



Assembly of Western European Union

DOCUMENT 1584

19 November 1997

FORTY-THIRD SESSION

WEU after Amsterdam: the European security and defence identity
and the application of Article V of the modified Brussels Treaty –
reply to the annual report of the Council

REPORT

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

482.4 W

*WEU after Amsterdam: the European security and defence identity
and the application of Article V of the modified Brussels Treaty –
reply to the annual report of the Council*

REPORT¹

*submitted on behalf of the Political Committee²
by Mr Vrettos, Rapporteur*

TABLE OF CONTENTS

DRAFT RECOMMENDATION

on WEU after Amsterdam: the European security and defence identity and the application of Article V of the modified Brussels Treaty – reply to the annual report of the Council

EXPLANATORY MEMORANDUM

submitted by Mr Vrettos, Rapporteur

- I. Introduction
- II. The consequences of the Treaty of Amsterdam for WEU's future role
 - 1 Non-Article V matters (crisis management)
 - 2 The future application of Article V
 - 3 The European security and defence identity
- III. A working programme for WEU
- IV. Conclusions

APPENDICES

- I. Article J 7 of the Treaty of Amsterdam
- II. Protocol to Article J 7 of the Treaty of Amsterdam

¹ Adopted unanimously by the Committee

² *Members of the Committee.* Mr Baumel (Chairman), MM Urbain, Blaauw (Vice-Chairmen), MM Antretter, de Assis, Bianchi, Brancati, Buhler, Sir Sydney Chapman, MM Cusimano, Dias, Mrs Dumont, MM Ehrmann, Evangelisti, Eyskens, Mrs Fischer (Alternate. *Schloten*), Mr Forni, Lord Grenfell, Mr Irmer, Lord Kirkhull, MM Liapis, van der Linden, Van der Maelen, Marshall, Martínez, Martínez Casañ, Puche Rodríguez, Recoder, Rippinger, Roseta, *Skoularikis*, *Vrettos*, Woltjer, Wray, Yamgnane (Alternate. *Debarge*), Zierer, N (Alternate Mrs *Squarcialupi*)

NB *The names of those taking part in the vote are printed in italics*

Draft Recommendation

*on WEU after Amsterdam: the European security and defence identity
and the application of Article V of the modified Brussels Treaty –
reply to the annual report of the Council*

The Assembly,

- (i) Noting that progress has fallen behind on the development of a European security and defence identity and that this calls for a reaction from the Assembly,
- (ii) Noting with concern that the scant progress made in the Treaty of Amsterdam in a number of important areas has given rise to disappointment and disillusion among a number of political decision-makers and in political opinion in European Union member countries,
- (iii) Concerned also that the political impetus necessary to create "an ever closer union among the peoples of Europe" as specified in the Maastricht Treaty might thus be further weakened,
- (iv) Recalling therefore the particular responsibility of the ten signatories of the modified Brussels Treaty to give practical effect to their stated resolve therein "to promote the unity and to encourage the progressive integration of Europe" for which purpose the WEU Council was created in 1954,
- (v) Underlining in addition the need for WEU
 - (a) to start work immediately on implementing the provisions of Title V of the Treaty of Amsterdam regarding WEU's enhanced responsibilities in breathing life into the CFSP, and
 - (b) to provide fresh political momentum for the purpose of taking qualitative steps to achieve a common European defence,
- (vi) Recalling that the Amsterdam and Madrid decisions require WEU to take a number of political decisions in addition to those enumerated in Recommendation 618 adopted by the Standing Committee on 16 October 1997,
- (vii) Underlining in particular the need for WEU to elaborate and agree on a comprehensive European security concept defining without ambiguity the consequences for WEU of the role and function the European Union is prepared to fulfil in the 21st century,
- (viii) Stressing that such a concept must include a clear definition of Europe's future responsibilities in the areas of crisis management and proper defence in relation to its cooperation with the Atlantic Alliance, and in the context of the elaboration of a pan-European security architecture in which Russia, Ukraine and the successor states of the former Soviet Union play a part,
- (ix) Emphasising the need for the ten signatories of the modified Brussels Treaty to start work on adapting it to WEU's new role in relation to the European Union and NATO without calling into question the cornerstone of mutual defence assistance laid down in Article V of that Treaty,
- (x) Welcoming the timely transmission of the first part of the 43rd annual report of the Council to the Assembly,
- (xi) Welcoming the successful efforts of WEU and its member states to restore police authority and public order in a number of countries such as former Yugoslavia and Albania, in close consultation and cooperation with the political authorities of those countries,
- (xii) Recalling however that WEU is first and foremost a politico-military organisation and that its crisis-management missions can under no circumstances be confined to police activities,
- (xiii) Considering that the Assembly has often submitted useful proposals to the Council – as the Erfurt Declaration has once again acknowledged – but that the statutory procedures for conveying recommendations adopted by the Assembly and for the Council's replies thereto are too slow to meet the requirements of a genuine dialogue between these two WEU bodies,

RECOMMENDS THAT THE COUNCIL

- 1 Draw up and agree on a revised version of the Hague Platform taking into account the fundamental changes in the international security environment since 1987, in addition to implementing the measures proposed in Recommendation 618;
- 2 Include in the new concept a clear position on the responsibilities of the WEU member countries regarding the defence of Europe and the future implementation of Article V of the modified Brussels Treaty in relation to the defence obligations of the member countries of the Atlantic Alliance on the basis of Article 5 of the Washington Treaty and with regard to WEU's newly created Military Committee;
- 3 Adapt the wording of Article IV 2 of the modified Brussels Treaty to the situation created by the establishment of WEU military structures such as forces answerable to WEU (FAWEU) and of WEU's Military Committee;
- 4 Make full use of Article VIII.3 of the modified Brussels Treaty either
 - in order to take its own decisions in the area of crisis management, or
 - to give advice to the European Union in preparing any European Union decisions for the elaboration and implementation of which the European Union will avail itself of WEU, in particular as regards Petersberg missions;
- 5 Take a political decision on the scope WEU intends to develop for its own military capabilities (to be used either at the request of the European Union or on its own initiative) bearing in mind that Europe's military capabilities are so limited that WEU is not capable of undertaking a military operation of a certain magnitude without relying on NATO assets and capabilities;
- 6 Establish rules of engagement for all areas in which WEU has a preference for autonomous decisions in the area of crisis management on the basis of the Council's Declaration of 22 July 1997 (with special reference to its experience so far in crisis situations such as former Yugoslavia and Albania),
- 7 Start work immediately to draw up with the European Union arrangements for enhanced cooperation between WEU and the Union, as set out in the Protocol appended to Article J 7 of the Treaty of Amsterdam, in order to reach agreement on the following issues:
 - (a) at its own initiative, the WEU Council should provide the EU from the outset with regular security assessments in the area of WEU's responsibilities,
 - (b) on the basis of WEU's expertise, it should become a standing practice that decisions to be taken by the European Union within the meaning of Article J 7 of the Treaty of Amsterdam, should be prepared from the very beginning by WEU,
 - (c) in cases where the European Union is unable to agree on availing itself of WEU in elaborating and implementing a Petersberg mission, WEU should take its own decisions on the basis of the procedures set out in WEU's Declaration of 22 July 1997, including the option of having recourse to a framework nation.
- 8 Assign WEU personnel without delay to the policy planning and early warning unit to be set up by the European Union and establish legal and precise criteria according to which WEU can provide a useful input to the work of that unit,
- 9 Examine in cooperation with the relevant EU authorities, the possibility of a WEU contribution to the "European Conference" proposed by France, should this be decided at the next EU summit meeting,
- 10 Regularly invite the President of the Assembly to put the views of the Assembly to the Council at the opening of its ministerial meetings

