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**FIFTY-FIRST SESSION**

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**The way ahead for the European Security and Defence Policy and its  
democratic scrutiny – reply to the annual report of the Council**

**REPORT**

submitted on behalf of the Political Committee  
by Andrea Manzella, Rapporteur (Italy, Socialist Group)

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<sup>1</sup> Adopted unanimously by the Committee on 8 November 2005.

**RECOMMENDATION 767<sup>1</sup>**

***on the way ahead for the European Security and Defence Policy  
and its democratic scrutiny – reply to the annual report of the Council***

The Assembly,

- (i) Welcoming the perceptible progress the European Union member states have made in the last five years to acquire the instruments necessary to implement the ESDP goals laid down in the Treaty on European Union;
- (ii) Recalling its conviction, already stated in Recommendation 759, that the provisions of the Treaty establishing a Constitution for Europe that concern strengthening ESDP decision-making and operational instruments would significantly facilitate the European Union's ability to implement future actions enabling it more readily to take on its share of the responsibility for international security;
- (iii) Convinced nevertheless that the uncertainty now hanging over the fate of the Constitutional Treaty does not affect continuing efforts to carry on the ESDP project, either through cooperation or the structures established pursuant to the existing Treaties, or through arrangements or cooperation falling outside them;
- (iv) Convinced in particular that it would be desirable to support moves to strengthen the role of the EU CFSP High Representative and to set up a European diplomatic service to give greater coherence and visibility to the foreign and security policy of the European Union;
- (v) Drawing attention to the fact that European Union involvement on the ground with a dozen or so missions currently spread across the Balkans, Africa, the Middle East, central Europe, the Caucasus and Indonesia, together with the Union's political involvement in the Middle East, and more particularly in the negotiations with Iran, are raising considerable expectations of the EU's determination in regard to the management of crises and the means it can make available to that end;
- (vi) Recalling that the military and civil instruments that are to be available to the ESDP are still, for the most part, not yet operational and that the success of the work of the European Defence Agency will be decisive in ensuring that European forces in the service of the ESDP are well equipped;
- (vii) Stressing in that connection that it is for the WEU Council to make sure that WEAG and WEAO experience and *acquis* are appropriately transferred to the European Defence Agency and use made of them by the latter, and that non-EU members of WEAG and WEAO are as closely associated as possible with its activities;
- (viii) Hoping earnestly that an inclusive approach will be taken towards ESDP activities as a whole, and that they will not be excessively curtailed by institutional considerations;
- (ix) Observing that involvement in crisis flashpoints in Africa, now a European Union priority, represents a major challenge for the ESDP and EU cooperation with other players on that continent, like the United Nations, the African Union and NATO, given the extent of the problems that have to be resolved;
- (x) Stressing the importance of reviving the Euro-Mediterranean Partnership project set in train under the Barcelona Process, whose "Peace, Security, Stability" dimension does not yet measure up to initial aspirations;
- (xi) Deeply concerned about the unpredictable nature of developments in Iranian foreign policy and Iran's highly aggressive stance against Israel, and about the deadlock caused by the problems encountered in the talks with Iran, led by France, Germany and the United Kingdom, to try and persuade that country to abandon a nuclear programme allowing it to acquire nuclear weapons capability;

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<sup>1</sup> Adopted by the Assembly on 5 December 2005 at the 6<sup>th</sup> sitting.

(xii) Desirous that *ad hoc* European Union missions to Palestine and Iraq go hand in hand with a coherent EU policy towards the Middle East as set out in the priorities laid down by the EU CFSP High Representative;

(xiii) Recalling that it is extremely important for all the parties concerned that there should be a satisfactory outcome to the future negotiations on the political status of Kosovo, for dependent on that outcome is an improvement in the situation in all the neighbouring countries in the Balkan region, where the European Union has concentrated most of its peacekeeping and post-conflict stabilisation effort;

(xiv) Convinced of the need to develop a more coherent European Union policy towards all countries in the region covered by the Commonwealth of Independent States (CIS), which is riven by tension and conflict both between and internal to states, the course of which is bound to have consequences for security and stability to the east of the European Union;

(xv) Concerned by the unequal development of the political situation in the CIS countries, some of which are advancing towards democracy while others still cling to authoritarian regimes and systems;

(xvi) Emphasising that consolidating the conditions for democracy is a prime requirement for a productive strategic partnership between the European Union and Russia and for stabilisation of the CIS;

(xvii) Convinced that the ESDP should envisage more vigorous measures than those foreseen in the framework of the international negotiations to counter the threat of the development of weapons of mass destruction (WMD) and their means of delivery and of a form of “disaster” terrorism, ready to use such weapons;

(xviii) Regretting in that connection the failure of the conference of signatory states of the Nuclear Non-Proliferation Treaty to strengthen the nuclear non-proliferation regime;

(xix) Deploring also the omission from the final declaration of the United Nations Summit held in New York in September 2005 of:

- a common position on the conditions for recourse to force in the event of a threat against peace;
- a firm commitment to non-proliferation of weapons of mass destruction (WMD) and to disarmament,

and the failure to reach agreement on a general counter-terrorism convention;

(xx) Welcoming, however, the establishment at the same summit meeting of a Peacebuilding Commission, a measure vigorously supported in Assembly Recommendation 759;

(xxi) Recalling the need to redefine the institutional framework and the nature, content and purpose of the EU-NATO strategic partnership;

(xxii) Emphasising once again that implementation of the ESDP as a whole and of its various projects cannot be guaranteed or funded without regularly consulting and informing national parliaments at the European level;

(xxiii) Expressing its willingness to support any efforts to ensure that the ESDP and ESDP funding are commensurate with the resources genuinely available to the European Union and its member states, by creating synergy between the Assembly and the European Parliament on the basis of the former becoming part of regular machinery for consultation with the relevant European authorities;

(xxiv) Considering the half-yearly meetings of the WEU Permanent Council/PSC with the Committees of the Assembly a welcome preliminary to such consultative machinery;

(xxv) Wishing nevertheless that the Council would make greater use of its annual report in informing the Assembly about all ESDP developments and NATO activities;

(xxvi) Deploring all the more the fact that the Council did not send even the first part of its 51<sup>st</sup> annual report to the Assembly nor its replies to Recommendations 759-766 in sufficient time for Committees to take these texts into consideration,

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

1. Make the fullest use of the possibilities offered by Article 17.4 TEU, which permits closer cooperation between two or more member states at bilateral level or within the WEU framework;
2. Allow all WEU associate members and EU accession candidates concessionary status as compared with other third countries so as to enable them play a full part in all ESDP activities and projects – especially the European Defence Agency and the battlegroups – and to be more involved in ESDP decision-making structures;
3. Urge all member states to participate in the 13 battlegroups and in the European Gendarmerie project, with its centre in Vicenza, which is currently supported by five member states (France, Italy, Netherlands, Portugal and Spain);
4. Make a critical evaluation of the European Union resources genuinely available at present and in the foreseeable future to the ESDP, as compared with the stated ambitions of the European Security Strategy and the Headline Goal;
5. In particular, evaluate the implications for ESDP planning of the European Union's priority commitments in Africa, Kosovo and the Middle East, as unveiled by the EU CFSP High Representative;
6. Reactivate the "Peace, Security, Stability" dimension of the Euro-Mediterranean Partnership initiated through the Barcelona Process and develop a coherent European policy towards the Middle East;
7. Agree a more coherent policy towards the European Union's eastern neighbourhood with a view to helping stabilise the precarious situation within the general area of the Commonwealth of Independent States, where a number of areas of tension and conflict flashpoints still subsist;
8. Take advantage of its engagement in Moldova and Georgia to re-establish a more intensive dialogue with Russia in the security area of the strategic partnership with that country so as to help build confidence between Russia and its neighbours and dispel Russian reservations about OSCE activities within the general area of the CIS;
9. Draw the implications for European Union cooperation with the United Nations in ESDP matters of the disappointing results of the United Nations World Summit held in New York in September 2005;
10. Play a constructive part in the work of the UN Peacebuilding Commission set up at that summit;
11. Ensure that the problem of what measures to take against the threat of the development and proliferation of weapons of mass destruction (WMD) and their means of delivery, and the dangers of such weapons being used in acts of "disaster" terrorism comes high on the ESDP's agenda for discussion;
12. In that connection, adopt a contingency plan in coordination with the main allies in the event of Iran's nuclear policy putting international peace in jeopardy;
13. Make clear the nature and conditions for "preventive engagement" by the European Union as advocated in the European Security Strategy, and the implications thereof for ESDP planning;
14. Take a constructive position on proposals drawn up by NATO with a view to widening the area of dialogue and cooperation between the European Union and NATO within a redefined institutional framework and giving substance to the strategic partnership between the two organisations in the area of crisis management;

15. Include the WEU Assembly in the EU process of regular democratic consultation about ESDP choices and their financial implications by creating institutional synergy with the European Parliament;

## II. RECOMMENDS THAT THE COUNCIL

16. Implement paragraph II.14 of Recommendation 759 requesting it to 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;

17. Speed up the transmission of its replies to Recommendations of the Assembly;

18. Intensify the dialogue with the Assembly on the basis of its reply to Written Question 388 and envisage supporting the Assembly within the European Union in its function as the sole forum in which representatives of national parliaments are able to be collectively informed and consulted on ESDP and NATO developments and draw up joint recommendations to the European governments, working in institutional synergy with the European Parliament.

