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Security of the associate partners after the NATO Summit

REPORT

submitted on behalf of the Political Committee
by Mr Martínez Casañ, Rapporteur

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¹ Adopted unanimously by the Committee.

² *Members of the Committee:* Mr Baumel (Chairman) (Alternate: *Dreyfus-Schmidt*); MM Urbain, Blaauw (Vice-Chairmen); MM de Assis, Bianchi (Alternate: *Mrs Squarcialupi*), MM Behrendt, Brancati, Sir Sydney Chapman (Alternate: *Hancock*), Mr Cusimano (Alternate: *Amoruso*), Mr Dias, Mrs Dumont, Mrs Durrieu, MM Ehrmann, Evangelisti (Alternate: *Mrs Pozza Tasca*), MM Eyskens, Haack, *Hornhues*, Lord Kirkhill (Alternate: *Lord Judd*), MM Lemoine, *Liapis*, Van der Maelen (Alternate: *Staes*), MM Marshall, Martínez (Alternate: *Solé Tura*), MM Martínez Casañ, Micheloyiannis, Lord Ponsonby (Alternate: *Vis*), MM Puche Rodríguez, Recoder (Alternate: *Arнау Navarro*), Rippinger, *Roseta*, Schmitz, Skoularikis, Sterzing, Timmermans, Verhagen, *Volcic*, *Wray*.

Associate members: MM Gundersen, *Kosmo*.

N.B. *The names of those taking part in the vote are printed in italics.*

Draft Order

on security of the associate partners after the NATO Summit

The Assembly,

- (i) Noting that NATO's Membership Action Plan as decided at the Washington Summit on 23-24 April 1999 does not provide any time-frame for a decision or any guarantee of eventual membership for all the central European countries which are associate partners in WEU;
- (ii) Recalling that enlargement of the European Union is a very lengthy process, contingent upon various problematic conditions which have nothing to do with the security needs of the central European countries concerned;
- (iii) Underlining therefore the increasing importance of the fact that WEU is the only European security organisation in which the countries concerned already have a voice;
- (iv) Concerned that any multinational arrangements between WEU and the European Union might affect the rights acquired by these countries in the framework of WEU;
- (v) Regretting therefore that the WEU Council of Ministers' Bremen Declaration of 10-11 May 1999 does not contain any commitment to preserve the role and participation of WEU's associate partners in a future European Security and Defence Identity,

INSTRUCTS ITS POLITICAL COMMITTEE

1. To examine closely the decisions taken by the EU Council in Cologne on 3-4 June 1999 and their consequences for WEU's associate partners;
2. To prepare a progress report on the subject for the next session of the Assembly, including proposals to ensure that the associate partners can participate appropriately in the further development of a European Security and Defence Identity in the framework of the EU, with at least the same rights as they currently enjoy within WEU.

Explanatory Memorandum

(submitted by Mr Martínez Casañ, Rapporteur)

I. Introduction

1. The group of WEU associate partners currently consists of seven countries which ten years ago were recognised as forming part of the Soviet bloc. Their relationship with WEU has always been substantial and dynamic in many respects. It all began at the institutional level first of all in the Forum of Consultation (1992). Ties were then developed in the Kirchberg Declaration (1994) which officially created associate partnership status. In the beginning, nine countries were involved, later to become ten with the accession of Slovenia in 1996. There are now seven since the Czech Republic, Hungary and Poland left the group to join the associate members. Finally, and perhaps most importantly, the actual substance of the relationship has developed significantly, offering associate partners the possibility not only of participating in WEU's activities on a political level and contributing to the decision-making process but also of taking part in the planning and execution of Petersberg missions as well as in the day-to-day work of all WEU bodies on a permanent basis. The decisions taken in Erfurt concerning the "Practical arrangements for participation of associate partners in Petersberg operations" should be mentioned here as a most important step in this dynamically developing relationship with the Organisation as a whole and also the fact that the central and eastern European countries are aspiring to membership of the European Union and the Atlantic Alliance.

2. It is perhaps more important than ever before – now that the Washington Summit has made clear that any further enlargement of NATO can be ruled out in the near future while, at the same time, decisions concerning WEU's integration into the European Union are imminent – to stress that the associate partnership relationship has been a success, both politically, by enhancing security in Europe, and as regards the increasingly meaningful participation by associate partners in WEU's politico-military organs. It is perhaps more appropriate than at any other time to remind the governments and the Council that the status of the associate partners and its practical implications are one of the most important aspects of the sum total of WEU's achieve-

ments, enhancing both European countries' security and political convergence between them. It is clear that the capital built up through this dynamic and creative participation which has lasted for almost a decade, must not be lost as a result of the associate partners being left out of the procedure for the future involvement of WEU in the European Union sphere.

II. The development of associate partner status

1. The institutional role of associate partners

3. The status of associate partners has been enhanced as a result of the initiatives undertaken by two main groups. The associate partners' interest in strengthening their ties with the organisation derives not only from their desire to participate in the European security debate, but also their overall "European vocation" or desire to be integrated into western structures. In this connection, participation in one organisation is regarded both as a potential way of establishing links with other European institutions and an opportunity for deeper involvement in them in the future. Some of the full members of WEU, in particular Germany, whose geographic proximity to the associate partners explains its particular interest in the stability of the region and its integration into European institutional structures, have also strongly supported initiatives to enhance the status of associate partners.

4. Pre-dating the establishment of associate partner status, several steps towards establishing links with central and eastern European countries were undertaken as early as 1991 and 1992. A series of fact-finding missions authorised by the Secretary-General and the WEU Presidency constituted the first attempts to develop relations with central and eastern European countries. At the same time, some initial contacts were made with the WEU Assembly and the Institute for Security Studies rather than with the Council. Recommendation 479 on "the establishment of a just, peaceful and secure order in Europe – prospects stemming from developments in central and eastern Europe"¹, which mainly focused on ne-

¹ Adopted at an extraordinary session of the Assembly in Luxembourg, 22 and 23 March 1990.

gotiations on the CFE (Conventional Forces in Europe) Treaty, already showed an early concern on the part of the Assembly for the situation in these countries.

