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WESTERN EUROPEAN UNION AS A RISK MANAGEMENT MECHANISM FOR THE EUROPEAN COMMUNITIES AND EUROPEAN UNION

As the integration process was viewed as vital to ensuring peace and prosperity in Europe, leaders of member states of the European Communities and then the European Union implemented several mechanisms that prevented conflict or controversy which might eventually jeopardise the project. The extreme form of such mechanisms included establishment of a separate international structure to verify viability of a new project or reactions of the European and other countries. The most prominent example of such a “stress test” separation was the Western European Union.

The starting point of European integration was the issue of war and peace: the underlying idea of the process was to maintain peace and prevent another war at the continent. Throughout the process issues of defence, though problematic and controversial, were contemplated by the integrating countries. Still, for a range of reasons, they could actually pose a risk to the entire project. Therefore, the member states applied a safer solution for integration in this domain, adapting the Western Union, which was then renamed to the Western European Union (WEU). This is one of many examples of the European “risk minimisation” policy, and a very successful one. Considering that the output of the WEU was gradually incorporated into the European Union’s law and policies without posing a threat to the entire process, it can be concluded that the Western European Union actually achieved the goal it was supposed to serve.

The role of peace and security issues at the first stage of the European integration process and the failure of the European Defence Community project

The initial concept of the European integration is political in its nature. It symbolically began with the Schuman Declaration, which defined the need for establishment of a “united Europe” as the “indispensable” contribution which an organized and living

Europe can bring to civilization and maintenance of peaceful relations in the world¹. This – strictly political – goal was then expressed in two out of four considerations listed in the preamble to the Treaty of Paris of 1951, establishing the European Coal and Steel Community², and also mentioned in the recitals to the Treaty of Rome of 1957, establishing the European Economic Community³. Safety was one of the main goals of establishment of the European Atomic Energy Community in 1957⁴.

Between the Schuman Declaration and the EEC there was one more initiative related directly to the problem of maintaining peace in Europe and preventing another global war: the 1950s' project of the European Defence Community and the European Political Community⁵. This was a very ambitious programme, providing for establishment of a common parliamentary assembly (of much broader competence than in the case of the ECSC), common authority and even a common European army. However, the project was never ratified, as the French General Assembly refused to consider the draft treaty. The other member states took the opportunity to withdraw their interest in the idea, as well.

This final failure of the European Defence Community gave rise to the new concept of integration, based on the economic cooperation and interdependence. Thus, the framework idea of spill-over economic integration that would promote peace indirectly by making war between interrelated countries utterly impossible, was born only after the initial plan of direct international regulation of political and military issues at the continental level had been proven non-viable.

This experience of attempted security integration and its failure became an important factor in further course of relations between Western European countries. EDC's "bitter and protracted failure left a legacy that has shaped the structures and policies of the Atlantic and European communities to this day"⁶. For the next decades, the European countries took much care and effort not to allow any other project that would be ambitious enough to jeopardise the entire process of the European integration.

¹ http://europa.eu/abc/symbols/9-may/decl_en.htm [10.10.2011].

² *Treaty Establishing the European Coal and Steel Community*, <http://eur-lex.europa.eu/en/treaties/index.htm> [21.10.2011].

³ *Treaty Establishing the European Economic Community, Rome version*, <http://eur-lex.europa.eu/en/treaties/index.htm> [21.10.2011].

⁴ *Treaty Establishing the European Atomic Energy Community, Rome version*, <http://eur-lex.europa.eu/en/treaties/index.htm> [21.10.2011].

⁵ B. Rittberger, 'No integration without representation!' *European integration, parliamentary democracy and two forgotten Communities*, "Journal of European Public Policy", 13:8 December 2006.

⁶ R. Dwan, *Jean Monnet and the European Defence Community, 1950-1954*, "Cold War History", Apr 2001, Vol. 1 Issue 3, p. 141.