## EXPLANATORY MEMORANDUM

*submitted by Andrea Manzella, Rapporteur (Italy, Socialist Group)*

### *I. Introduction*

1. The last two half-years have seen a number of developments which have thrown up new and difficult challenges for the CFSP and ESPD. In the first place, the rejection of the Treaty establishing a Constitution for Europe by the French and Dutch nations threw the institutional agenda and political timetable of the European Union and its members into disarray.

2. Luxembourg's vote in favour eventually brought to 13 the number of countries ratifying the treaty, the leaderships of the remaining countries having decided to suspend the ratification process for the time being. The "period of reflection" proposed by the European Council in June 2005, with a view to looking at the matter once again in the first half of 2006, has begun amid a degree of confusion for, in the absence of any "plan B", public opinion has been overwhelmed by a welter of different proposals and ideas. Two opposing camps can be distinguished: those who feel that the Constitutional Treaty can somehow be saved and those that regard it as dead in the water. At the same time problems over the EU enlargement to include Turkey and other countries have rekindled the debate on the nature, purpose and limits of the European project and its security dimension. However, specific crises need to be settled in the here and now and cannot wait on the outcome of that debate.

3. On the basis of the European Security Strategy, the European Union has established a very ambitious programme for its security and defence policy for the second half of 2005, as is clear from the mandate given the UK Presidency by the European Council<sup>2</sup>. According to information provided by the Chairmanship-in-Office of the WEU Permanent Council at the recent half-yearly meeting between the Committees of the Assembly and the WEU Permanent Council/European Union Political and Security Committee (PSC) held on 19 September 2005 in Brussels, the European Union is currently engaged in military or civilian missions in three Balkan countries, three African countries, and in Georgia, Iraq, Indonesia, Moldova and Palestine.

4. At the annual Conference of the European Union Institute for Security Studies on 26 September 2005, Javier Solana, WEU Secretary-General and EU CFSP High Representative stated that the European Union should in future become involved, as a matter of priority in the Balkans – in order especially to clear Kosovo's final status – in the Middle East and in Africa. Moreover the European Union took the initiative in negotiating with Iran to try and convince it not to acquire nuclear weapons capability. It is true to say that most of the European Union's commitments throughout the world are undertaken in pursuance of policies of prevention and crisis management by political and peaceable means, hence in the civilian segment of the ESDP.

5. However, in order to be credible, such policies must be based on military capability adequate to fulfil any commitments or to take action in the event of management of a crisis by political means coming to grief. At the meetings held on 19 September 2005 the British Presidency set out the problem as follows:

“(...) expectations that the EU can launch and sustain such a variety of challenging missions must be matched by the development of capabilities to meet these missions' objectives (...)

6. Those capabilities have to be funded. Now the European Union not only has a problem in terms of capability funding but also of being able to provide reassurance: it needs an unconditional mutual assistance and collective defence commitment among its member states in the event of a military crisis management operation or action to combat terrorism deteriorating to the point where the Union is drawn into a situation of legitimate self defence.

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<sup>2</sup> Council of the European Union: Presidency Report on the ESDP. 13 June 2005 – 10032/05

## *II. Making progress in ESDP matters on the basis of the existing treaties*

7. The present uncertainty over the entry into force of the Treaty establishing a Constitution for Europe raises several questions. Firstly, can the various ESDP instruments, including those envisaged by the Constitutional Treaty such as, for example, “permanent structured cooperation” and “enhanced cooperation” continue to be developed?

8. Secondly, can the ESDP as it stands today adequately carry out the stated ambitions of the Union set out in Articles 2 and 11 of the Treaty on European Union: “to assert its identity on the international scene”; to safeguard its “independence and integrity” and “to preserve peace and strengthen international security”? Is the European Union adequately equipped to be “a global player ... ready to share in the responsibility for global security and in building a better world” as envisaged in the European Security Strategy?

9. In regard to the first question, the majority reaction to the rejection of the Constitutional Treaty by the French and Dutch peoples shows a general consensus that the area least affected by it is that of security and defence. For some, it is even precisely in that area that further new initiatives can be taken to break the deadlock currently surrounding the European project.

10. The answer includes both a legal and a political dimension. The first is relatively simple. For as long as the Constitutional Treaty has not entered into force, member countries are free to apply in anticipatory fashion and on a strictly voluntary basis the spirit of certain of its provisions, except in cases where the current treaties actually prohibit it. Now the Treaty on European Union in the version amended by the Treaty of Nice brought in the instrument of “enhanced cooperation” in its Title V provisions concerning the Common Foreign and Security Policy (CFSP).

11. However, Article 27B TEU states that enhanced cooperation cannot “relate to matters having military or defence implications”. Nevertheless, Article 17(4) TEU states that the provisions of the Treaty shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the Western European Union (WEU) and NATO, provided such cooperation does not run counter to or impede that provided for in this Title”.

12. The Treaty on European Union in its current version therefore permits all initiatives directed towards progress in ESDP matters, provided all member countries are included in them. If, however, a group of member countries wants to move forward in areas where others are still hesitant or do not possess the required military capability, that group may agree arrangements outside the TEU and more specifically within the WEU framework.

13. In reality the development of the CFSP and ESDP within the European Union is characterised rather by actual progress made on practical projects, politically generated by successive decisions taken first of all by the WEU Councils under the modified Brussels Treaty, which allows greater flexibility as far as institutional issues are concerned, then by the European Councils with a view to transferring such *acquis* to the European Union and developing them further. The very idea of introducing the idea of enhanced or structured cooperation in defence matters into the Constitutional Treaty owes more to the existence of certain practical forms of cooperation between groups of member states than to a wish to introduce legal innovations.

14. Among the projects which have thus come into being are the Eurocorps – which currently has five member countries – Eurofor, Euromarfor, OCCAR, the LoI and so on. All these bodies exist at present on the basis of agreements and specific arrangements made outside the TEU and cannot be considered as European Union institutions properly speaking. Their being made available to the European Union depends on specific agreements and a decision on the part of their member countries. The concept of cooperation based on the military capabilities of the member states, the setting up of the European Defence Agency, the creation of a civil-military operational planning cell separate from NATO, the Helsinki Headline Goal for setting up a 60 000-strong rapid reaction force, then the decision to form the battlegroups, all these projects and achievements have come about independently of the institutional frameworks envisaged in the Constitutional Treaty, ratification of which is for the time being suspended. Neither should it be forgotten that the European Security Strategy drafted by

Javier Solana was adopted by the European Council in December 2003 at a time when the governments initially failed to reach agreement on the Constitutional Treaty.

15. While the nature and scope of the obligations arising out of the commitments made by the countries taking part in the Headline Goal and the battlegroups remains to be defined, the office of CFSP High Representative and the European Defence Agency already have their basis in the current Treaty on European Union. Consequently, all these institutions can be developed independently of the ups and downs the Constitutional Treaty is experiencing, although it should be emphasised that the adoption of that Treaty would have the advantage of incorporating the ESDP into a framework of organisations, institutions and decision-making structures that would considerably facilitate its future development.

