



# **Assembly of Western European Union**

**DOCUMENT 1495**

**16th November 1995**

**FORTY-FIRST ORDINARY SESSION**

**(First Part)**

**The intergovernmental conference and  
the organisation of the Europe of security and defence**

**REPORT**

**submitted on behalf of the Political Committee  
by Mr. de Puig, Chairman and Rapporteur**



*The intergovernmental conference and the organisation of  
the Europe of security and defence*

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*by Mr. de Puig, Chairman and Rapporteur*

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1. Adopted in committee by 22 votes to 1 with 0 abstentions.

2. *Members of the committee:* Mr. de Puig (Chairman); Lord Finsberg (Alternate: *Marshall*), Mr. Roseta (Vice-Chairmen); MM. Alegre, Antretter, Blaauw, Sir Andrew Bowden, MM. *Bühler*, Caballero, Cioni (Alternate: Mrs. *Gaiotti de Biase*), Ehrmann (Alternate: *Masseret*), Eyskens (Alternate: *De Decker*), Fassino, Irmer, Sir *Russell Johnston*, MM. Jurgens, *Kaspereit*, Lord Kirkhill (Alternate: *Davis*), MM. Koschyk, *Liapis*, van der Linden (Alternate: *Verbeek*), *van der Maelen*, de Lipkowski (Alternate: *Baumel*), Maass (Alternate: *Zierer*), Mrs. Papandreou, Mr. Pozzo, Mrs. Prestigiacomo, MM. Puche Rodriguez (Alternate: *Mardones Sevilla*), Recoder, Rippinger, Rokofyllos (Alternate: Mrs. *Machaira*), Rodeghiero, Rodrigues (Alternate: Mrs. *Aguiar*), Mr. Seitlinger, Sir *Keith Speed*, MM. *Urbain*, Vinçon (Alternate: *About*).

*Associate members:* Mr. *Godal*, Ms. *Ragnarsdottir*.

N.B. *The names of those taking part in the vote are printed in italics.*

***Draft Recommendation***

***on the intergovernmental conference and the organisation of  
the Europe of security and defence***

The Assembly,

- (i) Sincerely wishing the 1996 intergovernmental conference to make qualitative progress allowing Europe to be given the means necessary for creating a true European security and defence identity in conformity with the aims set out in the Maastricht Treaty, i.e. to affirm Europe's identity on the international scene;
- (ii) Noting the decisions taken at the ministerial meeting of the Council in Madrid, on 14th November 1995, and the publication of the three documents approved by the Council at that meeting;
- (iii) Noting nevertheless that, while for the majority of WEU member countries the only possible way to ensure the coherence of European foreign, security and defence policies lies in the progressive integration of WEU into the European Union, the Council has failed to reach agreement on this question for lack of the necessary unanimity;
- (iv) Wishing therefore to help to promote a consensus in the Council with a view to enabling WEU to present a joint position at the intergovernmental conference with the backing of the Assembly;
- (v) Noting that the options now being discussed in the European Union and in WEU are exclusively at institutional level and do not take into account other approaches for a more specific sharing of responsibilities and tasks between the European institutions;
- (vi) Stressing that the extent of institutional reforms envisaged for progressively creating a single European framework likely to ensure the coherence of common foreign, security and defence policies must necessarily be limited insofar as the member countries of WEU (variable geometry organisation) and of the European Union are at present not exactly the same;
- (vii) Recalling also that it is inconceivable to decide on institutional options for a merger between WEU and the European Union and between their treaties without a joint concept of the Europe of defence and of its ultimate aims that takes account of the conditions defined hereafter, and, as an initial approach to the question, giving consideration to the Council document on European security: a common concept of the 27 WEU countries;
- (viii) Stressing that this common concept must take account of the nuclear issue in the light of recent events such as the indefinite extension of the nuclear non-proliferation treaty (NPT), the will expressed by European governments to conclude a nuclear test ban treaty and France's offer to make its nuclear deterrent capability available for Europe's defence;
- (ix) Endorsing the joint position reached in the European Union and WEU according to which the principle of national sovereignty must remain the essential reference in defence matters, which must be governed by consensus;
- (x) Convinced that, if the European Union is not managing to affirm its true identity on the international scene in accordance with Article B of the Maastricht Treaty, it is not due to the absence of a link subordinating WEU to the European Union but to the latter's inability to implement a common foreign and security policy;
- (xi) Consequently convinced that the best way to promote the European defence identity is to reach agreement on intermediate options for completing the strengthening of the rôle of WEU so that the latter might act on behalf of the European Union;
- (xii) Recalling particularly in this context Recommendations 558, 565 and 575;
- (xiii) Recalling also that the Assembly will present its contribution to the intergovernmental conference of the European Union at an extraordinary session of the Assembly to be held in London on 22nd and 23rd February 1996;
- (xiv) Recalling the importance for WEU of the discussions now being pursued in the European Union for rationalising and improving CFSP decision-making procedures with specific regard to:
  - the possible creation of an analysis and forecasting unit;
  - ways and means of arranging the duration and rotation of presidencies;

