

# OCCASIONAL PAPERS

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## AMSTERDAM'S UNFINISHED BUSINESS? THE BLAIR GOVERNMENT'S INITIATIVE AND THE FUTURE OF THE WESTERN EUROPEAN UNION

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**Amsterdam's Unfinished Business?**  
**The Blair Government's initiative and the future of the Western European Union**

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## **Abstract**

The British Government has recently launched a new initiative by making clear that it would like to see an enhancement of the European Union's capacity to have recourse to military force. This represents both an opening of the British Government's mind on the European Security and Defence Identity (ESDI) and a re-opening of a debate on the European Union's relationship with the Western European Union (WEU). The aim of this paper is to throw light onto the initiative and to highlight some of its consequences.

This paper commences by outlining the position that the British Government under Prime Minister Blair has now adopted. The contrast that the new initiative represents from the positions previously adopted by the present, and past, UK Governments is highlighted by detailing the British Government's view on the appropriate relationship between the EU and the WEU during the 1996 Intergovernmental Conference (IGC). The rationale for the UK Government's shift of position is discussed. Furthermore, a set of factors that delineate the extent to which the Blair Government will contemplate changes to existing European defence arrangements are detailed.

The second part of the paper turns to the consequences of the change of stance by the British Government. The key observation is that, as the UK Government, which was the primary opponent to deepening of the relationship between the EU and the WEU, is now taking a different position, past reform proposals become relevant again. Alternative futures for the EU-WEU relationship that were put forward during the 1996 IGC are therefore used to provide a backdrop to a discussion of the possible future scenarios for the defence competences of the European Union.

The final section of the paper highlights issues requiring immediate consideration and poses questions that will require early answers if the current UK Government wishes to successfully retain the initiative in the debate it has launched on the future relationship between the EU and the WEU.



## 1. A change of mind: The evolution of the British Government's position on the Western European Union

The announcement that the Blair government, and more particularly the Prime Minister himself, was working on a blueprint for the UK's future relationship with the European Union (EU), and with the centre piece of this proposal that the EU should assume a defence capability, has recently attracted media attention.<sup>2</sup> The proposed defence capability for the EU that was publicly floated was to be achieved through the creation of a fourth pillar for the EU alongside the EU's existing three pillars.<sup>3</sup> The thrust of the proposal, as portrayed in the press, was that the UK government favoured a scrapping of the Western European Union (WEU).<sup>4</sup> More accurately, the proposal was that the EU would adopt the WEU's decision-making capabilities while its existing military functions would revert to the North Atlantic Treaty Organisation (NATO).<sup>5</sup>

Subsequent press reports, based upon an interview with the Prime Minister Blair to major European newspapers, indicated that the centre-piece of the British Government's proposals was that questions as to how to develop the defence role for the Union would be handled by the EU while armed forces would always remain under NATO's authority.<sup>6</sup> In particular whether the Prime Minister favoured the scrapping of the WEU was said not to be fixed in the Prime Minister's mind.<sup>7</sup> The key *leitmotifs* that emerged from the British Government's initiative was that the European Union needs to have a better inter-governmental decision-making system for taking decisions involving European-only military operations and there needs to be a genuine military operational capacity available to the EU complementary with that of NATO.<sup>8</sup> However, the British Government had no fixed proposal and indeed 'initiative might be too strong a word to describe the bundle of proposals and open questions about European defence which Tony Blair and his ministers have been circulating.'<sup>9</sup>

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<sup>2</sup>See *Financial Times* 2 October 1998. p.1. & *The Times* 21 October 1998 for an interview with Prime Minister Blair.

<sup>3</sup>The first three pillars being, respectively, the first pillar covering the existing competences and decision-making processes ascribed to the European Community, European Coal and Steel Community and Euratom, the second pillar encompassing the Common Foreign and Security Policy and third pillar co-operation in the area of Home and Judicial Affairs.

<sup>4</sup>*Financial Times* 2 October 1998. p.1.

<sup>5</sup>See the piece in the previous day's *Financial Times* by Robert Preston (1 October 1998 p.12).

<sup>6</sup>*The Times* 21 October 1998, *Corriere Della Sera* 21 October 1998, *Frankfurter Allgemeine Zeitung* 22 October 1998, *Le Monde* 22 October 1998.

<sup>7</sup>*Financial Times* 21 October 1998.

<sup>8</sup>See, for example, Tony Blair's address to the North Atlantic Assembly, Edinburgh, 13 November 1998. <http://www.number-10.gov.uk/textsite/inf>; T. Blair, 'Time for Europe to Repay America the Soldier' *International Herald Tribune* Saturday-Sunday, November 14-15, 1998.

<sup>9</sup>'Blair's defence offensive' *The Economist* 14 November 1998. p.49.



The Blair Government's re-thinking on European defence has its root in a confidential memorandum that Robert Cooper, a Foreign and Commonwealth Office diplomat, was asked to prepare, in May 1998, on maximising the potential of Britain's future in Europe. According to press reports the substance of the memorandum on the question of military security, as refined in the Cabinet Office, was to seek to supplant the WEU by building a European Union defence capability within NATO and thereby "a European capacity to act independently in the defence field".<sup>10</sup>

An elucidation of this proposal is to be found in Charles Grant's think-piece Can Britain lead in Europe? for the London-based *Centre for European Reform*.<sup>11</sup> Grant favours the abolition of the WEU. In place of the WEU he proposes the merging of the political functions of the WEU, with the EU to create a fourth pillar and the military functions of the WEU subsumed into NATO. The Article V of the modified Brussels Treaty, providing for the mutual assistance of signatories in the event of an armed attack in Europe, would be transferred to a fourth pillar. Grant's rationale for assigning this guarantee, and the WEU's political functions, to a fourth pillar, instead of the second pillar, is to facilitate opt-outs for non-NATO Member States from an Article V commitment that would be enforceable only through NATO. The authorisation for the use of military force by the EU would come through a new EU Council of Defence Ministers who may, in turn, request NATO's European forces to take part in EU military missions.

Prime Minister Blair's public statements raised more questions than they answered, largely because there has been no 'text' outlining the full extent of the proposals. The reaction in a number of European capitals was one of perplexity.<sup>12</sup> In particular the language of abolition, or scrapping, can raise suspicions that the UK government is acting on behalf of the United States in stymieing the development of any credible European security and defence identity (ESDI).<sup>13</sup> In fact, any proposal for a fourth pillar is not a new one as will be illustrated below. However, the very public manner in which a re-thinking on European defence questions on the part of the British Government has opened, and been publicised, does represent a shift in the British Government's position. As illustrative of the extent of the altered position of the UK government see, for example, the statement by Foreign Secretary Robin Cook setting out the line of the incoming Labour government in a Press Conference at the WEU Ministerial Meeting in Paris on 13 May 1997:

"We therefore will be working for better cooperation between the European Union and the Western European Union, but not for merger between them."<sup>14</sup>

However, more importantly, any shift in the British Government's position represents a re-opening

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<sup>10</sup>*The Guardian* 27 October 1998.

<sup>11</sup>C. Grant, *Can Britain lead in Europe?* (Centre for European Reform, London, 1998). pp.44-50.

<sup>12</sup>'Paris accueille avec perplexité l'initiative de Tony Blair sur la défense européenne' *Le Monde* 22 October 1998.

<sup>13</sup>See the analysis of the *Federal Trust* contained within a memorandum on the Pörschach informal meeting. Federal Trust, *The Pörschach Summit* 8 October 1998. (The Federal Trust, London). p.5.