16. In particular as regards the strengthening of the role of CFSP High Representative, transformed into a Union Minister for Foreign Affairs, and the development of a European diplomatic service to deal with the external action envisaged by the Constitutional Treaty, it would be quite feasible, from a juridical point of view, to continue to implement these projects on the basis of the existing treaties without waiting for ratification of the Constitutional Treaty. Conversely, from a political point of view, one has to ask oneself whether it would be appropriate to do so since these are specific elements of a Constitutional Treaty that has been rejected by two countries.

17. Your Rapporteur considers that although the CSFP High Representative has not been transformed, as provided for in the Constitutional Treaty, into a true European foreign affairs minister (with functions that also cover what would be attributes of a European defence minister) he has continued to stand for the full external dimension of the European Union, with the backing of the entirety of the member states and the community institutions. His action has global reach, as the extremely sensitive mission to Iran or the many negotiating networks he has built up personally in different crisis flashpoints go to show. There have been a number of authoritative opinions voiced in favour of setting up a European diplomatic service for the Union's external action which, decided through the administrative acts of the member states, should not be considered as unduly anticipatory of the Constitutional Treaty. The introduction of such a service is possible and justified and it would be desirable for coordinated action to that end to be envisaged.

18. In that context, it must be remembered too that the collective support of the national parliaments is a basic condition for the success of any measure to strengthen the European Union's external and security policy action. As the Secretary-General of WEU, Mr Solana should put more effort into his responsibilities towards the WEU Assembly, which is the only instrument national parliaments have available to them through which to be consulted and informed on European security and defence matters. Mr Solana's re-establishing working relations with the Assembly is not only an obligation under the modified Brussels Treaty but also constitutes an essential condition for wider support from parliaments for the advancement of the ESDP as a whole.

19. In order to reply to the question as to whether the ESDP can achieve the European Union's stated ambitions, there is a need to look more closely at the state of its various components beginning with the European Security Strategy itself, adopted by the European Council in December 2003. The merit of this document, drawn up by Mr Solana himself, is that it lays firm foundations for the direction the operational activities of the European Union are to take and the frame of reference within which they are to be undertaken.

20. However, it gives only general indications and runs the risk, according to some experts, of being no more than a philosophical statement, unless it is followed up with a more binding document compelling member states to draw the practical implications thereof in terms of joint planning. In this connection, the question arises as to whether the various headline goals adopted by the European Union have sufficient binding force. It would appear that the European Security Strategy as currently worded is still relevant in so far as its analysis of risks and threats goes and represents the maximum the member states are willing to accept in order to secure an international role for the European Union.

21. Nevertheless, it must be realised that despite the adoption of the European Security Strategy, differences of views persist among the member states, and in the mind of the public at large, as to the EU's world ambitions, its degree of autonomy from NATO, the nature of the ESDP and its practical

aims. According to a opinion poll taken last September by the German Marshall Fund<sup>3</sup>, 70% of European respondents wanted the European Union to become a “superpower” like the United States, but they had different notions of what a superpower was: 26% thought that the EU should concentrate on its economic strength and rejected any increase in defence spending, while 35% were in favour of both economic and military power for the Union and prepared to fund them.

22. Thus the tools available to the European Union for carrying out the ESDP should be developed gradually on the basis of a “lowest common denominator” consensus between its member states on the objectives that should be pursued using those instruments, while at the same time there should be an attempt to widen the political consensus to include objectives about which there is not as yet unanimity. Now currently, as is clear from the European Security Strategy, there is consensus about the fact that the European Union must be able to carry out several Petersberg operations simultaneously.

23. As far as the political-military apparatus necessary for making that objective a reality goes, the European Union has created a Political and Security Committee (PSC), a Military Committee (EUMC) and a Military Staff (EUMS), this last comprising some 150 officers and military experts from the member states – all along the lines of the previously existing WEU model. Moreover, the PSC representatives are at one and the same time the representatives on the WEU Permanent Council. With this instrument, the European Union already has a decision-making, operational and planning centre to manage the military capabilities the member states make available to it.

24. One of the problems still to be settled is speeding up the decision-making and planning process for rapid-response operations in order to meet the objective set by the Council of carrying out the process within a time limit of *five days* from approval of the crisis-management concept by the Council to the decision to launch the operation.

25. In terms of capabilities, the first Headline Goal defined in Helsinki in 1999 was regarded as having been achieved in 2003. The member states are therefore now supposed to be capable of making a 60 000 or so strong response force available under the ESDP, deployable within two months and sustainable for a year. However, there are major shortcomings, since deployment capability, in particular by air, is still very inadequate.

26. In May 2004, the Council of the European Union, drawing the implications of the European Security Strategy, agreed a new Headline Goal 2010. Thus the member states committed themselves “to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis-management operations covered by the Treaty on European Union”. This includes not only the traditional Petersberg tasks but also “joint disarmament operations and support for third countries in combating terrorism and security sector reform”. Even more importantly, the 2010 Headline Goal also emphasises that the EU must be ready for preventive engagement, without stipulating the possible scenarios that might call for such military intervention.

27. In the context of this new Headline Goal, the need to have forces available within the shortest time span, dictated by the nature of the new risks or threats involved, paved the way for the decision to form 13 “battlegroups” by 2007 characterised both by their greater flexibility in terms of the various missions required of them and by a high projection capability.

28. Still within the Headline Goal 2010 framework, it is essential to guarantee that EU forces, and more especially the battlegroups, are equipped and ready to be deployed, often at short notice, and that they are suited to sustaining joint operations of long duration. This is why it is crucial to know the extent to which member states are able to provide the required capabilities according to the catalogue of needs approved last May or, as the case may be, when they will be in that position. The areas of most serious shortfall remain the strategic air transport, in-flight refuelling, arrangements for the command and conduct of operations and unmanned aerial vehicles (drones).

29. At the same time work is continuing towards implementing the Civilian Headline Goal 2008, adopted by the Council in December 2004. It should be remembered that the priority areas for civilian

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<sup>3</sup> *Transatlantic Trends*, Key Findings 2005.

crisis management are, *inter alia*, the police, rule of law, civilian administration and civil protection, and also undertaking different types of observation mission and support to the European Union special representatives. It should also be borne in mind that the EU has appointed special representatives for the Balkans, the Middle East peace process, Afghanistan, the Southern Caucasus, Moldova, the Great Lakes region of Africa, Sudan and Central Asia, not to mention the special representatives for non-proliferation and counter-terrorism.

30. The planning process in this area relates both to conflict prevention and post-conflict stabilisation and reconstruction. To strengthen ESDP coherency the Civilian Headline Goal demands close coordination with the Headline Goal 2010, which is primarily of a military nature. It is essential therefore that the newly established Civil-Military Cell within the EU Military Staff should be operational to provide coordination, which will be one of its major functions in the immediate term, although its ultimate function of generating an Operations Centre is not yet a certainty.

31. Following the same line of thinking, the initiative taken by five European Union member states (France, Italy, Netherlands, Portugal and Spain) to create a European Gendarmerie Force aiming to deploy 800 officers in under a month is vital one. So too is strengthening the centre at Vicenza. This is an essential instrument for the maintenance of law and order and security, whose personnel are also able to provide expertise in military operations. The establishment of such a force is a further example of the closer cooperation between a number of member states being carried on outside the Treaty. It therefore cannot at this stage be regarded as a European Union Gendarmerie as such.

32. The need to harmonise European forces' equipment, and in particular their reconnaissance and transport assets, has been one of the challenges for European armaments cooperation from the outset, first of all in the WEU framework and subsequently within the European Union. But progress in this direction has been somewhat scant to date for a number of reasons, primary among them the conviction on the part of each individual government that anything relating to the development of its armed forces' military equipment affects its security interests – and these are not to be shared with anyone else. All of them, in fact, are inclined to reserve their right to protect their national interests in the field of weapons and military equipment export, as they are still entitled to do under Article 296 of the Treaty establishing the European Community.

33. Nevertheless, the need for equipment harmonisation, associated on the one hand with the need to create a critical mass in the field of applied defence industrial research and on the other with the increasingly obvious timeliness of generating a European defence market, freed progressively from the shackles of national protectionism, have led to the establishment of the European Defence Agency. This new institution is still involved with setting up its own internal organisation and developing a programme of work according to the guidelines set out in the Common Action that brought it into being. The three essential aspects of that work programme are as follows: development of defence capabilities in relation to crisis management, improving armaments cooperation, strengthening the Defence Industrial and Technological Base and establishing a competitive European defence equipment market and making European defence research and technology more efficient.

