



# Assembly of Western European Union

DOCUMENT 1667

9 November 1999

## FORTY-FIFTH SESSION

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The future of European defence and its democratic scrutiny –  
reply to the annual report of the Council

## REPORT

submitted on behalf of the Political Committee  
by Mr Marshall, Rapporteur

ASSEMBLY OF WESTERN EUROPEAN UNION  
43, avenue du Président-Wilson, 75775 Paris Cedex 16  
Tel. 01.53.67.22.00 – Fax: 01.53.67.22.01  
E-mail: [assembly@weu.int](mailto:assembly@weu.int)  
Internet: <http://www.weu.int/assembly/welcome.html>

*The future of European defence and its democratic scrutiny –  
reply to the annual report of the Council*

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by Mr Marshall, Rapporteur*

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<sup>1</sup> Adopted unanimously by the Committee.

<sup>2</sup> *Members of the Committee:* Mr Baumel (Chairman); Mr Blaauw, N... (Vice-Chairmen); MM de Assis, Bianchi, Behrendt, Brancati, Sir Sydney Chapman, MM Clerfayt, Cusimano (Alternate: *Amoruso*), Dias, Mrs Dumont, Mrs Durrieu, MM Ehrmann, Evangelisti, Eyskens, Fayot (*Glesener*), Haack, Hornhues, Lord Kirkhill, MM Lemoine, Liapis, Marshall, *Martínez Casañ*, *Micheloyiannis*, Mrs Nagy, Lord Ponsonby, MM *Puche Rodríguez*, Recoder (Alternate: *Arnau Navarro*), *Roseta*, Schmitz, Skoularikis, Sterzing, Timmermans, Van der Linden, Volcic, Wray, *Yañez Barnuevo*.

*Associate members:* MM Gundersen, Kosmo.

N.B. *The names of those taking part in the vote are printed in italics.*

*Draft Recommendation*

*on the future of European defence and its democratic scrutiny –  
reply to the annual report of the Council*

The Assembly,

- (i) Recalling Recommendation 653, Order 108 and its Message to the Governments and Parliaments of Europe, which concern security and defence: the challenge for Europe after Cologne and which were adopted on 19 October 1999;
- (ii) Welcoming the speed with which the Council transmitted the first part of its 45th annual report to the Assembly on the Council's activities;
- (iii) Surprised, nonetheless, that the annual report does not contain any reference to the impact on WEU of the decisions taken on 3 and 4 June 1999 in Cologne by the European Union heads of state and government with a view to formulating a European security and defence policy (ESDP) and taking responsibility for WEU's Petersberg missions;
- (iv) Recalling that WEU at 28 is well ahead of the European Union and NATO in having the makings of a security and defence Europe encompassing all the European countries which are both ready for it and qualify to be part of it, and thereby brings a considerably enhanced dimension to security and stability in Europe;
- (v) Recalling that the effect of the determination of the European Union governments to take responsibility for WEU's crisis-management functions, which will henceforth be consigned to the single framework of the second pillar, will be to reduce the number of participants in this project to fifteen countries, five of which are still expressing major reservations about it;
- (vi) Fearing that the arrangements currently being discussed by the European Union member states with a view to involving WEU's associate member and associate partners in the EU's security and defence policy will result in those countries being sidelined, which will undermine all WEU has achieved as a forerunner of security and defence Europe;
- (vii) Reaffirming, therefore, the vital importance of WEU's mission, which allows all the European countries which do not yet qualify for admission to all the EU pillars and/or to NATO to avail themselves of a framework in which they can participate in the construction of European defence;
- (viii) Considering the position of the United States, which has fundamental reservations about any inclination on Europe's part to develop a capacity for autonomous military action, while many Americans want Europe to make a greater effort to ensure its own security;
- (ix) Noting with disappointment that there is virtually no will in the European Union to have recourse to WEU in the event of a crisis or for any matters with defence implications;
- (x) Fearing that the arrangements for enhanced cooperation between the European Union and WEU in pursuance of the Protocol on Article 17 of the Treaty on European Union will prove too complex to be implemented, particularly in the event of the sudden outbreak of an unforeseen crisis;
- (xi) Stressing that it is therefore crucial to maintain all the decision-making and operational capabilities available in WEU and under its Treaty throughout the current interim period and for as long as the new structures it is planned to create in the European Union are not operational;
- (xii) Recalling the importance of WEU's mission, which is to cooperate closely with NATO and, indeed, to ensure that any transfer of WEU's responsibilities to the European Union is not damaging to transatlantic cohesion;

(*xiii*) Reminding all WEU member countries that it is therefore up to them, as members of the European Union, to ensure that the decisions to be taken by the European Council in Helsinki should be thought out without rushing and with all due care;

(*xiv*) Stressing once again that WEU will continue to be extremely important for as long as it has to oversee the application of Articles V, VIII, IX and XI of the modified Brussels Treaty and its protocols, and the proper operation of the Council's subsidiary bodies;

(*xv*) Stressing the importance of the development of WEAG as an essential forum for giving political impetus to armaments cooperation, with the full participation of all the interested nations in the WEU family;

(*xvi*) Convinced that the separation of crisis-management functions from collective defence removes all justification for WEU's current enlargement policy according to which a country must be both a member of NATO and the European Union to qualify for accession to the modified Brussels Treaty;

(*xvii*) Recalling that Article VIII of the modified Brussels Treaty created the Council without defining the institutional framework for its organisation;

(*xviii*) Reaffirming the importance of the democratic dimension of the European security and defence policy and welcoming the value the Council attaches in its annual report to the contribution of the WEU Assembly and its Committees to the Organisation's work and the ongoing reflection on European security and defence.

#### RECOMMENDS THAT THE COUNCIL

1. Include in its annual report a detailed study of the progress in negotiations among the European Union member states and the direction they follow in the wake of the Cologne Declaration, together with an assessment of the consequences this entails for future activities of the Council, its subsidiary bodies and the Assembly;
2. Urge the WEU member countries, as members of the European Union, to ensure that the decisions to be taken at the Helsinki Summit are prepared without rushing, while taking account of the need to:
  - improve existing capabilities;
  - adopt an inclusive approach; and
  - preserve the indivisibility of European security;
3. Examine in detail how it henceforth intends to fulfil its obligations under the modified Brussels Treaty, and particularly under Article VIII, and inform the Assembly accordingly;
4. Renegotiate and simplify the arrangements and procedures for enhanced cooperation between the European Union and WEU under the Protocol on Article 17 of the Treaty on European Union with a view to giving WEU a more important role in the decision-making process;
5. Preserve all the decision-making and operational capabilities it has to react in a crisis and apply Article VIII.3 of the modified Brussels Treaty in full for as long as the European Union does not avail itself of WEU and does not have the capacity to take action on its own;
6. Study the possibility, in the light of the new situation, of inviting the associate member countries to accede to the modified Brussels Treaty, and of extending the application of the 11 May 1955 Agreement on the status of WEU to all countries participating in the activities of WEAG and WEAO;
7. Enhance the status within WEU of the Organisation's new Secretary-General, along the lines of the proposals made by the French President and German Chancellor in connection with the role in the European Union of the Secretary-General of the EU Council and High Representative for the CFSP;

8. Explain any differences between the CFSP, ESDP and ESDI, and the most appropriate way of harmonising these three concepts;
9. Bring to the notice of the EU authorities the WEU Council's obligations towards the Assembly and the terms of their relations under Article IX of the modified Brussels Treaty, stressing that it is important not to damage the quality and nature of those relations and that the Assembly, which as a WEU body is an integral part of the development of the European Union, is prepared to establish appropriate cooperation arrangements with the European Parliament, on the basis of the complementarity of the remits of both assemblies.

## *Explanatory Memorandum*

*(submitted by Mr Marshall, Rapporteur)*

### *I. Introduction*

1. In adopting its Plan for Action on 16 March 1999, the Assembly's purpose was to take a qualitative leap forward in order to give the European Union a political and operational defence capability, without making further assumptions about the institutional shape of things to come. To that end it proposed proceeding in stages and beginning by placing all WEU's capabilities under the authority of the European Council. Yet at the Cologne Summit the European Council announced more far-reaching ambitions and set itself a very short space of time in which to achieve them. This presents the governments concerned with a huge challenge since failure to do so could result in a serious setback with major consequences for political developments in Europe.
2. After making a preliminary assessment of the Washington and Cologne decisions in the report submitted on 10 June 1999 by Mr Baumel on behalf of the Political Committee<sup>1</sup>, the Assembly decided to instruct the Committee to carry out a more detailed analysis for the December session by preparing a report entitled "The future of European defence and its democratic scrutiny – reply to the annual report of the Council". But since then there have been a number of important developments.
3. As a result, the Presidential Committee considered it essential for the Assembly to express its views on the impact of the new direction being taken in European security and defence policy well before its ordinary session to be held in Paris from 29 November to 2 December. It therefore organised a special session of the Assembly in Luxembourg on 18-19 October on the theme "Security and defence: the challenge for Europe after Cologne".
4. This session, in which parliamentarians from national foreign affairs and defence committees and a delegation from the European Parliament also participated, gave rise to a very

lively debate and concluded with the adoption by the Standing Committee of Recommendation 653 and Order 108 on the basis of the report entitled "Security and defence: the challenge for Europe after Cologne" which your Rapporteur submitted on behalf of the Political Committee<sup>2</sup>. The Assembly also adopted a Message to the Governments and Parliaments of Europe to urge them not to abandon the project of a European common defence subject to democratic scrutiny.

5. The special session provided an opportunity to highlight a number of aspects of the problems to be resolved following the decisions taken by the Cologne European Council, aspects which need to be examined in more detail in this report. The content of the first part of the 45th annual report of the Council<sup>3</sup> can also be taken into account. This is the first occasion in a long time that the Council has transmitted its report sufficiently early for the Assembly's committees to be able to study and respond to it in their reports. The Assembly is also grateful to the Council for the speed with which it replied to Recommendations 644 to 652 adopted at the June 1999 session.