- the rôle of the European Commission;
- questions linked to financing CFSP action;
- the organisation of parliamentary supervision.

(*xv*) Sincerely regretting therefore that the Council has not followed the Assembly's recommendations for it to be represented on the Reflection Group of the European Union;

(*xvi*) Strongly reaffirming its position that any question relating to the modified Brussels Treaty must be handled exclusively by the signatories of that treaty and of its protocols;

(*xvii*) Further stressing, on the one hand, the need to strengthen the operation of WEU as European pillar of NATO and, on the other hand, the importance of the rôle that associate member countries of WEU are called upon to play in this evolution;

(*xviii*) Also stressing the close links WEU has established with the associate partner countries and the importance of the latter's contribution to the formulation of a common security and defence policy,

#### RECOMMENDS THAT THE COUNCIL

1. Support the proposals the Assembly has made in this report, that are intended for the intergovernmental conference, and any to be submitted at the extraordinary session of the Assembly to be held in London on 22nd and 23rd February 1996;
2. Seek a consensus for strengthening the European security and defence identity taking as a basis certain options to be defined for establishing closer links between WEU and the European Union and leaving the door open to progressive integration of WEU into the European Union, for which stages might be fixed;
3. Agree that, during this process of evolution, WEU will be maintained as an irreplaceable European defence institution;
4. Pursue its consideration of the new European security conditions, taking as a starting point its document on European security: a common concept of the 27 WEU countries, in order to arrive at a basic proposal for presentation by WEU to the European Union, and complete, as soon as possible, its work on the definition of a European defence policy taking the nuclear issue into account;
5. Maintain, in agreement with the European Union, WEU's ability to take political initiatives and act in the framework of a European security policy defined by the European Union;
6. Seek with the European Union ways and means of allowing WEU initiatives with defence implications to be confirmed by heads of state and of government without member countries of the European Union which are not members of WEU being able to block a consensus obtained in WEU;
7. Participate more actively, by submitting its own contributions, in the discussions being conducted in the European Union for improving the CFSP decision-making process that might have specific consequences for WEU;
8. Continue to play its full rôle as European pillar of the Atlantic Alliance with a view to giving new impetus to Euro-Atlantic co-operation in security and defence matters;
9. Intensify its relations with associate partner countries in order to pave the way for their subsequent accession to WEU;
10. Increase its efforts to make WEU and all its agencies fully operational, in particular to take advantage of the link with national parliaments provided by the Assembly and to safeguard its rôle.