34. It is especially important for the success of this Agency that disagreements over its objectives between some member countries – notably between France, which favours setting up joint programmes, and the United Kingdom, for which the Agency is rather the catalyst for member countries' projects – should be smoothed over.

35. The recent proposal to have member states adopt a *voluntary code of conduct* with a view to opening up what is currently a highly protected defence equipment procurement market (at least for contracts worth one million euros or more) should help progress along the road to harmonisation. Despite strong resistance from member countries, support should be given to making this proposal a reality.

36. Furthermore, as is already in fact the case, the Agency should involve itself in practical projects in areas such as pilotless aircraft, refuellers and space-based surveillance systems, by calling more extensively on the services of the Torrejón Satellite Centre. In the same way, it is desirable that it endeavour to promote and support training initiatives, be they European, like the future European

Security and Defence College, or bilateral, like the Franco-Belgian Fighter Pilot School and the Franco-German helicopter pilot training centre.

37. Clearly, the Assembly must concern itself in particular with the way the transfer of functions from the Western European Armaments Group (WEAG) to the European Defence Agency is carried out. In this connection it is particularly important to make sure that the non-EU WEAG members, Turkey and Norway, can continue to be as closely associated as possible in those activities. The UK Presidency told the Assembly's Committees at the joint meeting held in Brussels on 19 September 2005 that it was "working hard" to ensure that appropriate arrangements were concluded between the European Defence Agency and those WEAG members concerned. However, one must not lose sight of the fact that the two countries concerned will not enjoy the same rights in the Agency as in WEAG, where they were full members.

38. There is also a need for close monitoring of what becomes of the Western European Armaments Organisation (WEAO) acquis. WEAO will not close until 31 March 2006. In the absence of an annual report of the Council for the first half of 2005, the WEU Assembly is dependent on the information provided by the Council in reply to Written Questions 390, 391 and 392 put to it by Edward O'Hara, Chairman of the Technological and Aerospace Committee<sup>4</sup>. In that connection, it will be important to watch *inter alia* that satisfactory arrangements are reached between the European Defence Agency and Norway and Turkey in respect of the WEAO contracts to which the two countries are party.

39. There is a paradox in regard to the fundamental problem of funding ESDP instruments and operations. Notwithstanding the European Union and its member states' growing difficulties in finding adequate resources for financing the ambitious objectives set out in the European Security Strategy and the military and civilian Headline Goals, the problem was not mentioned in either the last report on the ESDP from the EU Luxembourg Presidency<sup>5</sup>, or in the UK Presidency's oral presentation to the Assembly's Committees in Brussels on 19 September 2005.

40. However, in response to various questions raised by the parliamentarians in that connection, one of the representatives on the WEU Permanent Council/Political and Security Committee confirmed that CFSP and ESDP funding was woefully inadequate and this would end up by causing major difficulties for the PSC. He even suggested that the Assembly might give thought to possible solutions, through dialogue between its members and their governments and their home parliaments.

41. Such an appeal to the WEU Assembly in point of fact touches upon a basic difficulty in regard to national parliaments being collectively informed about the financial aspects of those two areas. Currently, funding for ESDP military operations, which is governed by the Athena mechanism, is with the exception of certain common costs found from member states' contributions, whereas expenditure on ESDP civilian operations and administrative expenses are covered by the CFSP budget which forms part of the Community budget. The problems arise from the fact that the budget line in the CFSP budget corresponding to ESDP civilian operations is for a very small amount and the CFSP budget line itself does not even account for 1% of the Community budget for external affairs<sup>6</sup>.

42. If the intention is that national parliaments should come to the help of the governments in resolving the problem of CFSP and ESDP funding, they need to be better informed and consulted about European activities in that regard, and their financial implications. Currently this is not the case. Only the European Parliament is informed by the Council of the European Union, after the event, in an annual report on the main aspects and basic choices of the CFSP and their financial implications for the general budget of the European Union, on the basis of an inter-institutional agreement between both bodies. However, such questions must necessarily be of interest also and indeed above all to the national parliaments, since funding not only for intergovernmental action but also for the Community budget is provided out of member states' contributions.

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<sup>4</sup> Assembly Document [1910](#), 17 June 2005.

<sup>5</sup> Document 100032/05, 13 June 2005.

<sup>6</sup> The amount currently involved is 63 million euros. At the informal EU summit held at Hampton Court in the UK on 27 October 2005, Germany proposed increasing the CFSP budget to 300 million euros.

43. Concerned that there should be optimum management of a limited security and defence budget, the Assembly is prepared to be involved in examining the various proposals which have been advanced, among them those made by the Centre for Strategic and International Studies (CSIS) in October 2005<sup>7</sup>. The Centre suggests expanding the common funding for operations and recommends that member states allocate “at least 25% of their annual budgets towards research, development and procurement” and that “no more than 40% should be spent on personnel”.

44. Bearing in mind budget constraints and the problems referred to above in setting up decision-making and operational instruments and the appropriate capabilities for conducting ESDP operations in the field, it must be acknowledged that the initial record of achievement for missions carried out to date by the European Union is modest but very encouraging.

45. Having successfully completed Operation Concordia, the first military crisis-management mission, in the former Yugoslav Republic of Macedonia and Operation Artemis in Ituri in the Democratic Republic of Congo – the first autonomous crisis-management mission launched in Africa without recourse to NATO assets – the European Union is still currently engaged in the field in the Balkans. Firstly, there are two police missions: EUPM in Bosnia and Herzegovina and EUPOL Proxima in the former Yugoslav Republic of Macedonia (FYROM). The third is Operation Althea in Bosnia and Herzegovina, the most important military mission the European Union has undertaken. It is based on the implementation of the Berlin plus agreements concluded between the European Union and NATO, making it possible for the European Union to have access to NATO assets when implementing an EU-led operation.

46. Three EU civilian crisis-management missions are currently unfolding in Africa. They are:

- EUPOL Kinshasa to monitor, mentor and advise the Integrated Police Unit in the Democratic Republic of Congo (DRC);
- USEC RD Congo, the first advisory and assistance mission on security sector reform in the DRC, and
- the EU mission to support the African Union in Sudan/Darfur (AMIS).

47. There are two missions ongoing in the Middle East: the first, EUJUST Lex in Iraq, is to support efforts to re-establish a criminal justice system and the rule of law in the country. The other is the launch by the PSC of an EU police mission within the Palestinian Territory, due to begin by 1 January 2006 at the latest. An EU Coordinating Office for Palestinian Police Support has been working on the ground from January 2005, under the auspices of the EU Special Representative for the Middle East Peace Process.

48. A EUJUST Themis rule of law mission has been established in Georgia and the European Union has also established a permanent presence for training and advising Georgian border guards.

49. At the joint request of Moldova and Ukraine, the PSC last September agreed in principle on an EU border management and control mission along the Ukraine-Moldovan border.

50. Finally, on 15 September last, a European Union surveillance mission started work in Aceh in Indonesia, at the invitation of the Indonesian Government, to monitor the application of the peace agreement concluded between the latter and the Free Aceh movement.

51. To date, mostly rather small-scale engagements are involved, the majority of them civil crisis-management missions with the one notable exception of Althea – the importance of which is examined more closely in the report João Mota Amaral is to submit to the Assembly on behalf of the Defence Committee<sup>8</sup>. It has to be recognised that such missions are hardly a confident start as compared with the European Union’s high aspirations to be a player on the international stage, and the usefulness, value and implications of European Union efforts to develop and strengthen its capacities in order to shoulder its share of the responsibility for world security should be examined in the context of an international situation which is in a constant state of flux.

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<sup>7</sup> *European Defence Integration: Bridging the Gap between Strategy and Capabilities*.

<sup>8</sup> “The European Union in the Balkans: Althea and other operations”, Document [1919](#).

