



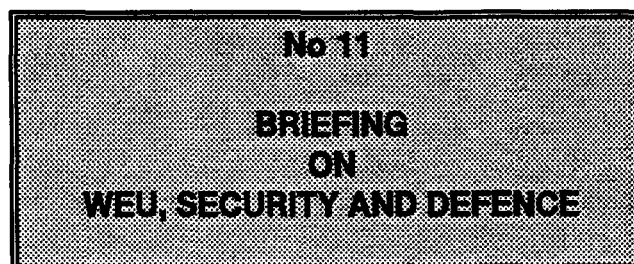
SECRETARIAT WORKING PARTY

TASK-FORCE
ON THE
" INTERGOVERNMENTAL CONFERENCE "

WORKING PARTY SECRETARIAT

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The 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:

1. The Court of Justice
2. The Commission
3. The Court of Auditors, ESC and COR
4. Differentiated integration
5. The common foreign and security policy
6. The role of the national parliaments
7. The hierarchy of Community acts
8. Codecision procedure
9. CJHA
10. European citizenship
11. WEU, security and defence
12. Public services
13. Social policy
14. The European Parliament
15. The European Council
16. The Council of the European Union
17. The budget and the IGC
18. The IGC and transparency
19. Subsidiarity and the allocation of powers
20. The Union's legal personality and external representation
21. Commitology
22. Fundamental rights
23. The IGC and the democratic nature of the Union
24. The coherence of the external action of the EU under the first (Community) and second (CFSP) pillars
25. The 1996 IGC and the effectiveness of the Union
26. Europol
27. The IGC and the Schengen Convention
28. Combating fraud
29. Energy
30. Tourism and the IGC
31. Economic and social cohesion
32. European environment policy and the IGC
33. The CAP and the IGC
34. Civil protection and the IGC
35. Non-discrimination on sexual grounds
36. EU enlargement
37. Employment and the IGC
38. The IGC and Economic and Monetary Union
39. Asylum and immigration policy
40. Social exclusion and the IGC
41. Children and the IGC
42. Fight against drugs and the IGC
43. The IGC and the fight against racism
44. Youth and the IGC

**BRIEFING
ON
WEU, SECURITY AND DEFENCE**

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BRIEFING ON WEU, SECURITY AND DEFENCE

I. AGENDA

Security and defence in the framework of the Common Foreign and Security Policy (CFSP) (Article V) of the European Union is on the agenda of the 1996 Intergovernmental Conference (IGC), as provided for by the Treaty itself.

II. REFERENCES IN THE TREATY ON EUROPEAN UNION

1. 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.).

2. The Declaration on Western European Union by the 10 WEU members which are also members of the EU (annexed to the Maastricht Treaty)¹ 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'.

2.1. The WEU as the defence component of the EU. The following measures have been provided for to develop a close working relationship between the WEU and the EU:

- synchronization of the dates and venues of meetings and harmonization of working methods⁽²⁾;
- establishment of close cooperation between the Council and General Secretariat of the WEU on the one hand, and the Council of the Union and General Secretariat of the Council on the other⁽³⁾;
- harmonization of the sequence and duration of the respective presidencies⁽⁴⁾;
- regular information and, if necessary, consultation of the Community on WEU activities;

The numbers (1) - (12) presented throughout the text refer to supplementary notes at the end of the text (pages 37-39)

- encouragement of closer cooperation between the parliamentary assembly of the WEU and the European Parliament(5).

2.2. Another objective for the WEU should be the reinforcement of the European pillar of the Atlantic Alliance.

The development of close working relations between the WEU and the Alliance are thus provided for as well as the reinforcement of the role, the responsibilities and the contributions of WEU Member States within the Alliance.

The Member States of the WEU should, with the aid of greater coordination, be able to reach joint positions on questions of common interest in the framework of the Alliance's consultation process.

Finally close cooperation should be established between the general secretariats of the WEU and NATO, and, when they take place, dates and venues of meetings should be synchronized and working methods harmonized.

2.3. With regard to the 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(6);
- closer military cooperation complementary to the Alliance in particular in the field of logistics, transport, training and strategic surveillance(7);
- meetings of WEU Chiefs of Defence staff;
- establishment of military units answerable to the WEU(8);
- enhanced cooperation in the field of armaments with the aim of creating a European armaments agency(9);
- development of the WEU institute into a European Security and Defence Academy.

3. Article J.4.6. provides for a re-examination by the Union of the provisions made by Article J.4. in 1996, taking into account the progress made, the experience gained and extending to relations between the WEU and NATO(10).

III. POSITIONS TAKEN BY THE EU INSTITUTIONS

1. EUROPEAN PARLIAMENT

1.1. Bourlanges/Martin report of 17 May 1995 on the functioning of the TEU with a view to the 1996 IGC;

- a. need to achieve better defined security and defence policies at EU level;
- b. the common defence policy should guarantee that the borders of the Union and its Member States are safeguarded;
- c. transfer of the WEU's powers to the Union;

d. possibility for a certain number of Member States, acting by qualified majority, to engage in a humanitarian, diplomatic or military action which could be defined as a 'common action' (no Member State could be compelled to take part in such action, nor could any Member State prevent the majority from carrying out such action);

e. creation of a European civilian peace organ which would be responsible for training observers, mediators and experts in the field of conflict resolution.

1.2. Matutes report of 18 May 1995 on progress made in implementing the Common Foreign and Security Policy ;

a. establishment of a EU analysis and planning unit;

b. inclusion in the TEU of a clause on mutual assistance;

1.3. Dury/Maij-Weggen report on the evaluation of the work of the Reflection Group and definition of the political priorities of the European Parliament with a view to the IGC (adopted on 13 March 1996)

a. The EU guarantees its territorial integrity and the security of its external frontiers.

b. The EU and its Member States must act in a consistent and effective way at its external frontiers, in the event also of external events or threats (or challenges).

c. The WEU will be gradually merged into the EU. To this end, all the tasks of the WEU including the objectives of the Petersberg tasks but excluding Article V of the WEU Treaty shall be taken over by all EU Member States.

d. An integrated WEU should act as the European pillar of NATO.

e. In the event of military action (with the exception of Article V of the WEU Treaty), no Member State may be obliged to take part nor, notwithstanding the requisite political and financial solidarity, may it prevent a majority of Member States from carrying out such action.

f. The financing of WEU operations should be on a Community basis once integration in the EU is complete.

