



*GRUNNMUN 2019*

*THE NORTH ATLANTIC COUNCIL*

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## WELCOME LETTER

### Sarah Oey

Sarah is twenty years old, grew up in Amsterdam and is now an undergraduate student in International Relations at the University of Groningen. She has chaired a lot of simulation conferences, including Model European Parliament and TEIMUN. However, she also has experience as a delegate. Moreover, she has been part of the organizing team of the TEIMUN Society this year. In her free time, she loves to chat and hang out with her friends, play hockey and have discussions about global issues, especially with her friends and parents. She is really looking forward to meeting all the delegates and to have a nice and interesting day!

Kirill is nineteen years old and is from Moscow, Russia. However, he went to International schools so therefore, he has an interesting background and takes this with him while talking about global issues. He likes helping students to understand how the UN works through MUNs: how to debate, how to express an opinion, to elaborate on knowledge in fields outside of one's main studies and to help them to get comfortable while being outside their comfort zone. He is fancying chairing and therefore, he hopes to contribute to a very interesting day!

### Free arm trade between NATO and the European Union: the way to promote national security

In this one-day conference, we will concern ourselves with the debate about the potential free arm trade between NATO and the

European Union. Is this a fair deal or should we be bothered by the aspect of national security?

Free trade sounds as something that fits our paradigm nowadays: unending growth and making as much money as possible but it can ruin many things within society.

During our sessions we will try to come to solid conclusions and interesting debates. It is very important to discuss such topics with one another. People often forget to talk about issues where many opinions are at stake, however it is especially those topics that affect many societies and individuals which are worth talking about. We believe in an environment where we come to conclusions through proper communication and debates. If we avoid heavy loaded conversation, we will never be able to solve the most pressing issues.

Therefore, we hope that the council will agree to disagree. Try to respect other opinions but do not take them for granted. Try to develop your debating skills and try to develop your way

of discussing with other people. It is a piece of cake.

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## INTRODUCTION

The European Union is often received as a regional integration organization. It shares competences with its member states but does have its own competences as well, e.g. the customs union, competition rules, monetary policy, common fisheries policy and common commercial policy (art. 3 TFEU).

NATO is the main intergovernmental military defense alliance. On the international level, NATO's stated main purpose is to safeguard the freedom and security of all its members by political and military means. Many countries that are a member of the EU are also a part of the NATO alliance. It might therefore be interesting to look at the differences between the EU and NATO and their purposes.

Member states of both the European Union and

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NATO can differentiate between the two, looking at which one fits their interests (more) in a specific issue. A “contract” between NATO and the EU could be a solution to this. However, it is necessary to discuss which consequences such a contract will have. Are they rable to work together effectively, if at all? During this one-day conference we will try to look from a European, NATO and national point of view. Free arm trade could be a nice ideal, but it needs to fit the interests of all these earlier mentioned levels: national, European and international. What are the positive and also negative consequences of a potential free arm trade between NATO and the EU? What are, as mentioned earlier, the possibilities and boundaries to this initiative?



## HISTORICAL BACKGROUND

### **Relationship**

NATO and the European Union have common interests and values on crisis management, capability development and political consultations. NATO and the EU have worked together since 2001 and have established a cooperation framework to battle and/or highlight several topics.

As will be discussed in the next paragraph, the relationship between NATO and the European Union have evolved since the end of the Cold War. *“While NATO’s collective defense guarantee remains at the core of the alliance, members have also sought to redefine its mission as new security challenges have emerged on Europe’s periphery and beyond.”* Along this evolution, the members of the European Union have taken steps toward integration in multiple fields. The most “important” integration fields were the establishment of a common foreign policy and a defense arm. This was to improve EU member states’ abilities to manage security crises.