### *III. Challenges facing the ESDP as a result of a constantly changing international situation*

52. The different types of regional conflict within Europe's neighbourhood and beyond raises the question as to whether there is not a risk of the European Union being crushed by the weight of the ambitions it sets forth in the European Security Strategy, which advocates "preventive engagement" and "early, rapid and when necessary, robust intervention" and expresses the European Union's resolve to "be able to sustain several operations simultaneously". It is essential to establish at least some criteria for determining priorities. The question is the more relevant in view of the fact that Europe must deal with further ESDP challenges such as its response to the threats occasioned, for example, by the proliferation of weapons of mass destruction (WMD) and their means of delivery, international terrorism and failed states.

53. One priority Mr Solana refers to is the Middle East, where, according to the WEU Secretary-General and CFSP High Representative, the European Union ought to be more involved, both diplomatically and on the ground. The first European undertakings in this connection are taking practical shape in the form of a European Union Coordination Office for Palestinian Police Support in Ramallah and Gaza to assist the Palestinian Authority set up an efficient police force. Moreover, the European Union last July embarked on a "rule of law" mission in Iraq, called EUJUST LEX. From information provided by the UK Presidency, it would appear that this mission involves administrative training for Iraqi civil servants in the police force and court and prison services, training in the conduct of criminal investigations and encouraging cooperation between all sectors of the Iraqi criminal justice system.

54. This last commitment is particularly important in view of the recent adoption of a Constitution for Iraq by a large majority of the electorate, for it is to be feared from the attitude of the opponents of the Constitution that they will continue to pose major problems for the future security and internal stability of the country.

55. The *ad hoc* European Union missions in the Middle East raise the question of whether these form a part of Europe's overall policy towards the region and how they relate to the US project for a "Broader Middle East". Such issues are also tied in with the development of the Euro-Mediterranean Partnership project launched 10 years ago through the Barcelona Process whose "Peace, Security, Stability" dimension has not yet fulfilled all that was originally hoped for. There is a need therefore for closer monitoring of the reactions of the Southern Mediterranean countries to a proposal from the European Union, made at a meeting of senior Euromed civil servants on the subject of the ESDP under the chairmanship of the PSC in April 2005, to strengthen security and defence cooperation and implement an annual action programme. More information should also be sought on the follow-up by the current Presidency to the mandate given it by the European Council last June to intensify dialogue and cooperation with Mediterranean partners in the area of ESDP.

56. Common security on both Mediterranean shores is all the more important given that the European Union now considers its ESDP commitment in Sub-Saharan Africa as one of its three priorities<sup>9</sup>.

57. It is clear from the progress reports on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (WMD)<sup>10</sup> that this is regarded as forming part and parcel of the CFSP rather than the ESDP. This applies to an even greater extent to the difficult negotiations with Iran over its nuclear programme, the aim of which, it is assumed, is to acquire nuclear weapons through its secret uranium enrichment and plutonium production programme. However, bearing in mind Iran's continual attempts to develop ballistic missiles capable of nuclear warhead delivery and the recent speech by the country's new President suggesting that Israel should be "wiped off the map", Iran could easily one day become a problem of major proportion for the ESDP.

<sup>9</sup> See Assembly Document [1913](#): "Peacekeeping in Sub-Saharan Africa: a practical approach" submitted on behalf of the Political Committee by Charles Goerens, Rapporteur (Luxembourg, Liberal Group).

<sup>10</sup> EU Council Document 15246/04, 3 December 2004.

58. Indeed, the European Union had raised a number of expectations with its support for the three-member country initiative (involving France, Germany and the United Kingdom) in conducting negotiations with Iran to try and persuade it to renounce any kind of nuclear programme for military ends in exchange for wide cooperation in the civil nuclear field, as well as in other spheres, along with negative security guarantees. Those negotiations have ground to a halt since Iran resumed its uranium conversion activity, which it had suspended at the start of the negotiations. The matter is currently pending before the IAEA and it is impossible to predict what might happen in the event of its possibly being transferred to the UN Security Council.

59. Any deterioration in the situation in this respect could have serious repercussions for the entire Middle East region and beyond. Euro-American relations could even yet again be strained to the limit in the attempt to reach an agreement on the measures to be taken to prevent Iran from acquiring a military nuclear capability. For it is undoubtedly the case that the New York World Summit did not succeed in strengthening of the UN Security Council – quite the opposite.

60. Following on from the failure by the Conference of NPT signatory states in May 2005 to strengthen the non-proliferation regime, it is particularly regrettable that the UN World Summit was not able to reach any practical agreement on combating the proliferation of weapons of mass destruction (WMD) and their means of delivery, as the UN Secretary-General proposed in his 21 March 2005 report.

61. It is also highly regrettable that no agreement was possible on requesting the Security Council to adopt a resolution laying down the principles governing recourse to force in the event of a threat to peace so as to reaffirm the SC's central role and also its right to take a decision on resorting to armed force for preventive reasons.

62. The final document from the World Summit states simply that the Security Council has “the authority (...) to mandate coercive action to maintain and restore international peace and security” and has “primary responsibility” in the maintenance of peace. This weakening of the role of the Security Council is likely to revive differences of views between the European Union and the United States over the kind of preventive measures that need to be taken in a case such as Iran. In this connection, it should be remembered that the Pentagon is in the process of preparing a new defence doctrine which may advocate preventive strikes using nuclear weapons against states planning attacks against the United States or its allies using weapons of mass destruction.

63. A transatlantic discussion on the kind of preventive measures to be implemented in the event of an imminent threat is highly unlikely to lead to a fundamental change in the United States' position whereby it reserves the option to act unilaterally, as necessary, in any way it sees fit. However, in view of the difficulties with the Iraq stabilisation process and the internal political difficulties of the Bush Administration, the possibility of the United States finally deciding against taking unilateral action to prevent Iran developing nuclear weapons capability cannot be ruled out. But the fact still remains that any such development on the part of Iran would be seen as intolerable by Israel and would lead to a regional arms race. The political leadership of the European Union should in any event reach agreement internally about just how far to become involved under the ESDP in a case such as Iran. This question will arise if the Security Council decides on sanctions against Iran but these prove insufficient to make the latter change its course or if the Security Council remains divided and allows Iran to continue pursuing its nuclear activities.

64. The issue of the European Union's ESDP commitment will arise anyway should there be another WMD proliferation crisis, or outbreak of regional conflict or international terrorism. The European Union has from the outset founded its European Security Strategy on achieving an international order based on “effective multilateralism” whose fundamental framework is the United Nations Charter and where the mainstay of the responsibility for maintaining world peace and security is the Security Council.

65. It was envisaged from the outset that the 13 “battlegroups” set up under the Headline Goal would be available for operations conducted under the aegis or authority of the United Nations. Since the UN's role has emerged weaker from the New York World Summit there is all the more need to use to the full those parts of the document that relate to peacekeeping in which the UN Heads of State and

Government “support the efforts of the European Union and other regional entities to develop capacities such as for rapid deployment, standby and bridging arrangements”.

66. In pursuing the development of arrangements for more practical ESDP cooperation between the European Union and the UN, consideration needs to be given to the present tendency to confer increased responsibility on regional organisations (of which the EU is one). There is also a need for the European Union to clarify the terms of its involvement and future cooperation with the Peacebuilding Commission set up as an intergovernmental advisory body at the New York summit.

67. Bearing in mind the purpose of that Commission, whose establishment was strongly supported in Assembly Recommendation 759<sup>11</sup> – namely to mobilise all possible resources and formulate peacebuilding proposals in the wake of conflict – the European Union is particularly well placed with the range of civil-military instruments it is in the process of acquiring, to play an important part in the activities of the UN Peacebuilding Commission, which is to be up and running by 31 December 2005 at the latest.

68. As regards combating international terrorism, the present report will confine itself to some basic essentials, since a separate report on the subject is being submitted on behalf of the Political Committee by Lluís Maria de Puig and Bart van Winsen. Within the framework of the present report, one should bear in mind that the question of terrorism remains closely bound up with a global solution to the Middle East conflict – in other words the Israeli-Palestinian dispute in the first place and the problems in Iraq and Iran – not to mention the conflicts in the Caucasus and central Asia, especially Afghanistan.

69. Secondly, the European Union should continue, despite the failure of its efforts at the New York Summit, to have a universal and binding International Terrorism Convention, incorporating a universally accepted definition of terrorism, adopted within the UN framework. Thirdly, the European Union should develop further the role the ESDP might now play in combating terrorism internally within the member states. This would also imply resolving to what extent use might, from now on, be made of ESDP instruments within the European Union – something which does not at present happen. Lastly, European cooperation on intelligence should be substantially strengthened and developed.