## *Explanatory Memorandum*

*(submitted by Mr. de Puig, Chairman and Rapporteur)*

### *I. Introduction*

1. Written contributions and discussions now abound on the subject of institutional reforms of the European Union included in the agenda of the 1996 intergovernmental conference, while preparatory work for the conference is intensifying in the various bodies and working groups of the European Union and WEU. The Assembly of WEU is therefore faced with the problem of finding the appropriate method, first of obtaining the widest possible consensus in terms of its attitude and its proposals for the organisation of a Europe of security and defence, and second of making itself heard at the appropriate time so that its thinking carries the greatest possible weight.
2. The task is far from easy, because it involves reaching agreement on basic political directions for institutional adjustments, and because the Assembly has only limited means for ensuring that it is genuinely listened to outside the framework of WEU itself. Uncertainty over the timetable for the intergovernmental conference is another problem, although it seems that a measure of agreement has been reached recently for the conference to be started in the spring of 1996 (under Italian presidency) and to be concluded towards the end of the same year (under Irish presidency) or possibly in early 1997 (under Dutch presidency in this case).
3. In these circumstances, the decision to hold an extraordinary session of the Assembly of WEU in London on 22nd and 23rd February 1996, devoted exclusively to defining its position on the future shape of the Europe of security and defence, will give the Assembly a further, necessary opportunity to make its views better known, before governments take final decisions. However it must not be forgotten that initial positions will be formulated before the end of 1995, when the Reflection Group set up by the European Union is to submit a report on its work to the European Council, which the latter will consider at its summit meeting in Madrid on 15th and 16th December.
4. Earlier, at the ministerial meeting of the WEU Council in Madrid on 14th November 1995, the ministers for foreign affairs and the ministers of defence of the WEU member, associate member and observer countries approved a document they regarded as the WEU contribution to the European Union intergovernmental conference in 1996. However in deciding to transmit it to the Council of the European Union they disregarded the official request addressed to the Chairman-in-Office of the Council by the President of the Assembly and similar requests from several chairmen of delegations to their respective governments asking them not to take a decision until such time as the Assembly had made known its views on that contribution. The decision was all the more regrettable in that the Chairman-in-Office had confirmed on 15th November 1995 that the Council regarded the abovementioned document as WEU's final contribution to the intergovernmental conference. Moreover, under the Madrid declaration (paragraph II.4) the Council holds this document to be the contribution of the WEU "Organisation" and in this connection, the Council needs to be reminded that the "organisation" referred to is Western European Union and includes the Council, its subsidiary bodies and the *Assembly*<sup>1</sup>. The document in question cannot commit WEU as a whole unless the Assembly is involved in its preparation. As to the content, it has to be pointed out that the document does no more than discuss various options describing the possible future of relations between WEU, the European Union and the Atlantic Alliance and does not set out a common position on the Council's preferred option.
5. So the Assembly must pursue a twofold objective in its work. The first must be to urge the Council and the governments of WEU member countries to continue to seek a consensus, with the Assembly's help, enabling WEU to present a common position, supported by the Assembly, at the intergovernmental conference. The Council cannot believe that with the transmission to the European Union of the document released in Madrid, work on the preparation for the intergovernmental conference has come to an end. The Council cannot allow the decision on WEU's future to be taken by other organisations. Secondly, the Assembly has to strive to reach a common position as a guide to national parliaments of member countries in the debates leading up to the ratification of possible changes to the treaties in question.
6. It is therefore essential, in the light of the first results of the work done by the European Union and the decisions taken by the WEU Coun-

1. Article 1 of the Agreement on the Status of Western European Union, signed in Paris on 11th May 1955.

cil on 14th November 1995 for the Assembly to present its view of things at its December 1995 session. It is clear that, given of the short space of time separating publication of the Madrid declaration and the Council documents on the "WEU contribution to the 1996 intergovernmental conference" and on "European security: a common concept of the 27 countries" from the meeting of the Political Committee on 16th November 1995, consideration of these documents can yield only provisional conclusions. That consideration will be taken to greater depth during preparation of the Political Committee's report to the Assembly at its extraordinary session in London. The present report takes account of the reply of the Council to the recommendations the Assembly has transmitted to it since the conclusion and entry into force of the Maastricht Treaty. Moreover, your Rapporteur hoped to base his thinking on the content of the first part of the forty-first annual report of the Council. However this has proved impossible since, at the time of completing the drafting of the present report, the Council still had not transmitted its annual report to the Assembly.

