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PRESENTATION: "The Role of the WEU in the New Security Landscape: Continuing to Be at a Crossroads Between the European Union and NATO?."

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Mr. Chairman,

Ladies and Gentlemen.

First of all, I thank you for having the opportunity to give you a presentation about the role of the Western European Union (WEU) in regard to the new security landscape that we face in Europe today.

There is no doubt that the dramatic changes that have swept through Europe during recent years have created new opportunities for cooperation among International Organizations. In this sense, defence and security interaction perhaps offer the greatest potential. Besides the work agenda of the WEU, close cooperation with the European Union (EU) and the North Atlantic Treaty Association (NATO) has led to a new reactivation process of this organization.

The WEU is redefining its missions in order to confront the new challenges that European security faces with the end of the Cold War. When Mr. Alfred CAHEN, former WEU Secretary General from 1985 to 1989, referred to the WEU as being "*at the crossroads of European integration and the Atlantic Alliance*", he made clear the double dimension of this European Organization. This double nature continues to be the identity card of the WEU in the new Post-Cold War era. On the one hand, the WEU represents the "defense arm" of the EU due to the fact that the 1992 Maastricht Treaty refers to the WEU as an integral part of the development of the European Union and requests the WEU to elaborate and implement decisions and actions of the European Union which have defense implications within the framework of the European Common Foreign and Security Policy (CFSP). On the other hand, the WEU is developing a European Security and Defense Identity (ESDI) through cooperation among its members in the security field in order to strengthen the "European pillar" of the North Atlantic Alliance.

In this context, many questions have emerged. How will the WEU cope with one dimension without undermining the other? How will re-structure itself to confront both security challenges? Will those objectives be achieved in the near future? or Will the WEU be absorbed by the EU? In that case, will the EU act as political, economic and defence organization along with NATO in the new international security arena?

Therefore, the purpose of this report is to analyze how it is possible to articulate the interests of the WEU, the EU and NATO in their common desire of achieving peace and stability for a safer Europe. It will not describe the fundamental changes that occurred in the continent since the end of the last decade. But it is important to spend a few words on the consequences these significant changes had on the WEU and the conceptual factors that will determine its future role in Europe. Firstly, it will consider the restructuring of the WEU over the last years. Secondly, it will discuss the relations between the WEU and the EU after the 1991 Maastricht Conference. It then looks at the management of links with NATO. Finally, it will contribute an analysis on required convergence of issues which will be the subject of three main events: the 1996 EU Intergovernmental Conference (IGC), the 1997 Heads of State and Government NATO Summit and the expiration of the Modified Brussels Treaty of the WEU in 1998. It will conclude analyzing the prospects for the WEU at the end of the century and the alternatives for future security arrangements in the euro-atlantic area.

1. WEU'S RESTRUCTURING IN THE NEW ERA.

We are living through a historic period of transformation. As Epicuro said a long time ago, "Panta Rhei", "Everything is in flux". The International Society characterizes itself as dynamic and we have seen that over centuries. Nowadays, the post-war era has given way to a new era. If the former was driven by the fear of an ideological and military collision of cataclysmic proportions, the latter is based on cooperation among international organizations and states involved. In this regard, all regional organizations have had to reconsider their missions and roles in order to promote peace and stability in their respective areas. The WEU does not

constitute an exception and has had to adapt to the new security environment, making an effort to replace tension with trust thanks to the common values that more countries begin to share after the collapse of communism.

Those values were clearly indicated in the preamble to the Brussels Treaty on 17 March 1948, which gave birth to the “Western Union” or the “Brussels Treaty Organization”, the forerunner of today’s WEU on which European security cooperation was founded after the modification of the Brussels Treaty by the Paris Agreements of 23 October 1954¹. The signatories of the modified Brussels Treaty clearly stated their desire ...

“... to reaffirm their faith in the fundamental human rights... and in the other ideals proclaimed in the Charter of the United Nations... to preserve the principles of democracy... to strengthen... the economic, social and cultural ties by which they are united”.

Whereas the respect of these values has remained the cornerstone for building Europe after the Second World War, the development of the WEU as an intergovernmental organization has not been uniform since its creation. It can be distinguished three main stages in the evolution of this European collective-defence organization: A period of hibernation, a period of reactivation and a period of renewal.

Since the signing of the Paris Agreements in 1954, the WEU slipped into a kind of lethargy for two main reasons. Militarily, NATO took over many WEU responsibilities and, politically, the European Political Co-operation (EPC)² established within the framework of the European Community (EC) shallowed many activities of WEU’s Council, i.e., between 1973 and 1984 there were no meetings at ministerial level. During this first phase, the WEU was not able to achieve what should have been its main objective, namely, the development of a European security dimension³.

Nevertheless, on the initiative of the Belgium and French Governments, a preliminary joint meeting of the Foreign and Defence Ministers within the WEU was decided upon which was its “certificate of rebirth”. On 26th and 27th October 1984, the fourteen ministers of seven WEU⁴ member countries met in Rome for an extraordinary session to celebrate the thirtieth anniversary of the Paris Agreements modifying the Treaty. At the close of this meeting, they adopted the “Rome Declaration”, which contained, on the one hand, decisions on the political aims they intended to pursue in WEU and, on the other hand, a document on the institutional reform of the Organization.