6. Conversely, a reading of the Council's reply to Recommendation 642 on "WEU and European defence: beyond Amsterdam", which was adopted by the Standing Committee on 16 March 1999, makes it difficult to see why it did not reach the Assembly until July.

### *II. Cologne: was a solution found for defining Europe's mission and for the measures needed to achieve it?*

7. A study of the European Council's Cologne Declaration suggests that things are clear: it is the European Union's mission to become an independent and credible player in the field of crisis management whereas collective defence remains the exclusive prerogative of the Atlantic Alliance. There is no longer any talk of framing a common defence as envisaged in the Maastricht and Amsterdam Treaties. The statement in the

<sup>1</sup> See Recommendation 644 on WEU after the Washington and Cologne Summits – reply to the annual report of the Council.

<sup>2</sup> See Assembly Document 1662, 19 October 1999.

<sup>3</sup> See Assembly Document 1661, 20 September 1999.

EU Presidency report to the effect that the commitments under Article V of the modified Brussels Treaty will in any event be preserved for the member states party to the Treaty does not change anything in that respect.

8. This new dimension for the European Union marks a fundamental change of direction in the course the relevant governments have mapped out since starting to pursue a Common Foreign and Security Policy (CFSP) in the Union. Despite major differences of view between the various political actors involved, most European governments, the WEU Assembly and the European Parliament were agreed on one point: the mutual assistance obligation should, in one form or another, become part of the Treaty on European Union. The Assembly has always been aware that this would be a difficult process which would take time and this was why it proposed proceeding in stages that would culminate in the achievement of a common defence within the European Union. Its position on this matter was perfectly consistent with the plan for a series of phases with a view to WEU's gradual integration into the European Union, which was put forward in March 1997 by six countries at the Intergovernmental Conference that resulted in the Amsterdam Treaty.

9. According to some sources, the decision to give up trying to make mutual assistance an obligation in the European Union, even in the form of a separate protocol, was not merely a concession to the refusal by the non-allied countries to enter into a collective defence commitment but also reflected concern that the incorporation of such an obligation might create difficulties in the EU's future relations with Russia. If that is true, it would be tantamount to *de facto* recognition that Russia has a say in the way the EU applies the provisions of Article 17 of the Amsterdam Treaty which authorises the European Council to build a common defence within the European Union.

10. Any argument to the effect that it is too early to expect the European Council to take a decision to that end is justifiable and indeed the Assembly has always maintained that such a step could not be taken until the very end of the process. One could also be content with the fact that Article 17.1 of the Amsterdam Treaty is now in force and that the European Union could avail itself of its provisions whenever it considered it

appropriate. What is troubling is that the Cologne Declaration refers only to the first part of that article and not to the second, which mentions the possibility of a common defence.

11. All the information in our possession would suggest that what we are seeing is a real shift in longer-term policy away from the spirit and letter of the Maastricht and Amsterdam Treaties. The clearest proof of this was the reply, given in response to a question from Mr Behrendt, by Mr Verheugen when he was Germany's Deputy Minister for Foreign Affairs, in which he said that collective defence was not and *would not become* a task for the European Union.

12. The Assembly has of course taken due note of the comments made by Mr Santer, former President of the European Commission and member of the European Parliament, at its special session in Luxembourg in response to the concerns the Assembly had expressed about the fact that the Fifteen are at present no longer thinking in terms of building a common defence within the European Union as envisaged in the Maastricht and Amsterdam Treaties<sup>4</sup>.

13. In this connection Mr Santer said the following:

“Having attended the European Council in Cologne *ex officio*, I must point out that this may be misleading. The members of the European Council certainly never intended to go against the provisions of the Maastricht or Amsterdam Treaties. On the contrary, I do not think we should exaggerate the importance of the Cologne Declaration, especially since it is an interim declaration, as you will have realised when you read it. (...) [The CFSP] was not the main item on the European Council's agenda on that occasion”.

14. However, even though the Cologne Declaration is only an interim one, it reflects a situation that looks unlikely to change for some time to come, as implied by the following comment from Mr Lekberg (an observer from Sweden in the WEU Assembly and Chairman of the Euro-

<sup>4</sup> See recital (ii) in the preamble to Recommendation 653 on “security and defence: the challenge for Europe after Cologne”, adopted by the Standing Committee in Luxembourg on 19 October 1999.



pean Affairs Committee in the Swedish Parliament) at the Assembly's special session in Luxembourg:

"It is important to clarify the difference between crisis management and common defence. European Union contributions apply to peace support and the issue is not one of creating a common defence. Sweden cannot therefore accept a solution in which Article V of the modified Brussels Treaty is integrated into the European Union".

15. Furthermore, in an address to the Foreign Affairs Committee of the French National Assembly on 27 October 1999 in Paris, Mrs Halonen, the Finnish Minister for Foreign Affairs and representative of the Presidency of the EU Council, confirmed that:

"the member states have unanimously decided to leave issues related to common defence (Article V) outside the list of items on the agenda".

16. In this connection it is worth bearing in mind the correlation that exists between the provision of the Amsterdam Treaty that authorises the European Council to decide to establish a common defence within the European Union and the provision authorising it to decide on the possibility of WEU's integration into the EU. Here again, it is interesting to note the position the Swedish representative expressed in Luxembourg:

"Finally, the question of what will happen to Western European Union following Cologne is of course a matter for its member states. When it comes to the European Union, the decision-making is absolutely clear – according to Article 17 of the Treaty on European Union, the integration of WEU into the Union is a decision which should be made by the European Council. It should therefore be done with the full agreement of all, and I repeat all, the member states".

17. However, it has become clear that the European Council has altered the direction taken in the Amsterdam Treaty, since in Cologne it abandoned any idea of WEU's integration even though the introduction to the Presidency report still refers to that possibility. Instead, the European Council is now envisaging "the inclusion of

those functions of the WEU which will be necessary for the EU to fulfil its new responsibilities in the area of the Petersberg tasks". But most important from the political point of view is the fact that in Cologne the European Council did away with the correlation between the framing of a common defence in the European Union and WEU's integration into the Union, when it used that puzzling phrase stating that "WEU as an organisation would have completed its purpose" once the European Union was in a position to take responsibility for Petersberg tasks.

18. According to the Agreement on the status of WEU signed on 11 May 1955, "the Organisation" means WEU comprising the Council, its subsidiary bodies and the Assembly. The Council was created by virtue of Article VIII of the modified Brussels Treaty primarily "to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes". It is therefore clear that the WEU Council is responsible, for instance, for the application of Article IV governing cooperation with NATO, and above all for Article V which concerns mutual assistance in the event of an armed attack. It is also responsible for the application of Articles VIII, IX and XI of the Treaty, all of which continue to have full effect

19. The Cologne Declaration, however, openly gives the impression that WEU as an organisation has only one function: this concerns the execution of Petersberg tasks, to the exclusion of all the other functions for which it was created. This false impression is extremely dangerous because of its considerable impact on political decision-makers, who infer from it that WEU is no longer necessary to monitor compliance with the commitment contained in Article V. The wording of the phrase about WEU completing its purpose is therefore not only unwise but irresponsible as well. However, given the area of competence of the European Council, it is unthinkable that it would have wanted to take a decision on the issue of how the relevant bodies should henceforth apply the provisions of the modified Brussels Treaty, or on the future of the Treaty. The authority of the European Council, whose *raison d'être* is to be found exclusively in the Treaty on European Union, was confined to taking decisions only on the missions that Treaty assigns to WEU in its relations with the European Union.

Under Article 17 of the Treaty, WEU's purpose is to.

- provide the European Union with access to an operational capability, and
- support the Union in framing the defence aspects of the Common Foreign and Security Policy.

20. In contrast, Article 17.3 puts the European Union under an obligation to avail itself of WEU to elaborate and implement decisions of the Union which have defence implications. The phrase stating that "WEU as an organisation would have completed its purpose" can therefore apply only to working relations between the EU and WEU as described in Article 17. To put an end to WEU's purpose would require an amendment to the Amsterdam Treaty. However, the negotiations between the Fifteen are bound to be extremely difficult when it comes to making all the arrangements necessary for the European Union to be capable of taking action in the field of crisis management without the assistance of WEU. While France has sent its partners an action plan proposing the creation without delay of new bodies in the EU, and other member countries are preparing their contributions for the implementation of the Cologne decisions, noises are once again coming from NATO warning Europeans about the danger of creating structures parallel to those of NATO. In view of this situation one may wonder what pushed the heads of state and government of the Fifteen into including in a public declaration a hypothetical phrase about the completion of WEU's purpose, especially when it is usual practice in politics for most governments not to reply, and rightly so, to hypothetical questions.

21. In any event the phrase in question is giving rise to all sorts of misunderstanding not only in public opinion but also in political circles. But even more seriously, it is causing great damage to the cause of European security instead of helping to strengthen it, whereas this should be the ambition of all the interested parties.

22. Should the Assembly accept the new direction taken by the European Council? Those who consider that Europe no longer needs to concern itself with collective defence are growing in number. If that view were justified, on the basis of an assessment ruling out any likelihood in

practice of a threat to the territorial integrity of member countries in the foreseeable future, it may well be acceptable to retain Article V, which would exist alongside the European Union, without being concerned about who might oversee its application. One school of thought is that it would be sufficient for the governments to honour their commitments as members of the Atlantic Alliance. But such an approach would have very far-reaching consequences for the objective of European construction, which would as a result remain unfinished in terms of defence and would continue to leave Europe dependent on the goodwill of the United States in this particular area. There are some who want such a situation to continue but your Rapporteur considers that the Assembly, as guardian of the modified Brussels Treaty, cannot advocate this as the proper course of action since it does not seem appropriate for strengthening European security, which was one of the main reasons for the creation of WEU.

23. The Assembly should therefore continue to support – as it did with its Plan for Action – a policy designed to maintain Europe's collective defence commitment as part of the objective of European construction, ensuring that it is fully complementary to the transatlantic commitment in the framework of the North Atlantic Treaty – as stipulated in the Amsterdam Treaty. It would be unacceptable if a minority of new European Union members were able at the end of the day to make the majority pursue a course different to the one to which they subscribed by becoming members of the Union.

