cooperation with the FBI, Secret Service, and the Justice Department, there was little interest from the US side.

Several participants noted that President Obama's decisions to close Guantanamo Bay and change the legal paradigm in the war on terror only enhanced the strong US-EU relationship on counterterrorism. Through a 'legal trick', one participant noted, the EU was able to design a framework to facilitate Member States' acceptance of detainees from Guantanamo Bay. Moreover, the EU has formulated eight legal principles for the war on terror, which it aims to adopt jointly with the US by the time of the Spanish Presidency. In particular, the EU intends to limit the global scope of the theatre of war as defined under the Bush administration's war on terror. In this regard, there have already been several meetings with the US and UK

Legal Advisers, Harold Koh and Daniel Benjamin.

One participant was sceptical as to the level of progress achieved on counterterrorism and pointed out that no EU Member State has accepted any detainees thus far. Another analyst observed that few resources have been allocated to EU counterterrorist efforts; for instance, the EU contributes more money to Paraguay than Pakistan, and the 50 million euro actually provided pale in comparison to the US non-military assistance to Pakistan of \$1.5 billion. In response, it was suggested that more time will be necessary for the EU to generate these capabilities.

US-EU cooperation regarding border management and free movement of people

The issues of migration and border management were presented as a source of challenge and opportunity. One official argued that the EU seeks to both facilitate legitimate cross-border traffic and prohibit illegitimate movement. In this context, one participant observed that the EU developed electronic passports, which would ease transnational travel. On the other hand, the US, which was initially supportive of the programme, decided to develop a database of 'registered travellers' instead of e-passports. Another participant suggested that this database could be expanded transnationally, resolving the current conflict between the US and EU over this issue.

It was widely agreed that greater migration is needed in the EU, which has ageing and shrinking populations. Currently, one analyst observed, European Commission statistics show that 85% of global unskilled labour goes to the EU whereas 85% of skilled labour goes to the US. In order to change this dynamic and make the EU a more open and attractive society, another participant argued that the issue of migration needs to be de-securitised within EU debates, so that the societal benefits of migration are taken into account.

List of participants

- Edgar BEUGELS, Head of Research and Development Unit, FRONTEX, Warsaw
- J. Peter BURGESS, Research Professor, International Peace Research Institute, Oslo; Institute for European Studies, Brussels
- Fran BURWELL, Vice President, Atlantic Council of the United States, Washington D.C.
- Alexandra de HOOP SCHEFFER, Advisor on US Foreign Policy and Transatlantic Relations, Policy Planning Staff, Ministry for Foreign Affairs of France, Paris
- Gilles de KERCHOVE, EU Counter-Terrorism Coordinator, Council of the European Union, Brussels
- Álvaro de VASCONCELOS, Director, EU Institute for Security Studies, Paris
- Steve ERLANGER, Journalist, New York Times, Paris
- Giovanni GREVI, Senior Research Fellow, EU Institute for Security Studies, Paris
- Jesper GRÖNVALL, Homeland Security Special Adviser, Embassy of Sweden to the US, Washington D.C.
- Eva GROSS, Senior Research Fellow, Institute for European Studies, Free University, Brussels
- Daniel HAMILTON, Director, Center for Transatlantic Relations, Washington D.C.
- Lise HARTMAN de FOUCHIER, French American Foundation, Paris
- Ken HUME, Senior Strategic Planner, Operation and Exercises, DGE VIII "Defence Issues", Council of the European Union, Brussels
- David IGNATIUS, Journalist, Washington Post, Washington D.C.
- Laura INGERSOLL, Justice Department Attaché, Office of International Affairs, Embassy of the United States to France, Paris
- Daniel KEOHANE, Senior Research Fellow, EU Institute for Security Studies, Paris
- Thomas KLAU, Editorial Director, Head of the European Council on Foreign Relations Paris Office, Paris
- Daniel KORSKI, Senior Policy Fellow, European Council on Foreign Relations, London
- François LAFOND, Director, German Marshall Fund for the US, Paris
- Pierre LEVY, Director, Centre for Analysis and Forecasting, Ministry of Foreign Affairs of France, Paris
- Angela LIBERATORE, Research Project Officer, Unit 3, Governance and Ethics, European Commission, Brussels
- Fabio LIBERTI, Research Fellow, Institute for International and Strategic Relations, Paris
- Fabien MENANT, Adviser for European Affairs, Policy Planning Direction, Ministry of Foreign Affairs of France, Paris
- Deba MOHANTY, Visiting Fellow, EU Institute for Security Studies, Paris
- Kari MOTTOLA, Special Adviser, Unit for Policy Planning and Research, Ministry for Foreign Affairs of Finland, Helsinki
- Diego NUÑO GARCÍA, Diplomatic Adviser for the Spanish Presidency of the Council of the EU 2010, Direction General for International Relations, Ministry of Interior, Madrid
- Alar OLLJUM, Head of Unit for Forward Studies, DG RELEX, European Commission, Brussels

- Michel QUILLÉ, Deputy Director, EUROPOL, The Hague
- Michael RYAN, Defence Advisor, US Delegation to the European Union, Brussels
- Daniel SERWER, Vice President, U.S. Institute of Peace, Washington D.C.
- Bart SZEWCZYK, Visiting Fellow, EU Institute for Security Studies, Paris
- Calin TRENKOV-WERMUTH, Visiting Fellow, EU Institute for Security Studies, Paris
- Daniel VERNET, Journalist, Boulevard Extérieur, Paris
- Catherine de WENDEN, Senior Research Fellow, Centre for International Studies and Research, Paris
- Marcin ZABOROWSKI, Senior Research Fellow, EU Institute for Security Studies, Paris
- Jean Pascal ZANDERS, Research Fellow, EU Institute for Security Studies, Paris