<sup>14</sup>Extracts from Press Conference by the Foreign Secretary, Mr. Robin Cook, and the Defence Secretary, Mr. George Robertson, at the WEU Ministerial Meeting, Paris, Tuesday, 13 May 1997. <http://www.fco.gov.uk/news/>

of the debate on the future relationship between the EU and the WEU provided for in Article 7 of the Treaty of Amsterdam (ToA), the Protocol on Article J.7 of the Treaty on European Union (TEU), and Declaration No.2 (the Declaration of the WEU Council of 22 July 1997).<sup>15</sup>

Two successive events provided for a greater clarification of the UK government's position to other EU Member State governments: the Pörschach informal summit meeting of EU Heads of State and Government between 24-25 October 1998 and the first informal meeting of EU Defence Ministers in Vienna on 4 November 1998. At both of these events what became clear is that the British Government would like to see fresh thinking on European foreign and defence policy issues and approaches reform with a relatively open mind.

At the Pörschach informal summit meeting Prime Minister Tony Blair gave a presentation of the UK governments position and discussed a variety of possible future defence policy options for the EU – but again making it clear that the UK government did not have a definitive opinion as to the best way forward.<sup>16</sup> The Prime Minister raised four possible options for institutional arrangements for the future but without expressing a strong preference on the part of any one option:

- strengthening the ESDI within NATO
- the scrapping of the WEU
- the creation of a fourth pillar
- the creation of a European Defence Council

The informal meeting did not come to any common conclusions on the part of the EU Member States for any immediate change for the future relationship between the EU and the WEU or prepare the ground for any decisions to be made at the Vienna European Council in December 1998.<sup>17</sup>

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<sup>15</sup>European Union, *Treaty of Amsterdam* (Luxembourg, Office for Official Publications of the European Communities, 1997). All treaty articles cited in this paper will refer to the Treaty of Amsterdam (ToA), rather than the Consolidated Treaties. This reflects the situation at the time of writing with the ratification of the ToA (and therefore the renumbering of treaty articles) not yet complete. In the Consolidated Treaties Article J.7 becomes Article 17.

<sup>16</sup>*Atlantic News* No.3053 28 October 1998. P.3.

<sup>17</sup>See the remarks by the President of the Council which make no reference to the WEU or its future relationship with the EU. *Remarks by the President of the Council, Austrian Foreign Minister Dr. Wolfgang Schüssel at the informal meeting of the EU Heads of State and Government Pörschach, 24 October 1998.*

At the first ever EU Defence Ministers' informal meeting there was a further distancing of the UK Government from the earlier fourth pillar proposal position, with the assertion that the UK has no actual blueprint - whilst maintaining a view that a more streamlined institutional structure is a necessary reform to be undertaken.<sup>18</sup> Indeed, the primary concern articulated at the meeting by George Robertson, the UK Defence Secretary, was for the simplification of existing institutional procedures coupled to a capability that can be delivered.<sup>19</sup> The upshot of George Robertson's contribution to the Vienna Defence Ministers informal meeting is that the British governments exact position became less clear with several different options offered for the future:<sup>20</sup>

- merger of the EU and the WEU
- merging some elements of the WEU into the EU and associating other elements more closely with NATO
- creating a more distinct European dimension within NATO
- reinforcing and reinvigorating the WEU

On the basis of the position outlined at Pörschach and Vienna, the UK Government does not appear to have a blueprint for the future relationship between the EU and the WEU. However, what is clear is that the UK Government's position on an EU defence policy has shifted. It is now willing to discuss, and to contemplate, a reformation of the current provisions for military security as agreed under the ToA.

Prior to the British Government's proposals, and attracting much less publicity, the French Government had also tabled a proposal for the future relationship between the EU and the WEU. The French view is that the WEU should become the EU's defence 'agency' within the confines of the EU, thereafter progressively integrated into EU's institutions.<sup>21</sup> The WEU as an agency would be a place in which instruments for action would be brought together and such an arrangement could be considered as a form of enhanced co-operation as provided for under the first and third pillars of the TEU.<sup>22</sup> Thereby Member States that wished to develop closer co-operation in the area of defence capabilities area could do so without the other EU states that did not choose to participate. Subsequently, the French and German Governments re-affirmed a shared position at the Franco-German Summit on 2 December 1998 (which was their view during the 1996 Intergovernmental Conference) of seeking integration of the WEU into the EU.<sup>23</sup>

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<sup>18</sup>*Financial Times* 4 November 1998. P.2.

<sup>19</sup>*Financial Times* 5 November 1998. p.2.

<sup>20</sup> *Agence Europe* No.7336, 5 November 1998.

<sup>21</sup>See the speech by Jacques Chirac to the Meeting of French Ambassadors, Paris, 26 August 1998. *Statements Ambassade de France à Londres, Service de Presse et d'information, London. SAC/98/204.*

<sup>22</sup>Speech by Pierre Mosovici, Minister Delegate with responsibility for European Affairs, WEU Ministerial Meeting, Rome, 17 November 1998. *Statements Ambassade de France à Londres, Service de Presse et d'information, London. SAC/98/346.*

<sup>23</sup> Franco-German Summit- Final Declaration, Potsdam, 2 December 1998.

Subsequently the debate has moved on apace with the British and French Governments affirming their joint willingness to move the discussion forward on the development of a European Union capacity to act militarily at the Franco-British summit in St. Malo between 3-4 December 1998. The joint *Declaration on European Defence* produced at the summit by the two governments represents a profound re-configuration of the British Government's position that existed during the 1996 IGC, negotiating what was to become the ToA.<sup>24</sup> The *Declaration* is the first time that the two governments have agreed such a bilateral statement and highlights Franco-British common ground on five main points:

- i) The EU must have the capacity to decide to act, to be able to act autonomously and to ready to do so in international crises situations requiring military force.
- ii) NATO remains the foundation of collective defence for Europeans through Article 5 of the Washington Treaty. However, a collective defence commitment must be maintained as currently through Article V of the Brussels Treaty.
- iii) The institutional arrangements for decision-making by the EU on defence matters are to remain intergovernmental and to take place through the EU institutions of the European Council, General Affairs Council and a forum for the meeting of Defence Ministers. Defence is not to be 'communitarised'.
- iv) The EU will need to have capabilities to analyse, have access to sources of intelligence, and to be able to plan to facilitate the decision-making and approval of eventualities in which military action is to be undertaken without the involvement of the whole Atlantic Alliance.
- v) The EU – meaning its Member States – needs to give attention to creating armed forces that are capable of undertaking the military tasks that may be required without the involvement of the whole Atlantic Alliance.

### ***The past position of the British Government***

To illustrate how this Declaration represents a profound shift in the position of both the current British government, and of recent British governments, the position maintained during the 1996 IGC can be briefly recalled. The position of the British Government essentially remained unaltered during the IGC negotiations even with the change of Government during the IGC end game. The *Memorandum on the United Kingdom Government's approach to the treatment of European defence issues at the 1996 Intergovernmental Conference* of 1 March 1995 and the White Paper on the IGC *A Partnership of Nations – The British Approach to the 1996 EU IGC*, unveiled on 12 March 1996, left no doubt (if any had existed) as to negotiating position of the Conservative Government headed by John Major.<sup>25</sup> The Major Government's position was that the EU should not develop its position on defence matters beyond that agreed in the Treaty on European Union in Maastricht in 1991 and that it was inappropriate for EU institutions to have any role in defence decision-making. European defence cooperation should be organised through NATO, with Europeans developing a capacity to engage in small-scale operations without the North American NATO members, when the latter chose not to be involved in such operations. In the British Governments view, the WEU's role was to provide the framework for the development of

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<sup>24</sup>*Joint Declaration on European Defence*, Saint Malo, 4 December 1998. See Annex A.

<sup>25</sup>*A Partnership of Nations – The British Approach to the 1996 European Union Intergovernmental Conference* (London, March, 1996). The Memorandum was reproduced in the White Paper in Annex D).

operational capabilities to enable it to engage in Petersberg task operations, and remain an organisation separate from the EU, but closely bound to NATO.

