



**Assembly of Western European Union
The Interparliamentary European Security and Defence Assembly**

DOCUMENT A/1896

13 June 2005

FIFTY-FIRST SESSION

**Implementation of the European security strategy –
reply to the annual report of the Council**

REPORT

submitted on behalf of the Political Committee
by Gerd Höfer, Rapporteur (Germany, Socialist Group)

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*Implementation of the European Security Strategy –
reply to the annual report of the Council*

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¹ Adopted unanimously by the Committee on 11 May 2005.

RECOMMENDATION 759¹

***on the implementation of the European Security Strategy –
reply to the annual report of the Council***

The Assembly,

- (i) Confirming its support for the main objectives set out in the European Security Strategy adopted by the European Council on 12 December 2003;
- (ii) Recalling in that connection its Recommendations 733, 736, 748, 749 and 757;
- (iii) Emphasising that bringing about the international order founded on the effective multilateralism advocated in the European Security Strategy, respect for international law and an acceptance of the primacy of the United Nations Charter and the UN Security Council depends on there being agreement in principle about those objectives with other national and multinational players on the international stage, in particular the United States;
- (iv) Noting with satisfaction that there is wide convergence between the ideas set out in the report “In larger freedom: towards development, security and human rights for all” submitted by the UN Secretary-General to the UN General Assembly on 21 March 2005, and the objectives of the European Security Strategy;
- (v) Noting, conversely, persistent major differences between the European and United States approaches to the establishment of an international order of peace, freedom and justice, the role of the United Nations, the means of combating the proliferation of weapons of mass destruction (WMD) and their means of delivery and the fight against international terrorism;
- (vi) Convinced of the need regularly to update the evaluation of the threats and pay more attention to the growing risk of renewed outbreaks of militant nationalism in certain countries in the world;
- (vii) Noting the rapid emergence of new world powers, such as China, with ideas on democracy, individual and collective freedoms and human rights that are still out of alignment with the norms the western world supports;
- (viii) Considering the uncertainties created by the very different and often contradictory tendencies observed in the countries of the Commonwealth of Independent States (CIS) and their repercussions for the policy of Russia, with which the European Union intends to establish a strategic partnership;
- (ix) Recalling the importance of implementing the European Union’s strategy against proliferation of weapons of mass destruction, and perplexed to note the inability of the plenary session of the Missile Technology Control Regime (MTCR), held in Seoul, in October 2004, to reach agreement regarding the integration of seven new European Union member states into the regime;
- (x) Noting the current uncertainty over the outcome of the negotiations under way between France, Germany and the United Kingdom, on behalf of the European Union, and Iran, on the latter country’s nuclear programme and the questions this raises about the consequences of the possible failure of such negotiations;
- (xi) Recalling continuing major divergences between the European and United States approach as to the maintenance of international peace and global security;
- (xii) Noting with interest, in that connection, the UN Secretary-General’s proposal that the UN Security Council adopt a resolution setting out the principles governing the use of force and stating the intention to abide by those principles in deciding whether or not to authorise or proscribe such use of force and that, broadly speaking, that resolution would reaffirm the provisions of the Charter concerning the use of force and specifically Article 51 of the same;

¹ Adopted by the Assembly on 13 June 2005 at the 1st sitting.

- (xiii) Recalling that the European Security Strategy fails to spell out exactly what it means by “preventive engagement” and is silent about the means of self-defence in the event of diplomacy, non-proliferation and conflict prevention coming to naught;
- (xiv) Convinced that the UN Secretary-General’s proposal to reach agreement on a generally recognised definition of terrorism is a good basis for beginning an international dialogue on the matter which it would be appropriate to widen to take in the need to narrow the gap between Europeans and Americans in regard to ways of fighting terrorism;
- (xv) Stressing the importance it attaches to strengthening practical cooperation between the European Union and the United Nations and its sub-regional organisations over crisis management, particularly in sub-Saharan Africa;
- (xvi) Emphasising the utmost importance of removing all the obstacles that currently stand in the way of a substantial dialogue between the European Union and NATO, which does not exclude any member state or any subject of reciprocal interest, in order to lay the foundation for productive cooperation between the two organisations;
- (xvii) Supporting all efforts to restore pride of place to NATO as the forum for discussion between the Atlantic and European allies of major transatlantic security issues;
- (xviii) Recalling that European Union commitment to crisis management, particularly in regional conflict, in accordance with the broad outlines of the European Security Strategy requires faster progress in implementing the 2010 Headline Goal and the 2008 civilian Headline Goal;
- (xix) Convinced that ratification of the provisions of the Treaty establishing a Constitution for Europe on strengthening ESDP decision-making and operational instruments should significantly facilitate the European Union’s ability to implement future actions whereby it can more readily take on its share of the responsibility for international security;
- (xx) Considering that the more member states’ troops are involved in multinational units in the context of the battlegroups or multinational HQs the more the different national laws governing their rights and obligations raise problems, possibly leading to conflicts of laws and tensions within the units in question;
- (xxi) Noting that the European Security Strategy is not supported by a European collective defence commitment on the part of all the European Union member states and stressing in consequence the importance of the mutual assistance obligation subscribed to by the signatory powers of the modified Brussels Treaty, inasmuch as those obligations have not been taken up by the European Union;
- (xxii) Noting with concern that since the transfer of the exercise of WEU’s crisis-management functions to the European Union, it has become increasingly difficult for the national parliaments to be informed collectively about the activities the Union has inherited from WEU and in particular about those carried out in implementation of the European Security Strategy, which nevertheless require parliamentary and electoral support in the member states;
- (xxiii) Deploring all the more that the Council did not transmit the second part of its fiftieth annual report to the Assembly on time;
- (xxiv) Thanking the current Luxembourg EU Presidency, however, for having readily provided the Assembly’s Committees with comprehensive information in regard to ESDP development, at their joint meetings with the EU Political and Security Committee in Brussels on 9 March 2005;
- (xxv) Considering the reply of the Council to Recommendation 749,

I. RECOMMENDS THAT THE COUNCIL INVITE THE WEU NATIONS AS MEMBERS OF THE EUROPEAN UNION AND NATO TO:

1. Intensify their efforts to secure the diplomatic means and operational military capabilities on the basis of the 2010 Headline Goal and the 2008 civilian Headline Goal that are required to make the European Union a credible force for global security and peace, and adequately resource those capabilities;

2. Bring the work of activating the Civil-Military Planning Cell, the Situation Centre and the European Defence Agency to rapid completion;
3. Pursue the political endeavour of achieving universal compliance with the treaties, agreements and arrangements for verification of non-proliferation of weapons of mass destruction and their means of delivery and ensure that all the new European Union member states are in a position to accede to the Missile Technology Control Regime at the latter's next plenary Assembly session, scheduled to take place in Spain in autumn 2005;
4. Draw up a road map so as to persuade other major world powers to support the main ideas and objectives set out in the European Security Strategy;
5. Take the initiative in drawing up a concept for coercive measures, including military measures, to be taken in combating proliferation when political means have failed, and for a defence against WMD and their means of delivery;
6. Play an active part in drawing up European Union priorities with a view to the 60th UN General Assembly session in September 2005 and reaching agreement on common positions with regard to the UN Secretary-General's proposals for:
 - (a) the adoption by the Security Council of a resolution setting out the principles governing the use of force in the event of threats endangering peace;
 - (b) the development of a generally recognised definition of terrorism and the conclusion of a global convention on terrorism;
 - (c) the establishment of an intergovernmental Peacebuilding Commission within the United Nations;
7. Strengthen practical civil and military cooperation between the European Union and the United Nations by applying the principles set out in the European Security Strategy;
8. Take steps towards opening a Euro-American dialogue to achieve a closer convergence of views, particularly in regard to the establishment of an international order based on effective multilateralism, the rule of law and the role of the United Nations and the Security Council and the conditions under which recourse may be had to force;
9. Support the efforts of the NATO Secretary-General to create the conditions for a constructive political dialogue between the European Union and NATO at foreign minister level, to include all the member states of both organisations and dealing with all topics of mutual interest;
10. Insist that the European Union define clearly the purpose and content of the strategic partnerships envisaged with a number of international powers, between which dissension and conflicts of interest exist, to ensure that each such partnership is consistent with the values and objectives promoted in the European Security Strategy and represents no danger to the cohesion of the Atlantic Alliance;
11. Point out within the European Union the importance of Article V of the modified Brussels Treaty, of which ten EU member states are signatories and which is currently the only European defence commitment and, by the same token, the sole European guarantee underpinning the European Security Strategy;
12. Take steps to improve national parliaments' collective information and input into the European Union decision-making process in regard to ESDP matters, and to widen the public understanding and support necessary for the objectives set out in the European Security Strategy;
13. Promote the development of a European legal status for troops engaged in European multinational units and/or multinational HQs;

II. RECOMMENDS THAT THE COUNCIL

14. Transmit its annual report to the Assembly sufficiently early to allow its Committees to examine and formulate their replies, and continue to include in it all information concerning the activities of member states under the ESDP and in NATO in areas covered by the modified Brussels Treaty;
15. Maintain the modified Brussels Treaty and Article V of the same for as long as the European Union has no equivalent provisions to draw on that could replace the Treaty, and invite all EU and NATO member states to accede to it under terms to be agreed with them pursuant to Article XI of the Treaty;
16. Inform the Assembly of any steps taken to consider the future of the modified Brussels Treaty, without waiting until it has drawn its own conclusions from such consideration.

EXPLANATORY MEMORANDUM

submitted by Gerd Höfer, Rapporteur (Germany, Socialist Group)

I. Introduction

1. Since Javier Solana, European Union CFSP High Representative and WEU Secretary-General, unveiled the first version of his paper on a European Security Strategy in 2003, the WEU Assembly has produced two reports, together with recommendations intended to provide a contribution to the public debate on the subject and put forward proposals for the final draft of the document².
2. After the adoption of the text of the European Security Strategy by the European Council on 12 December 2003, the Assembly recommended *inter alia* that the Council give the European Union the necessary impetus to ensure that the European Security Strategy is implemented³ and that it launch within the EU a study on the evolution and scope of the right of individual and collective self-defence in the context of the preventive engagement proposed by the European Security Strategy⁴.
3. The transatlantic aspects of the Strategy were examined particularly in the report on “New challenges for transatlantic security cooperation” adopted by the Assembly on 1 December 2004⁵. The essential arguments of these two reports are summarised in the annex to the present report.
4. For a more in-depth assessment of the implications of the implementation of the European Security Strategy, it must now be considered in relation to the different international organisations in which multilateral cooperation takes shape, and the question asked as to what extent the latter is subject to an equivalent democratic scrutiny.
5. In the fifteen months following the adoption of the Strategy, changes in the international situation occurred with exceptional rapidity and the European Union, which had set out in the document its ambition to become a player on the world stage, found itself facing yet more challenges.
6. This has raised a number of questions. Firstly, it is necessary to evaluate what practical measures have been taken, particularly in ESDP terms, towards implementing the objectives defined in the European Security Strategy which would require the European Union to take action and also the criteria the European Union needs to follow in order to be able to undertake specific missions. Secondly, it raises the question of the extent to which the European Security Strategy as it now stands requires adaptation or further supplementing to be able to deal with a global situation in a constant state of flux.
7. Thirdly, what is the importance of the entry into force of the Treaty establishing a Constitution for Europe, and more particularly of its provisions on the European Security and Defence Policy, for achieving the objectives the EU has set itself in the European Security Strategy?
8. Fourthly, how important in that context are the obligations entered into by the signatory powers of the modified Brussels Treaty inasmuch as those obligations have not been taken up by the European Union? The areas in question are, specifically, the provision of mutual assistance in close cooperation with NATO and the Council’s obligation to submit an annual report to an Assembly of representatives of national parliaments.
9. The involvement of parliaments and electorates in efforts to achieve a securer Europe is all the more important in view of the fact that the European Security Strategy states that “The best protection for

² See Recommendation 733 in Assembly Document [1841](#) adopted on 1 December 2003: “A European security concept – defence aspects; Assembly Document [1844](#) adopted on 2 December 2003: “The prospects for European Security and Defence Policy (part II) – reply to the annual report of the Council”.

