

EUROPEAN PARLIAMENT

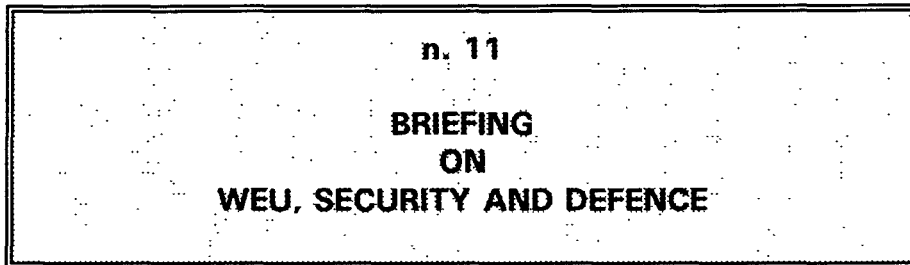


SECRETARIAT WORKING PARTY
TASK-FORCE
ON THE
" INTERGOVERNMENTAL CONFERENCE "

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These briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC/96 agenda.

Briefings will be updated as negotiations proceed.

Already out:

- The Court of Justice 1
- The Commission 2
- The Court of Auditors, ESC and COR 3
- Differentiated integration 4
- The common foreign and security policy 5
- The role of the national parliaments 6
- The hierarchy of community acts 7
- The codecision procedure 8
- JHA 9
- The european citizenship 10
- The WEU, security and defence 11

CONTENTS

	Page
I. AGENDA	3
II. REFERENCES IN THE TREATY ON EUROPEAN UNION	3
III. POSITIONS TAKEN BY THE EU INSTITUTIONS	5
A. European Parliament	5
B. Commission	7
C. Council	7
IV. POSITIONS TAKEN BY THE MEMBERS STATES	7
1. Belgium	7
2. Denmark	8
3. Germany	8
4. Greece	9
5. Spain	9
6. France	9
7. Ireland	9
8. Italy	10
9. Luxembourg	10
10. Austria	10
11. The Netherlands	11
12. Portugal	12
13. Finland	12
14. Sweden	13
15. United Kingdom	13
V. POSITIONS TAKEN BY WEU ORGANS	14
A. WEU Assembly	14
B. WEU Council	15
VI. OTHERS	16
A. Expert Report entitled "European Security Policy Towards 2000" (December 1994)	16
B. Federal Trust Paper N° 3 on "Building the Union: Reform of the Institutions" (June 1994)	17

I. AGENDA

Security and defence in the framework of the European Union's external and security policy constitutes one of the 8 issue areas which have been identified as being the major topics for the work of the Reflection Group (RG) for the 1996 IGC. According to the RG's work programme, the topic will be on the agenda at Meeting 4 (Strasbourg, 10-11.07.1995), Meeting 8 (Brussels, 25-26.09.95) and Meeting 12 (Brussels 06-07.11.1995) (see letter of Mr. Westendorp of 24.05.1995 to the members of the RG).

II. REFERENCES IN THE TREATY ON EUROPEAN UNION

Article J.4 of the TEU (Title V, Provisions on a Common Foreign and Security Policy) stipulates that "the Union requests the Western European Union (WEU) which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications. The Council shall, in agreement with the Institutions of the WEU, adopt the necessary practical arrangements" (Article J.4.2.).

The Declaration on Western European Union by the 10 WEU members, which are also members of the EU (the other five EU members, Austria, Denmark, Finland, Ireland, Sweden have observer status at WEU), states that "WEU will be developed as the defence component of the European Union and as a means to strengthen the European Pillar of the Atlantic Alliance. To this end, it will formulate a common European defence policy and carry forward its concrete implementation through the further development of its own operational role."

According to this Declaration, which is annexed to the Maastricht Treaty, the objectives to build up WEU in stages as the defence component of the EU will be based on the following measures to develop a close working relationship between WEU and EU:

- as appropriate, synchronisation of the dates and venues of meetings and harmonisation of working methods;
- establishment of close cooperation between the Council and General Secretariat of WEU on the one hand, and the Council of Union and General Secretariat of the Council on the other;
- consideration of the harmonisation of the sequence and duration of the respective presidencies;
- arranging for appropriate modalities so as to ensure that the Commission of the European Communities is regularly informed and, as appropriate, consulted on WEU activities in accordance with the role of the Commission in the Common Foreign and Security Policy as defined by the TEU;
- encouragement of closer cooperation between the parliamentary assembly of WEU and the European Parliament.