In the Rome Declaration, the member states agreed to consult each other on defence questions; arms control and disarmament; the effects of developments in East-West relations on the security of Europe; Europe’s contribution to the strengthening of the Atlantic Alliance, bearing in mind developments in the problem of burden-sharing and the development of European cooperation on armaments, a field in which WEU could provide the necessary political impetus.

¹ The WEU has today ten members States: Belgium, France, Germany, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom, together with Greece, which joined WEU on 20 November 1992. On the same day, Denmark and Ireland accepted observer status.

² European Political Cooperation (EPC) was an intergovernmental consultative group associated with the European Council. Its aims and operation were described in Article 30 of the Single European Act (SEA). The EPC developed into the Common Foreign and Security Policy (CFSP) in the Maastricht Treaty. See “La Política Exterior. La Cooperación Europea”, *Parlamento Europeo*, Dirección General de Estudios, PE 140.600. ES 11/A/1 and Alastair FITZSIMONS: “Current European Institutional Approaches to Security”, *International Defence Review*, vol. 22, n° 4, 1989, p. 410.

³ Alfred CAHEN: *The Western European Union and NATO*, London, Brassey’s, 1989.

⁴ At that time, France, Germany, Italy, Belgium, Netherlands, Luxembourg, and the United Kingdom.

It also reaffirmed -referring to Article VIII (3) of the modified Brussels Treaty - that the WEU Council may also consider the implications for Europe of crisis in other regions of the world⁵.

Moreover, member states decided to make fuller use of the institutions of the WEU and, accordingly, they set out an appendix with the institutional reforms which should be applied to the WEU in line with the changed tasks of the organization. They reinforced the role of the Council, the supreme body of the WEU; they improved the contacts between the Council and the Parliamentary Assembly; and reorganized both the Agency for the Control and Disarmaments (ACA), which was set up in 1954 to monitor compliance with the voluntary arms limitations agreed by the contracting parties, and the Standing Armaments Committee (SAC), which was established by the Council in 1955 to promote the joint production of armaments.

Nevertheless, the tangible results of the decisions reached in Rome were partially fruitful. Although the WEU Council was to hold two meetings at the level of Foreign and Defence Ministers since the Rome Declaration -it is worth mentioning that there is no other European or Atlantic forum in which these ministers meet together-, both ACA and SAC saw a reduction of their activities. Whereas the former was finally confined to controlling the non-production of chemical weapons in Germany, the latter was finally abolished by the Council in 1989. The creation of NATO bodies with parallel tasks, and then the Independent European Program Group (IEPG)⁶ never allowed the SAC to assume the importance that the WEU intended it to have.

However, the reactivation process went beyond with the signing of "The Platform on European Security Interests", adopted by the WEU Ministers in The Hague on 27 October 1987, which is a first definition of a European security identity placed in the context of Atlantic solidarity. Section 1, 4 of "The Hague Platform" could not be more explicit:

"..... the security of the Western European countries can only be ensured in close association with our North American allies. The security of the Alliance is indivisible. The partnership between the two sides of the Atlantic rests on the *twin foundations* of shared values and interests. Just as the commitment of the North American democracies is vital to Europe's security, a free, independent and increasingly more united Western Europe is vital to the security of North America"⁷.

This document represents the culmination of the first phase in WEU's development because it defines the principles and conditions for European security and the consequent responsibilities for the WEU members in respect of western defence, arms control and disarmament and the East-West dialogue and cooperation. Moreover, the WEU decided to open negotiations with Portugal and Spain regarding their accession to the modified Brussels Treaty, becoming members on 27 March 1990 and increasing its membership to nine.

A good example of the revitalization of the WEU was the concerted action of member states following the war between Iran and Iraq. For the first time Europe's willingness and ability to contribute to the maintenance of peace and international security led to "Operation Cleansweep"⁸ between 1987 and 1988, in which joint military operation was coordinated by the

⁵ See *Rome Declaration*, point 8.

⁶ The IEPG was created in 1976 by the European members of NATO, except Island, with the objective to cooperate in the acquisition of armaments. It was an independent organization from NATO till it was absorbed by the WEU after the meeting of the Defence Ministers agreed in Bonn on 4 December 1992. The IEPG began to be known as the Armament Group of Western Europe (AGWE) or Grupo de Armamentos de Europa Occidental (GAEO).

⁷ *The Platform on European Security Interests*, The Hague, 27 October 1987.

⁸ French, Italian, Belgian, and Dutch mine-hunters were sent to the Gulf in order to clean the waters. The Federal Republic of Germany provided replacement naval forces in the Mediterranean and Luxembourg made a financial contribution to the operation. Mr. López HENARES and Mr. TUMMERS (Co-Rapporteurs): *Western European Union, Information Report*, Assembly of WEU, Thirty-Eight Ordinary Session, Second Part, February, 1993, p. 17.

WEU. On the basis of this experience, all WEU member states - except Luxembourg and Germany- deployed naval forces in the Gulf after the invasion of Kuwait by Iraq in August 1990. Moreover, once the operation "Desert Storm" had started, WEU set up a joint structure to ensure that supplies of munitions and equipment carried to United Kingdom and French forces in Saudi Arabia.

Nevertheless, the WEU still represented the *embryo* of the new European security context that emerged at the end of the Cold War. Because of that and in order to strengthen itself, the WEU decided to develop its *institutional* and *operational* roles, starting a new period of renewal.