Factors which made integration in the security domain controversial and problematic

The first problem concerned cross interests. Although all member states of the then European Coal and Steel Community and all members of the present European Union share values and interests – their endeavour to maintain peace and promote development, to protect the continent from internal or external (Soviet in the 20th century and terrorist in the 21st century) aggression – they have also variable, or even contrary interests in different regions of the world.

Another risk related to the European defence integration process was related to the role of the USA. Washington was the key factor of European security in the times of the cold war and afterwards it was viewed as the only remaining superpower. The European countries, especially the closest allies of the USA feared that Washington would seize an opportunity to leave Europe alone. This attitude has become even more evident in the 2000s with the shift towards Pacific in the American foreign policies⁷.

The Americans' commitment to transatlantic security took form of the NATO, and the existence of this effective and efficient organisation was another argument for opponents of any type of European defence structure. After the fall of communism, such stand was even strengthened by the newly independent post-communist states' conviction that the NATO is the only certain guarantee of security.

An entirely different problem was related to the issue of neutrality. Some of the Western European neutral states defined neutrality with the concept of an "alliance-free state"⁸ and they were unwilling to join any community of military nature. They resolved not to become members of any security-focused international organisations in order not to risk getting involved in a conflict indirectly, due to their obligation within such an alliance. Therefore, inclusion of mutual self-defence in the main stream treaties would actually discourage Austria, Finland, Ireland or Sweden from joining even the economic aspect of the project.

Consequently, it could be presumed that the neutral countries could decline accessing to the European Communities, if those included security and defence in the competence of supranational bodies. It was even considered in the negotiations process. Thus, inclusion of security issues in the mainstream integration plan could actually jeopardise the potential enlargement of the project. The positions were modified after

⁷ D. Bereuter, J. Lis, *Broadening the Transatlantic Relationship*, "Washington Quarterly", Winter 2004, Vol. 27 Issue 1, p. 147-162.

⁸ L.C. Ferreira-Pereira, *The Militarily Non-Allied States in the Foreign and Security Policy of the European Union: Solidarity 'ma non troppo'*, "Journal of Contemporary European Studies", Vol. 13, No. 1, April 2005.

the neutral states' accession to the European Union: when they participated in the decision-making process themselves, they have become much more flexible. However, their specific political attitude is still considered in the treaty with the special clause that the guarantee of mutual defence in the case of an attack "shall not prejudice the specific character of the security and defence policy of certain Member States"⁹.

All those elements lead to the final European concept of state sovereignty. This is an important question in Europe. Especially for those countries that fought for independence – and those can be found in all regions of Europe (just to mention the most obvious examples: Baltic states, Greece, Sweden, Portugal) – and those that experienced lack of *de facto* independence with preserved *de iure* statehood (Poland, Hungary, Finland), perception of "a threat to national sovereignty" was one of important issues to be considered when analysing the pros and cons of the European integration. Along with the constitution, currency, national emblems and foreign policy, defence makes part of a symbolic cannon of "an independent state", which is the most difficult to surrender or hand over to a supranational body.

Thus, the state sovereignty issue – on the symbolic and practical levels (expressed especially in national interests as perceived and defined by the society and authorities) meant that actually too far-reaching a project could jeopardise the integration with respect to both its enlargement and deepening. Only when the integration project was advanced enough (in both of the mentioned aspects), could it broaden to such sensitive areas.

Factors which worked in favour of further cooperation in security issues

There were, on the other hand, several factors that made the security issue exceedingly important, so that it was virtually impossible for the European states to abandon it after the initial failure in the 1950s. Firstly, security and defence have been the underlying concepts and reasons why integration was effectively launched, thus being a sort of ideological foundation of the process. Even though its methods focused on economy and interdependence, European integration was meant to prevent war, while promotion of welfare and distribution of wealth were just means to achieve peace.