Explanatory Memorandum

(submitted by Mr Vrettos, Rapporteur)

I. Introduction

1. The signature of the Amsterdam Treaty, modifying the Treaty on European Union concluded in Maastricht, was accompanied and followed by numerous public comments all over Europe but also in the United States, most of which expressed severe criticism of and disappointment with the poor results, as reflected in the Treaty, achieved in the area of reform of the European institutions in order to prepare them for future enlargement. One particular criticism was that Amsterdam failed to make substantial progress on the objective of establishing a common security and defence policy in the framework of the European Union.

2. However, it is not the purpose of this report to perpetuate this debate by denouncing the deficiencies of the Treaty nor to provide arguments for all those Eurosceptics who wish to make public opinion believe that Amsterdam was another example demonstrating that the member countries of the European Union are neither willing nor able to enter into political union. Of course, the Assembly had submitted realistic proposals at the start of the intergovernmental conference. But even though it is disappointing that these proposals were not followed, this is no reason for resignation. Such an approach would be very dangerous. As the whole process since the end of the second world war shows, the endeavour of realising the vision of European political union has been always a difficult and laborious enterprise in which progress has been slow and setbacks frequent.

3. But if the idea as a whole simply fades away, we risk a return to the previous mould of policies of hegemony, the creation of spheres of influence, the rebirth of national competition and policies of a balance of power. The results of such policies are well known in Europe. It is our responsibility to demonstrate our determination and conviction that Europe will succeed in defining and realising the objective of political union and thus become an effective political player in the world, in order to preserve peace and strengthen international security, as set out in Article J 1 of the Treaty of Amsterdam. An

effective and expanding European Union is the core around which the future unification of the continent will take place. The European Union has to have a central role in European security, befitting its political and economic weight. In this regard the revised Treaty on European Union – and in particular Article J 1 – could, if the necessary political will exists, prove to be an important step in the context of the shared values and principles enshrined in the European Union, economic development and social progress within a peaceful and secure environment not only for the EU member states but for the continent as a whole.

4. Amsterdam is not the end of a process. On the contrary work has to begin both to implement the provisions of the new treaty and to draw the practical and political consequences of the new situation. This is first and foremost a challenge for Western European Union. Secondly, work has to start in order to revive the political impetus needed to allow us to envisage in time taking further qualitative steps in the direction of European integration in those areas where Amsterdam failed.

5. In pursuing such an objective it is necessary to proceed in a spirit of political realism in order to avoid situations arising in the future similar to those in which certain ambitious projects were introduced into the negotiations without ensuring they had a chance of being accepted by all the member countries concerned. In the end, political impetus is always generated by achieving practical progress through successful joint action. It will therefore be crucial to work hard on enhancing Europe's ability to orchestrate action and to agree rapidly on a joint position in any given situation. This again is a major challenge both for WEU and the European Union.

6. But it should be clear from the outset that a major condition for meeting these challenges is early ratification of the Treaty of Amsterdam. A negative attitude in this respect would not help. On the contrary, it would produce a dangerous setback. Furthermore, WEU has to redefine its role and mission. The importance of the decisions facing the WEU Council has been described in

the Assembly's preliminary assessment of the situation which led to Recommendation 618 being adopted by the Standing Committee on 16 October 1997¹.

7. It is necessary to recall that the redefinition of WEU's role and mission also has to be considered in the light of the new nature of its relations with NATO and of the Madrid decisions taken by the Atlantic Alliance. However, WEU is not only a link or bridge between the European Union and NATO. It also has to draw the consequences of the fact that neither the European Union nor the Atlantic Alliance can be said to be the organisations in which the European security and defence identity can be given expression.

8. One of the results of Amsterdam is that on the basis of the modified Brussels Treaty, WEU remains the only framework for establishing this European identity because the European Union is not yet prepared to take on this function and the Atlantic Alliance is not a purely European organisation. The Amsterdam outcome makes it necessary to clarify exactly what Europe's responsibilities are in the field of security and defence. Will they in future be limited to non-Article V matters? Even though the threat to the territorial integrity of WEU member countries seems to have disappeared for the time being, the question remains: who is responsible for the defence of Europe today and who will be responsible for it in the future?

9. Even though the plans of some member countries to introduce the objective of the protection of territorial integrity into the preamble of the Treaty of Amsterdam were not realised, the Treaty confirms the objective of safeguarding the independence and integrity of the European Union. At the same time, it recognises that a number of the member states "see their common defence realised in NATO, under the North Atlantic Treaty"².

10. At the briefing it gave the Presidential Committee on 17 October 1997 in Bonn, the German Chairmanship-in-Office of the WEU

Council clearly stated that pure defence matters should be dealt with by NATO on the basis of Article 5 of the Washington Treaty. On the other hand, still according to the Presidency, WEU's responsibilities should concentrate on crisis management as specified in the Petersberg Declaration. However, the text and scope of Article 5 of the Washington Treaty is not the same as that of Article V of the modified Brussels Treaty. It is well known that the latter contains a much stricter assistance clause than the North Atlantic Treaty.

11. However, one can observe a definite trend among a number of European governments to diminish the importance of Article V of the modified Brussels Treaty. The question of its future application is therefore on the table and has to be studied carefully. It is evident that this problem is not only a theoretical one. It has far-reaching consequences for the new European security architecture as a whole and in particular for WEU's enlargement.