1.4. Opinion of the Committee on Foreign Affairs, Security and Defence Policy (draftsman: Mr Goerens) regarding the Dury/Maij-Weggen report

a. The CFSP embraces all questions relating to the security of the EU including the definition of a common defence.

b. In the exercise of its functions regarding CFSP the Commission shall be assisted by a central analysis and planning unit. The unit shall establish the necessary links with the Council, the Commission and the General Secretariat of the WEU, to ensure mutual

cooperation between these institutions. It shall be headed by the Commissioner responsible for external relations, who shall be responsible for external representation in the area of CFSP. The central unit shall establish the necessary links with the European Parliament. It shall take account of the opinion of the European Parliament when the latter considers situations and shall keep the European Parliament informed of its activities and findings.

c. With regard to the defence of the external frontiers of the Union, the Member States shall undertake to conclude an agreement on mutual assistance and solidarity.

d. A European civilian peace corps, to which conscientious objectors may also be recruited should be established, so as to train observers, mediators and experts in the field of conflict resolution.

e. With effect from 1998, the powers of the WEU shall be exercised by the European Union.

f. The WEU and the EU shall be merged in stages. Accordingly, all the Member States of the Union shall be required to adopt all the objectives of the WEU, including the guidelines laid down in the Petersberg Declaration, with the exception of Article V of the Treaty establishing the WEU. Article V of the WEU Treaty, which is binding on the current members of the WEU, shall be incorporated in the Treaty on the European Union or in the protocol thereto. The other Member States of the Union may subscribe to the provisions of current Article V of the WEU Treaty immediately or at a later date.

g. No Member State may be obliged to take part in military action (with the exception of Article V of the Treaty establishing the WEU) and, equally, no Member State may prevent a majority of Member States from carrying out such an action - without prejudice to the necessary political and financial solidarity.

h. The IGC approves the adoption of a protocol to the Treaty on European Union in which the Member States undertake to invoke Article 223 only if exceptional circumstances so require.

1.5. Resolution of the European Parliament on the Dublin European Council of 13 and 14 December 1996. 16 January 1997.

a. The European Parliament notes with satisfaction the demonstration of the political will to make practical progress in the area defence; wonders, nevertheless, about the implications of any rapid moves towards integration on military and defence matters without simultaneous progress being made regarding the CFSP; notes that the Presidency document has the following positive aspects:

- 1. it reformulates the objectives of the CFSP in the field of security and defence;**
- 2. it incorporates the objectives of the Petersberg tasks into the Treaty;**

b. Calls for more detailed consideration of the following questions:

1. the authority of the Union over the WEU should be clearly established and, as proposed in the Franco-German document, considers that the IGC should lay down definite target dates for certain stages in the ultimate integration of the WEU into the EU;

2. a protocol, accession to which would be optional, setting out the current mutual defence commitments of full members of the WEU should be annexed to the Treaty;

3. calls for a decision-making mechanism to be agreed on for issues with military implications that prevents decisions from being blocked without requiring every Member State to provide troops or equipment of its own;

4. a common arms policy, including the control of manufacture and exports, as put forward by the Italian proposal, should be included as an objective of the CFSP, in connection with the strengthening of the security of the Union and its Member States.

2. COMMISSION

2.1. Report on the functioning of the TEU of 10 May 1995

The report calls for:

- a. improved cooperation between the EU and the WEU;
- b. definition of the WEU's long-term role and its position in relation to the EU;
- c. the establishment of integrated and multilateral forces answerable to WEU and/or NATO.

2.2. Guidelines by President Santer of 19 July 1995 for future meetings of the Reflection Group

- a. the Commission does not demand the same powers in the second pillar as it has in the first, even though political and economic questions are closely linked;
- b. the need to establish a centre where the Member States, the WEU and the European Commission can work together, analysing intelligence, common interests and all elements needed to develop a 'doctrine of common foreign policy'; it would be an analysis centre with no right to draft proposals; this right would continue to be shared by the Commission and the Member States;

c. the integration of defence into the CFSP, thus over a period of time transfer from the WEU to the Union, is not a realistic goal in the immediate future; but it must remain a goal and be achieved as quickly as possible, following a settled procedure and timetable. In the meantime, consideration must be given to how:

- the operational capacities of the WEU can be reinforced, firstly to carry out the so-called Petersberg tasks⁽¹¹⁾, but also to oversee, in partnership with NATO, the territorial defence of Europe,
- to adapt the rules of the second pillar to the particular problems of defence (for example, specific opt out clauses for countries not party to the decision),
- to improve the situation of the armaments industry in Europe.

2.3. On 19 October, in a speech on the CFSP in Maastricht, **the Commissioner for Foreign Affairs H. Van den Broek** proposed that the IGC should take a progressive approach in defence matters.

The development of a European armaments policy could be included in a first phase, during which the Petersberg tasks would also be incorporated in the Treaty;

the merger of the EU and the WEU would be achieved in a second phase;

participation in the merged Union would logically prepare countries who were candidates for membership of the Union for participation in NATO; the Commission should be given a greater role in order to increase the profile of the CFSP.

2.4. On 19 November, **the Commission** during a seminar pledged its support for the creation of a 'planning and forecasting think tank' responsible for preparing (with no right of initiative) the CFSP's actions.

2.5. On 24 January, the Commission adopted a **communication from Mr Bangemann and Mr H. Van den Broek** on the challenges facing European defence-related industry, which proposed priority actions for industrial policy in this area;

- Europeans should increasingly develop their operational capabilities in order to play a role in the prevention and management of conflicts (the Petersberg tasks); these missions demand that European and national organisations plan and develop appropriate equipment;

- it is time to take into consideration at a European level (EU, WEU) the political and security constraints which should characterize all actions dealing with defence-related industry;

- despite differences of opinion, the European Armament Agency provided for in the EU Treaty should be established as quickly as possible;

- the WEU should define the operational needs of the European forces; a 'work sharing' arrangement for positioning armaments could then be established between Member States.

2.6. Commission Opinion on the IGC, adopted on 27 February 1996

A genuine European defence identity within NATO requires:

- a distinction to be made between missions aimed at restoring and maintaining peace (the latter should be incorporated in the Treaty) and territorial defence;

- the reinforcement of the Union's security capability by allowing Defence Ministers to play an appropriate role in the Council;
- a decision to be taken on whether security missions should be carried out in the name of the EU, by the Member State or by 'common structures';
- a review of the WEU's role with a view to incorporating it into the Union according to a settled timetable, and its responsibility for carrying out the EU's decisions and actions.
- the reinforcement of the Union's industrial base in the armaments industry; greater efficiency in procurement (by creating an armaments agency) and a consistent approach to foreign trade.

3. COUNCIL

3.1 Report on the functioning of the TEU of 10 April 1995

The report does not deal with defence aspects or the future role of the WEU.

It calls however for further reflections on the relations between the General Secretariats of the Council and the WEU.

3.2 Dublin II: Outline for a draft revision of the treaties.

The texts suggested would:

*** reformulate the objectives of the CFSP in the field of security and defence to take account of developments in this area since the Treaty on European Union was negotiated;**

- Proposal to amend Article on the Union's objectives in security and defense J. 4(1) of the TEU:
 „ 1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive (present wording: eventual) framing of a common defence policy in the perspective of (present wording: which might in time lead to) a common defence.

Questions referred to in this article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

- Declaration to the Final Act:

„ The Conference notes that the reference to humanitarian tasks in Article J. 4(1) second subparagraph relates to the use of military means for humanitarian purposes and is without prejudice to the humanitarian tasks conducted by the Community under the Treaty establishing the European Community.“

*** provide for developing the relationship between the EU and the WEU including by fostering closer institutional relations;**

*** incorporate the objectives of the Petersberg tasks in the Treaty so as to allow the Union to develop its action more effectively;**

*** confirm that decisions and actions of the Union having military or defence implications would continue to be taken by unanimity:**

Amend Article J. 4(2)

1. „ The Union ~~will avail itself of the WEU~~ to elaborate and implement decisions and actions of the Union which have defence implications.“

2. „~~When the Union has recourse to the WEU to elaborate and implement decisions of te Union on the tasks related to in Article J. 4(1), all Member States of the Union shall be entitled to participate fully in the tasks in question.~~ The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements.