5. In a communiqué² the Council issued shortly after, "Ministers agreed on the opportunity of establishing contacts for two-way information with the democratically elected governments in central and eastern Europe", instructing the Presidency and the Secretary-General to organise these contacts. Finally, a Forum of Consultation was set up in 1992 with the aim of institutionalising multilateral contacts with central and eastern European countries³. This consisted essentially of annual meetings of Foreign and Defence Ministers and six-monthly meetings at ambassadorial level. At the same time, regular exchange of documents and information was encouraged. Apart from dealing with issues such as arms control, the future European security architecture and disarmament, discussion in the Forum of Consultation focused on the situation in Bosnia and Herzegovina.

6. The consultative partner status was replaced by that of associate partner, established at the Kirchberg WEU Council meeting on 24 May 1994. It covered nine new democracies of central and eastern Europe which had signed a Europe Agreement with the EU, i.e. Poland, the Czech Republic, Hungary, Slovakia, Romania, Bulgaria, Estonia, Latvia and Lithuania. Slovenia became the tenth associate partner in 1996.

7. According to the communiqué referred to and the "Document on a Status of Association with WEU"⁴, this status is intended to:

"allow those countries [who had already concluded or would conclude a Europe agreement with the European Union] to participate to a larger extent in the activities of WEU and to be involved in initiatives and missions as envisaged in the Petersberg Declaration".

² Communiqué issued after the meeting of the WEU Council of Ministers, Brussels, 23 April 1990.

³ Declaration issued after the extraordinary meeting of the WEU Council of Ministers with states of central Europe, Bonn, 19 June 1992.

⁴ Kirchberg Declaration, 24 May 1994.

The objectives related to this status are as follows:

- relations between associate partners and other members should be broadened and deepened in parallel to the closer cooperation of these states with the European Union. Associate partners' participation in the Organisation should prepare them for their integration and eventual accession to the European Union – which would make it possible for them to become full members of WEU in the future;
- the development of closer relations with these countries "through cooperation with the Alliance framework, in particular the Partnership for Peace programme" and within WEU is intended to be mutually reinforcing;
- consolidating the stability of institutions, guaranteeing democracy, the rule of law, human rights, and respect for protection of minorities.

A provision describing the principles of refraining from the use of force as a base for relations among WEU countries and associate partners advocated:

- the settlement of differences by peaceful means, in accordance with the obligations arising from the United Nations Charter, the commitments entered into under the terms of the Helsinki Final Act and the Paris Charter and the generally recognised principles and rules of international law;
- and refraining from resorting to the threat or use of force, in accordance with the United Nations Charter.

8. The rights of participation conferred by their new status enabled associate partners to:

- participate in meetings of the Council, with the condition that they could not veto a decision;
- participate, on invitation, in working groups on a case-by-case basis;
- be briefed on the activities of the working groups;
- have a liaison arrangement with the Planning Cell;

- associate themselves with decisions taken by the Council regarding Petersberg missions, i.e. those involving peacekeeping, crisis management and humanitarian tasks;
- participate in Petersberg missions, as well as to offer forces for specific operations, the modalities of their participation in the command structures and decision-making process being subject to agreement on a case-by-case basis.

Moreover, associate partners were not obliged to make any contribution to the budget and were required to enable WEU to perform its role both as the defence component of the EU and as the European pillar of the Atlantic Alliance. In accordance with the intention of the then Secretary-General, Mr Van Eekelen, not to bring these countries to a position too close to that of the associate members or observers, associate partners were originally excluded from the Council's work when it related to relations with NATO or the EU, Article V matters and institutional affairs.

9. Since its establishment, associate partner status has been developed progressively. In the political field, one of the most important exercises was the joint drafting of a "Common Security Concept" on the challenges to European security and possible WEU response, issued at the 1995 Madrid Ministerial meeting with the participation of all 27 WEU countries. As a rule, the WEU Council now meets once a week, meetings at 21 alternating with meetings at 28, in accordance with the provisions set down in the document of 3 May 1994 on the modalities of associate partner status. Gradually, the WEU Council has opened up some areas for discussion at 28 and allowed associate partners to participate in an increasing number of working groups on an *ad hoc* basis. A Permanent Council decision allowing for the extension of associate partner participation in WEU working groups is mentioned in the Lisbon Declaration of 1995. Topics dealt with at 28 currently include:

- within the Council and the Council Working Group: cooperation with the OSCE and UN, dialogue with Russia and Ukraine, regional cooperation and the Transatlantic Forum;

- within the Politico-Military Group: crisis in Albania, African peacekeeping and landmine clearance;
- within other groups: WEU operational development, planning and conduct of exercises and the Mediterranean dialogue.

10. Opening the Council Working Group on the Transatlantic Forum and the Mediterranean Group to associate partners has been the most recent improvement in this domain, approved only last year (1998). Until then, only two permanent Working Groups out of six met regularly at 28: the CWG (Council Working Group) and the PMG (Politico-Military Group). Now, participation by associate partners in meetings of the Military Delegates Committee is also provided for. Moreover, the PMG at 28 is examining possibilities of strengthening participation by associate partners in WEU activities⁵. In particular, the lack of associate partner involvement in the Open Skies group, or in WEU's institutional links with NATO has been questioned, the latter constituting a fundamental foreign policy interest of central and eastern European countries.

11. With regard to armaments cooperation and WEAG (Western European Armaments Group), the upgrading of associate partner status has progressed slowly and has not been defined for several reasons. WEAG is still at a poor stage of development, which explains why full members are cautious about involving other countries until the scope of the cooperation is definitively agreed. WEAG remains only loosely linked to WEU and its membership does not completely coincide with that of the Organisation. Furthermore, while it is clear that WEAG membership is not linked to WEU or any other organisation, the admission criteria are not yet fully defined.

