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WEU and European defence: beyond Amsterdam

REPORT

submitted on behalf of the Political Committee
by Mr de Puig, President of the Assembly and Rapporteur

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¹ Adopted in Committee by 15 votes to 0 with 1 abstention.

² *Members of the Committee:* Mr Baumel (Chairman); MM Urbain, *Blaauw* (Vice-Chairmen); MM de Assis, Bianchi (Alternate: Mrs *Squarcialupi*), MM *Behrendt*, Brancati, Sir *Sydney Chapman*, MM Cusimano (Alternate: *Gnaga*), Mr Dias, Mrs Dumont, Mrs Durrieu, MM Ehrmann, *Evangelisti*, Eyskens (Alternate: *De Decker*), MM Haack, Hornhues, Lord Kirkhill, MM *Liapis*, Lemoine, Van der Maelen, *Marshall*, *Martínez*, *Martínez Casañ*, Lord Ponsonby, MM *Puche Rodríguez*, Recoder (Alternate: *de Puig*), MM Rippinger, Roseta, Schmitz, Skoularikis (Alternate: *Micheloyiannis*), MM Sterzing, Timmermans, Verhagen, *Volcic*, Wray, N ...
Associate members: Mr *Kosmo*.

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

Draft Recommendation

on WEU and European defence: beyond Amsterdam

The Assembly,

- (i) Welcoming the resumption of debate, following the initiatives by France and the United Kingdom that led to the Saint Malo process, on how a security and defence Europe might be achieved;
- (ii) Welcoming the Rome Declaration of the WEU Ministerial Council meeting held under the Italian Presidency and the conclusions of the European Council summit in Vienna held under the Austrian Presidency;
- (iii) Welcoming also both Italy's initiative in organising the first WEU/EU Forum in Rome to examine ways in which the two organisations can cooperate more closely and the Council's decision to initiate informal reflection in WEU on the question of Europe's security and defence;
- (iv) Convinced that it is necessary to seize the opportunity offered by the various initiatives that are under way in order to make qualitative progress in that direction;
- (v) Stressing that European nations must show they are resolved to assume greater defence responsibilities and reduce their dependence on the United States;
- (vi) Convinced that Europe can take on greater responsibilities in the interests of the Euro-Atlantic community as a whole only if the ESDI is developed outside as well as inside NATO;
- (vii) Reaffirming its conviction that the European Union must be the fulcrum of an effective dimension in the field of European security and defence – such a dimension now having been largely achieved in the economic sphere and currently in the making in that of the CFSP;
- (viii) Considering, nonetheless, that to create a defence dimension within the European Union demands a fundamental change in policy thinking on the part of some member states as to the nature and purpose of that Union;
- (ix) Taking note of the point of view according to which European Union decisions on security and defence must be taken on an intergovernmental basis, while stressing from the outset that this cannot be done without making the appropriate arrangements for parliamentary democratic scrutiny;
- (x) Pointing out that any direct assumption of security and defence responsibilities by the European Union must not on any account be achieved by watering down European security or calling the European defence project into question, and must therefore respect WEU's achievements and the agreements that WEU has concluded with NATO and the European Union;
- (xi) Noting that a transfer of powers of decision from WEU to the European Union could have the advantage of reducing the number of decision-making procedures required within the European institutions and thus make a positive contribution towards facilitating the emergence of a consensus and a common political resolve;
- (xii) Supporting in consequence any proposal designed to give the European Union an autonomous capability for decision-making and action, provided that such proposal ensures that:
 - (a) all European commitments to collective defence and close cooperation with NATO are preserved;
 - (b) defence ministers are involved in the decision-making process, as is currently the position in WEU;
 - (c) the rights the WEU associate member and associate partner countries have acquired to participate in the Organisation and its Assembly are preserved in full;

- (d) a policy on defence expenditure is worked out that is commensurate with the role Europe intends to assume as an independent and responsible player on the world stage;
- (e) a common industrial armaments policy is developed on the basis of WEAG, WEAO and OCCAR achievements;
- (f) there continues to be democratic scrutiny at European level, through a parliamentary assembly formed of delegations from the national parliaments of the countries concerned, such as is currently exercised by the WEU Assembly;
- (xiii) Stressing that if Europe is to have the desired ability to take decisions, provision for independent situation analysis, intelligence and planning capabilities is a necessity and does not constitute needless duplication of NATO assets;
- (xiv) Recalling that any decision on the part of the European Council with a view to achieving a common defence in the framework of the European Union implies amendment of the existing Treaties and must therefore – even if it can be taken without first convening an intergovernmental conference – be submitted to member parliaments for ratification, requiring careful preparation, in close consultation with the relevant parliamentary authorities;
- (xv) Convinced therefore that, initially, it is possible and preferable to achieve the objectives set by the various initiatives and in particular those referred to at Saint Malo, by reference to the existing Treaties and in particular by making greater use of the modified Brussels Treaty in the service of the European Union;
- (xvi) Persuaded nevertheless that it is for WEU to develop a strategy for achieving a security and defence Europe and envisage short-, medium- and long-term measures to be put to the European Council;
- (xvii) Convinced therefore that a concerted effort must now be made to identify areas where the existing Treaties require revision with a view to improving cooperation and encouraging greater convergence between WEU and the European Union and thus preparing for the integration of the two organisations and their Treaties;
- (xviii) Recalling in consequence the proposals contained in Recommendation 614 on Maastricht II, with particular regard to the plan for gradually integrating WEU into the European Union on the basis of the document submitted to the European Union, on 21 March 1997, by six of its member states;
- (xix) Stressing in that context that, in a democratic Europe, the prerogatives of governments should be confined to the executive sphere and that all matters pertaining to arrangements for democratic scrutiny can be worked out and decided only with the full involvement and agreement of the relevant parliamentary authorities,

RECOMMENDS THAT THE COUNCIL

1. Support the Saint Malo process by encouraging the European governments to complete their work so that the results can be presented at the ministerial meeting in Bremen and included in the European Council discussions in Cologne;
2. Contribute, in the context of short-term measures, to efforts to improve and strengthen Europe's autonomous decision-making capability by putting at the CFSP's disposal all the means the modified Brussels Treaty makes available, together with all WEU's achievements, and encouraging the CFSP to make full use thereof;
3. Accordingly assign the responsibility for action in the field of crisis management to the European Union, providing it with the necessary means in an effective and credible way, and to that end draw up the appropriate agreements on any legal and institutional adjustments;

4. Lay down the foundations, as of now, of a process designed to provide the European Union with a real, operational military capability and decision-making powers in the areas covered by WEU's remit;
5. Take steps to ensure that the European Union will maintain an intrinsically European operational capability, equal at least to that on which WEU can draw at present, without prejudice to the use of NATO assets or other means, and as a result, rule out any plan to incorporate WEU's military functions in NATO;
6. Make sure that the effect of any transfer of powers of decision or action to the institutional framework of the European Union does not preserve solely the military side of crisis management while letting collective defence fall by the wayside;
7. Accordingly develop a medium-term programme, for gradually bringing about the integration of all the areas covered by WEU's remit into the intergovernmental framework of the European Union:
 - either in the form of a fourth pillar;
 - or under the CFSP, as and when all the participant nations are ready for it, and as the CFSP matures;
8. Prepare a long-term plan for gradually achieving a true common defence under the aegis of the European Union, and propose to the European Council:
 - (a) that the necessary steps are taken, in that process, to secure the safeguard of all that can today be counted as EU, NATO and WEU achievements in this area;
 - (b) that the coordination, liaison and cooperation machinery presently used by NATO and WEU continue to be used between NATO and the new European institutional framework;
 - (c) that the mutual assistance clause enshrined in Article V of the modified Brussels Treaty become an integral part of the revised Treaty on European Union and not merely an option contained in a separate protocol;
 - (d) that it negotiate an agreement with WEU over those aspects of the modified Brussels Treaty, other than the mutual assistance clause and the NATO cooperation clause (Article IV), that are to be included in any revised Treaty on European Union; and
 - (e) that when WEU's powers are transferred to the European Union, the latter guarantee that the WEU associate member and partner countries will continue to enjoy the rights of participation they currently have in WEU;
9. Guarantee that until such time as any final decision is reached on the arrangements for the democratic scrutiny of European defence activities, the WEU Assembly can continue to carry out that function;
10. Support all initiatives by the Assembly to convene a parliamentary conference with a view to drafting proposals on arrangements for the democratic scrutiny of security and defence Europe.

Explanatory Memorandum

(submitted by Mr de Puig, President of the Assembly and Rapporteur)

I. Introduction

1. The debate on the creation of a Defence Europe has been reopened, before the Amsterdam Treaty has even taken effect, and at the heart of that debate, once again, lies the future of WEU. The French President, Mr Chirac, was the first to advocate, in a speech delivered at the end of August 1998, that WEU's future should be decided after NATO's Washington Summit, possibly at a WEU summit held back-to-back with a European Council meeting. He proposed at that juncture that, when the time was ripe, a Council of European Defence Ministers should be set up. WEU's future role would be that of European Union Defence Agency and the Organisation would be gradually integrated into the institutions of the Union¹.

2. A short time after, the British Government launched an initiative that sought to ensure the European Union had a military capability to draw on. This represented a fundamental change as compared with the stance taken by its predecessor. The Blair Government's change of thinking on European defence was based on a confidential paper a senior UK Foreign Office official, Robert Cooper, was asked to draft in May 1998, with a view to assessing the potential future for Britain in Europe. According to press reports², a key recommendation was "using British military assets to develop a European capacity to act independently in the defence field. As defined by the Cabinet Office this means dropping WEU and building a European defence capacity within NATO". An article by Charles Grant, Director of the Centre for European Reform, published on 9 September 1998 and entitled "Can Britain lead in Europe?" provides an illustration of how such

¹ *Agence France Presse*, 26 August 1998. On 3 September 1998, the French Prime Minister, Mr Jospin, took up these suggestions in his address to the *Institut des hautes études de défense nationale*: "... holding a WEU/European Council back-to-back summit and the creation, when the time is ripe, of a European Council of Defence Ministers ... are proposals that should be thrashed out with our partners".