~~These arrangements shall allow all Member State contributing to the tasks in question to participate fully and equally in planning and decision-taking in the WEU insofar as these relate to the commitment and deployment of that Memebr State's national contribution.“~~

~~Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in Article J. 4(4).~~

IV. POSITIONS TAKEN BY THE MEMBER STATES

1. BELGIUM

a. The WEU should be incorporated into the EU by stages. The 1996 IGC can set a timetable for full incorporation;

b. the second pillar of the Maastricht Treaty should in future include the Petersberg tasks and collective defence; implementation of collective defence will continue to be based on the Atlantic Alliance;

c. a strong Atlantic Alliance and continued US military presence are crucial for a common security and defence policy.

d. at the same time, the European pillar of NATO needs to be strengthened by means of a more clearly identified European contribution;

e. rapid development of the plan for combined joint task forces (CJTF) within NATO is essential for the implementation of European joint action with military implications;

f. decision-making procedures to be worked out by the IGC must be such that no country can be obliged to take part in military operation. Nor should those countries not wishing to take part be able to prevent others from doing so, or stand in the way of financial solidarity required by joint action.

g. the momentum gathered by the IGC should provide the opportunity for a series of improvements regarding the operational and institutional role of the WEU, in particular by:

- 'rapprochement' on an administrative level between the WEU and the EU (cooperation and exchange of information between the Secretariats, harmonization of working methods and presidencies),

- 'rapprochement' between Member States and WEU observer countries by placing them on an equal footing in practical and organizational matters without making the

guarantees of security and collective defence of the WEU applicable to states which are not members of NATO,

h. following enlargement, an explicit principle of solidarity will have to be included in a new EU Treaty (without however giving automatic guarantees of security), an obligation to consult in case of a threat, and arbitration in case of conflict between Member States.

2. DENMARK

a. The need for a provision to avoid one Member State being able to prevent others from carrying out an action; the possibility of opting out;

b. strengthening of cooperation between the EU and the WEU, but no gradual integration of the WEU into the EU;

c. EU Members shall have the opportunity at participating in the performance of humanitarian tasks, crisis management and peace-keeping efforts if they so desire.

3. GERMANY

a. Development of a European identity in security and defence matters. In this respect the WEU should play an important role as the European pillar of NATO and as defence component of the EU.

b. Defence policy would be integrated into the Union's responsibilities on an intergovernmental basis.

c. The objective of integrating the WEU in the EU is a medium-term one. The IGC should clarify the institutional alignment of the WEU and the EU.

A first stage could consist, during the course of the IGC, in formalizing the role of the WEU as the Union's instrument (crisis-management and the other Petersberg tasks); another stage could consist in reinforcing the institutional links between the EU and the WEU, for example by making the European Council responsible for deciding on general policy guidelines;

d. It should be possible to take action even without the military participation of all the partners in a concrete action. Solidarity should be expressed through political support and possibly a form of financial solidarity by those abstaining.

e. The adoption of 'positive abstention'.

f. The EU Treaty should include a clause on political solidarity for all Member States.

g. Establishment of an analysis and planning unit within the Secretariat of the Council made up of the representatives of the Member States, of the Commission and of the Secretariat of the EU.

h. A common arms market should be established;

i. The Euro-Atlantic relationship could be strengthened by means of three dimensions of cooperation: political, economic and security.

4. GREECE

a. A common defence policy would be complementary to the NATO and not opposed to the Atlantic Alliance. NATO remains the main element of European security.

b. Long-term integration of the WEU into the EU.

c. Introduction of „Petersberg tasks“ into the revised TEU.

d. Intermediate solution: WEU into an executive arm of the EU.

The WEU should be obliged to carry out tasks and missions given by the EU.

e. Introduction of a clause on mutual assistance in the Treaty for the defence of the Union and the safeguarding of external frontiers of its Member States.

f. Granting of a legal status at the external frontiers of the Union.

5. SPAIN

a. Atlantic Alliance & transatlantic link fundamental for European security.

b. Gradual integration of WEU into EU.

c. Development of European operational capacities:
Two possibilities:

1. transfer WEU-functions & - capacities to 2nd pillar

2. CFSP to assume Petersberg tasks

d. Increase operational capability of WEU.

Make NATO installations & capabilities through CJTF disponible for WEU led operations.

e. Possibility for militarily non-aligned EU members to participate in humanitarian operations, peacekeeping and other crisis-management tasks (Petersberg tasks).

6. FRANCE

a. Precise and strengthen relations between the EU & WEU with the perspective of merging WEU into the EU („*insertion à terme*“);

b. the intergovernmental character of CFSP is undeniable; it is in this area that the European Council should take on its full responsibilities; matters of diplomacy and defence are beyond the capabilities of the Commission; the relevant part of the Council Secretariat should be strengthened;

c. call for a figure to be appointed to personify European foreign security and defence policy, under the direct authority of the Heads of State and of the Governments; this figure might be the president of the Union elected for two or three years or a Secretary-General for the CFSP, derived from the new European power; Europe would thus have 'a face and a voice';

d. preference for unanimity in matters relating to foreign and defence policy, although with some flexibility so as to allow some countries to move forward without being held back by others.

e. more flexibility in decision making process to permit EU members with observer status in WEU to participate more actively in operations and tasks of the WEU;

f. insertion of Petersberg tasks into the TEU;

g. the EU should have recourse on the WEU in humanitarian operations and peace-keeping ;

h. increase WEU's operational capabilities, so that the Union would dispose of a credible intervention instrument in the field of crisis-management.

i. the establishment of a new transatlantic charter which would overhaul the Alliance while at the same time providing for the burdensharing demanded by Europe's acceptance on the international scene;

j. in building up its defence policy, the European Union should be able to hope that the French deterrent will play a role in this defence. At the appropriate time France will take the initiative on this matter with its main partners.

7. IRELAND

- a. Ireland would take a constructive part in negotiations on questions relating to common defence policy;
- b. the fundamental objective of the common defence policy should be to maintain peace in accordance with the principles of the UN and the CSCE;
- c. the common defence policy should be consistent with Ireland's objectives in the field of disarmament and arms control;
- d. any defence agreements concluded by the EU should be applied in the context of global European security to avoid any fresh division of the continent;
- e. the result of negotiations implicating Ireland in a common defence policy should be subject to a referendum in order to ensure that Ireland's neutral military status remains unchanged 'unless the people itself decides otherwise';
- f. support for closer military cooperation between EU Members in humanitarian, rescue and peacekeeping tasks, but without entering a mutual defence commitment;**
- h. no gradual integration of the WEU into the EU;**
- i. support for the Finnish-Swedish proposal from April 1996.**

8. ITALY

- a. Define common defence in the TEU as a goal, not just a possibility.**
- b. Reinforcement of the operational capacity of the WEU (development of the WEU as the military branch of the EU)
- c. Strengthening of the WEU's complementary relationship to the Atlantic Alliance.
- d. The WEU should gradually be integrated into the EU;
first steps:
introduce
1. Petersberg tasks into the TEU, and
2. WEU-institutions into the EU
- e. the functions of the secretariats of the CFSP and the WEU should gradually be integrated leading to eventual merger;
- f. introduce cooperation in the armaments-area as goal of the CFSP;

g. possibility for militarily non-aligned EU-Member States to participate in planning, decision-making and carrying-out of Petersberg missions in the cadre of the WEU.