7. This is a particularly serious situation at a time when it is essential for the Assembly to be informed promptly of the activities of the Council so that it may fulfil the functions assigned to it under Article IX of the modified Brussels Treaty. In its Recommendation 565, the Assembly had already protested about the Council's delay in transmitting its annual report to the Assembly and urged it "to comply immediately with its obligations under Article IX of the modified Brussels Treaty by submitting its annual report to the Assembly so that the latter can reply before the report loses its topicality, account being taken of the fact that this is not the first time that the report has arrived very late". In its reply to the aforementioned recommendation, the Council stated that "The Permanent Council is aware of the necessity of timely submitting its annual report to the parliamentary Assembly and will do its utmost to achieve that goal in the future".

8. One might now question the value of such a commitment by "a Permanent Council", a term not used in the modified Brussels Treaty. The "Council of Western European Union" is responsible for the transmission of the annual report to the Assembly and the latter must again remind the Council in the strongest terms of the need for it to comply with this obligation. In any event, faced with the challenges confronting Europe in the coming years, if it wishes to advance towards agreement on the most appropriate way of organising a Europe of security and defence, the Assembly must redouble its efforts to defend its views, not merely among experts but also in public debate, where the Assembly's arguments and proposals have hitherto tended to be passed over in silence.

## *II. The present state of preparations for the 1996 intergovernmental conference*

### *1. Work in the framework of the European Union*

9. According to Article J.4.6 of the Maastricht Treaty, the treaty provisions relating to the common foreign and security policy (CFSP) may be revised "on the basis of a report to be presented in 1996 by the Council (of the European Union) to the European Council, which shall include an evaluation of the progress made and the experience gained until then". For the preparation of this report, a Reflection Group was formed in June 1994, at the European summit meeting in Corfu, chaired by Mr. Carlos Westendorp, Secretary of State for European Affairs at the Spanish Ministry for Foreign Affairs; this group is composed of a representative from each member country of the European Union, one representative from the European Commission and two members of the European Parliament.

10. The European Council agreed on this occasion that the Reflection Group should have the following terms of reference:

"The Reflection Group will examine and elaborate ideas relating to the provisions of the Treaty on European Union for which a review is foreseen and other possible improvements in a spirit of democracy and openness, on the basis of the evaluation of the functioning of the treaty as set out in the reports. It will also elaborate options in the perspective of the future enlargement of the Union on the institutional questions set out in the conclusions of the European Council in Brussels and in the Ionannina agreement (weighting of votes, the threshold for qualified majority decisions, number of members of the Commission and any other measure deemed necessary to facilitate the work of the institutions and guarantee their effective operation in the perspective of enlargement.

The Reflection Group will be required to report in time for the meeting of the European Council at the end of 1995."

11. On 1st September last, the Chairman of the Reflection Group, which began its work on 3rd June 1995, submitted an initial progress report consisting of 8 chapters, chapters 2 and 3 of which deal with institutional problems and chapters 6 and 7 with the problems of the foreign and security policy of the Union, including defence questions.

12. Before examining this report, some observations may be appropriate on the composition of the Reflection Group and the possible consequences of its final report in areas of interest to WEU and its Assembly. As it appears from Chap-

ter 7 of the progress report, the group is at present studying in detail the problems linked to the future application of the modified Brussels Treaty, the existence of WEU as an organisation and its relations with the European Union. It appears that five of the eighteen members of the group represent countries which are not members of WEU. To these must be added the representative of the European Commission and the two members of the European Parliament, none of whom are experts on defence. Most of the other members have been chosen for their experience in European affairs, which, in most national administrations, come under departments entirely separate from sections with security and defence responsibilities.

13. While two members of the group are independent experts in European and international law, only one country is represented by a former defence minister. The WEU Council has not followed Recommendation 575, which proposed that it should arrange to be represented on the Reflection Group and ensure that all questions relating to the application of the modified Brussels Treaty are dealt with exclusively by the signatory countries of that treaty and its protocols. In its reply to the above recommendation the Council merely stated that "the modalities of WEU's participation in the intergovernmental conference will be considered by the Council in due course...".