² *The Guardian*, 27 October 1998.

an initiative might be implemented. Here, the author puts forward the view that the situation "post-Amsterdam" offered Britain an opportunity to increase its influence in Europe, noting that:

"In the spring of 1998 Mr Blair began to talk of Britain taking a lead on European defence. He may have realised that, if the British could appear to be better Europeans in this area, they might win considerable credit with their partners and that, in the strange world of EU politics, it is possible to buy good will by making concessions that are more symbolic than substantial".

3. Grant feels in this connection that "what Britain needs to do is find ways of strengthening European defence without damaging NATO or upsetting the Americans". Given that context he suggests, *inter alia*, that: "Britain should propose abolishing WEU. Its political function would merge with the European Union, becoming a 'fourth pillar'. ... Its military functions would be subsumed into NATO. Article V of the WEU Treaty, obliging members to defend each other from attack, and enforceable only through NATO, would be transferred to the fourth pillar. ... European defence ministers should meet as an EU Council. They could instruct NATO's European forces to take part in EU military missions".

4. The author considers that "these reforms, by finally settling the question of Europe's defence identity, should convince everyone that NATO has a future as Europe's only functioning military organisation". Nevertheless, "some Americans do have reservations about this scheme, for it would inevitably lead to a European caucus within NATO". But, again according to Grant, "... top Pentagon officials believe that a European caucus within NATO is a price worth paying for a scheme which offers the prospect of a more coherent European CFSP, and of a stronger and longer-lasting NATO".

5. It was at an informal meeting of the European Council on 24 and 25 October 1998 at Pörtlach, Austria, that Mr Blair made his

statement on the United Kingdom's revised position. No official text was released of the contributions made by those present at the Pörtl-schach summit, but press reports reveal that it was the British Prime Minister who introduced the debate on security and defence policy.

6. It would appear that he used his address to explain to his colleagues that the Kosovo crisis had shown that the Fifteen should be able to deploy military capability at their borders, especially when the United States did not wish to become involved. He appears to have argued that three solutions were open to the Fifteen: developing a European Security and Defence Identity within NATO; merging WEU and the European Union and finding a way in which WEU, NATO and the European Union could work in conjunction with one another. In a press conference he gave on 25 October 1998, Mr Blair made the point that:

“We are at the very beginning of that debate, we need to get the institutional mechanism right, we need to make sure that that institutional mechanism in no way undermines NATO but rather is complementary to it”.

In a speech he gave in Edinburgh on 13 November 1998, Mr Blair explained the United Kingdom's new position as follows:

“NATO is above all a transatlantic alliance. US and Canadian commitment to Europe's defence has been at the heart of our security and prosperity for 50 years. We must work to keep them engaged in the future as in the past. Shoulder to shoulder.

But Europe has always been the weaker of the twin pillars of the Alliance, both in its ability to decide rapidly and its capability to put those decisions into action. Our US allies have often called for more equal burden-sharing. They have not always been keen to see a greater European identity of view.

As I have already told my European Union colleagues, Europe's foreign policy voice in the world is unacceptably muted and

ineffective, given our economic weight and strategic interests. In Kosovo, we once again showed ourselves hesitant and dis-united.

We must change this, by ensuring that the EU *can* speak with a single, authoritative voice on the key international issues of the day and *can* intervene effectively where necessary.

At Amsterdam, European leaders agreed on new political instruments – a so-called Mr CFSP and a new planning capability. They will certainly help.

But they will not be enough. Diplomacy works best when backed by the credible threat of force. The maxim applies to Europe too. Europe needs to develop the ability to act alone in circumstances where, for whatever reason, the US is not able or does not wish to participate. Why should US taxpayers and US troops always have to resolve problems on our doorstep?

This does not mean duplicating NATO, creating a European standing army, or moving away from intergovernmental decision-making. But it does mean two things:

- first, rapid and comprehensive implementation of the European identity in NATO agreed in Berlin at the beginning of 1996. We need a European decision-making capacity and command structure which can operate rapidly and effectively if necessary;
- second, proper decision-making structures in the EU, headed by European Council readiness to take strategic decisions on Europe-only operations.

Europe needs genuine military operational capability – not least forces able to react quickly and work together effectively – and genuine political will. Without these, we will always be talking about an empty shell.

But we also need to check the institutions are right. To decide how the EU, WEU and NATO can best mesh together. We have

no preconceptions. Rather we want a new debate. It would be good to see some emerging conclusions by the Washington Summit.

A stronger, more effective Europe in foreign policy and security will benefit our North Atlantic allies. It should strengthen NATO, and strengthen Europe. That is our aim."

II. Progress in the debate on European security following the British Prime Minister's initiative

7. The most clear-cut of the various reactions on the part of European nations to the British initiative has been that of President Chirac who, at the Pörschach summit, took up the suggestion he had made in August, recalling that if a decision were reached that Europeans should intervene, the defence ministers of the European Union would need to be able to meet under conditions yet to be specified. They needed the support of a specialist agency to draw up a plan of campaign. That task at present falls to WEU, which would gradually change and be integrated into the European Union institutions. Two routes might be envisaged for implementing any future intervention under the aegis of the European Union: recourse to NATO's European chain of command or a coalition of European states, as in the case of Albania³.

8. During the informal meeting of the defence ministers of the fifteen European Union member states held in Vienna on 3 and 4 November 1998, the United Kingdom Defence Minister again stressed NATO's importance and the need not to undermine it, and referred to four options, none of them, in his view, straightforward. They consisted of:

- a merger between WEU and the European Union;
- merging some parts of WEU with the EU and others with NATO;
- the creation of a more distinct European dimension within NATO;

- reorganising and breathing new life into WEU⁴.

9. The gathering momentum of the debate led the WEU Council of Ministers, meeting in Rome on 16 and 17 November 1998, to express the wish "that a process of informal reflection be initiated at WEU on the question of Europe's security and defence in the perspective of the entry into force of the Amsterdam Treaty and of the Washington Summit". The Ministers stressed on this occasion that such a reflection should serve the interests of all WEU nations.

10. At the Franco-German summit on 1 December 1998, the two countries agreed to mobilise for prevention and management of regional crises and, to that end, to seek out ways to allow the European Union access to the operational capabilities it lacked, either by providing it with European assets of its own or by making NATO assets available to it under the agreements reached at the Berlin Atlantic Council. They also agreed to give thought to what they regarded as the desirable process of integrating WEU into the European Union.

11. The debate took a new turn at the Franco-British summit held in Saint Malo, on 4 December 1998⁵, where the heads of state and of government on both sides agreed on certain basic principles as follows:

- the European Council must be in a position to take decisions concerning a common defence policy within the framework of the CFSP;
- those decisions must be taken on an intergovernmental basis;
- Europeans must operate within the institutional framework of the European Union where it would be necessary to schedule meetings of defence ministers;
- the European Union must have the capacity for autonomous action, backed up by suitable structures and credible military forces, without unnecessary duplication with NATO;

³ *Bulletin Quotidien Europe*, No. 7330, 26-27 October 1998.

⁴ *Atlantic News*, No. 3055, 5 November 1998.

⁵ See full text of the Saint Malo declaration attached as an appendix.

- Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty must be retained;
- the Union should be able to have recourse to NATO or other external military means;
- the differing situations of European countries, particularly in relation to NATO, must be respected.

12. American Government reaction can be gauged from an article which appeared in the *Financial Times* on 7 December last. In it, American Secretary of State Albright⁶ emphasised that any institutional change must remain in line with the principles of the Atlantic partnership. Three pitfalls, which she referred to as the three Ds, were in her view therefore to be avoided:

- *decoupling*: the European decision-making process should not be unhooked from broader Alliance decision-making;
- *duplication*: between NATO and the European Union, and
- *discrimination*: against NATO members that were not EU members.

13. However, more important still is the need to evaluate the impact of the new debate in Europe in the context of the preparations for the NATO Summit, where a decision is to be taken on the Atlantic Alliance's new political mission and Strategic Concept. In this connection, the European Allies have to contend with proposals put forward by Mrs Albright to the effect that the Alliance must build up NATO's preventive and protective capabilities against new threats – such as weapons of mass destruction, drugs and terrorism – even if such threats might emanate from regions outside the NATO area and are not normally part of the organisation's traditional area of responsibility. Here the United States has already run into opposition from some of its European allies, in particular France.

14. When the European Council met in Vienna on 12 December 1998, the heads of state and of government of the Fifteen took no deci-

sions of an institutional nature. However they welcomed "the new impetus given to the debate on a common European policy on security and defence" and more especially the Saint Malo declaration. The heads of state and of government considered "that in order for the European Union to be in a position to play its full role on the international stage the CFSP must be backed by credible operational capabilities". At the same time they underlined that the "reinforcement of European solidarity must take into account the various positions of European states, including the obligations of some member states within NATO". Lastly the European Council invited the new German Presidency to further the debate on the basis of discussions in WEU and the European Union and resolved to re-examine the issue of CFSP development at the Cologne Summit on 3 and 4 June 1999.

15. On 18 February 1999, the German Defence Minister, Mr Scharping, announced that the German Presidency would put forward a proposal, after the Washington NATO Summit in April, for integrating WEU in the European Union. While recognising the difficulties that had to be resolved to achieve this objective, the minister did not rule out the prospect of the European Council's reaching a decision in principle about integration at the European Summit to be held in Cologne. The necessary details could be sorted out between now and the end of the year 2000⁷.

III. Assessment of the possible consequences of the new situation

16. The Maastricht Treaty set out the decision by the Fifteen (subsequently restated in the Amsterdam Treaty) to frame a common defence policy, that might lead to a common defence, but did not stipulate a time-frame within which this might be achieved. Two very different fears prevented any firm decisions being taken in this area:

- that frequently expressed by the United Kingdom and shared to varying extents by many Union members, that too strong an affirmation of a

⁶ See also her interview with *Le Monde*, December 1998.