9. LUXEMBOURG

a. The WEU should be incorporated into the EU by stages. The 1996 IGC can set a timetable for full incorporation;

b. the second pillar of the Maastricht Treaty should in future include the Petersberg tasks and collective defence; implementation of collective defence will continue to be based on the Atlantic Alliance;

c. a strong Atlantic Alliance and continued US military presence are crucial for a common security and defence policy;

d. at the same time, the European pillar of NATO needs to be strengthened by means of a more clearly identified European contribution;

e. rapid development of the plan for combined joint task forces (CJTF) within NATO is essential for the implementation of European joint action with military implications;

f. decision-making procedures to be worked out by the IGC must be such that no country can be obliged to take part in military operation. Nor should those countries not wishing to take part be able to prevent others from doing so, or stand in the way of financial solidarity required by joint action;

g. the CFSP should be provided with a joint analysis and planning facility in the Council General Secretariat with which the Commission and the WEU would be fully associated;

h. all the Member States should be required to meet the financial costs of actions with military implications;

i. In the meantime measures are needed to strengthen the relationship between the EU and the WEU (for example: closer cooperation on the part of the WEU in CFSP work);

j. operational strengthening of the WEU in the framework of the Petersberg tasks;

10. AUSTRIA

a. there is no contradiction as such between the CFSP as defined in the EU Treaty and the key elements of Austrian neutrality; Austria wishes to participate at all functional European security structures;

- b. Austrian refusal to participate in military alliances and to sanction the stationing of foreign troops on Austrian territory;
- c. preparation of future phases in the definition of a common defence policy in accordance with the provisions of article J.4. of the EU Treaty.
- d. the common defence policy of the EU that could eventually lead to common defence (art. J.4.) is a long-term objective; in the meantime pragmatic steps should be taken to increase the EU's and the WEU's capacity to act in the field of security;
- e. 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 whose missions should be complementary;
- f. Austria is prepared to contribute in cases where the EU and the WEU carry out measures of conflict prevention, crisis management, peace-keeping or humanitarian missions. Austria is in favour of intensifying the cooperation between EU and WEU, namely through:
 - increased cooperation between the Secretariats;
 - coordination of meetings calendars including the possibility of combining WEU Summits with meetings of the European Council;
 - harmonization of presidencies.
- g. Austria supports further convergence of the WEU and the EU, but not a gradual integration of the WEU into the EU.
- h. The EU should be given the possibility of issuing directives to the WEU in the sphere of the „Petersberg-tasks“.

11. THE NETHERLANDS

- a. The WEU should be incorporated into the EU by stages. The 1996 IGC can set a timetable for full incorporation;
- b. the second pillar of the Maastricht Treaty should in future include the Petersberg tasks and collective defence; implementation of collective defence will continue to be based on the Atlantic Alliance;
- c. a strong Atlantic Alliance and continued US military presence are crucial for a common security and defence policy.
- d. at the same time, the European pillar of NATO needs to be strengthened by means of a more clearly identified European contribution;

e. rapid development of the plan for combined joint task forces (CJTF) within NATO is essential for the implementation of European joint action with military implications.

f. decision-making procedures to be worked out by the IGC must be such that no country can be obliged to take part in military operation. Nor should those countries not wishing to take part be able to prevent others from doing so, or stand in the way of financial solidarity required by joint action.

g. guarantee of mutual security as an element of common defence policy while leaving responsibility for practical matters to NATO;

h. rejection of the idea of the establishment of a fourth pillar in the Treaty;

i. the WEU Council should eventually be replaced by the Council of Ministers; the powers of the Commission in the defence policy area would have to be limited to its involvement in the implementation of non-Article V tasks; the role of the European Parliament would depend on the position occupied by the WEU Assembly in relation to the common defence policy;

j. synchronization of working group meetings and ministerial councils of WEU and EU;

k. the WEU planning cell would come under the direct control of the EU; the forces currently assigned by WEU members to operate as WEU forces 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 be in parallel because the security guarantees provided by NATO and the WEU are closely interconnected;

12. PORTUGAL

a. Primacy of NATO in European security; reforms should not weaken the transatlantic relationship;

b. WEU as the European pillar of NATO and as the defence organization of the EU; the WEU should continue to exist autonomously after 1998, although the Treaty revision should provide for reinforcement of the links between the WEU and EU;

c. clarification of the fields of action of the WEU; institutional division of labour between the WEU and NATO: WEU responsibility mainly for small-scale peacekeeping and crisis management missions;

d. maintenance of the principle of unanimity (consensus) in defence policy, although 'active abstention' should be possible; decision-making in the framework of the European institutions;

13. FINLAND

- a. Rejection of participation in military alliances;
- b. Finland could participate in peace-keeping operations but not peace enforcement operations;
- c. the objectives and role of the WEU should be clarified;
- d. **establish reinforced linkage between the Union & the WEU;**
- e. **possibility for all EU-Member States to participate in joint peacekeeping & crisis management operations, conducted by the WEU, on the basis of equal opportunity for all and full contribution by the willing;**
- f. **inclusion of humanitarian and rescue operations, peacekeeping & crisis management (Petersberg tasks) into TEU / J. 4 (1).**
This measure will not in any way prejudice the possibility for the WEU to undertake independent action;
- g. **steps towards an enhanced competence in the security & defence dimension of the Union will respect the specific character of the defence solutions of the members and will not affect their status as states pursuing independent or common defence.**
Cooperation in military crisis management is separable from collective defence commitments;
- h. maintenance of the intergovernmental principle of unanimity in decision-making on matters relating to defence;
- i. development of cooperation on arms and eventual amendment of Article 223 of the EU Treaty;
- j. financing of operations by the Community budget.

14. SWEDEN

- a. Sweden will continue its neutrality policy, i.e. 'non-participation in military alliances';
- b. Sweden intends actively to contribute to humanitarian and peace-keeping operations led by the WEU;
- c. **establish a reinforced linkage between the Union & the WEU;**

d. possibility for all EU-Member States to participate in joint peacekeeping & crisis management operations, conducted by the WEU, on the basis of equal opportunity for all and full contribution by the willing;

e. inclusion of humanitarian and rescue operations, peacekeeping & crisis management (Petersberg tasks) into TEU / J. 4 (1).

This measure will not in any way prejudice the possibility for the WEU to undertake independent action.

f. Steps towards an enhanced competence in the security & defence dimension of the Union will respect the specific character of the defence solutions of the members and will not affect their status as states pursuing independent or common defence.

Cooperation in military crisis management is separable from collective defence commitments.

15. UNITED KINGDOM

a. The EU, in view of the 'neutrality' of some of its members, should not take decisions on defence or on matters concerning the use of military force.

b. The WEU should not be absorbed by the EU; but improve WEU-EU-cooperation;

c. the maintaining of NATO's competence in territorial defence; the WEU should become a more effective European pillar of the Alliance and its field of action should be limited to crisis-management, the application of sanctions and embargoes and humanitarian missions; the need to reinforce links between the WEU and NATO;

d. the creation of a new WEU body (the 'WEU Summit') consisting of full Members of the WEU, Associate Members and Observers. It would be responsible for agreeing on any military action and on European defence policy and would, if necessary, meet with the European Council;

e. the development of practical agreements needed to organize, mount and control European military operations;

f. the development of the operational capacity of the WEU which should be compatible with NATO's missions; launching of the Combined Joint Task Force (CJFT);

g. the creation of a WEU Situation Centre.