From the *institutional* point of view, the WEU began to develop (1) new rules to allow other European countries to participate in its activities and (2) new relations with the EC and NATO. Whereas the latter will be addressed later on, the former were proclaimed in several WEU Documents, which distinguished between three different statutes apart from that of members. Those are associate members, observers and associate partners.

The landmark of this new epoch stems from the "Petersberg Declaration" on 19 June 1992, whose Part III entitled "*On relations between WEU and the other European member states of the EU or the Atlantic Alliance*", agreed to *invite* member states of the EU to accede to WEU, or to become *observers* if they wished. Simultaneously, other European members of NATO were invited to become *associate members* of the WEU in a way which would give them a possibility of participating fully in the activities of the WEU.

The Petersberg Declaration also established the conditions on which relations between member states, observers and associate members should be based. (a) *Member* states of the European Union which have accepted the invitation to accede to WEU will undertake- among other things- to develop WEU as the defence component of the WEU and as the means to strengthen the European pillar of the Atlantic Alliance. (b) *Observers* will have the same rights and responsibilities as the full members for functions transferred to WEU from other fora and institutions to which they already belong. (c) *Associate members* will have those same rights and responsibilities and the right to speak but not to block a decision that is the subject of consensus among the member states⁹.

In this sense, the WEU decided to enhance its relations with some Central and Eastern European States (CEES) -Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania- creating a *Forum of Consultation* between the WEU Permanent Council and the Ambassadors of the countries concerned, which would meet at least twice a year¹⁰. It is interesting to note that the political dialogue between the WEU and the CEES differs from that of the North Atlantic Cooperation Council (NACC), created by NATO in 1991, in that it is not open to all "former adversaries" of the Warsaw Pact but to those countries which are developing a special relationship because of their common desire of joining the EU.

The immediate results of the decisions reached in Petersberg were seen at the WEU Council in Rome on 20 November 1992, when the Foreign and Defence Ministers agreed to welcome Greece as full member, Denmark and Ireland as observers and Iceland, Norway and Turkey as associate members, and at the Council in Luxembourg on 22 November 1993, when the Permanent Council decided to examine a new status for the CEES. Finally, on 9 May 1994, the Kirchberg Declaration adopted a Document on a status of association for the nine "Consultation partners"- Czechoslovakia had split into two states in 1993, which began to be known as associate partners¹¹, and put an end to the Forum of Consultation. Finally, Austria,

⁹ *Petersberg Declaration*, WEU Council of Ministers, Bonn, 19 June 1992

¹⁰ *Extraordinary Meeting of the WEU Council of Ministers with States of Central Europe*, Bonn, 19 June 1992, point 7.

¹¹ This status will comprise the following elements: They may participate in the meetings of the Council but may not block a decision that is the subject of consensus among member states; they must enable WEU to perform to the full its role as the defence component of the EU and as the means to strengthen the European pillar of the Atlantic Alliance...; they will be regularly informed at the Council of the activities of its working groups...; they may associate themselves with decisions taken by member

Finland and Sweden, which adhered to the EU on 1 January 1995, became WEU observers. Thereby, The WEU has three associate members (Iceland, Norway and Turkey), five observers (Austria, Denmark, Finland, Ireland and Sweden) and nine associate partners (the Republic of Bulgaria, the Czech Republic, the Republic of Lithuania, the Republic of Poland, Romania and the Slovak Republic). *Albania, Estonia, Latvia*

From the operational point of view, the WEU has assumed new missions, structures and means, whose foundations rest on the Declaration on the Role of the WEU and Its Relations with the EU and with the Atlantic Alliance¹² of Maastricht on 10 December 1991 and the Petersberg Declaration of 1992.

If the first one represents the adaptation to the WEU to a new international security environment, by which member states agreed the creation of a Planning Cell¹³; closer military cooperation complementary to the Alliance in particular in the fields of logistics, transport, training and strategic surveillance; meetings of WEU Chiefs of Defence Staff; and military units answerable to WEU¹⁴, the second one reaffirms the contribution of the WEU to European security through the possibility of employing military units acting under its authority in collective self-defence and the following categories of missions: humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

When member states declared in 1992 that they were *prepared* to make Forces Answerable to WEU (FAWEU), they still had to find out what forces should comply with the new missions. The answer came from *some* member states, although it took almost three years to reach agreements on that issue. Among the multinational formations which were made answerable to WEU are:

- The Multinational Division (Central) of the ACE Rapid Reaction Corps (ARRC), consisting of Belgian, British, Dutch and German units and the UK/ Netherlands amphibious force¹⁵.
- The Eurocops, created by France and Germany on 22 May 1992 in La Rochelle and later joined by Belgium, Spain and Luxembourg¹⁶.
- A land force (EUROFOR) and a maritime force (EUROMARFOR), composed of French, Italian, Spanish and Portuguese forces¹⁷.

All these forces have something in common: They can be employed in the framework of NATO. This situation shows how the WEU wants to complete its renewal process giving full expression to the security dimension of the European integration process and reinforcing the solidarity of the Alliance, as next points shows.

II.- THE WEU AND THE EU: IN SEARCH OF A COMMON FOREIGN AND SECURITY POLICY (CFSP).

It has been said that the alternative forum to NATO as a European defence system, including the military aspects, is the EU itself, together with the WEU as its military arm¹⁸. But does the EU, through the WEU, really constitute an "alternative" to NATO?.

states concerning the tasks envisaged in the Petersberg Declaration, i.e.: humanitarian and rescue tasks, peacekeeping tasks, tasks of combat forces in crisis management, including peacemaking, etc. See *Kirchberg Declaration*, WEU Council of Ministers, 9 May 1994.