14. On examination of the document itself, one notes that the authors refer specifically in Chapter 1 - "Challenges, principles and objectives" regarding the challenges which Europe faces in external security matters to: "major political instability in the European region following the end of the cold war" scarcely compensated by relative improvement in global security. The same chapter affirms that:

"The responses to the challenges posed by the profound changes which have taken place outside the Union, in the political and security context as well as in the economic and commercial sphere, need to be based on reinforcement of the instruments set up to achieve the highest possible levels of external stability and security."

and that:

"To cope with the new challenges that have arisen with regard to security in Europe, it is also necessary to face up to the question of whether the Union should provide itself with a real common defence policy."

There is no difficulty in endorsing these assessments, which, moreover, merely take up again ideas that are already widely recognised. It is in fact WEU that is examining the conditions of a common defence policy.

15. In Chapter 6:

"The group points out that the new situation in Europe presents new challenges for the Union's external dimension and it acknowledges the shortcomings in the operation of Title V and problems of a lack of overall consistency in coping with the new challenges. Where the group is not agreed, on the other hand, is on a common assessment of the causes of such shortcomings and problems. A few consider that this is due merely to teething troubles with a novel part of the treaty, others that political will is lacking and attitudes hidebound, while the majority also see a structural problem of a mismatch between ambitious, albeit somewhat vague, objectives and inadequate instruments for achieving them."

16. More specifically regarding security and defence, the group notes in Chapter 7 of the progress report that:

"The security and defence challenges in Europe and its immediate vicinity and the global challenges to European territorial integrity cannot be met by member states of the Union in isolation, nor even by those with the strongest military forces. They therefore require a collective response."

17. It might be recalled in this connection that the need for a collective response had been recognised forty years earlier and that it led to the creation of WEU and NATO. While the document is very severe about the functioning of the CFSP, it should be noted that it contains no criticism of our organisation, its past or its present situation and makes no adverse comment whatsoever on WEU. Nevertheless, it contains no in-depth thinking about the reasons why WEU's status and function should be reconsidered, apart from a reference to the "1998 deadline". Moreover, the document simply notes that "a majority of members see the way to the establishment of a genuine European security and defence identity as lying in the progressive integration of WEU into the EU".

18. The basic problem raised by this interim study and the probable results of the work of the group is due to a basic dilemma. While the group notes the divergent opinions of its members in analysing the causes of the poor functioning of Title V of the Maastricht Treaty, its terms of reference do not allow it to seek any answers other than institutional. Moreover, this interim text reflects clearly the lack of political direction defined at the highest level. Since governments have not reached agreement on this, the Reflection Group is in no position to take decisions or make specific proposals.



19. As to the various suggestions in this connection considered by the Reflection Group, it should first be noted that the latter is unanimous in recognising that "The principle of national sovereignty remains the basic point of reference in defence matters and so consensus has to be the rule in this field". From such an observation, consideration should logically follow of appropriate methods for promoting consensus in this area, as has been done in Recommendation 575 of the Assembly. The Reflection Group provides a procedural response to this question in suggesting that:

"some flexibility should be brought to bear on that principle by applying the rule that no one can be obliged to take part in military action by the Union. Nor can anyone prevent such action by a majority group of member states. In that event, any states not participating should show solidarity with the action taken, both financially and politically."

20. Indeed, the application of the principle of consensus in this area has always called for flexibility and a spirit of solidarity among all the partners concerned. This is nothing new since it has already found expression in Article VII.3 of the modified Brussels Treaty, whose flexible wording enabled a consensus to be reached in the framework of WEU during the two Gulf wars: hence a number of WEU member countries carried out military actions in the region without others being obliged to participate or tempted to prevent those countries from intervening.

21. The flexibility of the treaty also promoted agreement among member countries on the modalities of "Petersberg" type missions: indeed they have indicated that decisions to participate "in specific operations will remain a sovereign decision of member states in accordance with national constitutions". The possibility of choosing therefore already exists. Undoubtedly one might endeavour to formulate even more specific wording in order to consolidate the legal bases of this principle, by including financial provisions for example. However, any attempt to refine the existing legal framework might jeopardise its flexibility and increase opportunities for disagreement.