Although the evolution of NATO and the EU have resulted in many improvements in the international sphere, the relationship has generated some tension between the United States and several of its allies. The European Union’s interest is often in conflict with the interest of the United States, and therefore this

relationship generates differences which could lead to, as mentioned earlier, conflict. *“Successive U.S. administrations and the U.S. Congress have called for enhanced European defense capabilities to enable the allies to better share the security burden, and to ensure that NATO’s post-Cold War mission embraces combating terrorism and countering the proliferation of weapons of mass destruction.”*

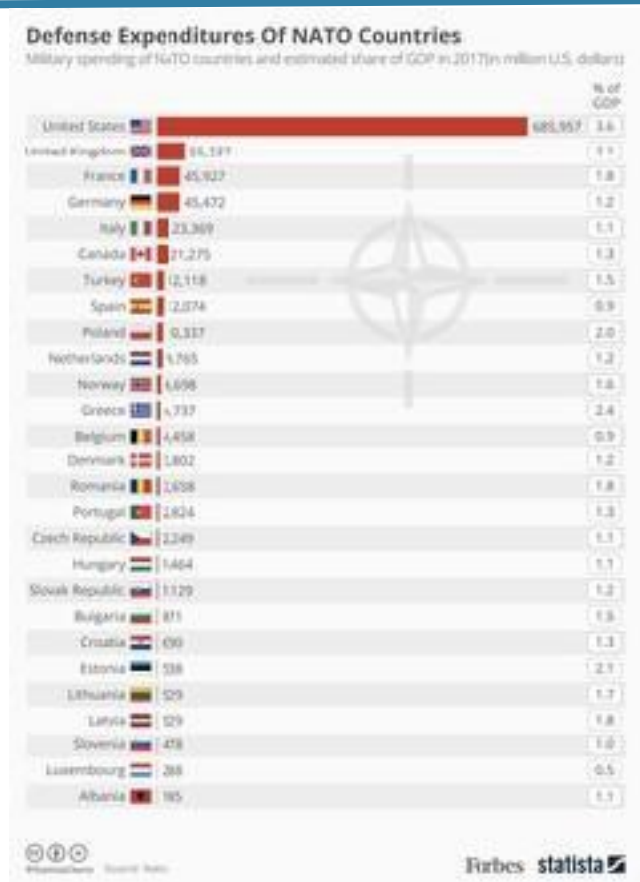
With this in mind, the United States backs the idea of the European Union for a well-developed Security and Defense Policy (**ESDP**) However, the United States provides some conditions: the ESDP has to stick to the idea of NATO.

Most member states of the European Union support a close relationship between both NATO and the European Union. However, the member states of the EU also fancy a Security and Defense Policy to give themselves more options in handling future crises as well as

maintaining regional security. “A minority of EU countries, spearheaded traditionally by France, continue to favor a more autonomous EU defense identity.”

This desire has been supported by disputes with the United States over how or whether to engage international institutions, such as the United Nations, on security matters and how to involve the wishes of NATO more effectively in their Security and Defense Policy.

Especially with President Trump, the relationship between NATO and the European has recently become strained. The United States spends 3.6% of its massive GDP on defense and with that, the US has the highest defense expenditure of all NATO countries.



With the United Kingdom, France and Germany following in defense expenditure, no other country apart from the US spends more than 3% of GDP on its military. President Trump finds this foolish and wants to see change. However, most NATO countries are European member states and therefore value

the Security and Defense Policy on a higher

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level than the United States does, of course.

Throughout the years, the relationship between NATO and the EU has evolved in a rather positive way. Think of their common fight in the war on terror, their post-cold war development initiatives and renewed tensions with Russia and China driving to more and more cooperation. However, as shown above, many interests are at stake. The US wants the Europeans to pay more but Europe also needs to play its own role, as not all

Some EU members states are members of NATO. Moreover, the European Union does not want to dance to the tune of NATO. It wants to have own competences and own power over its defence related decisions.