³ See Recommendation 748 in Assembly Document [1860](#) adopted on 4 June 2004: “The European Security and Defence Policy following EU and NATO enlargement – reply to the annual report of the Council”.

⁴ See Recommendation 749 in Assembly Document [1878](#) adopted on 29 November 2004: “European security policy fifty years after the signing of the modified Brussels Treaty – reply to the annual report of the Council”.

⁵ See Recommendation 757 in Assembly Document [1877](#) adopted on 1 December 2004: “New challenges for transatlantic security cooperation.

our security is a world of well-governed democratic states". In that connection Mr Solana has referred repeatedly to the importance of Europe's leading role in the spread of democracy⁶.

10. In that optic, the possibility must therefore be envisaged of supplementing the European Security Strategy with an interparliamentary strategy, the aim of which is to draw into closer partnership with Europe the parliaments and peoples of its immediate and more distant neighbours in order to help them become more familiar with the goals of European policy, to strengthen democracy within those nations and develop interparliamentary cooperation.

11. The joint meetings of the Assembly's Committees with the members of the WEU Permanent Council – who are at the same time the members of the European Union's Political and Security Committee (PSC) – and with the North Atlantic Council and officials from SHAPE continue to be a fundamental part of the Assembly's activities contributing to a shared assessment of developments in international relations and their implications for the CFSP and ESDP.

12. The discussions with the permanent Council on 9 March last in Brussels and on 10 March at SHAPE in Mons, and the meeting with the North Atlantic Council in Brussels on 21 March 2005 had a significant input into the preparation of the present report. However, the Assembly did not receive the second part of the 50th annual report of the Council in time to enable its Committees to take account of the content in the preparation of their reports.

II. The European Security Strategy in the context of the work of international organisations

13. The initiative taken by the European Union in launching a European Security Strategy cannot be considered in isolation. It must be seen in the context of the other international organisations whose task it is to work towards strengthening and consolidating values held in common similar to those held by the 25 member states of the European Union.

14. There are in fact numerous international forums, at regional or world level, whose shared aspirations include concerns such as maintaining an order of peace, freedom and security in the world. Some organisations have parliamentary bodies. They differ in their historical development, their area of responsibility, their focus of interest and the geographic area they cover.

15. However, all these organisations represent the outcome of various initiatives and negotiations between the governments of their member states and, depending on the nature of the body in question, the conscious and willing sacrifice on their part of a greater or lesser degree of sovereignty.

16. Even if the parliaments of the member countries of the international organisations in question were required to ratify the treaties setting them up, parliamentary oversight of their activities was in many cases introduced much later. Parliamentary scrutiny properly speaking was and still is the exception to the rule.

17. Let us take a closer look at some of these organisations in the chronological sequence of their foundation. The United Nations Organisation (UN) was established in 1945, with a General Assembly in which the governments of the current 191 member states are represented. The United Nations has a Security Council with five permanent members with a right of veto and 10 non-permanent members without that right. The Chairmanship is held by the member states in turn. The UN has an International Court of Justice, a Secretariat, a Secretary-General and subsidiary bodies, but the UN Charter does not explicitly provide for a parliamentary body.

18. Recently, on 21 March 2005, the UN Secretary-General unveiled a very comprehensive report entitled: "In larger freedom: towards development, security and human rights for all", setting out proposals for an in-depth reform of the Organisation. This report addresses a number of issues, particularly in regard to a wider conception of collective security and the conditions governing recourse to force in the event of a threat to international peace, which are also the subject of the European Security Strategy.

19. The signature of the Brussels Treaty on 17 March 1948 by five Western European nations facilitated the creation of the North Atlantic Treaty Organisation (NATO – on the basis of the

⁶ *Les Echos*, 14 March 2005; *The Financial Times*, 14 March 2005.

Washington Treaty concluded on 4 April 1949). NATO now has 26 member states, all of them, apart from the United States and Canada, in Europe. The NATO Parliamentary Assembly – which was not founded by the North Atlantic Treaty but which came into being much later as a result of the successive transformations of an annual conference of NATO parliamentarians – has no powers of scrutiny over NATO Council activities.

20. NATO, which has a large number of subsidiary bodies, has, since the end of the cold war, established a very wide network of relations with third states: for example through the North Atlantic Cooperation Council (NACC) and the Partnership for Peace (PfP). The Alliance's Strategic Concept has been revised a number of times and NATO is continuing to transform itself and redefine its mandate, with extremely important consequences for its future relations with the European Union and for the implementation of the EU's European Security Strategy.

21. The Council of Europe, whose statute was signed on 5 May 1949 in London, currently has 46 member states. The Parliamentary Assembly has a consultative function vis-à-vis the Council. The Council of Europe's adoption of the European Human Rights Convention and the setting up of the European Court of Human Rights are important factors *inter alia* for future cooperation between the Council of Europe and the European Union, which is due to accede to the Convention as soon as the Treaty establishing a Constitution for Europe enters into force.

22. WEU, founded on 23 October 1954 by the modified Brussels Treaty, currently consists of a core of 10 European signatory states, which have subscribed to a mutual assistance clause, binding on them in the event of an armed attack against any of them in Europe. This clause must be implemented in close cooperation with NATO. The WEU Council is required to make a report to an Assembly composed of the representatives of the signatory powers of the Treaty to the Parliamentary Assembly of the Council of Europe. The WEU Council admitted 18 European nations with differing status (associate members, associate partners, observers) and defined criteria for new countries acceding to the modified Brussels Treaty or acquiring associate status in WEU, but has currently suspended the application of any form of WEU enlargement procedure.

23. The European Union, currently comprising 25 member states including the 10 WEU member countries, came into being in 1957 with the Treaty of Rome, which instituted the European Coal and Steel Community, Euratom and the European Economic Community. From a modest beginning as informal European political cooperation (EPC) within the Community, the European Union has become the centre of gravity of political cooperation in Europe on the bases of the Maastricht, Amsterdam and Nice Treaties, which successively laid down the principles of the Common Foreign and Security Policy (CFSP) then the European Security and Defence Policy (ESDP), with the development of a wider conception of security. Following the transfer of WEU's crisis management functions to the European Union, the Union developed the necessary instruments for implementing a European security and defence policy: the Political and Security Committee (PSC), the Military Committee, the EU Military Staff (EUMS), the Situation Centre, the Civil-Military Planning Cell, the European Defence Agency and so on.

24. Other institutional measures to strengthen the European Union's capability to conduct an effective and credible ESDP are envisaged in the Treaty establishing a Constitution for Europe, which is currently in the process of ratification. The European Union has a power of decision exercised by the Council of Ministers and the European Council, and a power of initiative and execution which is exercised through the Commission and a scrutiny body, the European Parliament. The legislative powers of the European Parliament should be considerably strengthened as a result of the provisions of the Constitutional Treaty now in the process of being ratified, but those powers are still very limited in so far as the CFSP and the ESDP are concerned inasmuch as these two policies remain entirely within the sphere of intergovernmental cooperation.

25. Lastly, account must be taken of the activities of the OSCE, successor to the CSCE established in 1974, which currently has 55 members: all the European nations, countries which emerged following the break-up of the Soviet Union (today members of the Commonwealth of Independent States – CIS), along with the United States and Canada. The OSCE has a Council and a Parliamentary Assembly which was created at a later stage to carry out consultative functions.

26. On examination, it can be seen that the parliamentary dimensions of all the different organisations discussed, apart from the United Nations, consist of interparliamentary forums composed of delegations from the national parliaments of the member states whose powers of scrutiny and consultation are not very strong. The one exception is the European Parliament, which is elected by direct universal suffrage but which is not yet fully “European” inasmuch as the number of seats member states are allocated is proportionate to the size of their populations.

27. A dynamic vision of European Union development put forward in the Treaty establishing a Constitution for Europe sees the European Parliament in future exercising real control over the European executive. Indeed, it does so already to a large extent as far as the activities of the European Commission and the Union budget are concerned, but it has only very limited rights of consultation in the areas where intergovernmental cooperation applies and in particular in that of the European Security and Defence Policy (ESDP).

28. Applying a wide interpretation of the notion of “security”, the European Security Strategy draws on the entire range of Community and intergovernmental instruments available to the European Union. It is therefore legitimate to ask whether the implementation of that strategy does not require a willingness on the part of the member states to lose a further “slice” of their national sovereignty, especially in an area as sensitive as the ESDP, so that the European Union can become a global power and develop a strategic culture that “fosters early, rapid, and when necessary, robust intervention”, as the Strategy states.

29. The question is relevant, for example, to cases such as the joint use of diplomatic and military capabilities and in particular to intelligence-sharing. As far as military capabilities go, it will be up to the new European Defence Agency to do better than all the other bodies that have gone before it in harmonising and rationalising the process of providing Europe’s armed forces with defence equipment. The Agency remains an intergovernmental instrument, but once the Agency Steering Board, made up of the Defence Ministers, has taken a decision unanimously the issue then becomes whether it would be possible for follow-up and implementation to be subject to majority or qualified majority voting.

30. Preparatory work has begun on setting up a European diplomatic service, but it all depends on the appointment of a Union Minister for Foreign Affairs, as provided for in the Constitutional Treaty. One might well ask whether future EU missions involving armed forces deployment abroad do not in fact also require that a Union Defence Minister be appointed. It is interesting to note that in the course of a hearing before the French Senate, on 13 April 2005, France’s representative to the WEU Council and the EU Political and Security Committee (PSC) stated that the Union Minister for Foreign Affairs would *de facto* be the Defence Minister.

31. She observed that although the term “Defence Minister” as such did not appear in the Constitutional Treaty, such would indeed be the role of the future Union Minister for Foreign Affairs. He would chair the External Relations Council and the Defence Ministers’ meetings, including those where the latter met as the European Defence Agency Steering Board.

32. In the present situation, no member state wants to be the one to re-open the discussion on how useful or indeed essential the creation of a real European army might be and the Constitutional Treaty alludes to this only indirectly in Article I-41(2), which provides that the common security and defence policy may lead to a common defence, should the European Council so decide.

33. Conversely, and this is important in the context of the European Security Strategy, after the difficult debate on setting up a genuine European military staff, the European Council agreed in December 2003 to create a civilian/military planning cell with a view to developing EU crisis-management planning capabilities. According to the annual report from the EU Council to the European Parliament on the main aspects and basic choices of CFSP, approved on 25 April 2005⁷, the purpose of the cell is to reinforce the national HQ designated to conduct an autonomous EU operation and assist in coordinating civilian operations, and it will also take responsibility for generating the capacity to plan and run an autonomous EU military operation, once a decision on such an operation has been taken.