22. On the subject of the relationship between the European Union and WEU, the document notes that continued autonomy for WEU as the only option in the foreseeable future is the view of a minority school of thought in the Reflection Group. According to this minority, WEU's autonomy "allows defence matters to be kept clearly within the intergovernmental sphere, avoids weakening the commitments entered into within WEU and NATO (Article V guarantee) and enables full allowance to be made for the diversity of national positions and for the mismatch bet-

ween Union and WEU membership. Such continued autonomy for WEU in relation to the Union should be accompanied by greater complementarity between the two politically (parallel EU-WEU summits), administratively (harmonisation of presidencies and secretariats) and operationally (through the strengthening of WEU's capabilities)". This position reflects in large measure the one that the United Kingdom Government presented to its partners in its memorandum of 1st March 1995.

23. The progress report continues:

"A number of members, chiefly representing countries which are not members of WEU, do not think a merger feasible, at any rate not in the foreseeable future. The reason for this is that their countries' special position does not allow them to take on all of the obligations under the Brussels Treaty, in particular the automatic territorial guarantee in Article V. On the other hand they do seem prepared to give favourable consideration to participation in the Petersberg tasks. Lastly, a majority of members see the way to the establishment of a genuine European security and defence identity as lying in the progressive integration of WEU into the EU with its two potential aspects: territorial defence under the Article V guarantee and the new aspect of defence (Petersberg tasks). Such a merger follows logically from the treaty and is the only means of achieving consistency between political union, foreign policy and defence. In their view, the progressive development of a defence dimension to the Union with a mutual assistance guarantee would reflect all-round solidarity between Union members which cannot be confined to the economic sphere alone. With that prospect of eventual merger between the EU and WEU in view, some members see a need to establish a timetable with a target date for a full merger, while others think it sufficient to set a date for discussing a final merger in future and determining arrangements for it. For those members in favour of a merger, it is important for the conference to establish legal and political links between the two organisations as well as a minimum set of operational resources enabling WEU to act as the EU's military arm in the field of crisis-management, crisis-prevention and peace-keeping."

24. At a press conference given in Strasbourg<sup>2</sup> on 11th July 1995, Mr. Westendorp stated that in his opinion the process of merging WEU and the

2. *Nouvelles Atlantiques*, 14th July 1995.

European Union might begin, for example, in the year 2000, as that date would correspond approximately to a new phase of enlargement. He did, however, confirm that the United Kingdom was opposed to WEU being integrated into the Union.

25. In the framework of the discussions being conducted in the Reflection Group with a view to finding intermediary ways and means between autonomy and integration of WEU in the European Union, reference has been made to the creation of a link subordinating WEU to the European Union "either by amending Article J.4.2 of the treaty or by means of a binding agreement whereby WEU would implement EU decisions with defence implications. It has also been suggested that Petersberg task matters be included in the treaty, while leaving the question of territorial defence for an annexed protocol. In this way it would be possible to make allowance, in the immediate future, for the special situation of certain states, which would thus have a temporary derogation or an "opt-in" which some would like to see apply for a pre-established period."

26. Confronted with these obvious divergencies, the considerations which determined the search for compromise wording in the drafting of the texts deserve detailed examination. It should be emphasised in particular that, if the above suggestion were acted upon it would mean the end of the modified Brussels Treaty; your Rapporteur intends to return to the problem in Chapter III of his report.

27. To complete the list of subjects studied by the Reflection Group, it should be noted that the latter tackled the question of co-operation in armaments production and export and one of its members proposed amending Article 223 of the Treaty establishing the European Community<sup>3</sup> but without specifying in what way.

3. Article 223 reads:

"1. The provisions of this treaty shall not preclude the application of the following rules:

(a) no member state shall be obliged to supply information, the disclosure of which it considers contrary to the essential interests of its security;

(b) any member state may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production or trade in arms, munitions and war material, such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes.

2. During the first years after the entry into force of the Treaty, the Council shall, acting unanimously, draw up a list of products to which the provisions of paragraph 1 (b) shall apply.