## THE ISSUE

### **Past cooperation experience**

Due to the increase of new international crimes such as terrorism and cyberattacks, EU and NATO cooperation seems to be developing further in order to create higher international security levels. Generally, questions of cooperation on the topic of defense needs to be taken globally, including several sub-issues such as data exchange, arm trade and humanitarian interventions. EU and NATO have cooperated on different issues in the past and those collaborations were quite successful. Therefore, it is necessary to show some examples of this cooperation.

Question of cooperation between both organizations on the international security started in 2001, when leaders of the EU and NATO decided to start cooperating and



consulting between each other on the basic issues of common security and peace-preserving matters.

As one of the subsequent examples, it should be stated that NATO helped the EU with their first humanitarian aid mission called "Concordia" on 31 March 2003. It was acting in the Former Yugoslav Republic of Macedonia and took over the responsibilities of the NATO-led operation "Allied Harmony". The aim of the mission was to protect EU observers involved in the conflict. This was an indirect example of cooperation based on the support of operational, strategical and tactical planning of the mission given by NATO to the EU. However, it still brought positive results and provided essential protection for EU monitors securing their capabilities to effectively perform their duties.

Furthermore, there was the creation of The Ohrid Agreement. NATO together with the EU coordinated and guided debates between

parties and were quite successful, as it can be seen as agreement that was formed in large degree due to their combined leadership.

From other crucial examples of cooperation can be named "The 2002 NATO-EU Declaration on a European Security and Defense Policy" concluded between the two organizations (on its basis the above mentioned "Concordia" mission was operating). It is reaffirmed that the EU secures access to the planning of NATO possibility for its own military operations. Moreover, it emphasized several principles of cooperation between the organizations, such as

- "equality and due regard for the decision-making autonomy of the EU and NATO;
- effective mutual consultation
- respect for the interests of the EU and NATO members states;
- respect for the principles of the Charter of the United Nations;

- coherent, transparent and mutually reinforcing development of the military capability requirements common to the two organisations.”

Later on, "Berlin Plus" arrangements was concluded on 17 March 2003. It provides the basis for EU - NATO cooperation in case of crisis management. In the heart of this agreement is letting to the EU to have access to NATO's collective assets and resources that are required for the former to led successful operations. It entails as core principles of cooperation:

“a NATO-EU Security Agreement, which covers the exchange of classified information under reciprocal security protection rules;

- assured EU access to NATO's planning capabilities for actual use in the military planning of EU-led crisis management missions;

- availability of NATO capabilities and common assets, such as communication units and headquarters for EU-led crisis management operations;

- procedures for release, monitoring, return and recall of NATO assets and capabilities;

- terms of Reference for NATO's Deputy SACEUR;

- NATO-EU consultation arrangements in the context of an EU-led crisis management operation making use of NATO assets and capabilities;”

It should be pointed out that now, EU and NATO are continuing to cooperate with each other on different matters such as national security and the elimination of slave trade. Also, both international organizations share similar goals and morals and almost all EU member states are part of NATO too. Those crucial facts make such cooperation much easier for both sides. Consequently, in

Warsaw in 2016, NATO leaders pointed out that EU-NATO cooperation is one of the core goals and aspects on which the latter is focusing at the moment in order to continue securing international peaceful environment.

Consequently, it is possible to conclude that in general, cooperation between NATO and the EU has been quite successful and that there is nothing that can prevent its continuation, at least from the first look at the issue.

### **The need to enlarge, improve and strengthen this cooperation**

Regardless of the already existing cooperation, both international organizations think that more close and strong support is necessary in order to have better results. The core aim is to use all forces and resources in order to strengthen common planning of all types of military operations, improvement of technologies used and of weapons and other military equipment. This conclusion was

provoked by two core developments in both organizations.

The European Union launched a plan to create the European Security and Defense Policy, now renamed as the Common Security and Defense Policy (CSDP). The core goal of this new EU policy is to manage all kinds of crisis situations all over the world through measures , such as peace keeping operations, the promotion and strengthening of international security and international conflict prevention, and even military interventions if necessary. This organ is officially working under the supervision of the Council of the EU and guided in particular by the High Representative of the Union for Foreign Affairs and Security Policy.