The WEU Council is called upon to adopt the necessary practical arrangements in agreement with the competent bodies of the EU.

As regards relations between WEU and the Atlantic Alliance, the objective is, according to the Declaration, to develop WEU as a means to strengthen the European Pillar of the Atlantic Alliance. Accordingly, WEU is prepared to further develop the close working links between itself and the Alliance and to strengthen the role, responsibilities and contributions of its member states to NATO. To this end, WEU member states agree to intensify their coordination on Alliance issues which represent an important common interest with the aim of introducing joint positions agreed in WEU into the process of consultation in the Alliance. Moreover, WEU members agree to establish close cooperation between the General Secretariats of WEU and NATO and, where necessary, to synchronise dates and venues of meetings and to harmonise working methods.

With regard to WEU's operational role, the Declaration states that this role will be strengthened by examining and defining appropriate missions, structures and means, covering in particular:

- a WEU planning cell;
- closer military cooperation complementary to the Alliance in particular in the field of logistics, transport, training and strategic surveillance;
- meeting of WEU Chiefs of Defence staff;
- establishment of military units answerable to WEU;
- enhanced cooperation in the field of armament with the aim of creating a European armament agency;
- development of the WEU institute into a European Security and Defence Academy.

The parties of the WEU Declaration note in accordance with the provisions of Article J.4 (6) concerning the CFSP dispositions in the TEU, that the Union will decide to review the provisions of this article with a view to furthering the objective to be set by it in accordance with the procedure defined. WEU will reexamine the present provisions in 1996. This reexamination will take account of the progress and experience required and will extend to relations between WEU and the Atlantic Alliance.

III. POSITIONS TAKEN BY THE EU INSTITUTIONS

A. European Parliament

The European Parliament takes position:

- a) in the resolution on the functioning of the TEU with a view to the 1996 IGC (report Bourlanges/Martin) of 17 May 1995;
- b) in the resolution on progress and implementing the Common Foreign and Security Policy (report Matutes) of 18 May 1995;
- c) in the resolution on the development of a Common Security and Defence Policy for the EU (report Poettering) of 24 March 1994;
- d) in the resolution on future relations between the European Union, the WEU and the Atlantic Alliance (report De Gucht) of 24 February 1994.

ad a) The points related to the WEU of the **Bourlanges/Martin** report are as follows:

- achieving better defined security and defence policies at EU level;
- common defence policies should guarantee that the borders of the Union and its member states are safeguarded and enable the Union to carry its responsibilities for maintaining and restoring the rule of law internationally, ensuring that the Union absorbs the WEU's power.

ad b) The **Matutes report** does not deal with the WEU explicitly. However, it calls for a mutual assistance clause to be incorporated in the TEU to be applied if member states frontiers are violated (similar to the mutual assistance clause of article 5 of the WEU Treaty).

ad c) The **Poettering report** advocates

- that it be decided at the 1996 IGC that WEU, including the provisions of the Treaty on which it is based, should be absorbed into the European Union, preferably in 1998 when after 50 years the WEU Treaty can be terminated;
- that all member states of the EU become full members of WEU;
- the expansion of WEU's operational role with the long term role of developing a joint military command structure for the Union, and through closer military cooperation, especially in the areas of logistics, training, air defence, manoeuvres and transport;

- that the 1996 IGC decides that military missions to be undertaken by WEU require the approval of the European Parliament acting by a majority of its members and the approval of the parliaments of the member states participating in such missions.

ad d) The De Gucht report

- emphasises the importance of a coherent single institutional framework in order to assure the coherence between all aspects (military and non-military) of security policy and the transparency and clarity of institutional structures necessary for public understanding and democratic control;
- emphasises the primacy of the EU over the WEU, with the EU taking the political decisions concerning security and defence, the WEU implementing the decisions which have defence implications and the WEU being incorporated into the EU by 1998 when the period of 50 years mentioned in Article 12 of the modified Treaty of Brussels comes to an end;
- takes the view that in the first stage the Union should reorganise its own institutional structure, bearing in mind that WEU is from now on part of the Union;
- in the next stage the institutions of both the Union and the WEU should precisely define their integrated relationship and merge at a practical level;
- in the final stage as a result of the IGC the Union should fully incorporate the WEU, taking full responsibility for foreign security and defence policy as well as for the relations with the Atlantic Alliance.

