



# TRANSATLANTIC SECURITY NOTES & COMMENT

Center for Strategic and International Studies ■ Washington, D.C.

October 2006 Volume 1, Issue 6

## EU and U.S. Find Common Ground on Passenger Data

By Aidan Kirby and Justin Wiseman,  
International Security Program

On October 7, the EU and the United States reached an agreement regarding the management and sharing of European airline passenger data, ending a period of tense negotiations over transatlantic airline security cooperation. The agreement is an interim replacement for the previous deal, which had been voided by the EU's high court, and will remain in effect until July 2007. Prior efforts aimed at forging a consensus on this issue collapsed on September 30, mainly due to a disagreement over which U.S. agencies would be granted access to the passenger data.

Under the new agreement, which both sides have heralded as an important and positive step, U.S. Customs and Border Protection (CBP) will have access to up to 34 types of data on passengers traveling from Europe to the United States. Examples of such data includes frequent flyer numbers, credit card numbers, email addresses, phone numbers, and information regarding passengers' travel history and traveling companions. The new pact changes the information exchange from a "pull" to a "push" system. Put simply, the EU now provides the requested information to selected U.S. agencies, rather than allowing the United States to access and mine airline registries.

The key feature of the new agreement is that it places a small measure of control back in the hands of the European airlines – they will now be responsible for forwarding the required information to the U.S. CBP. The agreement was crucial for both sides

*Continued on Page 3*

On November 3 at the Norwegian Institute for Defense Studies in Oslo, CSIS's International Security Program will launch a special report on the upcoming NATO Summit in Riga, Latvia. The publication, *Transforming NATO (...again): A Primer for the NATO Summit in Riga 2006*, offers a comprehensive overview of the developments slated to come out of the Summit and provides concrete recommendations to prepare the Alliance for its next summit in either 2008 or 2009. The primer will also be launched in Brussels, Belgium on November 6th. A Washington-based launch is planned for mid-November. The executive summary of the report can be found below. For more information or a copy of the complete report, please contact Scott Thompson at [sthompson@csis.org](mailto:sthompson@csis.org).

## Transforming NATO (Again...)

NATO's 26 members will meet in Riga, Latvia this November for what some are calling the "introverted" summit. NATO summits are often used to launch major initiatives or welcome new members into the fold. The Riga Summit, however, will break from that tradition and allow NATO allies to take stock of the Alliance's ongoing political and military transformation while focusing on the current mission in Afghanistan. A handful of small but important capability initiatives will be launched, including the acquisition of common assets and a new program for special operation forces. Deep political divisions, however, will prevent the Alliance from making comparable progress on its overarching strategic direction. If NATO wants to advance its transformation agenda, however, it will need to resolve fundamental questions about its future roles and missions. Major developments concerning enlargement, partnerships, training, capabilities, and coordination with other organizations will only be possible when NATO allies reach consensus on the Alliance's purpose in today's complex security environment.

### Political Transformation

The term transformation is often associated with efforts to prepare forces for new missions – in NATO's case, expeditionary operations. While NATO will use its Riga Summit to launch and strengthen a number of capability initiatives aimed at preparing its forces for future missions, it will also focus on the Alliance's ongoing *political* transformation. Initially, the Riga Summit was slated to unveil a list of ambitious political reforms tied to NATO Headquarters. It now appears Riga will focus on three core areas: endorsing the Comprehensive Political Guidance, committing NATO to future rounds of enlargement, and committing the Alliance to building and strengthening global partnerships (along with a possible tasking to look into the feasibility of creating a new training initiative). While the value of these initiatives should not be underestimated, NATO will need to return to its original, more ambitious list of reforms in preparation for its next summit if it wants to preserve its viability as an effective and relevant alliance.

### Comprehensive Political Guidance

At the center of Riga's political agenda sits the Comprehensive Political Guidance (CPG), which will be endorsed by Heads of State and Government in November. This document aims to outline a framework and political direction for NATO's continuing transformation, but it fails to provide NATO members with the guidance they need to meet future challenges. As a result, NATO should aim to rewrite its Strategic Concept for its 60<sup>th</sup> anniversary summit in 2009.