12. The major breakthrough in this domain relates to modalities of involvement granted to the associate partners at the Council meeting in Erfurt in November 1997, where the Council issued a Declaration agreeing to "further open [...] WEAG to those nations"⁶ and which foresaw the possibility for them to be invited to:

⁵ Second part of the forty-fourth annual report of the Council to the Assembly (for the period 1 July-31 December 1998), Paris, 8 April 1999.

⁶ Erfurt Declaration, 18 November 1997.

- assist panels (mainly on issues such as Research and Technology, Equipment Requirements and Programmes) on a case-by-case basis;
- be involved in meetings of the staff group, of NADs (National Armaments Directors) and of WEAG Ministers;
- participate in specific armaments projects, in which case they would do so on the same basis as full members.

13. Concerning the Eurogroups, associate partners may be involved as non-voting observers, but the Eurolongterm⁷ steering group and its working groups may yet decide to restrict participation. Some progress has been made, with WELG (Western European Logistics Group) already allowing the participation of associate partners in its meetings and Eurolongterm having invited them to its next meeting. Eurocom⁸ has already made provision to brief associate partners on its activities subject to Council approval and is currently studying the modalities for their involvement in the future. The WEU Council of Ministers only very recently tasked the Permanent Council to examine possibilities of participation for associate partners and observers in the space activities field, so no arrangements have been finalised yet.

14. Not only did participation by associate partners in the work of the Assembly pre-date their involvement in the Council, it was also a determining factor in facilitating the establishment of contacts with the Organisation. The associate partner delegations to the Assembly comprise four representatives with the exception of the Baltic states, which have two. A single parliamentarian is in charge of representing each delegation in the Defence, Political, Technological and Aerospace and Parliamentary and Public Relations Committees. No representation in the Committee on Budgetary Affairs and Administration or the Committee on Rules of Procedure and Privileges is foreseen. There is no participation in the Presidential Committee either.

15. In the operational field, following the Kirchberg Declaration, liaison arrangements

⁷ Eurogroup working group for long-term military planning.

⁸ Eurogroup working group for the interoperability of the tactical communications systems of land forces.

making information exchange possible were concluded between the Planning Cell and associate partners. These are currently being revised to ensure effective preparation with a view to their possible use during WEU operations. The same process is under way in relation to possible associate partner involvement in the WEU Satellite Centre's activities.

16. The finalisation of these liaison arrangements was made possible by the aforementioned decision⁹ by the Permanent Council, which also allowed for the identification of the forces associate partners would wish to make available for WEU operations. A number of associate partners have also signed security agreements providing a legal basis for the exchange of classified documents, intelligence and situation reports, which can be circulated to them with the originator's consent. In turn, most of them have supplied information on their armed forces and have designated units to be included in the FAWEU list and be considered by the Planning Cell as necessary. At the present moment, the FAWEU database contains contributions from six out of the seven associate partners¹⁰. In 1996, it was agreed that associate partners could participate in the planning and conduct of exercises, so that at the beginning of the following year they participated in WEU's first annual exercise conference. In a recent speech, Secretary-General Cutileiro drew attention to the participation of some associate partners in WEU's police operation in Albania, as well as in the latest internal crisis-management exercise Crisex '98¹¹.

17. With regard to associate partner involvement in Petersberg missions, the Kirchberg Declaration had already indicated that associate partners might participate in their implementation and planning unless a majority of member states decided otherwise. It was also agreed that if they joined operations by committing forces, they would have the same obligations as other participants as well as the right to be included in the

⁹ Lisbon Declaration, 18 May 1995.

¹⁰ Second part of the forty-fourth annual report of the Council, Paris, 8 April, 1999: Chapter VIII (*Forces answerable to WEU*).

¹¹ José Cutileiro: Address to the EAPC Seminar on Security and Stability in Central Europe, Bratislava, 19 January 1999.

command structures and in the Council's subsequent decision-making process.

18. The Birmingham Declaration of May 1996 reaffirms a determination to involve all WEU countries in the operational dimension of WEU in accordance with their status, mentioning a report to the Permanent Council on measures taken to put this into practice, especially with regard to African peacekeeping, exercise policy and humanitarian task force operations. The declaration also welcomed an agreement to:

- extend information-sharing and briefings on WEU crisis-management procedures, WEU's role in peacekeeping and WEU armaments and space questions;
- further enhance the associate partners' participation in the ongoing work on the development of the operational role of WEU.

Finally, practical arrangements for participation by associate partners in Petersberg operations were approved at the Erfurt ministerial meeting in November 1997, which defined their involvement in the different phases of the crisis-management process, with particular regard to the planning and forces generation process.

19. The Multinational Peace Force South-Eastern Europe (MPFSEE) constitutes one of the most recent arrangements for future operational involvement of associate partners. This force, established by Italy, Greece, Turkey, Bulgaria, Albania, Romania and the Former Yugoslav Republic of Macedonia in September 1998, will be available for peace-support missions¹² led by WEU, the UN, NATO or OSCE. It will be a non-standing force comprising a 2 000-strong brigade, to be structured according to the specific missions it will have to accomplish. The command of the force and its headquarters will rotate every two and four years respectively between the seven nations. In this connection, it should be mentioned that Hungary and Slovenia are already cooperating with Italy setting up the Multinational Land Force, which is expected to become operational by the end of the year and will be

declared answerable to WEU for Petersberg-type missions.¹³

20. According to Monika Wohlfeld¹⁴, "even if no formal commitment has been taken at this stage", associate partners will be substantially involved in Petersberg missions unless a decision to exclude them is taken from the outset. However, some important points should be noted. Where WEU operations make use of NATO assets and capabilities, the involvement of associate partners will be decided on a case-by-case basis. Participation in operations by associate partners will depend on the extent to which other members will be willing to make use of their help when conflicts arise, as the formulation of the terms of involvement is subject to interpretation and the extent to which associate partners will be able to contribute effectively to operations, considering their manpower and equipment resources.

