

DEATH OF AN INSTITUTION

**The end for Western European Union,
a future for European defence?**

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The end for Western European Union, a future for European defence?

ALYSON JK BAILES AND GRAHAM MESSERVY-WHITING



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EXECUTIVE SUMMARY

On 31 March 2010 the ten Member States of Western European Union (WEU) announced that the last organs, staffs and activities of that institution would be laid to rest by 30 June 2011. Having resiled from the Modified Brussels Treaty (MBT) of 1954 which created WEU as a successor to the Western Union of 1948, these nations are now working to dispose of the staff, premises and archives at WEU's Brussels offices and its Parliamentary Assembly in Paris. Little public interest has been shown in these moves, perhaps because WEU's operational and political work had already been taken over by the European Union (EU), in the frame of its new European Security and Defence Policy (ESDP), at the end of 1999.

Why get rid of WEU's last vestiges precisely now? This study addresses the question, and seeks to assess WEU's achievements and legacies by reviewing its 57-year career from cradle to grave. Modest though WEU's own role may have been, it has been intimately linked with one of the great policy challenges of the post-war world: the search for a distinct and effective form of 'European defence'.

The original Brussels Treaty of 1948, creating a permanent guaranteed defence relationship between the UK, France and the Benelux countries, was a vital step towards the realization of the North Atlantic Alliance. When the attempt to create an even more deeply integrated European Defence Community including Germany broke down in 1954, WEU was created as a self-confessed *pis aller*. Its treaty, the MBT, still contained absolute mutual guarantees but from the start WEU left the operative work of defence to NATO. It fulfilled useful tasks in cementing the post-war order, but then sank into slumber until the mid-1980s. When first reawakened, it became a talking-shop for a core group of West Europeans, helping them cope with the trans-Atlantic strains of the time and developing some sense of Europe's shared and distinct security interests.

During the 1990s, WEU had to reinvent itself in face of demands for post-Cold War enlargement and new-style crisis management operations. It was further steered by the evolving needs of the EU and NATO, for whom it came to serve as intermediary. Its low profile and flexibility let it bring the enlargement candidates and European non-Allies, as well as non-EU members of NATO, closely into its work from an early date. It invented a definition ('Petersberg formula') for crisis management tasks that could realistically be carried out by Europeans alone; and it built intricate partnerships with both NATO and the EU that in theory allowed NATO's military assets to be borrowed for missions under an EU political lead. However, the only operations actually launched under a WEU

flag were loosely coordinated naval ones, and police and other civilian actions. WEU never enjoyed the political status or trust in capitals to be seriously considered for more demanding military tasks, even when European coalitions were in the lead.

Frustration with this situation, and with the weak show made by European capabilities under a NATO flag, drove Britain and France in 1998 to propose giving the EU its own military arm. The formula adopted for this in Helsinki at end-1999 limited EU actions to the ‘Petersberg’ crisis management and humanitarian spectrum, thus avoiding a direct clash with NATO and allowing the EU’s non-Allied members to participate fully. The non-EU European Allies, however, lost status compared with WEU and this led to Turkish blocking tactics for the first years of ESDP, delaying the first ESDP operations (in Former Yugoslavia) to 2003. Nevertheless the bulk of WEU’s functions were transferred to EU equivalents, leaving a residual secretariat to guard the MBT. The WEU Institute for Security Studies and Satellite Centre became EU agencies and a few years later, the two WEU-linked armament cooperation bodies WEAG and WEOA were superseded by the EU’s European Defence Agency.

Economy-minded nations were pondering a final close-down of WEU as early as 2004, but the decisive move came in February 2010 following entry into force of the EU’s Lisbon Treaty. This text contains (Article 42.7) a pledge by all 27 EU members to assist each other against military attack, but – contrasting with the MBT’s clarity – the language is heavily qualified by references to NATO’s primacy and respect for the non-Allies’ status. Prompted by the UK with arguments for cost-saving, the WEU powers nevertheless agreed in March 2010 that this development made the MBT redundant. Behind their decision seems to lie an acceptance that the European defence idea can be pushed no further in the EU framework, at least for the foreseeable future. NATO still plays the *beau rôle* in ‘hard’ peace missions as well as territorial defence, and commands more attention even from the French military than a European Union handicapped by German (and other) misgivings. The Franco-British defence treaty of November 2010 signals a certain impatience with all institutional constraints, as well as the severity of post-2008 budget pressures.

An initial post mortem on WEU’s achievements could give credit for its role in early post-war consolidation; for its political services both to a European security identity and to trans-Atlantic harmony from the 80s onwards; and its help in cementing common approaches especially to crisis management missions across the wider Europe. Its ‘Petersberg’ formula has stood the test of time and remains at the heart of EU Treaty provisions on practical defence cooperation. The WEU Institute and Satcen have discovered wider horizons under EU owner-

ship, while WEAO in particular showed a way forward in the still problematic field of defence industrial collaboration. In the military and operational sphere WEU's *acquis* was drawn upon extensively and usefully, where appropriate, during ESDP's formative period, though for obvious reasons this was not highlighted at the time. This *acquis* included planning in the operational, logistic, command and control, communications and force generation fields; the construction of intelligence and situational awareness capabilities; the design of crisis management, exercise and training procedures; and the experience of mounting the first (modest) Petersberg-style operation – MAPE in Albania.

The EU has proved unable to absorb, let alone improve upon, three things from WEU's legacy: the true collective defence guarantees of the MBT, the openness to Turkey and other non-EU Allies, and the maintenance of a specialized parliamentary assembly for defence and security (which will be replaced, at best, by a much weaker inter-parliamentary network). In all other respects European defence and security cooperation has clearly fared much better under the EU's wing than it ever could in WEU, producing more than 20 actual crisis operations for a start. If the EU now finds itself unable to move further, there are at least two possible hopeful readings of the post-WEU situation. One is that the EU and its members will be spurred to greater and more integrated defence efforts by some future set of challenges, distinct from 20th-century territorial warfare. The other reading is that the EU's nature, values, longer-term survival and true security potential are better served without a 'hard' military personality. The kind of European defence that WEU and its Treaty stood for has proved elusive after nearly 60 years of effort: could it also be, in the final analysis, unnecessary and undesirable?

1. INTRODUCTION: DEATH WITHOUT CLOSURE?

Edmond Rostand's play 'L'Aiglon' (The Eaglet) depicts the ill-fated son of Napoleon Bonaparte and his second, Habsburg wife dying young in an Austrian palace. Calling for his cradle to be brought close alongside his death-bed, he exclaims 'My life is there in the crack between them! And in that narrow crack, all too narrow and dark, fate has not dropped even a single pin of glory'.¹ The institution called Western European Union (WEU) was granted a longer life than Franz von Reichstadt, starting with its predecessor Western Union in 1948 and facing final closure only in 2011. Most of those who know it would be tempted to say, however, that the gleam of glory has been equally absent from its history: and that like Napoleon's heir, it was 'greater in the cradle' than ever in its subsequent tale. But even the unrealized life deserves a requiem, and in this study a first attempt will be made to review and assess WEU's story from cradle to grave.

The spur for such a retrospective is clear: on 31 March 2010 the Council composed of the ten Member States of WEU announced that the last organs, staffs and activities of the institution would be terminated by 30 June 2011.² To clear the way, all these nations – Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Spain, Portugal and the UK – have already completed procedures to denounce (withdraw from) the Modified Brussels Treaty of 1954 that brought WEU into being. These steps, though taken in public and sometimes involving parliaments, have attracted remarkably little attention perhaps because most of Europe's security élite assumed WEU was finished already. Following the Helsinki European Council decisions of December 1999 establishing a European Security and Defence Policy (ESDP), the European Union (EU) took over all political and operational functions of WEU, leaving it by 2001 with just a minimal central staff, two armaments-related organs, and a parliamentary Assembly still operating. The armaments bodies, WEAG and WEAO, were closed in 2005 and 2006 respectively in response to the creation of the EU's European Defence Agency. The Assembly re-named itself the European Security and Defence Assembly and has continued working with its base in Paris, but is obliged to close as part of the March 2010 decisions and has planned a final, ceremonial event in Brussels for May 2011. These final closures are thus the last of several *coups de grâce* that have drained the life from a never particularly vibrant organization.

1. Authors' translation from the original French: "Ma vie est là, dans la ruelle. Et le sort... Dans la ruelle mince – oh! Trop mince et trop noire! N'a pu laisser tomber une épingle de gloire". Edmond Rostand, *L'Aiglon*, Act VI scene 1. Curiously, the image of WEU as a 'sickly, sleepy infant' ('un enfant malingre et somnolent') was used as early as 25 January 1955 in a critical article written for *La nouvelle gazette* by G.-N. Dorgez.

2. Statement of the Presidency of the Permanent Council of the WEU on behalf of the High Contracting Parties to the Modified Brussels Treaty, Brussels, 31 March 2010, text at www.weu.int/Declaration_E.pdf.

This paper will re-tell the story from the first days of WEU, in a brief historical introduction (section II) that aims to situate it in the broad weave and weft of security building and integration processes in Europe. Next, in section III, the latter phases of WEU revival from 1992 through to 1999 will be looked at more closely to trace how far and in what way they set the scene for the eventual EU take-over. Section IV describes the phases of that take-over up to the last practical details of termination in 2011. From this point onwards the paper moves into more analytical mode, starting by asking why the final death-knell should sound for WEU precisely in 2010-11 (Section V). The pivotal, and lengthy, Section VI attempts to draw a final balance-sheet of what WEU achieved and failed to achieve: what useful legacies it left for its successors, and what – if anything – was lost to the world with its passing. The closing Section VII comments briefly on the broader consequences and prospects for European defence.

One more remark may be needed on the nature and aims of this study. It will not be a personal memoir, nor concerned with personalities, even if both authors have been employed at WEU during momentous times.³ It does not pretend to supply a theoretical framework for understanding WEU's fate, nor can it do justice to the fascinating legal issues surrounding the closure of an international organization.⁴ It is written in the mode of empirical policy analysis, on the basis mainly of primary sources, the authors' experiences, and a total of 20 structured interviews⁵ conducted with national and institutional officials and other experts from January-April 2011.⁶ It thus leaves enormous scope for further studies on the subject and, it may be hoped, will play some part in stimulating them.

Alyson JK Bailes and Graham Messervy-Whiting⁷

3. Alyson Bailes served as Political Director of WEU from 1996-1999, and had dealt with aspects of European defence policy as a British diplomat since the 1980s, notably while Head of FCO Security Policy Department in 1994-96. During Graham Messervy-Whiting's Armed Forces career he held the posts of Director of the Western European Union's Planning Cell from 1995-98, adviser to Javier Solana on the establishment of the European Security and Defence Policy from 2000-01, and then the first Chief of Staff of the new EU Military Staff from 2001-03.

4. For a recent treatment see Ramses A. Wessel, 'Dissolution and Succession: The Transmigration of the Soul of International Organizations' in J. Klabbers (ed.), *Research Handbook on the Law of International Organizations*, Edward Elgar Publishers: Cheltenham, 2008.

5. These interviews took place on the understanding that interlocutors would not be named in this paper nor specific remarks attributed to them. Their testimony has been especially important in constructing sections V-VII below.

6. The authors wish to extend special thanks to the WEU Secretariat-General, the President and staff of the WEU Assembly, the Flemish Peace Institute, and all those who were interviewed for or helped to review this paper.

7. Alyson Bailes is a Visiting Professor at the Faculty of Political Science, University of Iceland, and at the College of Europe in Bruges. Graham Messervy-Whiting is a Senior Honorary Research Fellow in the University of Birmingham's School of Government and Society.

2. WEU AS ‘THE’ EUROPEAN DEFENCE INSTITUTION, 1948-1991⁸

The broadest way to frame the history of WEU⁹ is to link it with the concept of ‘European defence’: a phrase that enshrines both the organization’s highest aspirations, and its ultimately fatal contradictions. ‘European defence’ in a 20th-century context combined the two most innovative Big Ideas of the post-World War Two period, both inspired by wartime experience – permanent collective defence, and a uniquely far- and deep-reaching new style of multi-state integration. The problem lay, and still lies today, in marrying the two notions. *Defending* Europe, at least in ‘hard’ military and territorial terms, has only been found feasible so far in a trans-Atlantic framework including the USA. Applying the full rigour of the *European* model of integration, with its pooling of resources under collective or supranational management and consequent modification of sovereignty, to military defence has so far proved a bridge too far for the Europeans themselves, let alone for North Americans.

The vicissitudes of the European defence idea, in all its guises and component parts, provide the simplest explanation for why WEU began life as a *pis aller* and continued as a stop-gap, a ‘reserve’¹⁰ and an odd-job institution. The story started, however, in a very different spirit with the signature of the first Brussels Treaty by Belgium, France, Luxembourg, the Netherlands and the UK on 17 March 1948. Containing an unconditional mutual defence commitment and

8. This and the following two sections (including three chronological tables) draw upon *Why can we get rid of Western European Union? European Collective Security and the Modified Brussels Treaty*, a BA thesis presented at the University of Iceland in January 2011 by Örvar Þorri Rafnsson, to whom the authors convey their thanks. The text is accessible at <http://skemman.is/item/view/1946/7269;jsessionid=C7BB5D2ADF67E1C4349E03D4260E9AFD>.

9. The history of WEU has been made accessible for research by a multimedia archive created by European Navigator at the Centre Virtuel de Connaissances de l’Europe (CVCE) of the University of Luxembourg – <http://www.ena.lu> – subsuming the early records held at the UK Public Records Office in Kew, and supplementing WEU’s own material at <http://www.weu.int>. The CVCE archive includes a full bibliography, but the following reference works/compilations have been found particularly useful: Arie Bloed and Ramses A Wessel (eds.), *The Changing Functions of the Western European Union (WEU)*, Martinus Nijhoff Publishers: Dordrecht, 1994; Anne Deighton (ed.), *Western European Union 1954-1997: Defence, Security, Integration*, St Antony’s College: Oxford, 1997; Anne Deighton and Eric Remacle (eds.), *The Western European Union, 1948-1998: from the Brussels Treaty to the Treaty of Amsterdam* (special edition of *Studia Diplomatica*, Brussels, Vol. LI: 1998, Nos. 1-2, Brussels, 1998); Guido Lenzi (ed.), *weu.@.fifty*, WEU-ISS: Paris, 1998; WEU Secretariat-General, *Western European Union: A European Journey* (privately published: Brussels, 1998); and André Dumoulin and Eric Remacle, *L’Union de l’Europe Occidentale: Phénix de la défense européenne*, Éditions Bruylant: Brussels, 1998. For the period after 1999, the Assembly’s privately published *The European Defence Debate 1955-2005* (Paris, 2005) and André Dumoulin, *Union de l’Europe Occidentale: La Déstructuration (1998-2006)*, Éditions Bruylant: Paris, 2005, are indispensable sources.

10. The term ‘reserve organization’ is found in Willem van Eekelen, ‘WEU Missions and Cooperation with NATO – Comments’ in Deighton and Remacle, *The Western European Union, 1948-1998*, as note 9 above. Another telling epithet is the institution of ‘missed opportunities’ (WEU Assembly, *The European Defence Debate 1955-2005*, as note 9 above, p. 77).

establishing a ‘Western Union’ with concrete elements of joint military organization (command structures, joint air defence), this Treaty made multilateral, *permanent*, collective defence a reality in Europe for the first time in history. It provided the European foundation on which NATO was to be created through the Treaty of Washington signed with the USA and Canada on 4 April 1949, when Denmark, Iceland, Italy, Norway and Portugal also became members (to be followed by Greece and Turkey in 1952). Tellingly, however, in December 1950 when NATO’s own permanent defence structures started to take shape with the appointment of a European supreme commander (SACEUR), the Brussels Treaty powers decided that their joint military activities should be incorporated into and henceforth carried out through the Atlantic Alliance.

The notion of (Western) Europe as a separate ‘hard’ defence community was not, however, to be quite so rapidly strangled at birth. The early 1950s were the time when the even more revolutionary idea of supranational integration began to take on flesh in Franco-German plans for the European Communities. They were also dominated by debate over how to bring a recovering, democratized, Federal Republic of Germany into Western structures, as much to seal its own redemption as to strengthen the front against Communist encroachment in the heart of Europe. In September 1950, French Prime Minister René Pleven suggested applying the ‘European’ method *par excellence* by creating a European Defence Community (EDC) with a single multinational force structure including German forces under central command. The Treaty of Paris signed on 23 May 1952 embodied this idea but, like the Treaties creating the three original European Communities, did not include the UK – nor indeed, the ‘flank’ countries of Europe’s North and South.¹¹

Table 1: Chronology of European Defence and Integration, 1945-1955

May 1945	End of World War II in Europe.
September 1946	Winston Churchill’s ‘United States of Europe’ speech.
March 1947	Britain and France sign Dunkirk Treaty on mutual defence against Germany.
September 1947	United States and Latin American countries sign the Rio Treaty (Inter-American Treaty of Reciprocal Assistance) on mutual defence against external attacks.
March 1948	Britain, France, the Netherlands, Belgium and Luxembourg sign the Brussels Treaty on mutual defence. The Western Union is subsequently established.
June 1948	Berlin blockade begins.

11. The signatories were Belgium, Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands

June 1948	United States Senate passes the ‘Vandenberg resolutions’ allowing the US to enter into regional defence pacts.
October 1948	Brussels Treaty Organization approves plan for ‘North Atlantic Defence Pact’.
April 1949	Brussels Treaty Organization, the United States, Canada, Italy, Portugal, Denmark, Norway and Iceland sign the Washington Treaty (NATO Treaty) on mutual defence.
May 1949	Treaty of London (Statute of the Council of Europe) establishes the Council of Europe.
May 1950	Robert Schuman presents proposal (Schuman Declaration) to create a supranational functional community in Europe.
October 1950	René Pleven presents his proposal (Pleven Plan) for a European Defence Community
December 1950	NATO opens itself to a German contribution. End of ‘occupied’ status of (West) Germany.
April 1951	Treaty of Paris establishes the European Coal and Steel Community.
February 1952	Turkey and Greece join NATO.
May 1952	European Defence Community Treaty signed.
August 1954	French National Assembly rejects European Defence Community.
October 1954	Brussels Treaty amended to establish the Western European Union and to include membership of Germany.
May 1955	(West) Germany joins NATO.

Thus for just over two years, it looked as if the architecture of free Europe would consist of a political, economic and military hard core of six fully integrated states, with an outer ring of other Europeans, and two North American powers, linked by inter-governmental obligations in the defence field only. But on 30 August 1954, the French National Assembly showed it was not ready for such close and exclusive interdependence with Germany by voting for a motion rejecting the EDC. In the weeks of hurried diplomacy that followed, the British Foreign Secretary Sir Anthony Eden played a key role in seeking a solution that would save European face while shifting the defence agenda – including the military integration of West Germany – firmly back into the Atlantic framework. Already in September and with the USA and Canada as witnesses, the five European signatories of the Brussels Treaty agreed to invite both Germany and Italy to join them. On 23 October at Paris, a set of instruments were signed that came to be known as the Modified Brussels Treaty¹² and which among other things established the organization Western European Union (WEU). One year later the Federal Republic of Germany was received into NATO.

12. Text at www.weu.int/Treaty.htm.

The Modified Brussels Treaty (MBT) was, on paper, still a serious expression of collective defence. The wording of the mutual defence commitment in its Article V was more direct and absolute than that adopted by the Allies in NATO's Washington Treaty, as seen in Figure 1.

Figure 1: Comparison of Mutual Defence Clauses, WEU and NATO

Modified Brussels Treaty Art. V	Washington Treaty Art. 5
<i>'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power'</i>	<i>The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.'</i>

Also, Article VIII of the MBT empowered the WEU Council to consult on 'any situation which may constitute a threat to peace, in whatever area this threat should arise'. On the other hand, WEU inherited and maintained the Western Union's decision of 1950 *not* to develop any military structures and (peacetime) activities of its own, but to leave all such matters to NATO.¹³ The day-to-day tasks remaining for the new organization consisted mainly of post-war business that was important for the full rehabilitation of Germany, but by nature time-limited: the monitoring of specific aspects of German disarmament (through the WEU Agency for the Control of Armaments, ACA), and the temporary custodianship of the province of the Saar (Saarland) until it opted during elections in 1956 to return to Germany. While the MBT foresaw WEU also having a role in building European non-military cooperation – its full title referred to 'Economic, Social and Cultural Collaboration and Collective Self-Defence' – the crystallizing out of Europe's multi-institutional architecture during the 1950s saw these other roles firmly appropriated by either the European Communities or the Council of Europe.

13. Even regarding consultations or deliberations on defence, the MBT did not foresee independent WEU capacities but stated that '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.'

Nevertheless, the 1950s and early 1960s were a time to bed down WEU's own institutional structure and working routines. Its headquarters were initially established at London, balancing the placing of NATO in Paris and the EC at Brussels. The supreme decision-making body was the inter-governmental Council, meeting nominally and occasionally at Ministerial level but routinely at the Ambassadorial level of Permanent Representatives, very much as in NATO. It had an annually rotating Presidency following the sequence of member states' names in English.¹⁴ A modest international staff composed of nationals of the full member states was headed by the Secretary-General, a post first occupied from 1955-1962 by Louis Goffin (a full list of Secretaries-General is in Figure 2). Again as in NATO, the Secretary-General chaired the WEU Council when meeting at the level of Permanent Representatives ('Permanent Council'). The ACA had its own staff, and there was also a Standing Armaments Committee, which however saw much of its role shift to the Independent European Programme Group (IEPG) set up by NATO in 1976 and was finally closed down in 1989.¹⁵ WEU's two working languages, English and French, had equal status and were used in meetings¹⁶ and day-to-day business without interpretation.

Figure 2: Secretaries-General of WEU

Louis Goffin	1955-62
Maurice Iweins d'Eeckhoutte	1962-70
Georges Heisbourg	1971-74
Friedrich-Karl von Plehwe	1974-77 (acting)
Edouard Longerstaeay	1977-85
Alfred Cahen	1985-89
Willem Frederik van Eekelen	1989-94
José Cutileiro	1994-99
Javier Solana	1999-2009
Arnaud Jacomet	acting, from 25 November 2009

A final important element, first created by the MBT, was a Parliamentary Assembly to which each member nation sent a delegation from its national Parliament, consisting of the same MPs as were nominated to the Council of Europe's Assembly.¹⁷ The Council was obliged to report (at least once) annually

14. In 1994 the Presidency term was shortened to 6 months to match EU practice and in 1997 a new rotation was agreed to come into force from 1999, whereby the same state would hold both the EU and WEU Presidency whenever possible.

15. As explained below (section III.2), the armaments task then reverted to the WEU framework with the creation of the Western European Armaments Group, WEAG.