*Continued on Page 2*

*Continued from Page 1*

### *NATO Enlargement and Partnerships*

Since 1999, NATO summits have always included announcements or initiatives tied to enlargement. In that regard, the Riga Summit will likely be different. Political and popular skepticism about the value of further enlargement, the slow pace of reforms, and deteriorating security situations have damaged various aspirants' cases, as has a general "absorption fatigue" among current NATO members. NATO will be careful not to close any doors but the possibility of issuing invitations even to the Adriatic Charter nations (certainly the most favored for membership at the moment) seems to have dissipated. Before its next summit in 2008, NATO should foster real debate about universal membership standards and goals while maintaining its Open Door Policy.

Regarding partnerships, all NATO members recognize the enormous contributions that non-NATO allies have made to alliance operations in recent years. The presence of Australian, New Zealand, and Japanese soldiers in Afghanistan is one positive example of such cooperation. What NATO cannot seem to agree on is the best way to reward and further strengthen the Allies' relationship with these and other like-minded countries. In Riga, NATO communiqués will likely stress the importance of expanding cooperation with partner countries without committing NATO or the partner countries to any concrete initiative. In the next two years, NATO should undertake a full audit of existing partnership programs, ensure that all players understand the fundamental objectives, and seek to improve coordination among various partnership programs. NATO should not risk diluting the much-desired label of "NATO partner" with partnerships that are heavy on rhetoric and short on substance.

### **Military Transformation**

Despite NATO's ongoing struggle to reach consensus on its role in today's global security environment, the Alliance has succeeded in launching a number of new capability initiatives over the last 10 to 15 years. The Riga Summit will continue that tradition by formally declaring the NATO Response Force (NRF) operational, announcing two much-needed common asset programs, launching a new program for special operations forces, and tasking the Alliance to further investigate ballistic missile defense (BMD) cooperation among NATO members. It is possible that the summit will also suggest that NATO consider developing special capabilities for stabilization and reconstruction operations.

Like any effort tied to military capabilities, however, the challenge will come in turning many of these paper promises into concrete action. In the past, NATO members have made a number of rhetorical commitments that they then have failed to meet. Therefore, in the years ahead, NATO will need to identify innovative ways for members to bridge the gap between ambition and capabilities. Some of the best ways to do so include addressing funding approaches (e.g., "costs lie where they fall") that disincentivize participation, resolving NATO's broader strategic debate about why such

capabilities are required and helping members identify ways to spend what limited resources they have more wisely.

### **Current Operations**

Beyond transformation, the Riga Summit will focus heavily on NATO's current operations. First and foremost, NATO's ongoing mission in Afghanistan will serve as an indicator of the Alliance's viability and effectiveness in tackling 21<sup>st</sup> century challenges. NATO members will need to determine whether or not they have the political will to commit the capabilities the mission requires. Kosovo and Darfur may also appear in the final summit documents, although it is doubtful that any new developments regarding these two missions will be unveiled.

### *Afghanistan*

The future of NATO ultimately hangs on a successful mission in Afghanistan. Consequently, the most essential question to address at the Riga Summit is whether or not NATO can muster the will and capabilities to stay the course. A positive outcome for the Alliance would be revitalized unity and tangible improvement in resources, interoperability, and civil-military cooperation on the ground in Afghanistan.

The Alliance should use the Riga Summit to reaffirm its commitment to International Security Assistance Forces (ISAF) and show the Afghans that it will commit the necessary capabilities and resources to succeed. After the Summit, NATO allies will need to define ISAF's role in security sector reform and agree on how to balance reconstruction and security objectives. NATO also needs to resolve the poppy eradication debate. While Afghanistan's future is tied to its ability to eliminate drug production, NATO's role in these efforts should be limited. NATO allies should, however, investigate ways other instruments and organizations can help Afghanistan with this complex and long-term challenge.

### *Kosovo*

When NATO leaders gather in Riga, they will inevitably discuss the future of NATO's Kosovo Force (KFOR). Kosovo is at a critical juncture. A general consensus has emerged that the status quo is untenable because the political ambiguity is fostering crime, corruption, radicalism, emigration, and a weakening of Kosovo's institutions. Consequently, NATO should use the Riga Summit to reaffirm its commitment to Kosovo while recognizing that the nature of the conflict has changed. Security threats increasingly have intrastate rather than interstate origins. Therefore, future peacekeeping and peace building functions will have to focus on issues of sustainable development, governance, and rebuilding institutions. While it is unlikely the Riga Summit will produce meaningful new initiatives on Kosovo, it should nonetheless be a first step in mapping out NATO's future posture in the event of an independent Kosovo.