NATO a year before, in 2003, during one of its conferences in Riga, created the NATO Response Force (NRF) and allocated to it similar functions that CSDP includes. This organ can as well perform all kinds of peace

keeping operations, crisis management activities and measures aimed at increasing international security.

Accordingly, due to similarities of both policies, it is obvious that in the future several cases can occur when both organizations will use their new defense structures at the same time in the same place. It can be further supported by the argument that many EU states are NATO members as well. One can argue that NATO has much more experience in the defense field and this isn't necessarily wrong.

Nevertheless, we should face the fact that two organizations have very similar organs concerning similar questions which can intersect with each other. That is why now both EU and NATO agreed on the need to create better cooperation with each other in order to escape cases when two or more troops from both organizations will be sent to the same place and will be just duplicating each other.

Today, both associations are working together to ensure that their new organs will be complementing each other's. Unfortunately, the existing investment programs and procurement systems do not meet the needs of modern multinational forces. The role of NATO and the EU in this area should be complementary. Therefore, cooperation between the two organizations needs to be improved and brought to a new level in order to ensure maximum profitability of funds and success of their military operations.

#### **Current situation and core mean to achieve the goal**

International security is becoming a more and more crucial topic nowadays because of the increase of international terrorism and other new global crimes. As a consequence, NATO started acting on the "extra - territorial" manner and taking part in activities outside of its jurisdiction. One of the examples can be its involvement in Afghanistan conflict, where

NATO was leading the International Security Assistance Force (ISAF). NATO by doing so started a dialog and opened doors for the partnership with countries that are not its members and are situated far away from the territorial jurisdiction of the organization, such as Australia and Pakistan.

The European Union continues to play a crucial role in international conflict regulation as well. They are actively conducting humanitarian missions, improving international security and enforcing the rule of law all over the world. EU member state forces are acting in countries that are situated far away for the Union too, such as Indonesia and the Democratic Republic of CKongo. It is impossible to ignore its contribution to this domain and thus ignore the necessity of more close cooperation between the core international military organization of NATO and the EU.

Therefore, as was stated earlier, in order to escape duplication by one organization of the other one, a balanced approach should be chosen, and close and specific cooperation needs to be established. One of the core ways to do so is to use regional specifics of one organization in such a way that it will compensate some defaults of another one. Here, the unique feature of the European Union can be emphasized. The Union created a common market where all taxes, customs duties and other restrictions in relation to the movement of goods, persons and services are completely abolished. In the case of strengthening of international security, this approach can be extremely useful in the form of free weapon trade between NATO and the EU member states. It can sound ridiculous for some people, but others may argue that this approach can facilitate promotion not only of international, but also of national security of all member states of both organizations. As a consequence, the creation of an agreement

between both organizations on the topic of a free weapon market between themselves can be useful.

Such an agreement can be created on the basis of the free market that already exists in the EU. It will be furthermore necessary to remove all customs duties on arm trade between the two organisations. It will require same actions between their member states.. Thus removal of all customs duties on arm trade passing between the two organizations and as a consequence between its member states is required. Furthermore, prohibition of laws and regulations that by any other means hinder and limit cross-organizational arm trade is also crucial. However, for such system the new regulatory institution might be necessary, or extension of a mandate and jurisdiction of the already existing one. Very detailed and high level of control over this type of trade will be necessary as well, in order to prevent illegal activities in the free arm trade sector.

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### **Existing issues and complications**

The idea of free arms trade can sound very attractive, but it poses many problems that both organizations and their member states can face in attempting to implement it. The core one is the incompatibility of the legal system of NATO and the EU. In order to ensure free trade, the EU was obliged to create two fundamental doctrines: supremacy and direct effect of union law, thus partially limiting sovereignty of its member states. NATO, being an ordinary international organization, which respects the sovereignty of its member states will obviously not be able to perform the same action. Therefore, free weapon trade within the EU can be possible, but not within NATO.