16. At Ministerial meetings and in the Assembly, a wider range of languages was provided for. Later when WEU/NATO joint Councils were held, interpretation had to be arranged for non-French speaking NATO Permreps.

17. The Treaty had originally envisaged a single assembly handling both CoE and WEU business but by 1955 it was clear that this would be unworkable given the CoE's lack of defence competence.

on its work to this body, which was also left with considerable freedom to decide what it would debate and study, which guest speakers it would invite and so forth.¹⁸ Convening for the first time in July 1955, the Assembly met at Paris but could also opt to hold special sessions elsewhere. While it was to prove a lively member of the WEU institutional family – and ultimately the most tenacious! – it should be noted that its role was, as with the NATO equivalent, purely deliberative and advisory; it had no equivalent to the budgetary co-decision powers that the European Parliament enjoyed from the start.

By the end of the 1950s WEU was entering what is commonly described as its dormant period, with all its transitional tasks completed, and no obvious role to play in the vacant ground between a NATO purely and acutely focused on ‘real’ defence and an EC still limited to civilian ambitions. If proceedings in the WEU Council, the WEU Assembly, and their informal ‘corridors’ held any value at all for Euro-Atlantic high politics – from this time to the mid-1980s – it was in contexts where no clear result could be reported at the time or easily measured today. First, so long as Britain remained outside the fabric of European integration, joining the EC as it did only in 1973, the WEU grouping was one place where it could communicate with France, Germany and the rest of the Six founding states.¹⁹ Secondly, after General de Gaulle chose to take France out of NATO’s Integrated Military Structure in 1965, the WEU forum remained one where in principle the French could still raise defence issues, even of a technical or armaments-related nature, with the UK and other partners. Thirdly, it is interesting to ponder whether the very notion of the seven-nation WEU group as a distinctly European security forum helped to legitimize and develop the notion of European cooperation on external diplomatic, defence, security and arms control issues – paving the way for the EC-based Political Cooperation that was to flourish (and grow steadily more institutionalized) above all after Britain’s accession.

At any rate, the first clear interruption of WEU’s slumber came in the mid-1980s, at a time when strategic conditions in the Euro-Atlantic space and the roles of related institutions had both evolved greatly. The United States, not for the first or last time, was preoccupied with threats from non-European regions including attacks by international terrorists and the ‘rogue’ states that sponsored them. Pressure from Washington and especially from Congress for better

18. Ernst Christoph Lotter in ‘WEU’s Assembly: Parliamentary Control of European Security Policy?’ (Deighton and Remacle, *The Western European Union, 1948-1998: from the Brussels Treaty to the Treaty of Amsterdam*, as note 9 above) notes how the Assembly from its first days concerned itself with matters going beyond WEU’s own limitations, acting in effect like ‘the right body in the wrong organization’.

19. R. McAllister, *From EC to EU: An Historical and Political Survey*, p. 42, Routledge: London, 1997.

burden-sharing in Europe by a strengthened European ‘pillar’ within the Alliance was high. Relations with the Soviet bloc meanwhile were complicated on the one hand by the maturation of détente policies that brought arms control and confidence building heavily on to agendas in NATO, the CSCE²⁰ and even in EC circles;²¹ and on the other by aggressive and oppressive Soviet actions both in Europe and further afield (Afghanistan). Following patterns that have recurred right up to the present, influential European states could find themselves divided in their responses to US actions and demands; in their sense of how strictly or how cooperatively and understandingly to deal with the great Eastern neighbour; and at another level, also by their differential loyalties to, and conceptions of the proper role of, different security-relevant institutions.

It was against this background that in 1984, France, Belgium, Germany, and Italy began to canvass the idea of reviving WEU as a forum for serious intra-European policy discussion. Typically, they were driven less by regard for the organization *per se* than by its convenience as a body with undisputed defence competence that could meet without North American scrutiny, but also without risk of the smaller and more peripheral Europeans complicating things. The UK, under a Conservative Government that was basically but not uncritically pro-American, decided to go along with the initiative and try to keep it on the right track rather than protesting.²² Accordingly, WEU Foreign Ministers met in Rome in October 1984, to adopt a declaration that sketched the lines for WEU’s political reanimation and its institutional reform.²³ Proclaiming values of peace, deterrence and defence, and stability through dialogue and co-operation, they agreed to make better use of the WEU framework to increase their co-operation in the field of security policy and to promote consensus. The aim would be not only to serve Western Europe’s own interests but to improve security and solidarity among all members of NATO, and care would be taken to maintain liaison with European NATO members not in WEU.²⁴ The Council, meeting at Ministerial level twice per year, would remain at the centre of WEU activity but would also seek to improve its dialogue with the Assembly.²⁵ Further, Ministers of Defence from member states would be invited to join in Ministerial Council

20. The Conference on Security and Cooperation in Europe, inaugurated by the Helsinki Final Act of 1976, now called the Organization for Security and Cooperation in Europe (OSCE).

21. Security issues at least of a more cooperative and ‘softer’ kind had started to be discussed in EC Political Cooperation in the context of European inputs to CSCE, plus some global disarmament and regional security topics.

22. British interest at this time in a stronger ‘European pillar’ was expressed i.a. in a *Foreign Affairs* article under that title by Foreign Secretary Geoffrey Howe, reported in Alyson JK Bailes, ‘NATO’S European Pillar: The European Security and Defense Identity’, *Defense Analysis*, vol. 15, no. 3 (NATO 50th anniversary edition), 1999.

23. WEU Council of Ministers (1984), ‘Rome Declaration,’ retrieved November 5, 2010, from http://www.assembly-weu.org/en/documents/sessions_ordinaires/key/declaration_rome.php

24. *Ibid.*

25. *Ibid.*

meetings – a step that could be seen as especially significant,²⁶ not just because it made WEU the first and only purely European body where these Ministers (and their military advisers) could foregather, but also as foreshadowing the next historic step towards the launching of actual European military operations.

The early years of this WEU revival had a definite, if unquantifiable effect in helping ‘core’ European governments to maintain some cohesion in their handling of the thorniest trans-Atlantic issues of the time, and in scotching more extreme positions. Publicly, it made progress notably with the adoption of a ‘Platform on European Security Interests’, commonly called the Hague Platform, at the WEU Ministerial Council at The Hague in October 1987. This was of interest both for its defence-policy and its institutional content. On the first point, it built a bridge between France and the other NATO members on strategic questions, recognizing the need for a mix of nuclear and conventional weapons in the defence of Europe, the continued presence of American forces in the continent, and the defence of member countries at their borders.²⁷ Institutionally, it spoke of WEU’s own revival as an important contribution to the broader process of European unification, and of the Modified Brussels Treaty, with its far-reaching obligations to collective security, as an important means to this end.²⁸ In the most obvious hint that the old European defence ideal was not buried beyond retrieval, it stressed EU Member States’ commitment to build a Union in accordance with the Single European Act and their conviction that the construction of an integrated Europe would remain incomplete as long as it did not include security and defence.²⁹

If the earliest gleam may be seen here of a European solution that would supersede WEU itself, for the moment WEU’s own structure and pattern of activities were being rebuilt in ways tailor-made for the new environment. The revival drew interest from other Europeans, resulting in the admission of Spain and Portugal as full members in 1990 (Greece would become the final new full member in 1995). A WEU Institute for Security Studies was opened at Paris in 1990, providing an asset for which neither NATO nor the EU had any match at the time, and in 1991 Ministers agreed to open an equally innovative WEU Satellite Centre at Torrejón de Ardoz near Madrid.³⁰ Further, opportunities now started

26. Wim van Eekelen, ‘The institutional reforms of WEU’ (interview, 2009), at http://www.ena.lu/interview_willem_van_eekelen_institutional_reforms_weu_hague_october_2009-2-38502.

27. Wim van Eekelen, *From words to deeds: The Continuing Debate on European Security*, Centre for European Policy Studies and Geneva Centre for the Democratic Control of Armed Forces: Brussels/Geneva, 2006, p.4.

28. United Kingdom Parliament, *Extracts from the WEU Ministerial Council Platform on European Security Interests*, London: 1987, retrieved November 6, 2010 from <http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmdfence/264/26415.htm>

29. Ibid.

30. The SatCen was officially inaugurated in 1993.

to arise to organize – or at least, coordinate – European-led military operations for which WEU offered the best and, for the moment, the only ready-made ‘home’. In 1987-88 during the Iran-Iraq war, and in 1990-91 after Iraq’s invasion of Kuwait, WEU coordinated the work of European vessels in mine-clearing in Gulf waters to ensure the safety of shipping. Its mandate in the second case included helping to enforce UN sanctions, and it also contributed to the humanitarian actions for Kurdish refugees in Northern Iraq.³¹ Admittedly, naval operations where the smallest unit of coordination is a ship are far removed from ‘European army’-type visions of deep military integration; but for the future, the most important thing was that these WEU-managed operations did their job, ran into no trouble, and upset nobody.

31. Planning for WEU’s role in the Gulf also triggered the first ever meeting of Chiefs of Defence of WEU nations, at Paris in August 1990. See Arnaud Jacomet, ‘The Role of WEU in the Gulf Crisis’ in Nicole Gnesotto and John Roper (eds.), *Western Europe and the Gulf* (WEU-ISS: Paris, 1992) – the first academic publication of the WEU Institute for Security Studies, and Gordon Wilson, ‘WEU’s operational capacity: delusion or reality’ in Guido Lenzi (ed.), *w.eu.@.fifty*, as note 9 above.

3. WEU ‘DIGGING ITS OWN GRAVE’: OPERATIONALIZATION FROM 1991-1999

The end of the Cold War and of the military partition of Europe in 1989-90 ushered in a radically new strategic environment; new challenges for security institutions; and a process of consequential change in the institutions themselves, which arguably has yet to run its full course. WEU was as exposed as any to these forces of history, and it evolved in fact under a double dynamic in the new decade. Its own relative ‘lightness’ of standing, duties, and legalized *acquis* allowed it to adapt faster in some respects to the new conditions, thus offering a laboratory where Europeans could continue – as in the 1980s – to experiment with security governance at rather low risk and cost. At the same time and in the end more significantly, it was pushed and pulled in new directions by developments both inside NATO and in the EU’s European construction process: ending up, by the mid-1990s, as the first and only operative bridge between these two heavier-hitting institutions. This section will trace WEU’s story up to the next watershed in 1998-9 under three main, closely interlinked headings: enlargement, crisis management, and the evolving NATO-WEU-EU relationship in the sphere of European defence. Under each topic, hindsight will show how WEU’s achievements – as much as its limitations – were setting the scene for its own eventual redundancy.

Table 2: Chronology of WEU Revival, Second Phase 1991-1999

December 1991	WEU Declarations on the role of WEU and its relations with EU and NATO approved in Maastricht. WEU agrees to invite other EU member states also belonging to NATO to join WEU.
June 1992	An operational role is conferred on WEU by the Petersberg Declaration, defining relevant crisis management tasks. Forces answerable to WEU (FAWEU) and a Planning Cell are established.
November 1992	Turkey, Norway and Iceland become WEU Associate Members. Ireland and Denmark become WEU Observers.
December 1992	The work of NATO’s Independent European Programme Group (IEPG) is transferred to the Western European Armaments Group (WEAG) established in the WEU framework.
January 1993	Transfer of WEU Council and Secretariat-General from London to Brussels.
January 1994	NATO gives its support for the development of the European Security and Defence Identity and for the principle of making Alliance assets and capabilities available for WEU operations.
May 1994	Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia become WEU Associate Partners.

November 1994	WEU publishes its Preliminary Conclusions on the formulation of a Common European Defence Policy (CEDP).
January 1995	Following their accession to the EU, Austria, Sweden and Finland become WEU Observers. Greece becomes WEU's tenth full member.
May 1996	WEU-NATO Security Agreement signed.
June 1996	At NATO's Berlin Ministerial, ESDI concepts are further defined including the possibility of loaning a NATO Combined Joint Task Force for a WEU-led European operation.
June 1996	The Situation Centre located at WEU's Headquarters becomes operational.
June 1996	Slovenia becomes a WEU Associate Partner.
November 1996	The WEAG states set up the Western European Armaments Organisation, WEAO.
March 1999	Following their accession to NATO, Poland, the Czech Republic and Hungary become WEU Associate Members.

3.1. A Europe whole and free

In the first euphoria of the new decade, notably while negotiating the CSCE's new Charter of Paris,³² it was possible to imagine the institutions of Western Europe gradually losing their separate identity within a larger, inclusive 'single European home'. If this vision evaporated after a mere 2-3 years, the reasons should be sought not only in the outbreak of armed violence in the Former Yugoslavia, but also in the speed with which the newly free Central Europeans concluded they had no safe choice but to join both the EU and NATO. Such alternatives as a regional pact, neutrality, or free cooperation with Russia (contemplated for a while e.g. by Bulgaria and Slovakia)³³ could not drive the internal transformations that the new democracies needed to distance themselves both from Communism and the spectre of the 1930s. Nor could they convincingly shield Europe's Eastern heartland from the still menacing uncertainties created by Russia's own ups and downs in these early years.

Enlargement of the Western institutions was thus being seriously debated even before NATO, in its Brussels Summit declaration of January 1994,³⁴ officially

32. Signed 19 November 1990, text available at <http://www.osce.org/documents>.

33. Andrew Cottey, *East-Central Europe after the Cold War: Poland, the Czech Republic, Hungary and Slovakia in Search of Security*, Houndsmills, Macmillan: London, 1995.

34. The declaration includes the words: 'We have agreed...to reaffirm that the Alliance remains open to the membership of other European countries'. Text at <http://www.nato.int/docu/comm/49-95/c940111a.htm>.

faced up to the possibility and launched Partnership for Peace to serve the needs of would-be applicants among others. But it was equally clear that the first new admissions to either institution would take time, and would demand (above all from NATO) much care and skill to handle the inevitable Russian reactions. The EU had even less flexibility for snap decisions given the established formality and wide coverage of its pre-accession routines. WEU was the one exclusively Western forum where immediate experiment was possible, precisely because the stakes were nothing like as high.

Changes in the WEU membership structure had in fact started even sooner, in connection with the signing in 1992 of the EU's Maastricht Treaty³⁵ which – as further explained below (III.3) – set a higher mark for the Union's security and defence ambitions and in the process demanded a closer WEU-EU relationship. In a declaration adopted on 9-10 December 1991 when WEU Ministers also met at Maastricht,³⁶ WEU's members invited EU member states who had not yet joined WEU to do so according to procedures to be determined in the context of the MBT, or to become Observers if they wished. The inwardness of this bland language was that in practice, WEU would not accept new full members who were not already in, or in the process of joining, NATO. Even had any such state been ready to sign up to the MBT's guarantees, there was no way to execute the latter except through NATO, and trying to dodge that fact could have called in question the seriousness of the MBT's meaning for everyone.³⁷ On this reasoning, the only additional European state qualified to accede to the MBT as of 1992 was Denmark: but the Danes had gained an opt-out from all defence-related aspects of European construction as part of their conditions for ratifying Maastricht,³⁸ and to be consistent, considered that they should settle for Observer status in WEU. This status was also adopted in 1992 by Ireland, as a non-allied state, and later by Austria, Finland and Sweden on their accession to the EU in 1995. As already mentioned, Greece became the final full member to join the WEU structure in 1995.

WEU's role at this stage in history was all about balance, however, and in December 1991 it also underlined its wish for intensified relations with

35. Treaty on European Union, signed at Maastricht 7 Feb. 1992 and entering into force on 1 Nov. 1993, text at <http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>.

36. This with a number of other historic WEU texts is available at <http://www.weu.int/Key%20texts.htm>.

37. It should be stressed that this was an understanding among WEU members and staffs, rather than a formal prescription. There was thus scope for some Austrian politicians, for instance, to speculate during the 1990s about whether they might accede to the MBT without joining NATO, but such trial balloons were always in the end shot down.

38. Henrik Larsen, 'Denmark and the EU's defence dimension: Opt-out across the board?' in Nina Graeger, Henrik Larsen and Hanna Ojanen, *The ESDP and the Nordic countries: four variations on a theme*, Finnish Institute of International Affairs and Institut für Europäische Politik, Helsinki and Berlin: 2002.

NATO.³⁹ To facilitate that and to balance the new EU incomers, those NATO Allies not in the EU – currently Iceland, Norway and Turkey – were invited to become Associate Members of the institution. All did so, and this was a particularly novel step for Iceland: an Ally with no armed forces, which had not taken part in Europeans-only groups within NATO due to these bodies' focus on armaments. The implications of Associate Member status took some time to clarify, but eventually gave these states a stronger position than any others in the WEU system except full members. Notably, they were allowed to contribute to the military staffs of WEU's Planning Cell, and to the WEU core budget; and the fact that full and associate members were linked elsewhere by formal defence guarantees was recognized in various unpublicized but significant ways.

Also in 1992 and not by coincidence, WEU took the first step in its own opening to the East. In a special joint meeting at WEU's Petersberg (Bonn) Ministerial in June, the five non-Soviet former members of the Warsaw Pact and the three Baltic States were invited to enter a multilateral Forum of Consultation with WEU. Discussions there were to focus on security conditions in the CSCE area including arms control and disarmament, and they also allowed views to be exchanged on the worsening crisis in Former Yugoslavia. The Central Europeans themselves continued, however, to press for closer access and were supported by France and Germany.⁴⁰ The UK, which was generally pro-enlargement but more inclined to protect existing NATO members' status in WEU, came on board in the context of a package of measures adopted at the Kirchberg (Luxembourg) Ministerial, May 1994, where Associate Member status was also further defined.⁴¹ The nine Central European states who by now had also been recognized as potential members of the European Union – Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia – were offered, and accepted, a new status as Associate Partners of WEU. Following the logic of the link with EU applicant status, Slovenia joined them in June 1996.

With the three new categories of Associate Member, Observer and Associate Partner now established, WEU's post-Cold War architecture settled into a form that was to see no further major change up to its dissolution. Logically enough,

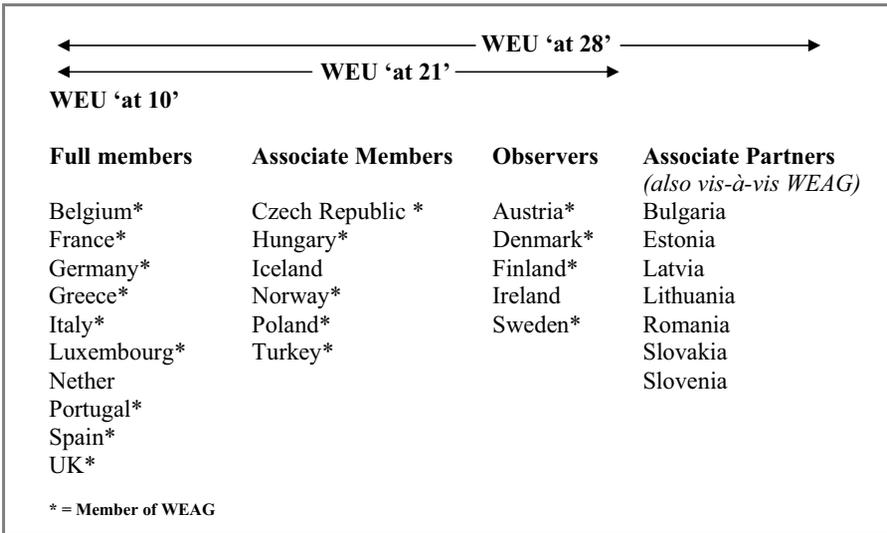
39. 'WEU's relations with the Atlantic Alliance', second Maastricht Declaration of 10 December 1991, text at http://www.assembly-weu.org/en/documents/sessions_ordinaires/key/declaration_maastricht_fromeu_site.php

40. Monika Wohlfeld, 'Closing the gap: WEU and Central European countries' in Guido Lenzi (ed.), *weu.@.fifty*, as note 9 above

41. In particular, an understanding was reached that WEU full members would not invoke their mutual guarantees for operations directed at NATO Allies who did not have full-member status – a crucial point for Turkey. Miguel Medina-Abellan, *Turkey, the European Security and Defence Policy and Accession Negotiations*, SinAN Working Paper No. 1, Middle East University Ankara, 24 April 2009: text at <http://sinan.ces.metu.edu.tr/dosya/miguelwp1.pdf>.

when the Czech Republic, Hungary and Poland joined NATO in 1997 they moved up to Associate Member status, producing the pattern of WEU’s final years as shown in Figure Three below. Its complexity was often mocked by outsiders but posed no great problems in daily business, as the great bulk of activity went on either ‘at 21’ (among NATO and/or EU members) or with the full family ‘at 28’. However, there were further intricacies that could baffle even the cognoscenti: some specialized working groups and activities transferred from NATO (including the Transatlantic Forum for publicity work in the USA and Canada, for instance) were conducted by full members plus Associate Members only or ‘at 16’. Further, when the lead in European Armaments work was transferred from NATO to the WEU framework in 1992, the resulting WEAG and WEAO structures developed their own peculiar geometry as will be explained further in the next sub-section.

Figure 3: Statuses in the WEU Membership Structure, as of 1999



What roles did the various non-full members of WEU play in practice? The main matters reserved for the innermost 10 were the tenure of the revolving Presidency – and thus the hosting of Ministerial meetings; personnel appointments and staff management; budgeting;⁴² and also the rules of security (which had to be stringent enough to allow WEU and NATO to share classified materials). At the opposite extreme, all 28 states took part in decision-making on WEU operations and could opt in to them either with personnel and equipment or finan-

42. This refers to the WEU institutional budget, including costs of the Assembly. Operational budgets were constructed ad hoc on a sliding GNP scale, to include all nations taking part plus any that wanted to make purely financial contributions.

cial contributions. They conducted what might be called the ‘foreign policy’ of WEU which included notably relationships with Russia and Ukraine, a Mediterranean dialogue and efforts to support indigenous peacekeeping in Africa; plus general-purpose information work. Work done ‘at 21’ with the Associate Members plus Observers revolved around relations with NATO and the EU, and importantly, gave *all the 21 equal access* to these interactions. The West European non-full members thus had speaking and co-decision⁴³ rights not just in WEU’s own work, but in joint WEU-NATO and WEU-EU meetings⁴⁴ – which became more frequent and meaningful in the late 90s, as explained below. For Austria, Finland, Ireland and Sweden this offered major added value on top of their direct access to NATO through membership of Partnership for Peace, which they shared with a motley crew of NATO applicants and non-applicants ranging as far as Central Asia. Working in WEU also deepened the impact of their exposure and assimilation to common European policy-making on security in the CFSP context.⁴⁵ Conversely, Iceland, Norway and Turkey were able to open a back door into the EU’s external policy making process – gaining the chance to influence and be influenced by its particular culture (including for instance the inputs of the European Commission) – in a way that no form of partnership offered by the EU itself at this stage would have allowed.⁴⁶

For all these groups of states, WEU could be no more than a side-track in the post-Cold War game of institutional change and expansion where NATO and the EU alone held the real prizes. It could also, however, serve as a ‘school’ and rehearsal ground that might boost national prospects if used intelligently; while the ties and mutual understanding formed there played a not negligible part in helping non-Balkan Europe weather the strains of the 1990s in peace.⁴⁷ It was surely no coincidence that the Associate Partners vied to contribute (also in cash) to WEU operations and were on their best behaviour in simulation exercises also involving NATO. Not only in WEU’s conference rooms but also in the

43. This term is not exact as the joint meetings had no legal personality or law-making role, but it is correct to say that consensus was sought among all participants and was, in practice, the condition for any follow-up within WEU’s own system.