2. WEU missions with the participation of associate partners

21. The first occasion for operational cooperation between WEU and the central and eastern European countries arose in connection with the disturbances in former Yugoslavia from 1991 onwards. In view of the tragic turn of events, the UN Security Council decided in 1992 (Resolutions 757 and 787) to impose a trade embargo on the Federal Republic of Yugoslavia (FRY). It very soon became apparent that the embargo was being circumvented, particularly on the Danube. In 1992, Romania was the first to ask the WEU Council for help in enforcing the UN Security Council resolutions. WEU's relations with the countries bordering on FRY at that time fell within the ambit of the Forum of Consultation. Those countries were just emerging from the communist era and were probably politically and physically incapable of conducting an effective blockade against the FRY. In March 1993, the WEU Permanent Council accepted the principle of an international police action and this was confirmed by the WEU Council of Ministers meeting in Luxembourg (5 April 1993). A memorandum of understanding was signed between WEU and Romania, Bulgaria and Hungary and 250 police and customs officers from seven

¹³ Rome Declaration, 27 November 1998.

¹⁴ Monika Wohlfeld, "Closing the Gap", in: *WEU at fifty*, ed. Guido Lenzi, WEU Institute for Security Studies, Paris 1998.

¹² Including conflict-prevention, peacekeeping, peace-building, peacemaking and humanitarian operations.

member states (France, Germany, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom) were deployed on the Danube at three points: Calafat (Romania), Ruse (Bulgaria) and Mohacs (Hungary).

22. Although the mission was only moderately successful, it was the first practical instance of cooperation between WEU and its associate partners. The operation ended in October 1996 after the signing of the Dayton Accords and the deployment of IFOR. As a result, the sanctions against the FRY were lifted by the UN Security Council (Resolution 1074 of 1 October 1996) and the WEU Council wound up the operation on 2 October 1996.

23. Operation Alba, in the words of Secretary-General, Mr Cutileiro, was a "missed opportunity" for WEU. It was impossible to obtain a consensus for the deployment of a WEU force and an operation was therefore mounted, on the basis of the UN Security Council Resolution, in the form of an *ad hoc* coalition under the aegis of the OSCE. In law, this was therefore not a WEU mission. It should however be noted that all the members of the coalition were WEU members, either full members (Italy, France, Spain, Greece, Belgium, Portugal), associate members (Turkey), observers (Austria, Denmark), or associate partners (Romania, Slovenia). Some 7 000 troops were involved in the operation, which was designed to facilitate the delivery and distribution of humanitarian aid. The mission was deployed from 15 April 1997 and wound up on 12 August 1997, having been extended for 45 days. The mission's objectives were limited but it did nevertheless manage to prevent total anarchy and restore enough stability for general elections to be held. Although, the operation was not strictly speaking led by WEU, it provided another opportunity for practical cooperation between WEU member states and associate partners. Romania provided an infantry battalion (398 troops) and Slovenia deployed a 24-strong medical unit.

24. A recent opportunity for operational involvement of associate partners arose with the creation of the Multinational Advisory Police Element (MAPE), which is carrying out a WEU-led operation aimed at re-establishing a viable police force in Albania. On 13 March 1997, the Standing Committee of the WEU Assembly recommended that the Council keep a close watch

on the situation in Albania and instruct the Planning Cell to draw up plans for possible future operations. Two members of the Planning Cell were dispatched to Albania on a fact-finding mission and the PMG was instructed, as of 10 April 1997, to investigate the possibility of rapid deployment of a multinational detachment on the lines of the police mission to Mostar. Following these deliberations, the Permanent Council decided on 2 May 1997 to set up MAPE to assist the Albanian law and order forces.

25. The MAPE mission was designed to advise the Albanian police on keeping order and to train instructors, but not to take direct charge of police operations. A substantial number of associate partners participated in MAPE: Romania, Bulgaria, Estonia, Hungary, Lithuania, Latvia, Poland, the Czech Republic and Slovenia (i.e. all of them except Slovakia). MAPE was thus a new experiment in cooperation since, in addition to the associate partners, all the member states except Belgium participated in the mission. MAPE developed from an idea for a specific action into a more long-term vision based on three principles: progress, durability and coordination. The mission, now comprising 95 officers, was extended for a further year in April 1999. The operation has also been extended and reinforced as a consequence of the European Council decision to include it as part of its common action plan.

III. The NATO Summit and the implications of NATO enlargement for associate partners

26. The Washington Summit held from 24 to 26 April produced two key documents. In terms of the enlargement process, the communiqué released at the summit strongly reiterated the Alliance's "Open Door" policy: "We pledge that NATO will continue to welcome new members. Our commitment to enlargement is part of a broader strategy of projecting stability and working together with our Partners to build a Europe whole and free"¹⁵. While recognising the progress made by applicant countries "in meeting responsibilities and obligations" for possible membership, no further guarantee is given to them other than the assurance that their candidatures will remain "under active consideration".

¹⁵ Paragraph 7 of the communiqué, 24 April 1999.

27. The Membership Action Plan (MAP) is defined in the first paragraph as a "programme of activities to assist aspiring countries in their preparations for possible future membership". The preamble reiterates the principle of NATO's "Open Door" policy and makes reference to its legal basis. Article 10 of the North Atlantic Treaty reads:

"The parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. (...)"

Reference is also made to paragraph 8 of the Madrid Summit Declaration:

"We reaffirm that NATO remains open to new members under Article 10 of the North Atlantic Treaty. (...) No European democratic country whose admission would fulfil the objectives of the Treaty will be excluded from consideration."