¹² This Declaration was made by Belgium, Germany, Spain, France, Italy, Portugal and the UK, which are members of the WEU and the EU.

¹³ It was agreed later on that associate partners may have a liaison arrangement with the Planning Cell, *Kirchberg Declaration*, 9 May 1994.

¹⁴ *WEU Related Texts Adopted at EC Summit, Maastricht*, 10 December 1991, WEU, Press and Information Section.

¹⁵ *Council of Ministers of Rome*, 9 May 1993, p. 5.

¹⁶ *Council of Ministers of Luxembourg*, 22 November 1993.

¹⁷ *Lisbon Declaration*, WEU Council of Ministers, 15 May 1995, point 5.

At the time of writing (may 1997), it could be argued that the ambiguities of the CFSP sections of the **Maastricht Treaty** and the disappointing course of the **Inter-Governmental Conference (IGC)** have reduced the expectations to reach an agreement, as far as security policy of the EU is concerned, due to the fact that there is an impasse on the debate on national sovereignty and "communitarianism", which still constitute a brake which frustrates practical cooperative measures. As Mr. Rafael ESTRELLA, Vice-President of the North Atlantic Assembly (NAA), points out: "*The reality thus far is that Europeans have been unable to produce a common approach to Europe's overall security interests, not to mention the elements of a common defence policy, even though they share an economic and market-orientated Union with common borders, a substantial common foreign aid policy, in the near future, a common monetary policy and a common currenc.*"¹⁹. In light of all the continuing differences in the EU concerning fundamental questions such as European Monetary Union and its timing, in which the debate on the reformation of the Treaty of the Union is mainly based on, schedules in the area of defence are currently equally if not more difficult to foresee.

Although the 1992 **Maastricht Treaty** formally linked the WEU to the EU in order to achieve the objectives of the Common Foreign and Security Policy (Title V, Provisions on a CFSP, art. J.1), many things remained to be done to build up WEU as the defence component of the Union. Taking into consideration article J. 4 of the Treaty of the European Union (TEU), which states that "*the Union requests the WEU, which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications...*," the WEU has adopted several measures, i.e., it has moved the the Secretariat from London to Brussels, it has established a close cooperation between the WEU Council and Secretariat with those of the Union and it has harmonized the duration of the respective Presidencies. In this sense, on 22 November 1993, once the TEU had entered into force, WEU Council of Ministers decided to reduce the mandate of its Presidency from one year to six months as the term of the Presidency of the Union²⁰.

However, the real debate rests on the future options for EU-WEU relations, which constitutes the foundations of the agenda for the IGC concerning the CFSP and whose purpose is to revise the Treaty of Maastricht. Those ideas have been set in a number of documents of (1) the European Union institutions, (2) the Council and Assembly of the WEU as well as (3) other sources of varying political nature from member states.

1.- Regarding the positions adopted by EU bodies, i.e., the European Parliament, has released three reports on evaluation of the CFSP, directed by BOURLANGES and MARTIN, MATUTES, and DURY and MAIJ-WEGGEN, and an Opinion of the Committee on Security and Defence Policy, whose draftman was Mr. GOERENS. They all share in common three main areas of interest. Firstly, they demand more widespread use of *qualified majority voting*, which would have the status of a "joint action", with the provision that no member state may be obliged to take part in a military action if it does not so desire and, equally, that no member state may prevent the majority for carrying out such an action²¹. Secondly, they would like to set up a joint *Commission-Council Planning and analysis unit* to train observers, mediators, and disputes

¹⁸ Andrew Duff: *Reforming the European Union*, London, Federal Trust for Education and Research, 1997, p 94.

¹⁹ Rafael ESTRELLA: "CJTF and the Reform of NATO", Draft General Report, *Defence and Security Committee*, NAA, AN 230 DSC (96) 8 rev. 1, 24 October 1996, p. 16.

²⁰ Parlamento Europeo: *Perspectivas para una Política Exterior y de Seguridad Común*, Bruselas, Dirección General de Estudios, julio de 1994, p. 23

²¹ See DURY and Maij-WEGGEN Report on Evaluation of the Work of the Reflection Group and Definition of the Political Priorities of the European Parliament with a view to the IGC, adopted on 13 March 1996. They considered that "any member state which is not in agreement with a common position or joint action in the areas covered by the CFSP should have a dispensation facility, but should not be able to veto the common position or joint action". They added that member states which make use of the dispensation clause may not withdraw from Community financing.

settlement specialists that would establish the necessary links with the General Secretariat of the WEU. It would be headed by the Commissioner responsible for external relations, who would be responsible for external representation in the area of CFSP. Thirdly, they mostly support that a *mutual assistance clause* should be inserted in the TEU with regard to the defence of the external frontiers of the Union, taking over article 5 of the WEU Treaty. Moreover, powers should be transferred from the WEU to the EU in order to favour the gradual incorporation of the WEU in the EU.