44. WEU-NATO joint meetings were held between the respective Permanent Councils. WEU-EU joint meetings took place (pre-2000) with the Security Committee in the CFSP structure, which met monthly in Brussels at the level of Directors of Security in member-state Foreign Ministries.

45. Paul Luif, ‘The Western European Union and the Neutrals: The security policy of Europe’s non-aligned countries in the context of the EU’s Common Foreign and Security Policy’, in Deighton and Remacle (eds.), *The Western European Union 1948-1998*, as note 9 above.

46. The main way these three states could get involved in CFSP outside WEU was by associating themselves with EU declarations and positions adopted in that framework. Norway and Iceland were also in the European Economic Area from 1994 but this involved little significant contact on foreign or security policy in practice. After signing the Treaty of Accession and before its ‘No’ referendum in 1995 Norway was briefly able to send officials to sit in at CFSP meetings.

47. Wim van Eekelen described this as ‘security through participation’ in his note on ‘WEU Missions and Cooperation with NATO – Comments’ in Deighton and Remacle (eds.), *The Western European Union, 1948-1998*, as note 9 above.

corridors, they could absorb the substance, style and national power-play of free European multilateralism in preparation for the day when they would join it with equal rights.⁴⁸ As an empirical observation, all the groups of non-full members tended to send young diplomats and military officers of above-average talent to their WEU delegations – not least for the practical reason that they had to understand both English and French. By the mid-2000s, many of the same individuals would be found holding high official, Ambassadorial, or even Ministerial posts (and the military equivalent) in the security apparatuses of the nations concerned.

3.2. Crisis Management (and Capabilities)

With due caution, the end of the Cold War can be defined as a turning point in approaches – or at least, Euro-Atlantic approaches – to military crisis management missions on three main grounds. Perhaps most obviously, the sudden lessening of direct military threat for countries on both sides of the Iron Curtain threw other security challenges, and other potential roles for armed forces and security organizations, into proportionately higher prominence and released more resources and energy for tackling them, even after ‘peace dividends’ were taken.⁴⁹ Secondly, regime changes associated with the collapse of Soviet and European Communism – plus the lifting of bipolar discipline from former proxy states elsewhere – opened the way for new conflicts to break out or for temporarily frozen ones to recur, including in places like the Western Balkans, the Caucasus, and Central Asia where European powers/institutions could hardly ignore them. Thirdly, the main strategic restraint on direct intervention by NATO or former Warsaw Pact powers was lifted because escalation between East and West was no longer an issue, while positive pressure for intervention built up in several political quarters. Traditionalists could see the USA becoming ‘the world’s policeman’ as an extension of its long-term power projection and a celebration of its new ‘single superpower’ status, while the Left saw new scope for liberal or ‘humanitarian’ intervention in a world no longer ruled by zero-sum superpower rivalry.

Of course, it did not take long before the most sanguine Western expectations

48. Eric Remacle in 1998 detected ‘une convergence stratégique informelle progressive non-institutionnalisée ou faiblement institutionnalisée’ for which he gave special credit to the roles played by smaller states (‘Le Rôle de Petits États au sein de l’UEO’ in Deighton and Remacle (eds.), *The Western European Union, 1948-1998*, as note 9 above).

49. This expression refers to troop cuts and savings in military expenditure made all over Europe in the early 1990s: for an introduction to their scale and consequences see Alyson JK Bailes, Oleksiy Melnik and Ian Anthony, *Relics of Cold War: Europe’s Challenge, Ukraine’s Experience*, SIPRI Policy Paper no. 6 of 2003, available at http://books.sipri.org/product_info?c_product_id=178.

were dashed by bitter US experiences in Somalia;⁵⁰ but the demand for intervention remained strong enough to ensure that lead nations and organizations would toughen their approaches rather than just give up. The Gulf War of 1990-91 following Iraq's invasion of Kuwait was a turning-point in many ways: popularizing the notion of 'peace-making' or 'peace enforcement' which could involve the 'good guys' using methods hardly less forceful than self-defence in a high-intensity environment; showing that the UN could delegate tasks to an ad hoc coalition to couple legitimacy with fire-power; and teaching first lessons on the new forms of military organization and command structure required, the new challenges for civil-military and official/NGO interaction, and the importance of public opinion management in such contingencies. Given the prominent roles played by the US and some European states in the Gulf operation, this set of issues and lessons – together with headaches over finding the necessary force assets and the cost in 'good guy' casualties – was to shape subsequent debates and decisions on conflict intervention in all the Euro-Atlantic institutions, as well as in UN circles, throughout the next decade. The findings were soon to be tested by a major challenge in Europe itself with the armed hostilities that broke out in the Former Yugoslavia (FRY) from mid-1991 onwards.

WEU had, as noted,⁵¹ already profiled itself as the only purely European organization taking ownership of military operations with its coordination of naval actions to protect shipping in the Iran-Iraq war, and again in the Gulf War itself. It thus offered a natural forum for Europeans to reflect on their collective position; and by the time Ministers met at the Petersberg conference centre overlooking the Rhine at Bonn on 19 June 1992, they were under pressure to do so from the NATO side, from the EU side, and from live events – as that same month saw the first fighting in Bosnia-Herzegovina. As explained further in the next subsection, NATO since its London declaration of July 1990⁵² had embraced the notion of a 'European identity in the domain of security', while the EU's Maastricht Treaty for the first time aspired to 'a common defence policy, which might in time lead to a common defence'⁵³ and envisaged asking WEU to carry out any necessary military actions in the meantime. WEU for its part had accepted the implied roles in its own Maastricht declarations already cited. The question was what form such European-led operations, carried out from a NATO base, autonomously, or conceivably under a UN or OSCE mandate, might take: and WEU Ministers adopted an answer to it that was to colour

50. The US sent peacekeeping troops to Somalia in 1992 but withdrew in 1994 following losses of life in violent incidents: for details see the US Army historical publication *The United States Army in Somalia*, available at <http://www.history.army.mil/brochures/somalia/somalia.htm>.

51. See the end of section II above.

52. Declaration on a Transformed North Atlantic Alliance, adopted at the London NATO Summit 5-6 July 1990.

53. Language from article J4.1, which was preserved in the subsequent Treaty revisions.

the whole subsequent history of European defence. In a separate section II of their communiqué on developing WEU's operational role, they stated that WEU forces under the organization's own command could be used for:

- humanitarian and rescue tasks;
- peacekeeping tasks;
- tasks of combat forces in crisis management, including peacemaking'.⁵⁴

This soon-to-be-classic 'Petersberg tasks' formulation was a creature of its day both in its elements of relative precision (the implied gradation in intensity between humanitarian, peacekeeping and peacemaking tasks), and in one open-ended phrase that signalled still-evolving Western thinking ('tasks of combat forces in crisis management'). Its political acceptability at the time, and subsequent ease of incorporation into EU doctrine, rested on the fact that it limited European ambitions more explicitly than ever before to altruistic operations 'of choice' rather than of self-defence: so it is ironic to note that it appeared in a paragraph that began with a reference to WEU forces 'contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty'. However, as always since 1954, WEU members forestalled any misapprehensions by including language explicitly deferring to NATO, and making clear that the organization's work would not include any practical planning for 'hard' defence. The Petersberg Declaration invited nations to offer contributions to a catalogue of 'forces available to WEU' – FAWEU, or FRUEO in French – and did not put any restrictions on the kinds of units that could be offered.⁵⁵ But the new military Planning Cell that the Ministers also agreed to establish, and which would start operation in October the same year, was in practice to concentrate its planning, procedures, development of doctrines, and exercise schedule purely on crisis management missions of the 'Petersberg' types.

These steps in the 'operationalization' of WEU, coupled with the move of the organization's HQ from London to Brussels in 1993 which put it in direct contact with both the EU and NATO, opened a new phase in WEU activities just as the Petersberg decisions on participation launched the WEU equivalent of enlargement.⁵⁶ Any hopes that WEU would become the power-house of post-

54. Full text of the declaration is at www.weu.int/documents/920619peten.pdf.

55. Some full members in fact listed as FAWEU all the same forces that they committed to NATO (see also section VI below). The Petersberg text particularly encouraged the committing of relevant headquarters and of 'Euroforces' such as the Eurocorps established in 1993 on the basis of the previous Franco-German Brigade. Several other such forces bringing together 2-6 European states were made available both to NATO and WEU during the 1990s.

56. For an interim verdict on the operationalization process see Trevor Taylor, 'Challenges for Western European Union Operations' and Bart Rosengren, 'The role of the Western European Union Planning Cell' in Anne Deighton (ed.), *Western European Union 1954-1997: Defence, Security, Integration*, as note 9 above.

Cold War European interventionism were, however, to prove short-lived. When the UN mission UNPROFOR proved inadequate in 1994 to control the spiralling inter-ethnic violence in Former Yugoslavia, the need for combat-hardened forces, escalation dominance, and perhaps also deterrence of Russian mischief-making ensured that NATO itself was the only feasible choice as a replacement. When France led *Opération Turquoise* to help curb the Rwandan genocide in 1994 and was – at least at one stage – looking for additional European buy-in, no serious thought was given to making the mission a WEU one; and WEU was again left as a bystander when Italy with 10 other European nations deployed the Multinational Protection Force known as *Operation Alba* to help control disorder on Albania in March 1997.⁵⁷ The operations that WEU did carry out were limited to a repeat of its former naval coordination role, in relation to the enforcement of UN sanctions in the Adriatic from 1993-6, and a number of non-military missions as shown in Table 3.

Table 3: Chronology of WEU Operations, 1990-1999

1990-1991	WEU coordinated the clearance of sea mines and embargo monitoring operations during the Gulf War.
1993-1996	WEU/NATO joint operation in the Adriatic Sea in support of the UN embargo against Serbia and Montenegro.
1993-1996	WEU provided assistance to Bulgaria, Hungary and Romania in enforcing UN sanctions against Serbia and Montenegro on the Danube river.
1994-1996	WEU contributed a police contingent to the EU administration of the city of Mostar in Bosnia-Herzegovina.
1997-2000	WEU sent an advisory police element (MAPE) to Albania to provide advice and train instructors.
1998	WEU Satellite Centre embarked on a mission of general security surveillance of Kosovo.
1999	WEU implemented an EU specific action providing assistance for mine clearance in Croatia.

The story of WEU's various missions to the Western Balkans will not be told in further detail here, as good factual and analytical sources are available⁵⁸ and the

57. *Op Alba* was the first modern European-only military operation of significant size, with some 6500 soldiers from 11 European countries. On WEU's non-involvement see Sophia Clément, 'WEU and South-Eastern Europe' in Guido Lenzi (ed.), *weu.@.fifty*, as note 8 above; and for an in-house French view of the various national and institutional politics behind the decision, Jean-Philippe Roux, *L'Europe de la Défense. Il était une fois...*, L'Harmattan: Paris, 2005, p.169 et seq. For operational details see Riccardo Marchio, "*Operation Alba*", *A European Approach to Peace Support in the Balkans*, US Army War College 2000, text at <http://handle.dtic.mil/100.2/ADA378201>.

58. See for instance Eric Remacle and André Dumoulin, *L'Union de l'Europe Occidentale: Phénix de la défense européenne*, as note 9 above, and Sophia Clément, op.cit. in note 57 above, as well as WEU's own account at www.weu.int.

lessons learned – with relevance to future ESDP/CSDP developments – are a matter for section VI below. A few remarks may however be added about what this operational profile reveals about WEU weaknesses and (if any) WEU strengths. First, if WEU was never selected to run a military operation using ground forces, this was not for purely technical or legal reasons but rather a matter of political image, confidence, and cost-benefit calculations. The organization was simply not well enough known or highly enough rated even among political elites, let alone the military, in European capitals. For the larger European military nations who led operations like Turquoise and Alba, the small and untried WEU staffs looked unlikely to provide much added value compared to the national intelligence, headquarters, and other assets they could control directly; while running an operation through a community of 28 nations threatened to hamper their freedom for no obvious compensating benefit. Of course, the more often that WEU was passed over as a result, the more the assumption of its inadequacy became ingrained.

On the other side, the pattern of WEU's actual operations shows signs of a flexibility and a modest innovative capacity that were to find fruitful continuation in the first decade of ESDP under EU management. The Mostar and Albanian police operations were the first of their kind to be attempted under purely European leadership, as distinct from similar deployments by the UN and OSCE, and they filled a functional slot that would not have been appropriate for NATO. In Mostar the European police took on direct executive duties in a way that was still relatively uncommon in international practice, as well as problematic.⁵⁹ MAPE, for its part, was the first European mission for which an Operation Commander as well as a Force Commander was appointed (in May 1997), establishing a parallelism between police and military command structures that would be particularly helpful when future missions involved both kinds of contingents. Flexibility was further shown in the fact that neither of WEU's last two missions – remote imaging in Kosovo by the Satellite Centre and a de-mining training mission in Croatia – was of a kind mentioned explicitly in the Petersberg tasks.⁶⁰ The SatCen contribution was particularly innovative and offered real help to NATO forces operating in unfamiliar terrain amid fast-changing population movements. Finally, it is noteworthy how many of WEU's missions involved partnership with the EU, from Mostar, through MAPE which towards the end received some funding from the EU's PHARE programme in Albania,⁶¹

59. Renata Dwan, *Executive Policing: Enforcing the Law in Peace Operations*, Oxford University Press: Oxford, 2003.

60. In the event, the mention of disarmament missions would not be added to the Petersberg formula until the Treaty of Lisbon came into force in 2009.

61. This was to fund equipment and facilities used in training Albanian police, rather than to meet MAPE's own expenses. Even so it ran into considerable technical difficulties.

to the SatCen and Croatian missions which were carried out under the EU's political authority using procedures introduced by the Treaty of Amsterdam (see below). If WEU in this way helped smooth the path for the EU's direct entry into crisis management, it could also be seen as contributing more generally to a growing European and global appreciation of the need for multi-functional – or as NATO now calls it, 'comprehensive'⁶² – approaches both to acute crisis management and post-conflict peace-building.

Capabilities for European Operations

Just as NATO looked to WEU in the 1990s to define the putative scope of European non-Article 5 operations, responsibility for framing defence-industrial collaboration policies to foster the necessary capabilities was passed from the Alliance to the WEU framework in 1993, when NATO's Independent European Programme Group (IEPG) closed down and the Western European Armaments Group – WEAG – was created.⁶³ WEAG had a separate membership structure from WEU (and a correspondingly distinct budget and secretariat) because the condition of this transfer was that the non-EU European Allies should have equal membership terms if they so wished – and Norway and Turkey did, bringing the initial sum of WEAG full members to 13 including Denmark. In 2000 it was decided that the Czech Republic, Hungary and Poland who had joined NATO in 1997, but also Austria, Sweden and Finland should become full WEAG members. The remaining Central European nations were 'Partners' of WEAG. The same membership system applied to the Western European Armaments Organization, WEAO, which was set up in 1996 to focus more particularly on capabilities-related research projects.

In terms of substance, European armaments cooperation was and remains a peculiarly difficult field, bedevilled by ideological and practical differences between states on the balance to be struck between free play of markets and government guidance and funding, and by a similarly ambivalent view of US-European collaboration.⁶⁴ Broadly speaking the UK has been found on the pro-market side and its firms have prioritized the US link highly, while France has

62. The comprehensive approach to combining military and other inputs to peace missions grew out of NATO's experience in Afghanistan and figures notably in the new NATO Strategic Concept (see section V and note 140 below).

63. Basic information on WEAG is available at the cached website <http://www.weu.int/weag/index.html>.

64. For a good survey which includes NATO's earlier efforts see Jocelyn Mawdsley, *The Gap between Rhetoric and Reality: Weapons Acquisition and ESDP*, Bonn International Institute for Conversion (BICC) Paper no 26 of 2002, text at <http://www.bicc.de/uploads/pdf/publications/papers/paper26/paper267.pdf>. On WEU's entry into the field: Alessandro Politi, 'Western European Union and European Defence Industry' in Anne Deighton (ed.), *Western European Union 1954-1997: Defence, Security, Integration*, as note 9 above.

led the case for a policy-driven ‘European preference’, and smaller Europeans have aimed more simply to get a lucrative share in projects. At the same time, the defence industry as a whole has had to grapple with the post-Cold War fall in demand, bringing pressures for corporate ‘concentration’ on the one hand and more competitive effort to secure non-European sales on the other. In the 1990s this tipped the scales, even in UK thinking, towards more conscious policy concertation among major European producers: and a new rationale was provided by the notion of European-led operations, allowing projects to be selected i.a. for their relevance to state-of-the-art crisis management capabilities. Such considerations prompted the creation in 1996 of OCCAR, the French acronym for a four-nation Joint Armaments Cooperation Organization made up of France, Germany, Italy and the UK,⁶⁵ and of the six-power ‘Letter of Intent’ (LOI) group in 1998 which also included Spain and Sweden.⁶⁶

WEAG had both the strengths and weaknesses of a larger group combining the OCCAR and LOI nations with less significant producers, who nevertheless had a stake in the broader European defence enterprise and also played a role as customers. It provided a twice-yearly discussion forum for national armaments directors (NADs), plus annual Defence Minister meetings (back-to-back with WEU Ministerials), and ongoing work by three ‘panels’ dealing respectively with: cooperative equipment programmes, research and technology cooperation, and procedures and economic matters. From the start WEAG members were preoccupied with the relationship between the smaller and larger armaments fora, and in 1993 they mandated a study on a European Armaments Agency (EEA) which might somehow integrate the different levels and approaches. WEAG never quite got as far as implementing such a grand design, which instead became one of the inputs to conceiving the EU’s European Defence Agency (section V below). As an interim response to the EEA study’s findings, however, WEAG nations did establish the WEAO as a body with legal personality that could launch multi-national research projects on a contractual, co-funded basis. By 2004 the WEAO Research Cell had 138 active projects to its credit, 65 of them based on new contracts with a total value of €303 million of which 40% was financed by industry. If this constituted a success story in its own terms, it is also important to recall that the larger question of the adequacy – and interoperability – of European capabilities for Petersberg-type missions remained substantially unsolved at the end of the 1990s, and was indeed one of the main motives for seeking a solution beyond WEU (section IV below).

65. See <http://www.occar-ea.org>1998

66. The LOI led to a framework agreement in 2000 with aims ranging from the joint formulation of military requirements to guaranteeing security of supply. See background information provided to the UK Parliament at <http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmdfence/694/694we15.htm>.

3.3. The Dance of the Institutions

The story of EU and NATO institutional developments in the 1990s, their repercussions for WEU, and the eventual crystallization of WEU's role as 'middle-man' between the two others can be made very complicated, or rather simple. The simpler way to visualize it is to see both of the more powerful institutions being driven through this decade by the same demands that WEU faced – for enlargement, and for crisis management operations – *plus their own evolutionary dynamics*. In enlargement, NATO and the EU moved roughly in parallel but followed their own different logics, which made disparities in the pattern not only inevitable but rational. EU admission required so much more varied, far-reaching and intrusive changes in domestic governance that it was understandable why the Czech Republic, Hungary and Poland should have surmounted the entry hurdle seven years later again than in NATO, and Bulgaria and Romania two years later. Closer inter-institutional coordination was arguably not even desirable, and a further advantage of WEU's role as an inclusive and permissive 'finishing school' may have been to ease the dividing lines created by such non-synchronous moves.

The adaptation of agendas, mechanisms and actions to the demands of crisis management was a different story. First, it was carrying NATO and the EU into a field where their ambitions might eventually converge and even overlap; and second, it was linked with larger and more sensitive issues of institutional evolution than could ever have arisen in the relatively weak and reactive WEU. The possibility of convergence and overlap came precisely from the fact that crisis management operations were 'missions of choice', not actions in self-defence, and that the element of military action in them was a means to a larger end rather than free-standing and conclusive. There was no logical necessity for every NATO member to contribute (at least, in more than symbolic terms) to every such action under the NATO flag: thus the possibility of separate, European-led operations being launched from within the Alliance suddenly became a living issue, with quite different overtones from the old notion of a 'European pillar' within collective defence. Peace missions involved conventional forces, of which the Europeans on the face of it had many, and did not require the cover of nuclear deterrence or even escalation dominance except in a few of the toughest cases. Politically, provided there was no disagreement on the basic rightness of the mission, it was no more shocking for Europeans to take part without US troops than when they did the equivalent in UN-led operations. On the other side, the steady growth of understanding about the complexity of peace-keeping, -restoring and -building tasks brought the importance of non-military contributions into stronger focus, creating niches not just for the EU but also for

the CSCE/OSCE to experiment with political, mediating, humanitarian, policing, monitoring, and other more specialized crisis management roles.

If these trends saw NATO and the EU both moving into a potentially common operational space that had not existed in any comparable form during the Cold War, it was the inward significance of this agenda for each of them that made the issue such a sensitive one. For NATO, the request to intervene in Former Yugoslavia in 1994 and the success of the resulting IFOR operation (later SFOR) came as a boon: answering the question about the post-Cold War relevance of a Western military organization in terms that were all the more convincing because the integrated Europe's own frontiers were on fire. The fact that US President Clinton had won support for this intervention, and then put such effort into the Dayton peace negotiations, against a by no means easy domestic background seemed to prove that US-European strategic togetherness could survive even under such an altered agenda.

From the EU side, however, Europe's failure to halt the Yugoslavian crisis earlier by its own efforts – and the diverging national aims that were partly to blame for this – was a setback rich in lessons that drove efforts, throughout the decade, not only to make the Union's external diplomacy more united and effective but also to give it a better tool-box. The drivers for successive efforts to strengthen what would soon be called the Common Foreign and Security Policy included not only practical concern for the Balkan danger, or a sense of competition with NATO, but the raising of levels of ambition in other parts of the EU agenda that involved aspects of security or the further centralizing of national powers or both.⁶⁷ Just as NATO realized it could not stand still and stay the same after losing its supreme enemy, those concerned for the EU's future saw its credibility depending on continuous progress in the widening and deepening of its formal competence and operational range. Towards the end of the decade, Javier Solana would be bold enough to suggest that such strategic maturation was also needed to meet the demands of enlargement, given that this would extend the Union's territorial remit to another half of Europe where states were less self-sufficient and threats relatively more serious.⁶⁸

It is, of course, over-simplifying the story to speak of each institution as a coherent whole. On the one hand, there were nations who preferred not to use either

67. The obvious examples are the build-up to the introduction of a common currency, and the gradual bringing of internal security and border management matters into the formal treaty structure.