With regard to the Council, the report proposes that

- a Council composed of the Ministers of Foreign Affairs and of Defence should make all the political decisions on security and defence on the basis of the overall guidelines defined by the European Council;
- the Council should take its decisions by qualified majority votes as much as possible;
- in the final stage, the Council should in accordance with the conditions defined by the IGC take full responsibility for foreign security and defence policy.

With regard to the European Parliament the report wants the European Parliament to draw up its own proposals on security and defence policy and scrutinise the relevant decisions of the WEU Council. Moreover, the EP should be allowed to address questions and recommendations to the WEU Council. In the last stage, the EP should replace the WEU Assembly in its entirety at plenary and committee level, the powers and voting conditions being defined by the IGC.

With regard to the Commission, the report suggests that in the final stage, a member of the Commission responsible for CFSP should assume the powers of the WEU Secretary General with the WEU General Secretariat being incorporated within the Commission's "Directorate General for External Relations, Security and Defence".

As regards the relationship with NATO, the report suggests that WEU has to be able to rely on its own military forces and that it must have its own support facilities, observation facilities, research, information and planning facilities and command structures (initially this should be pursued in cooperation with NATO, through the development of a combined military command structure and of a double-hatting formula). Moreover, the report considers that after full incorporation of the WEU into the EU, the existing North Atlantic Treaty has to be adapted or a new Treaty signed between the USA and the EU.

B. Commission

(Ref.: Report on the functioning of the TEU of 10 May 1995)

The report calls for:

- an improved interaction/cooperation between the EU and the WEU;
- a long-term definition of WEU's role and its position with regard to the EU;
- the establishment of integrated and multi-lateral forces answerable to WEU and/or NATO.

C. Council

(Ref.: Report on the functioning of the TEU of 10 April 1995)

The report does not deal with defence aspects or the future role of WEU. However, it calls for further reflections on the relations between the General Secretariats of the EU Council and the WEU.

IV. POSITIONS TAKEN BY THE MEMBERS STATES

1. Belgium

(Ref.: Speech by Prime Minister Dehaene of 15 January 1995)

The key points are as follows:

- "rapprochement" between EU and WEU;
- association of WEU to the joint actions carried out in the second pillar;
- financing of WEU activities from the EU budget;
- establishment of a real and operational military capacity in the framework of WEU;

- guarantee of solidarity between the EU member states in the area of defence.

2. **Denmark**

(Ref.: Recommendations of a Danish governmental committee report of 11 May 1995)

The major recommendations and observations of the report are as follows:

- Denmark should become a fully-fledged member of the WEU (because Denmark would lose influence also within NATO if it were to remain outside the WEU);
- WEU does not pose a threat but an essential condition to preserving NATO's existence (as the US wants to leave the responsibilities increasingly more up to the Europeans themselves for resolving conflicts in Europe);
- assessment that the EU is no longer on the path of a federation of states with WEU as European army.

Foreign Minister Niels Helveg Petersen stated in May 1995 that he was open to the idea of Denmark's accession to WEU if "WEU is called on to play a humanitarian or peace-keeping role".

3. **Germany**

(Ref.: Discussion paper of the presidency of the CDU/CSU Parliamentary Group in the Bundestag concerning the IGC in 1996, June 1995)

- a) A common defence policy and a common defence have to be integral parts of a common foreign and security policy.
- b) The IGC has to agree on a Common European Defence Policy and a Common Defence.
- c) Decisions which imply military action have to be based on the principle that a minority of states cannot impede a majority to act in common and that no member state can be obliged to act against its will.
- d) In a medium term perspective, the WEU has to be integrated into the EU; the IGC has to agree on a fixed time schedule for the integration of WEU into the EU. In the meantime, a continuous process of amalgamating EU and WEU has to be assured.
- e) In the perspective to integrate WEU into the EU the following points are essential with regard to the IGC deliberations:
 - full operability of WEU to fulfil the tasks enumerated in the Petersburg Declaration;
 - establishment of a clear cut European decision-making structure for military measures aimed at crisis management;

- common military procurement policies and inter-operability of the armed forces;
 - harmonisation of the arms export policies of the member states.
- f) In order to ensure the operability of the EU through the WEU, the concept of Combined Joint Task Forces (CJTF) has to be implemented.
 - g) The CFSP has to be reinforced in the IGC in order to prepare the full integration of WEU into the EU.
 - h) The decision-making structures of EU and WEU have to be amalgamated with regard to crisis situations in the form of a single decision-making structure on a high political level of the EU. In these situations WEU becomes a implementing body acting on the ground of EU guidelines.
 - i) The European Council should determine the basic guidelines with regard to European defence.