⁷ *Die Zeit*, and interview with *Le Figaro*, 18 February 1999

European defence policy would undermine NATO and the United States commitment to Europe:

- that raised by Finland and Sweden and to an extent also by Austria and Ireland, that it would constitute too abrupt a challenge to the policies of neutrality that they had followed for some 40 or 50 years under different regimes. Added to which, some smaller powers, Denmark in particular, feared being dragged by their larger European neighbours into military adventures in which they had no wish to get involved. It must be emphasised that all the WEU observers are willing to contribute to the debate on the development of a stronger CFSP, but they also make clear that the future activities in which they will be involved will only be those specified in the Amsterdam Treaty.

Despite the fact that their position on the matter presents discernible differences, they are united by the fact that the situation as it is today, on the eve of the entry into force of the Amsterdam Treaty, sits well with their foreign policies.

The centrality given by the Amsterdam Treaty to the so-called Petersberg tasks resulted from a Swedish-Finnish proposal, and the "opt-out" provision laid down in the treaty, granting wide room for manoeuvre, allows those countries greater flexibility with regard to their internal political situations.

Abrupt changes, such as the approval of a time-frame for bringing in a common defence policy, could, at this particular time, have domestic consequences for some of the observer countries in terms of political stability and public support. The decision taken on 12 January 1999 by a special Committee set up by Sweden to endorse that country's rejection of any form of military alliance should therefore be seen in this light.

17. These two sets of fears have obviously not evaporated and will undoubtedly surface when it comes to preparing the decisions the European Council is to take in 1999. British intervention in Iraq alongside the United States in December 1998, without the UK's partners being properly consulted, cannot but raise questions about whether Britain's priorities really have changed: at the same time the lack of a UN mandate for this undertaking has served to increase non-aligned suspicions about the initiatives larger powers are likely to take, within and outside NATO or WEU.

18. Moreover, Mrs Albright's references to US objectives in relation to NATO reform, on which a decision is due in spring 1999, necessarily raise the question as to the room they would leave for a European security policy, inasmuch that they aim on the one hand to extend the organisation's responsibilities into new areas – specifically the fight against terrorism, drugs and the proliferation of ABC weapons – and would additionally have the effect of removing the geographic boundaries assigned to mutual assistance by the signatories of the Washington Treaty; and lastly because they also allow for the possibility of military operations not legitimated by United Nations mandate.

19. Such considerations lead us to wonder whether the British, who clearly did consult with the Americans before presenting their proposals on European security, have anything more in mind than strengthening transatlantic ties further by turning Europe into an instrument in the service of an Alliance with wider powers, by ensuring in other words that any genuinely European defence and security organisation remained devoid of any aim or substance. It should be recalled that the information initially released on the British proposals boiled down to the demise of WEU and a shelling out of its responsibilities between NATO and the European Union, with NATO inheriting its military structures, in other words any assets that would allow Europe to undertake military action outside NATO, while its political responsibilities – wholly residual when not underpinned by any means of enforcement – fell to the European Union. If, in what followed, the British statement laid more emphasis on the European dimension of the United Kingdom's proposals, it remained extremely vague about their sub-

stance. At the Vienna European Council on 11 and 12 December 1998, it was stated that exchanges of views in this area would continue, but no reference was made to WEU's integration in the European Union.

20. The document released following the Franco-British talks in Saint Malo on 4 December 1998 is seemingly a declaration of intent in favour of organising European defence within the European Union. However, it is very imprecise about how responsibilities and assets would be shared between NATO and the European Union, as it states that such division would avoid unnecessary duplication. This is interpreted from the British stance as ruling out any duplication whatsoever, while the French take the view that anything that strengthens Europe's independent capabilities would be useful and should therefore be supported.

21. The Saint Malo project envisages the European Union acquiring defence capabilities and responsibilities, thus opening up the possibility of WEU being incorporated into a European Union intergovernmental pillar, the CFSP, in conjunction with the development of the ESDI within NATO.

22. However the Saint Malo declaration rules out any responsibility in this area for the European Commission and the European Parliament. (The British have moreover rejected any plan to set up a European army). Therefore at present it does not constitute a plan for the integration of the defence dimension in the European Union in any real sense.

23. The Saint Malo declaration states that Article V of the modified Brussels Treaty should be retained but does not make clear whether it should be incorporated into a new Treaty on European Union or whether it would be preferable to keep the modified Brussels Treaty. The declaration also refers to "credible" military forces but does not define the position of the two signatories as regards the forces they consider should come under direct European Union command and separable but not separate NATO forces. However it should be remembered that Saint Malo is not the outcome but the start of a consultation process between France and the United Kingdom that is still going on.

24. Moreover, information obtained from British sources would appear to suggest that the

United States protested to the British authorities about the excessive concessions the latter were said to have made to French views in that respect. The United Kingdom's handling of the Iraqi affair leads to the conclusion that the absolute priority Britain gives to NATO and the American Alliance remains unaltered and that UK intentions are primarily directed towards facilitating France's return to the fold of the NATO joint military commands in view of the opening created in this direction though the setting-up of a NATO force in FYROM to protect members of the OSCE Kosovo verification mission.

25. One might wonder whether France – although it has, it would appear, come round to the idea of taking its place once again in the NATO joint commands, a process begun back in 1996 – may not have reservations regarding that course of action. It was disappointed at not having obtained any concessions in response to its requests for a fairer distribution of military responsibilities in NATO between Europe and the United States, and also with the relative lack of support from its European allies in that connection. Furthermore one effect of France's system of political "cohabitation" seems to be that the French President and the French Government constantly vie with another as to who can adopt the most independent stance in relation to the United States. Not only is the introduction of the euro presented as a challenge to the dollar, but leading socialists, in particular Mr Jospin and Mr Richard, have repeatedly commented publicly, both in the context of Iraq and of the Atlantic Alliance, on the United States' overly dominant position in NATO and its excessively rigid interpretation, in theory and in practice, of its leadership role in the Alliance, notwithstanding its stated intention of achieving a better balance in transatlantic relations.

26. Mr Richard, on the assumption that reservations concerning the Iraqi operation brought France and its European partners closer together, was uncharacteristically open about French thinking regarding the international order, when he stated, in a panel discussion broadcast on radio and published in *Le Monde* on 6 January, that the aim was for that order to be based on "multi-polarity" – an idea floated on several occasions in December by French spokesmen with a role in foreign policy matters. The matter

was also raised by the German Foreign Minister, Mr Fischer, as the representative of the EU Chairmanship-in-Office of the Council, in his address to the European Parliament on 12 January 1999. Here he advocated that "in the multipolar world of the 21st century, the EU must be a player that was able to conduct its own independent policy".

27. Such an approach is diametrically opposed to the thinking of the American authorities, in particular the views voiced by President Clinton and above all by Mrs Albright, on the subjects of Iraq, the United Nations and NATO reform. It is becoming increasingly clear to American eyes that the international order must be organised around a single polar structure rooted in NATO, with a reduced role for the United Nations which is regarded as inefficient in underpinning the international order.

28. The two positions are more strongly and clearly delineated than they have ever been since the time of General de Gaulle and President Kennedy. The French are right in their perception that to affirm Europe in any way is to challenge the United States, but perhaps wrong in saying so, given the latter is a dominant power. That point of view is shared by the British, who judge it prudent to tone down and if possible avoid any challenges of this nature. Seen in this light, the euro, if successful, in other words if it leads to a shake-up of the international monetary system in terms of a "multipolar" understanding that allows Europe to come into its own, would notch up a substantial triumph for France's world vision. In the monetary sphere, the signs are that a European entity will swiftly emerge, forcing the United States to negotiate with Europe on an equal footing in the whole sphere of economic affairs. Such success will not however have any direct impact on defence.

29. Indeed, the French would be wrong to assume that foreign policy and defence can be handled in the same way. They are failing to take account of the fact that, although in economic terms European interests by and large tend to converge, there is no common European perception with regard to a foreign and defence policy and that France is, in the eyes of many of its European partners, every bit as suspect as, if not more so than the United States when it

comes to seeking to draw Europeans into undertakings of which they want no part. The French also fail to grasp that northern European countries feel little affinity for the Mediterranean concerns that are of major importance to their southern European brethren, and to the United States.

30. Moreover the Americans and the British are quite right to think that American power is such that Europe, even if united, could never conduct a foreign policy that was too far out of step with the United States. While the latter may encourage Europeans to invest more heavily in their own defence, it does so safe in the knowledge that America is so far ahead of Europe that it would take light-years for them to catch up and that European countries – including France – have no desire whatsoever in the present climate to jeopardise the very substantial efforts they are currently making, in particular to guarantee the euro's financial success, in order to increase their defence budgets. Western European nations (not counting Greece and Turkey) spend approximately 1.9% of GNP on defence, as against the US's 3.3%. Consequently, they are hardly inclined to risk their money on a European defence policy that runs counter to stout American resolve, although neither are they prepared, in view of ever-growing American dominance, to turn their backs completely on the prospect of such a policy, unless forced to by the United States.

31. Under such circumstances, it is hardly surprising that the British initiative is read differently from one European country to the next and one wonders whether the time is in fact ripe for a shake-up of the West's existing security and defence system. After the Vienna Summit it may prove difficult to remove the issue of European defence from the agenda for negotiations between EU members, but their completion before the NATO Summit decides what measures are to be taken in the NATO framework would appear to be ruled out. Only after those measures have been taken will Europeans know what room they have for manoeuvre. If it is unlikely to be very great and substantial changes may need to take place in certain countries' policies before a true European defence and security policy can be established, a great deal of progress in that direction cannot be expected for some time to come.

32. However, the British initiative is perhaps an opportunity not to be missed. Given that it seems to have attracted a measure of support among European countries, for whom it represents an opportunity to make qualitative progress towards the creation of a defence dimension in a unified Europe, there are plenty of reasons also for regarding the present as a unique opportunity for putting forward ideas offering a conceptual response to the questions raised both by the British initiative and that taken by the French and British at Saint Malo. It behoves us to take an equally constructive approach in considering what action can be taken by the WEU Assembly.