⁷ Document 7961/05.

34. The matter of where the cell should be located is now settled: it was established at the end of 2004 within the EUMS and its Operations Centre is due to become fully operational in 2006. Moves to have it located within the Military Committee were unsuccessful. As the EUMS answers to the Council Secretariat-General for which the CFSP High Representative, Mr Solana, is himself responsible, the cell comes under his authority.

35. According to the Director of the EUMS the cell will comprise some 30 or so staff, including civilian planners. It should be capable at the first sign of a crisis to put forward a wide range of options, integrating both civilian and military aspects, to political decision-makers.

36. The greater the European Union's commitment to developing instruments that enable it to take action in external crises on the basis of the European Security Strategy, the more urgent it becomes to consider the issue of parliamentary scrutiny. Although the ESDP is founded on intergovernmental consensus, the European Parliament today is better informed than national parliaments and interparliamentary bodies like the WEU Assembly. Consequently, it might be envisaged that the national parliaments, which have a right of overview of any deployment abroad of their countries' armed forces, may transfer that right to the European Parliament. In the present state of affairs most national parliaments concerned are not prepared to give up any of their prerogatives. Moreover, most of the EU member state governments are not prepared to give the European Parliament real rights of scrutiny over ESDP affairs. This is why the Constitutional Treaty does not make any provision for the European Parliament to scrutinise the ESDP.

37. Another solution would be for the national parliaments to have, through an interparliamentary body conceived along the same lines as the Assembly of WEU, at least as much information and opportunity for consultation as the European Parliament has. And yet, on this matter, the Constitutional Treaty came down exclusively on the side of the European Parliament⁸, while the national parliaments must continue to approve decisions taken by their governments on the basis of the ESDP without being adequately informed about their European dimension.

III. The European Security Strategy in the face of a constantly changing international situation

38. On taking a closer look at specific problems, both those which have been around for some time and those that have surfaced more recently, it becomes clear that the key risks and threats identified in the European Security Strategy, namely:

- international terrorism;
- proliferation of weapons of mass destruction (WMD)
- regional conflict
- state failure, and
- organised crime

remain fully relevant if one considers the nuclear ambitions of Iran and North Korea, conflicts in Africa, the Caucasus, Central and South Asia and in the Middle East, the problems in Moldova or the situation in the various countries that sprang from former Yugoslavia or which lie on the southern Mediterranean rim. All of them fall into one or several categories of the risks and threats listed above.

39. However, there are other factors likely to condition international and European security in the future, among them the real or potential rise of forms of nationalism in certain important countries. This development could go hand in hand with a weakening of democracy in the countries concerned and policies of confrontation rather than cooperation gaining ascendancy in international relations.

40. The disintegration of the Soviet Union took place peacefully on the whole without unleashing the kind of violence that occurred following the break-up of Yugoslavia. However, developments in the countries of the Commonwealth of Independent States (CIS) have followed very different and at times

⁸ Article 41, paragraph 8 states: "The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy. It shall be kept informed of how it evolves".

conflicting courses, if one compares the recent events in Ukraine, or Kyrgyzstan, with the stagnation in Belarus or with the situation in countries subject to authoritarian regimes, as is unfortunately the case of Kazakhstan, Uzbekistan, Tajikistan and Turkmenistan.

41. Such developments cannot help but leave their mark on the evolution of Russia's own internal and external policies, where a feeling of national outrage combines with the fear of being hemmed in or that the country may implode. Russia's recent criticism of OSCE action and its position vis-à-vis the problems of Chechnya, Georgia and Transdniestria must be evaluated in this light.

42. A European strategy that seeks to establish closer ties with Russia runs up against the challenge of conducting a neighbourhood and partnership policy that will consolidate the forces of democracy in Russia, a country still in the throes of change. At present, the European Union member states do not give the impression of having agreed a clear, coherent concept of the policy to be adopted towards Russia.

43. This is making little headway while problems continue to arise as the Belgian Minister for Foreign Affairs, Karel De Gucht explained to the Assembly's Committees at a meeting in Brussels on 9 March 2005.

44. As the representative of the Chairmanship-in-Office of the WEU Council confirmed on that same occasion, practical cooperation between the European Union and Russia in regard to the ESDP has barely moved forward and there is still no intimation of what that country hopes to achieve other than organising relations along similar lines to the NATO-Russia Council.

45. Development of any common policy towards Russia should also take account of the positions of the new central European member states: for example the Baltic States, Poland and others. It is to be regretted in this connection that it was not possible within the European Union to agree on a common approach to the celebrations marking the 60th anniversary of the ending of the second world war in Moscow on 9 May 2005, and to avoid a polemic that has arisen around the subject between the Baltic States and Russia.

46. It remains to be seen whether the EU Russia Summit of 10 May 2005 has helped clarify the nature of the relations between the partners and the prospects for mutual cooperation and the specific areas in which it might occur. It would seem that at the summit both sides made progress by adopting roadmaps for the four areas for cooperation (economy, internal security and justice, research and education, external security)⁹, but the Russians are apparently expecting more by way of concrete proposals from the European Union on ESDP cooperation.

47. Another aspect which a strategic concept should cover is the increasing role religion plays in certain regions of the world especially as regards the way in which people define their identity. This applies not only to Islam but also to other religions such as Hinduism, Buddhism and Christianity, inasmuch as they are gaining ground in countries outside Europe.

48. The European Security Strategy is rather too quick to limit the religious aspect to the dangers of violent religious extremism as a source of terrorism. Religion needs to be taken into account more widely as a political factor. In most EU member states, Christianity and a religious identity within political life has tended to decline sharply. However, Europe's predominantly secular approach might one day be challenged by activist movements from outside seeking to transform society on the basis of religious criteria. This would not necessarily lead to terrorism but might disturb perceptions of how democracy works and produce conflicts.

49. Another important factor to bear in mind in the future management of international relations is the emergence of world powers such as China, India and Brazil and the like, or Russia's revival as a power capable of standing up to the United States as a dominant player on the international stage. While not reflected in the European Security Strategy, the dispute between the EU and the United States over the lifting of the embargo on arms sales to China illustrates very clearly that the balance of power still plays a fundamental part in international relations, and more particularly so in certain regions.

50. Now it seems clear that one of the fundamental aims of the European Security Strategy is to substitute an international order based on the balance of power by an international order based on a set of

⁹ *Bulletin Quotidien Europe*, 11 May 2005.

rules. According to this line of thinking international relations would be governed by international law, with the United Nations Charter providing the fundamental framework.

51. However, given that the United Nations as an organisation does not have the power or the means to ensure the application of the rules of its Charter and of international law across the globe, building an international order founded on a legal regime depends both on the might of the major powers among the members of the United Nations, and primarily those of the members of the Security Council, and on the regional organisations to which the UN may have recourse – for example NATO and the European Union.

52. When the European Security Strategy states that the European Union “with a wide range of instruments at its disposal” (including military instruments) is “inevitably a global player” in view of the size of its population, it recognises the importance of power in international relations. The “effective multilateralism” it advocates must therefore amount to more than the strengthening of international law through individual international institutions. It must also take account of the balance of force between the major powers, such as the European Union itself aims to become.

53. This is a far cry from an ideal world governed by the kind of international order envisaged by the authors of the European Security Strategy. If that is to be the objective, everything possible must be done to facilitate understanding and cooperation between the world powers and to avoid anything that might give rise to or increase the risk of conflict between them and lead to tension in sensitive areas of the world. Under those circumstances, the lifting of the embargo on arms sales to China would be the wrong signal at the wrong time.

54. The European Security Strategy advocates setting up strategic partnerships with a large number of world countries, among them the United States, Russia, China, Japan, Canada and India. Those powers play very different roles in international relations and there are differences, not to say conflicts of interest, between some of them. If the essential criterion for such partnerships is shared objectives and the values held by the European Union member states, the practical prospects of achieving them are not the same for all countries.

55. In that context, there will need to be a clearer definition of the content and goals of each of those partnerships, for if they are to contribute to effective multilateralism they must not lead to coalitions with partners that have incompatible, not to say diametrically opposed interests.

56. But one also needs to evaluate the impact that political development within the European Union will have on the implementation of the European Security Strategy. This raises the question of the importance of the entry into force of the Treaty establishing a Constitution for Europe and of the last major round of enlargement for that project.

57. Ratification of the Constitutional Treaty is clearly not an essential condition for the implementation of the European Security Strategy. It cannot be denied, however, that full application of the provisions of the Constitutional Treaty on the CFSP and ESDP would greatly facilitate it. The appointment of a President of the European Council, elected by that body for a term of two and a half years, once renewable, and the creation of a post of Union Minister for Foreign Affairs could make a decisive contribution to strengthening the coherence necessary for the European Union’s external policy.

58. The view is even taken by some experts that “the aspirations of the European Security Strategy for greater (...) coherence will never be realised fully until and unless such provisions of the Constitution as the fusion of EU external services and the new-style European Council President and ‘Foreign Minister’ come into force¹⁰”. The Petersberg tasks extended to include disarmament operations and combating terrorism, the solidarity clause and the mutual assistance clause (even though not binding) are also important and extremely useful factors in implementing the European Security Strategy.

59. In view of the enlargement of the European Union to 25 member states and of the continuation of the enlargement process, the intention in creating instruments for “permanent structured cooperation” and “enhanced cooperation” is to enable groups of member states wishing to go further to undertake specific

¹⁰ Alyson J. K. Bailes: “The European Security Strategy – an evolutionary history”; SIPRI Policy Paper No. 10; February 2005.

ESDP tasks, something the Treaty of Nice still does not allow for. This is real progress, but it should still be borne in mind that for as long as the Constitutional Treaty has not been ratified, the member states are free to set up all kinds of enhanced cooperation outside the treaties or in the WEU framework.

60. The creation of the European Defence Agency is an example of a form of cooperation which was achieved without waiting for the Constitutional Treaty to be ratified. Failure to ratify the Treaty would not prevent closer ESDP cooperation going ahead; it would more likely lead to a sclerosis of the policy in more general terms, the consequences of which are unforeseeable, but they would no doubt have deleterious effects on the implementation of the European Security Strategy.

IV. Dealing with risks and threats to Europe's security and to its citizens

1. Weapons of mass destruction and their means of delivery

61. Although the European Security Strategy refers to North Korea's nuclear activity and arms proliferation in the Middle East (without explicit reference to Iran) as areas of concern for Europe, the latter's intention not to involve itself directly in the difficult six-way negotiations with North Korea seems entirely justified.

62. North Korea is nevertheless the first of the signatories of the Nuclear Non-Proliferation Treaty to have withdrawn from it, which might lead to developments likely to increase the risks to the European Union's security.

63. But those risks are not only the product of the development and proliferation of nuclear, biological and chemical weapons but also of their means of delivery. In this respect, it is certainly the case that: "Security will remain at risk from increasingly advanced and lethal ballistic and cruise missiles and unmanned aerial vehicles (UAVs)¹¹. Account must also be taken of the dangers of proliferation of portable missiles which terrorists might make use of¹².

64. So although the European Council adopted another strategy in December 2003 to counter proliferation of weapons of mass destruction (WMDs) the subject did not figure among the priority considerations to which the Belgian Foreign Affairs Minister and Luxembourg's representative to the PSC, representing the EU/WEU Presidency, drew attention at the joint meeting of the Assembly's Committees in Brussels on 9 March 2005.