68. An argument to this effect, noting i.a. that Europe's relations with its next neighbours would take on a more strategic character, will be found in Solana's speech to the Institut für Europäische Politik at Berlin on 17 December 1999, text at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/discours/Berlin171299.htm.

NATO or the EU for the operations they considered most important, resorting instead to some combination of UN authorization and a coalition approach. This was the case for the Gulf war of 1990-91 against Iraq, as well as for the European-led Turquoise and Alba interventions as already mentioned. On the other hand, those who did want to strengthen Europe's institutions through the crisis management enterprise were just as divided as before in their organizational loyalties and preferences. It is no surprise to find the UK, Netherlands, Portugal and the Nordic Allies working hard to defend NATO's primacy and to keep the development of any European-led operational alternative confined within a NATO, or at least a NATO-ized and inter-governmental (=WEU) framework. At crucial moments they generally won Italy's help and some sympathy from Spain. On the other side, France and Germany repeatedly joined forces to push for advances in EU policy responsibility, action capacity and independence from NATO, with support from Belgium and Luxembourg. Aside from all other EU-related motives as listed above, such countries could see defence competence more clearly than ever as part of the 'finalité' or ultimate mission of the Union as a quasi-governmental regional polity.⁶⁹ If Europeans could give up their national currencies for the Euro, even defence as the last bastion of national sovereignty should not be out of reach. Such hopes and comparisons carried a definite echo of the 1950s, with the difference that no-one any longer spoke of using the 'Community method' in defence – or indeed needed to, as the Union was busy inventing new non-Community-centric modes of advance, most obviously in EMU itself.⁷⁰

In a further re-play of the 1950s, these developments threw WEU's role into relief as a buffer against EU encroachment into 'hard' defence – for the Brits and their allies; or for the more ambitious EU camp, as a tool that could increasingly be subordinated to the Union's political will. For both schools of thought, WEU could have secondary value as a connecting link between two larger institutions that were still not ready, or allowed by their members, to interact directly. Here the story of concrete institutional developments will be told succinctly against this background, and from a WEU's-eye view.⁷¹

To begin with NATO: as noted, the Alliance was pondering already in 1990 how to equip itself with more flexible, mobile force packages that could be used for

69. Maintaining Franco-German harmony and joint leadership was also an important consideration: see Yves Boyer, 'WEU: A French Perspective' in Anne Deighton (ed.), *Western European Union 1954-1997: Defence, Security, Integration*, as note 9 above, esp. pp. 65-7.

70. *Vide* the roles of the European Central Bank, of the Eurozone Ministers, and of the Econ/Fin Council of the full Union in managing the new policy – in addition to and distinct from any continuing powers of the Commission, which was similarly sidelined in CFSP.

71. The remainder of this section draws largely on Alyson JK Bailes, 'The European Security and Defence Identity', as note 22 above.

the new style of ‘non-Article 5’ (= non-self-defence) missions, either on behalf of the whole Alliance, or under European command as an expression of the European Security and Defence Identity (ESDI). The notion of such ‘separable but not separate’ force elements was endorsed in the new Strategic Concept adopted at Rome in November 1991,⁷² which triggered important changes in force and command structures in Europe. An Allied Command Europe Rapid Reaction Force (ARRC) was set up under a British Commander, and the European deputy to the US Supreme Allied Commander in Europe (SACEUR) was gradually groomed to be the commander of choice for a NATO-approved European operation. As the Cold War headquarters structure in Europe was trimmed back, 70% of the posts in it as well as important military positions at NATO’s political centre (at Evere, in Brussels) were reserved for Europeans. The important Brussels Summit of January 1994, a turning-point in NATO’s enlargement policy, also introduced the concept of ‘Combined Joint Task Forces’ (CJTFs) as force packages specially tailored for new-style missions although theoretically also available for main defence.⁷³

By the time of the Berlin Ministerial meeting held on 3 June 1996, two years into NATO’s Former Yugoslav operation, Britain, Germany, and France – which had just decided to re-join NATO’s Military Committee – were unprecedentedly serious and united about developing a working model for European-led intervention. Whatever they may have thought about WEU as such, NATO-WEU interaction was the only route available at the time for exploring such a concept. The Berlin declaration therefore not only set out the goals of ESDI more clearly than ever before,⁷⁴ but laid down a full and specific programme of joint work for NATO and its ‘little brother’ organization. Aside from further development of CJTFs and ‘separable’ command/ HQ arrangements, WEU-NATO exercises were to be planned in a series called CMX/CRISEX; procedures were to be worked out for consultation on launching a NATO-supported WEU operation and for borrowing NATO assets for its execution; and NATO was to extend its advice on national force planning to non-NATO EU members within the framework of their participation in Partnership for Peace.⁷⁵ Thanks to intensive work by WEU ‘at 21’ in 1997-8, the necessary inter-institutional agreements were concluded on all these matters and the general modalities of communication with NATO were improved, i.a. by a study on reconciling the respective termi-

72. Text at http://www.nato.int/cps/en/natolive/official_texts_23847.htm.

73. For the Summit declaration see note 34 above.

74. The ESDI was seen as improving European burden-sharing within the Alliance and strengthening Atlantic partnership – a continuation of the earlier ‘European pillar’ idea – as well as allowing separate European action ‘as required’. Full text of the Ministerial declaration at www.nato.int/docu/pr/1996/p96-063e.htm.

75. The modalities for this last were agreed in May 1998 and the procedures were tested successfully in WEU’s last two years.

nologies. A NATO-WEU Security Agreement was signed in 1996. Joint WEU-NATO Council meetings, exchanges of visits and mutual observation of activities became commonplace, and it was especially significant for the future that WEU military representatives were allowed to observe NATO planning work for the 1998-9 Kosovo operation.

Such a degree of ‘NATO-ization’ of Europe’s only independent defence forum was not equally welcome to all Europeans,⁷⁶ and might not indeed have been politically acceptable had not WEU-EU ties grown just as close or closer meanwhile. The EU for its part was steadily raising the bar for its external policy ambitions, and making the security component in them more explicit, from the time of the 1992 Maastricht Treaty onwards. Coming into force in November 1993, this text created the expression ‘Common Foreign and Security Policy’ and placed such work more clearly than before in a separate, inter-governmental ‘second pillar’ of EU governance⁷⁷ where parliamentary powers would be limited, the writ of the European Court of Justice would not run and most costs would be borne by participating nations themselves. However, the Treaty also defined ‘Joint Actions’ and ‘Common Positions’ that could be adopted on CFSP issues and to which common budgetary allocations could be applied. Should any such EU decision require an element of military implementation, Maastricht provided for the EU to request the necessary action by WEU.⁷⁸

The vision of an inter-governmental CFSP elaborated at Maastricht was to prove decisive in creating a ‘safe’ institutional home where the EU’s own military competence could later be implanted. For the moment, however, no occasion arose to apply the Maastricht formula of ‘requesting’ WEU implementation, and the decisive shift in EU-WEU relations was to await the Treaty of Amsterdam signed in October 1997. In the negotiations on this text, France, Germany and others had pushed harder than ever for the EU to concern itself directly with defence; but opposition from the UK, Denmark, and the recently joined non-NATO states (Austria, Finland, Sweden) watered down both the general preambular language on this and the practical arrangements envisaged.⁷⁹ In a move that would also set the scene for the eventual ESDP, Finland and Sweden proposed to lift the WEU’s Petersberg definition of potential European-led crisis management tasks into the EU Treaty, and to allow the EU to ‘avail itself’ of WEU (without asking!) to carry them out. In a given crisis,

76. Concern about this was felt strongly by some continental analysts and will be found illustrated, for example, in the cited works by André Dumoulin.

77. The first pillar referring to core Community competences under the Treaties and the third, to justice and home affairs.

78. For the Treaty text see note 36 above.

79. All provisions in question are in Article J.7 of the Treaty.

‘guidelines’ issued by the European Council could govern both the way WEU contributed, and the application of the EU’s own range of tools.⁸⁰

When it was clear that this compromise approach would carry the day, WEU on 22 July 1997 adopted a declaration of its own⁸¹ which was affixed to the Final Act of the Amsterdam Treaty. This document repeated and endorsed the relevant Treaty language, and set out a programme for improving WEU-EU relations so as to clear the way for possible ‘availing’ contingencies. In its second part, however, it rehearsed the new elements of WEU-NATO cooperation already mentioned: thus graphically illustrating WEU’s balancing act and middle-man position – in these its final years of operation – between the two greater organizations.

Among the WEU-EU improvements implemented in the next two years were joint meetings between the WEU Council and EU Security Committee (at that time, the top committee in the CFSP structure below COREPER); enhanced relations between the WEU Secretariat and the EU Council Secretariat and European Commission respectively; enhanced information exchange with clarification of the necessary security procedures; and plans to bring the WEU and EU presidencies more closely in line – although this last took effect only when WEU was close to being dismantled. Most significant were the moves made to flex the EU’s muscles as the mandator and political leader of Petersberg operations. As already mentioned in section III.2 above, the EU – even before Amsterdam was in force – applied Maastricht procedures to take over political, and some budgetary, responsibility for the MAPE police operation in Albania, and directly mandated WEU’s last two operations for the use of Satellite Centre services in Kosovo and de-mining training in Croatia, respectively. In addition, a seminar and talk-through exercise were held with the EU Security Committee which among other things showed some of the complications which could arise, were WEU to need NATO assets for an EU-owned operation. The largely amicable spirit in which all these joint activities took place – also with NATO – was perhaps due more than anything else to WEU’s participatory structure (section III.1 above), which kept all proceedings open and above board for the full range of both NATO-member and EU-member Europeans.

80. The Treaty of Amsterdam came into force in 1999; text at www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf.

81. Text at www.weu.int/documents/970722en.pdf.

3.4. End of a Cycle: the 1998 Anniversary

When the first Brussels Treaty was signed in 1948, Article X in the text stated that after fifty years any or all of the parties would be free to denounce it,⁸² with the implication that if no-one did so it would continue indefinitely. In 1998 when this fateful anniversary came around, WEU full members were well aware of its meaning: but no move was made from any quarter to tamper with the Treaty. On the contrary, at the immediately preceding Erfurt Ministerial meeting (December 1997), a communiqué stated that ‘Although political circumstances have dramatically changed since the signature of the modified Treaty, Ministers agreed that it continues to form a valuable part of the European security architecture’.⁸³ The way was open to turn the year instead into a modest anniversary celebration.

Characteristically and perhaps prudently, WEU chose to mark the occasion mainly with publications and seminars designed for the cognoscenti, rather than trying to appeal to a larger public. Two main events were held in Brussels: an official seminar on crisis management with eminent political and military speakers, and a larger event with a more academic, partly historical and institutional focus. The proceedings of the latter were afterwards published as a special edition of *Studia Diplomatica*, the journal of the Belgian Royal Institute of International Relations,⁸⁴ while WEU itself produced a special presentation volume distinguished by rich and, in part, previously unpublished photographic material.⁸⁵ The WEU Institute of Security Studies held its own seminar and published another volume of contributions.⁸⁶

82. ‘After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year’s notice of denunciation to the Belgian Government.’

83. Quoted in Ramses A. Wessel, ‘The Legality of the New Functions of the Western European Union’ in Deighton and Remacle (eds.), *The Western European Union, 1948-1998*, as note 9 above.

84. Now Egmont – Royal Institute for International Relations. Anne Deighton and Eric Remacle (eds.). *The Western European Union, 1948-1998: from the Brussels Treaty to the Treaty of Amsterdam*, as in note 9 above.

85. WEU Secretariat-General, *Western European Union: A European Journey*, as note 9 above.

86. Guido Lenzi (ed.), *w eu.@.fifty*, as note 9 above.

4. THE EU TAKEOVER: ORIGINS AND PROCESS

4.1. From St Malo to the European Security and Defence Policy (ESDP)

It would be temptingly neat to say that ‘Just when WEU thought it was safe’ for a while, the bombshell of the Anglo-French bilateral Summit declaration at St Malo on 4 December 1998⁸⁷ blew all previous calculations out of the water. With its stark statement that ‘the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises’, it signalled a breakthrough that only an unprecedented degree of compromise between London and Paris could have allowed. If the UK was abandoning its opposition to a direct military role for the EU and was accepting the creation of structures *within the Union* to that end (‘without unnecessary duplication’), France was accepting that the initiative would be pursued ‘in conformity with our respective obligations to NATO’ and in a way that would also enhance the Alliance’s own vitality.⁸⁸ Here at last was a new reading of the ‘European defence’ oxymoron that would neither take the primary defence role away from NATO, nor make the handling of defence too ‘European’ – the St Malo text emphasized that the new EU powers must be developed in the CFSP framework and ‘on an intergovernmental basis’.

Pivotal as it was, however, the St Malo declaration did not come out of the blue. It was the culmination of several months of increasingly iconoclastic debate about how to tackle ‘Amsterdam’s Unfinished Business’⁸⁹ in defence and security, reaching the level of EU Heads of State and Government in their informal meeting at Pörschach, Austria, on 24-25 October and continuing with a pioneering – though informal – meeting of EU Defence Ministers at Vienna on 4 November. The proximate cause was the Kosovo crisis of 1998-9, which brought to a head the frustrations felt throughout Europe ever since the early

87. Text at <http://www.atlanticcommunity.org/Saint-Malo%20Declaration%20Text.html>.

88. This French position was not without antecedents, as France had been strongly engaged in and influenced by the development of NATO’s crisis management role in FRY, and equally active with the UK and Germany in framing the ESDI concept reflected in NATO’s 1996 Berlin communiqué. President Chirac had indeed attempted to negotiate terms for France’s return to NATO’s integrated military structure, but the idea broke down (temporarily, as it turned out) by 1997 because of disagreements over high command posts.

89. This is the title of Richard G Whitman’s Occasional Paper of January 1999 for the WEU-ISS, text at [http://www.iss.europa.eu/nc/actualites/actualite/select_category/22/article/amsterdams-unfinished-business-the-blair-governments-initiative-and-the-future-of-the-western-e/?tx_ttnews\[pS\]=915145200&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&cHash=a29e1a17b6](http://www.iss.europa.eu/nc/actualites/actualite/select_category/22/article/amsterdams-unfinished-business-the-blair-governments-initiative-and-the-future-of-the-western-e/?tx_ttnews[pS]=915145200&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=a29e1a17b6).

1990s about the Europeans' failure to get a decisive grip even on their most nearby and intimate security challenges. The strengthening of CFSP foreseen by Amsterdam was already looking inadequate with that Treaty barely entered into force, above all because of the EU's lack of its own military instrument and of the military expertise and competence that ought to go with it. WEU itself provided new grounds for frustration, insofar as it could hardly play more than the role of a bystander over Kosovo:⁹⁰ leaving NATO to make all the running and thus pushing the USA – again! – into the role of arbiter over Europe's own security business.

In retrospect it may be forgotten how long it took for these feelings to coalesce into a specific programme of institutional reform. Indeed, the revolutionary aspect of the situation was perhaps precisely the fact that the largest actors were thinking in terms of the practical and psychological changes they wanted to produce, and only secondly about institutional logic. For Britain, improving European intervention capabilities, and mobilizing and better using existing ones, was now such an overriding priority that institutional options could be revisited purely in the light of 'what worked'. France shared the same frustrations notably about German performance, but was also interested in exploring how the political and psychological pressure of EU commitments might be applied to galvanize change – just as they had done among the economically weaker brethren in the context of Economic and Monetary Union (EMU). To complete the circle, Britain's awareness of being an EMU outsider gave it a *prima facie* interest in finding some other grand scheme within the EU framework where it could play a larger and ideally, a leading role.⁹¹ And finally – without exaggerating the importance of individuals in history – the personalities of Tony Blair and Jacques Chirac respectively, both self-confident (not to say headstrong) leaders with sometimes iconoclastic leanings, certainly helped to brush aside precedent and open up new space for experiment.⁹²

Against this background, various ideas were tossed around at Pörschach and the subsequent defence ministers' meeting, ranging from incorporating the WEU structure wholesale into the EU as a 'fourth pillar' (with its own rules)⁹³ to splitting WEU somehow between the EU and NATO or even re-launching the

90. In Spring of 2000, however, when NATO bombing triggered a huge refugee outflow from Kosovo into FYROM and Albania, MAPE supported the Albanian authorities rather effectively in handling the situation.

91. Anne Deighton, 'The European Security and Defence Policy', *Journal of Common Market Studies* Vol. 40 No. 4, 2002, available at <http://www.concordantia.com/sfm2007/files/Literature/Foreign%20Policy/deighton%20-%20esdp.pdf>.

92. Cf Anne Deighton, *The Foreign Policy of British Prime Minister Tony Blair: Radical or Retrograde?*, lecture at the Centre for British Studies of Humboldt University, Berlin, 11 July 2005, available as a Working Paper at <http://www.gbz.hu-berlin.de/publications/working-papers/>.

93. The possibility of incorporation had in fact been mentioned in the Treaty of Amsterdam's Article J.7.

ESDI approach within the Alliance.⁹⁴ As late as 1 December when the regular Franco-German Summit meeting took place at Potsdam, the communiqué⁹⁵ spoke of the EU's accessing forces 'through WEU', direct from NATO, or by using the Franco-German Eurocorps and similar pre-formed units. Just three days after, the St Malo text made a truly decisive shift by stating that 'the Union must be given appropriate structures' for developing and managing military crisis management capacities, under the leadership of the European Council, 'taking account of the existing assets of the WEU and the evolution of its relations with the EU'.⁹⁶ Although still somewhat gnomic, this formula made an EU-based solution inevitable and really only left two options open: to bring WEU inside the EU, or transfer its functions to the latter by some other means.

The path eventually followed was to be clarified step by step during 1999, the most important public events being NATO's Washington Summit meeting of 24 April, the European Council meeting at Köln, Germany on 3-4 June, and the Helsinki European Council of 10-11 December where the decisions finally triggering the launch of a European Security and Defence Policy (ESDP) within the EU were taken.⁹⁷ WEU itself defined its part in the process by Ministerial declarations issued at Bremen on 11 May and Luxembourg on 22-23 November.⁹⁸ Almost equally important, however were the intense bilateral and group discussions that helped to identify the route of fastest compromise, plus a unilateral move taken by the USA when Secretary of State Madeleine K. Albright published an article titled 'The Right Balance Will Secure NATO's Future' in the *Financial Times* on 7 December 1998.⁹⁹ This last provides a relevant place to start the story since it signalled the USA's *conditional acceptance* of the St Malo concept: and in retrospect, the acceptance was just as important as the conditions. After all, for Europe to have 'modern, flexible military forces [...] capable of putting out fires in Europe's backyard' (as Albright put it) was in the USA's best practical interest, and would also strengthen NATO insofar as any improved capacities belonged to Allies. Further, Britain, France and other European Allies welcoming their initiative were powerful advocates in Washington

94. Richard G Whitman, *Amsterdam's Unfinished Business*, as note 88 above.

95. Text in Maartje Rutten (ed.), *From St Malo to Nice: European defence: core documents*, WEU-ISS Chaillot Paper no 47 of May 2001, text at [http://www.iss.europa.eu/nc/actualites/actualite/select_category/21/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews\[pS\]=978303600&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&cHash=821ea7e772](http://www.iss.europa.eu/nc/actualites/actualite/select_category/21/article/from-st-malo-to-nicebreuropean-defence-core-documents/?tx_ttnews[pS]=978303600&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=821ea7e772). This volume was the first of several similar selections of documents to be published by the ISS, continuing up to the present and providing the single most authoritative and convenient source for research on post-St Malo developments.

96. Franco-British Summit declaration, as in note 87 above.

97. The texts of communiqués/conclusions from these events (or relevant extracts) are most easily accessed in Maartje Rutten (ed.), op.cit. in note 94 above: pages 20-23, 41-45 and 82-91, respectively.

98. Texts at www.weu.int/documents/990510en.pdf (Bremen) and in Maartje Rutten (ed.), op.cit., pp. 67-76 (Luxembourg), respectively.

99. Reprinted in Maartje Rutten (ed), op.cit., pp 10-12.

and quite an influential caucus within NATO, making it rather artificial to see the EU's and NATO's dialogue on the matter as two separate entities corresponding remotely. (In just the same way, the winning over of all ten WEU full members for the UK-French concept left no question that WEU would ultimately suffer whatever fate the new EU logic demanded.)

What Albright laid down as conditions were the famous three D's: no *decoupling* (i.e. NATO to be preserved as the US-Europe strategic link for 'real' defence), no *duplication* of forces/assets/procedures, and no *discrimination* against the non-EU Europeans. The same three points were to be echoed, albeit less concisely, in paragraphs 9-10 of NATO's Washington communiqué¹⁰⁰ where the Alliance rather remarkably responded in detail to the EU initiative even before the latter had taken shape. On the understanding that there would be close NATO-EU cooperation, no *unnecessary* duplication, and 'the fullest possible involvement of non-EU European Allies in EU-led crisis operations, building on existing consultation arrangements within the WEU', NATO offered not only to transfer to the EU the same understandings it had built up with WEU but even to improve on them. The key elements in this 'Berlin-plus' package (so called with reference back to NATO's Berlin Ministerial of 1996) were defined as: assured access to NATO help in operational planning, a 'presumption' of access to NATO assets that might need to be borrowed, the development of Deputy SACEUR's role as a designated European commander who could himself be lent for an EU-led operation, and improved defence planning support for the development of EU intervention forces.

As for the EU's internal deliberations during 1999, it could be argued that respecting Albright's first two conditions also turned out to be convenient for the EU's own unity and for rapid progress, but only at the price of violating the third. On the first point, lingering ideas of bringing all WEU into the EU as a fourth pillar or, alternatively, expressing the 10 full members' shared European guarantees in a protocol to the EU Treaties quickly ran into the obstacle of the four non-Allied EU members. These were not ready to be pushed to enter a collective defence system, but neither could they accept exclusion from an 'inner circle' of ESDP¹⁰¹ which they could argue – not unreasonably – negated the whole point of making the new policy a common one of the Union. Once again, as from Maastricht onwards, Finland and Sweden suggested solving the prob-

100. NATO Summit communiqué, 'An Alliance for the 21st Century', 24 April 1999, text in Maartje Rutten (ed.), *op. cit.*, pages 20-23.