IV. Making the most of the opportunity to achieve qualitative progress in terms of European security and defence

33. It has been said time and again that a fully integrated Europe can never be achieved while security and defence have no part in it⁸. However, unless all the countries concerned are agreed on the objectives, purpose and implications involved, it will remain a dead letter. There is no escaping the fact that such agreement does not yet exist but rarely have such promising circumstances presented themselves as those that obtain today. This being so, it is nevertheless worth recalling a point the Assembly of WEU has already emphasised on many occasions, namely that any change in the *status quo* should be designed to strengthen, not weaken, European countries' security and Europe's defence.

34. In this connection, the fact that the governments concerned may feel duty bound to demonstrate progress to the public at large could represent a danger, inasmuch as haste and pressure may lead both to look to simplistic options offering no real solution to the underlying problems. Indeed, one such that could lead to developments capable of being presented as a collective triumph and progress for Europe is to eliminate WEU – whose contribution is poorly understood by the public at large in Europe – in favour, in principle at least, of the European

Union, which represents a far more successful embodiment of the aspirations of a large part of that public. Such apparent institutional simplification is a likely scenario. It should be remembered in this connection that the Assembly itself supported efforts to move gradually in the direction of a common defence within the European Union, thus making it possible for WEU progressively to integrate into the Union⁹.

35. However the Assembly has always emphasised the need first to resolve the basic problems that stand in the way of a common defence, or at any rate seem to. But the main difficulties are not institutional ones. The Rapporteur is persuaded that institutional issues will sort themselves out once all the interested parties are agreed on the prime objective. Failing such agreement, any solution that aimed to simplify would be a retrograde step and would undermine the European identity.

36. We should ask ourselves then just how far we want that identity to develop and in what framework it should find expression. Clearly, the organisation around which a true European identity can form is the European Union, and as far as the field of the economy is concerned, that identity already largely exists. The introduction of the single currency, if it proves successful, in other words if it gives rise to continued economic expansion at tolerable social and human cost to European society as a whole – which cannot be taken as read – should produce a convergence of interests among the countries involved to a point where it cannot help but precipitate the development of common policies in a number of areas and the reform of the European institutions that is required for them to be able to take on real political responsibilities, as well as acting as a magnet drawing European non-EU member states or those not in the euro zone in closer around the Union. Moreover, the process should make it possible to identify more clearly than in the past what Europe's specific interests, as opposed to the wider interests of the western world, in fact are. Free trade can be tolerated by European society only if it forms part of a wider social and political fabric that gives it the right and the means to run its own affairs democratically and to use its

⁸ See the presentation of the German Presidency's programme given by Germany's Permanent Representative to WEU to the Permanent Council, 12 January 1999.

⁹ See Recommendation 614, adopted on 4 June 1997.

economic clout where necessary to ensure its views and interests prevail, just as the Americans do on their account.

37. What then should be the substance of the European Security and Defence Identity? The following are essential points the Assembly should press for:

- Europeans should decide whether they want Europe to inhabit a mono-polar world, with the United States at its fulcrum and under US management, or whether, removed from United States domination, it is to become a player in a multi-polar universe. Only the second option can give free rein to full development of the European identity;
- the ESDI must encompass independent action by Europe in the field of crisis management, not merely European involvement in NATO-managed operations;
- the ESDI must maintain the obligation for Europeans to come to one another's assistance, supplementing the assistance clause contained in the Washington Treaty. The Saint Malo declaration is entirely satisfactory as far as the foregoing two points are concerned;
- the ESDI is being established within the Atlantic Alliance. This raises difficulties in terms of the involvement of non-NATO states which are WEU observer countries. The objective of ensuring Europe has its own independent capability to take decisions and to act and of bringing the construction of Europe to fruition through gradual implementation of the defence project in the EU framework is complementary to that process and in the longer term European Union member countries of non-aligned tradition should be included in it. Hence providing Europe with a capacity for autonomous action already means that development of the ESDI should not be not confined solely to the NATO framework, but must also go forward in a specifically European context.

This is also an essential condition for Europeans being able to take on greater responsibilities, in the interests of the entire Euro-Atlantic community, as the North American allies have repeatedly demanded. Thus there is no way of avoiding a minimum amount of duplication as far as certain structures are concerned; however the formula consisting of forces that are "separable but not separate" which applies to the CJTF will prove very useful in restricting overlap. Nevertheless Europe must be guaranteed the support of credible military forces to which it can gain access without fear of a veto from countries that have no part, or none as yet, in the making of Europe. The Saint Malo declaration refers expressly to "national or multi-national means outside the NATO framework":

- the ESDI must also take full account of the security interests of those central European nations that will derive no benefit in the foreseeable future from a further opening up of the Atlantic Alliance to the East and which are being made hostage to the difficulties the European Union is experiencing in agreeing a date for the intake of new member states;
- the ESDI must be based on a budget policy which sets defence expenditure levels commensurate with Europe's intended role as an independent player on the world stage and at the same time meets American demands for it to take on greater responsibilities in the context of transatlantic security;
- the ESDI must be based on a common industrial policy as far as armaments are concerned.

38. As stated in paragraph 33, the main aim of any initiative to reorganise defence Europe must be greater security. This requires careful thought before calling into question progress made and the achievements made to date in the European Union, NATO and WEU frameworks. The Maastricht and Amsterdam Treaties set up a whole system of cooperation and coordination

between the European Union and WEU which is only now coming on stream. What are the chances of replacing that with arrangements enabling the European Union to act under its own steam?

39. As a result of the decisions taken in Berlin, NATO became the initiator of a series of arrangements for allowing European peace-keeping operations to be implemented under WEU's political control and direction. Arrangements covering the CJTF, command structures, defence planning and exercises on the transfer and return of NATO assets are in the process of being finalised. Can such arrangements be transposed into agreements that would create a direct link between the European Union and NATO?

40. WEU, which has substantially developed its own capability, is now fully operational. Furthermore it offers the following advantages in that:

- it has military capabilities enabling it to undertake the gamut of "Petersberg missions" from humanitarian aid or crisis-prevention through peace enforcement to combat;
- the ten full members and signatories of the modified Brussels Treaty, being members of both the European Union and NATO, are able to take decisions as Europe's defence "hard core";
- it also makes it possible for the 28 countries of varying status that comprise the WEU family to take part in consultations on basic problems of European security;
- it can intervene on behalf of the EU;
- it can draw on NATO assets;
- it can operate "out of area";
- it coordinates armaments policy and is alone in Europe in discharging that role;
- it brings central and eastern European countries into a European defence institution;
- it allows European countries with a non-aligned tradition to draw closer to NATO;
- it enables European countries that are members of NATO but not of the EU to draw closer to the Union.
- it is subject to democratic scrutiny through its Assembly, acting in conjunction with the national parliaments of the 28 countries represented;
- its operational capability has seen major investment in recent years;
- it has one foot in the EU and the other in NATO thus acting as a bridge between what have hitherto been entirely separate organisations;
- it has close relations with Russia and Ukraine.

41. All the above represents achievements of considerable importance that must be maintained and developed, irrespective of the institutional formula eventually arrived at. If it proves possible to keep those achievements intact, there would be nothing standing in the way of progress towards the creation of a true defence dimension to the European Union.

42. If that were to come about, the implications at the institutional level and the adjustments needed to the treaties would immediately be obvious. However it raises the question of whether all European nations are now ready to sign up to the European defence project as described in the foregoing paragraphs and to give it their support.

43. This is first and foremost a question that should be addressed to the United Kingdom. Is Britain prepared to agree to and throw its weight behind a true common defence in the European Union framework, in other words outside the Atlantic Alliance? The Saint Malo declaration offers no answer as it only refers to a capacity for autonomous action. The British do not want there to be a European army and have left no room for doubt as to the prime importance they attach to NATO as the main European security organisation. There is therefore a great deal of underlying uncertainty as to the specific areas where the British have in fact had a change of heart.

44. The next question is one for the five WEU observer nations. Are they willing to be bound, within the European Union, by a mutual

assistance clause, which would turn the Union into a military alliance? For most of them the answer is no. However, it should be noted that their individual positions vary on a number of points. The country which has shown the greatest scepticism about a future mutual assistance clause is Sweden. The new Foreign Affairs Minister seems to leave no doubt about her government's attitude. The Swedish Government makes a clear distinction between crisis management and territorial defence. Sweden is ready to take part in crisis-management and other operations referred to in the Amsterdam Treaty, but has affirmed that "the borderline of our international cooperation is drawn at collective security arrangements"¹⁰.

45. The reasons which lie behind this position are essentially twofold: first, there is insufficient consensus among the political parties, especially those that support the Social Democratic Government; secondly, public opinion is still deeply resistant to drastic change in the country's foreign and security policy.

46. Finland, which will hold the next EU Presidency, does not, despite officially identifying itself with the Swedish position on a possible mutual assistance clause, seem to rule out the possibility for the future. The Prime Minister has on several occasions emphasised the importance of NATO (and WEU) membership as an option. In other words, the Finnish approach is quite flexible, mainly due to generally high levels of public support and substantial political consensus on government security policy. However, the country has always had to be mindful of its relationship with Russia, which is based on a bilateral treaty replacing the former treaty with the Soviet Union.

47. Among the countries of neutral persuasion, Austria has shown the most genuine interest in a mutual assistance clause. By contrast with the political scene in Scandinavian countries, some Austrian political parties seem to accept the idea of giving up their neutrality in the near future. Others, like the Social Democratic Party, seem more resistant to radical change in the short to medium term. However,

¹⁰ Address by the Swedish Foreign Minister, Anna Lindh, to the Institute for Foreign Policy in Stockholm, 16 December 1998

the idea of a mutual assistance clause in the longer term seems to find general acceptance.