The second issue arises with the common foreign and security policy within the EU. According to the Treaties, the EU cannot interfere in the security policies of its member

states by legislative acts, as stated in the Article 24 (1) "The common foreign and security policy is subject to specific rules and procedures. ... The adoption of legislative acts shall be excluded. ..." Therefore, it can be problematic to create free arms trade even within the EU. Under the same provision, it is stated that "...It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. ..." It creates difficulties regarding to any acts related to CFSP because unanimity in both councils is required for any actions to be taken.

The third issue is concerned with existing "unofficial competition" between the EU and NATO on the topic of the protection of international security. Currently, as both organizations have similar organs that are acting sometimes in the same places, it may be argued that they would not like to cooperate on a closer level. However, this argument is somewhat silly and unjustified. There are

already many cases mentioned previously from which we can see that both NATO and the EU are ready to move to the new level of collaboration in order to achieve a common good.

The fourth complication is the way how to create this obligation for the free trade between NATO member states, because NATO is not a supranational organization and cannot issue binding decisions. The principle of consensus lies in the heart of the organization and is subsequently applied at every committee level in the organization

The fifth and last issue is related to a specificity of the question and complications of its implementation. It can be seen that the idea of free weapons trade will lead to the free arms market on the territory of NATO and the EU. Therefore, many internal issues, such as the facilitation of illegal arms trade between private parties can occur. This is a complication which

may be faced by member states of both organizations and a reasonable solution to this problem needs to be found as well. Issues with adjudicative organs can rise too, because under EU law, the Court of Justice of the European Union (CJEU) is the highest judicial organ in the community and thus cannot be subjected to any higher judicial authorities. Thus, question of means to resolve disputes should be found too, without damaging the nature of the EU legal order.

## CONCLUSION

In order to conclude, it is necessary to emphasize that cooperation between NATO and the EU is crucial due to current global issues with international security. History has shown that this experience was quite successful in the past and thus repetition and expansion is possible. Moreover, due to new forms of international crimes, new levels of collaboration are required. There is no doubt

that in many spheres NATO, having more expertise in the field of defense, can better operate that the EU and thus help the later with tasks and planning. At the same time, one can argue that the European Union has stronger enforcement mechanisms than NATO and as many EU member states are members of NATO as well, EU strong enforcement systems can be used for the mutual benefit of both associations.

One of the ways to strengthen cooperation between NATO and the EU is the creation of a free arms trade area between the two organizations. It might facilitate control over illegal weapon trade within the global community and increase the level of international security. As a consequence, the formation of a legally binding obligation (international treaty) needs to be agreed upon between the EU and NATO. Nevertheless, many practical issues from both points of view - legal and political, continue to exist which makes this cooperation currently difficult, such



as incompatibilities of the legal systems of both

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international organizations.

NATO and the EU are both institutions that are important nowadays. Their combination can be questionable. There are many issues to solve

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**Delegates are required to solve this problem**

**during the session. This can be analysed through the perspective of cooperation on the import and export of arms between EU and NATO and mutual control of them. Analysis of how competences of the EU might conflict (or not) with competence of NATO is also an interesting and new issue which can be seen through the discussion. Furthermore, almost all the countries which are present in EU take part in NATO, therefore many of the participants can look at this problem from both perspectives and try to find which benefits their countries can get on both an EU and international level. From the point of view of NATO, it is crucial to discuss which consequences such a contract will have, most importantly the involvement of the CJEU as the main judiciary organ of the EU.**

## **QARMA**

1. How could NATO and the EU cooperate more closely on arms trade and arms trade control?
2. What is NATO's role in providing international security, alongside the evolving security interests of the European Union?
3. How can conflicting competences between the EU and NATO be prevented, especially in regards to the jurisdiction of the CJEU?
4. How can the comparative advantages of NATO (in regards to tasks and planning)

and the EU (in regards to enforcement mechanisms) be efficiently complemented?

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