

Treaty of Amsterdam — Declaration (No 3) relating to WEU (2 October 1997)

Caption: In the Declaration (No 3) annexed to the Final Act of the Treaty of Amsterdam, the Intergovernmental Conference notes the Declaration made by the Council of Ministers of Western European Union (WEU) on 22 July 1997 on the role of WEU and its relations with the European Union (EU) and the Atlantic Alliance. The latter Declaration refers particularly to Article 17 of the Treaty on EU (ex Article J.7) and the Protocol to this Article.

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Treaty of Amsterdam — Declaration (No 3) relating to Western European Union

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The Conference notes the following Declaration, adopted by the Council of Ministers of the Western European Union on 22 July 1997:

“Declaration of Western European Union on the role of Western European Union and its relations with the European Union and with the Atlantic Alliance

Introduction

1. The Western European Union Member States agreed at Maastricht in 1991 on the need to develop a genuine European Security and Defence Identity (ESDI) and to assume a greater European responsibility for defence matters. In the light of the Treaty of Amsterdam, they reaffirm the importance of continuing and strengthening these efforts. WEU is an integral part of the development of the European Union (EU) providing the Union with access to an operational capability, notably in the context of the Petersberg tasks and is an essential element of the development of the ESDI within the Atlantic Alliance in accordance with the Paris Declaration and with the decisions taken by NATO ministers in Berlin.

2. Today the WEU Council brings together all the Member States of the European Union and all the European Members of the Atlantic Alliance in accordance with their respective status. The Council also brings together those States with the central and eastern European States linked to the European Union by an Association Agreement and that are applicants for accession to both the European Union and the Atlantic Alliance. WEU is thus establishing itself as a genuine framework for dialogue and cooperation among Europeans on wider European security and defence issues.

3. In this context, WEU takes note of Title V of the Treaty on European Union regarding the EU's common foreign and security policy, in particular Articles J.3(1), J.7 and the Protocol to Article J.7, which read as follows:

Article J.3.1

"1. The European Council shall define the principles of and general guidelines for the common foreign and security policy, including for matters with defence implications."

Article J.7

"1. The common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, in accordance with the second subparagraph, which might lead to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements."

The Western European Union (WEU) is an integral part of the development of the Union providing the Union with access to an operational capability notably in the context of paragraph 2. It supports the Union in framing the defence aspects of the common foreign and security policy as set out in this Article. The Union shall accordingly foster closer institutional relations with the WEU with a view to the possibility of

the integration of the WEU into the Union, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework.

The progressive framing of a common defence policy will be supported, as Member States consider appropriate, by cooperation between them in the field of armaments.

2. Questions referred to in this Article shall include humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

3. The Union will avail itself of the WEU to elaborate and implement decisions and actions of the Union which have defence implications.

The competence of the European Council to establish guidelines in accordance with Article J.3 shall also obtain in respect of the WEU for those matters for which the Union avails itself of the WEU.

When the Union avails itself of the WEU to elaborate and implement decisions of the Union on the tasks referred to in paragraph 2 all Member States of the Union shall be entitled to participate fully in the tasks in question. The Council, in agreement with the institutions of the WEU, shall adopt the necessary practical arrangements to allow all Member States contributing to the tasks in question to participate fully and on an equal footing in planning and decision-taking in the WEU.

Decisions having defence implications dealt with under this paragraph shall be taken without prejudice to the policies and obligations referred to in paragraph 1, third subparagraph.

4. The provisions of this Article shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Title.

5. With a view to furthering the objectives of this Article, the provisions of this Article will be reviewed in accordance with Article N."

Protocol to Article J.7

"THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article J.7 (1), second subparagraph, and (3) of the Treaty on European Union,

BEARING IN MIND that the policy of the Union in accordance with Article J.7 shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in NATO, under the North

Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty on European Union,

The European Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them, within a year from the entry into force of the Treaty of Amsterdam."

A. WEU's relations with the European Union: accompanying the implementation of the Treaty of Amsterdam

4. In the "Declaration on the Role of the Western European Union and its Relations with the European Union and with the Atlantic Alliance" of 10 December 1991, WEU Member States set as their objective "to build up WEU in stages as the defence component of the European Union". They today reaffirm this aim as developed by the Treaty of Amsterdam.

5. When the Union avails itself of WEU, WEU will elaborate and implement decisions and actions of the EU which have defence implications.

In elaborating and implementing decisions and actions of the EU for which the Union avails itself of WEU, WEU will act consistently with guidelines established by the European Council.

WEU supports the Union in framing the defence aspects of the European Union common foreign and security policy as set out in Article J.7 of the Treaty on European Union.

6. WEU confirms that when the European Union avails itself of WEU to elaborate and implement decisions of the Union on the tasks referred to in Article J.7.2 of the Treaty on European Union, all Member States of the Union shall be entitled to participate fully in the tasks in question in accordance with Article J.7.3 of the Treaty on European Union.

WEU will develop the role of the observers in WEU in line with provisions contained in Article J.7.3 and will adopt the necessary practical arrangements to allow all Member States of the EU contributing to the tasks undertaken by WEU at the request of the EU to participate fully and on an equal footing in planning and decision-taking in the WEU.