24. The European Union's objective in security and defence matters will have to be clarified before it enlarges further. It is already to be feared that countries seeking membership are receiving the wrong message about what awaits them in this area as a result of the Cologne Declaration.

25. For as long as the project for achieving a common defence in the European Union remains in abeyance, WEU will continue to be vitally important and its Council should continue to take full responsibility for the application of Article V and the other provisions of the modified Brussels Treaty which are in force. To that end it is essential for WEU, as an organisation, to continue its work.

26. As regards achieving the European Council's ambitions of providing the European Union with a capacity for action to lead crisis-management tasks as defined in the Amsterdam Treaty, it should be remembered that the run-up to the Cologne Summit saw a number of different approaches as to the most appropriate way of attaining this objective.

27. Some countries – notably the United Kingdom – took the view that the main problem was how to strengthen military capabilities and that institutional issues should not be the top priority. In the Cologne texts the word “capability” appears no less than 19 times (!) in the English version but it is interesting to note that it is used in different contexts. There are references to military, operational or, more generally, defence capabilities as well as to a capacity for action, which implies improving the decision-making process in times of crisis.

28. The Cologne documents, a substantial part of which are devoted to the latter problem, propose as a solution setting up certain bodies within the European Union to ensure the political control and strategic direction of EU-led Petersberg operations so that the Union can at the same time decide on and conduct such operations effectively.

29. In order to generate this capacity for action, the European Council envisages *inter alia*:

- regular (or *ad hoc*) meetings of the General Affairs Council, as appropriate including Defence Ministers;
- a permanent body in Brussels (Political and Security Committee) consisting of representatives with politico-military expertise;
- an EU Military Committee consisting of military representatives making recommendations to the Political and Security Committee;
- an EU Military Staff including a Situation Centre;
- other resources such as a Satellite Centre, Institute for Security Studies.

The Cologne Declaration does not mention the problem of democratic scrutiny but acknowledges that “further institutional questions may need to be addressed”.

30. In choosing this approach for improving the EU's decision-making capacity, the European Council has reopened the question of institutional reforms which, as experience has long shown, are particularly difficult to achieve. A closer look at these proposals makes it clear that the European Union is planning to create bodies that already exist in a similar form in WEU.

31. But before studying the Cologne Declaration in more detail, there is a fundamental point to be clarified with the WEU Council: the European Council tasked the EU General Affairs Council to prepare the institutional decisions that are to be taken by the end of the year 2000. Going on information the Assembly has received from the WEU Presidency and Secretary-General, the view in WEU is that the Assembly is not involved in the institutional debate even though it directly concerns its future. According to the same sources, the only task remaining for WEU is for it to concern itself with enhancing the legacy it will one day wish to transfer to the European Union.

32. Your Rapporteur is convinced that there is nothing in the Cologne Declaration to prevent WEU, and in particular its Assembly, from submitting appropriate proposals to the European Union for achieving the ambitions the Union has set in an area which, after all, is the responsibility of WEU. On the contrary, there is all the more justification for thinking that all WEU bodies should take part in the general debate that is only beginning now that the basic decisions have been taken by the European Council. WEU, as an integral part of the development of the EU, is responsible for implementing the obligations stemming from the modified Brussels Treaty and cannot be left on the sidelines. This being so, the Assembly cannot urge the Council too strongly to cast off the passive attitude which it has a tendency to adopt and which, moreover, conflicts with its stated intention to pursue its informal reflection on the future of security and defence Europe. What is the point of such reflection if it does not lead to concrete proposals?

33. If it is the Council's concern, and one that is wholly shared by the Assembly, to transfer to the European Union a defence culture that is lacking in the institutions at 15, it must do a great deal more than enhance WEU's legacy. The Fifteen will never acquire that culture in those

institutions if they are left to make the necessary preparations on their own for taking on tasks in an area in which they still have little experience.

34. Regarding the measures to be taken so that the European Union can assume its new responsibilities, agreement will first have to be reached on the correct interpretation to be given to the proposals made by the EU Presidency. As for the arrangements to be made for providing the sources necessary for military decision-making, it would appear that as far as the instruments are concerned in areas such as situation analysis, intelligence and strategic planning, the EU Presidency chose wording that will make it possible to transfer the relevant WEU bodies to the European Union. This could apply to the Military Committee, Military Staff, Situation Centre, Satellite Centre and/or Institute for Security Studies even though the Cologne document does not specifically mention "WEU" in this context.

35. If the Cologne proposals were interpreted in that way, it would be tantamount to an incorporation of those bodies into the European Union. They would then be in perfect harmony with both the Amsterdam Treaty and the Assembly's Plan for Action which among other things suggests that the way forward is to "build a defence instrument in the European Union by drawing on what already exists". The problem that will arise following such a transfer is how to involve the representatives of the associate member and associate partner countries in view of the fact that they currently participate in the work of the various WEU bodies.

36. Things are more complicated when it comes to the political decision-making bodies in the EU. There is a link between the proposal to hold meetings of a General Affairs Council also dealing with security issues and the creation of new structures intended to replace those currently existing in WEU, namely the Council of Ministers and the Permanent Council. But in Recommendation 642 and the Plan for Action it adopted on 16 March this year, the Assembly proposed pursuing the course mapped out in the Amsterdam Treaty and making preparations for the gradual integration of all WEU's functions into the European Union – the first step being to place WEU under the authority of the European Council.

37. The procedures the Assembly proposed would have made it possible for the WEU Council to be directly answerable to the European Council and would have avoided the need to create new decision-making bodies within the EU. The Assembly's approach also fits in with the rationale of giving Mr Solana a dual remit as High Representative for the CFSP and Secretary-General of WEU, which is now the most likely scenario.

38. The question is whether the way forward proposed in Cologne is really the last word on the matter or whether Cologne was merely the prelude to an institutional debate that has only just begun. In view of the proposals France has submitted on this matter, it would appear that the debate is wide open and no solution has been ruled out yet. It is therefore important to take on board the fact that, in spite of the Cologne Declaration, some member governments have not given up the idea of integrating WEU into the European Union, as envisaged in the Amsterdam Treaty<sup>5</sup>.

39. Nevertheless, the action plan President Chirac sent the EU member states in late July does appear to go in the direction discussed in Cologne and even goes further in that France is proposing to its partners that the Political and Security Committee (COPS) and the Military Committee should be set up in parallel to Mr Solana taking office as Secretary-General of the EU Council and High Representative for the CFSP. France's proposal is that Mr Solana should chair the COPS, which would take on the role currently assigned to the Political Committee for which provision is made in Article 25 of the Amsterdam Treaty.

40. The French action plan also proposes that the COPS would be made up of Permanent Representatives holding the rank of ambassador but *who would not be the Permanent Representatives to the North Atlantic Council*. France is therefore not in favour of EU/NATO "double-

<sup>5</sup> See for instance the address the German Chancellor, Gerhard Schröder, gave to the German foreign affairs association in Berlin on 2 September 1999. In an address on 22 October in Paris to the Institut des Hautes Etudes de Défense Nationale, the French Prime Minister, Mr Jospin, spoke in favour of integrating WEU in the European Union *and* transferring its functions to the EU.

hatting" in the COPS, as is currently the case for some members of the WEU Permanent Council vis-à-vis NATO. In contrast the French proposal does not exclude double-hatting for members of the Military Committee. Pending the establishment of a military staff, for which the Cologne Summit also made provision, France suggests that for a transitional period the COPS should draw on the resources of the WEU Military Staff.

41. The COPS would also be responsible for managing all matters concerning the CFSP including those with defence implications. Under the Council's authority it would also ensure the political control and strategic direction of EU-led operations. But to begin with its main task would be to propose solutions for:

- the inclusion of WEU functions in the European Union;
- the involvement and participation of WEU associate members and associate partners in the European Union's new missions;
- relations between the European Union and NATO.

42. Despite the reservations of countries such as Italy and the Netherlands about achieving Europe's ambition of having a crisis-management capability that is wholly autonomous vis-à-vis the United States and NATO, it would seem that a broad consensus is emerging about the need to set up a high-level Permanent Committee invested with authority for the political control and strategic direction of Petersberg missions.

43. Most member states consider that the Treaty on European Union will have to be revised to give such a committee the necessary powers. They are in broad agreement that it should have competence for all matters under the CFSP, which primarily covers non-military aspects, and that a single institutional framework should be maintained for any action.

44. In this connection it is important to note that the WEU Council (since Bremen) and the European Council (since Cologne) are looking to establish a common European security and defence policy (ESDP) which they have yet to differentiate clearly from the CFSP as defined in the Amsterdam Treaty. However, it can be inferred from the context in which this new term is being

used, that the ESDP will encompass the whole range of Petersberg missions while not being confined to them. However it is defined, the ESDP covers activities which the European Union can at present undertake only by having recourse to WEU and for which in future it will have to take sole responsibility.

45. According to proposals submitted by France and endorsed by Germany in the form of a joint letter of 13 October 1999 from Mr Chirac and Mr Schröder to the Finnish Presidency of the European Union, Mr Solana – the new Secretary-General of the EU Council and High Representative for the CFSP – should chair the Political and Security Committee (COPS) that is to be set up. However, this suggestion was not approved by the Fifteen at their informal summit in Tampere on 15-16 October, since it would mean a departure from the principle of rotating committee chairmanship by which the smaller member states set great store. They fear that if they agreed to the new arrangement, they would have even less influence than they do at present.

46. Given that creation of the COPS would require a revision of the Treaties and that a time-frame would have to be set for completing the necessary ratification process, the majority of member states appear to favour an interim solution compatible with the existing texts, which the heads of state and government could agree at their next summit meeting on 10-11 December 1999 in Helsinki. The main task of an interim committee in Brussels should be to make arrangements for implementing the decisions taken by the Cologne European Council.

47. It would appear that differences have come to light about certain details regarding matters such as the COPS' relations with COREPER and the European Commission, double-hatting and so on. Where there is unlikely to be unanimous agreement among the Fifteen is on the French proposal to create an EU body which would be roughly equivalent to the permanent North Atlantic Council and directly answerable to the EU Council.