V. MADRID EUROPEAN COUNCIL (15-16 DECEMBER 1995)

Annex 15: 'The Intergovernmental Conference: a strategy for Europe'

3rd paragraph: 'Giving the Union greater capacity for external action'

a. the IGC should identify the interests of the Union and the means for putting these interests into practice; it should find ways of ensuring that the Union's external policy is visible to its citizens, that it is representative of its Member States and that it is consistent in its continuity and globality;

b. a common foreign policy analysis and planning unit should be established that is consistent in its continuity and globality; for most Member States, this unit should be established within the institutional framework of the Union, should be answerable to the Council and should be recruited from Member States, Council Secretariat and Commission;

according to some Member States, the head of the unit, whose functions could eventually merge with those of the Secretary General of the WEU, should be the Secretary General of the Council;

c. the IGC should examine how to review decision-making and financing procedures in order to adapt them to the nature of foreign policy;

d. flexible formulae which will not prevent those who feel it necessary for the Union to take joint action from doing so, should be thought out;

e. the Union must be able to speak with one voice (High Representative of the CFSP, greater structured cooperation between the Council and the Commission...);

f. the IGC should consider how to encourage the development of European operational capabilities, how to promote closer European cooperation in the field of armaments and how to ensure greater coherence of action in the military field with the political, economic or humanitarian aspects of European crisis management;

several options for the development of relations between the EU and the WEU have been suggested:

- a reinforced EU/WEU partnership (while maintaining full autonomy of the WEU); establishment of a closer link 'enabling the Union to assume a directing role over WEU' for the Petersberg tasks;

- incorporation of these tasks into the Treaty;

- gradual integration of the WEU into the EU (through a WEU commitment to act as implementing body of the Union for operational-military issues, or through a series of steps leading to a merger of the two organizations);

the Treaty should incorporate not only the Petersberg tasks but also a collective defence commitment, either in the main body of the Treaty or in a protocol annexed to it.

VI. POSITIONS TAKEN BY WEU ORGANS

1. WEU ASSEMBLY

1.1. Report on 'the future of European Security and the Preparation of Maastricht II' (adopted in June 1995)

a. 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;

b. rejection of any kind of merger between the WEU and the European Union for 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;

c. As a result, the WEU Assembly recommends that the WEU Council ensures that the 1996 IGC results in:

- the WEU being recognized as an organization authorized to act on behalf of the European Union in security and defence matters,
- member countries of the European Union which are not members of the WEU being unable to block consensus achieved within the WEU;

The Council should develop 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.

1.2. On 4 December, Mr de Puig in his report on the IGC and the organisation of the Europe of security and defence concluded that:

- for various reasons, the immediate fusion of the WEU and the EU was not possible; but that stages for its integration should be fixed; in the meantime, the WEU should be maintained as European defence institution;
- in defence matters it was better to maintain the principle of consensus;
- the essential problem was the EU's inability to put into practice a common foreign and security policy.

1.3. Presentation in London on 22 February of the Baumel report on the organization of Europe, calling for:

- the Council and the WEU to keep the modified Brussels Treaty in force (while many Member States of the EU believe that the WEU should merge with the EU in 1998);
- the WEU not to be integrated in the EU until all the latter's members have accepted Article V of the amended Brussels Treaty; the report calls on the WEU Council to ask the

EU to admit as new members only those countries willing to take part in a European defence.

1.4. Recommendation 588 of the Assembly of the Council of 7 December 1995 on 'the Intergovernmental Conference on the organisation of the Europe of security and defence' recommends that the Council

- a. seek a consensus for strengthening the European security and defence identity taking as a basis certain options to be defined for establishing closer links between the WEU and the European Union and leaving the door open to progressive integration of the WEU into the European Union, for which stages might be fixed;
- b. agree that, during this process of evolution, the WEU will be maintained as an irreplaceable European defence institution;
- c. arrive, as soon as possible, at a definition of a European defence policy taking the nuclear issue into account;
- d. maintain, in agreement with the European Union, the WEU's ability to take political initiatives and act in the framework of a European security policy defined by the EU;
- e. seek with the European Union ways and means of allowing WEU initiatives with defence implications to be confirmed by heads of state and of government without member countries of the European Union which are not members of the WEU being able to block a consensus obtained in the WEU;
- f. increase its efforts to make the WEU and all its agencies fully operational, in particular to take advantage of the link with national parliaments provided by the Assembly and to safeguard its role.

1.5. Resolution 96 of 7 December 1995 on 'the national parliaments and European security and defence in preparation for the 1996 IGC' invites the parliaments of member countries

- a. to intensify parliamentary cooperation with a view to implementing an effective system of parliamentary supervision of the CFSP and European defence;
- b. to promote exchanges between their respective foreign affairs, defence and European affairs committees and their cooperation with the corresponding committees of the WEU Assembly with a view to preparing the intergovernmental conference, and the satisfactory implementation of the decisions the conference will be called upon to take.

1.6. Recommendation 590 of 23 February 1996 on the 'organisation of security in Europe; aspects of defence' recommends that the Council

- a. reject any proposal to separate the WEU from the EU and give proper effect to the decision taken at Maastricht to place the WEU at the service of the EU should military

action be envisaged under the CFSP, at the same time ensuring that the WEU Council makes full use of its ability to take any decisions arising out of the application of the modified Brussels Treaty;

b. propose that the WEU should not be integrated in the EU until all the members of the European Union have accepted Article V of the modified Brussels Treaty without entering any reservations.

1.7. Recommendation 589 of 22 February 1996 on the 'organisation of Security in Europe; political aspects' recommends that the Council

a. regularly inform the associate member and partner countries and the Assembly of progress made at the IGC so as to give them the possibility of making their views known in good time;

b. maintain the modified Brussels Treaty in force, contemplate no revision thereof other than by the signatory states and not allow accession to the WEU by any country not prepared to participate fully and without reservation in a common defence within the framework of the Atlantic Alliance and at the same time in the activities of the CFSP;

c. encourage all efforts to improve the working of the CFSP but not to transfer to it the exercise of any of the authority conferred on the WEU by the modified Brussels Treaty, and strengthen cooperation between the WEU and the CFSP, in particular by ensuring regular participation by the WEU General Secretariat in the activities of the CFSP which should not stand in the way of any future relations between the EU and the WEU implying that the WEU has to implement CFSP decisions;

d. provide for permanent consultation between the competent bodies of the EU and the WEU with a view to extending European cooperation to areas reserved under Article 223 of the Treaty of Rome, specifically armaments and space;

e. insist during the IGC that, for as long as Member States remain the sole executors of their sovereignty in this area, national parliaments and the delegations representing them in the WEU Assembly are the main partners of governments and the Council with authority in security and defence matters.

2. WEU COUNCIL

2.1. Lisbon Declaration of the Council of Ministers on 15 May 1995

a. the need to develop the operational capabilities of the WEU which is a component in European defence as well as the European pillar of the Atlantic Alliance;

b. the Council approved the idea of 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 assets and capabilities that the WEU will need in its future operations should be identified as should the mechanisms and procedures for the use of assets and capabilities which NATO could make available to the WEU (CJTF).