12. During the second half of 1997 the exchange of views and information between the Assembly and the Council and its Presidency was particularly close and intensive. Having been briefed in June by Mr Hoyer, German Minister of State for Foreign Affairs, on the results of the intergovernmental conference and the programme of the German Presidency of WEU, the Presidential, Political and Defence Committees had meetings with the Permanent Council in Brussels on 16 September 1997 and with NATO experts and NATO's Permanent Council on 17 September. A month later, on 17 October, Dr von Ploetz, State Secretary for Foreign Affairs and Dr Wilz, State Secretary for Defence of the German Government, had an exchange of views with the Presidential Committee in Bonn.

13. For the first time for a number of years, the first part of the 43rd annual report of the Council to the Assembly has arrived on time, thus allowing the Assembly to study it carefully and reply to it. The Assembly also appreciates that the Council has responded to some of its requests to transmit a number of documents to it in order to enhance the information it has about the activities of the Council. The reinforcement of working relations between the Council and the Assembly on the basis of these improvements would be greatly appreciated. An enhanced dia-

¹ Assembly Document 1581 on WEU's role in the organisation of European security after the decisions taken by the European Union in Amsterdam and by NATO in Madrid

² Article J 7 1 of the Treaty of Amsterdam

logue between the Assembly and the Council is particularly necessary at a time when WEU is faced with the challenge of taking a number of fundamental decisions.

14. This need was clearly demonstrated when the German Chairmanship-in-Office, represented by the Foreign Minister Klaus Kinkel and Defence Minister Volker R  he, informed the members of the Presidential, Political and Defence Committees on 18 November 1997 of the outcome of the WEU ministerial meeting held in Erfurt on 17 and 18 November 1997. It is obvious that the content of the Erfurt Declaration issued by the WEU Council of Ministers, which includes substantial and positive elements for the future work of WEU, needs to be carefully studied. This should be the subject of a future report.

15. However, the answers given by the Chairmanship-in-Office to the various questions put by Assembly members during their meeting were either disappointing or showed that several of the important problems outstanding are still far from being settled. The ministerial arguments rejecting the proposals to hold a WEU summit and regularly invite the President of the Assembly to put the latter's views to the Council at the opening of its ministerial meetings were far from convincing. Are some governments afraid of being confronted with the Assembly's arguments?

16. The Erfurt Declaration does not provide any real answers to the main questions addressed in the present report, i.e. WEU's future responsibilities for European defence in the framework of Article V, the creation of the ESDI and the appropriate area of competence of the newly created Military Committee. Furthermore, the very modest steps envisaged for reinforcing co-operation with the associate partner countries are very disappointing in view of the considerable headway made in the NATO and European Union enlargement processes.

II. The consequences of the Treaty of Amsterdam for WEU's future role

1. Non-Article V matters (crisis management)

17. These matters include all so-called Petersberg missions. In the relevant WEU Declaration of 19 June 1992, the Council decided as follows:

“ WEU member states declare that they are prepared to make available military

units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU.

Decisions to use military units answerable to WEU will be taken by the WEU Council in accordance with the provisions of the United Nations Charter. Participation in specific operations will remain a sovereign decision of member states in accordance with national constitutions.

Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member states, acting under the authority of WEU, could be employed for:

- humanitarian and rescue tasks,
- peacekeeping tasks,
- tasks of combat forces in crisis management, including peacemaking”.

18. Member countries of the European Union agreed in the Treaty of Amsterdam to give the European Union competence to decide itself on the second category of these missions i.e. non-Article V missions. Article J.7 (which will become Article 17 in the consolidated version of the European Union Treaty once it has entered into force) provides that questions relating to the security of the European Union “include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking”.

19. The Treaty of Amsterdam does not however provide for the establishment of proper European Union means in order to carry out such decisions. According to the decisions taken in Amsterdam:

- the European Union will avail itself of WEU to elaborate and implement such decisions and actions of the Union which have defence implications.
- WEU will provide the European Union with access to an operational capability, notably in the context of Petersberg missions.

- the competence of the European Council to establish guidelines for the common foreign and security policy (CFSP), including for matters with defence implications, will also obtain in respect of WEU for those matters for which the Union avails itself of WEU;
- when the European Union avails itself of WEU to elaborate and implement decisions of the Union on Petersberg tasks, the Treaty provides.

(a) that all member states of the European Union will be entitled to participate fully in the tasks in question,

(b) for practical arrangements between the European Union and WEU to allow all member states of the European Union contributing to the tasks in question to participate fully and on an equal footing in planning and decision-taking in WEU.

20. These new provisions mean that WEU must meet the challenge of quickly altering its relations with the observer countries (Austria, Denmark, Finland, Ireland, and Sweden) At the extraordinary ministerial meeting held on 22 July 1997 in Brussels, WEU member countries therefore confirmed:

“that when the European Union avails itself of WEU to elaborate and implement decisions of the Union on the tasks referred to in Article J.7.2 of the Treaty of Amsterdam, all member states of the Union shall be entitled to participate fully in the tasks in question in accordance with Article J.7.3 of the Treaty of Amsterdam”

21 Furthermore, WEU ministers agreed that

“WEU will develop the role of the observers in WEU in line with provisions contained in Article J.7.3 and will adopt the necessary practical arrangements to allow all member states of the European Union contributing to the tasks undertaken by WEU at the request of the European Union to participate fully and on an equal footing in planning and decision-taking in the WEU”.

22 The Assembly has already pointed out that the problem of full participation of the WEU

observer countries on an equal footing in WEU’s planning and decision-taking process in the aforementioned area cannot be resolved simply by “practical arrangements”³. Article J.7.3 of the Treaty of Amsterdam has a number of fundamental legal, political and military implications which will have to be based on sound international agreements to be concluded between the WEU member countries and the countries concerned. They will have to be ratified by the relevant authorities of all the countries involved. This is particularly in the interest of the WEU observer countries. The need for such a careful procedure can be demonstrated among other things by asking what will happen when a Petersberg mission turns into an Article V situation

23 By virtue of the decisions taken in Rome in November 1992 and at Kirchberg in 1994, the WEU associate member countries, by committing forces to WEU military operations, already have the right to participate on the same basis as full members in these operations and in the relevant exercises and planning activities

24 If the operation is to be carried out with the support of NATO’s operational assets, the issue of the participation of associate member countries has also been settled: as emerges from the first part of the 43rd annual report of the Council to the Assembly, the Permanent Council reached an agreement on 15 April 1997 on the participation of European NATO Allies in WEU operations using NATO assets and capabilities, as well as in the planning and development of such operations. But there is still a problem when observer countries are involved. So far, agreement has only been reached on the involvement of observers “to the fullest extent possible and in accordance with their status” in the follow-up within WEU to the NATO Berlin and Brussels ministerial meetings

25 This means that if observer countries are to have the right to participate fully and on an equal footing in the planning and decision-taking process within WEU in cases in which WEU uses NATO’s operational assets, further agreement between WEU and NATO will be necessary. In this connection the annual report of the Council informs the Assembly that Austria, Fin-

³ Assembly Document 1581

land, Ireland and Sweden have submitted to the Council a contribution on the participation of non-allied observers in the defence-planning process, and that this document has been forwarded to NATO.