48. Another problem to be settled concerns the participation of defence ministers in future work of the General Affairs Council on the CFSP, to which the ESDP would add a further dimension. Some countries consider that the model used in

WEU, with foreign affairs and defence ministers holding joint meetings, has not proved a success and they would therefore prefer to see ministers holding separate meetings according to their portfolios, as is customary in NATO.

49. Then there is a need to work out arrangements for setting up an EU military committee, which Sweden would prefer to call a "Petersberg Committee", and integrating a military staff in the EU Council General Secretariat. A study of the most appropriate interim solutions is also necessary. Some countries are in favour of adopting the WEU model without going so far as envisaging a wholesale transfer of its various bodies to the European Union.

50. As the Fifteen have stated their determination that the objectives set in Cologne should at all costs be achieved in the single framework of the CFSP, the EU member states have embarked on a fairly complex institutional debate which is unlikely to produce results quickly. But the interim arrangements will also give rise to considerable problems as it will be particularly difficult to find appropriate and acceptable solutions for WEU's associate members to participate in any future crisis-management action the European Union takes. On this point your Rapporteur fully shares the position the WEU Secretary-General expressed on 19 October 1999 in his address to the Assembly's special session in Luxembourg when he said: "I believe it would be simplistic to think that this only entails avoiding potential obstacles to good relations with NATO, where these countries have an equal say to other Europeans. No – something quite different is at stake. The European Union has to demonstrate that it is ready to cooperate with other players in its endeavours to develop European security". It will be remembered that two possibilities are open to the EU:

- it can either carry out operations with the support of the Atlantic Alliance, using the latter's assets, or
- it can carry out operations on its own.

51. The first possibility is closely linked to the decision taken by the Atlantic Alliance at the Washington Summit in April this year on the establishment of direct relations between NATO and the European Union. It was there that the Alliance declared for the first time that it was

ready to "define and adopt the necessary arrangements for ready access by the European Union to the collective assets and capabilities of the Alliance, for operations in which the Alliance as a whole is not engaged militarily ...".

52. The origin of the arrangements that were finally agreed in Washington goes back to Berlin in 1996 when the Alliance took the decision to allow WEU to have recourse to Alliance assets for operations under the political control and strategic direction of the WEU Council. It was in Washington that an agreement was finalised between WEU and NATO on a framework document for making Alliance assets available to WEU.

53. As things stand, this arrangement enables WEU associate members to be fully involved from the outset in a WEU-led crisis-management operation using Alliance assets. In other words, for as long as WEU is responsible for conducting such an operation, all the associate members take part in it on what is virtually an equal footing with full members. The countries concerned are Iceland, Norway, Turkey, the Czech Republic, Hungary and Poland.

54. However, this might no longer be the case once the Alliance starts dealing with the European Union:

(a) the WEU associate members fear that their effective "operational" status will be weakened: as they are not members of the EU, they will no longer be able, as they are in WEU, to be involved from the beginning in European decisions; this could lead to a future arrangement with the Alliance in which the EU would have recourse to NATO assets and capabilities which also belong to the non-EU members of the Alliance;

(b) where WEU requests such recourse to NATO assets, those non-EU members of the Alliance will be involved from the beginning in the decision to make such a request and will therefore have no reason to block it in the Alliance. However, following Washington and Cologne, it would seem that their participation in the initial decision is no longer assured, since it will become a CFSP decision to be taken within the European Union;

(c) if, in a specific crisis, the associate members disagree with the EU having recourse to Alliance – hence also their – assets, the only place in which they will be able to state their objections will be within the Alliance itself, where it will be much more difficult and politically delicate to take a lone decision or break with a consensus than is currently the case within WEU;

(d) the pill is made even harder to swallow by the fact that those EU members which are not members of the Alliance, and whose observer status within WEU for crisis-management operations is considerably less favourable than that of the associate members, will now be able to participate fully and on an equal footing in all “European” decisions which could lead to an EU request to use Alliance assets.

55. The Cologne decisions will therefore result in a considerable shift of balance between the current WEU associate members and observers in favour of the latter in terms of the weight they bring to bear in the decision-making process. However, it should not be forgotten that the Washington Communiqué attaches the utmost importance to ensuring “the fullest possible involvement of non-EU European allies in EU-led crisis-response operations, building on existing consultation arrangements within the WEU”.

56. Furthermore, the Washington Communiqué tasked the Council in Permanent Session to “address these measures on an ongoing basis, taking into account the evolution of relevant arrangements in the EU”. This shows that the Alliance did not write a blank cheque. Indeed the NAC was to “make recommendations to the next ministerial meeting for its consideration”. Thus, the last word on the matter has by no means been said. It remains to be seen whether the European Union will have to adjust to NATO’s rules and whether NATO will henceforth have to adapt to developments in the EU.

57. The European Council’s Cologne Declaration envisages that all EU member states, regardless of whether or not they are members of NATO, will be able to participate fully and on an equal footing in EU operations. In respect of non-EU allies and partners, the Declaration says ar-

rangements will be put in place to allow them to take part in crisis-management operations to the fullest possible extent. Thus the Declaration draws no distinction at all between WEU’s current associate members and its associate partners, whereas in WEU’s ministerial organs a clear distinction is made between them, particularly with regard to operations or missions.

58. It is therefore understandable that the terms of the Cologne Declaration, which put WEU associate member and associate partner countries on a virtually equal footing, should have been viewed with distrust by the associate members. Such distrust pervaded the atmosphere during work in the Alliance and WEU on “Berlin plus”.

59. However, it has to be said that the German Presidency’s report, which is part of the Cologne Declaration, considerably qualifies the language used in the Declaration itself. Indeed, that report states that “the successful creation of a European policy on security and defence will require (...) satisfactory arrangements for European NATO members who are not EU member states to ensure their fullest possible involvement in EU-led operations, building on existing consultation arrangements within WEU”.

60. The terms used in Washington: “fullest possible involvement” and Cologne: “take part to the fullest possible extent” do not mean exactly the same thing. The countries concerned are therefore wary and prepared to seize every opportunity to ensure that the institutional decisions to be taken eventually by the Union are as much in line as possible with the language used in Washington, everything it implied and the expectations it has given rise to, or even confirmed. This problem is a major part of what is commonly called WEU’s *acquis*.

61. In this connection it is worth referring back to the concerns expressed in Mr Baumel’s report on “WEU after the Washington and Cologne Summits” in which the Rapporteur said that neither the Washington nor the Cologne formula contained a guarantee to the effect that the countries in question would preserve all the rights of participation they currently enjoy in the WEU Council, its subsidiary bodies and the Assembly. It is therefore up to the Council and the Assembly to make strong representations to the Euro-

pean Union to ensure that this important WEU *acquis* is preserved

62. This problem also concerns the second possibility the EU has for operations that could be carried out under its responsibility, namely those it could now undertake on its own without having recourse to Alliance assets. Until now the associate members have been party to arrangements governing their participation in operations undertaken independently by WEU.

63. On this point it is worth referring back to the Declaration of the WEU Council of Ministers of 22 July 1997, which is an integral part of the Amsterdam Treaty since it is attached to the Final Act adopted by the Intergovernmental Conference of the fifteen EU member states in Amsterdam on 2 October 1997. According to that Declaration, and with reference to operations carried out autonomously or using NATO assets and capabilities, "associate members take part on the same basis as full members in operations to which they contribute, as well as in relevant exercises and planning". Furthermore, the Declaration says that WEU will also "examine ... the possibilities for maximum participation in its activities by associate members ... in accordance with their status".

64. However, it can generally be said that the new formula proposed by the European Council will result in a substantial enhancement of the powers and rights of WEU observer countries compared to those of the associate members. But it would be odd if that were to lead to a situation in which countries refusing to subscribe to collective defence were rewarded while those committed to it or prepared to enter into such a commitment were penalised. That is why it is absolutely essential to find a solution that treats the latter category of countries fairly. According to unofficial information, discussions on the future treatment of associate members are already under way. It would appear that some members are seeking to improve those countries' *acquis* within WEU prior to the transfer of the Organisation's functions to the European Union, whereas others would prefer to see them reduced. Some people even think that the associate members should henceforth be content with a status in the EU similar to that currently held by the observer countries in WEU.

65 In this connection it is appropriate to re-

call, as Mr Guido Lenzi did when speaking at a conference in Stockholm on 29 September 1999 as the then Director of the Institute for Security Studies, that:

"As far back as 1994, the then foreign ministers of Italy and the United Kingdom, Mr Andreatta and Mr Hurd, referred to the need to invite non-EU countries to contribute to emerging "second pillar" activities well before they could meet the much more stringent "first pillar" criteria. With the entry into force of the provisions of the Amsterdam Treaty, the issue has become even more relevant".

66. It should also be remembered that the Assembly produced a number of reports and recommendations on this subject<sup>6</sup>. But it now looks highly unlikely that the EU member states are prepared to take the WEU model for participation by the associate members and transpose it as such to the European Union. In any event they are not going to agree to those countries being involved in the CFSP on a general basis. Neither is there any reason to think they will agree to them taking part in meetings of the General Affairs Council or the COPS in the same way as they currently attend meetings of the WEU Council of Ministers and Permanent Council.

67. In view of the fact that the EU member states are determined to continue to work within the configuration of the Fifteen, all that can be hoped for at the present stage is that the associate member countries will be allowed to participate, possibly on an *ad hoc* basis, in meetings of the COPS as soon as the EU starts making preparations to take a decision on carrying out a Petersberg mission in the framework of the ESDP. Problems will also arise when it comes to working out the practical arrangements for staff from such countries to take part in the European Military Staff.

68. It is also reported that the possibility is being studied of establishing relations between the European Union and the countries concerned along the lines of Schengen, by creating joint committees which could meet on an *ad hoc* basis as soon as a specific crisis arose. However, given

<sup>6</sup> See Recommendation 626 on "security in a wider Europe – reply to the annual report of the Council", adopted on 18 May 1998.



that such a system would concern bilateral relations only, it would constitute a step backwards compared to the rights the associate members have acquired in WEU. Turkey in particular is said to have made it quite clear to the European Union that it wishes to maintain the status it enjoys in WEU.