2.2. 'WEU's contribution to the 1996 IGC', Madrid, 14 November 1995

a. the objective is to develop a European Union oriented towards the East, able and willing to contribute to regional and global security following the development of the European pillar of NATO;

b. the guarantee of collective security which is provided for by Article V of the amended Brussels Treaty should be preserved in the case of collective territorial defence operations; WEU Member States would intervene in the framework of NATO;

c. priority should be given to the operational development of the WEU in the framework of the Petersberg tasks;

d. coordination and common joint positions of Member States within the Alliance on matters of common interest should be intensified;

e. pursuit of the practice of placing European multinational forces at the disposal of the WEU and NATO;

f. the decision whether or not to take part in the new Petersberg tasks will be a matter for national choice; this kind of action could be undertaken by coalitions of countries prepared to take action;

g. the arrangements made for European defence should not limit the possibility of action being taken in the name of national defence duties;

h. the sovereign decisions of WEU observer states regarding their defence arrangements shall be respected; the IGC should favour European arrangements which allow all WEU and EU countries to contribute to the accomplishment of the Petersberg tasks; European arrangements in defence matters should encourage duties to be equally shared between countries;

Notwithstanding these common elements, two points of view emerge from the Member States of the WEU on which path to follow in the future development of European defence structures and arrangements, particularly the future relations between the WEU and the EU:

i) option A: strengthened partnership between an autonomous WEU and the EU:

- the principle of national sovereignty and the intergovernmental character of the decision process are safeguarded;

- priority should be given to developing the WEU's capabilities for carrying out the operations defined in the Petersberg Declaration as opposed to making new modifications to the legal and institutional framework;

- development of working relations between the EU and the WEU as well as the operational capability of the WEU should be encouraged;

ii) two options suggested by the majority of Member States:

- option B: the IGC should decide on measures to be taken to encourage a 'rapprochement' between the two organizations, total integration being the final objective:

- intergovernmentality should continue to rule relations between European countries in defence matters (principle of consensus);

- the objective is, on an operational and military level, to facilitate more rapid and effective development and application of decisions and actions taken by the EU than is currently the case; a precise objective for the development of the EU/WEU relationship should be defined;

- the IGC could, then, lead to one or several of the following measures being adopted:

- . provisions allowing the European Council to issue general guidelines for WEU actions;

- . provisions for the EU to give instructions to the EU and the WEU through an agreement by means of which the latter would seek to develop and apply the decisions and the actions of the EU;

- option C: the IGC would set the objective and the timetable to be adopted for the integration of WEU and EU in the short or medium-term, in particular through:

- the elimination of institutional differences between the two organizations;

- during consideration of the decision-making procedures of the CFSP the question of an exception should be considered; this could be provided for by:

- . integration of aspects of the CFSP's defence crisis management (thus establishing a link between the CFSP and its military application), and the adoption for defence matters of a protocol annexed to the EU Treaty including commitment to collective defence (in which certain Member States could decide not to participate according to conditions to be determined);

- . integration of all defence aspects in the CFSP and the actual text of the Treaty, allowing countries that are not able to subscribe to the commitment to collective defence the option of non-participation.

VII. REPORTS BY THE WESTENDORP REFLECTION GROUP

1. Draft report by the Reflection Group(12) of 1 September 1995

a. need for a collective response to the challenge facing Europe in security and defence matters;

b. organization of mutual relations of stability at the new frontiers of the Union in view of future enlargement;

c. recognition of the fact that the role of NATO is of vital importance in territorial defence (the whole Group);

d. recognition of the fact that it is the WEU's responsibility, as European pillar of NATO, gradually to establish a European identity in security and defence (to recognize the tasks defined in the Petersberg Declaration);

e. acceptance of the rule of consensus in defence matters, nevertheless exercising a degree of flexibility (no country can be forced to participate in a common military action; no country can prevent a majority group of states from carrying out an action); states which do not take part in a common action should however display solidarity on a political and financial level;

f. strengthening of the complementarity between the EU and the WEU on the following levels:

- political (EU/WEU back-to back summits),
- administrative (coordination of the Presidencies and Secretariats)
- operational (reinforcing the capabilities of the WEU);

g. need to recognize that the merger of the WEU with the EU is not possible in the near future for some members; the creation of a true European defence identity is however included for the majority of members in the gradual integration of the WEU into the EU with its two potential dimensions:

- territorial defence in the application of the guarantee provided for in Article V;
- the 'new cooperative security order' as clarified in the Petersberg Declaration;

h. establishment of legal and political links between the EU and the WEU; establishment of a minimum of operational means allowing the WEU to take on the role of military arm of the EU in crisis management tasks, crisis prevention and peace-keeping (majority of members);

i. proposal for an intermediate option between autonomy and integration of the WEU (until the latter solution be realized) either:

- by amending Article J.4.2. of the Treaty,
- or by means of a legally binding agreement whereby the WEU would be committed to implementing decisions of the Union with defence implications (some members);

j. inclusion in the Treaty of questions relating to the Petersberg tasks, leaving territorial defence in an annexed protocol whereby it would be possible for some members to have temporary derogation (some members);

k. redefinition of EU/WEU relations (basic option: full and complete insertion of defence policy as an integral part of the EU; maintenance of the status quo; intermediary options favouring a gradual convergence);

l. development of relations between European multinational military units, the EU and the WEU;

m. creation of a common armaments market after amendment or deletion of Article 223 of the EU Treaty.

Differences of opinion persist regarding the intensification of military cooperation within (or around) the WEU. The degree and methods of integration of the WEU into the EU remain controversial as well as the possible mechanisms of cooperation between the EU and the WEU.

2. Westendorp report on the progress of the Reflection Group's work, adopted on 15 December 1995 in Brussels

2.1. Reflection elements

a. European cooperation on security and defence matters should deal not only with collective defence of territorial integrity, but also with regional crisis management and prevention, stemming from a large variety of political, economic, ecological, social and humanitarian factors. It is worth noting that some members of the Union, which do not wish to undertake the collective defence obligations defined in Article V of the Brussels and Washington Treaties, wish to contribute to European security by participating in humanitarian, peace-keeping and other crisis management operations (the so-called Petersberg tasks);

b. In the view of the majority of Members States, the gradual development of a European Security and Defence Identity must be given fresh impetus; development of the military dimension should supplement the political, economic and humanitarian action decided on within the CFSP framework;

c. fresh impetus must be given to developing the WEU's operational capabilities, which are still inadequate in many areas; the procedure for making NATO assets and capabilities available to the WEU should also be clarified; the possibility of establishing a 'peace corps' (whose role in relationship with WEU humanitarian forces should be clarified), should be examined;

d. the group discussed the possible revision or even deletion of Article 223 and the need for a common armaments exports policy;

e. the development of a European defence dimension will reinforce the European pillar of the Atlantic Alliance (which guarantees the collective defence of its members) and will accompany the development of Euro-atlantic relations; the EU, WEU, and NATO should ensure that their respective enlargement and development processes are transparent and mutually supportive;

f. participation in military operations in the framework of the Petersberg tasks will remain a matter for national decision; the majority of members strongly feel that an intergovernmental approach and consensus should continue to govern decision-making on defence matters; some members suggested however that a non-binding principle, without prejudice to the required political solidarity and financial burdensharing, should be included and that the possibility of European supranational bodies playing a role in defence should not be excluded;

g. some Member States see a need for the IGC to identify the purposes and principles that should govern future EU-WEU relations; priority should be given to developing the Union's capabilities in such areas as conflict prevention, peace-keeping and humanitarian operations; all Member States, whether or not they are members of a military alliance, should be in a position to contribute to European security through the Petersberg tasks;