In spite of the change of Government in May 1997, the UK Government's position did not shift greatly and the final form of the agreement on defence matters in the ToA was very close to the White Paper position. The Amsterdam provisions retained the organisational separation of the EU and the WEU, introduced changes in wording, and most importantly limited future development of a common defence policy (and the possible integration of the WEU into the EU) to a unanimous agreement by all states through a European Council decision. Amsterdam stated, for the first time, that for certain Member States common defence was the sole preserve of NATO.<sup>26</sup> Furthermore, the WEU was not subordinated to the EU and no protocol on a mutual defence commitment was attached to the ToA. Another cause for satisfaction on the part of the British Government was that no article was introduced in this area for 'enhanced cooperation' (permitting a group of states to create a more developed set of arrangements). This was instead the basis of a joint Franco-German proposal of 17 October 1996 for a deeper common defence policy within, rather than outside, the TEU framework, based upon a minimum number of Member States who would want closer cooperation signaling that intention by a qualified majority vote.<sup>27</sup>

Perhaps the only substantive concession made by the UK Government was the acceptance that the Petersberg tasks be included in the amended TEU. The inclusion of the Petersberg tasks in pillar two was advocated in the joint Finnish-Swedish Memorandum of 25 April 1996. It was swallowed by the UK government as it promoted crisis management actions conducted through the WEU as a separate organisation.<sup>28</sup> There were, of course, many other proposals for the future relationship between the EU and the WEU mooted in the IGC, which will be returned to below.

The eventual formula agreed upon in the ToA indicated the extent of the incoming Blair government's willingness to accept the European Union's involvement in defence matters and the relationship between the EU and the WEU as of June 1997. The Blair Government had the opportunity to strike a different position on the relationship between the EU and the WEU, through its reaction to draft treaty texts circulated by the Dutch Presidency in June 1997 which included a phrase setting 'the objective of gradual integration of the WEU into the Union'.<sup>29</sup> However, the new

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<sup>26</sup>The new wording of article J.7 paragraph three now states: 'The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, *which see their common defence realised in the North Atlantic Treaty Organisation (NATO)*, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework' [new clause in italics]. This new wording is read by UK officials as closing debate on the question as to whether common defence could be realised outside NATO. However, the word 'certain' is important because it would still allow French Governments to argue that the clause does not mean that all EU states, which are NATO members, concur.

<sup>27</sup>Full text reproduced in *Agence Europe* No.2009 29 October 1996.

<sup>28</sup>*The IGC and the Security and Defence Dimension Towards an Enhanced EU Role in Crisis Management* Memorandum from Finland and Sweden, 25 April 1996. <http://europa.eu.int/en/agenda/igc-home/ms-doc/state-fi/finlswed.htm>

<sup>29</sup>Conference of the Representatives of the Governments of the Member States Secretariat, *Consolidated Draft Treaty Texts* Brussels, 30 May 1997. SN 600/97 (C 101).

UK Government at that time did not accept the ultimate aim of the incorporation of the WEU into the EU. The amendments to the TEU that the UK Government was willing to agree at Amsterdam were limited and provided for a shift from the TEU position of a commitment to the eventual framing of a common defence policy to a 'progressive' framing and which 'might lead to a common defence, should the European Council so decide' (Article J.7.1). The WEU is designated as the 'access' for the provision of an operational capacity for the Union, especially for the 'Petersberg tasks' introduced into the TEU. The ToA also provides for the 'fostering of closer institutional relations with the WEU with a view to the possibility of the integration of the WEU into the Union'. This provision for the possible integration of the WEU into the EU is also to be on the basis of a decision by the European Council, and therefore requiring unanimous agreement.

A substantive development in the ToA was the acceptance on the part of Ireland and Austria (non-NATO Member States) on the inclusion of the humanitarian and peacekeeping elements of the Petersberg tasks of the WEU into the ToA (Article J.7.2) with the entitlement of non-WEU Members to participate fully in the tasks (J.7.3) – this including both planning and implementation stages.<sup>30</sup> The WEU signaled its willingness to respond to the commitment of the Member States under the ToA through a Declaration adopted by the WEU Council of Ministers and in the spirit of a Protocol on J.7 of the ToA which provided for the EU and the WEU to draw up arrangements for enhanced cooperation within one year of the ToA coming into force.<sup>31</sup> The WEU Council proposed a range of measures, which included almost all of the measures suggested for phase one of the six states' proposal to be examined below.<sup>32</sup> The provisions of article J.7 were not intended to be an end-point, and an allowance was made for their review on the basis of Article 48 (in the revised TEU) - another intergovernmental conference.

### ***The limits to the British Government's position***

An important rationale for the most recent change in the British government's position is its desire to signal its intention to be at the heart of the European integration project whilst remaining outside of Economic and Monetary Union (EMU). The current British Government favours the timing of entry into EMU on the basis of criteria set-down by the Chancellor of Exchequer Gordon Brown, after a referendum which is not scheduled to take place before the next General Election (to be held some time in 2001 or 2002). The UK entry to the EMU is, therefore, ruled-out for some time and the UK finds itself outside the mainstream of European integration.

The view has also been advanced that the current UK Government is headed by the most unambiguously pro-European Prime Minister since the UK joined the then EEC in 1973.<sup>33</sup> Read

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<sup>30</sup>The promotion of the inclusion of the Petersberg tasks was on the basis of an initiative of the other two non-NATO EU Member States Sweden and Finland. See footnote 25 above.

<sup>31</sup>Declaration of Western European Union on the role of Western European Union and its relations with the European Union and with the Atlantic Alliance Brussels, 22 July 1997.

<sup>32</sup>The primary omission was the phase one proposal for the double-hatting of the post of Secretary General of the Secretariat of the Union with the Secretariat of the WEU.

<sup>33</sup>See the analysis contained within H. Young, *This Blessed Plot: Britain and Europe from Churchill to Blair* (London, Macmillan, 1998).

in these terms the UK's initiative on defence is one part of a general re-orientation of policy that may prove to be historic. In the short term in making a very public declaration of a shift in its position on European defence matters, the UK Government is hoping to make clear that, in an area in which it has a credible capability, it wishes to align itself differently. However, the Prime Minister is also believed to be keen to seek an enhancement of Europe's ability to act collectively after experiencing the inadequacies of the CFSP during the UK Presidency of the EU and because of his disappointment at Europe's lack of capabilities to back-up its diplomacy on Kosovo.

Although the British Government's position has shifted – it now has an 'open' rather than a 'closed' mind on discussions on European defence – there are conditional factors which limit what it would be willing to accept and issues that it considers to be as significant as institutional reforms. These factors are three-fold.

### **i) Atlanticism**

The most important of these factors is Atlanticism. The UK Government is seeking a renewed debate on a European defence that will not challenge the primacy of the Atlantic Alliance. The UK's Atlanticist orientation is not being brought into question. The British Government takes the view that questions of collective defence were closed with the Treaty of Amsterdam clause on this matter. Crucially, the recently completed Strategic Defence Review (SDR) of Britain's defence policy and the structure of her armed forces, launched by the in-coming Labour Government in 1997, did not question the Atlanticist orientation of the UK's defence policy.<sup>34</sup> The SDR resulted in the publication of a White Paper in July 1998. This process was concluded before the UK Governments engaged in the rethink on its relationship with the European Union. The SDR was conducted by first establishing a foreign policy base line for the Review which places NATO as the central element in British defence policy.<sup>35</sup> It is clearly laid-out in the Review that defence co-operation in Europe should be conducted through NATO and that an ESDI should be built within NATO through the WEU. Closer defence relations through the EU are not vaunted in Review document, with the EU's role described as 'helping to preserve and extend economic prosperity and political stability, including through the Common Foreign and Security Policy'.<sup>36</sup>

### **ii) European military capabilities**

A second important condition is that the UK Government wants to see an enhancement of the capabilities of European armed forces, without creating European forces permanently separate from NATO. This is an area in which the UK Government is seeking action by its European partners. Credible, competent and usable European military capabilities are of more crucial significance for the UK than questions of institutional reform. The UK Government has an agnostic attitude towards European non-NATO permanent multinational military formations and coalitions of the willing, and able, acting independently of NATO. The UK participates in a number of multinational force formations primarily assigned for NATO use, including the United Kingdom/Netherlands Amphibious Force (UKNLAF), the Multinational Division Central (MND(C)) which are Forces

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<sup>34</sup>*Strategic Defence Review*(London, 1998).