4. Greece

(Ref.: Memordandum of the Greek Government on the IGC, January 1995)

- a) Negotiations concerning the common defence policy have to be held between the EU member states and not the WEU member states.

5. Spain

(no official position so far)

6. France

(no official position so far)

7. Ireland

(Ref.: Declaration of Foreign Minister, Dick Spring, on 16 February 1995)

- a) Irish participation in one way or another in the field of European Defence.

8. Italy

(Ref.: Communication of the Italian Government on the guidelines of its foreign policy, 23 January 1995)

- a) Reinforcement of the operational capacity of WEU (development of WEU as the military branch of the EU)
- b) Reinforcement of the complementarity between the WEU and the Atlantic Alliance

9. Luxembourg

(Ref.: Declaration of Foreign Minister, J. Poos, of 16 February 1995)

- a) Achievement of a European defence identity as a result of a multi-steps process.

10. Austria

(Ref.: Guidelines to the topics of the IGC in 1996, Memorandum of the Austrian Government, June 1995)

- a) Pragmatic steps to increase the EU's and the WEU's capacity to act in the field of security;
- b) the perspective of a Common Defence Policy of the EU is to be seen as a long term process;
- c) Austria abides to the Maastricht Treaty including Article J.4 which envisages the framing of a common defence policy which might in time lead to a common defence;
- d) European security policy has to be based in the long run on a pattern of cooperation between different institutions. The EU, WEU, NATO and OSCE have their specific role and tasks in order to maintain stability in Europe;
- e) A comprehensive European security order has to be established on the basis of these organisations which are complementary and mutually reinforcing;
- f) Austria is prepared to contribute in cases where the EU or WEU carry out measures of conflict prevention, crisis management, peace-keeping or humanitarian missions;
- g) Austria takes the positive attitude with regard to intensifying the cooperation between EU and WEU, namely through:
 - increased cooperation between the secretariats;
 - coordination of sitting calendars including the possibility to combine WEU Summits with the meetings of the European Council;
 - harmonisation of presidencies.

11. The Netherlands

(Ref.: Dutch Memorandum on European Foreign Security and Defence Policy of 30 March 1995)

- a) The Dutch Government favours the future integration of the WEU in the EU;
- b) WEU's incorporation in the EU will be a gradual process;
- c) incorporation of the WEU in the Second Pillar is favoured by the Dutch Government in order to smooth the transition from CFSP to Common Defence Policy, thus enhancing decisiveness and credibility in both policy areas. The idea of establishing a Fourth Pillar in the framework of the TEU is rejected;
- d) although full integration of the WEU in the EU is not possible in the short term, the IGC has nevertheless to take the first steps towards full integration;
- e) incorporation of the WEU in the EU would make the creation of a direct link between the EU and the North American partners desirable. This link could take the form of an Atlantic contract;
- f) inclusion in the TEU of the new objectives and tasks of a common defence policy should not imply an obligation to undertake those tasks jointly at all times and in all circumstances;
- g) if the Council of the WEU is subsumed within the EU's Council of Ministers, the Defence Ministers should acquire a seat on the latter;
- h) the powers of the Commission in the defence policy area would have to be limited to its involvement in the implementation of non-Article 5 tasks;
- i) the role of the European Parliament would depend on the position occupied by the WEU Assembly in relation to the common defence policy;
- j) further synchronisation of working group meetings and ministerial councils of WEU and EU will enable the two organisations to undertake the joint development of a European Security and Defence Policy;
- k) the major operational consequences of an integration of WEU into the EU:
 - the WEU planning cell would come under the direct control of the EU;
 - the forces currently decided by WEU members to operate as WEU forces (FAWEU) would, after integration, be at the disposal of the EU;
- l) integration of the countries of Central and Eastern Europe into the EU, the WEU and NATO must to the extent possible be a parallel process precisely because the security guarantees provided by NATO and WEU are closely interconnected;

- m) the Dutch government places emphasis on the communitarian approach, acknowledging at the same time that the CFSP will maintain its intergovernmental structure for the moment.