2.2. Options for future EU-WEU relations

h. the Group agrees on the need to continue improving the relationship between the EU and the WEU, while fully respecting all Member States' national policies; different views, separating Member States, have emerged on the modalities for achieving this:

a. Some members advocate maintaining the full autonomy of the WEU in the foreseeable future. Such autonomy allows maximum flexibility for participation by all the Member States in developing the European Security and Defence Identity and avoids weakening the defence commitments within NATO and the WEU, taking into account the differing memberships of these organizations and the Union;

in this context, the option of a EU-WEU 'reinforced partnership' has been proposed, aimed both at:

- establishing closer political (EU/WEU back-to-back Summits) and administrative relations (coordination of Presidencies and Secretariats) between the two organizations;
- developing WEU operational capabilities for crisis management tasks;

b. Other countries advocate a greater role for the Union in the Petersberg tasks while at the same time preserving the WEU as a separate defence organization; this could be achieved in two ways:

- by establishing closer and more formal links between both organizations by means of either political or legally binding directives, the WEU would be subordinate in the Petersberg area to the Union;
- by fully transferring the Petersberg tasks from the WEU to the EU; the WEU would remain as an independent organization responsible only for territorial defence;

c. The majority of representatives support the integration of the WEU into the EU; the European defence function (both for crisis management tasks and for the collective defence guarantee) would eventually, following a sequential process yet to be defined, be incorporated into the single institutional framework of the Union; three possible ways of establishing this commitment have been suggested:

- a new Article J4 (and a new WEU declaration) could state that, regarding Union actions with military implications, the European Council would address general guidelines, and Ministers would take follow-up decisions; the WEU would then be requested to implement these decisions through the appropriate military actions;
- the IGC or another future conference should establish a deadline for a EU-WEU merger in the short term (bearing in mind the possibility of denouncing the Brussels Treaty after 1998); the functions and capabilities of the WEU could be transferred to the Second Pillar; consistency between CFSP and defence policy, the coordination of different crisis management elements (political, economic, humanitarian and military)

would thus be reinforced; a clause for mutual assistance for defence of external frontiers of the Union could be included in the modified Treaty;

- some members considered this integration to be possible only in the medium-term; the IGC should take measures that increase the convergence of the EU and the WEU in the areas of decision-making and actions (the Petersberg tasks), while at the same time maintaining the possibility for WEU autonomy in decisions on its own actions; the States that wanted to could benefit from an opt out clause in the framework of collective defence engagements;

- other members proposed that the CFSP should take over crisis management operations (the Petersberg tasks) and leave the collective defence guarantee to a Defence Protocol including an opt out possibility.

VIII. THE GROUPS OF EXPERTS

1. Conclusions of the 'Durieux' Group of Experts on the CFSP (drawn up at the request of Commissioner Van den Broek), on 19 December 1994

a. definition of common military resources to be placed at the disposal of the EU in support to the CFSP (timetable; minimum requirements for participation, in terms of allocation of forces, integration of command structures and effective support structures for the concomitant technological and logistical programmes);

b. mapping out of an irreversible course towards collective defence (within the meaning of Article V 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.

e. establishment:

- of an institutional mechanism for countries taking part in the European intervention forces, interface between the European Council and CFSP and WEU;

- of a more representative Parliamentary control at European level, transforming the WEU Assembly into a second chamber, parallel to the European Parliament.

2. Second Report by the 'Durieux' Group of Experts on the CFSP of 28 November 1995

a. *'Clarifying the institutional framework (the relationship between the EU, the WEU and NATO) and mapping out the stages towards a common defence policy'*

- the priority for the WEU must be to give substance to its military role as a potential source of back-up for CFSP decisions, as a matrix for a future collective defence commitment binding the entire Union and as the 'European pillar' of the Atlantic Alliance, with a view, at some unspecified point in time, to merging this organization and the Union;

- in-depth political dialogue at the highest possible level between the Union and the United States is necessary for guiding and adjusting the interface between institutional frameworks that will one day give birth to a European defence identity;

any member of the Union wishing to join the WEU should also apply for membership of the Atlantic Alliance;

- opposition to any long-term survival, within the Union, of neutrality policies and statuses rooted in the past, which no longer have any geopolitical justification and are incompatible with acceptance of the Community *acquis*;

- the IGC should expressly confirm in the Treaty the ultimate objective of merger between the WEU and the Union and map out the main stages in the process that will culminate in the Union taking on board Article V of the Brussels Treaty;

b. 'The WEU: military back-up for the CFSP'

- recent events in the former Yugoslavia highlight the relevance of the 1994 recommendation that the EU Treaty include among the Union's objectives the building-up, from Eurocorps and the other multinational units, staffs and division designated WEU forces, of a sizeable European intervention force having either its own command, intelligence and logistics structures or sharing NATO's;

ideally, this force, which would be part of the WEU's military structures (as the military branch of the Union), would have to be mobilizable, depending on the circumstance, where the Union decided to conduct armed interventions in its own name, particularly for missions within the scope of the Petersberg Declaration;

- there can be no real progress in the matter of the WEU's operational capacities (still in limbo) until the political ground rules in terms of the European defence identity and the trans-Atlantic relationship and NATO, notably with regard to the CJFT, have been clarified;

this political operation will not succeed without a genuine EU-US summit;

c. 'Rationalizing and consolidating the scientific, technological and industrial base for Europe's defence'

- urgency for the Union of reconciling its emerging defence and security identity with the maintenance of an effective and productive scientific, technological and industrial base to produce armaments;

the state of Europe's armaments industries is such that, if nothing is done, there is a danger that these industries might fall under the technological and financial sway of US masters or undergo a process of national retrenchment;

- military and economic efficiency require a rational division based on three sets of common criteria: military, technological and commercial:

- with regard to the military criteria, a common core of priority arms and equipment for Europe's future 'common defence' should be studied; it would consist of a credible nuclear deterrent, spy satellites, air transport, airborne stand-off weapons, electronic warfare and C31 systems;

- in the matter of technological criteria, it is clear to all that the Union cannot forgo a capacity of its own in technologically and financially demanding areas of military priority, such as, for example, fighter aircraft, ground-air missiles and expanded air defences;

- where the commercial criteria are concerned, consideration will have to be given, before giving up any independent capacity, to the number and reliability of suppliers (the US has been known to change its military planning without warning);

- there is a need for Europe, via the WEU and in liaison with NATO and the UN, to play an increasing role in operations beyond its frontiers, either in support of humanitarian operations, to make or enforce the peace or to defend strategic interests in distant regions and countries (oil supplies, sea and air traffic, evacuation operations etc.). Such operations require appropriate logistical support (transport, intelligence, communications).