However, NATO repeatedly makes clear that it neither undertakes any commitment to grant membership on the basis of participation in this programme nor assumes any responsibility for the possible consequences of its follow-up:

"It must be understood that decisions made by aspirants on the basis of advice received will remain national decisions undertaken and implemented at the sole responsibility of the country concerned"¹⁶. (...) "Participation in the Membership Action Plan...does not imply any time-frame for any such decision nor any guarantee of eventual membership. The programme cannot be considered as a list of criteria for membership"¹⁷.

According to the communiqué, the process will be revised at the next summit meeting which will be held before the end of 2002.

28. As explained in paragraph 2 of the preamble to the Plan, "the programme offers aspirants a list of activities from which they may select those they consider of most value to help them in their preparations". Each country will

draw up a national programme on preparations for possible future membership, thus keeping the Alliance informed of aspirants' progress. Feedback and advice to them will be provided through mechanisms based on those currently used for Partners: meetings with the Council, the International Staff, NATO Team workshops and other bodies in a 19+1 format. The NATO Team, headed by an Assistant Secretary-General, will liaise closely with the appropriate NATO bodies regarding advice to aspirants. However, a certain flexibility is suggested by the statement: "Relevant procedures will be refined over time as experience is gained." The Alliance will draw up a report for each candidate on a yearly basis, which will provide feedback focused on progress made in the areas covered in their programmes. Upon submission, the Council will discuss the document with the country concerned.

29. The Membership Action Plan covers specific areas. Concerning political and economic issues, aspirants are to show commitment to the peaceful settlement of disputes, refraining from the threat or use of force, to the rule of law, to establishing democratic control of their armed forces, to a continued engagement in the Euro-Atlantic Partnership for Peace and to promoting stability and well-being by economic liberty, social justice and environmental responsibility. Candidates will have to provide information on both their policies and the state of their economy for discussion with the Senior Political Committee and the allies.

30. Concerning defence and military issues, it is stressed that:

"The ability of aspiring countries to contribute militarily to collective defence and to the Alliance's new missions and their willingness to commit to gradual improvements in their military capabilities will be factors to be considered in determining their suitability for NATO membership."

It is further indicated that:

"any future NATO facilities established for the assessment of Partner forces for NATO-led peace support operations and of partner performance in NATO/PfP exercises and operations will be used to assess the degree of interoperability and the

¹⁶ MAP: Preamble, paragraph 2.

¹⁷ MAP: Preamble, paragraph 3.

range of capabilities of aspirants' forces"¹⁸.

Measures for developing capabilities of the armed forces as well as enhancing interoperability are also proposed. At the request of candidates, Individual Partnership Programmes focusing on areas perceived to deserve special attention may be issued. Annual clearing-house meetings will be held to coordinate bilateral and multilateral assistance. Planning targets specifically covering areas most directly relevant in the case of each country will be elaborated within the framework of the Planning and Review Process and on the basis of consultation. Also, candidates may be invited to observe and participate in some phases of NATO-only exercises.

31. The plan provides for advice to be given to aspirants on their defence spending and on safeguards and procedures to ensure the security of sensitive information. Provision is also made for NATO Team workshops to brief countries on legal issues. In turn, candidates should scrutinise their domestic law for compatibility with the legal agreements they would be expected to accede to should they join NATO.

32. Special provisions were adopted by the WEU Permanent Council in February 1998 for the prospective NATO members which were consequently prospective WEU associate members as well. They were to be allowed to attend discussions on issues related to WEU's cooperation with the Alliance, thus helping them prepare for the prospect of associate membership¹⁹. They were also to be briefed on the status of associate member by either the Secretariat-General or the Presidency on questions concerning budgetary contributions, military staff and security agreements. In the programme of the German WEU Presidency for the first half of 1999, the intention of "preparing the accession of the three future members of the Alliance to WEU as associate members" was explicitly stated. Also, when referring to the revision of the Military Staff, the Declaration reads: "An interim solution will also be required to take into account the future incorporation of the new WEU associate members"²⁰. Following the accession to NATO of the Czech

Republic, Hungary and Poland on 12 March 1999, the Permanent Council of WEU granted them associate member status on 23 March²¹.

33. In some respects, associate partner status is beneficial to the countries concerned. Some degree of involvement in armaments cooperation, an area of major interest to them, has been achieved²². The possibility of dialogue and information exchange, creating a culture of regular work in common, is of value in itself, as well as being psychologically positive. Furthermore, some other points which might render the association with WEU interesting for central and eastern European countries in the future can be identified. On WEU taking up its envisaged role as a European defence instrument, it could possibly act in situations in which NATO would not and this could potentially affect associate partner countries, thus opening up for them the option of participating in a multilateral intervention. In contrast to the enlargement of NATO, central European involvement with WEU is not negatively viewed by Russia, with which WEU enjoys good relations. But on the other hand, according to Monika Wohlfeld's analysis²³, the unmet expectations of the associate partners are mainly the lack of participation in the institutional links between NATO and WEU – with the exception of the prospective NATO members – the lack of the certain prospect of future membership and the lack of security guarantees. As regards the prospects for a possible further enhancement of the associate partners' status, the current German Presidency declares in its programme its intention to support their future involvement in the discussion of WEU's contribution to the NATO Force Planning Process. However, the formulation seems too vague at present to allow much hope for real advances.

IV. NATO's future enlargement policy

34. The Alliance has not issued any new invitations to candidate countries to accede to the Washington Treaty. A large section of the communiqué is nonetheless devoted to the issue of enlargement and the Alliance has even adopted

¹⁸ MAP: Chapter II, paragraph 3.

¹⁹ Rhodes Declaration, 15 May 1998.

²⁰ Rome Declaration, 27 November 1998.

²¹ Assembly Document 1642.

²² The Paris Declaration of 13 May 1997 had already made reference to associate partner interest in this area.