7. Consistent with the Protocol to Article J.7 of the Treaty on European Union, WEU shall draw up, together with the European Union, arrangements for enhanced cooperation between them. In this regard, a range of measures, on some of which work is already in hand in WEU, can be taken forward now, such as:

- arrangements for improving the coordination of the consultation and decision-making processes of the respective Organisations, in particular in crisis situations;
- holding of joint meetings of the relevant bodies of the two Organisations;
- harmonisation as much as possible of the sequence of the presidencies of WEU and the EU, as well as the administrative rules and practices of the two Organisations;

- close coordination of the work of the staff of the Secretariat-General of the WEU and the General Secretariat of the Council of the EU, including through the exchange and secondment of personnel;
- arrangements to allow the relevant bodies of the EU, including its Policy Planning and Early Warning Unit, to draw on the resources of WEU's Planning Cell, Situation Centre and Satellite Centre;
- cooperation in the field of armaments, as appropriate, within the framework of the Western European Armaments Group (WEAG), as the European forum for armaments cooperation, the EU and WEU in the context of rationalisation of the European armaments market and the establishment of a European Armaments Agency;
- practical arrangements for ensuring cooperation with the European Commission reflecting its role in the CFSP as defined in the revised Treaty on European Union;
- improved security arrangements with the European Union.

B. Relations between WEU and NATO in the framework of the development of an ESDI within the Atlantic Alliance

8. The Atlantic Alliance continues to be the basis of collective defence under the North Atlantic Treaty. It remains the essential forum for consultation among Allies and the framework in which they agree on policies bearing on their security and defence commitments under the Washington Treaty. The Alliance has embarked on a process of adaptation and reform so that it can more effectively carry out the full range of its missions. This process is aimed at strengthening and renewing the transatlantic partnership, including building an ESDI within the Alliance.

9. WEU is an essential element of the development of the European Security and Defence Identity within the Atlantic Alliance and will accordingly continue its efforts to strengthen institutional and practical cooperation with NATO.

10. In addition to its support for the common defence enshrined in Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty, WEU takes an active role in conflict prevention and crisis management as provided for in the Petersberg Declaration. In this context, WEU undertakes to perform its role to the full, respecting the full transparency and complementarity between the two Organisations.

11. WEU affirms that this identity will be grounded on sound military principles and supported by appropriate military planning and will permit the creation of militarily coherent and effective forces capable of operating under the political control and strategic direction of WEU.

12. To this end, WEU will develop its cooperation with NATO, in particular in the following fields:

- Mechanisms for consultation between WEU and NATO in the context of a crisis;
- WEU's active involvement in the NATO defence planning process;
- Operational links between WEU and NATO for the planning, preparation and conduct of operations using NATO assets and capabilities under the political control and strategic direction of WEU, including:

- military planning, conducted by NATO in coordination with WEU, and exercises;
- a framework agreement on the transfer, monitoring and return of NATO assets and capabilities;
- liaison between WEU and NATO in the context of European command arrangements.

This cooperation will continue to evolve, also taking account of the adaptation of the Alliance.

C. WEU's operational role in the development of the ESDI

13. WEU will develop its role as the European politico-military body for crisis management by using the assets and capabilities made available by WEU nations on a national or multinational basis, and having recourse, when appropriate, to NATO's assets and capabilities under arrangements being worked out. In this context, WEU will also support the UN and OSCE in their crisis-management tasks.

14. WEU will contribute, in the framework of Article J.7 of the Treaty on European Union, to the progressive framing of a common defence policy and carry forward its concrete implementation through the further development of its own operational role.

To this end, WEU will take forward work in the following fields:

- WEU has developed crisis-management mechanisms and procedures which will be updated as WEU gains experience through exercises and operations. The implementation of Petersberg missions calls for flexible modes of action geared to the diversity of crisis situations and making optimum use of the available capabilities including through recourse to a national headquarters, which might be one provided by a framework nation, or to a multinational headquarters answerable to WEU or to NATO assets and capabilities;
- WEU has already worked out Preliminary Conclusions on the Formulation of a Common European Defence Policy which is an initial contribution to the objectives, scope and means of a common European defence policy;

WEU will continue this work on the basis in particular of the Paris Declaration and taking account of the relevant elements of the decisions of WEU and NATO summits and ministerial meetings since Birmingham. It will focus on the following fields:

- definition of principles for the use of armed forces of the WEU States for WEU Petersberg operations in pursuit of common European security interests;
- organisation of operational means for Petersberg tasks, such as generic and contingency planning and exercising, preparation and interoperability of forces, including through participation in the NATO defence planning process, as appropriate;
- strategic mobility on the basis of its current work;

- defence intelligence, through its Planning Cell, Situation Centre and Satellite Centre;

- WEU has adopted many measures to strengthen its operational role (Planning Cell, Situation Centre, Satellite Centre). The improvement of the functioning of the military components at WEU Headquarters and the establishment, under the Council's authority, of a military committee will represent a further enhancement of structures which are important for the successful preparation and conduct of WEU operations;

- With the aim of opening participation in all its operations to Associate Members and Observer States, WEU will also examine the necessary modalities to allow Associate Members and Observer States to participate fully in accordance with their status in all operations undertaken by WEU;

- WEU recalls that Associate Members take part on the same basis as full members in operations to which they contribute, as well as in relevant exercises and planning. WEU will also examine the question of participation of the Observers as fully as possible in accordance with their status in planning and decision-taking within WEU in all operations to which they contribute;

- WEU will, in consultation where appropriate with the relevant bodies, examine the possibilities for maximum participation in its activities by Associate Members and Observer States in accordance with their status. It will address in particular activities in the fields of armaments, space and military studies;

- WEU will examine how to strengthen the Associate Partners' participation in an increasing number of activities.”