65. It emerged from the Presidency conclusions following the European Council meeting of 16 and 17 December 2004 that the latter approved a report on implementing the EU strategy against proliferation of weapons of mass destruction. This very full report concentrates on what needs to be done to universalise the main treaties, agreements and arrangements for verification of disarmament and on non-proliferation, including measures to strengthen verification, inspection and export control procedures.

66. The report contains no specific reference to North Korea or Iran. On the subject of North Korea, Mr Solana has appealed to that country to agree to a resumption of the six-way negotiations involving the United States, China, the Russian Federation, Japan and South Korea.

67. It was surprising therefore, on perusing the 2004 "Annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP" (dated 15 April 2005), to learn that the admission of all the new EU member states to the export control regime was raising difficulties. Indeed, the Plenary Meeting of the Missile Technology Control Regime (MTCR) from 6-8 October 2004 in Seoul did not reach agreement on the admission of the seven new EU Member States remaining outside the regime. No explanation was provided of the reasons for this disagreement nor of the identity of the countries whose entry was disputed.

68. In regard to Iran, the negotiations which France, Germany and the United Kingdom are conducting with Tehran on behalf of the European Union have culminated in an agreement that Iran will suspend all its uranium enrichment activities. However, Iran is a long way from agreeing to renounce its nuclear programme once and for all. A good sign here is that the European Union and the United States have

¹¹ "Mapping the global future", report of the National Intelligence Council's 2020 Project, December 2004.

¹² See paragraph 101 of the United Nations Secretary-General's Report, 21 March 2005, on UN reform.

drawn perceptibly closer together as regards the pursuit of their common goals, namely to prevent Iran acquiring nuclear weapons.

69. In the meantime the United States is supporting the European view that rather than isolating Iran and immediately referring violations of the provisions of the Nuclear Non-Proliferation Treaty to the UN Security Council, the country should be offered the prospect of generous aid towards the development of nuclear energy for peaceful purposes and of extensive economic cooperation in return for giving up its military nuclear programme.

70. Still, if it is hoped to persuade Iran to abandon its nuclear ambitions for good, thought must be given also to offering it security guarantees – something that is not at present on the cards. Furthermore, there remains the problem of Iran’s attitude to terrorism and there are still differences between Europeans and the United States about the latter’s aims in regard to regime change.

71. In any event the European Union’s position on the Iranian issue is not without its dangers, for if the negotiations fail, not only would this constitute a serious setback for the CFSP but there would also be a grave risk of it being impossible to control all the consequences. If the matter were to go before the Security Council and Iran failed to comply with the resolutions adopted there, even if sanctions were involved, the question would then be whether the European Union would be ready to approve coercive, not to say military measures and – an even thornier problem – to take part in them directly.

72. Thus – even though it is to be hoped that such a scenario will not come about – the problem of Iran might be one instance where the European Union should clarify the nature of “preventive engagement” as it is proposed in the European Security Strategy.

73. In this connection, it is helpful to take a closer look at the recent thinking and proposals of the UN Secretary-General published on 21 March 2005 in his report on UN reform.¹³

74. In this the Secretary-General observes that: “Imminent threats are fully covered by Article 51, which safeguards the inherent right of sovereign States to defend themselves against armed attack. Lawyers have long recognised that this covers an imminent attack (...). Where threats are not imminent but latent, the Charter gives full authority to the Security Council to use military force, including preventively, to preserve international peace and security”.

75. For that reason the United Nations Secretary-General, consistent with the advice of the High-Level Panel on Threats, Challenges and Change whose remit it is to develop proposals for amending the United Nations Charter, was minded not to propose any change to Article 51, but instead to “recommend that the Security Council adopt a resolution setting out these principles and expressing its intention to be guided by them when deciding whether to authorise or mandate the use of force (...)”.

76. However, he does not indicate clearly whether the proposed resolution is supposed to determine the rules governing recourse to force only in cases of non-imminent threat (when the Security Council would decide) or in cases of imminent threat as well, where any state threatened can act in accordance with Article 51.

77. The European Security Strategy does not state explicitly whether preventive action by the European Union which implied recourse to force would necessarily require prior authorisation from the UN Security Council. But it can be implicitly interpreted in this sense as it emphasises the primary responsibility of the Security Council to maintain peace, while supporting an international rule-based order, for which the United Nations Charter provides the basic framework.

78. This represents a departure from the National Security Strategy and the National Defense Strategy of the United States, the latter published in March 2005. This document makes no reference whatever to the United Nations or the UN Security Council. It does, however, give details of the US approach to preventive [pre-emptive] engagement:

“This strategy is intended to provide the President with a broad range of options. These include preventive actions to deny an opponent the strategic initiative or pre-empt a devastating attack;

¹³ “In larger freedom: towards development, security and human rights for all”, Report of the UN Secretary-General.

combat operations against a capable and organised military, paramilitary or insurgent adversary; and stability operations that could range from peacekeeping to substantial combat action (...).

Preventive actions include security cooperation, forward deterrence, humanitarian assistance, peace operations and non proliferation initiatives including international cooperation to interdict illicit WMD transit (...) Preventive actions also might entail other military operations for example, to prevent the outbreak of hostilities or to help defend or restore friendly government. Under the most dangerous and compelling circumstances, prevention might require the use of force to disable or destroy WMD in possession of terrorists or others or to strike targets (e.g. terrorists) that directly threaten the United States or US friend or other interests (...)."

79. The US National Defense Strategy therefore takes a close look at the problem of military action in the context of what are sometimes called "counter-proliferation measures" in other words those to be taken when policies of non-proliferation by peaceful means fail to succeed. On this point the European Security Strategy is much vaguer.

80. Thus, although it is essential to reach agreement without delay on a common approach towards preventive action, whether political, military or other, protection against the dangers of WMD and their means of delivery also requires thought be given to the practical means of defence against such weapons in the event of diplomacy, non-proliferation and prevention coming to nothing. The European Security Strategy has no answer to offer in this respect and even if the context were slightly different, the request made in the European Parliament for a debate to be held on the development of a European defence strategy seems amply justified.¹⁴

81. In point of fact, while the United States develops its own national missile defence system (in which Canada moreover does not wish to participate) and NATO has just reached agreement on setting up a theatre missile defence to protect troops from its member countries deployed in crisis-management operations, discussion continues in some countries, for example in France, on the future role of deterrence, as a means also of countering WMD proliferation.

82. While the WEU Assembly has never shrunk from discussing all these issues, there is currently no European forum within which discussion takes place on the nature and the importance of the threat and the appropriate military responses to be envisaged. The signatory states of the modified Brussels Treaty meeting in the WEU Council have a specific responsibility for such matters in view of the fact that they are bound by the mutual assistance obligation contained in Article V of the Treaty and act in close cooperation with NATO.

83. In this connection, it should be noted that the Council confirmed in its reply to Recommendation 749¹⁵ that it would continue to apply all the provisions of the modified Brussels Treaty for as long as it remained in force. As it is becoming increasingly evident that the mutual defence clause in Article I-41(7) of the Treaty establishing a Constitution for Europe, cannot, because it is not binding and contains no provision regarding implementation, replace Article V of the modified Brussels Treaty, any discussion in Europe on defence against the threat of WMD and their means of delivery, even if only to consider whether NATO is doing what is required in this sphere, will have to take place in the framework of WEU.

84. Consideration should also be given to the fact that WEU, the European Union and NATO have in recent years undergone major enlargement and that the armed forces of the member countries are deployed in crisis-management missions in several parts of Europe. A debate is thus called for as to the geographic area that is involved in connection with the reference, in Article V of the modified Brussels Treaty, to an armed attack in "Europe" calling the mutual assistance obligation into play.

¹⁴See the report on the European Security Strategy, European Parliament, Foreign Affairs Committee. Rapporteur Helmut Kuhne, adopted by the European Parliament on 14 April 2005.

¹⁵ See Assembly Document [1878](#) adopted on 29 November 2004: "European security policy fifty years after the signing of the modified Brussels Treaty — reply to the annual report of the Council" submitted on behalf of the Political Committee by Antonio Nazaré Pereira, Rapporteur (Portugal, Federated Group).

2. *International terrorism*

85. The fight against terrorism raises similar difficulties inasmuch as the representative of the EU/WEU Presidency informed the WEU Assembly Committees, on 9 March 2005, about the planned development, for June 2005, of a concept for the building of a rapid response capability for the protection of European forces deployed in ESDP operations and for other aspects of protection.

86. Up until now, the WEU Council has not replied to the questions put to it by the Assembly as to whether a terrorist attack from without, on a scale comparable to the 11 September 2001 attacks or using WMD, constitutes an armed attack within the meaning of Article V. This is a crucial issue since the solidarity clause in Article I-43 of the Constitutional Treaty, which the European Council has decided to apply in anticipatory fashion, sets far more restrictive conditions for assisting countries concerned and for possible activation of military assets in the event of a terrorist attack.

87. In any event, it is essential to implement quickly the measures envisaged in the conceptual framework of the ESDP that deals with combating terrorism, approved by the Council last December. Among the manifold measures envisaged, an essential one to take note of is that relating to improving exchanges of military intelligence, and the Assembly cannot repeat too often its recommendation that more use be made of the Torrejón Satellite Centre. It is therefore regrettable that there is no reference to the Centre in the 13 November 2004 Presidency report on ESDP or in the conceptual framework referred to.

88. Following the most recent informal meeting of the EU defence ministers held on 21 March 2005, the Luxembourg Presidency stated that “all Defence Ministers believe that ESDP does not have a crucial role to play in combating terrorism, but rather a back-up role”¹⁶. Even if this seems true in the case of the majority of likely scenarios, one must always keep in mind the danger of terrorism using weapons of mass destruction.

89. In the context of the fight against terrorism, the following considerations could add further meat to the debate on the appropriate way of arriving at a common approach to combating terrorism and of making it more difficult for terrorists to get hold of weapons of mass destruction. The first is the UN Secretary-General’s proposal to approve the definition of terrorism drawn up by the high level panel of eminent persons and submitted to the Secretary-General in 2004 in the context of developing proposals for UN reforms¹⁷. The panel’s definition of terrorism is as follows:

“... in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organisation to do or abstain from doing any act.”¹⁸

90. The UN Secretary-General strongly urges world leaders to unite behind that definition and to conclude a comprehensive convention on terrorism before the end of the sixtieth session of the General Assembly.

91. Thus, at a joint meeting between the enlarged Presidential Committee and the External Relations Subcommittee of the Parliamentary Assembly of the Council of Europe and the Committee on Foreign Issues and the Defence and Security Committee of the Parliamentary Assembly of the Commonwealth of Independent States (CIS) in St Petersburg, on 14 April 2005, a heated debate arose on the definition of terrorism. The question arose *inter alia* as to whether someone who killed combatants for the reasons set out by the UN Secretary-General might not in fact be a terrorist.

92. Apart from questions of definition the general approach to the fight against terrorism also needs to be discussed, in particular with the United States. In this connection there is a fundamental divergence between the United States and the European Union. The US National Defense Strategy states right at the start of the document that “America is a nation at war”. This does not in any way resemble the approach

¹⁶ *Bulletin Europe* No. 8913, 22 March 2005; *Atlantic News* No. 3662, 22 March 2005.