3. The Council may, acting unanimously on a proposal from the Commission, make changes in this list."

28. In the framework of discussions on the improvement of the instruments of the CFSP (common foreign and security policy), a number of proposals have been put forward, implementation of which would also have implications for WEU, even if the latter were to remain an autonomous organisation with stronger links with the European Union. According to the progress report of the Reflection Group, several members "think the Union should be given international legal personality"; in this context the report lists the following suggestions:

"The Group is agreed that an analysis, forecasting, planning and proposal unit or body should be set up for the common foreign policy. In principle reform of the treaties would not necessarily be required in order to set one up."

As regards its composition and location, there are basically two options under discussion, both of which involve embodiment of the CFSP in the figurehead of a "Mr. or Ms. CFSP".

- Some advocate locating the unit at the General Secretariat of the Council, with its facilities strengthened and the Secretary-General raised in rank to ministerial level. Those in favour of this option point to the merit of abiding by the present institutional framework by not creating any new bodies and highlight the desirability of placing the unit at the Council on account of the central rôle played by states within the CFSP.

- The other option is to create a new post of High Permanent Representative for CFSP, appointed by the European Council, ranking at least on a par with a Minister, to conduct the Union's external political affairs and represent it. That person would chair the Political Committee and would be in charge of the new planning and analysis unit. In practice the unit would be a "tripartite" body made up of the member states, the Council and the Commission. (The presence of WEU representatives has even been suggested).

29. Regarding the rôle of the Commission:

"... the majority of the group think that the Commission should be involved with planning and analysis work in the interests of the necessary consistency in all aspects of the Union's external action. A majority of the Group also oppose the creation of a new institution to handle the CFSP, preferring to look into options within the present institutional framework."

30. This question is closely linked with that of the future functioning of the presidency. In this connection, the group put forward the following ideas in Chapter 3 of its document:

“ The prospective enlargement (of the Union) would result in each country’s turn coming round much less frequently, making it necessary to establish a system which will ensure greater permanence and visibility for the presidency without making more sporadic the participation by member states in an enlarged Union. To achieve that, the group has been looking at various arrangements that combine elements of permanence and rotation, such as presidency by teams. It is also considering the possibility of electing a President or High Representative of the Union for external policy matters.

...

On decision-making procedures, some see the fact that newly-qualified majority voting is not used as one of the causes of the CFSP’s ineffectiveness. Others take the view that the consensus and a veto are essential in matters which lie so close to the heart of national sovereignty. As intermediate options, the group explored ad hoc arrangements such as “ consensus bar one ”, a “ super-qualified majority ” or “ positive abstention ” in order to overcome the risk of deadlock in a field in which the Union needs to be able to take decisions. As regards implementation of the CFSP, two possible approaches are identified in the group, the first being to explore arrangements maintaining the central rôle of the presidency in external representation and implementation of the CFSP. This is the present approach under the treaty, although enlargement and the growing external responsibilities of the Union make it advisable, if that approach is to continue, to consider ways of giving the presidency a higher profile and greater permanency. Two possibilities are conceivable here: a team presidency (see topic 3) and/or an elected presidency. The alternative approach is to assign such implementation tasks to an ad hoc body (Mr. or Ms CFSP) whether the High Representative for CFSP mentioned earlier or any other arrangement in which the member states and institutions have confidence. Some have pointed out that there is already a figure enjoying such confidence, namely the President of the Commission, who is appointed by the European Council and approved by the European Parliament. ”

31. As regards the financing of the CFSP, an overwhelming majority of the Reflection Group believe it should be met from the community budget. Such a development would have important consequences for WEU, in as much that the more the European Union authorities take the initiative on WEU actions, the stronger the institutional ties between the two organisations will become. The Maastricht Treaty currently draws a distinction between “ administrative expenditure ” financed from the European Community budget and “ operating expenditure ” whose inclusion in the community budget or in those of the member states is decreed by the Council of the Union.