²³ Monika Wohlfeld, *ibid.*

an action plan on this point. In paragraph 7 of the communiqué, the Allies state their intentions as follows:

“We reaffirm today our commitment to the openness of the Alliance under Article 10 of the North Atlantic Treaty and in accordance with paragraph 8 of the Madrid Summit Declaration. We pledge that NATO will continue to welcome new members in a position to further the principles of the Treaty and contribute to peace and security in the Euro-Atlantic area. This is part of an evolutionary process that takes into account political and security developments in the whole of Europe. Our commitment to enlargement is part of a broader strategy of projecting stability and working together with our Partners to build a Europe whole and free. The ongoing enlargement process strengthens the Alliance and enhances the security and stability of the Euro-Atlantic region. The three new members will not be the last”.

35. Some aspiring members are explicitly mentioned. The first seven to be mentioned are all associate partners of WEU. With regard to Romania, Slovenia, Estonia, Latvia and Lithuania, the Alliance “recognises” their efforts and progress, while in the case of Bulgaria and Slovakia, it “notes” the “recent positive” developments. Concerning FYROM, the Alliance welcomes its progress on reforms and with regard to Albania, it “encourages” its reform efforts. Should the nuances expressed here be taken as a ranking of the membership prospects of the different countries?

36. Rather it would seem that the Alliance wishes to defer the whole process, since, according to the communiqué, it has decided to take stock of this question at its next summit meeting, to be held at the latest in 2002. It is therefore not to be expected that any decisions to issue further invitations will be made before that date. In the meantime it would seem – judging by the Washington communiqué – that the Alliance has imposed additional conditions on aspiring members which do not make it easier for them.

37. Thus this is how the Alliance wishes to acknowledge the efforts made by the countries concerned to improve their relations with their

neighbours and contribute to security and stability in the Euro-Atlantic region. Everyone knows that the word “neighbour” in many cases means Russia and that to a large extent it depends on Russia whether certain candidate countries, such as the Baltic states, can improve their position.

38. The Alliance, as indicated in the communiqué, “expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve the overall political and strategic interests of the Alliance and that the inclusion would enhance overall European security and stability”. However, even if a candidate country fully meets the requirements for assuming the responsibilities and obligations of membership, it has no chance of being accepted if the Alliance comes to the conclusion that its interests are not served by that country becoming a member. Furthermore, the Alliance reaffirms that no democratic European country whose accession would serve the aims of the Treaty will be excluded from the examination process, whatever its geographic position. This Alliance policy could equally well be applied to Russia and Ukraine and, were it to take shape, it would call for in-depth reflection by the Europeans on their own security and defence policy.

39. With a view to giving the nine countries currently aspiring to NATO membership “advice, assistance and practical support”, the Alliance has drawn up a Membership Action Plan (MAP) which has already been mentioned.

40. The text of the plan, which is very detailed, makes it clear that participation in the MAP does not mean that any deadline has been set for a decision or that there is any guarantee of final membership. It does, however, set out a whole range of issues, divided into five chapters, which have to be settled before the Alliance can invite a country to become a member²⁴. Thus the Alliance imposes various obligations on candidate countries, including that of submitting reports each year on their economies, without offering anything in exchange.

²⁴ I. Political and Economic issues; II. Defence/Military issues; III. Resource issues; IV. Security issues; V. Legal issues.

41. The Atlantic Alliance has thus established a whole set of procedures which, while they may be considered by the candidates as marking their entry into a pre-accession phase, expose them to the risk of becoming so bogged down in the numerous details that this can only delay the final decision. Indeed, perhaps it is precisely the Alliance's intention to prolong the procedures, but due account must be taken of the impact of the Kosovo conflict on the desire of certain candidate countries to accede to the Washington Treaty.

42. Given the problems raised by the accession of central European countries to the European Union, there are numerous reasons for giving fresh thought, in particular within WEU, to the security situation of those countries, since seven of them are associate partners of WEU. Their participation in the work of WEU and its Assembly is an important asset for the Organisation, which remains the only institution in which representatives of those countries have a seat and a vote. The fact that they have little chance at present of joining NATO and/or the European Union only makes it more appropriate to strengthen their participation in WEU.

43. It is not encouraging in this regard that nothing at all was said about this question in the declaration issued by the Council of Ministers of WEU at the close of its meeting in Bremen on 10 and 11 May 1999. On the contrary, one may well wonder about the significance of the fact that the associate partner countries were actually excluded from the informal meeting of EU Defence Ministers organised by the German Presidency in the wings of the WEU Ministerial meeting in Bremen, to which they invited their counterparts from the European member states of the Alliance (as well as the associate member states of WEU). It is equally strange that the German Presidency, whose prime concern has always been the security of the associate partner states, proposed in its Reinhartshausen document to examine the possibility for involvement of the associate partners only at a later stage.

V. Recent developments affecting the security of associate partners

44. Beside the upgrading of their status within the Organisation, some of the most recent events which have occurred in the European security environment should be taken into account. On

20 April 1999 the Treaty on collective defence between the member countries of the Commonwealth of Independent States expired because their presidents failed to reach an agreement at their meeting some weeks before. The so-called "Tashkent Treaty" was agreed in May 1992 and comprised nine former Soviet republics: Russia, Uzbekistan, Belarus, Armenia, Azerbaijan, Kazakhstan, Kirghizstan, Tajikistan and Georgia. The Treaty was not extended as three of the members refused to sign, Uzbekistan's intention being to develop some independence from Moscow, while Georgia and Azerbaijan were disappointed at Russian troops' ineffectiveness in sorting out the problems in the Black Sea region and Nagorno Karabakh respectively. In order to maintain a collective security order in the area, Russia relies increasingly on the signature of bilateral agreements with the remaining ex-members, with whom it assumes that the Tashkent Treaty is still tacitly in force. The newspaper *Neue Zürcher Zeitung*²⁵ takes the view that the expiry of the Treaty is another symptom of the disintegration of the CIS and the failure of Russian efforts to "maintain the illusion of a common defence space under Moscow's leadership". In any event, the dissolution of the Alliance leaves a security vacuum in Russia's sphere of influence and may hold serious consequences for central and eastern European countries, even if they do not border on regions identified as potential trouble spots.