On behalf of the Commission, several reports and opinions share the first two ideas, while adopt a different position on the latest. The Commission would like to make qualified majority voting the general rule as well as make it possible in some situations for a limited number of member states to act on behalf of the Union and is also opposed to the appointment of a Mr. (or Mrs.) CFSP, a role which would be best carried out by the "Council Presidency/Commission duo"²². As for security and defence, the Commission also mentions the necessity to incorporating the WEU into the EU and establishing a European defence identity *within* NATO. In this sense, the Commission wants the inclusion in the Treaty of peace-keeping and peace-implementation missions; appropriate participation of Defence Ministers in the work of the Council and review the role of the WEU, with a view of its integration in the Union according to a set timetable²³. Whereas the Commission put more emphasis on the so-called Petersberg missions, which should be written into the Treaty²⁴, it also pledges for the improvement of interaction/cooperation between the WEU and the EU from a long term perspective and the establishment of closer working relations between the the two defensive organizations through integrated military forces that could be set up under the responsibility of the WEU and/or NATO.

Lastly, the Council has been less explicit because the "Report on the functioning of the TEU of 10 April 1995" does not deal with the defence aspects or the future role of the WEU. It pledges, however, that "*relations between the Council's General Secretariat and the WEU Secretariat-General should be made a subject of discussion*"²⁵. Taking into account in particular the deadline of the Brussels Treaty in 1998, the main objective for the Council is to improve the operational capability available to the Union, with specific reference to a area covered by the WEU's Petersberg tasks and in conformity with the United Nations Charter²⁶.

2.- On the other hand, the WEU Council of Ministers has outlined three different options with regard to the security and defence aspects of the EU in the document "*WEU Contribution to the European Union Intergovernmental Conference of 1996*", approved in its meeting in Madrid on 14 November 1995. These options were as follows:

(A) Autonomous WEU and EU. In this case, the institutional relationship between the EU and the WEU would remain as set out in the Maastricht Treaty. WEU would be preserved as an autonomous organization with its own separate Treaty base and the principle of national sovereignty would be safeguarded. Therefore, the Intergovernmental, consensus-based nature of decision-making would also be preserved in the CFSP and WEU with no involvement of the Commission or Parliament, but would allow for reinforced partnership such as back to back WEU/European Council Summits and EU financing of WEU operations.

²² European Parliament: "The Commission Seminar of 19 November 1995", in *Briefing on the Common Foreign and Security Policy*, n° 5, Third Update, Luxembourg, Secretariat Working Party, Task Force on the "Intergovernmental Conference", 21 March 1995, p.11.

²³ European Parliament: *Briefing on the Common and Security Policy*, Brussels, Directorate General for Research, 15 October 1996.

²⁴ *Commission Opinion of 28 February 1996 on the IGC (Reinforcing Political Union and Preparing for Enlargement*, point D.1.

²⁵ *Report of 10 April 1995 on the Operation of the TEU*, point m.

²⁶ *Briefing on the Common...*, *op. cit.*, p. 8

(B) Intermediate Options: Towards an EU-WEU Institutional Convergence. The Maastricht Treaty would be revised to reflect a closer WEU-EU relationship...

i. - conferring to the EU a bigger *political* role in defence matters, enabling it to set the framework for military action by WEU, especially in crisis situations. To this end, the EU would have responsibility for formulating general guidelines also on questions having defence implications, which would *not be juridically binding* for the organization.

ii.- including a provision that WEU would be both *politically* and *operationally* subordinate to the EU, with the former having the task of implementing decisions taken by the latter. To this end, the word "request" in the first sentence of Article J.4 (2) could be replaced by "instructs". Thereby, WEU would make it clearer - although *without juridical commitment*- that it regards itself as the EU's implementing body normally through "coalitions of the willing".

iii. - and fashioning a *legally-binding link* between the two inasmuch as the modified Brussels Treaty does not contemplate the existence of the EU. This agreement would close a juridical gap between WEU and the EU because it would define, inter-alia, the following aspects: the conditions for a EU decision to be binding on WEU and for the termination of this obligation (the WEU would be legally committed to implement decisions and actions of the Union having defence implications); the types of missions (those defined in the Petersberg Declaration) and conditions under which WEU would implement them; the voluntary character of national contributions to those operations, as the Agreement would be legally binding on WEU as an organization, but it could never individually commit member states to contribute with forces should they not desire to do so; and the financial aspects.

Under option B, the IGC should decide on measures to be taken to encourage a "rapprochement" between the two organizations. Although total integration is the final objective, intergovernmentality should continue to rule relations between European countries in defence matters (principle of consensus).

(C).- The integration of the WEU into the EU. The Union takes over all the functions presently carried out by WEU in matters of security and defence, creating a single institutional framework for European security and defence. The modified Brussels Treaty would cease to exist, after 1998. This option could be implemented in one of the following ways:

i.- Incorporation of the crisis management aspects of defence into the CFSP together with the option of a Defence Protocol annexed to the TEU incorporating the collective defence commitment, to which member states would *opt in* on conditions to be agreed.

ii.- Incorporation of all aspects of defence into the CFSP and the main body of the TEU, allowing countries unable to enter into the collective defence commitment to *opt out* of this commitment²⁷.

Under option C the IGC would set the objective and the timetable to be adopted for the integration of WEU and EU in the short or medium-term, in particular through the elimination of institutional differences between the two organizations.