70. In regard to the stabilisation of the Balkans, missions effected under ESDP auspices in Bosnia and Herzegovina (Althea and EUPM) and in the former Yugoslav Republic of Macedonia (Concordia and EUPOL Proxima) have shown that the European Union is now capable of intervening on the ground, for both military and civilian crisis management purposes, particularly with a view to stabilising a post-conflict situation. Operation Althea, mobilising some 6 500 troops, is the largest ESDP mission to date. In view of the problems that remain to be solved before Bosnia can be regarded as fully stable, it is essential that the Assembly is kept informed by the Council about the lessons that can be learned from that operation and about the constant review of the mission’s mandate.

71. However, according to Mr Solana’s stated priorities at the Annual Conference of the European Union Institute for Security Studies held in Paris on 26 September 2006, “the issue which will put the whole Balkans region at the centre of our strategic agenda is the Kosovo state process”. Even if the negotiations, which seem likely to be extremely difficult, take place under the UN’s aegis, the European Union will be very heavily involved indeed and must be prepared, *inter alia*, to set out clearly the part it is prepared to play to guarantee implementation of an agreement on the future status of Kosovo. This will be a new and important challenge to the smooth running of ESDP.

72. Central issues in establishing a stable and prosperous neighbourhood to the east of the European Union are the development of Russia and the countries of the Commonwealth of Independent States (CIS) and the EU’s relations with those countries as a whole and with the individual components of the CIS. The European Union and Russia are bound by a partnership and cooperation agreement which provides among other things for the development of a common area of cooperation in the field of external security and also holds out the prospect of ESDP cooperation.

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<sup>11</sup> Assembly Document [1896](#), 13 June 2005.

73. Now the joint declaration issued after the last EU-Russia Summit held on 4 October 2005 in London sheds very little light on the development of such cooperation. Nor does it any longer endorse the attempt to reconcile the EU's and Russia's views in several critical areas like Iran's nuclear programme and the development of the situation in the Caucasus, in central Asia and in countries like Belarus.

74. The European Security Strategy rightly describes European Union efforts to establish closer relations with Russia as "a major factor in our security and prosperity". This is why it is in the Union's basic interest for Russia's policy to evolve in a direction that helps along the development of those relations. Now there are a number of factors observable at the present time indicative of the difficulties to be overcome in order to achieve that objective.

75. Persistent tension between Russia and the three Baltic States has its origin in part in Russia's refusal to ratify the border agreements it concluded with Estonia and Latvia, giving rise to short-term diplomatic disputes with Lithuania, such as when a Russian military aircraft crashed on Lithuanian soil. These are perhaps only storms in a teacup which will blow over once an improvement in the general climate of confidence between Russia and the EU countries as a whole becomes possible.

76. In that connection there is still a good deal of work to be done to make EU policy more coherent. Poland and the Baltic States in particular reacted very sharply to the impression they received that France and Germany were establishing preferential relationships with Russia "on the back", as it were, of central European countries which until 15 years ago, were under the thumb of the former Soviet Union or its satellite states. For example, the German-Russian agreement on the construction of a natural gas pipeline across the Baltic Sea, circumventing Polish territory, led to embarrassment in Poland and other central European countries more or less dependent on natural gas from Russia.

77. Relations between Poland and Russia are difficult because Poland has taken a very firm line about creating the conditions for progressive rapprochement on the part of Ukraine, Belarus and perhaps other CIS countries with the European Union. It therefore played a significant part in supporting the "Orange" revolutions in Ukraine and Georgia and is encouraging stirrings in favour of a democratic regime in Belarus.

78. While Poland is endeavouring to have its ideas integrated into European Union foreign and security policy, they run counter to the interests of Russia which is seeking to limit the impact of the Orange revolutions and produce a "reformed", more cohesive Commonwealth of Independent States under its control. But the CIS summit held on 26 September last in Kazan laid bare the rifts in the organisation, and it is worth noting that, without its being greatly noticed by the public, the leaderships in Ukraine and Georgia on 12 August 2005 invited other interested CIS countries to join them in forming a new regional alliance, "the Community of Democratic Choice" spanning the area from the Atlantic to the Caspian Sea<sup>12</sup>.

79. Such initiatives have prompted Russia to react on the economic level by terminating its policy of supplying Russian gas and petroleum at concessionary rates to CIS countries that want to throw off its shackles. At the same time, Russia is seeking to contain US influence in some CIS countries: Georgia for instance and in other regions of the Caucasus; and also in Uzbekistan which has already asked the United States to close the military base it was allowed set up there after the 11 September 2001 terrorist attacks, so as to be better able to combat the Taliban regime in Afghanistan.

80. To that end, Russia made use, *inter alia*, of a meeting of the member countries of the little known Shanghai Cooperation Organisation (SCO) which took place in Astana, capital of Kazakhstan in early July 2005. On that occasion, the six SCO member states, China, Russia, Kazakhstan, Kirghizstan, Tajikistan and Uzbekistan asked for a definite date for the withdrawal of the American and international military forces based in central Asia since 2001<sup>13</sup>.

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<sup>12</sup> *Le Monde*, 28 August 2005.

<sup>13</sup> *Le Monde*, 6 July 2005.

81. The Uzbek President, fearing that an enquiry into the bloody repression of the uprising in the east of the country, demanded by Western nations, could destabilise his government, is the prime mover in this initiative. In that connection, account should be taken of a new rapprochement between Russia and China, including in the military sphere, as became clear from the holding of joint manoeuvres between the two at the end of August.

82. To complete the picture, it should not be forgotten that Russia still has to deal with “frozen” conflicts, either latent or openly declared on its own territory, in several regions of the northern Caucasus, in Chechnya and more recently in Nalchik, capital of the Kabardino-Balkarie region to the west of Chechnya.

83. It is clear that European policy cannot remain indifferent to the changing situation in the regions concerned. Indeed, the European Union has undertaken a specific commitment in Georgia, both through its EUJUST Themis rule of law mission, and also by establishing a permanent presence in Georgia to train and counsel Georgian border guards. This is a limited but politically sensitive commitment given the conflict there has been in the past between Georgia and Russia, whether over Abkhaz separatist activity or the problem of South Ossetia, which wants to break away from Georgia with support from Moscow.

84. In that connection the agreement reached between Georgia and Russia on 30 May 2005 on the full withdrawal of Russian troops from Georgian territory by end 2008 is a positive political signal. However, the fact remains that Russia is continuing to monitor policy in Georgia tending in the direction of a rapprochement with NATO and the European Union.

85. The other specific undertaking on the part of the European Union concerns Moldova. Following a joint request from Moldova and Ukraine, the EU Political and Security Committee (PSC) in September gave its agreement in principle to launching an EU border management and control mission along the Ukrainian/Moldovan border, especially in the Transdnestrian segment, in order to help find a solution to the conflict in Transdnestria<sup>14</sup>.

86. It should be recalled that Transdnestria declared “independence” from Moldova, with the support of Russian troops still on its territory, notwithstanding the undertaking by Russia in 1999 to withdraw them within a three-year period. The (modest) ESDP commitment in Moldova and Georgia could be the trigger for a much wider, more coherent European policy of stabilisation and cooperation for the EU’s eastern neighbourhood. Such a policy cannot consist simply of supporting the CIS countries close to Russia which have made especial efforts to become democratic and at the same time draw closer to the European Union and NATO. It should also concern relations with a Russia where democratisation is currently stagnating or even moving into reverse gear.

87. Increased ESDP involvement in the sensitive areas of the CIS makes sense inasmuch as the European Union can persuade Russia that such commitments are in the interests of all countries in the regions concerned and not directed against Russia. A similar situation arises in regard to future cooperation with the OSCE, to the extent that the latter is currently experiencing major difficulties in introducing necessary reform and carrying out its function of defending democratic rights, particularly in the countries of the former Soviet Union, where it has come under fire for some time from the Russian Federation. Before engaging itself further in ESDP peacekeeping and stabilisation missions in the conflict-torn zones of the east, it is essential that the member states of the European Union lose no time in developing a coherent policy towards all of their eastern neighbours – a policy that does not at present exist.