Beside these ideological reasons, there were also practical grounds, why security had to be provided for in the integration policies. No state is willing to remain dependent on another country in a crucial issue and the post-WWII relationship between the

⁹ Consolidated version of the Treaty on European Union, art. 42, point 7, www.eurlex.com [12.11.2011].

Western Europe and the USA was far from balanced. Focused on conflict prevention and integration, the post-war (and especially post-cold-war) Europe has become a “civilian power” and virtually dependent on the USA, as far as the military aspect is concerned. This was evident in the military equipment statistics, in global policies and in the international relations in practice as well, but the leaders and societies of the European countries strived to make this position more independent, ensuring that the USA needs Europe, too and that Europe can protect itself if the Americans resolve to remain out of a potential conflict. Especially when the wars in Afghanistan and Iraq proved that the Euro-Atlantic community of shared values and interests sometimes failed to produce shared political strategies, not to mention operational plans.

On the other hand, Europe had to cope with the fact of being a former superpower. In contrast to the previous historical position of this continent, after 1945 none of the western European countries by itself could be regarded as a potential superpower. However, with their capacities combined, they would be able to play a much greater role, not only in the global trade, but in the international political relations as well. Therefore, a common political project could eventually improve effectiveness and efficiency of the Europeans’ external policies, which concerned both practical and prestigious gains in relations to other states.

Undoubtedly, security and defence issues have changed in the 20th century, being now related not only to the strictly military abilities and decisions. Since WWII, the importance of non-military influence, based on economic interdependencies, social and cultural cooperation and joint responsibility has grown markedly. External relations typical of the European Communities, such as common customs policy, humanitarian and development aid, have become a part of securities policies, forcing the European states to answer the question of the union’s involvement in this area.

With the USA more and more involved in other areas, especially war on terrorism, it became obvious that Europe had to find its way to become a partner for the Americans in the defence aspect, but the risks had to be taken into consideration, too. However, the European integration is a long process of eliminating potential threats and minimising the actual ones.

Measures of management of controversial issues in the process of European integration

The general aim of risk management measures introduced in any organization is to eliminate or at least minimise the probability and consequences of an adverse occurrence. In the case of the European integration the risk concerned objection of the

transatlantic partner and of some potential member states. In the extreme situation this objection could threaten the entire integration project and lead to collapse of the European Communities. Thus, the potential consequences could be disastrous for the project, threatening its actual survival. On the other hand the risk was related mainly to third-party reactions (policies of non-EU European states, of the USA, of the USSR) which could be influenced by European countries only in a low degree.

Since the first post-war initiatives, integration has been treated by European leaders as a priority and therefore there have been several conflict-management mechanisms introduced in the process to avoid the risk of desintegration. Below, I shall list the most important and obvious ones and then I shall discuss the role of the Western European Union as a specific mechanism of separating problematic issues out of the main stream of integration.

The first risk management mechanisms relies on the decision-making process in the basic inter-governmental institutions of the European Union. In the case of the strategic European Council the main form of decision-making “except where the Treaties provide otherwise” is by consensus¹⁰, while in the case of the Council this is by the qualified majority of “at least 55% of the members of the Council, comprising at least 65% of the population of the Union”¹¹. This article refers also to the weighted votes system. These solutions are meant to ensure that interests of all states are considered, and so is another mechanism of constructive abstention, where a decision can be taken without support of some member states¹² – in such a case the abstaining countries are not bound by the decision, they are only obliged not to act against it.

The voting rules of the Councils are balanced by the role of supranational bodies, such as the European Commission, in the law-making process and therefore they apply to acts of secondary law. The strategic decisions, especially those concerning new treaties are taken by national leaders on the unanimity basis. Decisions on primary law involve even a ratification process in member-states, thus ensuring participation of democratically elected parliaments or even societies in the case of referenda.

However, for such cases there is also a risk elimination mechanism: if a referendum fails (from the point of view of leaders of the integration process), which means that a draft treaty is rejected in one or more countries, the proposed legal act is re-negotiated, either to include some exemptions in favour of the rejecting counties (the

¹⁰ *Treaty on European Union, Lisbon version*, “Official Journal of the European Union”, 2010/C 83/01, art. 15.4.