However, WEU Assembly has rejected any kind of merger between this European organization and the European Union for two main reasons. On the one hand, because the member countries of the WEU and the EU and the European members of the Atlantic Alliance are not identical and, on the other, because the WEU is not fully operational²⁸. Moreover, as General Rapporteur BAUMEL and some other recommendations of the Assembly suggest, the WEU should not be integrated in the EU until all the latter's members have accepted Article V of the amended Brussels Treaty²⁹. Therefore, they support the maintenance of the modified Brussels Treaty in force and contemplate no revision thereof other than by the signatory states, not

²⁷ WEU Contribution to the European Union Intergovernmental Conference of 1996, WEU Council of Ministers, Madrid, 14 November 1995

²⁸ Report on the Future of European Security and the Preparation of Maastricht II, adopted in June 1995.

²⁹ Recommendation 590 of 23 February 1996 on the Organization of security in Europe: Aspects of Defence.

allowing accession to the WEU by any country not prepared to participate fully and without reservation in a common defence within the framework of the Atlantic Alliance and at the same time in the activities of the CFSP.

3.- As far as the positions of the member states are concerned, there is also a lack of consensus among them. Although the majority view favours the gradual integration of WEU into the EU, there are still some others that favour the maintainance of the *statu quo*.

Among the first group, France and Germany have taken the lead to defend the objective of integrating the WEU in the EU in a *medium-term* one. In this regard, they support the inclusion of a special clause in the Treaty, known as *Europe of variable geometry*, based on the principle that those member states wishing to develop greater cooperation than others should not be hampered in their desire³⁰. By contrast, the United Kingdom considers that the WEU should not be absorbed by the EU which, in view of the “neutrality” of some of its members, should not take decisions on defence or on matters concerning the use of military force³¹.

Nevertheless, Ireland, Austria, Finland and Sweden, in their documents for the IGC, accept that the EU should make use of the WEU as “operational wing” for Petersberg missions and that these actions should come within the Treaty, despite their status as neutral countries. While these countries will continue their neutrality policies and will not participate in military alliances, they will participate in peace-keeping operations but not in peace-enforcement operations³².

There remain, however, many uncertainties with respect to the attitudes towards a defence policy within the EU to consider at this point a EU-WEU merger. This situation contrasts with the desire of the Europeans to act quickly and coherently in international affairs, as the conflict in Yugoslavia has shown. Therefore, the EU must be capable of finding the formula to harmonize so many different interests. In essence, the common denominator that seems to unite the EU member states is the need to incorporate the Petersbergs tasks in the revised Treaty of the European Union. What is essential, however, is that the European identity be developed *within* the Alliance.

III.- THE WEU AND NATO: THE STRENGTHENING OF THE EUROPEAN PILLAR.

One of the most important trends followed by the European states over the last years has been the idea that the European defence identity and the transformation of NATO must proceed in concert, which constitutes a quantitative and qualitative breakthroughs in their dealings with the Alliance for two main reasons. Firstly, NATO’s endorsement of the WEU as the “European pillar” of the Alliance at its January 1994 Summit opened the door to a more constructive working relations between both organizations. Secondly, the new “rapprochement” of two WEU member states, Spain and France, to the Alliance could make Europe’s role more visible and homogenous in the new NATO military structure.

Although the WEU has been closely linked to NATO from the very beginning, since its reactivation process took place not outside but in the context of the Alliance as its main texts and documents prove, both organizations decided to establish simultaneously closer working relations at the end of 1991, after agreeing the Maastricht Declaration on the role of the WEU and the Rome Declaration on Peace and Cooperation respectively. It is worth mentioning that these Declarations reaffirmed their purposes to “develop practical arrangements to ensure the

³⁰ Joint letter by President Chirac and Chancellor Kohl, Baden-Baden, 7 December 1995.

³¹ White Paper on the IGC (A Partnership of Nations-The British Approach to the EU IGC 1996) issued on 12 March 1996.

³² European Parliament: *Summary of Positions of Member States of the European Union with a view to the 1996 Intergovernmental Conference*, Secretariat Working Party, Task Force “Intergovernmental Conference”, Luxembourg, 8 December 1996.

*necessary transparency and complementarity between the European security and defence identity as it emerges from the twelve and the WEU, and the Alliance*³³. In this sense, the WEU went further when it pointed out that the Alliance would remain the “essential” forum for consultation among its members.

Those principles of transparency and complementarity mutually benefit both defensive organizations. Politically, relations between the WEU and NATO have improved through the synchronization of dates and venues of meetings and the cooperation between their Secretariat-Generals. Moreover, there have been resumption of meetings between the WEU Permanent Council and the Supreme Allied Commander in Europe (SACEUR), joint meetings on their respective Mediterranean dialogue³⁴ and the exchange of information in the field of relations with Russia and Ukraine.

Militarily, NATO will increase the operational development of the WEU through the application of the concept “Combined Joint Task Forces” (CJTF), which was agreed upon at the Brussels 1994 Summit. As part of NATO’s effort to construct more flexible, mobile forces for the post Cold War era, CJTF is designed to draw specialized forces from NATO and occasionally non-NATO states to undertake out of area operations. CJTF could be forces “separate but not separable”; that is, such forces might be placed under the command of the WEU, for example, if U.S. forces were only a minor part of an operation³⁵, due to the fact that the WEU lacks the lift, command and control, and intelligence resources to mount successful out of area missions.