<sup>35</sup>C. McInnes, 'Labour's Strategic Defence Review' *International Affairs* 74, 4 (1998). pp.823-845.

<sup>36</sup>*Strategic Defence Review* Chapter 2 'Security Priorities in a Changing World' point 39.

Answerable to the WEU (FAWEU). However, both recent-past UK Governments, and the current government, have been unwilling to join entities as the Euro-corps or associate themselves with Eurofor or Euromarfor, all three of which have their priority missions defined as their use by the WEU. Furthermore an unwillingness to participate in the multi-national coalition formed to intervene in Albania as Operation Alba, or to support such an operation through the WEU, the UK Government has made clear its attitude towards such formations. However, in the case of Operation Alba the then Conservative government was also unwilling to make a commitment to the use of military force with a General Election so close in May 1997. The primary concern for the UK Government is to ensure that any military force coalitions used by Europeans are NATO formations 'rebranded' through a European-led Combined Joint Task Force (CJTF) command arrangement.

### **iii) European defence industry and procurement**

The third important factor is that the UK wants to see consolidation and rationalisation in the European defence industry proceed at a faster pace than is currently taking place. This position is related to ii) in that UK wants an enhancement of European capabilities and efficiencies. For the Labour Government, considerations of the loss of UK-based employment in a key export industry, reducing research and development and procurement costs and ensuring effectiveness, are first order considerations. This means that Europe-first approaches towards defence industry restructuring and procurement are an important consideration, but not the primary consideration, of the Government. This position is also in accordance with i) in that the Government does not want to create transatlantic tensions by detaching, and isolating, Europeans defence industries from those in North America.

The future will present a number of hard choices for the UK Government in the defence procurement area between a European-first orientated approach and collaboration and procurement from across the Atlantic. Procurement decisions will take place alongside defence industry restructuring and thereby contribute to a restructuring process by choices in the placement of orders. A forthcoming UK procurement decision on a strategic lift capability for the long-term will require a choice between a US manufactured option (the C-17 or equivalent) or a European manufactured Future Large Aircraft. The choice of future development partners for the two large aircraft carriers, scheduled for order by the UK as a consequence of the conclusions of the SDR, will also require a similar choice.

Each of these three factors indicates that the UK Government has a 'capabilities first' orientation, with a desire that these should take precedence over institutional reformation, encapsulated in the repeated refrain by the UK Defence Secretary that 'if we decide to press the button, can we be sure that quick effective action will result?'<sup>37</sup> However, the UK Government will be unable in the end to duck questions of institutional architecture. This is in part because the shift in UK Government thinking was flagged-up by the reference to a fourth pillar in Prime Minister Blair's first public pronouncements on the re-think. More importantly, alternative visions for the institutional arrangements for European defence decision-making were articulated during the 1996 IGC by

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<sup>37</sup>See the speech by George Robertson, Secretary of State for Defence, to the WEU Assembly 1 December 1998. Assembly of the Western European Union, *Forty-Fourth Ordinary Session (Second Part) Official Report of the seventh sitting* A/WEU (44) CR 7.



Member State Governments who will now see an opportunity to re-table their earlier proposals and further their own national policies and aspirations.

## **2. Past proposals for the reform of the EU-WEU relationship in the light of the Blair Government's initiative**

The future relationship between the EU and the WEU created the greatest dispute within the 1996/97 IGC discussions on the reform of the European Union's Common Foreign and Security Policy (CFSP). In summary, the proposals for the future EU-WEU relationship ranged between the preservation of the WEU as an autonomous organisation representing the European pillar of the Atlantic Alliance (the then position of the UK government) to the eventual full integration of the WEU into the EU (the position of the French and German governments, supported by Belgium, Italy, Luxembourg, Spain).<sup>38</sup> The position of the EU Member States that are not full members of the WEU (Austria, Denmark, Finland, Ireland, Sweden) was somewhat more complex during the IGC negotiations, but clearly all accepted the ToA amendments as the new CFSP *acquis*.

The consequences of the shift in the viewpoint of the UK Government becomes apparent if one examines the alternative futures for the EU-WEU relationship put forward during the 1996 IGC. The report of the Reflection Group, charged with examining possible agenda items for the forthcoming IGC negotiations, offered four options for the future WEU-EU relationship:<sup>39</sup>

- 1) Maintaining full autonomy of WEU but a reinforced partnership;
- 2) A closer link between the EU and the WEU to allow the Union to direct the WEU for Petersberg tasks;
- 3) Incorporation of the Petersberg tasks into the TEU;
- 4) A gradual integration of the WEU into the EU.

Disagreement between the Member States favouring this last option was over the timetable, and the modalities, for full integration. The Report suggested that the fourth option could be realised not just by incorporating the Petersberg tasks into the Treaty but via a collective defence commitment contained either in the main body of the Treaty or as a Protocol to the revised TEU.

The position favoured by the UK government at this time was option one in which it was in a minority of one. A majority of Member States favoured option four which was also the preferred option of the ten WEU Member States in their submission to the IGC and in which the UK Governments reiterated its position.<sup>40</sup>

The position of the WEU Council of Ministers, and their IGC contribution, was somewhat different from the one to come out of the Reflection Group and offered three theoretical options for the

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<sup>38</sup>The Portuguese Government supported this position during the negotiations, as did the Government of the Netherlands. However, neither signed-up to the six states proposal detailed below.

<sup>39</sup>*Reflection Group's Report*, Brussels, 5 December 1995. SN 520/95 (REFLEX 21).

<sup>40</sup>Western European Union, *WEU Contribution to the European Union Intergovernmental Conference* (WEU Council of Ministers, Madrid, 14 November 1995).

future relationship between the EU and the WEU:

1) Reinforced partnership between an autonomous WEU and the EU

Under this option developments were to follow the path outlined under the TEU, with the WEU remaining a separate and autonomous organization. Developments would take place in the WEU's capacity to undertake Petersberg tasks, and with the preservation of the WEU's existing institutions, but with closer working links between the EU and the WEU. This was the position favoured at this time by the British Government. The other WEU Member States favoured two other options for the IGC, both providing for the integration of the WEU into the EU (but with differing time scales), and with an option providing for this in the short, or medium, term.

2) Intermediate options towards an EU-WEU institutional convergence

Under this theoretical option a greater degree of convergence was to take place between the EU and the WEU. The possible concrete measures set out in this option were largely provided for in the ToA.

3) Integration of the WEU into the EU

This option envisaged the denunciation of the Brussels Treaty (permissible under Article XII of the Treaty after 50 years duration and therefore from 1998) and the disappearance of the WEU. The functions and capabilities of the WEU would be transferred to the EU into an expanded second pillar of the Union. The WEU Council of Ministers suggested two methods of enabling this option. First, the incorporation of Article V guarantees into the TEU open to all EU Member States but permitting opt-outs from collective defence provisions. The existing decision-making organs for the CFSP would then be used, with minimal modification (for example, having a Foreign and Defence Ministers Council) according to their existing functions for defence matters. A second possible method to enable this option would be for the EU to adopt a defence protocol attached to the TEU which would provide for a collective defence guarantee through mutual assistance with other questions of security with military implications dealt with under the CFSP. In short, the expansion of the second pillar, and the creation of a fourth pillar providing for a mutual defence guarantee. There would be, therefore, no compulsion to sign the mutual defence guarantee and the participation of Member States' forces in Petersberg tasks would continue to be on a voluntary basis, as was the existing situation.