101. This would have been especially sensitive for Sweden which was also staying out of the Euro scheme but prided itself on its role in crisis management. The non-Allies' dilemma at this time is graphically described in Gustav Gustenau, *Towards a Common European Policy on Security and Defence: An Austrian view of challenges for the "post-neutrals"*, ISS Occasional Paper no. 9 of Oct. 1999, at <http://www.iss.europa.eu/uploads/media/occ009.pdf>.

lem by building the EU's military competence on the basis of the Petersberg tasks, and *limiting it to those*, while the MBT's 'real' defence commitments could be left behind in WEU for those Europeans who thought them important. This solution suited London (and Washington) well, and was ultimately more acceptable to Paris than anything that would have blurred the line between crisis management and guaranteed defence or between the statuses of relevant participants. For the non-Allies it made the ESDP saleable domestically, especially when combined with the clear statement that no 'European army' was intended; although the Swedes also pressed for and obtained (with British support) a parallel scheme to build up *non-military* intervention capacities.

Once ESDP was so clearly limited to crisis management actions, the risk of duplication with NATO was also much reduced as the design of EU forces must logically be limited to that small proportion suitable and available for external operations. Further, the EU was ready to accept all NATO's offers of 'Berlin-plus' help, which made it likely that any early and/or particularly challenging EU-led operations would follow a NATO design using NATO's own crisis management assets and/or command systems. While comforting the Atlantacists, this was in fact quite a serious concern for some continental Europeans who saw a risk of 'NATO-ization' spreading from the weaker WEU into the heart of the EU itself. The issue of what operational alternatives the ESDP should have (especially in the choice of headquarters) and how the EU's political control of deployments would be protected thus became very sensitive ones in the design of ESDP, with the French and others pushing for at least some truly 'autonomous' capacities to be foreseen. Part of the eventual intra-EU compromise was to accept such *necessary* duplications as the creation of an EU Military Staff and Military Committee, plus an Ambassadorial-level Political and Security Committee that would head both the CFSP and ESDP structures and play much the same role in overseeing deployments as NATO's Permanent Council. Further and most famously, the EU adopted a 'Headline Goal' for the total pool of military capacities that it would wish to have available initially – at short notice – for the potential range of Petersberg tasks, consisting of a number of ground forces up to corps-level (up to fifteen brigades or 50-60,000 persons), plus air and naval elements and a range of especially relevant concrete assets.¹⁰² The UK resisted, however, the creation of any new collective EU headquarters or other standing body with large operational planning capabil-

102. See text at <http://www.consilium.europa.eu/uedocs/cmsUpload/Helsinki%20Headline%20Goal.pdf>. Although often described as an EU Rapid Reaction Force (ERRF) on the analogy of NATO's Response Force (NRF) created in 2002, the Headline Goal was never envisaged as a single structured force that could take the field together. Countries in fact offered contributions to the pool that would add up to more than 60,000, the real problems being ones of comparable quality and interoperability, and lack of some of the most crucial mobility, communications, etc. assets.

ity.¹⁰³ A final point in the balance was the statement in the Helsinki conclusions that the EU would launch operations (only) ‘where NATO as a whole is not engaged’, ruling out at least on paper the possibility that the two institutions would duplicate each other with actions in the field.¹⁰⁴

The casualty in this otherwise ingenious deal was the fate of the non-EU Allies. Had there been a distinct sub-section of ESDP reserved for fully guaranteed states, it is plausible that some privileged link to Iceland, Norway and Turkey could have been maintained, WEU-fashion, in that connection at least. But when ESDP came into the joint ownership of all fifteen (at that time) EU members, it was bound to be more closely assimilated into the legal, institutional, personnel, and budgetary structures of the Union which – even in the intergovernmental sphere of CFSP – were not noted for their flexibility. There was some logic to this inasmuch as it facilitated the combination of military actions with other EU inputs to a given crisis, including political and diplomatic initiatives or various forms of aid, on which the same fifteen states and sometimes the Commission would be taking decisions under established Treaty procedures. It also meant, however, that no form of ‘ownership’ or co-decision at the policy level could be extended to non-member states; and even at the level of individual operations there were issues over what contributions could legally be accepted from them, what posts their nationals could hold, and so forth. Finally, once ESDP was implanted in the CFSP structure, the question of which nations were important partners was bound to be influenced by the EU’s general external relationships and in particular the rights enjoyed by recognized applicant states. All this helps to explain – even if, for some, it could not excuse – the EU members’ ultimate decision to create the main external consultation forum for ESDP as a ‘plus 15’ one including all the Central European applicants, with only occasional meetings reserved ‘as necessary’ for the six Associate Members of WEU. The latter could gain further access only by opting in to individual EU operations and joining the ‘troop contributors’ mechanism, and the EU was not initially committed to accept such offers for operations that it conducted without using NATO assets.

These terms, which were not to be spelled out in full detail until the Feira European Council of 19-20 June 2000,¹⁰⁵ were clearly different from what NATO

103. The argument on these points was to persist well into the 2000s, with the British eventually ceding the need for a proper (though civil-military) planning cell and for a separate system of EU-dedicated deployable forces (‘Battle Groups’) in the light of experiences in 2003-4.

104. In practice, this drafting was more important for policy compromise than as a guideline for subsequent choices. NATO and the EU did later act in the same crises, providing roughly parallel services, in cases such as support for African Union operations and the anti-piracy operations launched in December 2008 off Somalia.

105. Santa Maria da Feira European Council conclusions, in Maartje Rutten (op.cit.), pp 120-139.

had asked for in April 1999. While Norway and Iceland settled down to accept them within the framework of an improved inter-Nordic understanding,¹⁰⁶ and the Central European Allies then close to signing their Accession Treaties could afford to be relaxed, Turkey saw the matter all the more seriously because of its dissatisfaction with the EU's treatment of its own membership application.¹⁰⁷ Ankara decided to use its consensus rights within NATO to put a block on the Alliance's fulfilment of its 'Berlin-plus' offers, with the result that the EU lacked the wherewithal to plan any military operations for the first two years after Helsinki. Only in late 2002 after mediation efforts by the UK and US had arrived at a package giving Turkey specific assurances about its strategic as well as procedural position,¹⁰⁸ and when progress was visible in its EU membership bid,¹⁰⁹ did Ankara relent far enough to allow the EU to work with NATO on taking over two of the latter's deployments in Former Yugoslavia.¹¹⁰ Some Turkish procedural vetoes have however remained in place and have complicated formal NATO-EU cooperation right up to the present.¹¹¹

4.2. The dismantling of WEU

It has already been pointed out that WEU had little chance in practice of avoiding whatever fate the EU Fifteen had in store for it; nor had it any real say in what elements the ESDP would pick up from its own *acquis*, and how. During

106. Essentially, Norway, Denmark and Iceland agreed to help Sweden and Finland improve their status in NATO operations while Finland and Sweden maximised Norwegian and Icelandic access to ESDP. Alyson JK Bailes, 'European Security from a Nordic Perspective: The Roles for Finland and Sweden', chapter in *Strategic Yearbook 2004*, Swedish National Defence College: Stockholm 2004, pp.59-81.

107. It had first applied for EU membership in 1987, but was not acknowledged as a candidate until December 1999.

108. The core of this so-called 'Ankara document' was a pledge that ESDP operations would not be carried out on or against the territory of non-EU Allies: exactly the same solution that had been used to dispel Turkish concerns at WEU in 1991-2. It was also agreed that Cyprus as an EU member would stay outside the ESDP. Details are in Esra Doğan, 'Turkey in the new European Security and Defence Architecture', *Perceptions* (journal of the Center for Strategic Research of the Turkish MFA), March-May 2003, text at <http://www.sam.gov.tr/perceptions/Volume8/March-May2003/EsraDogan.pdf>.

109. The Copenhagen European Council in December 2002 offered to 'open negotiations without delay' after a new assessment of Turkey that would last until 2004, as well as endorsing the Ankara document's principle that ESDP operations would never be used 'against Allies' (on the understanding of NATO reciprocity). Text of (revised) conclusions at <http://ec.europa.eu/research/era/docs/en/council-eu-27.pdf>.

110. Namely the replacement of NATO's Op ALLIED HARMONY in FYROM by the EU's first military operation, OP CONCORDIA (which was succeeded by a police mission OP PROXIMA, then a police advisory mission), and the replacement of NATO's SFOR by the EU's Op ALTHEA in Bosnia-Herzegovina.

111. There have, naturally, been equally continuous discussions and efforts aimed at getting around these purely political obstacles. For smaller and medium members of both institutions, the risk is that such frustrations will compound the ever-present temptation – which has only grown with NATO's and the EU's numerical expansion – for larger members to cabal together outside the formal structures. In the EU's case, one route to explore is to make more use of the possibility to hold meetings up to PSC level in 'troop contributor' format which would let Turkey, Norway etc. sit at the table when participating in current operations.

1999 it nevertheless played two roles that had a certain value: first by offering a forum where the different groups of states in its system could exchange information and/or let off steam about what was happening, and secondly by carrying out an ‘audit’ of European crisis management capacities as an input to the EU’s thinking on capability goals. The audit had two stages, a military stock-taking by the WEU Planning Cell and a policy document debated at 21 which drew conclusions about the priority areas for capacity-building. The latter was published at the Luxembourg Ministerial in November 1999,¹¹² and several of its findings were in fact echoed in the terms of the EU’s Headline Goal a few weeks later. In addition, WEU continued its ongoing operations and its exercise schedule, which was building up to some genuinely interesting and testing joint activities with NATO (see more on this in Section VI). In mid-1999 it transferred to the EU a large package of its own documents designed – perhaps over-optimistically – to reduce the need for reinventing the wheel.

Nothing could alter the fact, however, that from the early months of 1999 WEU was living under a death sentence, as the emerging design of ESDP destroyed its rationale as a political and operational entity. The roles of the WEU Council, its committees, the Military Committee and the Planning Cell would be taken over by the corresponding EU organs ‘at 15’: the new, Ambassador-level Political and Security Committee (PSC) created by the Amsterdam Treaty,¹¹³ the European Union Military Committee (EUMC) and the European Union Military Staff (EUMS). The EU intended to bring the Institute for Security Studies¹¹⁴ and the Satellite Centre under its own control as soon as the right modalities could be found. There were no similar plans for the future of the WEU Assembly nor – for the moment – for WEAG and WEAO; but these had been staffed by groups separate from the main WEU secretariat and could in practice survive the drastic pruning of the latter. To ensure that the transition was managed smoothly – i.e. in line with EU wishes – and that a minimal institutional cover was kept for the residual WEU elements, the ten full members decided that Javier Solana should be appointed as the next Secretary-General of WEU as well as the EU’s new High Representative for CFSP (a post also created with the entry into force of Amsterdam). Solana’s term of office started in December 1999, meaning that the previous Secretary-General José Cutileiro actually had to leave one month earlier than foreseen.

112. See note 97 above.

113. This permanent body in Brussels had been designed to supervise CFSP work and simply added ESDP to its portfolio, later creating a Politico-Military Working Group to support it in the latter context.

114. It was agreed that the Institute would bring with it responsibility for WEU’s former Transatlantic Dialogue (i.e. information work in the USA and Canada) on European defence.

The remaining steps have been described eloquently as the ‘deconstruction’ of WEU in André Dumoulin’s book on the subject,¹¹⁵ and in terms such as a ‘brutal collapse’ and ‘political euthanasia’ in Stef Goris’ foreword to that volume.¹¹⁶ For anyone who held a lingering sympathy for WEU, the manner of the staged shut-down was indeed as bitter-tasting as the substance: high decision-makers including Solana himself had little time to spare on the nuances,¹¹⁷ and for some EU officials the main aim was to prevent ESDP being ‘contaminated’ by what was seen as a kind of virus of WEU weakness. Thus when the decision was made to cut WEU’s civilian staff from 92 to 29 by mid-2001 and 22 in 2005 and a ‘social plan’ was adopted to provide pensions and other options,¹¹⁸ no special help was offered with re-employment inside the EU and in fact only 3 persons from WEU made that transition, through the EU’s normal entry competitions.¹¹⁹ Rather more were able to find jobs at NATO. The residual WEU secretariat was left with responsibility for pensions administration, archives, the custody of the MBT and liaison with the Assembly; it presently moved to smaller premises in central Brussels.

The work of the WEU Council wound down with a final Ministerial meeting at Marseilles on 13 November 2000, where a formal end was made to WEU’s external relationships such as the Russia and Ukraine dialogues. Meetings of WEU’s Permanent Council could still be held but nations were often represented there below Ambassador level. Modalities were agreed to phase out or transfer the two ongoing WEU operations into an appropriate EU-based form. The EU’s Treaty of Nice¹²⁰ meanwhile confirmed the reconstitution of the Satellite Centre and Institute of Security Studies as EU agencies, holding their authority from the EU Council of Ministers via the High Representative; but for practical reasons their new existence could start formally only from 1 January 2002.

The next stage was to come when the EU was ready to take over inter-governmental work on armaments cooperation. The proposal originally contained in the EU’s draft Constitutional Treaty (signed October 2004)¹²¹ to establish a

115. André Dumoulin, *Union de l’Europe Occidentale: La Déstructuration (1998-2006)*, as in note 9 above. This book is the main source for the remainder of this sub-section.

116. In the original, ‘chute brutale’ and ‘euthanasie politique’. Goris was President of the WEU Assembly at the time.

117. The same is not true of some members of Solana’s team who did their best to handle a painful situation honourably.

118. The social plan was reasonably generous and was intended to apply to any further phases of staff reduction, but in fact when the armaments bodies closed and again in the final settlement of 2010-11, nations chose to rewrite its provisions yet again – and not to the staff’s benefit.

119. André Dumoulin, *op.cit.* in note 115 above. He points out that aside from old WEU/EU staff rivalries and national prejudices, the EU attitude was affected by bad experiences with the incorporation of former Schengen secretariat employees in 1999.

120. Text available at <http://eur-lex.europa.eu/en/treaties/index.htm#other>.

121. Text at <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2004:310:SOM:en:HTML>.

European Defence Agency, EDA, was plucked out for early implementation by a Council decision of 12 July 2004 as part of a programme to reaffirm and strengthen ESDP after the Iraq-related splits of 2003. The EDA was intended to have wide competence ranging from research to the oversight of collaborative production, and to sweep up all previous separate cooperation initiatives. By end-2004 the work to activate it was well in hand, and WEAG Ministers agreed on 22 November to wind up their own institution by end-June 2005. A separate decision was taken in May 2005 to close WEAO by end-March 2006. As with the first phase of WEU closure, the new EU body was to be the property of EU members alone – now numbering 25 after the 2004 enlargement – and equally open to all of them, although Denmark chose to opt out. The EDA statutes offered the possibility for non-EU Allies, and other interested European states (implying Switzerland), to seek an Administrative Arrangement (AA) that would give them considerable access to policy discussions, while buying-in to individual projects was also an option. Norway and Turkey both applied at once for an AA and terms of agreement were drafted with both, but while Norway's admission was approved in March 2006, Cyprus has blocked that of Turkey up to the present day.¹²²

By this stage, aside from the residual Secretariat, only the WEU Assembly was left standing from the whole former WEU edifice. The Assembly has documented its own story in detail¹²³ and a brief account may suffice here. While the Assembly always depended on member states for its financing, it was in effect left to decide its own fate in 1999 when several options might have been available in theory. Some kind of linkage with the European Parliament – which would be gaining the same (limited) oversight over ESDP as the rest of CFSP – was an obvious one; but whatever soundings were taken about it were not pressed to a conclusion, probably because the WEU side would have been placed in too much of a subordinate position. Instead the Assembly continued its work at twice-yearly sessions and in committee, commenting freely on ESDP as well as NATO matters, addressing recommendations to governments and inviting EU officials to speak at its plenaries.¹²⁴ It also attempted to keep up dialogue with the WEU Council, but after the Marseilles Ministerial regularly received the answer that relevant matters 'were being dealt with elsewhere'.¹²⁵ In 2008

122. An agreement with Switzerland is also pending. For more details see Alyson JK Bailes and Jón Á. Gudmundsson, *The European Defence Agency (EDA) and Defence Industrial Cooperation: Implications and Options for Iceland*, published online by the Institute of International Affairs at the University of Iceland, 2009, available at http://stofnaniir.hi.is/ams/en/en/online_publications.

123. WEU Assembly, *The European Defence Debate 1955-2005*, as in note 9 above, and further documentation at the website <http://www.assembly-weu.org>.

124. Some quite high-ranking members of EU staffs accepted, but Solana himself did not attend sessions after December 2001.

125. André Dumoulin, op.cit. in note 115 above.

the Assembly re-named itself the European Security and Defence Assembly (ESDA), while continuing to use its original name in budget requests as governments did not recognize the new one. Over time its debates became more wide-ranging as it was no longer tied down to WEU minutiae; it used its freedom to give delegations from the WEU 27 nations more comparable status in its work, and invited an ever widening range of observers notably from parliaments in the Western Balkans and the former Soviet Union.

5. WHAT NOW AND WHY NOW?

The thought of extinguishing WEU's remnants was not a sudden inspiration in 2010, but had in fact been mooted in some quarters ever since 2002. The significance of that date was not just that the initial blockage to ESDP operations had been overcome, but that the European Convention set up to draft an EU Constitution was considering language that would include for the first time a form of mutual defence commitment – potentially for all EU members. When the Convention's draft was subjected to intergovernmental negotiation in 2003, however, this passage was both watered down and made more elaborate, moving further away in the process from the original starkness of the MBT. Thus the Constitutional Treaty stated in Article I-41.7 that when a member state was the subject of a military attack, other states 'shall have towards it an obligation of aid and assistance', rather than 'shall give it aid and assistance'. Another clause provided that 'the specific character of the defence and security policy of certain member states' (i.e. the non-Allies) would not be prejudiced; and it was recalled that NATO 'for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation'.¹²⁶ While the Treaty of Amsterdam and the Nice Treaty signed on 26 February 2001¹²⁷ had also contained a saving clause for non-Allies and language recognizing NATO's primacy for its members, these expressions had related at the time to the general framing of an EU defence policy (and in the Amsterdam case, the general development of EU-WEU relations).¹²⁸ Their effect when used directly to condition the first-ever EU military 'guarantee' was much sharper, accentuated by the new expression about NATO's being the 'forum to implement' collective defence for those who had already pledged it.

Despite these shortcomings – which were energetically pointed out and criticized by the WEU Assembly¹²⁹ – the Netherlands suggested to fellow-members during its Presidency of WEU in 2004 that they should now prepare to wind up the MBT, as soon as the new Constitution was in force. The modalities it foresaw, starting with a public declaration by all ten states, were similar to what would actually happen in 2010: but for the moment there was no consensus. Germany was easily rallied to the idea of quick savings and institutional simplification,

126. For text, see note 121 above. A full and direct comparison between the language eventually retained from the draft Constitution in the Lisbon Treaty, and article V of the MBT, is in Section VI below.

127. See note 120 above.

128. From the preamble of Article 17 of the Treaty of Nice: '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'.

129. WEU Assembly, *The European Defence Debate 1955-2005*, as note 9 above, pp 69-77.

but others argued for waiting until the Constitution was home and dry. Their prudence was to be vindicated when the Treaty's ratification process collapsed in 2005, following negative popular referendums in the Netherlands itself and in France.¹³⁰ Luxembourg meanwhile still doubted whether the Constitution wording provided a strong enough foundation for future European defence.¹³¹ The UK for its part was not yet ready – though its defence ministry might have been – to abandon the buffer that WEU had historically provided against the EU's declaring itself a true defence community. For the moment, therefore, any fateful decision was postponed: and postponed for several years, given the time it took European leaders to pull themselves together and discover a way of re-launching the constitutional venture through the Treaty of Lisbon. Yet the steady erosion of WEU's remaining credibility continued, not just through the fact of the two armaments bodies' closure in 2005-6, but through the absence of any action to bring into the MBT those Central European states who would have qualified for it by becoming EU as well as NATO members in Spring 2004.¹³²

The Treaty of Lisbon, signed in December 2007 and entering into force on 1 December 2009,¹³³ turned out to be not just the solution to the EU's prolonged constitutional crisis but the final death knell for WEU. Its implications started to be felt already before end-2009 when it proved impossible to have the new High Representative for CFSP/CSDP, Baroness Ashton, succeed Javier Solana as Secretary-General. The Treaty gave her the simultaneous post of a Deputy President of the European Commission, and Commission members were not allowed to be double-hatted with any other institution. The solution found here was to designate Arnaud Jacomet, head of the residual Secretary-General in Brussels, as Acting Secretary-General ('faisant fonction'). But it was from a different quarter – London, and following a different logic, that the decisive end-game was to be launched.

In February 2010, the UK made it known to its WEU partners that it would no longer block completion of the course that the Dutch had suggested six years previously. Indeed, the Foreign and Commonwealth Office now urged closure of the Assembly and the Brussels office as a rational cost-cutting measure:

130. André Dumoulin, 'L'UEO crépusculaire', *Défense Nationale*, Paris: February 2009.

131. Statement to the Assembly on 1 December 2004 by Luxembourg Defence Minister Luc Frieden, quoted in WEU Assembly, *The European Defence Debate 1955-2005*, as note 9 above, p. 76.

132. The Czech Republic, Hungary and Poland could in principle have moved from the status of Associate Members to that of full members in WEU, and the remaining Central European states who joined both NATO and the EU in the same 'Big Bang' could have moved from Associate Partner to member status. Some of them actually enquired about making such changes, but the ten existing full members had already decided in mid-2001 that no further shifts in membership would be countenanced. See the 'WEU Today' (2009) fact-sheet at <http://www.weu.int>.

133. Text at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0010:0041:EN:PDF>.

designed to clear away redundant structures that now lacked all operational relevance, while saving some £2.3 million per annum that had been falling on the FCO's own overstretched budget. The British were keen to push the matter through to a political decision before a new government took over following the general elections scheduled for May. They found easy acquiescence from most of their partners, with only Belgium taking time to reflect on the implications of obliterating an historic Treaty for which it was depositary. After just a few weeks, on 31 March, the statement announcing the denunciation of the MBT and the 30 June 2011 for final closure of all WEU bodies was ready for unanimous adoption. Belgium's point was reflected rather gnomically in the sentence stating – after repeating the relevant terms of the Lisbon Treaty – that 'In this context, we remain strongly committed to the principle of mutual defence of article V of the Modified Brussels Treaty.'