69. The problem of the future role of WEU's associate partners when the European Union takes responsibility for the whole question of managing crises merits special attention. The Assembly will be looking into this matter in a report to be submitted on behalf of the Political Committee by Mr Martínez Casañ and Mr Hancock. For the time being your Rapporteur will confine himself to pointing out that the EU Presidency report adopted by the Cologne European Council does no more than offer the seven countries concerned a study of ways to enable them to participate in EU action, without even taking as a basis the arrangements currently made for them in WEU. Moreover, the EU governments do not appear to want to give any priority to solving this particular problem.

70. One idea being floated is that an arrangement similar to the Partnership for Peace might suffice but there again it would only concern bilateral relations with the countries concerned and this would clearly amount to a watering down of the rights the associate partners enjoy in WEU. It can be seen from all that has been said that, notwithstanding the majority view according to which institutional matters are easier to settle than the problem of how to strengthen European military capabilities, the institutional path mapped out by the European Council has so many implications that one may well ask whether the underlying objective of improving the decision-making procedure in Europe, could not be achieved by taking a less complicated approach.

71. There is no doubt that one of the intentions of those who drafted the Cologne Declaration was to simplify the process of building Europe by reducing the number of organisations. A typical example of this approach can be seen in the comments made by Mr Scharping, the German Minister for Defence, at the press conference given at the close of the WEU Ministerial Council meeting in Bremen on 10-11 May 1999, when he said there were "too many institutions and too little action". It was clear that the institution the

Minister had in mind was WEU as being one organisation too many. Such statements always go down well with public opinion, which fails to recognise that security and defence decisions are not taken by the institutions as such but rather by the member governments. In fact the institutions are a reflection of the progress Europeans have made so far in cooperation in various areas. Besides which, it is not WEU as an organisation which is preventing the member governments from taking the necessary decisions.

72. On this point your Rapporteur agrees with Mr Barnier, the European Commissioner responsible for reform of the institutions, who has expressed the view that one should "beware of those who argue in favour of a simple Europe, because that would mean a uniform Europe. A certain degree of complexity has to be both accepted and advocated"<sup>7</sup>.

73. In the case of WEU, it has succeeded in bringing together 28 European countries through very close cooperation on security and defence matters, and 16 of them – ten full members and six associate members – are already wholly committed to collective defence, whether this be in WEU and NATO, or solely in NATO. Seven central and eastern European countries which are currently associate partners in WEU are prepared to take part unreservedly in all aspects of Europe's security and defence system. But because of the restrictions the member countries themselves laid down in WEU's enlargement policy (even though they were under no obligation to do so under the modified Brussels Treaty), they let slip the opportunity to give Europe a security and defence dimension within the framework of WEU without waiting for completion of the extremely lengthy and complex process of EU and/or NATO enlargement.

74. The position in the European Union, however, is different. Because of its membership, the Union – which includes five countries that still have fundamental reservations about an EU security and defence dimension – continues to experience great difficulty in implementing a Common Foreign and Security Policy (CFSP). There are three reasons why Europe has so far been incapable of taking action:

<sup>7</sup> *Le Monde*, 14 October 1999.

- the first is that the EU member governments do not want WEU to act without a prior decision by the EU in the context of the CFSP;
- the second is that the European Union is not capable of taking the appropriate decisions; and
- the third is that each time a crisis begins to emerge, it would seem that the majority of governments prefer to act through the intermediary of NATO, which alone up till now has proved that it has a proper decision-making capability and the means to take effective action. If Mr Scharping's comments are justified, it would be logical to leave all security and defence problems, including crisis management, exclusively to NATO although this is not the objective being pursued by the Fifteen.

75. The British Government's change of attitude in favour of a policy designed to make the European Union capable of taking action in the field of crisis management does not alter its fundamental reservations about any prospect of a common defence or "European army". In fact its effect is to bring the United Kingdom's position closer to that of the non-allied countries in the EU even though their arguments are very different.

76. This situation has therefore led to a new policy in the EU, which is trying to find a solution in the rapid dismemberment of WEU and its functions. But such an approach may well not only weaken the basis of collective security but also create new dividing lines across Europe.

### *III. The conditions to be met for giving proper effect to the Cologne project*

77. If the Cologne documents are taken as a starting point, they can be built on to develop a programme that will achieve the objective being sought. One of the main consequences of the European Council's project, which is the logical sequel to the decisions taken by the Atlantic Alliance in Washington, is that WEU will cease to be an important bridge between the European Union and NATO and that those two organisations will establish direct working relations. This means they will need to work out and implement spe-

cific arrangements, particularly for situations in which the EU wishes to conduct operations using NATO assets and capabilities, where the practical arrangements still have to be decided.

78. But what is important is the need to ensure that fruitful political cooperation in a general sense develops between the EU and NATO, whose cultures and working methods are very different. With this in mind the Atlantic Alliance chose the following wording in Washington: "... NATO and the EU should ensure the development of effective mutual consultation, cooperation and transparency, building on the mechanisms existing between NATO and the WEU". On the European Union side, however, it is not the Cologne Declaration proper but the Presidency report attached to it which stresses "the need to ensure the development of effective mutual consultation, cooperation and transparency between NATO and the EU".

79. Although it is true that the wording used by the German Presidency is virtually identical to that contained in the Washington Communiqué, it does not mention NATO's desire to build on the arrangements that already exist between it and WEU in the context of its relations with the EU. It is of course too early to delve further into the details, which will have to be negotiated between NATO and the European Union. Because EU members include non-allied countries, special arrangements will have to be made for them to have access to confidential documents and to participate on an equal footing in military planning.

80. Some analysts think that the EU wished to avoid being obliged to put its relations with the Atlantic Alliance on the same technical level as those which currently exist between WEU and NATO: "But what the European Union wants is to operate on a political level where the military factors are only one component in decision-making alongside political and economic aspects"<sup>8</sup>.

81. If this assessment is correct, it is important to grasp the significance, for transatlantic relations in general and relations between the European Union and the United States in particular,

<sup>8</sup> See Jacques Walch: "Defence Europe after Washington and Cologne" in *Défense nationale*, 25 June 1999.

of the far greater repercussions that will result from the EU taking over WEU functions. When it comes to international trade, the European Union and the United States are competitors rather than partners. As we saw recently, certain conflicts in trading interests seriously damaged relations between them. Up till now, security and defence matters have not been affected by transatlantic tussles over trade because they have been the exclusive prerogative of NATO and WEU.

82. But even if one looks at security and defence policy alone, leaving other considerations aside, there are some who think that transferring WEU's functions to the European Union will put such pressure on a European security policy to work successfully that it could become an urgent priority and European structures could grow in stature compared with transatlantic structures. The US desire to influence the European decision-making process could also grow in response to American fears about the formation of a European "caucus". Handling transatlantic relations in the absence of the bridge provided by WEU would therefore require a great deal of diplomacy<sup>9</sup>.

83. One of the important questions the European Union will have to settle with NATO is how the EU intends to acquire the capacity for autonomous action in the ways described in paragraph 2 of the Cologne Declaration, and how this will fit in with the efforts the Atlantic Alliance is to make in view of the fact that the governments of the 19 NATO member countries recently adopted a vast programme of new missions for NATO in the field of crisis management, which some of them consider should be the main tasks of the "new" NATO<sup>10</sup>. So that it can take on these responsibilities, which supplement those of collective defence, the Washington Summit adopted a defence capabilities initiative containing a whole series of measures the member countries are to take in the NATO framework. Nothing comparable can be done on the

European side until WEU completes the second phase of the audit of assets and capabilities available for European-led operations, which could lead to agreement being reached on the measures needed to strengthen them.

84. If Europeans are not prepared to make an effort in their own military budgets, the likely outcome is that the intentions announced in Cologne will go no further than that. It is for this reason that the United Kingdom and Italy agreed, at a bilateral summit held on 19-20 July this year, to propose to their European partners the launch of a European defence capabilities initiative.

85. Referring to the objectives set by the Cologne European Council, the United Kingdom and Italy therefore propose to set criteria for improved and strengthened European defence capabilities and effective performance, to be discussed and agreed at the Luxembourg WEU ministerial meeting and the Helsinki European Council before the end of the year. This approach will include a timetable to achieve, *inter alia*, the following:

- "European-wide goals for enhanced military capabilities to undertake crisis management, including peacemaking;
- national capability objectives to achieve this European aim".

Although it would appear that the idea of defining "convergence criteria", a concept that was applied in the creation of the single currency, has not been discussed in detail among the Fifteen, it is an essential requirement for giving more credibility to the European Union's stated intentions.

86. Continuing and effective political impetus in the field of armaments is another such requirement. The Cologne Declaration recognises the need for closer industrial cooperation, the harmonisation of military requirements, and the planning and procurement of arms by the member states, but does not say who should be given responsibility for providing the impetus. In this connection the problem of the future place and role of WEAG and the question of its membership is taking on increasing relevance. These issues are dealt with in detail in the report on "Armaments cooperation in the future construction of defence in Europe", to be submitted by

<sup>9</sup> See also Matthias Dembinski: "The strain on security policy relations between European and transatlantic structures" in *HSFK Report*, 4/1999.

<sup>10</sup> See the address given by the German Chancellor, Gerhard Schröder, to the German foreign affairs association in Berlin on 2 September 1999.

Mr O'Hara on behalf of the Technological and Aerospace Committee.

87. From the political angle, your Rapporteur would stress the importance of Mr O'Hara's report and considers it important to highlight the following points:

- the decision taken by the WEAG defence ministers in November 1997 to open the Group's activities to any interested WEU observer and associate partner countries;
- the agreement of principle whereby the observers and new associate members are accorded the status of full member in WEAG;
- the need for a forum with a political dimension that would be under the direction of the relevant defence ministers and open to all European countries involved in the development of the European Security and Defence Identity (ESDI).