26. In the context of Petersberg missions elaborated and implemented by WEU at the request of the European Union, it is impossible to find any indication in the annual report of the Council of WEU's concept as to how to involve the associate partner countries in these tasks. The WEU Declaration of 22 July 1997 merely announces at the very end that WEU will examine how to strengthen the associate partners' participation in an increasing number of activities. But this declaration of intent has not been placed in the context of Article J.7.2 and 3 of the Treaty of Amsterdam. In its programme of work the German Presidency said one of its aims was "to involve the associate partners in WEU work in order to facilitate their involvement in WEU's military cooperation and in WEU operations". According to paragraph 28 of the Erfurt Declaration:

"Ministers approved the document on the practical arrangements for participation of associate partners in Petersberg operations, defining their involvement in the different phases of the crisis-management process, in particular with regard to the planning and force-generation process"

Without knowing what the content of that document is, it is impossible for the Assembly to take a position on it

27. However, all these statements show that at the moment there are no plans to change the status of the associate partner countries in WEU. The problem of WEU's future relations with the associate partner countries is examined in detail in the report submitted by Mr Martínez Casañ on "the consequences of the Madrid summit for the development of WEU's relations with central and eastern European countries and Russia"¹. But the question is also strongly linked with the future relationship between WEU and the European Union and with the latter's enlargement policy. Your Rapporteur would therefore draw particular attention to paragraphs 2 (a) and (c) of Rec-

ommendation 618 adopted on 16 October 1997 by the Standing Committee

28. WEU should take advantage of the assessment made in a document issued by the European Commission on 15 July 1997 and entitled *Agenda 2000* – in which the Commission explicitly states that *all ten* central European candidates for membership of the European Union (all of which are also associate partners of WEU, as well as Cyprus, which is also an applicant, fulfil the conditions for meeting their obligations under the European Union's common foreign and security policy (CFSP). This evaluation should be reason enough for WEU to grant the associate partner countries full rights to participate in Petersberg missions requested by the European Union and a maximum degree of participation in WEU's planning and decision-taking procedure in this area

29. In this connection the Assembly is satisfied by the information provided by the Council in its first part of its annual report to the effect that security agreements have in the meantime been signed with Poland, Bulgaria, Slovakia and Lithuania. It would be useful to know when WEU will complete the conclusion of such agreements with all the associate partner countries

30. It follows from the Declaration of WEU ministers on 22 July 1997 and also from the briefing given by the German State Secretary for Defence, Dr Wilz, on 17 October 1997, that WEU is preparing to retain its capability to take its own decisions on Petersberg missions on the basis of the modified Brussels Treaty and its Petersberg Declaration. This intention is very much to be welcomed but the question is whether autonomous political decisions are still realistic alternatives following the incorporation of Petersberg tasks in the Treaty of Amsterdam and the establishment of political guidelines set by the European Council in respect of WEU for those matters for which the European Union can avail itself of WEU

31. In an article on *European security after Amsterdam* published on 14 August 1997, Mr Guido Lenzi, Director of the WEU Institute for Security Studies, states his conviction that under its own Treaty WEU is endowed with an independent decision-making capability, but after Maastricht and even more so after Amsterdam, the political mandate could only come from the

¹ Assembly Document 1585

European Union, with WEU making preparations for and assessing the feasibility of multinational forces, the composition of which will necessarily vary according to the circumstances.

32. It seems that such an attitude is now widespread within governments of member countries, whereas the Secretary-General of WEU underlined on several occasions and most recently in his address on 2 June 1997 to the Assembly that his concern was "to ensure that WEU is ready to undertake and carry out military operations that may be decided by the Council, *either of its own volition* or at the request of the European Union"

33. This statement was of course made before the Treaty of Amsterdam was concluded. It is therefore important to know soon how the WEU Council will implement its Declaration of 22 July 1997. This Declaration is divided into three parts. Part A deals with the consequences of the Treaty of Amsterdam for WEU's relations with the European Union, part B deals with relations between WEU and NATO, and part C addresses WEU's operational role in the development of a European security and defence identity (ESDI). As far as the question of maintaining WEU's own decision-making capability is concerned, everything depends on the interpretation to be given to this last part of the Declaration.

34. Earlier on, in part B, paragraph 10 of the Declaration, WEU ministers confirmed in any event that

"In addition to its support for the common defence enshrined in Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, WEU takes an active role in conflict prevention and crisis management as provided for in the Petersberg Declaration. In this context, WEU undertakes to perform its role to the full, ..."

Although this determination about WEU's role is expressed in the context of its future relations with NATO, it shows clearly that WEU ministers consider the modified Brussels Treaty as well as the Petersberg Declaration to be the proper basis for WEU's activities.

35. In part C, paragraph 13, ministers announced that

"WEU will develop its role as the European politico-military body for crisis management by using the assets and capabilities made available by WEU nations on a national or multinational basis, and having recourse, when appropriate, to NATO's assets and capabilities under arrangements being worked out. In this context, WEU will also support the United Nations and OSCE in their crisis-management tasks."

This part of the Declaration is not related to the question of WEU's future relations with the European Union.

36. This is demonstrated in particular by its provisions regarding future participation of WEU's associate member and observer countries in the Organisation's activities. At the end of paragraph 14, WEU ministers firmly declared that.

"With the aim of opening participation in all its operations to associate members and observer states, WEU will also examine the necessary modalities to allow associate members and observer states to participate fully in accordance with their status in all operations undertaken by WEU.

WEU recalls that associate members take part on the same basis as full members in operations to which they contribute, as well as in relevant exercises and planning. WEU will also examine the question of participation of the observers as fully as possible in accordance with their status in planning and decision-taking within WEU in all operations to which they contribute.

WEU will, in consultation where appropriate with the relevant bodies, examine the possibilities for maximum participation in its activities by associate members and observer states in accordance with their status. It will address in particular activities in the fields of armaments, space and military studies."

37. In these paragraphs the Council repeats three times that the participation of the relevant countries will be settled *in accordance with the status* they have in WEU. However, if WEU acts at the request of the European Union, the observer countries are not subject to such a restriction but are entitled, on the basis of the Treaty of

Amsterdam, to participate fully and on an equal footing in WEU's planning and decision-taking procedure.