- all this implies a structured European response in the form of a joint global strategy involving all those concerned, on the basis of a jointly defined plan of action;

- in terms of demand, a European defence white paper is required which would subsequently facilitate the establishment of programmes of joint interest; the multinational forces would become the crucial factor in a joint equipment and standardization project, under the auspices of a standing committee of chiefs of staff (WEU) and the future European armaments agency;

- in terms of supply, it is essential to facilitate the horizontal integration of European defence industries; the European Communities' competition policy could provide an adequate structure, whilst taking into account the specific characteristics of the defence sector and with special reference to global competition; lastly, improved utilization of civilian and military synergies in terms of the production of technological skills is required.

3. Interim report of a working group on 'CFSP and the future of the European Union' (prepared by the Bertelsman Foundation in collaboration with the University of Munich and the planning staff of the Commission (DG1A)), July 1995

a. it is not appropriate to insist that Austria, Finland and Sweden should immediately become full members of the WEU; even though these countries (as well as Ireland and Denmark) should ideally be members both of the WEU and NATO;

b. the need to strengthen the operational role of the WEU, building on the CJTF concept and calling on the WEU to study the practicalities of integration of particular components of defence provision;

c. the need for reform in arms procurement, in particular by creating a European armaments agency, proposed by Germany and France, and by abolishing or modifying Article 223 of the Treaty of Rome;

d. satisfactory burdensharing between Member States; the emergence of a 'core group' of states most ready to undertake collective action would not facilitate the construction of a European defence, because 'if Europe is to develop confidence in a common defence policy, and with time a common defence, it is essential that all states be seen to be pulling their weight';

e. need to create a European planning cell in the form of a joint organ of the Commission and the Council;

- f. development of an independent military capability or of a EU 'common defence';
- g. gradual integration of the WEU in the EU (perhaps initially as a separate pillar).

IX. OTHERS

1. Memorandum of the European arms industry group for the IGC of 10 November 1995.

- a. the maintaining of a European industrial and technological defence base should be a precondition for the establishment of a true European Security and Defence Identity (ESDI);
- b. an internal market should be established that would be large enough to allow the European defence industry to become competitive. This requires:
 - harmonization of the operational needs (requiring greater negotiating authority of WEU competent military organs);
 - the harmonization of laws, regulations and norms for armaments;
 - the development of a well structured framework for cooperation, with arrangements between countries ensuring competitiveness and a genuine 'economic return';
 - priority to the European industry in acquisitions in this sector;
- c. for the operation of such a market of defence equipment, a principle of European solidarity is needed, which would demand the acceptance of industrial and technological interdependence, and willingness to provide transnational budgetary help;
- d. the industry's initiative should be seen in the context of a global policy accepted by the governments involved, including in particular;
 - plans and principles for acquisitions;
 - administrative and financial measures designed to facilitate the process;
 - bilateral or multilateral programmes;
- e. a European policy on research and technology capable of assuring an independent defence capability, supported by a strong industrial base should be advocated; a European Office for security and the promotion of common research and military and civilian technology programmes should be created, as well as a European Support Office for exports in this sector.

2. Supplementary notes

1. In fact, in accordance with the principle of gradual development, the WEU declaration mentions in paragraph 8 the possibility of reviewing in 1996, in accordance with Article J.4(6) of the Treaty on European Union, the provisions relating to CFSP, and notes that 'the WEU will re-examine the present provisions in 1996'.

Also at Maastricht, the Member States of the WEU approved another declaration (second part of Declaration 30 annexed to the final act) according to which 'States which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish. Simultaneously, other European member States of NATO are invited to become associate members of WEU in a way which will give them the possibility of participating fully in the activities of WEU'.

The invitation to participate in the activities of the WEU was accepted by all EU countries which were not members of the WEU.

Greece was accorded full member status.

Denmark and Ireland (1992) as well as the new EU countries (Austria, Finland, Sweden) became observers.

These differences in status accentuate the lack of symmetry that exists between the two organizations, making the full development of the WEU as part of the EU more complex.

2. No agreement could be reached on the synchronization of the dates and venues of meetings, on the harmonization of working methods or on the sequence of the respective presidencies.

3. The transfer of the seat of the Council and of the Secretariat of the WEU from London to Brussels was carried out at the beginning of 1993.

Progress towards putting into practice the provisions for the establishment of cooperation between the councils and the secretariats of the WEU and the European Union began in autumn 1994.

The same applies to the finalizing of the modalities on the exchange of information and on the consultation process between the Commission and the WEU.

4. The harmonization of the duration of the presidencies of the two organizations came into effect on 1 July 1994.

5. The reinforcement of cooperation between the parliamentary assembly of the WEU and the European Parliament has not yet been given genuine impetus.

6. This cell was established in October 1992. It already carries out important studies.

The Noordwijk Council (November 1994) tasked it as a matter of priority to develop plans and procedures for humanitarian and rescue operations, including evacuation operations and for the preparation of military analysis for the European Union. According to the Lisbon agreement, an Intelligence Section will be established in the Planning Cell. A Situation Centre has also been established that will operate under the authority of the

Secretary-General, supported by the Director of the Planning Cell, in accordance with the instructions of the Council and of the politico-military group. It depends in particular on information supplied by the WEU, the Satellite Centre and WEU and NATO's staff headquarters.

7. Closer military cooperation was achieved particularly by means of:

- the transfer to the WEU of several bodies of the old EUROGROUP which dealt with logistical matters (EUROLOG), communications (EUROCOM) and long-term studies on operational needs (EUROLONGTERM);
- the development of a policy on military exercises;
- WEU meetings of Chiefs of Defence Staff (CHODs) take place twice a year.

8. The concept of military forces answerable to the WEU (FAWEU) has been defined and is being put into practice:

- FAWEU refers not only to national capabilities, but also multinational forces (the European corps, the Anglo-Dutch amphibious force, (central) multinational division, EUROFOR and EUROMARFOR);
- associated members of the WEU have full right to designate FAWEU; the associated partners have been invited to supply information on their armed forces and to supply forces for specific operations.

9. Cooperation has been increased in this area, which has allowed the possibility for the rationalization of structures and the creation in the framework of the WEU of the Western European Armaments Group (WEAG), after the transfer of functions previously undertaken by the Independent European Programmes Group (IEPG).

Work is being carried out on the analysis of a European political culture on armaments (informal group of government experts of the WEU, WEAG and WEU Member States) and on a future European Armament Agency.

10. As the Maastricht Treaty notes, this re-examination should be carried out with a view to 1998, in accordance with Article XII of the Brussels Treaty, when it will be possible to denounce this Treaty.

The Ministers in Lisbon on 15 May 1995 suggested other measures:

- the reinforcement of the WEU's politico-military structures and of decision-making mechanisms, and in particular the establishment of a new politico-military group in support of the Council, which would exercise interface functions between the Council and the commander of the operation and would assure the follow-up to operations led by the WEU;
- refinement of information capabilities in space activities, decision to establish the Torrejon Satellite Centre as a permanent WEU body;
- the financial modalities of WEU operations will be adopted for a trial period of two years, based on the contribution of the organization's normal budget, which will allow it to put into practice its other operational decisions.

11. The Petersberg declaration (WEU, Bonn, 19 July 1992) defined the missions of the WEU (chapter II.4.) as follows:

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

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

12. The reflection group preparing the Intergovernmental Conference has 18 members:

- one representative from each Member State;
- one representative from the European Community;
- two representatives from the European Parliament.

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