88. In this respect, it is particularly important to ensure that it is the political forum in question, operating in an intergovernmental framework, which takes decisions concerning military requirements and the planning and procurement of arms, and also issues invitations to tender to the defence industry. In its current form WEAG is perfect for carrying out this task, while the European Commission plays an important role in strengthening industrial cooperation.

89. Any plan to transfer responsibility for armaments cooperation to the European Union must take on board the following criteria:

- decisions concerning military requirements must be taken under the EU's intergovernmental pillar;
- care must be taken to ensure that WEAG full members can continue to enjoy all their current rights in the event of such a transfer to a new institutional structure.

90. Given that WEAO is a subsidiary body of the WEU Council within the meaning of Article VIII.2 of the modified Brussels Treaty, its future place and remit are part of the more general problem of deciding what is to become of the

existing treaties and institutions if the governments continue to follow the path mapped out in the Cologne Declaration. Under the Amsterdam Treaty, which only recently entered into force, it seems clear that the signatory states can create new bodies without being obliged to amend the Treaty.

91. But the Treaty has to be amended if:

- (a) the EU intends to change the decision-making procedure that currently applies under the CFSP (including the ESDP);
- (b) the EU wishes to give the COPS powers of decision;
- (c) the EU henceforth wishes to take action in the field of Petersberg missions without having recourse to WEU, and to decide on military aspects itself;
- (d) the EU wishes to extend to the field of security and defence the possibilities for closer cooperation for which Article 43 makes provision;
- (e) the EU is thinking in terms of adapting the current system of democratic scrutiny to the new situation.

It also has to be borne in mind that, in its present form, the Amsterdam Treaty does not contain any provision governing relations with NATO that can be likened to Article IV of the modified Brussels Treaty.

92. As far as the future of the modified Brussels Treaty is concerned, the only thing on which the EU member governments agreed was that the commitments entered into under Article V will be preserved for the member states party to the Treaty. Although no decision was taken on the future of the Treaty as a whole, it appears from the information your Rapporteur was able to obtain from various sources during the visits he made in preparation for the present report, that there is unlikely to be any denunciation or revision of the Treaty. While the discussion is continuing on the possibility of transferring certain parts of the modified Brussels Treaty, such as Article IV and even Article V, to the Treaty on European Union, the most likely outcome – in view of the very different positions of the member countries – is that the Treaty will remain in force in its present form. In this connection it is important to take note of paragraph 1 of the

Council's reply to Recommendation 644 on "WEU after the Washington and Cologne Summits" in which it says it is "of the opinion that the modified Brussels Treaty continues to form a valuable part of the European security architecture, and that the obligations arising therein should continue to constitute an element in the development of European security and defence".

93. If one accepts this wording, which is nevertheless very vague and cautious, it could be argued from a legal point of view that the continued existence of the Treaty would also mean the continuation of the WEU Council and Assembly and their activities. However, the Cologne approach tends to strengthen the views of those who are convinced that once the institutional arrangements envisaged in the European Union are in place, the modified Brussels Treaty could continue to exist on paper but no organisation will be required to oversee its application.

94. It is important to know how the signatory states now intend to fulfil their obligations under paragraphs 1 to 4 of Article VIII of the modified Brussels Treaty, on the basis of which the WEU Council was created. If the Council continued to exist solely on paper without any specific activities, there would be no point in convening the Assembly to oversee them. It is certainly conceivable that certain subsidiary bodies of the Council, one such being WEAO, will continue their activities outside the EU framework, but it is difficult to imagine the WEU Assembly confining itself to scrutinising a few residual activities and monitoring the application of an Article V that existed only on paper. What sort of annual report could a Council which no longer had any activities make to the Assembly in that sort of situation?

95. Again on the assumption that the modified Brussels Treaty will be preserved, it would be perfectly feasible for the Council to decide to transfer the exercise of the competence (but not the competence itself) it has for crisis management as conferred upon it under Article VIII to the appropriate institutions that will henceforth come under the ESDP (it will be remembered that the Council transferred the exercise of its competence for social and cultural affairs to the Council of Europe in 1960, and for economic affairs to the European Community in 1970).

96. In such a case the Council would be obliged to include in its annual report all the EU's activities under the CFSP in so far as they formed part of the Council's area of competence in pursuance of Article VIII of the modified Brussels Treaty. In this way the WEU Assembly would have a possibility, albeit an indirect one, of overseeing CFSP activities. It is true that such a solution would not be ideal and a way of involving the Assembly more directly in CFSP activities will have to be sought. However, it would be one way of ensuring that a transfer of WEU's functions to the European Union did not lead to the Assembly being totally excluded from the new CFSP activities.

97. But there is another aspect that cannot be overlooked if the modified Brussels Treaty – and with it Article VIII – remain in force. The wording of that article is extremely flexible and gives the High Contracting Parties every latitude to decide how and in what institutional framework they wish to organise the WEU Council as long as it is "so organised as to be able to exercise its functions continuously". There is therefore every reason to think that the governments will decide to go ahead with the transfer of certain functions of WEU to the European Union, with the possibility of members of the new Political and Security Committee and members of the WEU Permanent Council wearing two hats. The COPS, in WEU configuration, and the new General Affairs Council, in the same configuration, could thus be given responsibility for implementing the provisions of Article VIII of the modified Brussels Treaty.

98. Such an arrangement would tie in neatly with the rationale of appointing Mr Solana, Secretary-General of the EU Council and High Representative for the CFSP, to the post of WEU Secretary-General. However, there is no certainty that all the governments will wish to fall in with that rationale in the present situation.

99. Indeed, in his address to the June session of the Assembly, Mr Verheugen suggested that a number of governments, including the German Government, were in favour of an arrangement whereby, since WEU's functions would be taken over by the European Union under the CFSP, they would be subject to scrutiny by the European Parliament alone by virtue of the Amsterdam Treaty provisions governing the Parlia-

ment's powers in the field of the CFSP. Under those provisions, the European Parliament's powers in that area are more limited than the prerogatives currently exercised by the WEU Assembly vis-à-vis the Council on the basis of Article IX of the modified Brussels Treaty. While it is true that the European Parliament has prerogatives concerning budgetary control over the EU's activities, they apply above all in the Community sphere although this could nonetheless give the Parliament some influence over operations conducted in the intergovernmental sphere where these were funded out of the Community budget. But that is not sufficient to claim (as Mr Verheugen did in his address to the Assembly) that the European Parliament would have more rights in the field of the CFSP than the Assembly in its relations with the WEU Council.

100. In view of the fact that some governments are opposed to increasing the European Parliament's powers in the field of the CFSP, abolishing the WEU Assembly would clearly undermine democratic scrutiny of security and defence matters, which is unacceptable. Moreover, when it comes to monitoring European activities in what is a strictly intergovernmental sphere, a transfer of the Assembly's areas of competence to the European Parliament would constitute an infringement of the fundamental principle of democracy through representation, according to which scrutiny of European activities based on sovereign decisions of the member states should be exercised by a parliamentary body made up of members of the parliaments of the states in question, as is the case in the Assembly of WEU. It is therefore essential, in working to achieve the objectives set in Cologne, to arrive at an equitable arrangement for the parliamentary dimension of Europe's future security and defence system.

101. The special session the Assembly held on 18-19 October 1999 in Luxembourg and the adoption of Order 108 on "the parliamentary dimension of European security and defence: the challenge for Europe after Cologne" provided an opportunity to give these problems a public focus and draw them to the attention of policy-makers before the decision-making process on which the governments have embarked moves too far ahead.

102. It is true that at the present time the European Parliament cannot exercise any democratic control as such over activities under the CFSP,

any more than the WEU Assembly can control those of the WEU Council. While both assemblies exist only to be informed and consulted and to formulate proposals, there are nonetheless important differences between them:

- the WEU Council is obliged to make an annual report on its activities to the Assembly whereas no such obligation exists in the European Union;
- the European Parliament has no competence in the field of defence. As it sits exclusively at 15, it would be difficult for it to exert any influence where the EU decides to carry out a Petersberg mission using the assets of the Atlantic Alliance and/or where non-EU members of NATO take part in such a mission;
- the WEU Assembly is a forum in which, as a result of the intergovernmental nature of defence policy, 28 European countries debate security and defence issues;
- the Assembly's members are elected parliamentarians in their own countries where they are able to exercise parliamentary control over military decisions.

103. But it is also true that the European Parliament will not be content with the limited role the Treaty on European Union assigns to it in the field of the CFSP and will certainly propose amendments to the Treaty during the Intergovernmental Conference, with a view to securing wider powers. The questionnaire it sent to Mr Solana prior to his hearing on 25 October 1999 in Strasbourg before its Committee on Foreign Affairs, Human Rights and the Common Security and Defence Policy, gives some indication as to the Parliament's intentions. The last question read as follows:

"Once the WEU's tasks have been taken over by the EU, will it not be necessary to have democratic control over this policy by securing a clear role for the European Parliament in monitoring the development which will affect it?"

104. At its special session in Luxembourg, in which a delegation from the European Parliament took part, the Assembly set itself the objective of

looking into appropriate arrangements for cooperation with the European Parliament on the basis of the complementarity of their respective areas of competence. The EP representatives welcomed this approach but it is not yet known what the Parliament's reaction will be. In any event, the idea of collective participation by national parliaments, along the lines of the COSAC, for the purpose of exercising scrutiny over the European security and defence policy would not seem to be a satisfactory solution.

105. The action the Assembly decides to take will depend on how the European Parliament sees its own role in this area. If it considers it should have an exclusive prerogative as regards security and defence matters, then steps will have to be taken to ensure that the Intergovernmental Conference takes account of the parliamentary dimension in its discussions in such a way as to accommodate the national parliaments' collective interest in monitoring government activities in the sphere of security and defence. To that end, provision would have to be made in the Treaty on European Union for the creation of a chamber made up of national parliamentarians.

106. In order for the Cologne project as a whole to be successful, it is important to note that the first step consists in achieving the following main objectives:

- (a) strengthening European military capabilities;
- (b) giving Europe a decision-making capacity enabling it to act quickly enough when a crisis erupts.