38. These differentiations regarding the observer countries would be unnecessary if WEU was not determined to retain its capacity to take autonomous decisions in the area of crisis management. But it is obvious that the observer countries will have a major interest in seeing to it that almost all decisions in this area should emanate from the European Union where they benefit from full voting and decision rights. Furthermore, this is in the major interest of the relevant institutions of the European Union as well, in order to make full use of the incorporation of the Petersberg tasks into the Treaty of Amsterdam.

39. To avoid a situation in which retaining the right of WEU to take autonomous decisions remains a dead letter without any political significance, it is essential to reflect on the matter in order to make the advantage of exercising that option absolutely clear. This is a highly political issue which should be carefully prepared. Nothing should be done to create a sense of competition between WEU and the European Union. On the contrary, both organisations should reach agreement on the principle that, depending on the nature of each specific situation, there could be cases which should be handled by WEU on its own and others where WEU would act at the request of the European Union. But whereas the Treaty of Amsterdam has clearly given the European Union competence in this area – and this is evident in the eyes of public opinion – it is up to WEU to carry out the operational, military and strategic aspects, taking its own decisions on the basis of its own Treaty in a given situation.

40. It is therefore warmly to be welcomed that according to paragraph 5 of the Erfurt Declaration

“Ministers considered that the moment has now come to reflect on procedures within WEU, facilitating consensus-building and, where appropriate, the emergence of a decision to act in response to a specific crisis, within the framework of the relevant provisions of the modified Brussels Treaty.”

41. Thus WEU and the European Union should agree to share responsibilities in a spirit

of cooperation similar to that which is about to be developed between WEU and NATO. Because of the political importance of this issue, it should be added to the list of items which might be discussed at a WEU summit meeting. To take a concrete example, WEU ministers have underlined WEU's readiness to support the United Nations and the OSCE in their crisis-management tasks. Does that mean that WEU will establish or intensify direct contacts with these organisations or will it act via the European Union or on the basis of a mandate the European Union might receive or request from the United Nations or the OSCE? All these options should remain open but it is up to WEU to publicise its readiness and specify the scope of the activities it could undertake to support the aforementioned organisations far more actively than it has done so far.

42. Regarding the *modus operandi* for the implementation of Article J.7 of the Treaty of Amsterdam, i.e. the procedure to be followed when the European Union avails itself of WEU to elaborate and implement decisions and actions of the Union which have defence implications, the Assembly is grateful to the Council for transmitting to it a report of the European Union and WEU Presidencies on meetings between representatives of both organisations convened at the initiative of France and the Netherlands⁵.

43. These contacts, which took place during the first half of this year, concentrated on relations between the European Union and WEU, leaving out cases in which NATO assets are involved. No formal conclusions were adopted. But the draft flow chart established on the basis of the “seminars” that were held demonstrate that the procedure for cooperation between WEU and the European Union in implementing Article J.7 of the Treaty of Amsterdam will be extremely complicated. It is however to be welcomed that the two organisations agreed that when a crisis situation emerges, a decision of the European Union based on this Article will be part of a process in which WEU can help to prepare such a decision.

44. To that end they also agreed that the WEU Council may, either on its own initiative or at the request of the European Union, provide the EU

⁵ Document A/WEU/DG [97] 14, 27 June 1997.

with assessments as far as its own area of responsibility is concerned. Such a step will mean that any decision to be taken will be based from the outset on WEU's military expertise. It is obvious that consultations will now be resumed on the basis of the provisions of the Treaty of Amsterdam. In this connection it is imperative for WEU institutions to be involved from the very beginning of a given crisis situation in preparing any European Union decisions.

2. *The future application of Article V*

45. As was stated in the introduction, the increasing influence of those who are convinced that Article V of the modified Brussels Treaty is no longer necessary in the present and future international security situation presents a real danger. A number of governments were prepared to reduce the mutual assistance guarantee laid down in this Article to a voluntary non-binding option which could be appended to an additional protocol to the Treaty of Amsterdam. But even within the Atlantic Alliance, and in particular in the United States, there is a growing tendency to believe that Europe, and in particular WEU, should limit its scope of activity to areas of crisis management and that the defence of Europe should be left exclusively to the competence of NATO. Such an approach has been considerably reinforced by the wording of subparagraph 3 of Article J.7 1 of the Treaty of Amsterdam.

46. When briefing the Presidential Committee on 17 October 1997 in Bonn, the German Chairmanship-in-Office did not mention Article V of the modified Brussels Treaty at all. On the other hand, a clear reference to that Article is to be found in WEU's Declaration of 22 July 1997. In view of these ambiguities, it is time to study the question of the future application of this provision which is the cornerstone of the modified Brussels Treaty and the only legal basis for a purely European defence. Is such a strict European mutual assistance guarantee still necessary or does it on the contrary constitute an obstacle to establishing a European security architecture?

47. The question has several dimensions. The first is the fact that there is no longer a military threat to the territorial integrity of WEU member countries. But this is not a valid reason for abandoning precaution in this respect for the future.

The second point is whether it is preferable for Europe to rely exclusively on NATO for pure defence matters. This question is closely linked to the vision of the final aim of European integration, the enlargement of the European institutions and the development of the transatlantic relationship.

48. Has the international security situation changed so radically that the WEU Hague Platform on European security interests adopted on 27 October 1987⁶ has become totally obsolete? It should be remembered that in that document WEU member governments agreed on the following:

“We recall the fundamental obligation of Article V of the modified Brussels Treaty to provide all the military and other aid and assistance in our power in the event of armed attack on any one of us. This pledge, which reflects our common destiny, reinforces our commitments under the Atlantic Alliance, to which we all belong, and which we are resolved to preserve.

We are each determined to carry our share of the common defence in both the conventional and nuclear field in accordance with the principles of risk- and burden-sharing which are fundamental to allied cohesion.

- in the conventional field, all of us will continue to play our part in the ongoing efforts to improve our defences;
- in the nuclear field also, we shall continue to carry our share, some of us by pursuing appropriate cooperative arrangements with the United States, the United Kingdom and France by continuing to maintain independent nuclear forces, the credibility of which they are determined to preserve.

To this end we shall

- ensure that our determination to defend any member country at its borders is

⁶ Assembly Document 1122

made clearly manifest by means of appropriate arrangements...”.