48. Ireland is at present the country whose position is least well-defined. It is not in a position to sign a mutual assistance clause as its internal security policy debate has just taken on a new lease of life and Partnership for Peace (PfP) is the key issue. Given that other erstwhile neutral nations held this debate several years before signing up for PfP, it seems unlikely that the question of a mutual assistance clause will enter into the discussion in the short to medium term.

49. Finally, the concerns of Denmark, a NATO member country and another reticent, though generally supportive, EU member, are to be distinguished from the other, traditionally neutral, nations. Denmark's openly expressed reservations about a mutual assistance clause may also reflect the tacit concerns of other countries about collective commitments. Moreover, there is no guarantee that opposition may not also be encountered from WEU member countries. Hence German Chancellor Schröder's recent statement before the Bundestag to the effect that no one was thinking of arming the European Union in order to turn it into a military power¹¹.

V. Margins within which institutional proposals can make ground

50. Unofficial sources suggest that certain governments take the view that if the European Council decides in favour of establishing a common defence in the European Union, and on WEU's integration, this could be implemented without an intergovernmental conference or ratification by parliaments. Governments concerned will therefore need to be reminded that a decision of this nature necessarily implies revision of the Treaties and, consequently, ratification by parliaments.

51. If one proceeds on the assumption that it will not be possible for the Fifteen to agree on the European Union's being transformed into a military alliance in the foreseeable future, the issue then becomes one of how at least to facilitate and simplify the European decision-making process. At present this takes place in both

¹¹ *Agence France Presse*, 10 December 1998.

WEU and the European Union's CFSP. Results in WEU have been meagre, through lack of sufficient unanimity of views among its members. This is an obstacle that no institutional or decision-making machinery can surmount unless European society is completely transformed. The CFSP, although located within the European Union, has achieved no better results than WEU and transferring WEU's activities to the EU would not give Europe the decision-making capability it lacks at present. Conversely, it might be helpful from now on if the two processes were reduced to a single one by transferring the exercise of the WEU Council's decision-making powers to the European Council or the Council of Ministers of the European Union, which would meet in the present WEU configuration, in other words with defence ministers present and associate member, observer and associate partner country representation, in line with those countries' varying statuses.

52. Such simplification of the decision-making process would avoid a complicated system for taking a succession of decisions having to be worked out and implemented by WEU and the European Union. The blueprint for that system – a flow-chart drawn up in 1997 – envisaged no fewer than 43 separate steps for mounting WEU action at the request of the European Union. The number of steps in the process has in the meantime been reduced to 25¹² – which is still high.

1. Options currently under consideration

53. In order to facilitate preparation of decisions and action to be taken by Europe, the following options are currently being examined:

- transfer of WEU's political responsibilities to the European Union and its military functions to NATO;
- transfer of WEU's political and military functions, apart from those arising from mutual assistance commitments in a collective defence framework (Article V of the modified Brussels Treaty), to the European Union;

¹² See Peter Schmidt's analysis entitled "Neuorientierung in der Sicherheitspolitik?", *Stiftung Wissenschaft und Politik*, January 1999, page 14.

- integration of WEU into the CFSP (European Union second pillar);
- transformation of WEU into an "Agency" of the European Union;
- integration of WEU into a fourth European Union pillar;
- a stronger, revitalised WEU.

54. The first option is the one that the British initially seemed to prefer. This would lead to WEU's demise. Although the Saint Malo declaration does not say as much, the idea is still on the table. This model is one that could find favour with North American allies and possibly also with countries of non-aligned tradition, although it would imply finding a solution to the problems of neutral country involvement in NATO military cooperation and of associate member and associate partner involvement in political cooperation in the EU framework. However the main drawback to this option is that it means deferring any European defence project indefinitely. It is therefore one that cannot be entertained, unless that project is to be abandoned for good.

55. It seems far more likely, however, that governments will look to the second option for a solution, entrusting both WEU's political responsibilities and its military, crisis-management activity, in which the neutral countries are able to take part, to the European Union. This would mean bringing WEU armaments cooperation within the community sphere and incorporating WEU's military responsibilities into the CFSP – apart from those pertaining to collective defence, as envisaged under Article V, which would remain "in abeyance", as it were, outside the European Union. If this option were to come about, WEU would be drained of all substance and Defence Europe would be seriously compromised. It must be borne in mind that the temptation for governments to follow this course is the greater, since it is quite possible to implement this option without amending the existing treaties. It is clear, therefore, that the Assembly must speak out firmly against any such dismantling of WEU, which, under the present circumstances, would rob it of all credibility.

56. It is admittedly, however, very hard to argue against this option, given that it leaves

Article V of the modified Brussels Treaty intact, on paper at least, by holding it in abeyance outside the European Union. Supporters of this option may well argue that it changes little in a situation that has obtained since Europeans took the decision to assign full responsibility for implementation of Article V collective defence obligations to the relevant NATO authorities. They could also claim that this solution would allow Europeans to give substance to the European defence project when the political situation allowed or demanded it. However in point of fact, there is a fundamental difference between the present position and the one that would ensue from the option in question.

57. Currently collective defence, although confined to the ten full members of WEU, is a political reality because it is based on an institution, WEU, which monitors the application of the relevant clause of the Treaty. Notwithstanding the fact that, in 1950, Europeans decided to assign the military implementation of a collective defence founded on Article V of the modified Brussels Treaty to NATO, the decision was still based on the assumption of the continuing presence on the continent of Europe of a credible number of adequately armed American troops.

58. That presence, backed up by the US nuclear umbrella, was guaranteed throughout the entire cold war period, but question marks are now being raised over it by a growing number of American politicians, owing to the profound changes wrought in the international security environment since the fall of the Berlin wall. Even though, in the present climate, the possibility of an armed attack on the territorial integrity of WEU member states seems wholly remote, it would be extremely dangerous to conclude in consequence that the European collective defence commitment is no longer necessary and can be discharged solely by reference to Article 5 of the Washington Treaty. However, if all WEU's political and military responsibilities, apart from its Article V responsibilities, were transferred to the European Union, Article V would become devoid of political substance, despite the Treaty's remaining in force, owing to the fact that WEU, as the organisation hitherto responsible for its application, had been transferred lock, stock and barrel to the European Union. It would be politically unrealistic

to think that a Treaty that was no longer applied could be reactivated to order.

59. It is necessary, therefore, to press home the need to lay down a legal basis now for the transfer of Europe's collective defence commitment to the European Union. This could be done by incorporating all WEU's responsibilities into the CFSP, which would lend substance to the third option.

60. A solution such as this is fully acceptable to the Assembly. It is clear, however, that it raises a major problem for the European Union, principally for two reasons:

(i) firstly, neither the neutral countries nor certain other European Union countries at present want to accept the incorporation of a mutual assistance clause into the Treaty on European Union. Moreover, such a clause must of necessity be incorporated into the body of the Treaty itself and not relegated to a separate, ancillary protocol which individual member states would be free to sign or not ("opting out"). Such an outrageous concession, simply to accommodate the interests of the neutral countries, would compromise the very essence of the common European defence project and erode member states' security;

(ii) European Union member countries are probably not in agreement that the EU's community pillar and the CFSP should be separated from one another so as to allow WEU associate members and partners to take part in CFSP activities, in the way they are currently able in WEU. This is, however, a non-negotiable condition of WEU's transfer to the CFSP if everything those countries have gained in WEU is to be preserved.

61. It is politically unacceptable to scale down the rights acquired by WEU associate countries by substituting for their respective categories of status a variety of bilateral arrangements tailored to their current individual positions vis à vis the European Union. Proposals, for example, that Turkey should only have special ties with the CFSP area, along the lines of the NATO-Russia Joint Council¹⁵ or NATO's

¹⁵ As Peter Schmidt suggests: *op cit.*, page 17

arrangements with Ukraine, should not be entertained.

62. For the *Istituto Affari Internazionali*, WEU's transformation into an agency of the European Union, as suggested by the French President, would imply its transfer to the second pillar of the European Union while retaining its own characteristic shape and specific nature¹⁴. The Institute expressed a preference for this (fourth) option, which, in its view, would make it possible, at least in the longer term, for WEU, along with the CFSP, to be drawn into a community framework. However the Institute is silent on the subject of how WEU can be transferred to the CFSP while retaining its independence.

63. Such an aim would be easier to achieve if WEU were to become a fourth pillar within the European Union, as proposed in the fifth option. That is also a solution the Assembly could accept. It would have the advantage of securing full participation for associate countries and preserving Europe's commitment to collective defence without countries with a non-aligned tradition being obliged to join. Furthermore the necessary decisions could be taken within the institutional framework of the European Union. This model would also facilitate the transition from working relations between WEU and NATO to direct ties between NATO and the European Union. However it could only be a temporary solution since it would imply different configurations within the various pillars of the European Union, and simply shift the problem of WEU/CFSP relations to the latter's relationship with the fourth pillar. Coherency within the European Union could therefore be compromised and it is not clear that the European Union would be prepared to entertain an option which did not fundamentally change the existing situation.

64. Lastly, at the informal meeting of the European Union defence ministers, held in Vienna in November 1998, the British Defence Minister, Mr Robertson, did not rule out a sixth option – namely, strengthening and revitalising

¹⁴ See "Proposals for the gradual integration of the Western European Union into the European Union", Rome, 16 November 1998.

WEU. No details were given of what this might basically consist.

65. In the context of its contribution to the preparatory work for the last Intergovernmental Conference, the Assembly drew up proposals for:

- WEU being able to act on the European Union's behalf; or
- its at least being given a permanent mandate to frame, *ex officio*, Union decisions and actions with defence implications and to implement them.

The EU member governments in the event chose to follow the course set by the Maastricht and Amsterdam Treaties which concentrate decision-making power on the European Council, without waiting until such time as the EU could take on the whole range of responsibilities in connection with European security and defence, which rules out the first proposal. However, this does not prevent WEU being given a permanent mandate, under the terms of which it would be responsible for the preparation *ex officio* of EU decisions and actions, using the range of instruments available to it under the modified Brussels Treaty. Such an approach would not involve any amendment to the existing Treaties and would make it possible subsequently for all of WEU's responsibilities gradually to be integrated into the European Union.