¹¹ *Ibidem*, art. 16.

¹² R. Zięba, *Wspólna polityka zagraniczna i bezpieczeństwa Unii Europejskiej*, Warszawa 2007, p. 62-63.

cases of the Maastricht Treaty in Denmark¹³ and the Nice Treaty in Ireland¹⁴) or else to modify the most controversial provisions (the case of the Constitution for Europe turned into the Lisbon Treaty).

For issues which are not acceptable for some member states and which are perceived by other countries as an important opportunity, the Treaty provides for the so-called enhanced cooperation mechanism¹⁵. With the most prominent example of the Monetary and Economic Union, this allows for conclusion of agreements on closer cooperation, which remain open for other member states of the EU, as soon as those states are willing and ready to participate.

And finally, sometimes leaders of the European countries conclude separate agreements to deal with controversial issues so that they are not a part of the general system of the European Union. Being unable to control internal discrepancies, to minimise probability of adverse reactions or to reduce potential loss if the threat comes true, the European states transfer the risk to other organisations than the crucial, mainstream ones. If the solution fails, it can be rejected or modified and such a failure will not affect the European Communities, as – for instance – the Western European Union was a separate structure, even though “an integral part of development of the Union”¹⁶.

This solution was applied to the project of elimination of internal borders in the European Community (the Schengen Area) and to the integration in the field of defence within the Western European Union.

Milestones of development of the Western European Union

The post-WWII European defence organisation was first established in 1948 as the Western Union. A list of goals set in the Brussels Treaty served to supplement the main aim, defined at the end of the preamble: “To take such steps as may be held to be necessary in the event of a renewal by Germany of a policy of aggression”¹⁷. The WU was a precursor of the new, post-WWII philosophy of international peace policy

¹³ P. Svensson, *Five Danish referendums on the European Community and European Union: A critical assessment of the Franklin thesis*, “European Journal of Political Research”, 41, 2002, p. 742.

¹⁴ R. Sinnott, *Cleavages, parties and referendums: Relationships between representative and direct democracy in the Republic of Ireland*, “European Journal of Political Research”, 41, 2002, p. 825.

¹⁵ *Treaty on European Union, Lisbon version*, “Official Journal of the European Union”, 2010/C 83/01, Title IV.

¹⁶ *Treaty on European Union, Maastricht version*, “Official Journal of the European Union”, 1992/C 191/01, art. J.4.

¹⁷ *Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence 1948 (Brussels Treaty)*, <http://www.ena.lu/> [15.05.2015].

based on collective self-defence, rather than on bilateral commitments. The same concept was then implemented within the NATO framework.

It has to be mentioned that this main goal was actually achieved so far that in 1954 West Germany (the capitalist Western part of this country) joined the Western Union, which was then transformed into the Western European Union by what was called the modified Brussels Treaty¹⁸. Thus, WEU was also used as a “stress test” for political actions by the NATO, which admitted the Western Germany one year later.

Another important initiative by the Western European Union was the one taken after the collapse of the USSR and the bipolar system. In 1992, three years after the fall of communism and just 4 months after signing of the Maastricht Treaty and establishment of the European Union, the member states of the WEU took the Petersberg Declaration¹⁹, stating that:

Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member States, acting under the authority of WEU, could be employed for:

- humanitarian and rescue tasks;
- peacekeeping tasks;
- tasks of combat forces in crisis management, including peacemaking²⁰.

The importance of this act lies again in its innovative approach to security in two respects:

- structural broadening of the concept by inclusion of humanitarian support issues. Leaders of WEU realised that security lies not only in military activities, but also in ensuring stability in other aspects;
- territorial broadening of the concept and admitting that security of WEU’s member states depends not only on their own situation, but also on maintaining peace in neighbouring regions. NATO first allowed for such *out-of-area* operations only in its strategy of 2002²¹.