¹⁷ A more secure world: our shared responsibility – report by the UN High Level Panel on Threats, Challenges and Change, United Nations 2004.

¹⁸ Report of the UN Secretary-General, 21 March 2005.

by Europeans whose every effort is concentrated on the fight against terrorism using a wide range of non-military instruments. While the European Security Strategy considers that deterrence is not an effective response to terrorism, the US National Defense Strategy takes the view that:

“While it is harder to deter certain non-state actors such as terrorists and insurgents inspired by extremist ideologies, even these actors will hesitate to commit their resources to actions that have a high likelihood of failure. Our deterrent must seek to influence these actors’ cost benefit calculations even as we continue prosecuting operations against them”.

93. Europeans, on the other hand, invariably endeavour to determine and eliminate the causes of terrorism which they regard as tied in with the pressures exerted by modernisation, cultural, social and political crisis and the alienation of young people living in foreign societies.

94. Another factor serving to illustrate how far the two shores of the Atlantic are from a common approach is the proposal from a group of experts from the *Hessische Stiftung für Friedens- und Konfliktforschung* for abolishing all tactical nuclear weapons, given that it would be easier for terrorists to get hold of these than to make off with ballistic missiles¹⁹. The Americans, on the other hand, in their 2002 Nuclear Posture Review advocated using nuclear mini-bombs in the war on terror²⁰. There is therefore no lack of subjects for discussion in the European, transatlantic or worldwide context.

V. Criteria for European Union involvement in crisis management, particularly of regional conflicts

95. In a statement before the members of the French Senate on 13 April 2005, France’s representative to WEU and the PSC expressed the view that: “There are no pre-defined criteria for European Union external intervention. Such intervention depends on the European Union’s particular interest in regard to a situation of crisis, on the political will to intervene and on the limits of its projection capability”. If one were to take as the principal criteria for European Union intervention the Union’s capability, if necessary, to support any crisis-management action it takes with military operations, caution must continue to be the watchword given that progress towards achieving the European Capability Action Plan (ECAP) with a view to the implementation of the 2010 Headline Goal has been fairly modest to date.

96. Besides, putting any such plans into execution will not be possible until 2007 when the European Union will have the means simultaneously to undertake two rapid response operations with a battlegroup-size force. For the initial operational capability covering the period 2005-06, the EU needs to be able to provide at least one battlegroup able to undertake at least one battlegroup-sized rapid response operation.

97. The problem of coordination and interoperability with NATO’s project for the creation of a rapid response force (NATO Response Force, NRF) has arisen during the phase of setting up the 13 battlegroups since the two forces have to be drawn from the same “single set of forces” and, once the battlegroups are established, agreement has to be reached with NATO about how the two organisations’ entitlement to call on such forces is to be shared between them. In any event, in view of the size of the European Union’s first major military engagement in Bosnia and Herzegovina (Operation Althea) involving deployment of more than 7 000 troops, it seems unlikely that the European Union will engage in another large-scale military operation in the foreseeable future.

98. The European Security Strategy’s stated aim that the European Union should be able to undertake several operations simultaneously cannot be achieved in a day. It is true that, thanks to the Berlin plus arrangements, the EU can call on NATO assets, as it is currently doing in the framework of Operation Althea, but there have to be negotiations with NATO on each occasion and their outcome is not exclusively within the control of the European Union. But the European Security Strategy rightly states that none of the new threats is purely military and capable therefore of being countered by purely military means: each needs to be dealt with by a combination of means of action geared to the nature of the threat.

99. Nevertheless, although it would be true to say that the European Union is particularly well equipped to deal with multifaceted situations, it should be borne in mind at all times that its greatest strengths in

¹⁹ *Frankfurter Allgemeine Zeitung*, 2 December 2004.

²⁰ *Le Figaro*, 17 January 2005.

this respect are not as yet military, notwithstanding the establishment of a civil-military planning cell and the European Defence Agency (EDA) in 2004. Nor should it be forgotten that as far as decision-making goes, the European Union aspires to be in a position to decide the launch of an operation within five days of the approval of the crisis-management concept by the Council, for which a political consensus among the 25 member states is required rapidly.

100. The European Security Strategy recalls *inter alia* that “In almost every major intervention, military efficiency has been followed by civilian chaos” and that greater capacity is needed to bring all necessary civilian resources to bear in crisis and post-crisis situations.

101. The implementation of the Civilian Headline Goal by 2008, as approved by the June 2004 European Council, takes on particular significance in this context. Since April 2004, an EU planning and civilian crisis-management support capability has been working within the Council Secretariat-General.

102. The priority civilian crisis-management areas are mainly the police, rule of law, civil administration and civilian protection matters, but also include the conduct of various types of observation mission and support to the European Union special representatives. After some initial difficulty, it became possible to take on over 5 700 police officers with the necessary expertise for deployment in crisis areas.

103. According to a statement from the Luxembourg Presidency in Brussels on 9 March 2005, to the Assembly’s committees, since early this year the EU has had a training manual and training plan for police officers that are to be deployed in international civilian crisis-management operations. A concept has been developed for the use of integrated police units which can be placed under military command and also for deployable HQs.

104. In terms of civilian protection, an Agreement between the Council and the Commission now means that the Commission’s civil protection assets can be used in crisis-management operations outside the EU. Concepts have also been developed for possible civilian administration tasks of a transitory nature. Besides, the EU has begun to discuss the extension of the existing priority areas of intervention to monitoring missions and has developed a concept for this new priority area.

105. The initiative taken by five member states of the European Union (France, Italy, Netherlands, Portugal and Spain) to establish a European gendarmerie force is a most important contribution towards the maintenance of security and public order in problematic areas. However, despite the progress that has been achieved, there is still a long way to go in order to attain the civilian Headline Goal and the EU’s ambition to be able to undertake simultaneously several civilian missions at varying levels of engagement.

106. The attainment of the civilian Headline Goal is envisaged in four stages, three of them due to be completed in 2005. These entail development of scenarios, planning and drawing up of a list of requirements and capabilities and identifying capability shortcomings.

107. Geographic factors certainly play a key part in determining engagement and it is wholly justified for the European Security Strategy to emphasise security in the European Union’s “neighbourhood”, without neglecting the importance of more distant threats. Moreover, your Rapporteur shares the view expressed by the Political Committee in its report on “European security policy fifty years after the signing of the modified Brussels Treaty – reply to the annual report of the Council”²¹ to the effect that the criteria set out in the document entitled “A Human Security Doctrine for Europe” submitted to Mr Solana on 15 September 2004 could provide a good basis for determining European Union priority guidelines in this area.

108. Clearly, any action under the ESDP must be based on the Common Foreign and Security Policy (CFSP) but it could be the case that some countries exert pressure on others within the EU Council to approve operations in regions that hold specific interest for themselves.

²¹ See Assembly Document [1878](#) adopted on 29 November 2004: “European security policy fifty years after the signing of the modified Brussels Treaty – reply to the annual report of the Council” submitted on behalf of the Political Committee by Antonio Nazaré Pereira, Rapporteur (Portugal, Federated Group).

109. It would, moreover, appear that there is general agreement among all European Union member states that peacekeeping and security in Africa is a priority for the European Union, as Belgian Foreign Affairs Minister Karel De Gucht and Paul Duhr, Luxembourg's Permanent Representative to the EU and WEU Councils, both confirmed on 9 March 2005 at the meeting of the WEU Assembly Committees in Brussels. The success of Operation Artemis in the Democratic Republic of Congo and the humanitarian disaster in Darfur, Sudan, have probably contributed to making it easier for the Council to approve the "Action Plan for ESDP support to Peace and Security in Africa".

110. This is directed primarily towards helping the countries of the African Union carry out their AMIS I and AMIS II missions to put an end to the crises in Sudan, particularly in Darfur, where the European Union is represented by a small handful of observers. However, it soon became clear that the measures were insufficient to remedy the situation as the organisations of the African Union wanting to carry them out are not being successful in putting an end to the killings.

111. While the European Union merely condemned the Sudanese Air Force's bombing raids on the villages of Darfur, major differences emerged between UN Security Council members about a mandate for a peacekeeping force in Sudan. Under the resolutions finally adopted, UN forces are deployed only in the south of the country and not in Darfur itself, which remains the responsibility of African Union units.

112. The United States has since ceased objecting to the decision to have those responsible for crimes against humanity in Sudan summoned to appear before the International Criminal Court. This constitutes major progress but the case of Darfur is yet another example of the difficulties involved in reaching the required consensus in the Security Council. The European Union and NATO, both of which had been asked by Kofi Annan at the Munich Security Conference to make a greater contribution towards pacifying the Darfur region, need to find ways of becoming more involved in the region, working in coordination with the African Union and the United Nations. In that context, it is regrettable that the discussion is currently focused on disagreement between France and the United States on whether it should be NATO or the European Union that becomes involved in this area.

113. In the meantime the EUPOL Kinshasa police mission in the Democratic Republic of Congo has been approved by the Council. This is tied in with the follow-up to Operation Artemis. Besides, on the basis of proposals from France and Belgium an advisory and assistance mission to the Democratic Republic of Congo for reforming the security sector, and indeed the armed forces in that country, is currently at the planning stage. According to statements by Mr Solana during the informal EU defence ministers meeting on 18 March 2005, the purpose of the mission, due to start at the end of April, is to help integrate former belligerent factions into a unified, reformed national army so as to achieve rapid reinforcement of security and allow elections to be held.

114. Mr Solana feels that the ESDP's role in Africa could range from political and financial support to the African Union (AU) or sub-regional organisations to more operational commitments. This approach would mainly involve supporting the development of African peacekeeping capabilities. However, the events in Darfur, and in other areas, require far more intensive consideration as to whether the European Union ought not to become involved more directly, particularly when the AU's peacekeeping capabilities prove not to be up to the task.

115. Recent events in the CIS countries, particularly Georgia, Kyrgyzstan and Ukraine have again highlighted how important it is for the European Union to have an eastern neighbourhood policy as advocated in the European Security Strategy. The termination of the OSCE observation mission along the Georgian-Russian border at Russia's request led to Georgia asking the European Union to send an ESDP mission to that country, while the EU is currently undertaking a mission – EUJUST Themis – to help the Georgian authorities reform their criminal justice system. Giving the ESDP a role in Georgia, a move which some of the new EU member states would support although the majority have reservations, might be a subject that could be raised for discussion with Russia in the framework of the EU's strategic partnership with that country, where there have been no moves as yet beyond the stage of trying to establish a roadmap for a common European external security area, to include provisions on cooperation under the ESDP.

116. Another subject that might be raised is the degree to which the European Union might cooperate with Russia in finding a solution to the outstanding difficulties in Moldova and in particular in the

province of Transdniestria. Such issues tie in with developments in Ukraine since December 2004, since Moldova is relying on the new government in Ukraine for assistance in regard to Transdniestria, and the European Union envisages in its 10-point plan of action on Ukraine embarking on practical cooperation with that country over the Transdniestria conflict and more generally strengthening cooperation on crisis management.

117. Given that the European Union also appears to have invited Russia to enter into a dialogue with it over the future of Moldova, there is a whole range of topics to be discussed either with Russia or with Ukraine, for which the European Union has as yet to develop a coherent concept. The question of Belarus might also be included.