107. The solution to the problem of how to strengthen military capabilities does not depend on the settlement of institutional issues and can therefore be dealt with in the frameworks created for this purpose. In this respect the Cologne Declaration and the British-Italian Joint Declaration could be very useful for giving the process a political impetus. It is not necessary to amend the treaties to make Europe "operational" and autonomous in this area but what does need to be done is to ensure there is a common political will. The lessons drawn from the Kosovo conflict probably do a great deal more to generate that will than any speech advocating grand designs, or any organisational project.

108. Improving the decision-making process is a more complicated matter. In point of fact, it is not the number of organisations that prevents the governments from taking the necessary decisions to handle a crisis. The real problem will not be solved by transferring WEU's decision-making responsibility to the CFSP. It will be no easier to take decisions under the CFSP than it is in WEU, given that both apply the principle of unanimity, requiring the agreement of all participants.

109. In the absence of any real leadership, such as exists in the Atlantic Alliance where the United States plays a dominant role, the European Union will find that when it wishes to take action under the CFSP, it will have the same difficulty in obtaining the necessary consensus as WEU does at present. In view of the fact that there are more full members in the EU (15 as against 10 in WEU), those difficulties could be even greater. On the other hand, it must also be borne in mind that after WEU disappears, the pressure from public opinion on EU bodies to prove they can act credibly could strengthen the member states' political resolve to meet that expectation.

110. But to be put under pressure to succeed is no guarantee of success. Additional measures will be needed to increase the chances of that happening. The most difficult challenge is to reopen the debate on the introduction of rules on qualified majority voting in a decision-making process. Germany is one of the most ardent supporters of such a change. So far no initiative in this area has stood the slightest chance of being adopted. But even though this is a particularly sensitive matter, it has to be realised that the more members there are in the European institutions, the more urgent it will become to find a solution to the problem of the voting method. Any change to the method that is incorporated in the Treaty on European Union could easily be applied in WEU since Article VIII of the modified Brussels Treaty already makes provision for voting procedures, other than that of unanimity, as may have been or may be agreed.

111. In this connection it should also be noted that even in the field of defence, Article VIII.4 of the modified Brussels Treaty makes provision for a number of rules on qualified majority voting where decisions are to be taken in application of the Protocols annexed to the Treaty. These range

from a vote by a simple majority to one by a two-thirds majority. In the European Union the possibility of constructive abstention already exists but does not apply in the case of matters having military or defence implications.

112. In contrast, the principle of constructive abstention has already been applied *de facto* in action taken by WEU during the first and second Gulf wars, as a result of the flexibility of Article VIII.3 of the modified Brussels Treaty. However, the voting problem is not the only one that has to be resolved. There is also the problem of the very different working methods that have developed in WEU and the EU. If an organisation is to act rapidly and effectively in the face of a crisis that threatens the security of its member states, it must be extremely flexible. But all the EU institutions work on a very formal legal basis and seek to solve problems by drawing up outline programmes and procedures together with directives containing legal provisions and wording.

113. This highly formal legal approach in the EU institutions can be seen in the highly complex procedure that has been followed in the rare cases to date where the European Union has availed itself of WEU to request it to elaborate and implement an EU decision having military implications. The most striking example is the complexity of the *modus operandi* and the flow-chart for cooperation between WEU and the European Union in the event of a crisis, which are annexed to the arrangements concluded between WEU and the EU to improve cooperation between the two organisations. A study of those documents sometimes gives the impression that they were drawn up with a clear intention to show that cooperation will never be feasible.

114. All this goes to show that the working methods in WEU and the European Union are profoundly different. In this respect, WEU has an important responsibility to ensure that it transfers to the relevant EU bodies a method of work that will enable them to react to a given crisis with the necessary flexibility and speed.

115. Finally, account must be taken of the difficulties that can be anticipated when it comes to amending the Amsterdam Treaty at the forthcoming Intergovernmental Conference, where security and defence matters are not the main subject on the agenda. In order to keep the necessary amendments down to a minimum, it would be

highly expedient to seek solutions that allow the objectives to be achieved while making as few changes as possible to the treaties. The transitional period, during which interim solutions may be applied, is an important opportunity for the Assembly to float ideas and submit appropriate proposals for the IGC discussions.

#### *IV. The task facing WEU and its Assembly*

116. A particular feature of WEU as an organisation is that it includes all those European countries prepared to commit themselves without reservation to the task of building security and defence Europe, which is already becoming a reality that transcends the framework of the European Union as it is today. But the joint policy of WEU and the EU since the Maastricht Treaty has been to bring the two organisations closer together so that WEU becomes an integral part of the development of the European Union and in its own specific area a forerunner, as it were, of tomorrow's European Union.

117. Nevertheless, the fact that WEU has been separate from the European Union until now has had its advantages in that:

- it has been possible for WEU to be used as an essential element of the development of the European Security and Defence Identity (ESDI) within the Alliance;
- it has made WEU – at least for an interim period – an important “alternative” or “staging post” for all those European countries whose accession to the EU and/or NATO still poses major problems, by giving them the possibility of playing a full part in its work on security and defence matters;
- it has enabled EU countries pursuing a policy of non-alignment to draw closer to NATO; and
- in doing so, it has created the right conditions for building defence Europe with the full participation of all the interested countries, regardless of the fact that they have to meet all the requisite conditions before qualifying for admission to the EU's first, second and third pillars.



118. Following the Cologne decisions to develop a common European security and defence policy (ESDP) in the *single* framework of the European Union, not including collective defence for the time being, the countries entitled to play a full part in this project are automatically reduced to the 15 EU member states.

119. As only the 15 EU member states have a right of decision in the field of the CFSP, WEU still has an important task ahead of it in order to ensure that the ESDP develops in harmony with the ESDI in the Alliance, in which a number of non-EU countries are involved. Given the European Union's determination to preserve a single institutional framework in all its areas of activity, it would be difficult for it to replace WEU as an essential element of the ESDI. If WEU as an organisation were to disappear, NATO would take on sole responsibility for the ESDI as conceived at present. Establishing direct relations between the EU and NATO would not change this situation.

120. As regards WEU's other missions, described in paragraph 118, the decision taken in Cologne to draw a clear distinction between the common European Security and Defence Policy (ESDP) and collective defence, in other words to carve up WEU's various functions, will probably compromise once and for all any chance there was of achieving defence Europe at 28 more rapidly than an enlarged European Union. From now on, the pace will be dictated by considerations that have nothing to do with security and defence proper.

121. WEU as an "alternative" solution and a "staging post" will become far less attractive to countries, such as Turkey, which will not be able to join the EU for a long time to come. Moreover, this new state of affairs has removed all justification for the enlargement policy WEU has been following until now, according to which a country had to be a member of both the EU and NATO in order to accede to the modified Brussels Treaty.

122. If the European Union refuses to become a military alliance and sees itself first and foremost as a power for peace, there is now nothing to prevent WEU inviting all the European countries of the Atlantic Alliance (as WEU associate members) to accede to the modified Brussels Treaty and hence to subscribe to Article V.

123. Such a policy would considerably strengthen the ESDI and allow defence Europe to bring more influence to bear in the Alliance.

124. WEU still has an important task to complete in its configuration at 28 since it would appear that the enlargement of NATO on the one hand and the European Union on the other are not going to proceed at the same pace or in the same direction. Whereas NATO could open up to south-eastern Europe, it looks as though the Baltic states have a real chance of joining the European Union. Given this situation, the WEU Council should conduct a study of the role the various components of the modified Brussels Treaty and WEU, as an organisation, can still play in Europe's current security architecture by identifying, among other things, any aspects that cannot be covered by either the European Union or NATO.

125. Such a contribution is essential for the authorities considering how to implement the decisions taken in the Cologne Declaration to have a better grasp of the impact of those decisions and, where appropriate, to seek other solutions

126. As well as assisting the European Union in that way, the WEU Council should immediately draw up an inventory of the tasks that will continue to be its responsibility under the Treaty once responsibility for Petersberg tasks has been fully transferred to bodies in the EU. This will entail working out the practical implications of the Council's reply to Recommendation 644, which confirms that the modified Brussels Treaty continues to form a valuable part of the European security architecture and that the obligations arising therein should continue to constitute an element in the development of European security and defence.

127. In general terms, the member governments of WEU should therefore consider the Treaty not merely as a relic of the past that continues to exist simply because agreement cannot be reached on putting an end to it, but as an instrument that may prove useful for settling problems that cannot be settled elsewhere. In this respect the provision contained in Article XI on the conditions for enlargement could take on a new dimension in relation to the problems that will arise regarding the associate members' and associate partners' involvement in the Cologne process.

128. As far as armaments cooperation is concerned, it is to be noted that the WEAG ministers are already working on arrangements for opening up this area to all those nations in the WEU family interested in participating.

129. In this respect, your Rapporteur wishes to stress that Recommendation 626 on "security in a wider Europe"<sup>11</sup> and Recommendation 639 on "the political and legal consequences of WEU's enlargement to take in non-signatory countries of the modified Brussels Treaty"<sup>12</sup> remain as relevant as ever. The need to build a solid legal basis for armaments cooperation, open to any interested nation belonging to the WEU family and given impetus by an effective political forum, has become even greater following the Washington and Cologne Summits and the entry into force of the Amsterdam Treaty.

130. In view of the number of countries interested in such cooperation – far more than the 15 EU member states – the legal basis which should be chosen for this purpose is the modified Brussels Treaty and the 11 May 1955 Agreement on the status of WEU. This would not only provide additional legal ammunition for the political momentum which should be generated by the relevant ministers, but would also ensure that, on the parliamentary side, the process is monitored and given a further fillip by the WEU Assembly.

131. This would not stand in the way of increased activity on the part of the appropriate EU authorities in those areas of armaments cooperation which affect Community aspects proper. WEU could even propose that the EU avail itself of the instruments of the Treaty on European Union to develop a common strategy for European capabilities that are to be used for crisis-management operations. Conversely, it has to be realised that any ideas about a wholesale transfer of all the dimensions of armaments cooperation to the second EU pillar, under the supervision of a Council of Defence Ministers, is bound to throw up the problem of the participation of countries that are not members of the European Union.