In the 1990s and 2000s WEU held 6 out-of-area operations in the Balkan region. All of them were rather specialised training and support missions than broad military operations. It must be stressed that all operations were organised in close cooperation with the European Union, NATO and the United Nations. Thus, they

¹⁸ *Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence 1953 (Modified Brussels Treaty)*, <http://www.ena.lu/> [15.05.2015].

¹⁹ *Western European Union Council of Ministers Petersberg Declaration*, <http://www.weu.int/> [1.08.2011].

²⁰ *Ibidem*, art. II.4.

²¹ M.A. Smith, *Afghanistan in Context: NATO Out-of-area Debates in the 1990s*, “UNISCI Discussion Papers”, N° 22 (January/Enero 2010).

became a practical test, allowing to verify an amend weaknesses and controversies in this cooperation.

Finally, the WEU was dissolved in 2010. However, as declared by the Party States of the Modified Brussels Treaty, this was not due to the organisation's failure, but – on the contrary – “The WEU has [...] accomplished its historical role”²² at the moment when its output was incorporated in the Lisbon Treaty²³, i.e. into the main stream of the integration process. This confirms clearly the actual goal and “historical role” of the separate defence organisation in the European integration process: to bring the defence issues into the European Union and not to ensure actual security, granted for rather by the USA-warranted North Atlantic Treaty.

Conclusions

Although importance of the Western European Union has been often questioned²⁴, the eventual assessment of its role in the European post-WWII peace policies depends strongly on the approach selected. I believe that the starting point of such an analysis should be the goal defined by the organisation's member states.

Undoubtedly, initially in 1948 the organisation was meant to protect its five members from potential German aggression and then, in the 1950s – from the Soviet threat. However, this role was overtaken by the NATO. As the cold war evolved, it became obvious that the risk is from the USSR and therefore protection requires participation of the USA in the self-defence process to counterbalance the strength of the Soviet superpower. Since then, the WEU served rather as a testing platform of new solutions (e.g. admission of Western Germany, out-of-area operations) or modes of cooperation (common WEU-NATO operations in the Balkans) than as an actual defence organisation.

This task of WEU was related to its role as a risk management mechanism, one of many methods to keep the main organisations – European Communities and European Union away from controversies and risks. It was also an arena to test and develop solutions viable and acceptable for the member states as well as other international actors.

It allowed for integration within the field of defence without serious controversies with the USA and neutral states and it allowed for relatively painless and rapid solu-

²² *Statement of the Presidency of the Permanent Council of the WEU on behalf of the High Contracting Parties to the Modified Brussels Treaty*, <http://www.weu.int/> [21.06.2013].

²³ *Treaty on European Union, Lisbon version*, “Official Journal of the European Union”, 2010/C 83/01, art. 42.

²⁴ P.H. Gordon, *Does the WEU Have a Role?*, “Washington Quarterly”, Winter 97, Vol. 20 Issue 1.

tion of any controversies and deficiencies revealed. Finally, it proved that the defence integration effort of the European countries was viable and necessary. That's why it was incorporated in the Lisbon Treaty as another – though exceptional domain of the European Union's activities.

UNIA ZACHODNIOEUROPEJSKA
JAKO MECHANIZM ZARZĄDZANIA RYZYKIEM W EUROPIE

Streszczenie

W artykule proponuję krytyczne podejście do Unii Zachodnioeuropejskiej w kontekście ochrony integracji europejskiej od potencjalnego ryzyka. Rozważam problem zbyt ambitnych propozycji, które mogły wzniesić protesty państw członkowskich, stron trzecich lub zostać odrzucone. Następnie wskazuję na rozmaite mechanizmy eliminacji i ochrony przed ryzykiem tego typu wypracowane podczas integracji europejskiej. Następnie badam mechanizm działania Unii Zachodnioeuropejskiej, pokazując jej rzeczywistą rolę po 1950 r.