In both the Reflection Group report (based upon the contributions of all the fifteen EU Member States) and the report from the WEU Council of Ministers (composed by the ten full members of the WEU) a menu of possible future EU-WEU relations was offered. Clearly, the Reflection Group options have been overtaken by events and by the adoption of ideas contained within them. However, the WEU Council's options remain pertinent and, with the change in the British Government's standpoint, there seems to be a choice between options two and three – no change does not appear to be an option.

Past competing visions for the EU-WEU relationship are still alive, because of the inconclusive nature of the agreement reached in the 1996 IGC and enshrined in the ToA. The ToA represented the best deal that could be cast between those seeking a deepening on defence matters and those seeking to limit such a change. As the UK Government, the key opponent of change, has now

shifted its position, the ‘deepeners’ will be emboldened. In opening its mind on the future of EU-WEU relations, the UK Government will be re-confronted with a menu of possible futures from which to choose<sup>41</sup>:

*1) Defence as a part of the classic Community method*

The first possible competing future is for the full integration of the WEU into the community pillar. Military security becomes another area of Community activity. Under this first future option the institutions of the Community then function in the same manner as with any other policy area and with the Commission having a right of initiative and the Council of Ministers and the European Parliament performing their usual functions.

This vision is not often to be found in a pure form as there is the general acceptance of the special nature of defence as a policy sector that generates the need for a different form of decision-making. In their St. Malo Declaration, both the British and French Governments have explicitly ruled this out as a credible option for the future.

*2) The retention of the WEU as an autonomous entity*

This position represents the perpetuation of the status quo: it is the position agreed in the Treaty of Amsterdam. Under this future, there is the working-out of closer functional relationships between the EU and the WEU as provided for in the WEU’s declaration, and therefore a closer working relationship. However, the WEU and the EU remain legally separate organisations, each with its own separate treaty basis and separate institutional arrangements.

The WEU enhances its potential operational capabilities through the development of its relationship with NATO, deepens its operational experience through its current, and future, small-scale operations. On the EU’s part, with the ToA ratified, it has greater recourse to the WEU as the ‘Petersberg’ provisions are utilised.

*3) The creation of a fourth pillar of the European Union*

A conventional understanding of the creation of a fourth pillar is that the WEU ceases to be a legally separate entity and the relevant provisions, competences and institutions provided for under the revised Brussels Treaty become a part of an amended Treaty on European Union with, perhaps, a non-obligatory protocol providing for an Article V collective defence guarantee.

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<sup>41</sup>The mapping of such futures was undertaken prior to the 1996 IGC. However, the changed conditions post-Treaty of Amsterdam requires a new statement of such possibilities. For earlier proposals see: S. Silvestri, N. Gnesotto & A. Vasconcelos, Chapter V ‘Decision-making and institutions’ in L. Martin & J. Roper (eds.), *Towards a Common Defence Policy* (The Institute for Security Studies, Western European Union, Paris, 1995). Assembly of Western European Union, *The future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council* 16 May 1995. Document 1458.

The UK Government has previously (in 1994) been credited with proposing that the WEU should become such a fourth pillar of the EU, albeit a position that the then Major Government subsequently denied.<sup>42</sup> The fact that the conventional understanding of a fourth pillar is an idea that has a history means that a number of its consequences have already been explored.<sup>43</sup> A number of important questions were noted by the WEU Council of Ministers in their report to the 1996 IGC. Indeed any proposals for reform of the relationship between the EU and the WEU need to confront a set of challenges: the article V treaty guarantee; the relationship with current WEU Associate Members, Associate Partners, and Observers; and the institutional fit between EU and WEU institutions; the relationship between the EU, WEU and NATO.

The European Union does not use the pillar language in either the TEU or the ToA. The language of pillars has become common currency to denote a different system of decision-making and legal competences provided for under Titles V and VI under the TEU and its amendment through the ToA. Most commonly it is used to distinguish supranationalism from intergovernmentalism (in this latter decision-making arrangement Community institutions have different roles than provided for under pillar one) – and the fact that pillars two and three cover areas of ‘high’ politics. Clearly, there is also a legal dimension to this relationship in that the TEU created formal relationship in these areas through international law.

An interesting proposition to reform the EU-WEU relationship without a treaty amendment has been proposed by the *Istituto Affari Internazionali*.<sup>44</sup> The proposition is to create an ‘organisational parallelism’ of EU and WEU institutions by a series of practical measures that include creating a WEU troika on the lines of the EU one (consisting of the WEU Secretary General, President-in-office and its successor), a better synchronisation of EU-WEU Presidencies than that already agreed, closer co-operation between the European Parliament and the WEU Assembly, the adoption of ‘constructive abstention’ by the WEU Council for non-Article V operations, and a greater role for the WEU in the Policy Planning and Early Warning Unit (PPEWU) and the WEU Secretary General in the Council of the EU.

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<sup>42</sup>*The Guardian* 27 October 1994.

<sup>43</sup>See for example: Assembly of the Western European Union, ‘The Future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council’ Document 1458, 16 May 1995.

<sup>44</sup>*Istituto Affari Internazionali*, *Proposals for the gradual Integration of the Western European Union into the European Union* paper presented to the *First European Conference of the WEU/EU Forum* “Possible forms of WEU/EU collaboration for implementing the objectives set down in the Treaty of Amsterdam in the field of European security and defence” Rome, 16 November 1998.

The ToA, in Article J.7, and the WEU Declaration of 22 July 1997 provided for the WEU to be “an integral part of the development of the Union” and for the WEU to provide “the Union with access to an operational capability” notably for “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking”. Petersberg tasks thereby found themselves in pillar two and with a strong linkage to the WEU and a commitment on the part of the WEU to involve non-Members (Observers) in decision-making for operational matters. The WEU has therefore agreed to bind itself more closely to the EU, the EU (including non-WEU Members) has agreed to bind itself more closely to the WEU – especially on operational matters. There is no other context in which the EU has agreed to bind itself so closely in both the present, and the future, to another legally separate organisation. A pillar denotes separateness but not separability which is a condition that appears to precisely characterise contemporary EU-WEU relations. The question that remains for the WEU is how much it can now do that is separate, and separable, from what the EU Member States would like it to do? In formal terms the ten Member States of the WEU have retained complete freedom of action. Indeed, the durability of the WEU should not be under-estimated. One of its strengths has been a remarkable capacity to re-define its role and function across recent years without any formal amendment to the Treaty of Brussels.<sup>45</sup>

All the questions raised under this option are relevant under the following alternative four, but the additional question then is whether this is merely one stage of a full-scale phased merger between the EU and the WEU?

#### *4) The merger of the WEU into the second pillar of the EU*

The question here is the time scale of any merger and how to merge the existing institutions of the WEU into the EU. The developed timetable for this state of affairs is to be found in the *Six States' Proposal* outlined below. Essentially this position is one of the best manner and form in which to handle a transition to bring the WEU within the Union framework, albeit within pillar two. The primary problem here is how to cope with the Article V guarantee and what to do with states that do not want it to sign up for this part of the *acquis politique*. This scenario has been half adopted in the ToA with pillar two given the addition of the Petersberg tasks, the introduction of WEU staffers into the PPEWU and the protocol on developing closer institutional arrangements. However, this scenario also leaves a number of other key issues undecided:

- How to deal with the Associate Members once a merger takes place?
- How to deal with the Associate Partners once a merger takes place?
- How exactly to arrange the interface between the EU and NATO – as this currently takes place between the WEU?

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<sup>45</sup>M. Ortega, 'Some questions on legal aspects' in: G. Lenzi (ed.), *WEU at Fifty* (WEUISS, Paris, 1998).