<sup>11</sup> Adopted by the Assembly on 18 May 1998, see Document 1602.

<sup>12</sup> Adopted by the Assembly on 2 December 1998, see Document 1625.

132. One particular problem that will arise concerns the future place of Europe's arms export policy, which is currently restricted in practice to the Fifteen. In the interests of consistency with cooperation on armaments, it is to be recommended that this problem be discussed in the wider framework of WEU and WEAG.

133. In the present post-Cologne interim situation, appropriate arrangements must be found to prevent any weakening in WEU's capacity to act as an operational instrument during the period of negotiations leading up to the new structures envisaged by the European Council. In that context, the WEU Secretary-General is to be applauded for his comments at the Luxembourg special session to the effect that: "It is clear that WEU still has an important part to play, and it would be dangerous to empty of their substance the structures currently in existence at WEU, prematurely, before effective permanent structures have been set up within the European Union".

134. This note of warning is most apt at a time when the conflict in East Timor and the latest war in Chechnya have served as a reminder to Europe that Kosovo will not be the last crisis and that it must be prepared to tackle other emergencies. At the same time, American representatives have again warned Europe that the United States is becoming increasingly frustrated about having to bear the major share of the burden of ensuring transatlantic security.

135. Whereas cooperation between WEU and NATO with a view to making the necessary arrangements for European operations under the political control and strategic direction of WEU and using NATO assets appears to be fairly well advanced, work on cooperation between WEU and the European Union in the event of a crisis is still proving extremely complicated and very slow. The first part of the 45th annual report of the Council to the Assembly on the activities of the Council provides some interesting information in this respect.

136. In the first place, the arrangements for enhanced cooperation between the EU and WEU, in pursuance of the Protocol to Article 17 of the Treaty on European Union, came into force at the same time as the Treaty itself. The flowchart on cooperation between the two organisations, annexed to the document setting out the arrange-

ments, is extremely complicated as it is, even without taking account of NATO's involvement in the process. To make things worse, the document appears to be serving as an arbitrator in some sort of competition between the European Union and WEU on the subject of the "emergence of a crisis situation and its evaluation".

137. For the first phase it states that: "In view of the broader scope of means of action available to the EU, it is likely that the more comprehensive assessment of the situation and, if needed, the *development* of a comprehensive approach for addressing the emerging crisis, will take place in the EU". But at the same time it also states that: "The WEU Council may also take the initiative to seize the Council of the EU of a crisis situation and to provide the EU with assessments and options for action as far as its own area of responsibility is concerned". In the second phase, the European Union becomes more closely involved in the matter, which it refers first to the Political Committee and COREPER, and possibly also the European Council, before the General Affairs Council is able to take a decision.

138. In this connection, the first part of the 45th annual report of the Council refers to a decision it took concerning the EU document on an initial list of types of situation in which the EU may avail itself of WEU and on the basis of which meetings are held between the relevant WEU and EU bodies, among other things for the purpose of strengthening cooperation between the WEU Military Staff and the European Union.

139. As the annual report does not provide any information on the content of the relevant discussions, it is impossible to say whether the current arrangements have any chance of being applied in the event of an unforeseeable crisis. The discussions that are under way with a view to the EU taking direct charge of all Petersberg operations merely complicate matters further.

140. In this transitional period it is once again necessary to make the point that, in view of the difficulties the European Union currently has in availing itself of WEU in a crisis and the time it will take before the EU is able to take action on its own, WEU must preserve all its operational capabilities that are based on the modified Brussels Treaty (Article VIII.3) and on the procedures it has established to enable its Council to take an appropriate decision in response to a crisis and to

permit its various bodies to implement that decision.

141. It is also clear from the annual report of the Council that the informal reflection on European security and defence is continuing and that it is not confined to an audit of existing capabilities. The Assembly can but urge the Council to take this reflection further and inform it of the conclusions to be drawn. It particularly welcomes the Council's statement in its report regarding "the need for WEU to be operationally effective, with the involvement and participation of all WEU nations in accordance with their status".

142. As far as the institutional changes to be made in the European Union are concerned, the WEU Council should, among other things, re-define its own future and the tasks incumbent upon it as a result of its obligations under Article VIII of the modified Brussels Treaty, particularly in respect of the missions assigned to the EU General Affairs Council and to the Political and Security Committee (COPS) which is to be created. In carrying out such an assessment, the Council should concentrate on the future application of Article VIII.1 which refers to matters concerning the execution of the Treaty. It would also be expedient for it to study its future composition, taking account of the provisions of paragraph 2 and the decision-making structures to be set up in the European Union. Particular thought will need to be given to the future application of paragraph 3, which will continue to be fully relevant in the event of a crisis.

143. The Council may decide to alter the voting procedure, as Article VIII.4 authorises it to do, taking into account changes that have been made in other European bodies or even in anticipation of such changes. Furthermore, it should study ways of ensuring the application in the future of Articles IV, V and, in particular, IX. It also needs to revise its current enlargement policy on the basis of Article XI. In this connection the Assembly fully shares the opinion the Council expresses in its reply to Recommendation 644, in which it states that "the modified Brussels Treaty continues to form a valuable part of the European security architecture and that the obligations arising therein should continue to constitute an element in the development of European security and defence".

144. When appointing Mr Solana as the new WEU Secretary-General, the Council should take all the steps necessary to enhance the Secretary-General's status – in the same way as was proposed in the Chirac-Schröder letter for the post Mr Solana holds in the European Union. Establishing close relations between the Assembly and the new Secretary-General will be beneficial for the Organisation as a whole.

145. As for the Assembly, it must first and foremost continue to fulfil all the tasks conferred upon it by Article IX of the Treaty. On this point the Council's statement in its reply to Recommendation 644 to the effect that it is "conscious of the importance of the parliamentary dimension to the debate on European security and defence" is to be welcomed. For as long as the Treaty exists, the Assembly must above all else continue to remind the Council of all its contractual obligations and must urge it to keep up all the activities resulting from them. In addition, the Assembly should continue to involve its associate members and associate partners more closely in its work, not to mention the delegations of the observer countries who should take advantage of the fact that their status has been considerably enhanced in the framework of the Council's activities.

146. For the time being, the Assembly's existence is not being called into question but the future impact of its work will depend on the role to be assigned to the Council in the new institutional arrangements. That is why the time has come to formulate open-ended options pointing the governments in the right direction for building the democratic dimension of security and defence Europe. It is therefore important not to rule out any arrangement for changing the Assembly's composition and the way in which its members are appointed, as long as they continue to come from the parliaments of the member countries

147. The Assembly intends to take its considerations on the future of the parliamentary dimension further, on the basis of the general way forward it has already described in Order 108, adopted at the special session in Luxembourg.

148. Its considerations must of necessity include the European Parliament, with which it will need to increase its contacts. It should also study the possibility of cooperation with the Parliament

on the basis of the principles of complementarity and reciprocity. In view of the complexity and importance of this matter, it would be highly desirable for the WEU Assembly and the European Parliament to reach agreement on joint proposals during the first half of 2000. The Assembly's preliminary contacts with the new European Parliament, the participation of an EP delegation in its special session and the presence of an Assembly delegation at Mr Solana's hearing before the EP Committee on Foreign Affairs, Human Rights and the Common Security and Defence Policy are all to be seen as encouraging signs.

### *V. Conclusions*

149. The Washington, Bremen and Cologne decisions show that Europeans have reached a crossroads and have to choose between a number of options. One of these, which is currently popular with the heads of state and government of the Fifteen, is to achieve a European security and defence capability in the single framework of the European Union, leaving aside collective defence for the time being. The advantage of this option is that it strengthens the EU's unity of action, albeit at the risk of sidelining all those non-EU countries already involved in one way or another in the project of defence Europe, and some of which even participate in collective defence proper.


150. Its disadvantage, however, is that it requires new institutional arrangements and amendments to the Treaties, matters on which it will not be easy to reach agreement. The desire to maintain the European Union's single framework, within which some member states still refuse to discuss anything to do with military matters, can only lead to unsatisfactory compromises and will leave the business of European construction unfinished.

151. But there is another option: a composite Europe able to act in a crisis and also capable of defending itself with the assistance of any countries prepared to be involved. Such a Europe is built around the WEU family and is ready to merge with the Europe of the Fifteen provided a merger is not orchestrated in a hurry, does not create yet another bureaucracy, does not abandon anyone along the way, and on condition that the structure it produces is fully complementary to the Atlantic Alliance.

152. The Intergovernmental Conference that is to open next year has a difficult agenda. It is Europe's major shortcomings in the area of military capabilities that are paralysing any action it might take in a crisis, so the first thing that needs to be done is to look at the measures needed to make good those shortcomings. Institutional matters and the desire to act in a single framework should not become the priority. The main problem concerns Europe's political will to have a capability enabling it to respond to a crisis. The WEU Council of Ministers which is to meet in Luxembourg on 23 November 1999, and the EU summit meeting to be held in Helsinki on 10-11 December, are important milestones that will provide an opportunity to give that political will a fresh impetus.

153. In the meantime, it is essential for WEU to continue its work to become a fully operational instrument available to Europe's decision-makers. Until all the EU member states are ready to participate without reservation in all aspects of the security and defence dimension and for as long as the European Union is not prepared for all the European non-EU members of the Atlantic Alliance to play a full part in the project mapped out in Cologne, it would be a serious mistake to try to rush things by adopting uniform and strict legal formulas for security and defence in the framework of a revision of the Treaty on European Union. While military action must, of course, rest on a solid legal basis, what it requires above all else is a very wide measure of political flexibility – and that even extends to the structures where decisions are made.

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IMPRIMERIE  ALENÇONNAISE  
Rue Édouard-Belin : 3<sup>e</sup> trimestre 1999  
N° d'ordre : 44219

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PRINTED IN FRANCE