118. More specifically in regard to Ukraine, the European Union must agree without further delay whether it wants to hold out to that country the prospect of EU accession and decide on the conditions governing such accession, or on a different concept defining the nature of the European Union's future relations with Ukraine. In that context, one subject remains paramount: the content of the partnership with the Russian Federation, whose external policy and internal development will depend on its own perception of developments in countries like Ukraine and possibly other CIS countries in the Caucasus and Central Asia, and the direction in which they are moving, and on the EU's reaction to them. The EU-Russia summit which took place in Moscow on 10 May 2005 provided an opportunity to examine some of these outstanding questions that require clarification to give substance to the partnership with Russia.

119. At the same time, it should not be thought that the different operations in which the European Union is involved in the Balkans, like Althea and the EUPM in Bosnia and Herzegovina and the Proxima police mission in the former Yugoslav Republic of Macedonia, have become routine. Kosovo's future status has yet to be determined and the situation in FYROM is not yet stable. Serbia's policy is still a major problem since its reluctance to cooperate with the International Criminal Court in The Hague and its position on the Kosovo problem is likely to isolate it, as the United States has cut off all financial aid and the European Union is refusing to proceed with the first phase of a feasibility study on Serbia, this being the first step in the pre-accession procedure.

120. It is clear that a commitment to a settlement of the conflict in the Middle East continues to be an important factor in the European Union's foreign policy. According to the European Security Strategy, resolution of the Israeli-Arab conflict even constitutes one of the Union's strategic priorities. It would appear that, in this area, the prospects of successful European Union cooperation with other Quartet partners have rarely been so high.

121. It would also appear that the American initiative on the Broader Middle East is progressing successfully, thanks to support from the European Union, and that the Barcelona Process has played a major part in this. The European Union's decision to become involved in the reconstruction of Iraq through the EUJUST-LEX mission for training senior civil servants in management and criminal investigation is a first indication that the deep divisions within the Union about the assessment of US policy towards Iraq and transatlantic differences over the military intervention are beginning to heal and a degree of cooperation, albeit modest, is beginning to re-emerge.

122. The EU's dialogue and cooperation with its Mediterranean partners in the field of crisis management are essential elements in any neighbourhood policy but there needs to be more information about the purpose and content of that dialogue and in particular about the annual programme of action the European Union has drawn up, which could be a subject for Euro-Mediterranean cooperation.

123. An initial assessment of the range of activities in which the European Union has been involved to date, beyond its borders in the general area of crisis management, would be that most of its operations, with the exception of Operation Althea, are still modest in scope. The Union has yet to prove itself capable of making an effective contribution towards resolving the major crises in its vicinity and beyond, drawing on the whole panoply of ESDP political and military instruments.

124. The European Union is still, for the moment, in the process of building or perfecting its political and military instruments and as yet lacks the additional political tools for which the Treaty establishing a Constitution for Europe makes provision. It also still lacks a true "defence dimension" and the European

Security Strategy consequently does not address the question of how to counter threats to Europe's security in the event of an all-round failure of efforts to prevent a crisis.

VI. Effective multilateralism?

125. The European Council gave the Luxembourg Presidency *inter alia* the task of improving dialogue and cooperation between the EU and international organisations like the United Nations, NATO, the OSCE, and the African Union and with EU partners in the area of the ESDP, including European countries that are members of NATO but not of the EU.

126. Indeed, the European Security Strategy makes the strengthening of the United Nations and the Security Council one of Europe's main priorities. In December 2004, and then again on 22 and 23 March 2005, the European Council confirmed that the EU was firmly resolved to play a major part in the United Nations. This commitment acquires a particular relevance at the present time given that the EU is called upon to take a common position on the proposals put forward by the United Nations Secretary-General on 21 March 2005 in his report entitled: "In larger freedom: towards development, security and human rights for all". This draws to a large extent on the report on UN reforms drawn up in 2004 by the UN High Level Panel.

127. The European Council is of the opinion that the Secretary-General's report makes a major contribution to the preparations for the UN summit in September 2005. The Luxembourg Presidency even confirmed to the press that the 25 EU member states were one hundred per cent behind Kofi Annan's proposals and that the EU would speed up work to finalise the common positions that might be adopted at the June summit to allow the European Union to speak with one voice at the UN summit next September²².

128. The Secretary-General's report is extremely full, consisting of 64 pages, and also contains a large number of proposals on a new conception of collective security, the fight against terrorism, non-proliferation of weapons of mass destruction and above all on conflict prevention and the recourse to force. A considerable amount of work still needs to be done to achieve a common position within the European Union on all those proposals.

129. The new conception of collective security put forward by the UN Secretary-General and his assessment of the main threats, which are broadly speaking the same as the six dimensions discussed in the report by the UN High Level Panel on Threats, Challenges and Change entitled "A more secure world: our shared responsibility" submitted in 2004, broadly agree with the analysis on the same subject in the European Security Strategy.

130. Moreover the Secretary-General's report also takes account of the problem of proliferation of light weapons and anti-personnel mines and places especial emphasis on mediation and sanctions. To improve oversight of compliance with peace agreements in the aftermath of regional conflict, he proposes establishing an intergovernmental Peacebuilding Commission within the United Nations, made up of Security Council and Economic and Social Council members and "representatives of the leading troop contributors and the major donors to a standing fund for peacebuilding".

131. The European Union should take a position on these proposals in the document setting out European Union priorities it envisages drafting for the 60th session of the United Nations General Assembly in September 2005.

132. The UN Secretary-General's proposals are also intended to improve and strengthen the effectiveness of that body and reorganise its decision-making structures, specifically the Security Council. It is in particular in relation to this last point that conflicts of interest and differences of opinion could emerge between the EU member states. The Union's overall aim is to act as a legal personality and speak at the UN with a single political voice, but at the UN each member country is sovereign.

133. Furthermore, the European Union will need to convince the other major countries in the United Nations of the soundness of its conception of effective multilateralism and the primacy of the United Nations and its Security Council. This applies in particular to the United States where scepticism about

²² *Bulletin Europe*, No. 8915, 24 March 2005.

the usefulness of the United Nations still runs high. (In the address she delivered in Paris on 8 February 2005, US Secretary of State Condoleezza Rice did not even mention the role of the United Nations). The decision of the High Level Panel and the UN Secretary-General not expressly to propose extending the right to self-defence grounded in Article 51 of the United Nations Charter in order to facilitate preventive or pre-emptive action but instead to give the Security Council the power to decide whether the conditions for such action were met is likely to revive the debate between Americans and Europeans and gives the European Union the opportunity of further refining its concept of “preventive engagement”.

134. In this context there no is avoiding the need to take account of cases such as Kosovo and Iraq, over which the Security Council has found itself paralysed, and where the various European Union member states reached very different conclusions.

135. Moreover, there is a need to keep track of practical developments in cooperation between the European Union and the United Nations and the areas involved in such cooperation. In this respect, the information released by the Council has not been very specific except in regard to ESDP support for the United Nations mission to the Democratic Republic of Congo (MONUC) and the introduction of joint consultative machinery further to the EU/UN joint declaration of 24 September 2003. It is necessary in particular to have a better idea of the follow-up action taken by the EU on cooperation with the United Nations over military and civilian crisis-management operations.

136. In the framework of the concept of effective multilateralism, the European Security Strategy regards transatlantic relations as an essential and irreplaceable element of the international system. While NATO is considered to be an “important expression” of that relationship, the avowed aim is “an effective and balanced partnership with the USA”. It can be deduced from this that the transatlantic partnership, conducted through NATO or directly between the EU and the US, is regarded as paramount, a fact which will certainly have implications for any other international partnerships.

137. The development of transatlantic relations will probably represent one of the major challenges of the coming years and the various positions taken by the United States, NATO, the EU representatives, and above all the debates at the Munich Security Conference, illustrate the need to pay the utmost attention to this issue.

138. The first challenge in regard to transatlantic relations is the need to surmount differences between the United States and the European Union in their perception of an international order of freedom, justice, democracy, peace and security, and indeed of effective multilateralism. While the European Security Strategy refers right from the outset to the primacy of the United Nations and of the UN Security Council, the new US Defense Strategy makes no reference whatsoever to the UN, or indeed to NATO or the European Union.

139. The US Defense Strategy, which regards the United States as being in a state of war, divides the world up into the friends and allies of the US on the one hand and their enemies on the other. It seeks to “preserve and extend peace, freedom and prosperity throughout the world”. As far as future relations between the great powers go, the US Defense Strategy repeats President Bush’s affirmation in the National Security Strategy to the effect that: “Today, the international community has the best chance since the rise of the nation states (...) to build a world where great powers compete in peace instead of continually prepare for war”.

140. How can that vision of a world consisting of powers in constant competition chime with the European approach according to which multilateralism must be based on rules that are generally recognised and respected? This will depend a great deal on the future development of the United Nations. If the UN succeeds in re-establishing itself as an instrument able to carry out more effectively its role as a forum where democratic countries predominate, the United States might conclude that it is not in its interest to go it alone.

141. The second challenge is mainly concerned with the future role of the Atlantic Alliance and the evolution of the NATO/EU partnership. The WEU Assembly has a particular responsibility in this area as the guardian of the modified Brussels Treaty, Article IV of which provides for close cooperation with NATO in the execution of the treaty. WEU and its Assembly therefore provide the essential link between the European and the transatlantic approaches, an element that is lacking today in EU-NATO relations, as

the President of the WEU Assembly, Stef Goris, pointed out at the joint meeting of the Assembly's Committees with the North Atlantic Council, on 21 March 2005.

142. A problem arises in the first place because not all the EU member states are NATO members and not all NATO members belong to the European Union. Until 1999, WEU, all of whose member states belong both to the EU and NATO, was the strongest link between the two organisations. Today, of the six EU member states not members of NATO, two – Cyprus and Malta – are not members of the Partnership for Peace and have no security agreements with NATO. Because Turkey refuses to accept the presence of representatives from Cyprus and Malta at the joint meetings between the NATO Permanent Council and the European Union's PSC to discuss matters other than the implementation of the Berlin plus agreements, the dialogue between the European Union and NATO in all those forums remains very limited.

143. This is the more regrettable given that the NATO Secretary-General, Jaap de Hoop Scheffer, has made numerous efforts to strengthen and widen the political dialogue between the two organisations and recently proposed organising informal meetings of EU and NATO Foreign Affairs Ministers. But in NATO itself, there are difficulties the minute the issue is raised of how that organisation might recover its pride of place as the forum for discussion between the Atlantic and European allies of the major areas of current concern. The German Chancellor put his finger on the need for a transatlantic political debate at the International Security Conference in Munich, in February.

144. An initial discussion in an informal meeting of NATO Foreign Ministers held in Vilnius, on 21 April 2005, revealed that there was a difference of views as to the scope of the debate on the Alliance's political dimension. In that connection, France expressed clearly the view that the discussions should be confined to the military dimension, consequently refusing to discuss in NATO matters such as the lifting of the embargo on the sale of arms to China, nuclear problems involving North Korea or Iran's nuclear activities.

145. These examples demonstrate the extent of the difficulty in achieving effective multilateralism in transatlantic relations. In which forum should discussions with the US take place so as to reduce divergences between the European and US strategies? What is certain is that it is essential to remove the obstacles to a more substantial dialogue between the NATO and European Union authorities in order to establish productive cooperation and avoid developments that might encourage rivalry and competition which are in no one's interests.