### *The Six States' Proposal*

The most developed blueprint for the full integration of the EU into the WEU remains the proposal presented by six of the fifteen EU states on 21 March 1997.<sup>46</sup> The proposal, in the form of re-drafted articles and a protocol to be annexed to the Treaty on European Union, provided the timetable for a phased integration of the WEU into the EU.<sup>47</sup>

The four article phased integration blueprint broke down as follows:

*Article 1* Set the objective of full-integration across a set period of transition (to be determined) and through a three-phase process. Each of the three phases of the transition was to be completed in totality before moving to the next phase of transition (the shift being dependent upon a decision of European Council, acting on the advice of foreign and defence ministers). The start of the first phase, and the date for the moves to successive phases, were to be established by a European Council decision (after its consideration of a report presented by Foreign and Defence Ministers detailing the full compliance with the conditions set for the completion of the previous phase).

*Article 2* Detailed the measures to be achieved under phase one, which was to retain the institutional independence of the WEU and establish the harmonization of the rules, procedures and conditions for the EU and the WEU to lay down the foundations of a common European defence policy.

*Article 3* outlined the second phase. A substantive merger would take place giving the EU direct and binding control over the WEU. In particular in this phase the WEU Secretariat would be incorporated into the Secretariat of the Council, the power to initiate military action would be assumed by the Council of the EU (composed of Foreign and Defence Ministers) and appropriate linkages for Associate Members and Partners of the WEU established in Phase 1 would come fully into play. Arrangements would also be put in place for the direct use of the WEU Planning Cell, Situation Centre and Satellite Centre. An intensification of WEU-NATO co-operation was also envisaged.

*Article 4* delineated the third phase, the completed transfer of WEU activities to the EU. The elements to be completed in this phase are three-fold: transfer the remaining institutions and bodies into relevant EU bodies; incorporate the Article V guarantee of the Brussels Treaty into the TEU – or an additional protocol – but permitting opt-outs; ensuring an intensification of links between the EU and NATO to build on the previously existing co-operation between the EU and the WEU.

The *Six States' Proposal* remains a litmus test – and a blueprint on which the Blair Government will have to take a position. Any institutional merger could conceivably follow the path, if not the means, set out in the *Six States' Proposal*. The key question is whether the outcome of the Blair Government's initiative will result in the creation of a staging post on the way to something else or

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<sup>46</sup>The states concerned are France, Germany, Italy, Spain, Belgium, and Luxembourg. For the text see *Agence Europe* No.6941. 24 March 1997.

<sup>47</sup>The six states proposed the addition of an extra paragraph in article J7.1 of the ToA after the 'progressive' framing commitment to read: "The common defence policy shall include the framing of principles, aims and means in the defence field." The six states also made a proposal that there should be a common armaments policy as "an integral part of the common defence policy".

a final destination. Assuming the UK Government accepted such a proposition, it would seek to ensure that such integration would go hand-in-hand with the development of meaningful military capabilities by European states.

### **3. A catalogue of practical questions and possible options**

The reaction of the WEU Member States to the Blair initiative was to collectively agree, at the WEU Ministerial Council meeting in Rome of 16 and 17 November 1998, that a process of informal reflection on Europe's security and defence should be undertaken within the WEU, against the backdrop of the NATO Washington summit in April 1999 and the entry into force of the ToA.<sup>48</sup> The EU's Heads of State and Government meeting as the European Council in Vienna on 11-12 December have also welcomed the re-opened debate on European defence, and the St. Malo Declaration, and invited the incoming Germany Presidency of the EU to further the debate.<sup>49</sup> The European Council committed itself to examining the issue at its meeting in Cologne between 3-4 June 1999.

The broad agenda for this reflection process will pose a number of key questions for UK politicians and policy-makers to wrestle with, and to take a position upon. Now that the UK Government has publicised its more open-minded stance, its policy-makers are faced with a different negotiating context. During the 1996 IGC, the UK negotiating position was to limit change on the EU-WEU relationship. As a consequence, the UK's European partners had limited, but clear, expectations of what the Major Government would accept. This situation is now reversed with other EU Member States having greater expectations of the UK Government but with no clear understanding of the British Government's position. UK policy-makers need to clarify their stance on a number of key issues as a matter of urgency if they are to avoid accusations that their initiative on European defence is not a mere publicity stunt or a political diversion. The most urgent issue for the UK Government to take a clear position upon is its attitude to the full, or partial, merger of the EU and the WEU and, most importantly, the questions that arise as a consequence of merger. In this light, the following issues and questions are offered for urgent consideration by UK policy-makers:

#### *What does any reform mean for Article V?*

The article V collective defence guarantee still represents the primary stumbling block to the full integration of the WEU into the EU. With the Treaty of Amsterdam, the EU states that remain observers in the WEU have accepted the inclusion of Petersberg tasks as an area of EU activity, but they have not accepted the notion of taking on-board an Article V guarantee.

The British Government's emphasis on the development of capacities for action in crisis management has found a resonance with a number of states - most notably and most publicly the Governments of Finland and Sweden.<sup>50</sup> The Finnish and Swedish Governments do, however, feel some discomfiture on the question of common defence and are keen to promote crisis management

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<sup>48</sup>WEU Ministerial Council, *Rome Declaration* Rome, 17 November 1998. <http://www.weu.int/eng/comm/d981117a.htm>

<sup>49</sup>Vienna European Council, *Presidency Conclusions* 11 and 12 December 1998.

<sup>50</sup>See the article by the Foreign Ministers of Finland and Sweden published in *Dagens Nyheter* and *Helsingin Santomat*, 5 December 1998.

as the most important practical task that the EU could undertake. That was the position that both states articulated to good effect during the IGC negotiations, when they facilitated the inclusion of the Petersberg tasks in the ToA.

Nevertheless, the collective security guarantee contained in Article V of the Brussels Treaty raises a number of questions for the UK Government to take a position upon. Should the EU Member States want to have a collective security guarantee outside of NATO? Indeed the WEU itself, at its re-formation in 1954 with the modified Brussels Treaty, accepted that NATO would be the prime military entity for making Article V guarantees meaningful. Is it necessary to have such a formal guarantee between EU Member States in the absence of any credible scenarios in which any one EU Member State would face an armed attack in Europe? These are questions that perhaps go to the heart of what the ESDI currently is, and what the ESDI might actually be for - and are beyond the remit of this paper.

The UK Government needs to specify what it thinks the debate on the creation of a fourth pillar is actually about. The distinction between the fourth pillar and the second pillar surrounds the Article V guarantee. Those who want to see the Article V guarantee as central to the development of European defence want to keep such a guarantee undiluted by opt-outs and favour a fourth pillar. The support for a second pillar is based upon a position that does not see the collective security guarantee as central to the development of an EU common defence policy and would support the article V guarantee being converted into a protocol from which Member States could choose to opt-out. Both the ideas of a second pillar and a fourth pillar are about keeping the European Commission from having the sole right of initiative on defence matters and the European Parliament from having the role that it enjoys under Community pillar. Can the fourth pillar, therefore, just be considered a symbolic device? If it is just a symbolic device why is it important to some Member State governments such as the French? Does the creation of a fourth pillar convey that a common defence has been inched further forward as a part of the European integration project? What lessons can be applied from the evolution of policy-making and implementation in other analogous areas? For example, the TEU provisions on Home and Judicial Affairs that were formally part of pillars three have been drawn into pillar one under the ToA. In addition policy developed outside the EU through Schengen has been brought into the Union wholesale (but permitting states to opt-in). Schengen, which was developed without UK participation, has been adopted wholesale by the Union and become part of the *acquis*. This approach has both costs and benefits. For the non-participant there is the cost in not participating in the evolution of a policy area that one might then subsequently adopt in its entirety (or find it difficult to adopt as the policy area evolves in unexpected directions). For the participants the benefit is that possible recalcitrant partners can be side-stepped.

Despite the fact that the WEU Member States long ago decided to leave Article V guarantees to NATO, and that such a guarantee has not been tested to date, it is unlikely that Article V will prove to be an ignored ghost at the reform feast. For a number of EU Member States Article V is politically important and a commitment to collective defence is deemed too important to drop. That is why the UK will need to take a clear position on the future of Article V.