12. Portugal

(Ref.: Resolution of the Assembly of the Republic of 2 March 1995)

- a) Clarification of the fields of action of WEU;
- b) reinforcement of WEU as the defence organisation of the EU in the framework of the Atlantic Alliance adapted to the new international situations.

13. Finland

(Ref.: Statement of the new Finnish Prime Minister, Paavo Lipponen, on 19 May 1995 in Brussels)

- a) Finland hopes the CFSP will remain an area which comes exclusively under intergovernmental cooperation even if such cooperation must be strengthened and made more effective;
- b) Finland envisages stepping up its peace-keeping capacity but under no circumstances take part in so-called offensive operations such as peace enforcement missions;
- c) Finland is not willing to submit its participation in peace-keeping operations to an international body;
- d) the question of eventual accession by Finland to NATO is not on the agenda as Finland does not have a "security deficit";
- e) the Finnish Government is raising a considerable number of questions on the objective and role of the WEU as it is not very clear who has the control and political responsibility for activities conducted and ideas defended by it;
- f) WEU's future role should above all be in the peace-keeping area because there is no need to create a NATO double (personal statement).

14. Sweden

(Ref.: Speech of the Swedish Foreign Minister, Lena Hjelm-Wallen, on 30 May 1995 in Brussels)

- a) Sweden will continue to stick to essential aspects of its neutrality policy, i.e. "non-participation in military alliances";
- b) Sweden intends actively contributing in humanitarian peace-keeping and crisis management operation in which the European Union may participate;
- c) the European Union needs to strengthen its capacity for planning and analysis in order to better prepare and implement foreign policy decisions;
- d) modifications to the consensus principle in the CSFP have to be considered.

15. United Kingdom

(Ref.: Memorandum on the UK Government's approach to the treatment of European defence issues at the 1996 IGC of 2 March 1995)

- a) Given the overriding continuing importance of NATO, it would be wasteful to separate wholly European military structures, hence the WEU's role should be to act as a more effective European pillar of the Alliance;
- b) Europe should work together in the WEU either acting on its own behalf or in response to a request from the European Union;
- c) WEU activities should concentrate on the "Petersburg Tasks": crisis management, combat operation, peace-keeping tasks including embargo or sanction enforcement and humanitarian and rescue missions;
- d) military missions have to be decided through consultation between the WEU and NATO Councils;
- e) security guarantees should remain a matter for NATO in accordance with Article 5 of the Washington Treaty
- f) the basis for European action in the defence and security field should be intergovernmental with none of the involvement of the European Commission or the European Parliament which is provided for elsewhere in the European Union's structure;
- g) future institutional arrangements should in particular reflect the varying membership of the European Union and the WEU;
- h) a new WEU body at Head of State and Government level involving full members, associate members and observers should be created. This new body:

- would provide a reinforced decision-making process for matters relating to European defence and for mobilising effective European military capabilities;
- would be built on the WEU Treaty and the rights and responsibilities of its members would thus mirror those already in force in the WEU Council;
- would have responsibility for taking forward the definition of a European Defence Policy as envisaged in the TEU;
- could meet back to back with Heads of State and Government meeting in the European Council in order to improve links between WEU and the European Union.

i) the European Council

- could invite the WEU Secretary General when it discusses issues affecting the EU's CSFP;
- could make proposals to the new WEU body, which as the defence component of the EU would have responsibility for formulating general guidelines on collective military action.

j) to improve working links between WEU and NATO occasional, joint WEU/NATO Council meetings should be convened;

k) WEU will need to develop its planning, command and control and other capacities which have to be compatible with and not in competition with those of NATO;

l) the Combined Joint Task Force (CJTF) initiative has to be implemented in order to assure that NATO can make available separable but not separate elements of its command structure for European-led missions;

m) WEU has to improve its planning capabilities as well as its provisions for political/military advice to Ministers in a crisis and has to develop its practical arrangements, such as a Situation Centre and improved intelligence handling capabilities.