So far the public story: but what was it, in fact, about Lisbon that finally swept away both UK reticence and any residual value attached to the MBT in more integrationist quarters? Here a comparison of the original MBT guarantee and the language of the Lisbon Treaty as ratified is called for:

Figure 4: Comparison of Defence Clauses; MBT and Treaty of Lisbon

Modified Brussels Treaty Art. V	Treaty of Lisbon Art. 42.7
<p><i>'If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power'</i></p>	<p><i>'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means within their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.</i></p> <p><i>Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organization, which, for those states which are members of it, remains the foundation of their collective defence and the forum for its implementation.'</i></p>

It will be seen that the Lisbon language contains no advance on the earlier Constitutional Treaty; but contains the same three features qualifying the primal clarity of the MBT: the linguistic detour 'shall have an obligation'; the let-out clause for the non-allies; and the clearest ever reference to NATO's role also in implementing intra-EU guarantees. If the ten WEU full members were able to agree in March 2010 that this language could be accepted as an equivalent to

the MBT, this can only logically be endorsed to the extent that the effect is equivalent *for them*. They remain bound to each other, also within the EU, by collective defence undertakings, and even under the MBT they never had any mechanism other than NATO for implementing them. It might also be understood that they would need to use their NATO experience, assets and procedures if coming to the aid of other EU members in a European-only emergency.¹³⁴ The part of the circle that cannot be squared, however, is the position of the six non-allied states who do not have any collective framework either among themselves, or through NATO, *or* through a specific and concrete pan-EU arrangement for assisting other Member States as needed.¹³⁵ The only possible conclusion is that the 27-member EU of today is not a fully and mutually guaranteed collective defence community in the sense that NATO is, or in the sense that WEU (for its full members) was on paper and *in potentia*.¹³⁶

Perhaps this is the simplest way to explain why the UK felt safe, at last, in 2010 to dispense with the WEU as buffer. If after one whole decade of ESDP there was no consensus, or even any serious proposal, within the EU to advance the level of ambition on European defence policy beyond the Lisbon formula, London could reasonably abandon its last fears of direct EU competition with NATO and/or the ‘communitarization’ of military business.¹³⁷ Such a judgement would also make sense in terms of more general institutional fortunes and dynamics. It is starting to be widely recognized that CSDP has hit a phase of the doldrums since 2008-9, with few new operations undertaken¹³⁸ and even fewer being planned. Military ambitions do not seem to figure largely in the agenda of Baroness Ashton and her staff, and member states’ appetites for military adventure in any context have been hit by the triple whammy of the economic crash, reaction against the perceived errors of Iraq and Afghanistan, and the fact that the ISAF burden still has to be borne. The fact that the EU as well as NATO was

134. This raises some delicate issues, however, about the use of British nuclear weapons, which are formally dedicated to its Allies’ defence in NATO but which some EU members would very strongly object to being associated with or legitimizing.

135. In this last respect there is an interesting contrast between Article 42.7 and the non-military ‘solidarity’ commitment in Article 222 of the Lisbon Treaty, which will be reverted to below.

136. The same conclusion was reached in an earlier study by the French Senate on the draft Constitution which also provided the obvious explanation: ‘The mutual defence clause [...] is worded in such a way as to be acceptable to everyone’. Cited in WEU Assembly, *The European Defence Debate 1955-2005* (as note 9 above), pp 76-77.

137. This outcome was foreseen with uncanny prescience in 1998 by Remacle and Dumoulin (*L’Union de l’Europe Occidentale: Phénix de la défense européenne*, as in note 9 above, p. 406), when they speculated that WEU’s disappearance might also constitute its revenge, doing away simultaneously with ‘tout projet politique supranational pour l’Union européenne et de toute défense européenne autonome’ (any EU political identity of a supranational kind, and any autonomous European defence).

138. The only new mission launched in 2010 was a military training effort in Somalia with maximum 104 personnel, linked to the naval operation Atalanta against Somali pirates which had been running since 2008. See however note 139 on the authorization of a humanitarian operation for Libya.

spurred to action in the Libyan crisis (March/April 2011) does not alter this big picture but rather proves it as an exception.¹³⁹ The USA's low profile in this instance, the strenuous efforts made to avoid mission creep, and the lack of kinetic intervention in the many other concurrent Arab-world disorders all point to a still prudent and ambivalent underlying Western mood.

Of course the same factors are also or even more directly affecting NATO; but the Alliance has faced up to its problems since 2009 through the exercise to draft a new Strategic Concept, and produced a skilful new policy synthesis that was celebrated at the November 2010 Lisbon Summit in a spirit of both intra-Allied and NATO-Russia reconciliation.¹⁴⁰ The Summit follow-up includes elements, such as a root-and-branch review of NATO's strategic posture and an attempt to devise a truly collective missile defence programme, that may be daunting and highly sensitive but still pose a more fascinating challenge for defence professionals than anything to be found in CSDP's own post-Lisbon agenda. On the operational front, meanwhile, NATO again showed its ability to overcome serious obstacles to consensus when it reached agreement on the Libyan operation just mentioned. If the viability of NATO's new stance rests partly on a moderation of its recent ambitions in those 'new' security areas where the EU clearly has better tools (notably energy), it seems equally clear that the EU can leave and will be leaving the business of 'real' defence in Europe to 'the other side of Brussels' for quite some years to come.

To those looking from London, this might provoke the remark "Twas ever thus"; but for most of the past 65 years that has hardly been the view of Paris. It is equally relevant to ask, therefore, why France in 2010 should finally forsake the MBT as the last relic of post-WWII visions of a truly European defence: and the simple answer may be that the decision was taken quickly at the highest possible level. The French President's office has often shown itself more pragmatic – and more inclined to find common ground with London – in matters of defence than for instance the Quai d'Orsay, and President Sarkozy has from the first shown a distinct disregard for convention. Some logical link may then be seen between the Franco-British collusion on ending WEU, and the striking advances in bilateral defence (including nuclear) cooperation that came into the open with the Franco-British Treaty signed in

139. In March 2011 NATO assumed command of the military enforcement aspects of UN Security Council Resolution 1973, leading to a number of air strikes against Colonel Gaddafi's assets, while the EU shortly after decided to authorize an operation (EUFOR Libya) in support of the UN's humanitarian efforts in and around Libya and to assist displaced persons (details at http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/121237.pdf).

140. For the text of the New NATO Strategic Concept ('Active Engagement, Modern Defence') see http://www.nato.int/cps/en/natolive/news_68172.htm, while the Lisbon Summit Declaration is at http://www.nato.int/cps/en/SID-122B8F1E-03EB54BA/natolive/official_texts_68828.htm?mode=pressrelease.

November the same year.¹⁴¹ More broadly, French perceptions must also have been affected by the recent loss of momentum in CSDP, and the continuing reticences (both political, and in terms of defence spending and reform) among Germany and many smaller European states on which this may partially be blamed. Since its return to NATO's Integrated Military Structure in 2009 it is natural that France should be more aware of and invest more energy in its role there, while its deep involvement in the ISAF operation has given its military a challenge and also a sense of achievement that nothing in CSDP today could match. In sum, the present pattern of French and British behaviour may be seen as reversion to one of their longer-term default positions as the two 'big' leading European multinational cooperation in a robust but still distinctly national style. It provokes the reflection that if Franco-British divisions are always bad for progress in institutionalizing European defence, it can sometimes be bad as well as good for that process to have the two capitals agree.¹⁴²

At all events, the effects of the March 2010 decision have become irreversible with the completion of all national procedures to denounce the MBT. The practical consequences have been handled by the relevant nations' CFSP teams in Brussels, and have turned out more troublesome than probably anyone imagined during the hasty drafting of the 31 March statement. Giving notice to the WEU staffs in Brussels and at the Assembly has been almost the easiest part, but has led to rancour as the member states chose yet again to re-write the 2000 'social plan' and there have been some claims of unequal treatment. The Palais d'Iéna where the WEU Assembly has been meeting should in principle be bought back by France which would then have to lease out part of it again to the EU Institute for Security Studies. A home has still to be found for the WEU archives, which include highly classified NATO materials and for which two member states have been competing. Even more complicated is the identification of a repository institution, including all the WEU member states and having suitable legal personality, that can take over the obligation to pay WEU pensions for the rest of recipients' lives (and to deal with any legal disputes arising). If time is starting to look worryingly short before the 30 June 2011 deadline, changing

141. Details in the Franco-British Summit Declaration on Security and Defence Cooperation, 2 November 2010, at <http://www.number10.gov.uk/news/statements-and-articles/2010/11/uk%E2%80%93france-summit-2010-declaration-on-defence-and-security-co-operation-56519>. See also Ben Jones, *Franco-British military cooperation: a new engine for European defence?*, EU Institute for Security Studies Occasional Paper no 88 of Feb. 2011, text at <http://www.iss.europa.eu/nc/actualites/actualite/article/franco-british-military-cooperation-a-new-engine-for-european-defence/>.

142. Geoff Hoon, 'Why their EU and NATO partners may look askance at the Franco-British defence pact' in *Europe's World* (Spring 2011), text available at http://www.europesworld.org/NewEnglish/Home_old/Article/tabid/191/ArticleType/ArticleView/ArticleID/21786/language/en-US/WhytheirEUandNATOpartnersmaylookaskanceattheFrancoBritishdefencepact.aspx. The implications for EU defence industrial collaboration will be taken up in section VI below.

the date or ‘stopping the clock’ is also too difficult to contemplate after the timetable has been sanctified in national Treaty denunciation procedures.

The largest single issue arising has been how to deal with the Parliamentary dimension of European defence work after the disappearance of the ESDA/WEU Assembly, which will say its farewells with a ceremony at Paris (Palais d’Iéna) on 9-10 May. The Lisbon Treaty does not give the European Parliament any new competences in the field of security and defence, and the EP itself has recently considered and rejected the idea of creating a full Committee on Defence to stand alongside that on Foreign Affairs. (The latter’s sub-committee for security and defence, SEDE, which at present works both on ‘positive’ defence and arms control/export control issues, will be strengthened instead.) Some member states, including Britain, have all along argued that scrutiny of such a core sovereign power as defence should be a matter first and last for national parliaments; the more so as national constitutional provisions in this area vary widely. The question of whether and how the national parliamentarians specializing in this field might themselves get together has been on the table since the early 2000s, and the WEU Assembly put forward a series of proposals for an EU-linked inter-parliamentary process in 2004 when it deplored the absence of specific provisions to this end in the Constitutional Treaty¹⁴³ The Lisbon Treaty duly added a provision encouraging systematic contacts between the national parliaments of EU nations,¹⁴⁴ and this is the direction in which efforts to find a successor to the WEU Assembly are looking now. The former MBT governments have meanwhile stressed that they recognize the importance of parliamentary cooperation and of a more-than-national debate; but that it is up to parliamentarians themselves to decide what to do about this, and under no circumstances will a new *institution* as such be financed.

Several debates have taken place in national parliaments, and corresponding schemes have been published, to this end since early 2010.¹⁴⁵ They all focus on the same issues: how to provide practical support for inter-parliamentary meetings at minimum cost, with no fixed seat and no dedicated staff; how frequent the meetings should be and whether and how the venue should rotate; how many MPs to invite from each nation and how many MEPs should join them; whether representatives should be invited from additional (i.e. non-EU) states and on what basis. Most if not all WEU full members would wish Norway and

143. WEU Assembly, *The European Defence Debate 1955-2005*, as note 9 above, pp 74-75 and 81-2.

144. Protocol 1 on the role of national parliaments in the EU, attached to the Lisbon Treaty (as note 133 above)

145. Details up to end-2010 are in ESDA/WEU Assembly Document C/2088 of 3 Nov. 2010, ‘Implementing the Lisbon Treaty: ongoing debates in the national parliaments on monitoring CSDP’, Report by the Committee for Parliamentary and Public Affairs.

Turkey, as a minimum, to continue to have access, and the Turkish ESDA delegation has also made its case to this effect:¹⁴⁶ but once the starting-point for participation is EU membership the risk of blocking action by one or more member states is clear. Other obvious questions are how widely the potential agenda of such meetings should range, what outputs are expected and to whom/where any recommendations arising should be addressed. A more political issue is how closely the new process should be tied to the European Parliament itself, and some elements in the EP remain very sensitive to any notion of a new ‘rival’ being created elsewhere. On the other hand the UK, for one, has stated starkly that it will not accept any outcome that gives the EP any new advantages in the defence field.¹⁴⁷

Discussions on a workable compromise were scheduled to start in a forum that combines the Speakers of national EU parliaments and the EP, COSAC, in April 2011. One model put forward by the Belgian Parliament,¹⁴⁸ which would *prima facie* ease EP concerns about control, is to hold the inter-parliamentary meetings in Brussels with the EP’s own staff providing services and with a number of MEPs equivalent to one third of the total national delegates attending. If it proved more widely acceptable this would have the merit of allowing a fairly rapid transition, without the extended hiatus that arguably caused valuable ground to be lost at other stages and in other areas of the WEU-to-EU handover. On the other hand, the more closely the new scheme is tied into EU structures, the more problematic the handling of relations with non-member states’ parliaments – especially Turkey – is likely to be; and it is not clear how much leeway if any there is in the UK position on EP involvement.¹⁴⁹

146. The Turkish position is contained in a letter to the President of the Assembly. As for WEU member states’ views, the Presidency statement on WEU closure (note 3 above) calls for inter-parliamentary dialogue ‘including with candidates for EU accession and other interested states’.

147. Answers given by Minister for Europe Christ Bryant in the House of Commons on 6 April, text at <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100406/debtext/100406-0001.htm>.

148. Draft resolution tabled by MM André Flahaut and François-Xavier de Donnea, Belgian Chamber of Representatives, 11 February 2011, doc.no. 53 1196/001.

149. The British House of Lords’ recommendation for future inter-parliamentary meetings (as reported in the ESDA/WEU Assembly report cited in note 145 above) would exclude holding meetings on EP premises or with help from EP staff, though a small number of MEPs would be allowed to sit in.

6. ATTEMPTING A BALANCE-SHEET

'The Western European Union has made an important contribution to peace and stability in Europe and to the development of the European security and defence architecture, promoting consultations and cooperation in this field, and conducting operations in a number of theatres, including Petersberg tasks'.

WEU Presidency statement of 31 March 2010, as note 3 above.

'Most organizations that have been dissolved have found a new life in a successor. Their 'soul' lives on, albeit subject to a new institutional framework, new rules and possibly at the service of new masters.'

Ramses A Wessel, op. cit. in note 5 above.

This section has the complex task of drawing up an overall assessment of WEU's lifetime achievement, with special attention to the legacy it has left – or rather legacies, given its stage-by-stage closure – for European cooperation in external policy, security and defence. What from the WEU tradition has been conserved in new hands and new forms, thereby contributing to these purposes today and enhancing the chances of success in the future? And has anything been *lost*, in terms of elements of real value that WEU's inheritors could not or would not salvage from its ruins?

6.1. WEU's Positive Legacy

This topic will be divided in turn into conceptual and policy elements, including political relationships as appropriate; institutional tools and practices; and operational/military elements. The first two aspects may be handled summarily, as so much of the ground has been covered in the historical context above; but the last is a less familiar story that merits detailed attention.

6.1.1. *Concepts and Policy*

Even if the credit strictly belongs to Western Union rather than WEU, the original Brussels Treaty of 1948 achieved a true historic breakthrough by creating a permanent, active and fully institutionalized collective defence relationship among a core set of Europeans. Without it NATO might not have been possible, let alone the persistent idea of a European identity and collective responsibility

– giving Europe a ‘sense of self’,¹⁵⁰ as it were – in the security field. After NATO’s creation and the failure of the European Defence Community, WEU proper was born as a self-avowed second-best, yet its usefulness is undeniable in handling some of the more tricky intra-European aspects of the transition towards a fully integrated Federal Republic of Germany. The Saar settlement and the completion of German disarmament obligations may be mentioned to its credit here; and in the latter context WEU was one of the first 20th-century bodies to develop modern techniques of verification, for the elimination of chemical as well as conventional weapons.

WEU’s role after its first revival, in the decade from 1984, is commonly summed up as a ‘talking shop’. The judgement is accurate, but need not be dismissive. The last decade of the Cold War was a time of new tensions both across the Atlantic and within Europe, some factors in which – such as new twists in East-West relations, and rising security threats that cut across the bipolar order – were not easy to address either within NATO or in the European political framework as it stood at that time. Both the US-European strategic relationship, and the interplay between the Euro-Atlantic space and the rest of the world, called for redefinition as a final set of cracks began to open in the Soviet empire and the Western colonial era also approached its end. It is interesting to note that these were precisely the years when the meetings of the Group of Seven industrialized nations (G7) began to develop a substantial politico-strategic agenda alongside their economic role, offering a privileged forum where Japan could be consulted as well.¹⁵¹ For the ‘core’ group of Europeans, being able to use WEU as an additional place of concertation (soon with defence ministers also present) brought real if unquantifiable advantages in managing their role in all the other institutions. Its net effect was twofold: to draw European stances on the difficult West-West issues towards a middle ground that reduced the risk of rupture with the USA; but at the same time, to strengthen the sense of specifically European shared interests and values in security. The ambiguity was clear here that had belonged to notions of a ‘European pillar’ in Western defence from the very start. If WEU could do little to prevent the same ambiguity from becoming even more open, and occasionally more divisive, over the following two decades, at least its configuration ensured that the UK would be present within the European camp and stay involved in shaping the European defence identity. Without that fact, it might not have been so easy for the EU to develop its role on a

150. An expression used by an official interviewed in February 2011 for the present study.

151. The first significant non-economic declaration by the G7 came at the Williamsburg summit of 1983 which addressed questions of strategic arms control and called for greater cooperation with the Soviet Union. In the following years the G7 also helped to handle US demands for tougher anti-terrorist measures. See Nicholas Bayne and Robert D. Putnam, *Hanging in there: The G7 and G8 Summit in Maturity and Renewal*, Ashgate: Aldershot, UK, 2000.

consensus basis as it did through to the Helsinki decisions on ESDP and indeed, right up to the Lisbon Treaty.¹⁵²

Once the Cold War was over, WEU reflected in a minor key the remarkable success that both NATO and the EU were to achieve in re-justifying their existence, readjusting their agendas and finally absorbing the greater part of the European continent. It has been argued above that in terms of membership expansion and of reacting to the new demands of crisis management, WEU's low political profile and non-legalistic way of exploring new activities¹⁵³ gave it the flexibility to play a modest but useful pioneer role. Its early engagement with the Central Europeans and the West European non-Allies prepared them in a practical way for the serious business of NATO/EU enlargement and for the appropriate degrees of military integration, first in NATO-led and later also in ESDP operations. Its formulation of the Petersberg tasks as the appropriate spectrum for separate European crisis missions, drafted as early as 1992 when the formative lessons of the Former Yugoslavian wars still lay in the future, was to prove remarkably shrewd and robust as a basis for European political consensus as well as for concrete actions. In retrospect, the secret of the WEU formula was perhaps that it kept a normatively acceptable tone and was weighted towards altruistic tasks, while at the same time leaving leeway both for more self-interested (rescue and evacuation) missions and for those at the sharper end of military crisis management. What is less often noted is that the WEU (and later, EU) doctrine was exactly ten years ahead of NATO in allowing operations with no geographical restriction, literally world-wide.¹⁵⁴

In a decade dominated by the harsh Former Yugoslavian experience and the outright combat of the Gulf War, WEU's actual operations of the 1990s looked feeble indeed. Only in retrospect can it be seen that they laid the necessary ground-work not only for European-led police and civilian missions of the kind

152. The notable thing about occasional Franco-German-led ventures attempting to move European defence forward without the UK – such as the 'pralines summit' with Belgium and Luxembourg in April 2003 that agreed i.a. on a permanent European command HQ – was their lack of consequences and, indeed, their failure to achieve broader European buy-in. To note as much is not to idealize the British role, as London also had its own ways of sabotaging such attempts.

153. It was in fact an interesting question whether the Petersberg formula had any legal base: see Ramses A. Wessel, 'The legality for the new functions of Western European Union: The attribution of powers reconsidered on the occasion of the 50th anniversary of the Brussels Treaty' in Anne Deighton and Eric Remacle (eds.), *The Western European Union, 1948-1998: from the Brussels Treaty to the Treaty of Amsterdam*, as in note 9 above.

154. The possibility and justification for NATO to operate outside its traditional geographical area was still somewhat unclear in the 1999 Strategic Concept, and the Alliance's first document formally allowing Treaty-based operations anywhere in the globe was adopted in mid-2002 as part of the reactions to 9/11. In the Maastricht and Amsterdam Treaties and 1999 Helsinki decisions the EU mentioned no specific areas of application for the Petersberg tasks and cited only the principles of the UN and OSCE as legal/normative parameters.

that would later dominate the early phases of ESDP, but also for grappling with the command and control implications of mixed civil-military interventions by a single Western institution.¹⁵⁵ While more will be said about this under the military/operational heading below, it is worth adding here that the operational record of ESDI – the European Security and Defence Identity based within NATO, which inspired so much effort in the 1990s including the formulation of NATO’s Berlin decisions in 1996 – was precisely zero. If NATO had not brought itself to agree upon the principle of lending its skills and assets to a European sub-set of nations, not only would large military actions in the ESDP framework have been impractical, but the EU’s decisions on self-militarization could have strained US-European relations to breaking point. Yet NATO itself never invited WEU to take on such tasks as the EU did in 1998-99, nor did it ever carry out one of its own interventions through a European-led coalition. The possible explanations for that lie outside the framework of this study;¹⁵⁶ yet the effect was that the full burden of European operational experimentation in the 1990s – aside from purely national initiatives like Turquoise and Alba – was left upon WEU’s narrow shoulders. If the EU was not to pick up its new military role entirely from scratch, it was good that WEU at least attempted something; and in the process, started the accumulation of European operational do’s and don’ts.

Of course, WEU’s actions during this period were ultimately less important than the concepts, agreements and analyses that it developed or stimulated the two larger institutions to develop, from the time of Maastricht and Berlin onwards. If a dog can train its master, it may be said with only a little exaggeration that WEU trained both NATO and the EU to work with it – at the cost, no doubt, of much friction and frustration – in a way that greatly eased their eventual adjustment to each other. Aside from the Petersberg formula and the WEU membership practices that allowed the related work to be done and lessons to be learned in this most inclusive way possible, WEU’s efforts underpinned at least four of the strands later combining to make ESDP workable. One was the formulation and identification of European command and HQ requirements; one was the development of a procedural and legal framework for NATO’s defence planning and operation planning support and the loan of NATO assets; one – perhaps the trickiest! – was the injection of military needs and ways into the EU’s decision-making structure; and the last in time sequence was the charting of European operational capability shortfalls, notably through the 1998 Audit process. In

155. The UN had of course for some time faced this challenge and OSCE could in theory have done so, but never launched a military intervention in practice.