49. It is obvious that the defence of Europe has to be considered in a new light following the disappearance of the threat to the territorial integrity of member countries with the end of East-West confrontation. The North Atlantic Council drew the consequences of the new situation by adopting a new strategic concept for the Atlantic Alliance on 7 and 8 November 1991 in Rome. But the Alliance has never called into question the continuing importance of Article 5 of the Treaty of Washington.

50. Western European Union, for its part, has so far not yet succeeded in establishing a clear security and defence concept which takes the new situation into account. Nevertheless, since 1994, the Council has embarked on a series of efforts in order to define such a concept.

51. It should be remembered that WEU member states declared for the first time in June 1992⁷ that they were prepared to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU (forces answerable to WEU – FAWEU). They also declared that these units were to assume other tasks intended to contribute to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively.

52. However the first sign of a watering-down of the scope of this Article appeared in the same Declaration when WEU ministers stressed that

“the security guarantees and defence commitments in the treaties which bind the member states within Western European Union and which bind them within the Atlantic Alliance are mutually reinforcing and will not be invoked by those subscribing to Part III of the Petersberg Declaration in disputes between member states of either of the two organisations”.

Although one can understand that there were specific reasons for this sort of clarification, it constitutes a dangerous precedent for a procedure in which the interpretation of a fundamental

provision of an international treaty is altered by a simple declaration without parliamentary ratification. In your Rapporteur’s view, if a WEU member state is the object of an armed attack in Europe, Article V of the modified Brussels Treaty should be fully applied without its application being restricted by ministerial or other declarations.

53. Regarding the formulation of a new European security and defence concept in which the future role of Article V should also be addressed, the Council’s work started with *Preliminary conclusions on the formulation of a common European defence policy* published on 18 November 1994 in Noordwijk⁸. It was followed by a *Common reflection on the new European security conditions* presented to WEU ministers on 15 May 1995 in Lisbon. This led to a document on *European security, a common concept of the 27 WEU countries*, adopted by the WEU Council of Ministers in Madrid on 14 November 1995⁹.

54. All these documents contain clear commitments by WEU member countries to the Hague Platform and to European responsibilities regarding collective defence. The following quotations prove it.

“A common European defence policy should take as its basic assumption the collective cooperative approach to defence, as established in collective defence alliances under the Brussels and Washington Treaties”.

“WEU governments have a direct responsibility for the security and defence of their own peoples and territories” (paragraph 4 of the Preliminary conclusions on the formulation of a common European defence policy).

55. The common WEU positions were resumed in paragraph 158 of the document on *European security: A common concept of the 27 WEU countries* on 14 November 1995.

“The Preliminary conclusions on the formulation of a common European defence policy . . . which take up the language of

⁷ See the Petersberg Declaration, Assembly Document 1322.

⁸ Assembly Document 1443.

⁹ Assembly Document 1493.

the Hague Platform and the new strategic concept of the Alliance which were agreed respectively by WEU in 1987 and NATO in 1991, underline that "Europeans have a major responsibility with regard to defence in both the conventional and the nuclear fields" (it should be noted that on that occasion Austria, Finland, Ireland and Sweden recalled they were not party to these decisions). The document continues: "The independent nuclear forces of the United Kingdom and France, which have a deterrent role of their own, contribute to the overall deterrence and security of the Allies."

56. Both the aforementioned documents recall parts of the Petersberg Declaration which refer explicitly to the contribution of military units made available to WEU for the common defence in accordance with both Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty. Bearing in mind that the Declaration of WEU adopted on 22 July 1997¹⁰ again refers to WEU's support for the common defence enshrined in this Article, there might be a case for asking whether there is any reason to be worried about the future application of this cornerstone of the modified Brussels Treaty. However, in your Rapporteur's view, there is

57. There are several schools of thought in this connection. The first is defended by those who are convinced that too strong an emphasis on Article V of the modified Brussels Treaty as the basis of an independent European defence will affect transatlantic solidarity and could lead to a lessening of the commitment to the defence of Europe by the United States, which has guaranteed European security since 1945. However, as long as all the signatories of the modified Brussels Treaty are at the same time signatories of the Washington Treaty, full application of Article V can only reinforce European commitments under the Atlantic Alliance as was underlined in the Hague Platform. Such reinforcement should in fact be very much in the interest of our North American allies who are constantly asking Europeans to enhance their defence efforts.

58. However, a second school of thought concerns the final objective of the internal develop-

ment of the European Union and its enlargement as well as the enlargement of WEU. It is linked with the problem of how to achieve a common security and defence identity in the framework of the European Union with a view to the possibility of WEU's integration into the Union. These were the most controversial questions up to the very end of the intergovernmental conference. It is obvious that it would be much easier for the four member countries of the European Union with neutral traditions to commit themselves unreservedly to such a European identity if it were limited to crisis-prevention and crisis-management tasks within the meaning of the Petersberg Declaration. Limiting European security responsibilities in this way would also facilitate enlargement towards central Europe. Even in some countries strongly in favour of full integration of WEU into the European Union at an early stage, the problem this would create for European Union enlargement was fully recognised but not debated in public. However, it was reflected in the plan presented by six member countries to the intergovernmental conference proposing to integrate WEU in the European Union in three phases, with the proviso that the defence commitment itself could possibly become a voluntary option.

59. Even though the final phase of this plan was not adopted in the Treaty of Amsterdam, the question remains open. It also has an important transatlantic dimension. There is a widespread view in the United States that the best guarantee of the independence and territorial integrity of the new democracies in central Europe is their early integration into the European Union. But on the other hand, the United States made clear from the very beginning that it would be strongly opposed to enlargement of the relevant European organisations towards central Europe if this led to "backdoor" commitments by the United States regarding security guarantees for those central European countries it was not ready to admit to the Atlantic Alliance.

60. In view of the close ties between NATO and WEU, such "backdoor" commitments could in fact arise if the European Union, complemented by WEU's full defence dimension, were to invite central European countries unable to become NATO members to join the European Union. This was one of the reasons why the United States was not in favour of the full integration of WEU into the European Union.

¹⁰ Assembly Document 1582

61 The situation created by the Amsterdam decision to postpone a decision on establishing a common defence within the European Union and on the integration of WEU into the European Union means that the issue of granting European security guarantees to new member countries has now become less topical for the European Union. But it will become a major problem for WEU if it seriously intends to enhance its relationship with the associate partner countries in a substantial way. The question of separating the security guarantees laid down in the Washington Treaty from those of the modified Brussels Treaty is on the table¹¹ whether one likes it or not and will manifest itself in practical terms once the European Union decides to invite Estonia and Slovenia to become members, as the European Commission has proposed. So far neither country has been invited to join the Atlantic Alliance. However, according to Declaration II adopted by WEU member countries in December 1991 in Maastricht "states which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty (or to become observers if they so wish)". Consequently, Estonia and Slovenia could ask for full membership of WEU once they accede to the European Union.