88. Another major issue that will affect the direction the ESDP takes in the future is the way in which the EU member states envisage developing the EU’s strategic partnership with NATO. Leaving aside the practical instances of application of the Berlin plus arrangements on the ground, in particular in the Balkans, that partnership for the moment exists only on paper.

89. In addition to the information exchanges and consultations between the two organisations on the implementation of Operation Althea and the periodic meetings of the EU-NATO Capabilities Group, it

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<sup>14</sup> *Bulletin Europe*, 16 September 2005.

would appear that liaison activities are also under way with a view to setting up an EU cell at SHAPE and a NATO team at the EU Military Staff (EUMS). However, although the European Council gave the UK Presidency a mandate to continue strengthening the EU-NATO strategic partnership, the precise nature and content of that partnership remain to be defined.

90. One gets the clear impression that the focus on the European side is on activities which will give the EU all the instruments it needs for an autonomous security and defence policy and that essentially the partnership with NATO is deemed to be assured as long the Berlin plus arrangements are working satisfactorily. Since the German Chancellor's comments at the last international security conference in Munich, an opinion increasingly being voiced in Europe is that NATO is no longer the main channel for transatlantic consultations on security and that the major issues concerning both sides of the Atlantic should from now on be dealt with outside the NATO framework. However, that view is not shared by all member states.

91. The desire to define the respective roles of the two organisations, their burden-sharing and the content of the strategic partnership is quite clearly now being expressed in more pressing terms by NATO and the United States, than on the European side. The numerous proposals put forward by NATO with a view to reinstating the organisation as the main forum for the transatlantic security dialogue and using it not only as a military tool but also as a broad forum for transatlantic political and strategic cooperation have so far not met with any clear answer from the European side, due to the lack of unanimity within the EU on the ESDP's final objectives.

92. The authors of a study written in October 2005 under the aegis of the Centre for Strategic and International Studies (CSIS)<sup>15</sup> ask, "Will the EU develop a stronger European pillar within NATO or will the EU gradually replace NATO as the main security and defence organisation in Europe?"

93. For the moment we can only answer the first part of the question, for it is clear that, unlike the former European Security and Defence Identity (ESDI) developed through WEU within the NATO framework, the EU's ESDP is developing outside NATO. Whether or not the ESDP will help strengthen the Atlantic Alliance will depend on its development. As regards the second part of the question, the European Union is not yet ready to replace NATO, particularly since there is no mutual defence clause among its member states to serve as a basis.

94. However, in order to preserve the link between transatlantic and European security, the EU member states must first of all reach agreement on the ultimate aims of the ESDP.

95. Under the present circumstances it is in the interests of both sides to draw up practical arrangements for task-sharing in order to prevent persistent rivalry between them from prevailing over a spirit of cooperation. In the words of French Defence Minister Michèle Alliot-Marie, "it is on a case-by-case basis and depending on the characteristics of each crisis that the European Union or NATO will intervene".

96. The characteristics of the instruments available to each organisation are another criterion. NATO is best qualified for high-intensity combat operations, while the European Union, although it is developing similar capabilities in the form of its rapid-reaction force and battlegroups, also has a whole range of civil-military, economic and other instruments at its disposal in order to manage a given crisis.

97. The United States and NATO are taking an increasing interest in the latter aspect, which has led to proposals for broadening the scope of the Berlin plus agreements to allow NATO, in turn, to have recourse to the EU's civil, paramilitary (e.g. gendarmerie) or police assets for NATO-led crisis-management operations.

98. Such a proposal should be treated as an invitation to step up the dialogue between the European Union and NATO with a view to broadening the scope of their cooperation, while avoiding letting NATO set a deadline by which the EU would be obliged to intervene following a NATO military engagement in a crisis that could not be managed by military means alone (exit strategy).

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<sup>15</sup> "European Defence Integration: Bridging the Gap between Strategy and Capabilities".

99. However, there are many other areas in which the European Union should be prepared to establish dialogue and cooperation with NATO in the interests of common security. In particular we should mention the fight against international terrorism and the proliferation of weapons of mass destruction (WMD), which are not only specific problems but ones which affect overall security policy. In return NATO should accept the fact of EU member states defending common positions developed in the ESDP framework.

#### *IV. A roadmap for the transition period*

100. We can expect the development of the European Security and Defence Policy and its instruments to last for a transitional period of several years during which the fate of the Treaty establishing a Constitution for Europe will remain undecided. It will be difficult during that period to reach agreement on major institutional decisions without pre-empting the decisions to be taken by the European Council when it meets two years after the signing of the Treaty in order to review the situation, if four fifths of member states have ratified the Treaty and others are having difficulties. However, that percentage has not yet been attained and the ratification process has been suspended in several member states.

101. Although we have seen in the foregoing chapters that the current deadlock is not an obstacle to making practical progress on ESDP matters, there are nonetheless a number of major gaps that will need to be filled in order to move ahead as desired. First of all, the EU cherishes the ambition of becoming more involved in worldwide crisis management without setting explicit geographic limits, but most importantly it must address the threats posed by international terrorism and the development and proliferation of weapons of mass destruction (WMD) and their means of delivery. In order to live up to its responsibilities the EU needs an unconditional mutual assistance and collective defence commitment among the member states, in case a military crisis-management or counter-terrorism operation should degenerate into a situation of legitimate self-defence.

102. However, the current Treaty on European Union contains no such obligation and only the Atlantic Alliance member states can have recourse to Article 5 of the Washington Treaty, which leaves it up to each member state to take the measures it deems appropriate and whose ambiguous nature was brought home clearly the first time it was invoked by NATO in the wake of the 11 September 2001 terrorist attacks.

103. It should be stressed in this respect that the Treaty establishing a Constitution for Europe, which is currently pending, does not contain a binding mutual defence clause either. The only European commitment of this kind is the pact among the ten signatory states under Article V of the modified Brussels Treaty. Given the EU's lofty ambitions in the area of the ESDP, this commitment on the part of the ten WEU full member states constitutes a fundamental component of European security.

104. Hence it would be appropriate in the present situation to study how that commitment and certain other key elements of the modified Brussels Treaty might usefully be placed at the service of the European Union and the ESDP. This means first and foremost, following the "dismantling" of WEU and its decoupling from the European Union by the Nice Treaty, that it is high time to put an end to the member governments' policy of letting the modified Brussels Treaty fall into oblivion. If we want to avoid a considerable downscaling of the objectives that the European Security Strategy assigned to the ESDP, we will need from now on to establish synergy between the modified Brussels Treaty and the ESDP and make more use of the arrangements and instruments for which the Treaty makes provision in order to support that policy.

105. It is useful in that respect to take note of the Council's reply to Written Question 388 submitted on 12 May 2005 by Lluís Maria de Puig and Bart van Winsen<sup>16</sup>, in which it first of all confirms "the continuing link between the obligations arising from that [the modified Brussels] Treaty and those of the North Atlantic Treaty". It goes on to confirm that "Some provisions of the modified Brussels

<sup>16</sup> See Assembly Document [1910](#), 17 June 2005.

Treaty could inspire a definition of a common Union defence policy aimed at achieving a common defence based on unanimous decisions by the European Council”.

106. Indeed, the provisions which the EU should draw on for the future development of the ESDP are not only Article V (mutual assistance), but also Article IV (close cooperation with NATO). Reference should also be made to Article VIII paragraph 2, which with its provision entitling the Council to “set up such subsidiary bodies as may be considered necessary” shows extraordinary institutional flexibility that would be useful to the EU, and Article IX on the parliamentary dimension, which makes provision for the participation of the national parliaments in the ESDP decision-making process and which should be applied more broadly.

107. Placing the modified Brussels Treaty at the service of the European Union would mean that the Council would have to go back on its refusal to apply the WEU enlargement criteria established in December 1991, and invite the eight new EU and NATO member states to accede to the modified Brussels Treaty and Article V thereof. It is hard to understand why the Council is unwilling to offer the countries concerned<sup>17</sup>, which participate without restriction in the ESDP and Headline Goal and which (with one exception) are all contributors to the battlegroups, the same European guarantee of the defence of their territorial integrity that the ten WEU member states benefit from.