156. Some hints, from a British standpoint, were given in Alyson J.K. Bailes, ‘WEU: A British perspective’ in Anne Deighton, *Western European Union 1954-1997: Defence, Security, Integration*, as note 9 above, esp. pp. 54-56.

none of these fields did the EU in fact attempt to reinvent the wheel, despite the aversion of some of ESDP's creators to WEU 'contamination' as mentioned above. The continuity between the make-up of EU member states' teams serving WEU and the EU's new PSC, as well as the few WEU staff who ended up at relevant NATO and EU desks, ensured that most WEU lessons would be carried forward in substance if not in form. The only cases of relatively complete breaks are the changes in national status for non-EU NATO and non-NATO EU states, as already sufficiently discussed, and the system of operational financing which had to be addressed afresh in the EU's own Byzantine budgetary framework.¹⁵⁷

One last political aspect worth noting briefly is the WEU relationship with the Russian Federation and the Ukraine, both of which were accorded policy dialogues during the 1990s and were allowed considerable insight into WEU activities, including an element of observation at the latest WEU exercises.¹⁵⁸ Both Eastern neighbours maintained a friendly tone in their dealings, in Russia's case no doubt partly in hopes of weaning the Europeans away from NATO, but also because they transparently had nothing to fear from a body with WEU's limitations. For Ukraine, learning more about the European dimension of defence was also relevant to its own strivings after a more 'Western' identity. Both partners offered airlift for potential WEU operations and Russia kept probing the opportunities for defence industrial cooperation. If none of these overtures came to anything much, they may have had some marginal effect in familiarizing Moscow with the notion of a European defence identity that was neither threatening for itself nor by definition anti-American. Once the EU took on the European defence mantle, it was relatively easy to keep similar perceptions alive against the background of its own largely cooperative security relationships with both Moscow and Kyiv.

6.1.2. *Institutional Tools and Practices*

One of the most often recurring arguments among Europeans over their way forward on defence concerned the value of institution-building. Was it a distraction, a source of imaginary achievements and an encouragement to over-'theological' thinking as the British often claimed; or was it essential for coherence,

157. The outcome was the ATHENA financing mechanism introduced in 2004 and updated in 2008, which covers only specified 'common costs'; the official factsheet is at <http://www.consilium.europa.eu/showPage.aspx?id=746&lang=EN>.

158. For a snapshot of these relationships see the communiqué of the WEU Ministerial meeting at Paris, May 1997 (text at www.weu.int/documents/970513en.pdf), which was followed by an internal study on how to optimize and balance the two. A further innovative WEU partnership was its Mediterranean dialogue with North African and Middle Eastern states, which helped to shape the subsequent NATO initiative towards the same partners.

continuity and maintaining standards, the only way to amass both concrete joint capacities and *esprit du corps*? In the specific defence and security field the UK and other more Atlanticist states were additionally on their guard against what they saw as duplication of NATO, while others thought rather in terms of completing gaps within the emergent EU structure. Finally, countries were divided over their approach to institutional budgets, with the UK being joined by the usually more pro-European Germans in trying to keep costs to a minimum, and advocating ‘zero growth’ in finance even while condoning increases in institutional tasks.

The story has been told in sections IV.2 and V above of how WEU’s main institutional features, first its working Council structure and Planning Cell, and finally its Assembly, fell victim to nations’ preference for institution-building in the EU framework combined with overall cost-cutting zeal. Yet two of WEU’s institutional creations, the Institute for Security Studies and the Satellite Centre, were to survive in new EU clothing, and the armaments bodies WEAG and WEAO provided at least some of the building blocks for the EU’s European Defence Agency (EDA). Why did they merit preservation, and can they be counted among WEU’s positive legacies for the EU-led defence and security enterprise?

The *Institute for Security Studies* had no parallel in either NATO or the earlier EU system, where research and policy planning functions were internal to the given organization. As an independent body, further distanced from executive meddling by its site in Paris, it could build an intellectual reputation that attracted serious experts to its staff and its conferences and plenty of readers to its publications.¹⁵⁹ Aside from whatever value it could bring in informing actual policy-making, it thus served WEU well as a tool of outreach and public information, and as a networking partner that could build equally strong relationships with WEU members and other important actors, including the US, Canada, Russia and Japan. Recognition of this last factor was shown by the decision to place full responsibility for ‘transatlantic dialogue’ with the institute at the time of the EU transfer.¹⁶⁰

159. A wise decision of the Institute was to make all its publications including the major series of ‘Chailot Papers’ freely downloadable on-line.

160. Despite initial suggestions that this dialogue might include official encounters, it settled down to be based on two annual seminars that attracted high-quality US attendance, and were later held alternately at US venues.

Figure 5: Directors of the WEU and EU Institute for Security Studies

John Roper	1990-1995	<i>UK citizen</i>
Guido Lenzi	1995-1999	<i>Italian citizen</i>
Nicole Gnesotto (WEU)	1999-2001	<i>French citizen</i>
Nicole Gnesotto (EU)	2002-2006	
Álvaro de Vasconcelos	2007-	<i>Portuguese citizen</i>

The transfer itself, however, proved to be not without difficulties. The Joint Action of the EU Council of Ministers giving the Institute its new status as an independent agency of the Council was not adopted until 20 July 2001,¹⁶¹ and implemented the following year. This left the Institute in limbo for a while, albeit giving plenty of time to prepare for the new EU environment. The changes brought by the latter were less significant in the Institute's own shape and activities¹⁶² than in the institutional dynamics of its situation. While care had been taken not to subordinate it to any body below Council level (with High Representative Javier Solana as line manager), its whole rationale was that it should commune with and inform EU policy-making and the related debates, and this link to an institution far more powerful than WEU raised its profile and its attractions for foreign partners accordingly. However, it was not always clear whether EU governments and their Brussels representatives understood how to make best use of such an unfamiliar adjunct to their work. When some states encouraged the Institute to play roles of real policy significance, such as producing a 'White Paper' for European defence, others weighed in to curb the risks of innovation through a channel that might elude Brussels' normal checks and balances and means of control. There was particular nervousness about the Institute's becoming a conduit for direct dialogue among defence ministries. In the outcome, the White Paper exercise was completed by an independent expert task force and the resulting publication in 2004 was called 'European Defence: *a proposal for a White Paper*' (authors' italics).¹⁶³ Implicit limits were set that the Institute has not subsequently transgressed, although most recently there has been some move to speed up its commentaries on events driving real-time EU decision-making.¹⁶⁴

161. A revised version was adopted in December 2006.

162. The number of researchers remained modest (fewer than ten) but could now be recruited from all EU states, with all contributing to the budget on a GDP scale. As before, visiting researchers from non-member states could and did also contribute to the Institute's work.

163. Text available at <http://www.iss.europa.eu/publications/books/>.

164. For the Institute's own assessment of its adjustment to EU ownership see *The European Union Institute for Security Studies 2002-2006: five years for the EU*, EU-ISS: Paris, 2006. The issue of the Institute's being based outside Brussels has never quite been off the agenda but as yet no consensus has emerged for moving it.

The *Satellite Centre's* (Satcen's) role within WEU did not involve the development and ownership of actual satellite systems, but rather the collating and analysis of satellite imagery and its application for a range of operational, as well as monitoring and intelligence, purposes in crisis management – a relatively new and imaginative venture at the time of its first creation (1993). It first won widespread plaudits for its satellite mapping services at the time of the Kosovo conflict. Although the Satcen had to wait, like the Institute, until 1 January 2002 for its full translation into an EU agency, the change did open up a much wider field for the application of its services. In the first place it could support the EU's proliferating military and civilian missions with geographical and imagery intelligence (GEOINT/IMINT) relevant both to situational awareness and to their own movements and contingency planning. Secondly it could provide data and analysis in other fields of EU security concern and competence such as WMD proliferation monitoring, industrial sites analysis, border monitoring, maritime surveillance, and tasks related to counter-terrorism. In the process the Satcen has strengthened its capacity for continuous operation while remaining a highly secure environment where sensitive information from all partners can be protected. It engages with EU member states and the high-level decision making-process in the Council, as well as with the relevant bodies of the CFSP/CSDP structure in Brussels. At the same time, it should be noted that in the EU setting, the Satcen's position has become a relatively minor and specialized one among the multitude of other relevant bodies, policies and assets comprising the Union's evolving space policy. It is, for example, rare to find it even mentioned in the communications on space policy of the Commission's Directorate-General for Industry and Enterprise.¹⁶⁵ One may thus suspect that the Satcen has been left with some still unfulfilled potential in the shadow of more highly publicized and controversial EU projects like the Galileo programme.¹⁶⁶

Assessing the transfer of *armaments work* from WEU to the EU is a more complex matter because it involved greater structural changes. The competences of both WEAG and WEAO were absorbed into the European Defence Agency (EDA),¹⁶⁷ while at the same time – from the mid-2000s onwards – the European Commission was making new strides in its long-cherished ambition to promote defence collaboration through the prism of research, industrial, and competition policies. This very fact underlines that in the EU environment, the operational logic of joint defence research, production, and procurement programmes could

165. See the latest proposals on European space policy published by the Commission on 4 April 2011, at http://ec.europa.eu/enterprise/policies/space/esp/index_en.htm. Thus far the EU's main partnership in developing its overall policy has been with the independent European Space Agency (ESA).

166. Galileo is a global navigation satellite system providing a highly accurate global positioning service, but operated – unlike the US GPS – under civilian control. Details available at <http://www.esa.int>.

167. For details of the EDA's functions and its own progress reports and bulletins see <http://www.eda.europa.eu/genericitem.aspx?area=Background&cid=122>.

be brought into synergy with general research policy and with financial, commercial and industrial competences of a sort never available to NATO, let alone to WEU. The EU is also uniquely equipped to work on the development of high technology that has multiple applications, including civil alongside military ones. Structurally, the coexistence of EDA and the Commission has elements of complementarity as well as competition: both aspire to make the EU's internal defence market more integrated and efficient, which the Commission seeks by easing internal trade and making procurement more competitive,¹⁶⁸ while the EDA formulates guidelines both for inter-governmental efforts and company behaviour in this sphere.¹⁶⁹ Last but not least, the EU is the place where standards are set for its members on the responsible export of conventional weapons and the banning of 'inhumane' items,¹⁷⁰ thus allowing the whole arms cycle to be addressed – at least in principle – in a way that balances operational and economic gains against the strategic and normative arguments for restraint.¹⁷¹

All this said, it would be vain to pretend that the serious long-term obstacles to progress in European armaments collaboration have been swept away or even significantly undermined by the EU's achievement of a near-monopoly in such work.¹⁷² The history of the EDA itself illustrates how states can still remain at cross-purposes: the UK has persistently sought to curtail its size, its budget and its ambitions for direct management of cooperative programmes.¹⁷³ Concerns about possible overlap or conflict with NATO projects have not quite been put to bed, though the Agency would claim that it has reached a good understanding with 'the other side of Brussels', for instance on burden-sharing in work on

168. This has been attempted notably through two defence market directives drafted by the Commission in 2007 following consultation on a 'Green Paper' of 2004, and which are now coming into force: for details and critique see the Flemish Peace Institute's *The European Defence Package: towards a liberalization and harmonization of the European defence market*, Brussels: April 2008, text at http://www.flemishpeaceinstitute.eu/get_pdf.php?ID=201&lang=EN.

169. See <http://www.eda.europa.eu/genericitem.aspx?id=153>.

170. Conventional exports are subject to a Common Position of the Council adopted in December 2008 to replace an earlier, less-binding Code of Conduct: full details are at <http://www.consilium.europa.eu/showPage.aspx?id=1484&lang=en>. EU nations have collectively promoted and acceded to several global international-legal measures on specific 'inhumane' items such as landmines, blinding lasers and cluster munitions, while the export of actual and potential instruments of torture from the EU is prohibited under EU Council Regulation 1236/2005.

171. Flemish Peace Institute, *The EU defence market: balancing effectiveness with responsibility*, Brussels, 2011 (forthcoming).

172. On the progress made and remaining problems see Nick Witney (the EDA's first Director), *Re-energising Europe's Security and Defence Policy*, European Council on Foreign Relations July 2008, text at <http://ecfr.eu/page/-/documents/ESDP-report.pdf>; Jean-Perre Darnis et al, *Lessons learned from European defence equipment projects*, EU-ISS Occasional Paper of October 2007, at [http://www.iss.europa.eu/nc/actualites/analysisbooks/select_category/10/article/lessons-learned-from-european-defence-equipment-programmes/?tx_ttnews\[pS\]=1167606000&tx_ttnews\[pL\]=31535999&tx_ttnews\[arc\]=1&cHash=96f43c21ab](http://www.iss.europa.eu/nc/actualites/analysisbooks/select_category/10/article/lessons-learned-from-european-defence-equipment-programmes/?tx_ttnews[pS]=1167606000&tx_ttnews[pL]=31535999&tx_ttnews[arc]=1&cHash=96f43c21ab); and the many relevant EU-ISS publications authored by Burkard Schmit.

173. The UK has always also been sensitive about Commission encroachment in this field, against which WEAG and WEAO as free-standing institutions provided a stronger barrier.

helicopters. If the EDA were to stay meticulously within the bounds of EU competence, however, this would pose its own limitations since CSDP in general and the Headline Goal targets address only the demands of crisis management, not the design of any state's complete arsenal or force structure. Another effect of pooling all previous initiatives into the EU framework has been that all policy work must be conducted in a forum of 26 states,¹⁷⁴ where the contrasts between a few large producers and the rest are sharper and any sense of special expertise and common purpose can too easily evaporate. As a matter of observation, not so many National Armaments Directors now come in person to EDA meetings as used to take part in WEAG, perhaps because it is harder to talk frankly and flexibly about the big issues or to make useful horse-trades. And finally, just as in the main CSDP setting, slowness and reluctance by EU elites to pick the useful plums out of WEU experience has probably reduced the effectiveness of EDA learnings, in particular from the achievements of WEAO.

The greatest problems in this field of course remain quite other, including the continuing strength of the national prerogative – still recognized in Article 346 of the Treaty of Lisbon;¹⁷⁵ the habits and pressures conspiring to push serious cooperation towards smaller groups; the ambivalence of the US-European relationship, and the vagaries of corporate dynamics and the market itself. Since 2008, the economic crash has cast a powerful shadow over the defence industry like any other: in principle it should sharpen the pressure for concentration, but in practice financial stringency seems more often to mean cutbacks in or withdrawals from joint projects, and a reduced inclination to pay premiums just to advance the pan-European cause or be nice to smaller producers. In early 2011, the significance of the Anglo-French defence cooperation treaty of November 2010 was still being hotly debated against this background.¹⁷⁶ Aside from its operational impact, was it a setback to the European armaments collaboration enterprise because it showed two leading players yet again going it alone outside the institutional framework? Or was it, on the contrary, a positive breakthrough because it showed even the largest states admitting their deficiencies and interdependence, and moving purposefully towards solutions that should be more 'integrated' as well as efficient and cost-effective? The truest, if least dramatic, interpretation would probably be that the French and British actions are neutral *per se* for the EDA itself and for trends in European defence market regulation

174. 26 not 27 because of the Danish opt-out from EDA.

175. This article reproduces without change an article included in all former treaties (Article 296 of the Treaty of Nice) which allows any Member State to 'take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material', thus preventing the automatic application of single market and competition policy principles to the defence field.

176. Ben Jones, *Franco-British military cooperation: a new engine for European defence?*, as in note 141 above.

and management more generally. They have not contravened any EU rules nor taken away existing work from the EDA. Whether they will inspire and/or provoke broader European progress must depend, aside from their own success, on how other actors respond to them and on how hard institutional leaders try to instrumentalize them in a common interest. The odds on that in turn remain as open, and uncertain, as they are for the fate of CSDP in general.

6.1.3. *Operational and Military Elements*

All practical problems aside, the most fundamental weakness of WEU was the view widely held in European capitals, particularly amongst senior foreign affairs and military personalities, that it was simply not fit to be entrusted with ‘serious’ crisis management operations. This image was what the new ESDP sought above all to distance itself from, by making a clean break. Yet the extent to which the WEU’s politico-military *acquis* was usefully drawn upon, as appropriate, during ESDP’s formative period can be shown to have been considerable – however little was said about it at the time.

Where perhaps a clean break was most important was the need to invent a completely new military structure, embedded within the political union which is the EU, and which would be acceptable to all. On the one hand, it had to dovetail into the EU Council’s General Secretariat as a new and strangely different Directorate-General; for this to happen, a clear line needed to be drawn from the previous NATO/WEU Brussels mould.¹⁷⁷ On the other hand, the military as well as political establishments in the Member States and their outposts in Brussels needed all to be comfortable with the eventual outcome; something for which WEU had at least tried to prepare the ground.¹⁷⁸ Here, the main challenge was the need to develop the mindset of many of the NATO military representations in Brussels, which became double-hatted to the EUMC, towards what was for them this new ‘beast’ – the political and partly supranational union of the EU. This process was greatly eased for those delegations that decided to establish a defence section, headed by a deputy military representative, to work within their national delegation to the EU and to provide close support to their EU ambassador (‘permanent representative’).

177. For further details of the development of the politico-military interface in the EU, see Graham Messervy-Whiting, *The Politico-Military Structure in Brussels: capabilities and limits*, Geneva Centre for Security Policy: Geneva, September 2003.

178. As noted earlier, WEU in the 1990s became the first purely European institution to allow defence ministers to meet around the table together with foreign ministers, and to hold Chiefs’ of Defence meetings. One aim was to help build defence ministries’ confidence in WEU, although this never succeeded in some capitals.

The successful teaming of the full spectrum of civil-military capabilities, so as truly to capitalize on the EU's unique capability to bring onto the tee the whole golf bag of political, diplomatic, trade and development, judicial, military and civilian tools for security-building and crisis management, remains the elusive 'holy grail' of the Union's external action dossier. The Lisbon Treaty has made the latest attempt to promote it through the formation of the European External Action Service (EEAS) under Catherine Ashton, the double-hatted EU Council High Representative/ Commission Vice-Chairman.¹⁷⁹ From this perspective, perhaps one of the most important tasks for the nascent EU Military Staff from 2000 onwards was to assist in the progressive development of a security and defence culture at the EU's heart. Here, the WEU with its flexible and inclusive membership categories played an invaluable familiarization role in the preparation of politico-military staffs in countries that were to accede later to the EU.¹⁸⁰ The effects have been spread beyond Brussels, *inter alia*, by the growing range of courses provided by the 'virtual' European Security and Defence College, a concept discussed at WEU during the 1990s but realized by the EU as a network of national academic bodies. One of the most positive features of this high-level educational process is that many civilian officials, police and other experts attend the ESDC side by side with national and central military personnel.¹⁸¹

Another of the top priorities for the EU's nascent interim Military Staff (iMS) was to establish informal contact with the other multinational military staffs in and around Brussels: in WEU during its close-down, and in NATO. WEU was a very high priority since the EU was initially inheriting the Petersberg tasks under their WEU definition and it was important, whilst discarding the 'unsatisfactory wheels', not to re-invent any of the good wheels in addressing them. The first meeting between the Head of the EU's interim Military Staff and the Director of the WEU Planning Cell took place in April 2000; further informal meetings between the two Staffs took place every couple of months over the next year. Such meetings had, at that time, to be informal because of the political sensitivities about such contacts in some of the EU Member States and in some of the WEU Nations, and because of institutional *frissons* between the two bureaucracies. The only rational approach to designing ESDP capabilities and

179. Pre-Lisbon EU initiatives had included: the formation of informal Crisis-Response Coordination Teams (CRCT) to bring Commission experts together with the civilian and military experts in the Council Secretariat; a new civil/military cell within the EU Military Staff; a new chain of command for civilian ESDP operations based on the establishment of a Civilian Planning and Conduct Capability (CPCC) within the Council Secretariat, headed by a Civilian Operation Commander; and a re-vamped DGE IX within the Council Secretariat to continue to deal with the 'horizontal' issues (concepts, capabilities, training, etc.) of civilian ESDP and the 'pol-civ' aspects of crisis-management, including the preparation of the crisis-management concept.

180. Not least in developing the abilities of diplomatic and defence officials to speak both English and French as working languages.

181. The College's website is <http://esdc.mil-edu.be/>.

structures was to start from a clean sheet of paper and adopt best practice in each field wherever appropriate, whether this came from an international or national politico-military organisation. In practice, this is indeed what was done,¹⁸² but sadly, in some EU quarters any reference whatsoever back to WEU practice was regarded as anathema.

On the other hand, the WEU Military Staff's relationships with NATO military staffs were not particularly helpful in facilitating the development of the EU Military Staff's relationships with them. NATO personnel had often tended to view the WEU as a sort of troublesome junior sibling, to whom the lip service of occasional good family manners had to be extended. It seemed therefore wiser for the EU military to start afresh with NATO staffs, again through the medium of informal contact pending the resolution of political and institutional difficulties. Such informal military-to-military meetings developed and continued – for nearly three years until the final unblocking of the EU-NATO Berlin-plus arrangements – as the principal way for the practitioners to prepare themselves to implement the political decisions to come¹⁸³ Indeed, when the EU-NATO Agreement was eventually signed off in December 2002, only some twelve weeks remained for the planning, preparation and mounting process to take place to enable the EU to launch Operation CONCORDIA, its first-ever military operation and an operation having recourse to NATO assets and capabilities, on 31 March 2003.

The line of inheritance from WEU's activities to ESDP can be seen to be more positive and direct in a number of more specific military/operational fields that will now be reviewed in more detail: operational planning; actual operations; logistics; command, control and communications; force capabilities; intelligence; and crisis management exercises and training.

Operational Planning: The operational planning that the WEU Planning Cell was authorised by the WEU Council to undertake in 'normal times', i.e. prior to the development of a particular crisis in which the WEU Council took an interest, was essentially generic planning for the so-called 'Petersberg operations'. A catalogue of such plans was developed and, by the Spring of 1998, had been authorised for release 'at 28', to include all the WEU observer and associate partner nations. This stood the iMS in particularly good stead as it set about

182. For further details of the development of the EU's military staff, see Graham Messervy-Whiting, 'The Interim Military Staff of the European Union', *RUSI Journal*, London, December 2000. For comparison, the EUMS was initially designed as a 140-strong staff drawn from the then 15 EU Member States (2001); in 1998, the WEU MS was around 55-strong from 12 WEU Nations.

183. For further details of the development of EU-NATO relations during this period, see G. Messervy-Whiting, 'The Growing EU-NATO Relationship: Beyond Berlin', *The International Spectator*, Vol XL, No. 2, April-June 2005, Istituto Affari Internazionali: Rome.

developing a similar range of plans for the EU. Indeed, one of the key early recruits to the iMS was an officer who had been one of these plans' authors in the WEU.