62 How will WEU respond to such requests? The question is not hypothetical. Several scenarios are imaginable. WEU could react by emphasising that one of the "conditions to be agreed" is membership of NATO. An alternative could be to invite the countries concerned to conclude a special agreement with WEU under which they would benefit from all the provisions of the modified Brussels Treaty with the exception of the security guarantee contained in Article V. It could be agreed that Article V would be applicable to the countries concerned once they had joined the Atlantic Alliance. In addition, WEU could commit itself to strong support for their application to join NATO.

63 A third option might consist in inviting these countries to accede without reservation to

¹¹ See for instance Karl Kaiser in *The European security space*, December 1996, in which he says "Membership of a revitalised WEU without NATO membership is now an available option that makes military and political sense"

the modified Brussels Treaty, including Article V, whether or not they are admitted to NATO. This would mean a separation between the security guarantees contained in the modified Brussels Treaty and those provided in the Washington Treaty and would necessitate important changes in the relationship between WEU and NATO. It is obvious at present that such a new policy would have no chance of being accepted by WEU member countries.

64. On the other hand, it would appear that no major objections would be forthcoming from the Russian side. And what about the United States? It is itself about to conclude a security charter with the Baltic states outside the framework of NATO. Such a charter would surely not contain a security guarantee in the true sense. But real or imaginary American objections to the development of purely European security guarantees can no longer be a reason for this subject to be taboo. In no way would such a development render the Washington Treaty superfluous.

65 This subject goes far beyond the problem of enlargement. It goes to the very heart of the creation of a European security and defence identity and visions of the role and place of Europe in the world. Europe has to decide whether it is determined to have a true defence identity or whether this identity is to be limited, with the core of European defence remaining the responsibility of the United States as the leading country in NATO. This has to be discussed not only among Europeans but also with the United States and Canada. It emerges from the first part of the 43rd annual report of the Council to the Assembly that the French WEU Presidency continued the process of reflection – at 28 – on the theme of European security interests on the eve of the 21st century.

66 It will be necessary to complete this process, which among other things should produce firm conclusions on the future of Article V of the modified Brussels Treaty in the light of the new European and worldwide security environment. This might lead to the formulation of a revised version of the Hague Platform and should also feature on the list of items that might be put on the agenda of a WEU summit meeting. In this context it might be an encouraging sign that for the first time since the publication of the Hague Platform, WEU ministers agreed in paragraph 53

of the Erfurt Declaration that “although political circumstances have dramatically changed since the signature [of the modified Brussels Treaty] it continues to form a valuable part of the European security architecture”

3. *The European security and defence identity*

67 As was argued in the report presented by Mr Blaauw on “WEU’s role in the organisation of European security after the decisions taken by the European Union in Amsterdam and by NATO in Madrid”¹², the establishment of a European security and defence identity (ESDI) cannot be limited to a purely internal structural adaptation process within NATO. It is a highly political issue in which WEU, the European Union and NATO are involved. Whereas considerable progress has been made with the distribution of tasks between WEU and NATO and the kind of cooperation there should be between these two organisations, the briefing the Political Committee received from the relevant experts at NATO headquarters on 17 September 1997 showed that much remains to be done. This concerns, for instance, the coordination of defence planning and the conclusion of command arrangements and security agreements between WEU and NATO, taking into account the fact that in most cases WEU acts at 18 or 28, with the participation of non-NATO member countries.

68 Last but not least, the CJTF problem is still not definitively settled. But a major political problem is how to bring the ESDI into line with the common foreign and security policy (CFSP) to be developed in the European Union, which includes a number of countries that are not ready to join military alliances. This will be a major challenge for WEU in the context of developing its future relations with the European Union. In view of the confirmation by the Treaty of Amsterdam of WEU’s role as an integral part of the development of the European Union and bearing in mind the far-reaching objectives defined for the EU’s common foreign and security policy in Article J.1 of the Treaty, WEU has to contribute to the elaboration of the defence aspects of the CFSP taking into account the way in which the European Union sees its own future role in the world. In addition, WEU will have the important

responsibility of influencing the Union’s opinion-forming process, in particular in all areas which may have defence implications.

69. In this context it is worth noting how the European Commission evaluates the role of the European Union in the world in its *Agenda 2000* document published on 15 July 1997. According to the Commission, the European Union “must increase its influence in world affairs, promote values such as peace and security . . .”

70 The Commission underlines the importance of maintaining the territorial integrity of the European Union. Furthermore, it points out that:

“Through its international implications, enlargement will have an impact far beyond the new frontiers of an enlarged Europe because it will increase Europe’s weight in the world, give Europe new neighbours and form Europe into an area of unity and stability . . .”

An enlarged Union will have more direct frontiers with Russia as well as frontiers with Ukraine, Belarus and Moldova. It will enjoy direct access to the Black Sea which will lead to intensified contacts with the countries of the Caucasus and central Asia. An enlarged Union will also surround the Kaliningrad oblast, which is part of Russia, and will contain several hundred thousand ethnic Russians, living mainly in Estonia and Latvia. It will be important for the enlarged Union to deepen its relationship with Russia, Ukraine and the other NIS on the basis of the Partnership and Cooperation Agreements (PCAs). Among the Union’s new neighbouring countries will be those of the Balkan region. Stability through cooperation in this region will be all the more important for the enlarged Union . . .”

71 The European Commission underlines the importance of “making the European Union a global actor” and stresses among other things that:

“The European Union will increasingly have to acquire the capacity to take foreign policy decisions involving the use of military resources. This is essential if the Union’s external action is to be credible. It will therefore be necessary to strengthen

¹² Assembly Document 1581

the operational resources of the WEU, both in order to carry out the new tasks laid down in the Treaty of Amsterdam and with a view to the WEU becoming increasingly integrated in the development of the European Union itself."

72. On the basis of the preliminary work done by WEU at 28 on the subject of European security interests on the eve of the 21st century, WEU now has the task of elaborating and adopting a common security and defence concept which takes into account the new situation created by the Amsterdam and Madrid decisions. The objective of such a concept should be to establish WEU as the hard core of a true European security and defence identity from which the necessary political impetus will emanate for decisions to be taken by WEU itself or by the European Union or NATO in any given situation affecting the security of Europe. This might lead to a new version of the Hague Platform.