## *How would EU and WEU institutions fit together?*

### I) Decision-making

The current complexity of decision-making involving the two organisations is considered untenable by the current British Government. This is for two main reasons. First, there is currently not a decision-making system that can make decisions to use military force in a timely fashion. Second, there is the absence of the capacity to plan and to make informed decisions when having recourse to military force by the EU. The UK Government has already made clear that it is more concerned with capabilities than institutional reform. However, it does need to make clear to its partners that the capabilities and institutional reform are inseparable issues. If a fourth pillar is created it implies there is a decision-making system that is distinct from that which operates in the second pillar. The merger of the WEU into pillar two of the WEU means a grafting of two sets of decision-making processes. Therefore both proposals for re-built second pillar and a fourth pillar raise similar sets of issues for the UK Government to consider:

How will the WEU Council (and working groups of the Council) whether as a Council of Defence and Foreign Ministers (under a merger into pillar two), or as a separate entity (with a pillar four), fit with the Council of the EU? (This is not merely a matter of personnel but also of what are currently very different decision-making cultures).

Is it necessary to retain a Secretary General for the WEU once the High Representative for CFSP is appointed? Could the High Representative not be made to 'double-hat' as Secretary General of the WEU? With a search currently underway for both a High Representative and a new Secretary General of the WEU, now would seem a very apposite time for the UK Government to propose such a measure.

### ii) Supporting Decision-making

How will the Permanent Council of the WEU and its working groups fit with COREPER and the EU's Political Committee (and its working groups)? How would the WEU Military Committee fit with the existing EU structure? (This raises attendant issues of the security of information). Can the WEU Secretariat be easily integrated into the EU Council Secretariat (possibly as a specialised directorate for defence policy)?<sup>51</sup> Similarly, how would the WEU Planning Cell, which has access to closed sources of information, fit with existing EU institutions?

For the immediate future how will the Planning Cell interact with the EU's new PPEWU? Any loss of the Planning Cell – for example to NATO - would mean that the capacity to activate the military planning for operations - prior to any political decision by the WEU Council or future EU Defence Ministers Council - would be lost. Therefore, does the UK Government want to see this capacity go to NATO or be retained by the EU? The UK Government does appear to have accepted the latter view in the St. Malo Declaration. Likewise, the Satellite Centre currently gives European's access to commercial satellite images as well as the output of *Helios I*; this is a capacity that does not easily 'fit' with existing EU institutions. Should the UK Government not join the programme

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<sup>51</sup>This was the proposal of Michel d'Oléon, in cooperation with Mathias Jopp in: L. Martin & J. Roper (eds.), *Towards a Common Defence Policy* (WEUISS, Paris, 1995). p.106.

for *Helios II* as a mark of its belief that Europeans should possess such capabilities?

### iii) Parliamentary Oversight

How does the UK Government foresee Parliamentary oversight best provided for in defence matters? Currently the WEU Assembly oversees the WEU and the European Parliament has limited powers to monitor the CFSP. The European Parliament would inevitably seek to accrue such extra powers for itself in addition to those that it already has for the CFSP – does the UK Government object? What about the past proposal by the European Strategy Group, in association with the WEU Institute for Security Studies, that there should be the replacement of the existing WEU Assembly by a *Common European Parliamentary Defence Committee* made-up of representatives of the EP and members of the security and defence committees of the national parliaments?<sup>52</sup> The WEU Assembly argued, in the run-up to the opening of the 1996 IGC, that the existing WEU Assembly should be transformed into a second chamber alongside that of the European Parliament.<sup>53</sup> This was to create an institution whereby delegations from national parliaments would be represented, with responsibilities different from those of the EP and focused on defence matters. The British Government therefore needs to contemplate its position on parliamentary oversight.

### iv) Armaments Co-operation

The Western European Armaments Group (WEAG) and the Western European Armaments Organisation (WEAO), which currently operate as subsidiary bodies of the WEU, would also not easily sit with existing EU organisational arrangements. Importantly also, the participants include Norway and Turkey, which illustrates the extent to which Associate Members are integrated into the work of the WEU. Both the WEAG and the WEAO raise questions about Europe's defence equipment procurement and production capacity that require a separate, and lengthy analysis that is not possible in this paper. However, it is noteworthy that a new clause in the ToA provided for cooperation between Member States in the field of armaments.<sup>54</sup> As a key player in the European in armaments co-operation and its impatience with the slow progression of WEAG the UK has formed the new Organisation Commune de Coopération pour L'Armement (OCCAR) with France, Germany and Italy. How would this arrangement fit with the EU?

### *What are the implications for associate members, partners and observers?*

The WEU currently carries out the majority of its activities at 18 (full-members, Associate Members and Observers) and long ago blurred legalistic distinctions between different categories of membership.<sup>55</sup> The loss of such an arrangement would end one of the real contributions that the WEU has made, which is to create a forum in which European NATO and non-NATO states work in close proximity on military security matters. Therefore the straight merger of the WEU into the EU would still require a new forum in which to continue such collaboration. How does the British Government propose to address this issue?

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<sup>52</sup>L. Martin & J. Roper (eds.), *Towards a Common Defence Policy* (WEUISS, Paris, 1995). P.68.

<sup>53</sup>Assembly of Western European Union, *The future of European security and the preparation of Maastricht II – reply to the fortieth annual report to the Council* Document 1458, 16 May 1995.

<sup>54</sup>Article J7.1 paragraph 4.

<sup>55</sup>The WEU's Member States are Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain and the United Kingdom. The Associate Members are Iceland, Norway and Turkey. The Observers are

The United States Secretary of State Madeleine Albright has made clear that the U.S does not want to see the Associate Members, the non-EU NATO Member States (Turkey, Iceland, Norway), discriminated against by any new defence arrangement involving EU Member States.<sup>56</sup> The Associate Partners currently also participate in a great number of the WEU's activities and decision-making processes. An important precedent has been set in the field of Home and Judicial Affairs which is relevant here. Norway and Iceland (non-EU Members) who were previously associated with the implementation of the Schengen *acquis*, are to be associated with the continuing development of that policy area now that it has been brought into the EU *acquis* through the ToA.

The efforts on the part of the WEU to draw 28 states into a common framework of participation would be lost if adequate attention is not paid to retaining, and enhancing, the current level of interaction. This is one area in which the Member States of the EU enhance their own security by blurring boundaries and binding non-EU Member States into collaboration on military security matters.

The key appears to be the retention – or attainment – of what has been called 'variable unity'.<sup>57</sup> Essentially this is an inclusive rather than an exclusive approach that the UK Government should perhaps instinctively favour. The British Government needs to consider how it wishes to see the progressive inclusion of all members, observers, associates, partners in the building of a common defence policy, and an eventual common defence, thereby achieving greater effectiveness while simultaneously integrating activities in this area.

#### *The Relationship between the EU, WEU and NATO*

One of the key changes of any merger of the WEU into the EU is that there would have to be a direct interface created between the EU and NATO. The relationship between the WEU and NATO has been developing in an incremental, but slow manner since NATO's meeting in Berlin and developed more recently at the NATO summit in Madrid.

At the level of pedantry the WEU has become the European arm of NATO whilst simultaneously being the defence arm of the EU. The practicalities of the relationship between the WEU and the

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Austria, Denmark, Finland, Ireland and Sweden.

<sup>56</sup>M. Albright, 'The right balance will secure Nato's future' *Financial Times* 7 December 1998. P..22.

<sup>57</sup>S. Silvestri, N. Gnesotto & A. Vasconcelos, Chapter V 'Decision-making and institutions' in L. Martin & J. Roper (eds.), *Towards a Common Defence Policy* (The Institute for Security Studies, Western European Union, Paris, 1995). P.63. These authors focus this idea upon existing EU Member States. However, I would suggest that the idea should be extended to encapsulate the problem that is confronted by associate partners and associate members.

