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To Permanent Representative

Date 9 November 2004

From Maj Martin Xuereb,

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Meeting with Mark R. Brunner and Jeremy B. Brenner, Defence Policy Advisor and Advisor Politico-Military Affairs respectively at the United States mission to the European Union – 8 November 2004.

It became very clear right from the start that the intention of the Americans was not simply to establish contact but also to discuss possible solutions to the current impasse between the EU and NATO. Two years after the Copenhagen Declaration, relations between the two bar Operation ALTHEA, have almost ground to a halt.

Malta informed it was not against cooperation between the two organisations as it was aware that unnecessary duplication for Members of both Organisations had to be avoided. However, it also needed to safeguard its rights as a Member of the European Union.

Mr. Brenner said that the US was very keen to find a solution acceptable to all. He said that the US knew there were political sensitivities in Malta and for this reason they accepted that a hybrid solution had to be found.

The US representative then referred to a solution that would not include Malta's active participation in Pfp activities. This solution sees Malta subscribing to the principles of the Pfp Framework Document through a Memorandum of Understanding (MoU). Part of this MoU would be a (document) Security Agreement between the two as a consequence of which access to NATO Classified information is assured. Mr. Brenner underlined that all this had to be agreed by the North Atlantic Council (NAC) where decisions are taken by consensus. He said that there might be some problems in NATO as the NAC decision sheet of 13 December 2003, sealing the Berlin Plus Agreement between the EU and NATO says that this Agreement "will be confined to NATO members and those non-NATO EU members that have subscribed to the Pfp Framework Document, thus becoming a party to the Pfp". However, he was confident that the political will remove all boundaries.

Mr. Brenner informed that this proposal has already been made to Cyprus and it appears that if the latter are given assurance that this would be acceptable to the NAC i.e. Turkey will not veto,

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they would be willing to accept the proposal as they feel confident that they would be able "to slip it past their internal opposition".

Referring to our past PfP membership, Mr. Brenner said that there was one other possible aspect that Malta might want to explore. One could argue that when Malta withdrew from PfP, this withdrawal was confined to active membership, i.e. Partnership Work Programme (PWP) and the Individual Partnership Programme (IPP) rather than the Framework Document. Consequently, there was no reason to believe that the Security Agreement was ever rescinded in which case all that need to be done was to call on an agreement that has been dormant for a number of years. Mr. Brenner also informed that he saw no reason why Turkey would wish to block a solution for Malta if it is agreed by the Legal Services that the Security Agreement is still valid.

The US delegation then met briefly with the Permanent Representative. Ambassador Cachia Caruana informed that Malta wants to kill this problem as it had no intention to get involved in the Turkey, Greece, Cyprus triad in the run up to the December decision. Concerning the EU/NATO relation, the Permanent Representative said that Malta does not contest the requirement for the EU to coordinate with NATO on matters of common interest and it was also for this reason that it favoured a quick solution. However, Malta did not see PfP membership as a solution as this would open a Pandora's box in Malta, undermining the present virtual consensus on EU membership.

The Permanent Representative said that the decision as to the way forward rests with Ministers in Malta but that he was considering recommending a solution based on the existing Malta-NATO document security agreement. Mr. Brenner said that this could be a solution that would solve Malta's problem and would also help put pressure on Turkey to compromise on Cyprus. He also said that it would be wonderful were we to solve our problem prior to 17 December 2004.

Mr. Brenner assured the Ambassador that the US stood ready to assist Malta in every possible way and suggested that the matter also be taken up in Malta bilaterally. He said that it would be beneficial for us if Washington is also kept in the loop by the US Ambassador in Malta. The Permanent Representative said that by coincidence he was due to meet with Ambassador Gioia later on this week.