45. In addition, the recently adopted New Strategic Concept has not been received well by Russia, which increasingly perceives NATO as a threat to its security and as supplanting the United Nations²⁶. Concern over the way NATO is developing in particular with regard to its willingness to act without a Security Council mandate, led Russian Defence Minister Sergeev to propose an enhancement of both strategic and conventional military capabilities.

Programme of the German Presidency and its implications for associate partners

46. The prospect of WEU's integration into the EU raises a number of potentially serious

²⁵ International edition, 22 April 1999.

²⁶ Hoffmann, Christiane: "Rußland will keinen Welt-polizisten" in *Frankfurter Allgemeine Zeitung*, 28 April 1999.

political questions about the implications for the associate partners. The German Presidency's proposals favour an EU capacity for action, based on credible military capabilities in the spirit of the Franco-British and Franco-German Declarations on the subject and in accordance with the principles of our Assembly's Plan for Action. The German Presidency²⁷ therefore considers two possibilities, namely EU use of NATO assets, or WEU's integration into the EU, with WEU-NATO agreements being transferred to the EU. The German Presidency reaffirms however that the Alliance remains the basis of the collective defence of its members and any duplication in this area must be avoided. Thus, it is understood that Article V of the modified Brussels Treaty will continue to apply only to states that have also subscribed to Article 5 of the North Atlantic Treaty. This of course means that the collective security guarantee does not extend either to the neutral EU countries (Austria, Finland, Ireland and Sweden) or to the WEU associate partners that have not been admitted to NATO and appear to have been more or less abandoned to their fate.

47. This seems to us to be of particular concern since, in acting in this way, western Europe appears to be refusing to enter into any security commitment vis-à-vis countries which want to accede both to the EU and to NATO and whose security is of vital importance to our continent. However, the prospects of accession these two organisations hold out for the associate partners are very vague and do not extend to all of them. In our view, this lack of any particular interest in the associate partners is likely to allow a security vacuum to develop in the east and may discourage states whose applications for membership have been shelved by NATO and the EU.

48. It must be emphasised that participation by these states in the West's politico-military bodies, including access to the databases on the FAWEU, is in our view one of the major aspects of the WEU *acquis*. It therefore seems to us to be potentially damaging for the German Presidency to defer indefinitely an investigation into the possibility of involving the associate partners more closely in European collective security. Also, while the German Presidency does consider

the possibility of an EU-WEU merger, its programme remains very vague as to the future machinery for safeguarding the *acquis* of cooperation between WEU and its associate partners in that event.

VI. Conclusions

49. Despite the many forceful statements made recently on the development of a common European Security and Defence Identity, there has not yet been much substance. In the Bremen Declaration of 10-11 May 1999, the WEU Council in fact left it to other institutions to decide on the future of WEU.

50. Not a single new initiative regarding the associate partners was taken and through its passive attitude, the Council has merely added to the impression of a widening gap between the countries in the mainstream of further integration and those who are left without any guarantee or perspective of a time-frame or well-defined institutional rapprochement to clearly point the way towards Europe.

51. At the same time, it is the associate partners who are being called upon to cooperate in a conflict at their borders. They are being asked to put their territory and airspace at the disposal of NATO for an air operation against their neighbour which, cynically enough, may well end in a solemn confirmation of Mr Milosevic as the only head of state who decides on war and peace in the Balkans. Again, a number of associate partners are suffering the economic and political consequences of a conflict which they did not start and whose course they are unable to influence. It is even very uncertain whether they will be rewarded for their cooperation and loyalty, either financially or politically.

52. In its Membership Action Plan, NATO stipulates that participation in that plan "does not imply any time-frame for such decision nor any guarantee of eventual membership". The stabilisation pact for the Balkans, proposed by the EU Presidency, is at a very early stage of drafting and here too the perspective of EU membership for the countries concerned may remain distant, while the question of financial compensation for damage caused by trade losses has not yet been discussed.

53. Further east in Europe, developments in the field of security are not very encouraging

²⁷ See text of the German programme in *Bulletin Quotidien Europe* No. 7425, 15 March 1999.

either. Russia has an ailing President and successive governments which have to cope with so many urgent problems inside the country that they seem to sink into lethargy and immobilisation for fear of making the wrong choices. The recent expiry of the 1992 Tashkent Treaty on collective defence between the member countries of the Commonwealth of Independent States is another sign of the further unravelling of security structures in that part of Europe.

54. Altogether, it seems that the increased interest in the further development and consolidation of a European Security and Defence Identity within the EU has brought the process of further *rapprochement* of the WEU's associate

partners to a standstill. Taking account of other developments, such as the conflict in Kosovo which may not lead to the end of Mr Milosevic's regime as the main destabilising factor in the region and the expiry of the Tashkent Treaty and further fragilisation of the political situation in Russia, there is every reason to enhance the role of WEU's associate partners in Europe's Security and Defence Identity. Security and peace in Europe cannot be a privilege for the rich, it is a right for all and the associate partners need it more than anybody else. In WEU and, in the more distant future in the EU, they must be given the prominent position which they need and deserve.

APPENDIX I

*Letter from Mr Martonyi, Minister for Foreign Affairs of the Republic of Hungary
to Mr de Puig, President of the WEU Assembly*

Budapest, 20 April 1999

Dear Mr President,

I was pleased to receive the Plan for Action adopted by the Standing Committee of the Assembly of the Western European Union on 16 March.

We consider this document a very important contribution to the ongoing debate about the issues related to the future shape of the security and defence structure of Europe.