EU are being worked out through meetings of an 'ad hoc group' composed of the WEU at 18 and the EU. The modalities of the EU availing itself of the WEU to undertake operations on its behalf have been tested through simulations (the flow chart exercise) intended to strengthen existing procedures. This is to strengthen the procedures that have already been used when the EU has had recourse to article J4.2 asking the WEU, as for most recently, for assistance in providing a policing mission to Albania, undertaking a de-mining mission in Croatia and assisting in the monitoring of the situation on Kosovo through the Satellite Centre.

The relationship between the WEU and NATO has developed through a working-out of the practicalities of the WEU having recourse to NATO capabilities. A number of substantive changes are worthy of attention. The designation, by NATO's Military Committee in May 1997, of the DSACEUR as the principal point of contact between the NATO Strategic Commands and the WEU and, most importantly, as preferred operation commander for WEU-led operations, has been agreed. A WEU-NATO Security agreement was signed in 1997 (there is currently no such Security Agreement between the EU and NATO). Work has also proceeded on a NATO-WEU Framework Agreement to facilitate the actual use of NATO assets by the WEU, and joint work is taking place in planning. The real question is whether the EU would be able to directly adopt, and adapt to the WEU-NATO relationship as it has unfolded. The real separation between NATO and the EU is illustrated by the fact that the first ever visit between the EU Presidency on the NATO Secretary General only took place in December 1998.<sup>58</sup>

Getting the relationship between the EU and NATO must be a key concern for the UK Government. This is not least because of the need to address U.S. concerns about 'decoupling' the transatlantic link, 'duplicating' defence resources and 'discrimination' against non-EU European NATO members.<sup>59</sup> The UK Government could usefully position itself to play a key role in reassuring the United States that the development of European defence arrangements do not threaten the transatlantic relationship. However, there must also be caution to ensure that the UK is not perceived as purely the handmaiden of US policy in Europe.

### *The modalities of change*

Perhaps the first question to be raised in response to reform proposals is whether they are envisaged as a move to make J.7 meaningful by taking more determined steps on the closer institutional links between the EU and the WEU provided for by the ToA? Alternatively whether Member State governments have a desire to alter the existing provisions of the amended TEU which would trigger an Intergovernmental Conference as provided for in J.7.5?

The existing WEU constitutional arrangements are much more than just the Brussels Treaty and, as Ortega has illustrated, the WEU has been very successful in altering its *modus operandi* without reforming its founding Treaties.<sup>60</sup> There is plenty of scope for using the WEU without altering the

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<sup>58</sup>The visit to NATO headquarters by the Austrian foreign minister Wolfgang Schüssel was primarily of symbolic importance. The EU has worked with NATO in the former-Yugoslavia and, of course, a connection has existed between the EU and NATO when a NATO Member State has held the EU Presidency.

<sup>59</sup>The 'three Ds' were set out in an article for the *Financial Times*: M. Albright, 'The right balance will secure Nato's future' *Financial Times* 7 December 1998. P..22.

<sup>60</sup>M. Ortega, 'Some questions on legal aspects' in: G. Lenzi (ed.), *WEU at Fifty* (WEUISS, Paris, 1998).

revised Brussels Treaty. In particular the provisions of Article VIII.3 permit an immediate convening of the WEU Council when crisis situations arise (wherever they may be).<sup>61</sup> The provisions contained within Article J.7 of the ToA are also, as yet, untested and, in particular, the agreement of the WEU to draw the observers into the WEU decision-making and implementation processes are yet to be fully implemented. In short, there may be plenty of improvement on the effectiveness front, which is a key issue driving the UK Government's support for an alteration in the existing arrangements, without any Treaty amendments.

The analysis above has focused mainly upon institutional questions as a consequence of the re-opening of the debate about the appropriate form of the relationship between the EU and the WEU. Focusing on institutional arrangements, however, side steps the question as to what the ESDI actually is, and where it should be developed? Is the ESDI a process solely to be developed within a NATO context? Does the ESDI extend across NATO, WEU and the EU through its Common Foreign and Security Policy? The WEU Council (at Erfurt) took the view that the ESDI is being organised between NATO's European members. But in their earlier December 1991 Declaration, they saw it in more general terms. If the ESDI is to be organised within a NATO framework, through the WEU, then any proposal to alter the functioning of the WEU, by drawing it closer to the EU, will require a working-out of EU-NATO relations. EU-WEU-NATO relations as currently organised ensure that there is an arms length relationship between the EU and NATO conducted through the WEU.

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<sup>61</sup>See for example the recommendation contained within the following: Assembly of the Western European Union 'Security in a wider Europe – reply to the annual report of the Council' 28 April 1998, Document 1602.

Furthermore can the ESDI (understood as created within NATO), and the CFSP, function effectively if three NATO countries, and the Associate Partners are excluded from the CFSP and four EU Member States do not belong to NATO? The WEU has performed a very useful function as spelled-out very clearly by Terry Davis, a British MP "...WEU's configuration helps NATO members who do not belong to the European Union to draw closer to the EU, and European Union members who do not belong to the North Atlantic Alliance to draw closer to NATO."<sup>62</sup> This current 'learning together' process needs to be built upon and intensified.

The process of reflection on the future EU-WEU-NATO relationship has been re-opened by the Blair Government after largely lying dormant since the signing of the Treaty of Amsterdam. There are costs, as well as benefits, to altering the status quo and for the British Government an opening could have unexpected consequences. The most important immediate action for the UK Government to take is to build upon its initiative, which does represent an important change in policy, by coming forward with more concrete proposals for realising its ambitions in this area.

Richard G. Whitman  
January 1999

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<sup>62</sup>Terry Davis, MP, 'Building the European Security and Defence Identity (ESDI): WEU's role' *Second European Forum on Security Policy*, Vienna, 29 October 1998. (Assembly of Western European Union, 1998).

## **Annex A:**

### **Franco-British summit - Joint declaration on European defence**

4.12.1998, Saint-Malo

The Heads of State and Government of France and the United Kingdom are agreed that:

1. The European Union needs to be in a position to play its full role on the international stage. This means making a reality of the Treaty of Amsterdam, which will provide the essential basis for action by the Union. It will be important to achieve full and rapid implementation of the Amsterdam provisions on CFSP. This includes the responsibility of the European Council to decide on the progressive framing of a common defence policy in the framework of CFSP. The Council must be able to take decisions on an intergovernmental basis, covering the whole range of activity set out in Title V of the Treaty on European Union.

2. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them and a readiness to do so, in order to respond to international crises.

In pursuing our objective, the collective defence commitments to which member states subscribe (set out in Article 5 of the Washington Treaty, Article V of the Brussels Treaty) must be maintained. In strengthening the solidarity between the member states of the European Union, in order that Europe can make its voice heard in world affairs, while acting in conformity with our respective obligations in NATO, we are contributing to the vitality of a modernised Atlantic Alliance which is the foundation of the collective defence of its members.

Europeans will operate within the institutional framework of the European Union (European Council, General Affairs Council and meetings of Defence Ministers).

The reinforcement of European solidarity must take into account the various positions of European states.

The different situations of countries in relation to NATO must be respected.

3. In order for the European Union to take decisions and approve military action where the Alliance as a whole is not engaged, the Union must be given appropriate structures and a capacity for analysis of situations, sources of intelligence and a capability for relevant strategic planning, without unnecessary duplication, taking account of the existing assets of the WEU and the evolution of its relations with the EU. In this regard, the European Union will also need to have recourse to suitable military means (European capabilities pre-designated within NATO's European pillar or national or multinational European means outside the NATO framework).

4. Europe needs strengthened armed forces that can react rapidly to the new risks, and which are

supported by a strong and competitive European defence industry and technology.

5. We are determined to unite in our efforts to enable the European Union to give concrete expression to these objectives.