Operational Experience: By the Spring of 1998, WEU's principal crisis management operation, the Multinational Advisory Police Element in Albania (MAPE) had attained a strength of some 60 police officers from 20 participating countries, backed by 30 local staff.¹⁸⁴ Experience gained in all aspects of mounting, then running, such a police training mission in a challenging Western Balkan setting was carried forward into the ESDP context, since many of the key police and military personnel involved in the planning and conduct of the EU's first-ever ESDP operation, the police mission (EUPM) to Bosnia and Herzegovina, were former MAPE personnel.¹⁸⁵ (The more general importance for ESDP of operational definitions and concepts developed by WEU has been covered in the last sub-section.)

Logistics: One of the focuses for logistic planning in the WEU was strategic mobility, without which forces could not be deployed rapidly on crisis-management operations. A strategic mobility concept was adopted within the WEU and this work was picked up in the EU, with the focus on attempts to coordinate strategic air transport movement and assets. European states (later joined by Canada) progressively developed: the Franco-British European Air Group, then the European Air Group, the European Airlift Coordination Centre, the European Airlift Centre (joined by the European Sealift Centre), becoming in July 2007 the Movement Coordination Centre Europe, based at Eindhoven. In July 2010, four EU Member States formed the European Air Transport Command, pooling their fixed-wing air transport fleets.

Command, control and communications: The WEU developed the medium of an annual conference for all the HQs offered up by the nations for possible use in crisis-management operations, as a means of exchanging information and improving mutual understanding of policies, plans, capabilities and procedures. Standard Operating Procedures (SOPs) were developed, agreed, adopted and revised as a result of experience gained on exercises. Again, this work was very

184. WEU's MAPE mission was mounted in May 1997 'within the framework' of the Italian-led MPF operation known as Operation Alba, on which see note 57 above.

185. As already noted, MAPE was the first and only WEU operation to appoint an Operational as well as a Force Commander, and it is noteworthy that its Operational Commander of MAPE from 1999-2001, General Pietro Pistolesi of the Italian Carabinieri, later commanded the EU Border Assistance Mission in Rafah from 2005-2008. For the general development of European thinking on police missions see Renata Dwan (ed.), *Executive Policing: Enforcing the Law in Peace Operations*, as in note 59 above.

useful as a checklist when similar SOPs came to be drafted for the EU's ESDP operations¹⁸⁶.

Forces: As already noted, WEU developed a catalogue of the forces made potentially available by nations for Petersberg tasks, the 'Forces Answerable to WEU' (FAWEU).¹⁸⁷ This catalogue was updated annually, analysed by the Planning Cell and the identified capability gaps notified to the politico-military authorities.¹⁸⁸ By the Spring of 1998, the FAWEU database contained a menu of some 2600 sea, land and air units from 24 of the 28 WEU nations. Developing such a catalogue of potentially available forces was tasked as a very high priority to the iMS, with work starting in earnest as early as April 2000, only a few weeks after its first officer walked through the door of the Justus Lipsius, the EU Council's HQ building. That the iMS was able to issue its first provisional Helsinki Headline Goal Catalogue in July 2000 was thanks principally to the professionalism and hard work of a couple of its officers with recent force development expertise in the WEU Military Staff.

Intelligence: The WEU Planning Cell's small Intelligence Section was producing weekly intelligence summaries, based on intelligence released to the WEU by seven of its ten full member nations, as part of its tasking by the WEU Council to monitor and assess the situations in Albania, the Great Lakes region of Africa, former Yugoslavia and Somalia. Although the EU Military Staff's (EUMS) Intelligence Division was designed on a 'clean sheet of paper' basis, the experience gained, both in Member States and in Brussels, in handling politico-military intelligence in a European multinational setting was not lost and one of the EUMS design team was the former head of the WEU's Intelligence Section.¹⁸⁹ Experience gained in setting up a Situation Centre (SITCEN) for the WEU was also invaluable in developing a truly joint civil-military SITCEN for the EU, initially a joint enterprise between the EU's Policy, Planning and Early Warning Unit and the nascent iMS.¹⁹⁰ Early contact was also made, in the Summer of

186. For a snapshot of WEU's operational development as at 1997, see Graham Messervy-Whiting, 'The WEU's Operational Development', *RUSI Journal*, April 1997.

187. The initial FAWEU database was difficult to use as a planning tool, because national responses ranged in scope from making all conventional forces 'answerable' (United Kingdom) to listing generic-only capabilities e.g. 'three armoured regiments' (France). See Jean-Philippe Roux, *op.cit.* in note 57 above, p.65 and pp. 162 et seq for an in-house French view of the national politics behind this process.

188. This work was later developed into an annual defence planning review, carried out in conjunction with NATO's annual review, and the specific WEU audit of capabilities in carried out in 1999 (section IV above).

189. For further details of the design of the military intelligence function within the EU, see Graham Messervy-Whiting, 'Intelligence Cooperation in the European Union'. In Jess Pilegaard (ed.), *The Politics of European Security*, Danish Institute for International Studies: Copenhagen, 2004.

190. Graham Messervy-Whiting, when Director of the WEU Planning Cell in 1998, was invited to give a personal briefing to the Secretary-General of the EU Council, then Jürgen Trumpf, on the WEU's work in this field.

2000, between the EUMS and the WEU's Satellite Centre (SATCEN), to ensure that a working relationship could be developed as soon as possible and well prior to the SATCEN's eventual transition to becoming an EU body.

Crisis Management Exercises and Training: The WEU had worked up a comprehensive set of crisis management procedures, which it practised annually through a series of exercises termed CRISEX. These involved both civilian and military staffs in Brussels and in capitals and took considerable preparation and planning. Rolling five-year exercise programmes were drafted for politico-military approval by periodic meetings of exercise experts from all the WEU nations, with representatives from NATO's civilian and military staffs invited as observers. Exercise planning has long lead times and the exercise planners in the nations and in NATO, a bit like the nuclear planners of old, constituted a relatively small team of cognoscenti versed in the intricacies of this black art. Exercising first the EU's new politico-military structure, then its interface with capitals, then with military-strategic level HQs and with NATO, were vital early steps in the development of the EU's operational capability. It was therefore critical that the EU's small new team of exercise planners could dovetail quickly into the existing multinational network. It did so in no small part by being able to build on this work done within the WEU. One of the early recruits to the iMS was an exercise expert from a Member State which was also a NATO Nation.

As to training, the WEU had developed a catalogue of facilities, such as training areas, which WEU nations were prepared to make available to the forces of other WEU nations. This work was later carried forward in the EU for the forces of Member States.¹⁹¹

6.2. Has anything been lost?

The list under this heading cannot be long, and is certainly shorter than it would have been in the early 2000s, as many things that the EU failed or declined to import from WEU at the start were later re-invented in more or less satisfactory forms. In these cases, it is maybe the losing of time and energy that can legitimately be regretted. In more substantial terms, however, at least three areas stand out where positive aspects of WEU's work and existence have not yet found their continuation in an EU framework, and face relatively serious obstacles to their translation there.

191. See <http://www.consilium.europa.eu/showPage.aspx?id=1223&lang=en> for the current catalogue.

The first of these relates to one of the core themes of this whole paper: the demise of the simple, deep, and equal intra-European collective defence obligations contained in the 1948 Brussels Treaty and the MBT. Enough has been said already to show that the Lisbon Treaty is quite a different animal and that, in particular, the European Union of today does not share the character of a set of allies all equally bound together by international legal commitments and by the constitutional and other internal provisions flowing from them. How far this matters for Europe as it stands today is a fair question, and will be discussed in the next and final section.

The second point goes back to the discussion of WEU's membership architecture in Section III.1 above. It was exceptionally complex because WEU reflected the reality of a Europe of variable geometry, and handled it in the most inclusive possible style. It recognized the 'Western' identity, and the potential contribution to security, of all nations who belonged either to NATO or the EU as well as those within both, and those firmly in line for entry to the latter. It made the bridge between Europe's two stronger institutions in this participatory sense, as well as with its two-way institutional partnerships. Together with the careful balancing and unpublicized nuances of the different WEU statuses, these features ensured that friction between Turkey and Greece within the organization could be relatively easily contained and rarely led to serious stoppages of business. It may be true, and has already been argued above, that WEU could afford this kind of flexibility because of its low importance and modest outputs; perhaps, too, because its routines left plenty of time and energy for relationship-building.

However, with the final passing of the WEU Assembly – which took inclusiveness to extremes – the contrast of NATO's and the EU's relative rigidity is left standing out all the more sharply. It is inevitable that each of these institutions should reserve formal decision-making for its full members only: a situation that makes the challenge of a Turkish veto and a Cypriot veto respectively almost insuperable, failing a change in the states' own attitudes. Yet it is not immediately clear why the EU, so profligate in its proclaimed 'partnerships' worldwide, could never consider a special military relationship with non-EU European Allies beyond the niggardly provision for ESDP consultations with 'the Six'.¹⁹² Nor is it a given that the six EU non-Allies taking part in EU-NATO cooperation could never be offered a status that would distinguish them from the motley range of other members in the Euro-Atlantic Partnership, or from other ad hoc troop contributors benefiting from NATO's Politico-Military

192. This was the 2000 formula, but the Six were reduced to Three with the Central Europeans' achievement of full EU membership in 2004.

Framework.¹⁹³ The fact that the EU and NATO are so reserved towards each others' 'extra' members is not the smallest sign of the serious creases still remaining to be ironed out in their mutual relations.

Third and last is the question of the ESDA/WEU Assembly itself. If WEU's destiny was to pursue an ultimately elusive chimera – 'European defence' – the Assembly was also fated to attempt something where 20th century realities combined to frustrate it, namely the democratic oversight of the conduct of defence. Still today, at both national and institutional level across most of Europe, the sites of 'hardest' defence competence and activity are those where parliamentary scrutiny is most limited and any notion of co-decision most remote.¹⁹⁴ The point can be made by comparing the powers wielded respectively by the NATO Parliamentary Assembly and the European Parliament, or by considering the EP's own variable grip from CSDP across to core Community issues. The WEU case fits perfectly into the spectrum as one where an Assembly won considerable scope for initiative and influence, but over an institution whose activities were hardly worthy of the effort, skirting as they did – at best – around the margins of real military achievement. The same dismal logic was taken to an extreme after the shut-down of the WEU Council, when the Assembly became arguably more productive than ever but with no executive partner left to relate to. That outcome was in fact foredoomed as soon as the year 1999 passed without a formula being found for constructive coexistence with the EP: but only now, with the Assembly's closure, can the final cost be assessed. Bluntly put, the likelihood of a new national parliaments' network gaining any real traction on CSDP developments is as slim as that of the EP itself being granted real competence any time soon.

Does that matter, or was the whole of the Assembly's life a pointless detour? To dismiss it so hastily would be too cynical, just as the case of WEU itself. Inter-governmental and limited in scope though it may be, the CSDP is more than just an aggregate of national decisions take by traditional national logic on crisis management doctrine, capabilities, planning and actual missions. The simple fact that so many EU nations today find themselves contributing to operations that lack all historical logic or direct security relevance for themselves is witness

193. The Politico-Military Framework defines the conditions and procedures under which any and all non-Allied nations contribute to NATO operations. NATO agreed at its 2010 Summit on a review of the Framework to be completed in time for the NATO defence ministers meeting in June 2011.

194. There are exceptions in some European nations that require more explicit parliamentary approval for warlike actions and/or sending forces abroad, but these formal powers have to coexist with the growing pressure for rapid collective decisions on NATO and EU operations. On the challenge of parliamentary scrutiny in the EU context see Hans Born *et al*, *Parliamentary Oversight of ESDP Missions*, DCAF Policy Paper No 28, Geneva: Centre for Democratic Control of Armed Forces, 2008, text at <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=55091>.

to the fact that something new has been created since 1999, and that it shares at least some properties and values of the broader European integration process. Expecting all national parliaments to grasp fully what is happening is as unrealistic as expecting all national politicians to be able and willing to explain it to them. In short, there are gaps in the oversight of collective action that can only be filled by collective scrutiny; and if they are not allowed to be filled, both the notions of democratic control and balance, and the chances for European populations to offer active buy-in and support will end up the poorer.

Moreover, the WEU Assembly's existence had useful by-products and process effects that seem most unlikely to be replicated any time soon. Its committees carried out conscientious and detailed research, with the help of qualified staff, often over long periods and on some issues that were inadequately monitored elsewhere, such as the technicalities of missile defence, satellite systems and the relevance of space to defence in general.¹⁹⁵ Their regional studies also maintained a high standard, while Assembly members' double-hatting with the Council of Europe Assembly ensured they were never blind to ethical, humanitarian and arms control issues. By inviting delegations from Central and Eastern Europe, Russia and the Western Balkans into its proceedings at the earliest possible moment, the Assembly helped to spread skills and good practice as well as personal networking to the parliamentarians of the new democracies. Just as with the WEU Council's work in the 1990s, it has seen not a few of its alumni from such circles move on to high positions in the countries concerned. These were not dramatic or widely advertised contributions, but they were real, and must be added to the tally of the real losses to be weighed in the balance on 30 June 2011.

195. The work of the Assembly's Aerospace Committee in these fields was much appreciated by the Satellite Centre, for which such analysis and policy guidance remained directly relevant after the EU transfer.

7. IN CONCLUSION: WHAT HAS HAPPENED AND DOES IT MATTER?

Even WEU's fondest partisans would find it hard to deny that it probably did more for Europe's practical defence cooperation by surrendering its operational role to the EU in 1999 than it ever achieved by its own efforts. A brief counterfactual exercise may help to drive home the point. Had WEU struggled on for another decade as the only potential moulder of European-led military operations, it is impossible to imagine nations agreeing to the same 23 missions that were actually launched in the ESDP framework from 2003 onwards. The biggest single obstacle would have remained the lack of political confidence in the organization, coupled with capitals' limited knowledge and appreciation of its idiosyncratic ways. If the EU had tried to use WEU as a tool under its full political control – as in the Treaty of Amsterdam formula – for executing more serious operations than MAPE, the clash between the memberships and procedures (including funding methods) of the two organizations would surely have become intolerable before long. It is equally stretching credibility to imagine NATO, or the USA as a nation, entrusting valuable military assets to WEU's hands in the belief that the latter could adequately take the place of SFOR. Further, while WEU could design a police operation with command requirements roughly analogous to military ones, it would have lacked the expertise and connections to make a success of the new functional types of mission that the EU experimented with from 2004, including border management and security sector reform. More generally, the new start under an EU aegis allowed a surge of creativity, starting with the Barnier Committee's work at the European Convention¹⁹⁶ and continuing up to the Lisbon Treaty's security provisions, that was fed by intra-EU dynamics and drew on greater political energies than WEU itself ever could have mobilized.

To balance this recognition, however, it is fair to recall those important limits on EU success that have already been touched on in sections V and VI above. The fact that most ESDP (now CSDP) missions have been non-military, and that the military ones have been inherited from NATO, conducted in parallel with NATO (like Atalanta), and/or very modest in scope tells its own story. So does the scepticism now setting in about whether the EU Battle Groups scheme, launched in 2004, can produce real tools for rapid operational response as dis-

196. Antonio Missiroli called the resulting draft constitutional treaty an 'enabling text' (rather than a restraining or defining one) for European defence; see his comment of October 2004 at the EU-ISS website, [http://www.iss.europa.eu/nc/actualites/analysisbooks/select_category/10/article/the-constitutional-treaty-enabling-text-for-foreign-policy-and-defence/?tx_ttnews\[pS\]=1072911600&tx_ttnews\[pL\]=31622399&tx_ttnews\[arc\]=1&cHash=75373ff382](http://www.iss.europa.eu/nc/actualites/analysisbooks/select_category/10/article/the-constitutional-treaty-enabling-text-for-foreign-policy-and-defence/?tx_ttnews[pS]=1072911600&tx_ttnews[pL]=31622399&tx_ttnews[arc]=1&cHash=75373ff382).

tinct from getting nations to focus usefully on their complementarity and specialization.¹⁹⁷ As already argued, the integration of the EU's new military tool with the vast range of others at its disposal has been slow and difficult; and the launch of the EEAS – itself suffering a painful teething period – is unlikely to revolutionize matters if only because some of the largest relevant capacities and funds remain outside it.¹⁹⁸ Finally, it is hardly necessary to stress how disappointing the European performance has been in terms of creating or even maintaining the necessary military capabilities, despite updates of and attempts to tighten up the original prescripts of the 1999 Headline Goal.¹⁹⁹ Many recent studies²⁰⁰ have shown that aside from inadequate spending – where the EU has signally failed to motivate the poor performers, and now sees even its strongest nations wielding the knife – the pace of force restructuring for 21st-century tasks has also been slow and uneven and progress in specialization weak. The reasons include the still widely divergent military cultures, civil-military relations, security perceptions and priorities of European nations even within the 'old West', let alone the extended spectrum created by enlargement.²⁰¹ To be completely fair, of course, one should note that NATO has been nagging many of the same countries to try harder for more than six decades, supported by the full weight of the USA, but with equally little to show for it.

Amid all the debates over blame and cause for these deficiencies, a point is occasionally made that cuts through to the heart of the matter: it is difficult for any entity to have a common defence policy – let alone common management of defence forces – without a common foreign policy. One could even argue that it is wrong, since the military instrument should be under civil control and serve a political end. NATO in the Cold War had at least a powerfully-motivated common *security* policy, on issues that were central to the survival of a democratic Europe at the time, to back its closely integrated management of allied defence assets. A lot of its difficulties and changes of course since 1990 have been driven by the search for a replacement, within the narrowing fraction of the modern security spectrum that its nature and competences allow it to address. The EU

197. Tommi Koivula, 'The Origins and First years of the European Union's Battlegroups', *Kungliga Krigsvetenskapsakademiens Handlingarna och Tidskrift* (Proceedings and Journal of the Swedish royal Academy of Military Science), Vol. 1, 2010.

198. For example, matters like humanitarian assistance, development aid, and the use of EU trade and financial sticks and carrots remain in the competence of various parts of the European Commission. Most aspects of the EU's internal security and border control are also handled outside the EEAS, making it hard to coordinate external and internal strategies and to develop multi-use resources for both purposes.

199. An update known as Headline Goal 2010 was adopted in 2004, see http://ue.eu.int/uedocs/cmsUpload/2010_Headline_Goal.pdf.

200. Well-documented examples are Nick Witney, *Re-energising Europe's Security and Defence Policy*, as in note 170 above, and Bastian Giegerich, *European Military Crisis Management: Connecting Ambition and Reality*, IISS Adelphi Paper 397: London, 2008.

201. The issues here have not advanced much since they were analysed in Alyson J.K. Bailes, 'European Defence: what are the Convergence Criteria?', *RUSI Journal*, London, June 1999.

occupies practically the whole of the rest of the spectrum, as well as now owning a limited military tool; but the common foreign and security policies it has thus far constructed remain (for the most part) adjuncts to, not replacements for, the national equivalents and are typically strongest in the fields least directly related to members' survival. Even after the Lisbon Treaty's changes, the building of a 'common Union defence policy' is cast in the latest consolidated Treaties on European Union and on the Functioning of the European Union²⁰² as something for the future. The EU's relevance for its countries' and citizens' safety is more direct, and not uncommonly a matter of life and death, in non-CSDP fields like disease and disaster management, border control and internal order, or environmental policy: but using common *defence* assets for these purposes remains an unexplored issue, still sensitive even after the language opening a way for it in the new Treaty's Article 222.

To recall the history of the common defence idea however is also to raise the question whether its historical purpose has passed. If it is a mistake to re-fight the last war, it is also unfair to judge institutions by how well they might have fought it. The need for old-fashioned territorial defence in Europe is not obsolete but is most keenly felt today by a minority of EU and NATO members, while the overall priority for this continent has clearly swung from military towards non-military dimensions of security. So long as NATO remains true to its residual task in this respect and the USA is willing to help, might it not be positively foolish for the EU to go on struggling to keep the MBT notion of 'European defence' alive: thus running the risk of more adversarial relations with neighbours and placing perhaps intolerable strains on its internal consensus, let alone all the resource implications? At least one EU member country, Denmark (though ironically one with an opt-out from CSDP) has moved far towards a post-modern defence posture where two tasks for its armed forces dominate: crisis management abroad, and support for civil security at home.²⁰³ Would that be such a bad model for the EU as a whole to cultivate? It certainly fits like a glove the way that the Lisbon Treaty wording has turned out, whether that was in its drafters' minds or not.

Lest such a conclusion sound too complacent, it could clearly be one for the short to medium term only. The security issues looming largest for Europe in 2011, such as economics, energy prices, climate change and the ferment in the

202. English-language version at <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML>.

203. This orientation began in 2002 and is reflected for example in Denmark's internal Defence Agreement for 2005-9 (text available at <http://merln.ndu.edu/whitepapers.html>) which contains the sentence: 'There is no longer a need for the conventional territorial defence of the Cold War'. That this conclusion did not make Danish forces any the less robust is shown by the prominent role they have played in IFOR/SFOR, Iraq and Afghanistan.

Arab world, clearly cannot be solved by military means but that will not necessarily apply to their successors. While it probably will remain in Europe's interests – given especially the rise of China – to keep a low and non-provocative strategic profile overall, it seems more likely than not that need will arise for selective uses of quite tough military force and/or for other dimensions of further defence integration. Migration and border control would be one area to look to for such dynamics, as would manmade and natural disasters on a transnational scale, or urgent crisis management tasks (including on Europe's own borders) where for some reason larger partners are unwilling or unsuitable. It would be wrong to rule out the possibility that a decisive push forward could come from the industrial and technological front under conditions different from today's, but perhaps evolving from the economic aftermath of 2008. The largest variable is of course the one most sensitive to speculate about, namely the future attitude of the USA and fate of NATO.

If even some of these visions prove correct, future historians of Europe may be able to see the renunciation of the MBT, the final closure of WEU and the diminished ambitions of Lisbon as actions clearing the way for a new phase in European construction, not just ending an old one. What will arise under the new dispensation, however, seems unlikely under any scenario to be a repeat of history, or to convert the European Union into a *puissance comme les autres*.²⁰⁴ In one of the 1998 publications for WEU's anniversary, Wyn Rees argued that those who tried to curb European defence ambitions in the 20th century were not helping the longer-term balance between US and European defence efforts or the smooth succession from the old NATO to a new security order. 'Britain's preoccupation with preventing a challenge to NATO may have contributed to a longer-term US dissatisfaction with its allies that they can ever aspire to a more significant international role'.²⁰⁵ Under an even longer historical scenario, it may turn out that six decades of cohabitation with the USA in NATO have displayed to the Europeans all too clearly the kind of defence model that they cannot copy in practice, arguably no longer need, and perhaps should not even want in principle.

204. A power like any other.

205. G Wyn Rees, 'Setting the Parameters for European Defence: The UK and the WEU' in Deighton and Remacle (eds.), *The Western European Union, 1948-1998: from the Brussels Treaty to the Treaty of Amsterdam*, as in note 9 above.

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