2. *The future of the modified Brussels Treaty*

66. Apart from the first option, all the other alternatives discussed above would safeguard the modified Brussels Treaty in whole or in part: it would then come under the aegis of the European Union. A further possibility would be to draft new legal foundations for developing a European defence policy outside the modified Brussels Treaty – as the Fifteen had begun to do in the Maastricht and Amsterdam Treaty frameworks – and reorganise structures accordingly. It is common knowledge, however, that having failed to reach agreement on a common defence, encompassing every dimension possible, being established within the European Union, the Fifteen were forced to call a halt midway.

67. Under such circumstances, the Assembly should therefore come out in favour of an ap-

proach that recognises the present and possible future serviceability of the modified Brussels Treaty, the cornerstones of which are Article V, whereby the High Contracting Parties pledge to afford one another mutual assistance with all means at their disposal if one of them should be the object of an armed attack in Europe, and Article VIII which creates an organisation, WEU, with the task of ensuring the Treaty is implemented and consultation takes place in the event of a threat to international peace, and of setting up any subsidiary bodies required for carrying out its task. Lastly, Article IX subordinates the Council's activities to the scrutiny of a parliamentary Assembly composed of delegations from the parliaments of member countries to the Parliamentary Assembly of the Council of Europe.

68. However, these essential provisions cannot be dissociated from other aspects of the Treaty, including those referring to relations with the United Nations (Article VI) and NATO (Article IV), all of which remain fully relevant in the new international climate. The only sections of the Treaty that are now obsolete are Protocols II, III and IV which, although part of the Treaty, governments have decided by common accord no longer to apply, given that they deal with obligations concerning forces and armaments production and control which are no longer relevant to the realities of present-day Europe. Up to now, the WEU Council, in other words the signatory states as a body, has taken the view that the Treaty meets Europe's needs and does not require any revision and that Article V could not be challenged. There is nothing to suggest these views have changed, even if the likelihood of recourse to Article V has become more remote. In this connection that part of the Reply of the Council to Recommendation 639 in which the Council recalls that at their meeting in Rhodes "the Ministers noted that although circumstances had dramatically changed since the signature of the modified Brussels Treaty, this still continued to form a valuable part of the European security architecture" is expressly to be welcomed. To separate deployment of WEU's assets, or its operations in connection with security in Europe, from the obligation to provide mutual assistance would be to destroy the basic justification for a European

common policy and turn WEU into an appendage of NATO or the United Nations.

69. If WEU were incorporated into the European Union, the fact of keeping the Treaty would suggest that WEU should continue to be separate from other EU bodies, so long as some European Union member countries are not prepared to accept its provisions. Such a distinction remains possible if the alternative of creating a fourth European Union pillar is the one chosen, or possibly that involving WEU's transformation into a European Union Agency.

3. *WEU as an Organisation*

70. WEU is made up of the Council, bringing together foreign and defence ministers of the member states or their representatives, the subsidiary bodies of the Council and the Assembly. All of their origins and responsibilities derive directly or indirectly from the Treaty and together they form an organisation suited to Europe's present situation. It is possible to envisage incorporating that whole into the European Union but it would be foolhardy to undermine one or other of its component parts without taking account of the overall cohesion of the Organisation – something which certainly did not happen when the exercise of other WEU responsibilities was transferred to NATO, the Council of Europe or to the European Community.

71. As stated earlier, there is nothing to prevent *the WEU Council* being assimilated into the European Council subject to certain conditions, namely:

1. defence ministers and their representatives should continue to attend the meetings, since they are the channel for member state involvement in a number of subsidiary bodies of the Council and that of the national armed forces in WEU operations;
2. European Council meetings dealing with foreign policy, security and defence issues should be open to WEU associate member and associate partner countries;
3. WEU Council decision-making procedures, in other words the principle of consensus – essential in an area in which

all member states retain their prerogatives in full – must continue to apply;

4. the Council must continue to be served by a secretariat that meets its particular needs. The Secretariat-General was not created under the Treaty and can be adapted to the changing needs of the Organisation, but it must meet certain standards, in particular as regards security. This would not prevent its staff undertaking duties for the European Union as well as WEU, for instance the European Council Secretary-General and CFSP High Representative might double up as Secretary-General of WEU, regardless of whether WEU is incorporated into the Union or not.

In point of fact, the German Presidency, through the intermediary of its Foreign Affairs Minister, and then of the Federal Chancellor, recently submitted a proposal to this effect to its partners, while the German Defence Minister, Mr Scharping, although he supported it, pointed out that before moving forward in this area, one must not forget to bring the European Union and WEU within the domain of the CFSP¹⁵. It is true that implementing such a proposal is likely to be unproductive if it remains simply one isolated action, for if it is not accompanied by additional measures designed to bring about greater convergence between the two organisations, the person chosen to carry out this dual mandate will be faced with persistent conflicts of interests for as long as WEU and the European Union have different functions and configurations.

72. *The subsidiary bodies* each differ widely in kind. Some, such as the Institute for Security Studies, or the Satellite Centre, consist solely of members of staff of the Organisation, others are made up of national delegations supported by an international secretariat and as such are answerable to international organisations only in administrative terms. Such is the case of the Military Staff and, by extension, its subordinate bodies, and also of WEAG and WEAO. The Council and the bodies of the Council are an

indivisible whole, as they are mutually complementary in providing WEU with military capability and their existence is based on the application of Article VIII of the Treaty. It should be borne in mind that Denmark, Norway and Turkey are members of WEU's Military Staff and of WEAG.

73. Conversely, the *11 May 1955 Agreement* would lapse if WEU were to lose its independent legal status and there is a need to consider carefully, in the case of the WEU bodies, to what extent European Union law could apply: an in-depth study would need to be conducted. It is likely that the status of staff, parliamentary delegations and parliamentarians would be considerably improved thereby but it is not certain that governments would readily agree to extending the obligations and entitlements of European Union staff to military personnel. This would be a matter needing to be looked into in due course but it is one of some importance since, bearing in mind WEU's enlargement, the matter of extending European Union law to non-member countries would then arise, as it has already arisen in WEU.

4. *The associate countries*

74. Since 1991, WEU has been involved in a massive undertaking whose aim is to create a vast area of peace and security in Europe and to prepare for accession to western structures European countries which, for various reasons, were not hitherto included in them. The European Union and NATO are also part of that undertaking but each organisation contributes according to its own resources and criteria, which implies timescales that are likely to be extensive before institutional and geographic Europe coincide.

75. As far as WEU was concerned, the governments took the view that only countries that were already members of both NATO and the European Union should be allowed to accede to the modified Brussels Treaty, so that there was no hindrance to cooperation between NATO and WEU, and to avoid any delay to the latter's possible incorporation into the European Union. However, they decided to create three categories of associate membership so that all countries could become involved immediately in those of WEU's activities where this was pos-

¹⁵ See interview with *Le Figaro*, 18 February 1999.

sible without calling into question the two overriding objectives. Those categories of status are in practice evolving constantly towards ever greater participation in WEU's activities. The Council virtually now only sits at 18 (soon to rise to 21), that is in the presence of the NATO or EU members, or at 28, in other words with a further 10 central and eastern European countries (soon to fall to 7) in attendance. Among the reasons one can identify for the change are a wish on the part of most of those countries to join the western system as soon as possible, WEU's need to call on some of them to contribute to operations directed towards peace-keeping in Europe and a change of direction in WEU in favour of a European security policy, while its defence role continues to decline.

76. The upshot is that those countries are now *de facto* members of WEU. The publicly and repeatedly stated declarations the Ten have made regarding their involvement even gives them *de jure* membership, notwithstanding the fact that they have not signed the Treaty, do not operate under the internal legal regime of the Organisation or supply permanent staff to it. The Assembly has just asked the Council¹⁶ to take steps to correct the second form of discrimination so that their entitlements are commensurate with the contribution they actually make to WEU's activities.

77. Clearly, WEU's possible incorporation in the European Union should not mean that those countries, even if they are not EU members, lose any of the advantages they have gained; rather it should enable them to consolidate the terms of their involvement in WEU's activities. Any restriction placed on that involvement would convey a negative message to the countries concerned and call the progress made by Europe as a whole towards establishing a collective security system into question.

78. Conversely, constraints of an essentially economic kind are doubtless likely to continue to prevent accession by all the associate partner countries, some of them shortly to become associate members, to the European Union's

¹⁶ See Recommendation 639 on "The political and legal consequences of WEU's enlargement to take in non-signatory countries of the modified Brussels Treaty – reply to the annual report of the Council".

community pillar. Turkey's case is complicated by other political difficulties making European Union entry unlikely for the foreseeable future. This means that WEU's incorporation into the European Union should enable those countries to continue to play their full part in WEU activities and, to the extent that those activities should increasingly be more closely tied in with the CFSP, they should be included in that also, even if, for the time being, they cannot be part of the CFSP decision-making machinery. Hence WEU would not only need wide autonomy within the EU but reform within the European Union would also be necessary to distance the CFSP further from the community pillar.

79. However, as previously stated, it is extremely doubtful whether the European Union would approve a development likely to accentuate even further the distinction between the community and intergovernmental pillars, particularly if policies – supported by Germany and Italy in particular – gradually to bring the CFSP within the community sphere continue to hold sway. This all goes to show the difficulties that have to be resolved in order to avoid WEU's incorporation in the European Union leading to a weakening of the rights of WEU associate members or partners.

80. It is highly unlikely that the Atlantic Alliance will make any specific statement at the Washington Summit as to further enlargement. Moreover, there is very little likelihood of reaching an agreement to identify by name one or more countries which might join the Alliance with the next wave of entrants. The countries concerned – the seven central European countries which are associate partners in WEU – also present difficulties for the European Union, whose member states disagree about when EU enlargement to the east might commence and to which countries it should apply. It should be noted in this connection that France, Belgium and Italy, on signing the Amsterdam Treaty, appended a declaration on the need to reform the European institutions prior to any enlargement.