146. From time to time the idea surfaces of setting up a "Eurogroup" in NATO to strengthen Europeans' clout in the Alliance, an idea which does not currently find much favour with the NATO Secretary-General. But these kinds of initiative show how difficult it is to get cooperation off the ground between organisations of a very different nature, like the European Union and NATO – the first being based on a project for achieving a high level of integration among members and the second on the principle of the national sovereignty of all allies.

147. It is essential that problems of cooperation between the European Union and NATO should be resolved quickly, for a number of practical reasons, and in particular to agree on burden-sharing in order to guarantee interoperability between the EU battlegroups and the NATO Response Force and to clarify the conditions under which these two formations can be used under a UN mandate.

148. There is the further difficulty – which is not new – of the participation by European NATO members which are not members of the European Union in the various ESDP activities – for example in the battlegroups or, as WEAG members, in the work of the European Defence Agency, in the process of decision-making for and implementation of European Union operations under the ESDP – or indeed participation of all the EU non-NATO member states in the consultation process between the two organisations.

149. However, the root causes of such problems are not simply matters of legal form; there is also the question of whether past disagreements between the transatlantic partners can give way to an era of mutual understanding and cooperation. This is still a matter for conjecture, even after President Bush's February 2005 visit to NATO, the European Union and certain European capitals. There are undoubtedly signs that give cause for optimism: convergence of European and American thinking about Iran, for

example, but the matter of whether the embargo on arms sales to China should be lifted is still a bone of contention that threatens to put transatlantic relations severely to the test and have serious repercussions for the nature of those relations.

150. There is much to be done in terms of firming up the partnerships envisaged between the EU and NATO, and between the European Union and the United States – developing their content and establishing a concept for negotiating and concluding them with the partners concerned.

VII. Involving parliaments and citizens more closely

151. At the recent informal meeting of EU Defence Ministers on 18 March 2005, the Luxembourg Presidency made known its intention of developing a more sensitive, better directed communications strategy, at the same time regretting the fact that decisions concerning the European Security and Defence Policy were often taken in isolation from the national parliaments and out of the public eye.

152. Such a move in relation to the parliaments and electorates in the member states is not only highly apposite as far as the ESDP is concerned. It is justified, one might say necessary as well, for ensuring the objectives of the European Security Strategy are better understood. That understanding is undeniably essential for voters within the European Union, but it is also important outside the Union, particularly in the EU's near neighbourhood and further afield.

153. There are therefore good reasons for supplementing the European Security Strategy with an interparliamentary strategy to bolster the dialogue with parliaments of neighbouring countries in order to explain to them the aims of European policy and the manner in which it is subject to democratic scrutiny.

154. The relations the WEU Assembly has built up with the CIS Interparliamentary Assembly and certain member country parliaments (for example Russia and Ukraine), and also its contacts with the newly created CSCM Assembly, open up extensive possibilities for it to establish an enhanced parliamentary dialogue in that connection. Advantage was taken of an initial opportunity which arose when the enlarged Presidential Committee took part in the interparliamentary conference arranged by the Interparliamentary Assembly of the CIS in Saint Petersburg, from 14 to 16 April 2005.

VIII. The annual report of the Council

155. At the time of writing, the Assembly had not received the second part of the 50th annual report of the Council for the period from 1 July to 31 December 2004. This delay is especially regrettable as decisions regarding the winding up of the Western European Armaments Group (WEAG) and on the future of the Western European Armaments Organisation (WEAO) were taken during this semester without the Assembly having been informed of their content, their details and their consequences – not to mention the fact that they concern WEAG secretariat staff.

156. This delay in transmitting the annual report to the Assembly also affects the Council's reply to Recommendation 752 on "Cooperation on defence systems procurement in Europe – reply to the annual report of the Council", as it refers back to "the relevant chapters of the second part of its 50th Annual Report which provide the requested update on the evolution and tasks of the WEU bodies competent in the field of armaments cooperation".

157. Now, informal indications would suggest that a minority of Council members appear to have entertained reservations about the inclusion in the annual report of a chapter on ESDP development. However, as the Assembly has already made clear on a number of occasions, that attitude is not tenable legally and would be politically extremely dangerous. All the activities that the WEU member states undertake in the realm of the ESDP as members of the European Union form part of the areas of responsibility of the WEU Council as widened under the Paris Protocols of 23 October 1954, modifying and completing the Brussels Treaty.

158. Consequently, when the representatives of the WEU member nations to the Council of WEU act as representatives to the PSC in the European Union, they fulfil at the same time the obligations arising out of the modified Brussels Treaty, in particular those under Article VIII. The transfer of the exercise of WEU's crisis-management functions to the European Union was not accompanied by any decision to

repeal the corresponding obligations under the modified Brussels Treaty. The only difference is that since then the WEU member countries have carried out those obligations in a different forum – the European Union.

159. Besides, the Council's attitude is not consistent since the annual reports of previous years contain summary information about ESDP developments. In addition, the Council presidencies have been quite ready to deal with such subjects before the Assembly, either in plenary session or in joint meetings between the Assembly's Committees and the WEU Permanent Council/PSC. Moreover, in its replies to Recommendations 753, 755, 756 and 758, the WEU Council provides some information, although of too general a nature, on the activities of WEU member states in the European Union and/or the Atlantic Alliance in respect of the areas of the ESDP dealt with under those recommendations.

160. The Assembly can do no more than urge the Council and all the member governments no longer to be reticent about including in the annual report any relevant information concerning the European Security and Defence Policy, and all its transatlantic aspects, in full application of Article IX of the modified Brussels Treaty. That article is in point of fact the expression of the Council's obligation to maintain an institutional dialogue with the Assembly on key European defence matters which cannot be separate from any European Security Strategy that aspires to be comprehensive. But as that strategy is not based on a mutual assistance guarantee in the European Union, it is time to begin a dialogue with the Council with a view to the European Security Strategy including an appropriate form of the commitment entered into by the signatory states of the modified Brussels Treaty.

161. The same holds good for the WEU Council's decision not to take the initiative to invite the new member states of the European Union and NATO to accede to the modified Brussels Treaty and thus increase the number of nations linked by the only binding mutual assistance obligation in the event of an armed attack that exists within the European Union framework, in the form of Article V of that Treaty. The European Security Strategy will not be complete unless firmly based in a European collective defence commitment. Given the inadequacy of the provisions of the Constitutional Treaty in this area, the WEU Council should exercise its responsibility and give all new European Union member states that fulfil the criteria laid down in December 1991 for WEU enlargement the possibility of acceding to the modified Brussels Treaty.

162. This implies full collective participation by national parliaments in the information and consultation process regarding the implementation of that strategy and the evolution of the ESDP. The WEU Assembly is the sole European interparliamentary assembly where national parliaments can hold discussions and engage in dialogue with governments on those subjects. To deprive the national parliaments of those means by withholding from the Assembly the information it requires seems foolhardy, if not dangerous, for national parliaments are called on to scrutinise decisions taken by their governments in regard to the ESDP and must therefore be fully informed about the European aspects of those decisions.

163. Thus the European Parliament Resolution on the European Security Strategy adopted on 14 April 2005 on the basis of the Kuhne Report quite rightly states that there is an obligation of "continued accountability of actions undertaken within the Union's CFSP framework to the National Parliaments, particularly with regard to those Member States where parliamentary approval is required in order to take any military action".

164. Even if the European Parliament has been regularly informed since 1999 of the main aspects and basic choices of the ESDP, in a report that the Council of the Union conveys to it each year under an inter-institutional agreement, the activities of certain bodies and functions which the European Union inherited from WEU have since practically disappeared from sight. These relate, to mention only some instances, to the Torrejón Satellite Centre, the Institute for Security Studies, the PSC and its working groups, the Military Committee and the EU Military Staff. For some years now no annual report, whether in the WEU or European Union framework, has systematically provided information about the activities of those bodies.

165. The governments, whether they meet in the WEU or EU configuration, would be well advised not to further deepen the democratic deficit that currently exists in both frameworks. The more transparency and openness there is in regard to information the more European missions are likely to be supported by

the electorate. A substantial annual report, transmitted sufficiently early to allow the relevant committees to discuss it and for an oral presentation of it to be made at plenary sessions is absolutely essential.

IX. Conclusions

166. The European Security Strategy was drawn up at a time when profound divisions arose between member states over the war in Iraq – with disastrous consequences for the common policy of the European Union. It is still too soon to assess whether it can contribute to preventing the re-emergence of such divisions. The document has the advantage of concentrating on the description of a number of goals and fundamental principles, without going into too much detail. Brief it may be but it is entirely comprehensible and readable.

167. Even in the face of a rapidly evolving international situation of growing complexity, the European Security Strategy is thus a highly relevant document as far as risk and threat assessment is concerned, and in that connection a wide area of convergence can be noted with the views expressed by the United States and within other international organisations like the United Nations and the OSCE. And yet there is not nearly enough discussion, indeed hardly any at all, of the dangers of a revival of a spirit of militant nationalism in some countries and the importance of the religious factor in politics.

168. When it comes to pinning down strategic objectives, effective multilateralism – based on a universally acknowledged system of international law in which a central role is reserved for the United Nations – undoubtedly constitutes the key to the European Security Strategy. However, in order to attain that fundamental goal, the European Union and its member states must overcome awesome challenges, without the document providing any guidance on how to proceed in doing so and what means might be appropriate.

169. The first of these is to reconcile two very different ideas. The European Union is based on the principle of political integration the consequence of which is that in an increasing number of areas the national sovereignty of member states must be transferred to the common authorities of the Union. Conversely, the UN system as presented in the report by its Secretary-General dated 21 March 2005, the US perception of an international order and the basic principle of an Atlantic Alliance and cooperation within NATO support the convictions of these international players that sovereign states are essential and inevitable elements of the international system.

170. The second challenge is the need for the European Union to reach agreement with its main partners on the content of effective multilateralism as advocated in the European Security Strategy. In that respect, a wide convergence can be detected between the European approach and that contained in the report unveiled by the UN Secretary-General to the UN General Assembly on 21 March 2005 on the reform and future role of the United Nations. However, this is where a problem of comprehension arises between the two sides of the Atlantic. It relates in particular to the attitude of the United States which, while sharing the same values as Europe, does not agree with subscribing unreservedly to a set of rules based on the primacy of the UN and the Security Council and which reserves the right, as necessary, to act alone or by forming *ad hoc* coalitions to ensure its vital interest prevails or to spread peace, liberty and democracy in the world.

171. There are also major differences between American and European ideas on how to combat international terrorism. In order to overcome those differences in the various fields in which they occur, there first has to be a mutual willingness to enter into dialogue and secondly an agreement about the appropriate forum for such a dialogue.

172. Various initiatives have been take over a period of time to restore to NATO its role as the primary forum for discussion of the major issues relating to transatlantic security. However, initial talks to that end have shown that there is no unanimity among the Allies on the Alliance's political dimension. Besides, one might wonder whether NATO is the appropriate forum in which to discuss problems concerning the implementation of those parts of the European Security Strategy which do not fit in with American ideas, since the Strategy is a European Union concept and not an Alliance one.

173. To achieve the ambitions set out in the European Security Strategy and better convince its international partners of the justification for its objectives, the European Union must carry more weight,

especially in terms of its relations with the United States. To that end it is essential for it to develop a greater independent capability at both the diplomatic and military levels, particularly in terms of its resources.