108. Furthermore, it should be recalled that Bulgaria, Romania and Turkey are all members of NATO and have opened accession negotiations with the EU. Hence it is time to prepare for their accession to the modified Brussels Treaty. An increase in the number of signatories to that Treaty would considerably strengthen the credibility of all ESDP projects.

109. It makes all the more sense to prepare for the accession of those three countries to the modified Brussels Treaty in view of the fact that they are already involved in negotiations on their participation in ESDP operations. However, it is not just a matter of allowing them to participate in specific operations, but more generally in the ESDP as a whole. It is regrettable in that respect that the Union has adopted a case-by-case approach rather than granting close association status within the ESDP at least to WEU associate member states such as Iceland, Norway and Turkey and to countries like Bulgaria and Romania whose accession to the EU is imminent. It appears that negotiations have been conducted with Bulgaria and Ukraine and that talks are also under way with Canada, Russia and Switzerland. Conversely, Croatia, which is an EU and NATO accession candidate, is not mentioned in the latest Presidency report.

110. It would also be desirable for countries like Bulgaria, Croatia and Romania to be involved in the activities of the European Defence Agency (EDA). The participation of Norway – a non-EU member state – in the battlegroups is to be welcomed, but among the member states Estonia and Ireland, and among the accession candidates, Bulgaria, Croatia, Romania and Turkey, are still missing from the battlegroups.

111. The situation in this “transition” period of undetermined duration is also affecting the institutional relations between the WEU Assembly and Council, which are founded on Article IX of the modified Brussels Treaty. At the time of writing this report, we must unfortunately note that the Assembly has not yet received the Council’s replies to its Recommendations 759 to 766, or the first part of the 51<sup>st</sup> report of the Council for the first half of 2005, making it impossible for the Assembly and its Committee to take a stance on those texts.

112. However, we welcome the very useful debate that took place on 19 September 2005 in Brussels between the members of the Assembly Committees and those of the WEU Permanent Council, who are also members of the EU’s Political and Security Committee (PSC). In particular we would like to thank the UK Presidency for its presentation on the latest ESDP developments and for the way in which it conducted the ensuing debate.

113. This new situation in fact calls for a strengthening of the dialogue with the WEU Council, which should include, among other topics, the importance of the modified Brussels Treaty for European security and how it could be used more intensively for the ESDP. Moreover, the question of

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<sup>17</sup> The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

the content of the Council's future reports to the Assembly following the end of WEAG's and WEAO's activities also needs to be addressed.

114. The Reply of the Council to Written Question 388 supports the WEU Assembly's arguments as to why the WEU Council should continue to keep it regularly informed of developments in NATO and of EU activities in ESDP matters. ESDP forms the bulk of the information provided by the Presidency at the half-yearly meetings of the Assembly's Committees with the WEU Council and the PSC, which confirms that it is *de facto* through the Assembly that the representatives of national parliaments have a means, albeit a limited one, of being consulted and informed collectively on ESDP developments.

115. *De jure* the situation remains much as it did in December 2000. The Treaty of Nice had omitted to provide for machinery for collective consultation of the national parliaments in the European Union comparable to that of the WEU Assembly in those areas the EU had inherited from WEU. Nor was there any countervailing provision to increase the European Parliament's competence in ESDP matters.

116. Finally, the Constitutional Treaty – still pending – limited the role of national parliaments in the ESDP to *ad hoc* attendance at a conference of parliamentary committees specialising in Union affairs along the lines of CEAC/COSAC (Conference of European Affairs Committees). The Assembly has always regarded this solution as a major setback for the democratic *acquis* in the defence sphere.

117. Now that talks with a view to retaining the *ad hoc* conference model put forward in the Protocols annexed to the Constitutional Treaty have resumed, it is worth quoting the opinion expressed by Willem van Eekelen, former WEU Secretary-General<sup>18</sup>:

“These provisions leave much to be determined in an uneasy relationship between the European and national parliaments. In any case, they would be a step back in comparison with the work of the WEU Assembly, because the members of COSAC do not have a mandate from their national committee or political party and therefore do not draft political resolutions. Infrequent and non-committing parliamentary conferences cannot replace the institutional arrangements of a fully-fledged assembly with a work-plan, a “rapporteur” system and voting procedures. It is difficult to see how, without preparation in committees, *ad hoc* conferences of members of 25 or more parliaments will be able to come to meaningful pronouncements.”

118. In such an unsatisfactory situation, one possibility would be to take up earlier proposals for providing parliamentary scrutiny of the ESDP during the transitional period, by establishing synergy between existing parliamentary institutions, in other words the WEU Assembly and the European Parliament. This implies making an approach to the European Parliament to persuade it to cooperate more closely with our own Assembly. To the extent to which more and more European leaders feel it necessary to give national parliaments a greater role in the management of European affairs, it is entirely feasible to include the Assembly in the consultation and information process now in place between the European executive and the European Parliament for the CFSP and ESDP. As a *quid pro quo* the European Parliament could have more involvement in the activities of the Assembly. The Assembly should thus start making approaches in this connection, both to the WEU/EU Presidency and the European Parliament.

119. The question marks hanging over the continuing enlargement of the European Union lend a degree of support to the Assembly's position: it is in fact the most inclusive of forums as it takes in all the EU candidate countries – Bulgaria, Croatia, Romania and Turkey, plus the non-EU European members of NATO such as Iceland and Norway. In the coming years, the Assembly must continue to assert itself even more determinedly as the Interparliamentary European Security and Defence Assembly, in other words an assembly with a resolutely European outlook, in favour of a more political approach, but without being rigidly institutional, bearing in mind all the while that transatlantic cooperation constitutes a key element of the modified Brussels Treaty.

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<sup>18</sup> Geneva Centre for the Democratic Control of Armed Forces, Occasional Paper No. 5, March 2005.

120. In its political work the Assembly must continue as ever to work with a will to bring forth a defence Europe by proffering staunch support for the continuation of all the practical projects begun under the ESDP.

### *V. Conclusions*

121. It cannot be denied that in the last five years the EU member states have made perceptible progress in acquiring the civil-military capabilities that have enabled the European Union to undertake an increasing number of albeit fairly limited peacekeeping or post-conflict stabilisation missions in several crisis flashpoints in both the EU's near neighbourhood and further afield.

122. The problems over ratification of the Treaty establishing a Constitution for Europe have not prevented development of an effective, credible ESDP from continuing, for many projects, instruments, structures and institutions were designed independently of that Treaty and several projects, for example ESDP "permanent structured cooperation" and "enhanced cooperation" could be achieved in the first instance outside the Treaty on European Union currently in force. One might, as recently advocated by Nicole Gnesotto, Director of the EU Institute for Security Studies, invert Jean Monet's formula: in the absence of a legal and institutional framework, the most urgent requirement is to consolidate policies, give priority to concrete action, assess the results and only at that point return to institutional matters.

123. While still continuing to move practical projects forward, the direction in which the ESDP as a whole should lead Europeans must be determined more precisely, in other words we must clarify the nature and purpose of "European power" about which it cannot be said that there is unanimity as yet among its member states or the general public. Such clarification would also make it possible to decide just how far the willingness to fund the CFSP and the ESDP – a major difficulty for the future – might stretch.

124. Under these circumstances it is also essential to lay down a minimum of priorities and criteria for European Union intervention in international crises, even if one allows that EU engagement will always depend on the particular context. Some priorities could at least be set in the proposed strategic partnerships, giving specific substance to the "effective multilateralism" to which the European Security Strategy aspires.

125. The basic objective has to be strengthening the security of Europe and its citizens. That security remains indissolubly bound up with transatlantic security, which means that any attempt to establish autonomous European capabilities must be undertaken in such a way as to strengthen the transatlantic partnership rather than weakening it.

126. More particularly in terms of the risks and threats looming large over Europeans' security, it would appear that neither political leaders nor public opinion have as yet truly grasped the urgent need to take vigorous measures against "disaster" terrorism and above all against the development of weapons of mass destruction (WMD), their means of delivery and against the determination on the part of some to use them. This is why one must first and foremost seek to consolidate the spirit of solidarity and, even more importantly, ensure that all European Union member countries actively involved in the ESDP share the same firm, unhesitating resolve to defend one another. In this respect, full application of the modified Brussels Treaty and opening it up to new signatory states assumes vital importance for strengthening Europe's security.