III. A working programme for WEU

73. Regarding the substance of the concept, the following points are among those that should be addressed

- the establishment of criteria in the area of non-Article V matters which should preferably be settled on the basis of autonomous decisions and actions taken by WEU as provided in WEU's Declaration of 22 July 1997 and in its Erfurt Declaration of 18 November 1997,
- the establishment of a sound legal basis for the participation of observer countries in WEU's activities both on the basis of an autonomous decision-taking capability and at the request of the European Union;
- a concept for the future implementation of Article V of the modified Brussels Treaty in relation to both the future development of the European Union and WEU's function as an integral part of EU development, as well as in relation to the defence commitments arising out of Article 5 of the Washington Treaty and in connection with the

future enlargement of the Euroatlantic security organisation to the east and south,

- the establishment of a clear position on the question of whether the tasks of the newly created WEU Military Committee are to include Article V issues, as is the case for forces answerable to WEU (FAWEU). It should be noted in this context that according to paragraph 30 of the Erfurt Declaration, Ministers "noted that the responsibilities of the military committee as regards WEU's contribution to NATO defence planning will have to be clarified" The question of these responsibilities will include Article V issues left unanswered in the meeting with the Chairmanship-in-Office on 18 November 1997,
- the problem of whether certain provisions of the modified Brussels Treaty need to be revised or adjusted. As an example, one should note that in view of the creation of WEU's Military Committee and the establishment of WEU military structures and FAWEU, there is a need to amend the second paragraph of Article IV of the modified Brussels Treaty which currently reads as follows:

"Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters"

74. Regarding future relations with the European Union, the 15 EU member countries agreed, in the Protocol appended to Article J 7 of the Treaty of Amsterdam, that the European Union will draw up, together with Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Protocol. However, it will not be possible to wait until the whole ratification process has been completed. Negotiations between the two organisations are to begin now and will have to settle a large number of issues going beyond the problem of crisis management

75. It should be noted in this context that the preamble to this Protocol, apart from recalling the provisions of Article J.7.1 and 3 of the Treaty of Amsterdam, refers explicitly to the part of the Treaty which specifies that the policy of the European Union "shall ... respect the obligations of certain member states, which see their common defence realised in NATO".

76. In addition to the programme of enhanced cooperation between WEU and the European Union contained in WEU's Declaration of 22 July 1997, WEU and the European Union should discuss the following items as a matter of urgency

- the consequences for practical cooperation between both organisations of the decision taken by the WEU Council on 17 September 1997 on a new sequence of presidencies in order to harmonise the WEU and the European Union sequence of presidencies as much as possible;
- WEU's input to the policy planning and early warning unit to be established by the European Union under the responsibility of its Secretary-General; the decision that WEU should provide appropriate personnel for this unit should be implemented as soon as possible. In paragraph 16 of the Erfurt Declaration, Ministers underlined "that close day-to-day cooperation between the WEU and the European Union *inter alia* depends on a rapprochement of the different working cultures of both Organisations". This statement is of particular importance and it will be necessary to find out what is really meant by it.
- given WEU's enhanced responsibilities to provide the European Union with access to an operational capability, support it in framing the defence aspects of the CFSP and elaborate and implement decisions and actions of the European Union which have defence implications, it would make sense for the latter to make a substantial contribution to WEU's budget, especially for Petersberg missions:

- the question of WEU's possible contribution to the "European Conference" proposed by France, should this be decided at the next European Union summit meeting, could be discussed with the relevant European Union authorities.

77. Regarding WEU's own development, it should be remembered that the document on *European security: a common concept of the 27 WEU countries* adopted by the WEU Council of Ministers on 14 November 1995 in Madrid identified the following gaps and deficiencies in Europe's operational capabilities:

"There are several areas, where gaps and deficiencies can clearly be identified:

- ...
- reconnaissance and intelligence,
 - strategic and in-theatre transport capabilities,
 - standardisation and interoperability;
 - the European defence industrial base "

78. In his address to the Assembly on 2 June 1997, Mr Cutileiro, Secretary-General of WEU, confirmed that "thanks to the efforts of successive presidencies over the past few years, WEU is now ready to undertake Petersberg tasks. The instrument exists". But at the same time he underlined that European military capabilities were so limited that WEU would only be capable of undertaking military operations of a certain magnitude if it could rely on NATO assets and capabilities. Low spending on European defence in comparison with what the United States spent did not make it possible to fill European gaps in the areas of command, control, communications, intelligence, strategic mobility and interoperability, thus in nearly all the areas mentioned two years ago in the aforementioned WEU document. The problem of enhancing WEU's operational capabilities therefore remains on the agenda. This also applies to the need for a solid legal basis to underpin WEU's efforts to establish a common armaments policy with the help of WEAO and its work to create a European armaments agency. These activities require substantially increased financial contributions from WEU members, associate member and associate partner countries.

IV. Conclusions

79 The decisions that were taken, or not taken, by the European Union in Amsterdam and by the Atlantic Alliance in Madrid have led to a situation that gives rise to serious doubts as to whether the project of a common European defence is still a real political objective being pursued by all governments of the relevant European countries. Whereas it would seem that the Atlantic Alliance and NATO have succeeded in adjusting more efficiently to the new international security situation, one has the impression that Europeans are still lagging behind

80 This impression has been greatly reinforced by the failure of Amsterdam to make substantial progress in establishing a European security and defence identity in the framework of the European Union. Whereas cooperation between WEU and NATO has made considerable progress (despite the outstanding questions and

shortcomings), solutions to the main political problems that remain must be sought in Europe itself, in particular by defining WEU's future role in its relations with the European Union.

81. This report has therefore concentrated on studying first and foremost the outstanding security issues which involve WEU and the European Union. Having described the main problems in Chapter II and proposed a programme of work for WEU in Chapter III of this report, your Rapporteur shares the opinion expressed by the President of the Assembly, as well as by the Standing Committee in Recommendation 618, that most of the matters discussed are of such an important political nature that they need to be addressed at the highest political level. It is true that the solutions must be carefully prepared, but they will only receive the necessary public support if the relevant decisions are taken collectively and in public and are explained by the highest political authorities.

APPENDIX I

Article J.7 of the Treaty of Amsterdam

- “1 The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

- 2 Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.
3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article J 3 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision-taking in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.
- 5 With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article N.”

APPENDIX II

Protocol to Article J.7 of the Treaty of Amsterdam


“THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article J 7 (1), second subparagraph, and (3) of the Treaty on European Union,

BEARING IN MIND that the policy of the Union in accordance with Article J 7 shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in NATO, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty on European Union,

The European Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam ”

IMPRIMERIE  ALENÇONNAISE
Rue Édouard-Belin - 4^e trimestre 1997
N° d'ordre : 40506

PRINTED IN FRANCE