81. Under such circumstances, WEU alone is able to offer central European associate partners their only concrete opportunity to be part of the framing of a European security policy and, more importantly, of being included in a European

security area, notwithstanding the fact that they are not covered by the collective defence guarantee. If WEU's joining one of the European Union pillars meant the loss of that particular benefit for the countries concerned, it were better that WEU remained, in the first instance at least, an independent organisation.

82. The WEU Assembly should also be on its guard so as to ensure that participation by the parliamentary delegations of non-signatory states to the modified Brussels Treaty in European security debates is not threatened by WEU's incorporation in the Union. This can be guaranteed only by the continued existence of the Assembly and its retaining its present powers, which, pursuant to the modified Brussels Treaty, encompass CFSP activities, notwithstanding the fact that the latter also fall within the purview of the European Parliament. It would appear that the Assembly's protests about the refusal of senior EU officials to come and address it have already struck home to an extent. Pressure must continue to be applied in this connection.

5. The future of democratic scrutiny

83. Transfer of WEU's activities to the European Union could be made at the Assembly's expense, if a decision were taken by the two Councils (EU and WEU) that the exercise of its responsibilities should be discharged by the European Parliament. This would have the appearance of progress towards a unitary organisation of European parliamentary life. A similar devolution of powers involving the Council and its subsidiary bodies is likely to prove a much more difficult task.

84. The Assembly's responsibilities are grounded in Article IX of the Treaty which defines it as being composed of representatives of the modified Brussels Treaty signatory states to the Parliamentary Assembly of the Council of Europe. It is not possible therefore to divest it of those responsibilities without amending the Treaty, in other words without opening the floodgates to requests from many countries, signatories or otherwise of the present Treaty, for a much more far-reaching review. However the Assembly is aware that it suffers from two disadvantages as a result of Article IX:

- it is too tightly bound to the Council of Europe and its members are overburdened with the responsibilities involved in belonging to two active international assemblies, in addition to those stemming from their work in their own national parliaments;
- it cannot, as it would wish, contrive to have a suitable status instituted for delegations of non signatory states.

However the consequences of any attempt it might make to rectify those problems would be to undermine its own basis in law, in other words to diminish its authority and hasten a possible move to transfer its activities, minus its responsibilities, on the basis of "partial agreements" between the two Councils.

85. Many at present subscribe to a trend towards opening the Assembly's doors as wide as possible to the delegations of countries that have not signed the Treaty, which would turn it into an international forum along lines similar to the present OSCE Assembly, and to what the North Atlantic Assembly and, to an extent, the Council of Europe have now become. Such a trend should be kept under control, for if it becomes dominant the Assembly will lose its particularity and the possibility it has of invoking the powers conferred on it by its own statute, having been the first to infringe it.

86. The Assembly commands a degree of authority in defence circles on account of the quality of its work – in particular the reports it publishes and the symposia it organises (especially on armaments-related topics). Owing to the dearth of official documentation on European defence matters, its reports constitute a welcome repository of information for specialists on such subjects. It is essential therefore that it continue in this vein, retain high-calibre staff and maintain the breadth of documentation it publishes so that its specialisation and usefulness are properly appreciated.

87. The WEU Assembly, made up as it is of delegations from its member-country parliaments – the only parliamentary assemblies exercising scrutiny over those nations' military activities while the defence sphere remains the exclusive purview of nation states – undoubtedly has influence over those parliaments, al-

though to an extent hard to measure, in terms of raising awareness of the European dimensions of national defence policies, while at the same time giving expression to the views of national parliaments on issues falling within its remit.

88. For the immediate future, WEU's incorporation into the European Union should guarantee that the democratic scrutiny currently exercised by the WEU Assembly continues. However, according to a view that is widespread in member countries, WEU's integration into the CFSP should lead to the Assembly being dissolved and the European Parliament taking over its remit¹⁷. However it is common knowledge that neither Great Britain nor France is ready to allow the European Parliament a wider role in security and defence. Consequently any transfer of WEU's responsibilities to the European Union is likely to be achieved at the expense of democratic control over European security and defence activities.

89. In fact, some sources have it that the prevailing opinion within governments and among the political leaders concerned would seem to suggest that the scrutiny that national parliaments maintain over their respective governments is quite sufficient to meet the needs of democracy. That position is unacceptable and it is primarily up to the appropriate parliamentary authorities and the political groups to make official representation to governments and the European institutions to the effect that democratic scrutiny of any European defence policy must also be carried out at the European level.

90. In this connection, reference should be made to another important aspect of the WEU Assembly's current functions: initiating European public debate on defence issues and keeping public opinion informed about the problems and challenges they present. Bearing in mind the importance and complexity of these issues, there is a need to ensure that this work can continue in any new institutional set-up. In this connection the Assembly can point to the declarations the WEU Council has repeatedly made which, since 1984, have consistently acknowledged the importance of the Assembly's contribution to the debate and to the framing of a European defence policy. The Assembly there-

fore can but urge the Council and the member governments to act upon those declarations by ensuring that, between now and the time a final decision is taken on the arrangements for democratic scrutiny of the future defence activities of the European Union, that task can continue to be carried out by the Assembly.

91. In point of fact, so long as defence, and decisions regarding the use of armed forces, remain exclusively the responsibility of nation states, it is impossible to ask a European Parliament, consisting of a single chamber of directly elected parliamentary members at European level, and therefore not directly answerable to member states, to take on the task of democratic scrutiny.

92. If we are ultimately to progress towards a fuller merger of WEU and the European Union, more thorough consideration must be given to the future arrangements for democratic scrutiny of Defence Europe. Mr Fischer, the German Foreign Affairs Minister, let his views on the subject be known in more general terms in an interview with the German weekly *Der Spiegel*, on 23 November 1998, when he stated:

"... I would suggest that we need a bicameral Parliament in Brussels.

Der Spiegel: With an upper chamber, like the Bundesrat in Bonn?

Mr Fischer: No. It would be a chamber of representatives not of governments but of freely-elected national parliaments. They would produce what we need most: a genuinely European public opinion That would at last do away with the egocentrism that so often rears its head, especially in European foreign and security policy."

93. Political leaders of other countries¹⁸ have expressed like viewpoints without having as yet properly clarified and amplified their positions. The time has come for the preparatory work to start on organising the parliamentary dimension of the European Union, complete with its defence aspect. The point of view that holds that a

¹⁷ See for example Peter Schmidt, *op cit* page 18.

¹⁸ See for example Mr Balladur in *Le Figaro*, 15 January 1999, where he refers to the establishment of a Senate of the European Union representing national legislatures.

European Union of highly diversified national identities – with a population way in excess of the United States or Russia – should have a federal, bicamerally-based parliamentary system is entirely defensible in this connection. Alongside a chamber directly representing the electorate there must be a place for one representing states through the intermediary of their parliaments. The role of such a second chamber would be to safeguard the interests of those states in the face of abusive centralist tendencies that might find expression within a federal chamber. The responsibilities of both chambers would initially be determined by the nature of the subjects they were required to deal with, the Chamber of Nations having a greater weight of authority in matters that continued to fall within the national remit. The WEU Assembly could legitimately lay claim to being a fledgling Chamber of Nations.

94. Within that framework of thinking, consideration must also be given to the question of suitable procedures to afford such a Chamber true democratic legitimacy. The Assembly in its present form is founded on the provisions of an international treaty in which the constitutional arrangements that apply to it are laid down. However, at a later stage, it will be necessary to consider more appropriate procedures for the appointment of members and the composition of a future Chamber of Nations, bearing in mind the interesting ideas the *Istituto Affari Internazionali* has put forward for increased involvement of members of the defence committees of national parliaments.

95. It goes without saying that there is no question of challenging government prerogatives in any matter relating to the negotiation and conclusion of international treaties. However, in a democratic Europe, such prerogatives primarily belong to the executive and the whole area that surrounds the arrangements for democratic scrutiny has to be worked out and decided on with the agreement and full involvement of the relevant parliamentary authorities. This is all the more important in view of the fact that the treaties on European integration are quite different in kind from traditional treaties, as their aim is to lay the foundations for a European edifice, which, although without a true Constitution as such, has at least the makings of one in the framework of a Union *sui generis*.

Consideration must therefore be given to convening a parliamentary conference, when the time comes – to decide, in broad outline, what the arrangements for democratic scrutiny over security and defence Europe are to be – whose outcome must be taken into account by governments before a decision is reached on the future parliamentary dimension of tomorrow's Europe.

6. Preparation for Bremen and Cologne

96. At present we have no information to hand regarding the detailed content of the proposals to be presented to the European Union Summit in Cologne. The most specific ideas are those put forward by Germany's Defence Minister, Mr Scharping, who advocated in an article published in the German newspaper *Die Zeit* on 18 February last, that:

“The political and military decision-making structures of WEU can be brought into the European Union: its political organs such as the Ministerial Council, Permanent Council, Secretariat-General and Parliamentary Assembly will thus merge with the corresponding EU structures and its military bodies – the Military Committee, Planning Cell, Situation Centre and Satellite Centre – and the Institute for Security Studies, will be transferred to the European Union, where they would in the future come under the responsibility of the High Representative for the CFSP.

Integration of WEU in the European Union requires a decision of principle from the European Council, which should be taken at the Cologne Summit. The necessary detailed arrangements could then be worked out by the end of 2000. During this process, the question of the Defence Ministers' future involvement in the EU's decision-making processes would need to be clarified. Separate meetings might also be a possibility. There are difficult problems to be resolved, such as the incorporation of the WEU Treaty in the EU Treaties and the different configurations of NATO, WEU and the EU. Further development of European security and defence policy must not exclude European

NATO members which are not members of the European Union, neither must European states which are unwilling or unable to participate in all the steps towards EU integration be left out. Furthermore, those countries which do not belong to all three institutions must continue to be entitled to at least the same levels of participation that are currently available to them.”