Therefore, CJTF appeared as a creative mechanism aimed at providing NATO’s rigid integrated structure with the operational flexibility required by the new changes and the new demands to act efficiently in operations other than those stipulated in articles V of the Washington Treaty and the modified Brussels Treaty (collective defence). In this regard, NATO’s will to facilitate the use of its collective assets for missions with participation of non-NATO countries was represented in practice in the former Yugoslavia, where NATO commanded and controlled the Operation *Joint Endeavor*, once the Dayton Peace Agreement had been signed and the authority had been transferred from the United Nations and UNPROFOR (United Nations Protection Force) to the Implementation Force (IFOR), established by NATO and other European and non-European states, including Russia³⁶.

This situation could be considered as a precedent for future European-led CJTF, although political differences about how to articulate the command and decision-taking procedures, the number of headquarters, etc. still need to be resolved. In this sense, both the French and the British governments proposed in early 1996 what became known as “Deputies proposal”. They suggested that the Deputy SACEUR, traditionally a senior European officer and other European officers in the NATO command structure, wear WEU command hats as well as their NATO and national commands hats. This multiple hatting procedure would, without duplication of resources and personnel, permit the WEU countries to use the NATO command structure to organize and command a military operation under European auspices.

³³ See *Rome Declaration on Peace and Cooperation*, CAN, Rome, 7-8 November 1991, point 6 and *WEU Related Texts adopted at the EC Summit*, Maastricht, 10 December 1991, point B.4.

³⁴ NATO’s Mediterranean dialogue deals with security issues of Egypt, Israel, Mauritania, Morocco, Tunisia and Jordan whereas the WEU has established contacts with Algeria, Morocco, Mauritania, Tunisia and Egypt. The WEU Ministerial Council at Lisbon decided to initiate a dialogue with Cyprus and Malta, which would evolve in line with the development of links between these countries and the EU.

³⁵ Paul E. Gallis: “The Western European Union”, *CRS Report for Congress*, June 28, 1995, p. 5.

³⁶ That is the reason why some authors consider that the conflict in the former Yugoslavia accelerated the the Alliance resolve to undertake modifications in its forces and command structures and it also meant the practical use of a non-existent concept. See Rafael Estrella: “CJTF and the Reform of NATO”, *Defence and Security Committee*, NAA, Draft General Report, AN 230 DSC (96) 8 rev. 1, p.3.

Although the NAC did not explicitly mention the Deputies proposal at its meeting in Berlin in June and December 1996, work continues to be underway in NATO on the European command arrangements. The Alliance could presumably reach an agreement by the 1997 Madrid Summit when an European Deputy SACEUR (DESACEUR) would be designated by the WEU Council -as WEU Commander- and confirmed by the NAC as NATO Commander.

As far as decision-making procedures are concerned, the NAC would be held responsible for NATO CJTF operations and would decide whether to authorize the transfer of a CJTF headquarter and other assets for use by the WEU and to establish the terms of their use. Consultations (perhaps joint Council meetings) between the NAC and the WEU would take place during preparation and conduct of operations. Therefore, the NAC would monitor the use of those assets with the advise of the NATO military authorities. As Stanley SLOAN suggests: "*the final outcome makes extensive provisions for joint NATO-WEU planning in peacetime as well as close cooperation during the conduct of an operation*"³⁷.

Finally, the number of CJTF Headquarters will derive from potential operational requirements and will be limited by resource constraints. According to NATO sources, the Alliance should be able to deploy at least two CJTF HQ (land and sea-based), with NATO and national assets, capable of undertaking larger scale operations. In addition, there is a possibility to form other smaller scale CJTF HQ (brigade or division size or its maritime or air equivalent) for a possible transfer to the WEU or for smaller NATO operations.

Lastly, if the different positions have converged progressively during last two years, the final impulse could have come from the next NATO Madrid Summit of July. With the completion of CJTF concept by that time, WEU member states could achieve another goal: to participate fully in the new multinational command structure. The redefinition of the French and Spanish foreign policy towards NATO clearly indicate the desire of both countries to build the European pillar within NATO. However, there are some differences in the roads followed by them to achieve that goal.

When France announced on 5 December 1995 to become more closely involved in NATO's work and to actively participate in the reformation of the Alliance³⁸, it clearly indicated that it had not rejoined the Alliance's integrated structures, from which it had withdrawn in 1996. Although France would attend the meetings of the Military Committee (MC), it would not take part in the meetings of the Defence Planning Committee (DPC) or the Nuclear Planing Group (NPG). In particular, France wishes to increase the role of the NAC, the only decision making body that derives its authority explicitly from the North Atlantic Treaty.

The reason for that is that France wants to participate in decisions affecting French interests so that French commanders may have direct access to the Allied bodies that are running operations in which French forces are participating, such as the NATO-led mission in Bosnia-Herzegovina. On this issue, one of the most controversial aspects of the reform of NATO has been France's demand that a European should hold the Southern Regional Command located in Naples. However, the U.S. has rejected the idea of giving up the Naples Command because it includes the U.S. Sith Fleet. While most European governments share the French desire to make Europe's role in the new NATO more visible, they would support other arrangements.

One of the formulas advanced was the creation of a Rapid Reaction Force (following the model of the existing ARRC, ACE Rapid Reaction Corps) based in the south of Europe that might be placed under a French commander. A meeting of German, French, Spanish, British and Italian officials was held in Bonn last March to try to establish a common European position on the question of NATO's Southern command³⁹. In the last weeks has gained ground the formula of

³⁷ Stanley Sloan: "NATO Adapts for New Missions: The Berlin Accord and Combined Joint Task Forces (CJTF)", *CRS Report for Congress*, June 19, 1996, p. 6.

