



BULLETIN

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Dissolution of the Western European Union

by Dorota Liszczyk

In the first half of 2010 the holder of the presidency of the Western European Union (WEU), Spain, announced in a statement made on 31 March this year that the organization was being dissolved. In accordance with the procedure provided for in the Modified Brussels Treaty, all WEU activity will cease by the end of June 2011. The treaty itself will also cease to be effective. These decisions will not have any adverse consequences for the development of European cooperation with respect to security and defense.

Evolution of the WEU up until 1999. The WEU was created on the basis of the protocol signed on 23 October 1954 in Paris modifying and completing the Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence of 17 March 1948, known as the Brussels Treaty. The five members of the Western Union existing since 1948 (France, the United Kingdom, the Netherlands, Belgium and Luxembourg) were joined at that time by the Federal Republic of Germany and Italy (following Spain and Portugal's accession in 1990, and Greece's accession in 1995 the WEU had 10 members). Since it began to function, as a result of implementation of other integration initiatives, the WEU's areas of responsibility have gradually been taken away and given to NATO (political and military cooperation), the European Communities (economic issues) and the Council of Europe (cultural issues). As a result the WEU's activities were almost completely suspended during the Cold War era. Attempts made in the 1980s to revive the WEU were not very successful. It was only the Treaty on European Union (TEU) of 7 February 1992 incorporating European cooperation on security into the framework of the European Union that defined the WEU as an integral part of EU development and imposed upon it the obligation to elaborate and implement EU decisions and actions which have defense implications. This decision made it possible to strengthen the WEU's operational role. In 1992 the so-called Petersberg tasks were defined, which comprised humanitarian, rescue, peace-keeping and crisis management missions. These broadened the scope of the WEU's responsibilities, which until then had been limited to the function of collective defense mechanisms provided for in art. V of the Modified Brussels Treaty (*de facto* not implemented as a result of subordination of the WEU to NATO in this respect). In 1992 the WEU Planning Cell was set up and later transformed into its Military Staff. In subsequent years the already existing structures responsible for armaments were reformed and the Satellite Centre was set up to analyze intelligence photographs and data.

The will for further development of European autonomy in the area of security and defense led to a reevaluation of the concept of European cooperation in this area. As a result the EU's role in the field of security and defense was strengthened, and this included acknowledgment in the Treaty of Amsterdam (1997) of the Petersberg Tasks as EU tasks and introduction of a provision making it possible to incorporate the WEU into the EU. The culmination of this process was a decision made at the meeting of the Helsinki European Council (10–11 December 1999) forming the European Security and Defense Policy (ESDP). In effect this assigned the EU responsibility for security and defense policy, which corresponded to the operational activity of the WEU. In response to the Helsinki decision the WEU Council (the main decision-making body in this structure), decided to transfer its operational functions and bodies to the EU at a meeting held in Marseilles (13 November 2000).

Functioning of the WEU in the years 1999–2009. Between 2000 and 2006 almost all of the bodies in the WEU responsible for its operational activity ceased their activity or were transferred to the EU. The last structures to cease their activity were those responsible for the cooperation of the arms sectors, and their powers were taken over by the European Defence Agency, created in 2004. As a result the WEU, which now had no operational capabilities whatsoever, no longer had any influence over the development of European security cooperation. Apart from the Secretary General,

which was numerically limited and had limited powers, the only remaining active WEU body was the Assembly, of which the fully-fledged members are currently delegations of members of parliament of all the EU Member States. The Brussels Treaty affords the Assembly limited control over the WEU Council which is required to submit annual reports to the Assembly. For this reason, at the moment the WEU Council ceased meetings following the meeting in Marseilles, the Assembly in fact was deprived of grounds for its activity, and to justify further functioning decided to adapt to the new reality. It defined itself, in its own decisions, as an ESDP interparliamentary control body, assuming the name European Security and Defence Assembly (ESDA) in 2008. In view of the disputable legal bases for that body's new powers – it seems that the European Parliament Subcommittee on Security and Defence is more competent in this area – the fact that documents that it draws up are not binding and the lack of interest in cooperation with it on the part of other EU institutions, the actual impact of the ESDA on ESDP development has been and remains negligible. Its composition also gives rise to concern, as its members, instead of members of parliament specializing in European security and defence issues, are, under the Brussels Treaty, members of national parliaments delegated to the Parliamentary Assembly of the Council of Europe. For this reason there has been a steady decline in the willingness to maintain the institutional structure of the WEU recently as its usefulness has been hard to determine, and it functions at a cost of approximately EUR 13,000,000 per year.

The WEU and the Treaty of Lisbon. In view of the considerable reduction in duties and areas of competence of the WEU, and considering the forming of the ESDP, the argument put forward for the WEU to continue to function was the need to keep in force mutual defence obligations arising under art. V of the Modified Brussels Treaty. Despite the doubts mentioned above with regard to the true significance of that provision (duplication of the functions performed by NATO) and the limited scope (it is binding for only 10 EU Member States which are simultaneously members of the WEU) the conclusion reached was that until an alternative solution is introduced under the ESDP, enabling organization of collective defence without the need to engage NATO, there is no need to disband the WEU formally. This condition was fulfilled the moment the Treaty of Lisbon came into force on 1 December 2009, imposing the requirement, in art. 42 section 7, on EU Member States to provide mutual assistance in the case of armed **aggression** (with the qualification that this obligation shall not affect the special nature of security and defence policy of certain EU Member States). Also, the protocol which is an appendix to the Treaty of Lisbon, on the role of national parliaments in the European Union, provides for the possibility of drawing up procedures for interparliamentary cooperation and control in questions of European security, which would be applicable to European Parliament representatives and delegates of national parliaments. Thus it specifies an option, which is an alternative to the WEU Assembly, of parliamentary supervision over the Common Security and Defence Policy – CSDP (the title CSDP has been used since the Treaty of Lisbon came into force). In discussions held up to now on this subject three scenarios have been put forward for cooperation of this kind: a formula for flexible interparliamentary meetings organized by the European Parliament, use of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) and the joint organization by the EP and the parliament of the state that has the presidency in the European Union Council of meetings of representatives of the EP and national assemblies foreign affairs committees. The announced completion of consultations regarding this issue by the end of 2010 means that there is no danger that once the WEU has been disbanded there will no longer be any possibility of control by the national parliaments over development of the CSDP, especially as it can also be implemented by way of direct parliamentary supervision over the activities of Member State governments.

Dissolution of the WEU is therefore a logical consequence of the process of development of the EU's real capabilities, which has been underway since the time of the Amsterdam Treaty, in the area of security and defence. Another argument supporting dissolution is the question of institutional transparency and financial rationality. In view of the negligible powers of the ESDA the decision to dissolve the WEU will not have any adverse implications for the implementation and further development of the EU's Common Security and Defense Policy.