V. POSITIONS TAKEN BY WEU ORGANS

A. WEU Assembly

In a report on "the future of European Security and the Preparation of Maastricht II" adopted in June 1995 by the WEU Assembly, the following positions are taken:

- avoidance to amalgamate the responsibilities of community and intergovernmental institutions in defence matters;

- maintenance of an intergovernmental decision-making process (for at least a transitional period) based on consensus between member states, without the intervention of the Commission or the European Parliament;
- parliamentary supervision of European defence policy exclusively by a parliamentary assembly composed of delegations of the national parliaments of the member states;
- rejection of any kind of merger between the WEU and the European Union as long as the member countries of the WEU and the EU and the European members of the Atlantic Alliance are not identical and the WEU is not fully operational.

As a result, the WEU Assembly recommends that the WEU Council:

- ensures that the 1996 IGC results in WEU being recognised as an organisation authorised to act on behalf of the European Union in security and defence matters and that members countries of the European Union which are not members of WEU cannot block consensus achieved within WEU in this area;
- develops a medium-term concept of the criteria, procedures and stages that should be adopted for placing the common defence policy on a new legal and institutional basis subsequently enabling defence questions to be set in the framework of the EU;
- includes in its medium-term concept provisions providing for more representative parliamentary supervision at European level, in particular by transforming the existing WEU Assembly into a second chamber, alongside the European Parliament, thus confirming the role of delegations from national parliaments, with responsibilities that are different from and complementary to those of the EP.

B. WEU Council

1. Lisbon Declaration of the WEU Council of Ministers of 15 May 1995

- a) The Ministers recalled the role of WEU as defence component of the EU and as a means to strengthen the European pillar of the Atlantic Alliance and the priority which they therefore attached to the development of its operational capabilities;
- b) the Ministers approved the establishment of a new politico-military group in support of the Council, a Situation Centre and an Intelligence Section in the Planning Cell;
- c) the Ministers stressed the importance of developing further relations between WEU and the EU for the future of the two organisations and for European security as a whole;
- d) the Ministers welcomed a decision taken recently to foster the development of working links between WEU and NATO, including Joint Councils and cooperation between the Secretariats;

- e) Ministers stressed the importance of identifying those assets and capabilities that WEU will need in its future operations as well as in defining its use on the mechanisms and procedures for the use of assets and capabilities which NATO could make available to WEU;
- f) Ministers welcomed the continuing cooperation and the institutional dialogue between WEU and NATO to further develop the CJTF concept including joint meetings on a group level.

VI. OTHERS

- A. **Report of the High-Level Group of Experts on the CFSP entitled "European Security Policy Towards 2000"**, Brussels, 19 December 1994 (The report was drafted upon request of Commissioner Hans Van Den Broek).
 - a) Definition of the joint military resources to be placed at the disposal of the EU in support of the CFSP (timetable and conditions for participation);
 - b) mapping out of an irreversible course towards collective defense (within the meaning of Article 5 of the Brussels Treaty);
 - c) creation of a politically independent central capability with the (non-exclusive) right of initiative (based on a central analysis and evaluation capability);
 - d) a reformed decision-making process for decisions not having military implications.

The report further suggests that the Union Treaty should explicitly provide among the EU's objectives for the building up of EUROCORPS and other multinational units designated for the WEU into a sizable European intervention force (the figure of 150-200,000 men has been mooted) with the necessary command, intelligence and logistical components.

Together with this objective should go a timetable and a set of minimum requirements for participation in terms of allocation of forces, integration of command structures and effective support for the commitment, technological and logistical programmes. The intervention force must from the outset receive political and financial backing from those member states which do not wish to participate either because they lack the capability or for their own political reasons.

To meet the possibility that a number of WEU members might be unwilling or unable to commit themselves to full participation in the European intervention force, the authors conclude that it would be necessary to set up a new institutional machinery reserved for the countries participating in the European intervention force, at the interface between European Council, the CFSP and the WEU. The WEU would accordingly retain only the defence responsibilities covered by Article 5 of the Brussels Treaty.

- B. **Federal Trust Paper N° 3 on "Building the Union: Reform of the Institutions",**
London, June 1995
- a) those heads of government of member states that are also members of WEU should seek to strengthen defence cooperation by meeting in a separate session after each meeting of the European Council.

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