Hungary is determined to play an active role in enhancing security in the Euro-Atlantic region. As a member of NATO and as an associate member of the WEU, Hungary will work for a strong European pillar and, in the framework of the Alliance, for the development of a substantial ESDI. We strongly believe that the vitality of the transatlantic link will benefit from the development of a true, balanced partnership in which Europe is taking on a greater role and responsibility. We are convinced that developing ESDI will not result in loosening the transatlantic relationship but very much on the contrary: that by complementing each other, these two components promote our main goal, the enhancement of security in the whole Euro-Atlantic region.

Hungary welcomes the Franco-British Declaration on European Defence adopted in Saint Malo. We support the intention to strengthen the capacity of the European Union to act by providing the CFSP with the proper tools to provide political control and strategic direction of European-led military operations for Petersberg tasks.

We also consider it essential that in case of the integration of the WEU into the European Union, the WEU associate member and partner countries should be given a guarantee that they can fully participate in the future arrangement between NATO and the EU, as currently provided for in the existing agreement with the WEU.

On this occasion, I would like to express my sincere appreciation of, and thanks for, the significant role the Assembly has played in the development of the relations and the cooperation between the Republic of Hungary and the Western European Union.

Allow me to take this opportunity to reassure you of my highest consideration.

Yours sincerely,

János Martonyi

APPENDIX II

*Letter from Mr Krištopans, Prime Minister of the Republic of Latvia,
to Mr de Puig, President of the WEU Assembly*

Riga, 20 April 1999

Dear Mr President,

I would like to thank you for the document *Time for Defence*, adopted by the Standing Committee of the Assembly of Western European Union.

As an associate partner in WEU, Latvia is closely following the current debate on European security and defence policy. The Plan for Action proposed by the WEU Assembly assures me of the great importance that the Assembly attaches to the role of the associate partners in WEU, and I would like to thank you for your support.

I look forward to continuous successful cooperation in the future.

Yours sincerely,

Vilis Krištopans
Prime Minister

APPENDIX III

*Letter from Mr Stankevicius, Minister for Defence of the Republic of Lithuania,
to Mr de Puig, President of the WEU Assembly*

30 April 1999

Dear Mr President,

I would like to thank you for your letter and for the copy of the WEU Assembly Plan for Action *Time for Defence* that was adopted by the Standing Committee in Paris on 16 March 1999.

We believe that the strengthening of the Transatlantic Link is indispensable for the security of the North Atlantic Area. Consequently, the European Security and Defence Identity should be developed in the framework of NATO, not outside it. It is of particular significance that the Washington Summit Communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington D.C. on 24 April 1999, furthered these ideas. Thus, the WEU Assembly document is in concert with the conclusions of the NATO Summit.

Lithuania values the WEU as the only international security institution, which through the flexibility and variety of status of the states involved in its activities, is making a very valuable contribution to the European and Transatlantic integration. Therefore, we support further development of the WEU as a stronger pillar of NATO and highly appreciate the role the WEU Assembly plays in the process of integration and attach great expectations to the activities of the institution you chair.

I avail myself of this opportunity to assure you of my highest personal consideration.

Respectfully,

Ceslovas Stankevicius

APPENDIX IV

*Letter from Mr Geremek, Minister for Foreign Affairs of the Republic of Poland,
to Mr de Puig, President of the WEU Assembly*

6 April 1999

Dear Mr President,

I would like, first of all, to thank you for presenting me the text of the Plan for Action adopted by the Standing Committee of the Assembly of WEU. As the Foreign Minister of the Republic of Poland, I noted it with special interest and satisfaction. The document is a proof of the vital importance of the on-going discussion on European Defence in which Poland, as a member of the Atlantic Alliance and Associate Member of the WEU, is willing and prepared to participate. Your paper constitutes, indeed, a valuable and stimulating input into the debate.

The Assembly has always played a double role in the institutional structure of the WEU – that of a source of democratic control with regard to other bodies of the Organisation as well as of a source of learned advice and fresh insight, deprived of schematic approach, into matters with relevance to the operations of the WEU. It is the latter that makes for the genuine and unique position of the WEU Assembly in the network of European institutions with a security dimension.

Bearing that in mind, I welcome the Plan for Action not only as invaluable food-for-thought material but also as a set of well-founded recommendations we, politicians, can always draw on. The more so as your conclusions correspond in their great part to the principles adhered to by the Polish Government.

Sharing with you the conviction that the emerging European security and defence policy is a matter of prime importance for the future arrangement of the security scene on the Continent, I am looking forward to seeing the Plan for Action implemented to the extent possible to the security benefit of the whole Euro-Atlantic area.

I remain with kind regards,

Yours,

Bronislaw Geremek

APPENDIX V

*Letter from Mr Kukan, Minister for Foreign Affairs of the Slovak Republic,
to Mr de Puig, President of the WEU Assembly*

Bratislava, 13 April 1999

Dear President,

I was very pleased to receive your letter, as well as the attached Plan for Action proposed by the Assembly of WEU, adopted by the Standing Committee on 16 March 1999 in Paris.


The policy of the Slovak Republic is directed to involve Slovakia in Euro- and transatlantic structures, namely since the new Slovak Government was established in autumn 1998. WEU membership constitutes one of our main foreign policy priorities and, at the same time, the cooperation with WEU stands for Slovakia as an important part of preparations for both NATO and EU membership. Slovakia supports openly implementation of proposals which lead to the strengthening of the European Security and Defence Identity (ESDI), and our attention is focused on more effective participation in WEU activities. Slovakia perceives WEU as an integral part of the EU development and as a basic element of ESDI within NATO.

With regard to the future European security architecture, the Slovak Government follows with great attention the latest documents of the Assembly of Western European Union and considers the idea of future integration of WEU into EU as a positive step. In support of this idea, Slovakia, as an associate partner of WEU, is ready to play an active role and adopt all necessary measures to facilitate this transformation.

Let me express my high consideration of the efforts of the Assembly of Western European Union under your presidency for a more secure and stable Europe.

Sincerely yours,

Eduard Kukan

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