97. This approach could be interpreted as an argument in favour of the second option discussed in paragraphs 55-58 of the present report, since the Minister says nothing about retaining Article V while underlining the abiding importance of collective defence as a core function of the Atlantic Alliance. The Minister comes out in favour of strengthening European intelligence capabilities *within* NATO which is in contradiction with his suggestion for transferring the WEU Situation Centre and Satellite Centre to the European Union if, at the same time, he rejects any duplication of NATO structures.

98. Most other ideas formulated by the Minister are entirely in line with the concerns expressed in this report; however it is not known as yet whether they will form part of the proposals put forward officially by the German Presidency. The Presidency made the following, much more general statement in the European Union framework:

“As far as relations between the European Union and WEU are concerned, the Amsterdam Treaty envisages WEU’s integration into the European Union as a long-term objective. Germany will, during its Presidency, take on board the task described in the Protocol on Article 17 of the Treaty and endeavour to work out practical arrangements for improving EU/WEU cooperation and encourage greater coordination in the policies pursued by the two Organisations vis-à-vis third countries”.

99. Addressing the European Parliament on 12 January 1999, Germany’s Minister for Foreign Affairs, Mr Fischer, made the point, *inter alia* that:

“The creation of a European Security and Defence Identity (ESDI) – after the single

market and European Economic and Monetary Union – is of major importance for the further deepening of the European Union. We shall actively seek during our dual EU/WEU presidency to take advantage of this new momentum. We intend to draft a report on the options for subsequent development of the ESDI for the European Council in Cologne. The long-term objective of the German Government is WEU’s integration in the EU (...).

Progress achieved towards building the ESDI must necessarily go hand in hand with a major effort to bolster the democratic legitimacy and institutions of the European Union.”

100. Speaking at the Munich Conference on security policy, on 6 February last, Chancellor Schröder twice referred to Germany’s resolve to build a new Europe for a new NATO and a new NATO for a new Europe. He observed furthermore that:

“The EU will need political and military decision-making structures of its own. It will also need to have at its disposal the instruments required to identify and manage crises.

Of course we are well aware that not all European countries enjoy the same membership status in the EU, WEU and NATO. And on no account do we want to duplicate existing structures.

What we want is the creation of efficient structures and instruments which make possible closer and better coordination among Europeans themselves and with their North American partners.”

101. In the WEU framework, the German Presidency’s programme, which was presented to a number of WEU Assembly committees, in Brussels, on 4 February 1999, focuses more particularly on the following points:

- moving forward the informal reflection process on security and defence initiated in Rome in order to re-examine revised proposals at the WEU ministerial meeting, scheduled to be held in Bremen on 10 and 11 May, so

that these can be submitted to the European Union Summit in Cologne:

- meanwhile, arrange for an audit of assets available for European operations;
- finalise the arrangements for enhanced cooperation between the European Union and WEU, as provided in the Protocol to Article 17 of the Amsterdam Treaty, so that these can take effect at the same time as the Treaty comes into force;
- strengthen associate partner involvement in WEU's work.

102. The German Presidency has given no hint as to what its proposed approach might consist of. Some governments, however, for example that of Italy, have let their preference be known. The Italian Prime Minister, Mr D'Alema¹⁹ publicly threw his weight behind direct links between NATO and the European Union by gradually integrating WEU into European Union structures. In this connection, the Italians seem to favour the idea of WEU being transformed into a specialist agency of the European Union, along the lines of the ECSC or Euratom, operating in specific sectors in the framework of the common institutions. Political decision-making would be transferred to the European Union by merging the WEU Ministerial and Permanent Councils, Parliamentary Assembly and Secretariat with the corresponding EU bodies. The Agency, while avoiding any needless duplication, would keep WEU's permanent military structure, including the Military Committee, the Situation Centre and the Planning Cell, the Torrejón Satellite Centre and the Institute for Security Studies in Paris.

103. Under the Italian scheme of things the Agency would have the following tasks:

- executing political and strategic decisions made in the CFSP framework;
- providing CFSP decision-making bodies with complete operational autonomy as far as the Petersberg operations are concerned by making use of resources made available by member

countries and/or of those existing in the framework of multinational forces;

- obtaining access to NATO intelligence, analysis, planning and command capabilities;
- ensuring the coordination and interoperability of forces to be deployed in European operations;
- coordinating cooperation and integration of Europe's defence industry.

104. The Italians take the view that in the spirit of the Amsterdam Treaty, all defence matters would become an integral part of the CFSP, the European Commission being associated with it in the usual way. The principle of enhanced cooperation, which in the Amsterdam Treaty refers to community matters only, would be extended to defence matters. *Ad hoc* arrangements would take care of access by European countries, members of NATO but not of the European Union, as well as by central and eastern European countries to the EU decision-making process and to the operational mechanisms.

105. Within the European Union, decision-making concerning principles and general orientations in defence matters should remain in the hands of the European Council. The General Affairs Council of Ministers would be endowed with a political-military expertise not only by the inclusion in it of "Mr/s CFSP", but also by the establishment of a "Defence Council of the European Union" composed of EU foreign affairs and defence ministers. This Council would take decisions concerning military operations and would ensure the political-military direction of the Agency and the management of crises.

106. The ideas put forward here by Italy are very close to those expressed by Mr Scharping but, if anything, go even further. They do not, however, address the problem of Article V or of the future of the modified Brussels Treaty as a whole. It would appear that the preparatory work for Bremen and Cologne is mainly being conducted in a very narrow framework, involving Britain and France, where work is being done on proposals that draw their inspiration from Saint Malo in extremely close cooperation and consultation with the German Presidency. If this leads to a convergence of views between

¹⁹ See the *International Herald Tribune*, 22 January 1999: Italy, Europe and the new NATO.

those three nations, the likelihood of a consensus being arrived at in WEU and the European Union is then much greater. However, it would be highly desirable, in order to avoid other countries concerned having the impression of being dictated to by some sort of three-way management team, for discussion on the preliminaries to take place at a sufficiently early date in the appropriate forums, particularly WEU. For the moment it seems that things will remain in the air until after NATO's Washington Summit. A contribution from the Assembly to the decision-making process would therefore be timely.

VI. Conclusions

107. The questions WEU's possible integration into the European Union raises are of considerable consequence and there has recently been ample evidence to suggest that certain governments concerned could, in order to sidestep or avoid certain difficulties altogether, increasingly be tempted to look for seemingly simple solutions which will not address the basic problems and may put the European defence project under threat. Contrary to expectation, there is a tendency to want quick action, with the consequent danger that insufficient time will be given to detailed analysis of all the complex ramifications of such an undertaking.

108. There are therefore any number of reasons for the Assembly to be on its guard and to show that it intends to take matters in hand, as a matter of course – and for it to make clear the full extent of the problems that are being raised. It should continue to defend the project of a European defence dimension by taking an unequivocal stance in favour of WEU's integration in the European Union, provided that such a course serves to advance that project and that WEU achievements are a part of it.

109. Under the present circumstances, this means the Assembly advocating a process which takes full advantage of all that WEU and its Treaty today represent, thereby ensuring continuity of the democratic scrutiny and public debate hitherto guaranteed by the Assembly. It must continue to spell out the advantages application of the Treaty can have for European security, particularly when used in the service of the European Union, as opposed to a process

that seeks to base the defence debate on structures that have yet to be created, thus risking dilution and fragmentation of the entire project.

110. The Assembly is fully in agreement with WEU's being integrated into the European Union provided this hastens progress towards a European defence and the achievements of WEU and its Treaty are integral to it. The Assembly can therefore endorse the transfer of everything that makes up WEU today, for Europe's benefit and to ensure better organisation of Europe's defence. However it feels that it will take time for a common defence to take shape and, in the meantime, WEU as it is at present (under that name or another) can play a most important part. What is involved is the transfer to the European Union of all WEU's structures and decision-making capability, in their entirety, using the machinery provided under the Amsterdam Treaty to the full. In practice, everything established under the modified Brussels Treaty could be made available to the European Union, and WEU, as an institution, remain virtually intact. WEU would thus become the defence dimension of the European Union in the fullest sense. It must be emphasised that it is perfectly possible to implement the Saint Malo agreements by drawing on everything available under the modified Brussels Treaty and the instrument to hand in WEU.

111. If governments are intent on furthering the process of integrating WEU into the European Union, the European Council could take a decision of principle to that effect at the Cologne Summit, provided consensus among Europeans is strong enough for them to forge resolutely ahead towards European defence. However, implementing that process would require finding solutions to numerous problems, which could be done by stages, as follows:

- in the short term: the Saint Malo agreements must be firmed up, there has to be consolidation of the Amsterdam Treaty, a start made in applying the decisions it embodies and a process of institutional adjustment set in train under the terms set out in this document;
- in the medium term: cooperation between WEU and the European Union must be strengthened within the

framework of an integration process which would move forward in step with EU enlargement;

- in the long term: the advent of a com-

mon defence with WEU fully integrated in the European Union and implementation of a European defence capability in close coordination with NATO.

APPENDIX

Franco-British summit
Joint Declaration on European defence

Saint Malo, 4 December 1998

“The Heads of State and Government of France and the United Kingdom are agreed that:

1. The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP. The Council must be able to take decisions on an intergovernmental basis, covering the whole range of activity set out in Title V of the Treaty of European Union.

2. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises.

In pursuing our objective, the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty) must be maintained. In strengthening the solidarity between the member states of the European Union, in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernised Atlantic Alliance which is the foundation of the collective defence of its members.

Europeans will operate within the institutional framework of the European Union (European Council, General Affairs Council and meetings of Defence Ministers).


The reinforcement of European solidarity must take into account the various positions of European states.

The different situations of countries in relation to NATO must be respected.

3. In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework).

4. Europe needs strengthened armed forces that can react rapidly to the new risks, and which are supported by a strong and competitive European defence industry and technology.

5. We are determined to unite in our efforts to enable the European Union to give concrete expression to these objectives”.

IMPRIMERIE  ALENÇONNAISE
Rue Édouard-Belin : 2^e trimestre 1999
N° d'ordre : 43811

IMPRIMÉ EN FRANCE