### **The Next NATO Summit**

Just as compelling as what is on the agenda at NATO's Riga Summit will be what is left off. The EU-NATO relationship, for example, will not feature prominently in any of the Summit proceedings, partly because the tensions surrounding that

relationship remain so high and neither the EU nor NATO appears to have fresh ideas for how to address them. Similarly, and almost ironically, many of the toughest issues associated with NATO's military transformation – Allied Command Transformation, transformation concepts, and defense planning – will also be left off the Summit agenda. Finally, because non-NATO members were not invited to this summit, the NATO-Russia relationship will not play a major role in Riga. All of these issues, however, have the potential to significantly shape NATO's future success. As such, NATO should make these three areas the centerpiece of its next summit agenda in 2008 or 2009.

#### *NATO-EU Relations*

Most members of these two organizations agree that the relationship is plagued by mistrust, unhealthy competition, and information sharing problems, but neither NATO nor the EU has stepped forward to solve the problems. Given the long list of competing priorities inside each organization and the deep political differences among members on whether and how to strengthen EU-NATO ties, a degree of stalemate is understandable. In the long term, however, neither organization can afford inaction or inattention. With 19 nations in a congruent geopolitical space that share multiple common interests and challenges, EU-NATO cooperation is both unavoidable and essential.

In the short term, major changes to the EU-NATO relationship will be difficult. However, a number of pragmatic, small-scale initiatives could be launched in the next year, including enhanced cooperation between NATO and the European Defense Agency; monthly meetings between the NATO Secretary General and his EU counterpart, Javier Solana, to coordinate policies on pressing issues such as counterterrorism and reconstruction operations;

and a joint working group to examine the consequences and benefits of defense integration (i.e., pooling, specialization, or multinational procurement).

#### *Transforming for Tomorrow*

The Riga Summit is being billed as a "transformation summit" at a time when NATO's fledgling agent for change, Allied Command Transformation (ACT), is clearly experiencing difficulties implementing its vision within the Alliance. This seems largely due to the harsh realities of NATO's current operational environment. The Alliance is struggling to meet the political, operational, and financial challenges of operations in Afghanistan and elsewhere. Under such conditions, many allies wonder if it is prudent to divert scarce political and financial resources to experiment with novel technologies and operational concepts. The concerns are understandable, but the hard truth remains that transformation is an existential imperative. If NATO does not succeed in creating a culture of ongoing transformation and the capabilities it needs to meet 21<sup>st</sup> century challenges, it will go out of business.

#### *Russia*

Russia was not invited to Riga, and as a result, the NATO-Russia relationship will not feature prominently on the summit agenda. Russia will, however, be a factor in many of the questions and deliberations at the summit. Although few would call Russia a 21<sup>st</sup> century superpower, it still possesses a large nuclear arsenal and has great influence in world politics on multiple fronts. Cooperation with Russia should therefore be of great importance to NATO. To underline the importance of cooperation, the Alliance should make 2007 a special "Russia year" by celebrating the fifth anniversary of the NATO-Russia Council or the tenth anniversary of the Founding Act.

#### *Passenger Data Continued from Page 1*

because European airlines are required to transfer the requested information 15 minutes after departing for the United States, and it is unlikely a plane or airline that refused to provide such information would be allowed to enter U.S. airspace. European concerns over the standard of protection that would be applied to the data once it was in U.S. hands were alleviated. Although other U.S. agencies may be granted access to the data, they will now be required to prove that their standards of protection meet the standards negotiated under the previous negated accord. Finally, the U.S. Department of Homeland Security will be able to share the data with other agencies, but will not be able to give them direct access to the database.

Although some reports characterize the agreement as the EU 'bowing' to American pressure, both sides have made significant concessions. The European Parliament's grievances with the previous agreement have been addressed by centralizing the standard of protection, and the American agencies have forfeited the ability to automatically pull data from the European airlines passenger registries.

American officials emphasized that the 34 types of data provided are not invasive of personal privacy because it is information that is often freely provided to airlines and other institutions. This information is critical to U.S. security efforts because the largely visa-free travel between Europe and the United States eliminates the traditional barrier to entry into the United States. The United States has similar data sharing programs with Japan, Australia, and other nations where visas may not be required to travel to the United States.

While the occasionally contentious nature of this case highlighted some of the tension that has characterized transatlantic discussions of counterterrorism-related security measures in recent years, it also offers a hopeful sign that with negotiation, European concerns about privacy and American fears about security are not irreconcilable.