174. Nevertheless, it should be clear that such major endeavour must not be directed towards making Europe a counterweight to the United States by giving it capabilities enabling it to carry out precisely the kinds of action for which it criticises the United States. Those capabilities should rather be geared to achieving Europe's main objective of effective multilateralism.

175. There is a need also to materialise that goal in future relations between the European Union and NATO, which in turn requires the speedy removal of the present obstacles to a genuine political dialogue between the two organisations, without which there can never be productive cooperation.

176. Rebuilding a transatlantic consensus remains an essential condition for implementation of the European Security Strategy goals. Once in place, the strategic partnerships envisaged with several national and multinational powers should be directed towards the central objectives of the European Security Strategy and define more closely the respective content of those partnerships. Bearing in mind the European Union's stated ambition of becoming an international player, able to mount effective military operations in the interests of peace and security, it has only just begun to take the action that is required to give it the necessary capability. However, movement in that direction has been promising. The entry into force of the Constitutional Treaty would further contribute to speeding up the process.

177. The European Security Strategy will be incomplete for as long as it cannot rely on a European collective defence guarantee taking in all the countries that have committed themselves to the Strategy. Until such a guarantee is provided within the EU framework, the modified Brussels Treaty must be retained and all the new EU and NATO member states should be invited to accede to it.

178. In that way all the conditions for developing a military concept on the basis of the European Security Strategy would be met. In the meantime it is necessary to undertake wide-ranging action to ensure that the parliaments and electorates in the member states and in neighbouring countries can relate more closely to the goals of this European policy.

ANNEX

Texts adopted on the European Security Strategy

RECOMMENDATION 733²³

on a European strategic concept – defence aspects

The Assembly,

- (i) Highlighting the current challenges facing the European Union in the field of security and defence;
- (ii) Stressing the need for the European Union to develop a credible and effective security and defence policy;
- (iii) Stressing the need for the European Union to draw up a strategic concept that encompasses all areas of Union action, whether it be political, economic or military;
- (iv) Aware of the divisions that persist among European states with regard to the objectives to be achieved by the ESDP;
- (v) Aware of the impact of enlargement on the process of implementing a common European security and defence strategy;
- (vi) Stressing that the accession of new members to the European Union will contribute to enhancing the Union's role on the international stage and that it is important to define and implement common security policies for Europe and the rest of the world;
- (vii) Taking the view that it has become necessary for the European Union and NATO to agree on common objectives for world peace and security and to avoid unnecessary and counter-productive duplication and competition;
- (viii) Taking the view that the European strategy should not be confined to providing a military response to the problems posed by international terrorism and the threat of weapons of mass destruction and terror;
- (ix) Stressing that it is important for states to maintain and strengthen the commitments subscribed to under the international treaties on disarmament, arms control and the non-proliferation of dual-use defence technologies;
- (x) Taking the view that it is the duty and responsibility of the European Union to help ensure compliance with the principles of the United Nations Charter and to see to it that they are not undermined by unilateral action;
- (xi) Stressing the importance for the European Union to pursue and develop dialogue and cooperation with other centres of power, states and international organisations;
- (xii) Considering that the European strategic concept must be based on the principle of autonomy of European action;
- (xiii) Considering that the European Union must enhance and develop its capacity for civil and military crisis management by:
 - achieving the headline goal and extending the Petersberg missions to include the defence of the European Union's interests;

²³ Adopted by the Assembly on 1 December 2003. See Assembly Document 1841: "A European strategic concept – defence aspects" submitted on behalf of the Defence Committee by Renzo Gubert, Rapporteur (Italy, Federated Group).

- supporting the creation of standing European multinational military and paramilitary forces and their headquarters;
- making a major effort with a view to acquiring common defence equipment and technologies while supporting efforts at national level;
- setting up an intelligence component involving both national contributions and autonomous resources;
- creating a “European Security Council” of Foreign Affairs and Defence Ministers of the EU member states, responsible for security and defence questions;
- envisaging the creation of a European “peace corps” to help with post-conflict stabilisation and reconstruction in the political, social and economic fields;

(xiv) Desirous of making a contribution to the debate on a European strategic concept, in particular as regards the parliamentary dimension,

RECOMMENDS THAT THE COUNCIL

1. Participate actively in drawing up a European strategic concept, in particular as regards security and defence aspects;
2. Ensure that the European concept takes the following aspects into account:
 - the need for Europe to be capable of autonomous decision-making and action as regards political and military crisis management;
 - the need to adapt and extend the Petersberg missions to cover the current threats;
 - the need to adapt the EU headline goal to take account of increased requirements for rapid-reaction capabilities;
 - the need to support the European Capability Action Plan (ECAP) in accordance with current and foreseeable requirements;
 - the plans for a European defence industrial policy;
 - the creation of a European agency responsible for the harmonisation of operational requirements, the development of cooperative programmes and the coordination of defence research and technology;
 - the need to establish a European Union Council of Foreign Affairs and Defence Ministers of the member states;
 - the need to create a defence intelligence agency within the EU;
3. Keep the Assembly informed of its initiatives with regard to the development of the ESDP.

RECOMMENDATION 736²⁴

***on the prospects for the European Security and Defence Policy (Part II) –
reply to the annual report of the Council***

EXTRACTS

The Assembly,

(...)

(iii) Recalling that the work on drawing up a first European security strategy based on the draft submitted by the WEU Secretary-General in his capacity as High Representative for the CFSP involves a fundamental revision of the traditional concept of defence in the face of the new global threats;

(iv) Recalling in that regard Assembly Recommendation 685 of 19 June 2001 on “Revising the European security concept – responding to new risks”;

(v) Taking the view that it is essential for the WEU Secretary-General to present to the Assembly as soon as possible the main lines of the European security strategy in its revised version and to launch the necessary dialogue with the representatives of the 28 national parliaments represented in the Assembly;

...

RECOMMENDS THAT THE COUNCIL

1. Ensure that the final text of a European security strategy:

(a) specifies to what extent the “pre-emptive engagement” that is proposed differs from the doctrine of “pre-emptive strikes” advocated by the United States’ National Security Strategy;

(b) defines more clearly the conditions in which the security strategy could be conducive to extending the right of individual and collective self-defence to cover specific threats far outside Europe’s borders;

(c) draws a clear distinction between:

- threats likely to lead to measures for individual and/or collective self-defence;
- (terrorist) threats likely to be combated by means of measures taken on the basis of a solidarity clause as proposed by the Convention on the Future of Europe;
- crises to which it would be appropriate to respond on the basis of the enlarged range of Petersberg missions;
- threats to peace, breaches of the peace or acts of aggression that may lead to coercive action by the United Nations in accordance with Chapter VII of the UN Charter;

(d) takes a stance on the future role of the doctrine of deterrence and on the concept of missile defence;

(e) defines the criteria that must be met to justify, or indeed to demand, military intervention, in particular where there is a deadlock in the UN Security Council;

(f) devotes a specific chapter to cooperation with NATO and the United States;

(g) draws up proposals with a view to speeding up the EU decision-making process in the event of a crisis;

...

²⁴ Adopted by the Assembly on 2 December 2003. See Assembly Document 1844: “Prospects for the European security and defence policy (Part II) – reply to the annual report of the Council” submitted on behalf of the Political Committee by Giuseppe Gaburro, Rapporteur (Italy, Federated Group).

RECOMMENDATION 748²⁵***on the European Security and Defence Policy
following EU and NATO enlargement – reply to the annual report of the Council***

EXTRACTS

The Assembly,

...

(xiv) Stressing the utmost importance of rapid implementation of the European Security Strategy, particularly in regard to the European Union's new neighbourhood resulting from its eastward enlargement, which implies the development of a policy of constructive cooperation, including cross-border cooperation, and partnership with members of the Commonwealth of Independent States (CIS) and in particular with Russia, Ukraine, Moldova and the Caucasus states;

...

RECOMMENDS THAT THE COUNCIL

...

6. Give the European Union the necessary impetus to ensure that the European Security Strategy is implemented, in particular by:

- contributing actively to a constructive policy regarding the EU's new neighbourhood;
- clarifying the part the ESDP is to play in the fight against international terrorism;
- helping to take rapidly the necessary practical measures for anticipatory implementation of the solidarity clause;
- making WEU's experience, and its experience in applying its Treaty, available to the EU for developing constructive cooperation with NATO;

...

8. Develop a contribution to the European Union on the implications of possible reform of a country's right to individual and collective self defence, as set out in the UN Charter;

...

²⁵ Adopted unanimously by the Assembly on 4 June 2004. See Assembly Document 1860: "The European Security and Defence Policy following EU and NATO enlargement – reply to the annual report of the Council" submitted on behalf of the Political Committee by Bart van Winsen, Rapporteur (Netherlands, Federated Group).

RECOMMENDATION 749²⁶

*on European security policy fifty years after the signing of the
modified Brussels Treaty – reply to the annual report of the Council*

EXTRACTS

The Assembly,

...

RECOMMENDS THAT THE COUNCIL

...

7. Launch within the EU a study on the evolution and scope of the right of individual and collective self-defence in the context of the preventive engagement proposed by the European Security Strategy and of the “projection of stability” doctrine developed within NATO;

²⁶ Adopted by the Assembly on 29 November 2004. See Assembly Document 1878: “European security policy fifty years after the signing of the modified Brussels Treaty – reply to the annual report of the Council” submitted on behalf of the Political Committee by Antonio Nazaré Pereira, Rapporteur (Portugal, Federated Group).

RECOMMENDATION 757²⁷***on new challenges for transatlantic security cooperation***

EXTRACTS

The Assembly,

...

(ii) Noting that the United States National Security Strategy and the European Security Strategy both have a fairly similar analysis of the security threats their respective continents face but that the United States and the European Union are often at variance over methods and ways of dealing with common threats;

...

(xix) Hoping earnestly that Americans and Europeans will combine their political offices to secure compliance with, and a strengthening of the existing treaties, in order to prevent proliferation of nuclear, chemical or biological weapons of mass destruction;

(xx) Stressing that transatlantic cooperation is the more justified as the danger of proliferation of weapons of mass destruction is further amplified by the risk that terrorist groups may try and produce such weapons themselves or procure them illicitly for their own ends,

RECOMMENDS THAT THE COUNCIL URGE WEU MEMBER GOVERNMENTS TO:

1. Undertake, following the recent presidential elections in the United States, to work closely with President Bush and the new administration, including in multilateral institutions, to promote the rule of law and create a just, democratic and secure world;

2. Deepen the dialogue in NATO which continues to be the main forum for transatlantic consultation;

3. Ensure that the efforts the EU and NATO make towards securing the new military capabilities that both genuinely require for dealing with new security challenges complement one another, and endeavour to make good shortcomings and eliminate duplication in this sphere;

4. Undertake to explain more clearly to the US authorities the mutual advantage to be had from the development of the European Security and Defence Policy and of that policy being complementary to NATO policy;

5. Strengthen cooperation between the United States and Europe over intelligence;

6. Make serious efforts to ensure American public opinion is better informed about major developments in Europe, and vice versa;

...

13. Reach agreement with the United States on giving priority to the fight against the causes of terrorism, in particular by working for greater political openness and economic development in the Islamic world.

...

²⁷ Adopted by the Assembly on 1 December 2004. See Assembly Document 1877: "New challenges for transatlantic security cooperation" submitted on behalf of the Political Committee by Elsa Papadimitriou, Rapporteur (Greece, Federated Group).