³⁸ "Francia decide participar activamente en la renovación de la Alianza", *Revista de la OTAN*, nº 1, enero de 1996, p. 16.

³⁹ Interview with Mr. Rafael Estrella, Congreso de los Diputados, Madrid, 21 de abril de 1997

declaring that this command will “provisionally” continue to be in the hands of an American. That would mean freezing the debate for the coming four to six years. It remains unclear, however, whether this formula will suffice to change France’s position. The idea of strengthening the European participation in the command in the south, including a Deputy commander in AFSOUTH (Allied Forces Southern Europe), while welcomed, does not appear to fulfill France’s needs in terms of political success.

On the other hand, the Spanish Parliament gave the government last November a mandate to negotiate fully its integration in the future new military structure. With the exception of the United Left (the coalition left by the Communist Party), there is an overall support for Spanish integration. There is also a broad consensus on the characteristics of that integration: the disappearance of GIBMED (already agreed) and the creation in Spain of a Subregional command that would be both joint and combined and would cover the entire Spanish territory covered by the Washington Treaty. Difficulties have emerged on the dependence of the Canary Islands, located in an area on which Portugal claims responsibility, although maintaining territorial coherence is viewed as political necessity by Spanish political parties.

On these grounds, it must be clear that WEU member states, which are also members of NATO, want to contribute militarily and politically to achieve the objectives of the Alliance in the new era but also require greater influence on Alliance’s decisions.

IV. CONCLUSIONS.

To conclude, WEU is in the middle of two important processes in Europe: the creation of a European security dimension inside the EU and the maintenance of euro-atlantic link within NATO. Although both processes do not exclude each other, there is an urgent need to maximise effective cooperation between the EU, WEU and NATO. Recent developments in Europe have facilitated close working relations and interaction between the three organizations as well as the developing of operational roles and structures of each of them.

In my opinion, the WEU should be used as shifting spanner that the Europeans could use to do the functions that they consider more appropriate according to its double dimension. As far as defence is concerned, the achievement of a WEU/EU merger is not a very realistic project for the immediate future. An evaluation of the initial progress of the CFSP clearly emphasizes the limitations of the mechanisms set up at the Maastricht Treaty, which are under reconsiderations in the IGC, due to the important divergencies among national policies of member states, especially the absence of a common definition of their essential joint interests, the difficulty of activating the unanimous decision-making system and the problem of the external representation of the Union, among others.

However, discussions to date have revealed certain degree of convergence towards the view that the EU should have an enhanced capacity to pursue objectives of the CFSP which may involve the use of military resources and capacities *without* the EU itself embarking on Article V military operations. In this regard, the EU should focus its attention on the Petersberg missions (humanitarian and rescue tasks, peacekeeping and crisis management) without damaging further developments in the defence area as the EU may be able to agree.

Although we can not exclude the possibility of using the collective defence mechanism (attack on one = attack on all) in the future, the fundamental EU concerns should be to prevent the present-day crisis, allocating more resources to its defence machine: the WEU. In doing so, Mr. SANTER, President of the Commission, has suggested that, in the most sensitive fields, a differentiated structure could be applied in which, for example the qualified majority method would be reserved for political reasons while initiatives with an impact on defence would be subject to formulae better suited to the nature of the subject: *unanimity* when the vital interests of

a member state may be called into question, or *qualified majority* as a function of the degree of commitment of the member states or their close interests⁴⁰.

Similarly, the operational role of the WEU is mainly based on reliance on NATO forces, as the FAWEU and the future application of the CJTF concept show. This situation eliminates the rationale for WEU or any independent institutional manifestation of a European security and defence identity. The reason for that is because future operations will probably involve "coalitions of the willing", whose composition will not neatly fit into WEU, EU or NATO frameworks, witness IFOR, decisions will be made on an *ad hoc* basis among those directly concerned.

Therefore, one of the most pressing current tasks is to define the relationship between EU/WEU, as it may develop, at the IGC, and NATO, as it designs the CJTF. Within the framework of Article XII of the 1948 Brussels Treaty, there is an opportunity offered by the due date of 1998 to enter into a solid powerful joint defence commitments. A certain degree of flexibility would provide a framework within which both members and non-members of EU, WEU and NATO could subscribe to common principles and priorities and participate in programmes and operations as national interests and constitutional processes permitted. As the *concept of subsidiarity*⁴¹ has been established as a cornerstone of European integration, it can very well apply also in foreign affairs and defense. It should be based on mutual ties of solidarity, if not full identity, in the sense that security issues in the European "security space" are regarded by the members of the WEU, the EU and NATO as shared concerns, and for historical, cultural and political reasons, some countries are particularly placed to play a pivotal role in implementing policy. Through qualified majority rule, a minority must not block the normal functioning of the Union and must not be obliged to engage in acts of force which they can not support.

⁴⁰ Jacques Santer: "The European Union's Security and Defence Policy. How to Avoid Missing the 1996 rendez-vous", *NATO Review*, November 1995, p. 9.

Luch Reyckler has argued that "some security tasks are best tackled at the national level, others at the West European or Atlantic level or even at the global level within the context of the UN". See Armand Clesse and Lothar Ruhl: *Beyond East West Confrontation. Searching for a New Architecture*, Luxembourg, IEIS, 1990, p. 208. See also Anthony Hartley: "Maastricht Problematical Future", *The World Today*, October 1992, p. 18.