## Germany Charts New Direction for Military Forces

Last week Germany's Ministry of Defense published a strategy paper on the future of its armed forces. The "White Paper on German Security Policy and the Future of the Bundeswehr" redefines the Bundeswehr by outlining a more robust role for German troops and placing a heavier emphasis on international missions. The paper begins by defining Germany's national interests and potential threats to Germany's security. It then attempts to explain when and how German troops will contribute to European and global security. While the paper highlights how the global security environment has changed since the last White Paper was published in 1994 and how Germany will prepare for expeditionary missions, the paper fails to address two critical issues.

At over 120 pages in length, the white paper provides a sweeping assessment of German security and defense policy, which includes sections on international and regional organizations, the continuing transformation of German armed forces, financing issues, armaments policy, personnel issues, and the overarching structure of the German military. Once tasked with defending the country's borders, today's Bundeswehr is being turned into an intervention force prepared to deploy 14,000 troops to five international missions simultaneously. Germany currently has approximately 9,000 troops deployed overseas in places such as Afghanistan, Kosovo, and Congo.

Although several sections of the report address Germany's growing global role, very little is said about the Bundeswehr's ability to operate on German soil. Currently, it is unconstitutional for German troops to be used inside Germany. But German Defense Minister Franz-Josef Jung and other defense experts in Germany believe that those restrictions should be lifted in case of a terrorist attack at home. The white paper states that a "forward-looking and responsible government security policy must include such extreme situations in its considerations" but it does not go as far as recommending that Germany's Basic Law be amended.

The white paper also leaves Germany's longstanding policy on conscription unchanged. Germany is one of a handful of European countries that still have conscription. Several countries such as France, Italy and Spain have decided to eliminate or streamline conscription after reaching the conclusion that conscription was diverting resources from investment in more expeditionary capabilities and preventing their soldiers from engaging in frontline missions. Today, Germany has roughly 50,000 conscripts but some question whether these soldiers make a positive and cost-effective contribution to the total force structure.

Despite its shortcomings, however, Germany's white paper should be viewed as a useful and important first step towards a more in-depth and continuing examination of Germany's security and defense policy. Other European countries should follow suit and embark on a similar process in the years to come. NATO, in preparation for its 60<sup>th</sup> anniversary summit in 2009, would also gain from an examination of threats, capabilities, and future missions. - JS

## Recent Developments

- Russia appears to be stepping away from its bellicose stance towards Georgia that it adopted following the arrest and subsequent release of 4 Russian military officers by the Georgian government. In the immediate aftermath, Russia began expelling "illegal" Georgian immigrants and cutting financial and travel ties. Recently, more conciliatory tones have been emerging from the Kremlin, and Georgian Foreign Minister Gela Bezhushvili plans on visiting Moscow on October 31. Georgian President Saakashvili will attend the CIS summit in Belarus on November 28, and may meet face-to-face with Russian leader Vladimir Putin should earlier discussions between the foreign ministers of the two countries prove fruitful.
- The deaths of three NATO soldiers from a roadside bomb in eastern Afghanistan on October 30 brought the number of ISAF deaths up to 115. Last year ISAF suffered 75 fatalities.
- President Bush came out in support of Croatia's aspirations to join NATO during an October 18 meeting with the Croatian Prime Minister, saying he felt that Croatia should be admitted to the Western alliance within the next two years.
- *The New York Times* noted that the London's *The Observer* reported Britons spend an estimated \$228 million a year on Halloween-related items, a tenfold increase from five years ago.

*Transatlantic Security Notes and Comments* electronic newsletter is produced by the Center for Strategic and International Studies (CSIS), a public tax-exempt institution focusing on international public policy issues. Its research is nonpartisan and nonproprietary. CSIS does not take specific policy positions; accordingly all views, positions and conclusions expressed in this publication should be understood to be solely those of the author(s) © 2006 by the Center for Strategic and International Studies.

### The CSIS Transatlantic Security Team:

Guy Ben-Ari, Fellow, International Security Program (ISP)  
 Michèle Flournoy, Senior Fellow, ISP  
 Robin Niblett, Director, Europe Program  
 David Scruggs, Senior Fellow, ISP  
 Julianne Smith, Senior Fellow, ISP  
 Scott Thompson, Intern, ISP  
 Justin Wiseman, Intern, ISP

Please contact [SThompson@csis.org](mailto:SThompson@csis.org) with any questions, comments or concerns regarding this issue of the newsletter.