32. The questions raised by parliamentary supervision are tackled by the Reflection Group in the chapter on the CFSP and in Chapter 3 dealing with the institutional system in general. The group is naturally mainly interested in the rôle of the European Parliament and the majority of its members feel that its rôle in CFSP matters cannot be the same as for those covered by community legislation:

“ Some members think it advisable to build on the present treaty provisions, centring on the European Parliament’s right to be informed in this respect. Others think it necessary to go further and involve parliament more closely in determining the broad lines of the CFSP and in handling the Union’s external political affairs by means of arrangements ensuring confidentiality. A few members are reluctant to see any increase in parliament’s rôle and several point out that the EP should not under any circumstances be given powers not even enjoyed by national parliaments in an area in which governments conduct their foreign policy without prior authorisation by parliament, except in cases distinguished by their extreme gravity ”

33. The progress report contains no thoughts on the implications of the parliamentary dimensions of the CFSP, given that the Reflection Group unanimously accepts that the principle of national sovereignty remains the essential reference in defence matters and that this area must therefore be governed by consensus. It is only in considering their institutional aspects that the group deals with the respective rôles of the European Parliament and the national parliaments. In this context the group merely registers agreement on not creating a second chamber.

34. There is therefore no indication as to whether the group has examined the arguments developed on this subject in the report presented by Mrs. Aguiar. On the other hand, the group registers “ agreement on the need to increase each national parliament’s control over its government in Union affairs ”. In this connection the group

proposes to explore ways of associating national parliaments with European institutions and to examine more closely how to facilitate national parliamentary supervision of decisions of the Union. These suggestions are still very vague and in no way specify how the national parliaments would intervene at European level if the idea of a second chamber is ruled out. The example of the Conference of the Parliaments (Assises) provided for in the declaration (No. 14) of the Maastricht Treaty which was to be "consulted on the main features of the European Union", but which has never met, and that of the Conference of European Affairs Committees (CEAC) composed of members of the European Parliament and the parliamentary assemblies of the fifteen member states of the European Union show that a way has not yet been found to strengthen the rôle of the national parliaments in supervising decisions of the European Union.

35. Although the group does not concern itself with the problem of parliamentary supervision of decisions taken in the framework of the CFSP and WEU that fall exclusively within the remit of national sovereignty, it proposes to study the creation of a High Consultative Council on subsidiarity composed of delegations of national parliaments.

36. In the course of a meeting of the Standing Committee of the Assembly of WEU held with Mr. Westendorp in Madrid on 19th October 1995, the latter conceded that neither he nor the large majority of the members of the Reflection Group were experts in security and defence but wondered if this factor were not something of an advantage. Furthermore, while confirming the broad outlines of the progress report, he informed members of the Standing Committee that the Spanish Government was among those who would prefer to take the intergovernmental conference as an opportunity to transfer responsibilities for common defence to the European Union, eclipsing WEU as an independent organisation, while preserving the responsibilities of the Atlantic Alliance. In this optic, the intergovernmental conference would provide the opportunity to take advantage of the "1998 deadline" on the modified Brussels Treaty.

## 2. *The evolution of the positions of member governments*

37. It should be noted that parallel to the work of the Reflection Group, after the United Kingdom, the Netherlands and Italy had taken an initial stance on institutional reforms in security and defence matters in the first half of 1995<sup>4</sup>, a

4. See paragraph I.3 of Recommendation 575 and the report by Mrs. Aguiar on "the future of European security and the preparation of Maastrich II - reply to the fortieth annual report of the Council" (Document 1458).

number of other governments have made known their attitude, more or less officially, while others have preferred to defer defining a firm position.

38. On 30th June, *Luxembourg* published a memorandum on the 1996 intergovernmental conference in which it stated that in future WEU would be called upon to play an increased rôle.

"No doubt, for the time being, WEU will remain a separate organisation. However inclusion in the future treaty of the objective of WEU's integration by stages into the European Union would effectively bring the defence dimension into the integration process. Meanwhile, measures directed towards strengthening relations between the European Union and WEU are essential, such as associating WEU more closely with the work of the CFSP."

39. The memorandum by the Luxembourg Government does not tackle the question of possible subordination of WEU to the European Union, but considers that WEU should be in a position to carry out "Petersberg" type missions on behalf of the EU. It also argues that all European Union countries should contribute to financing actions carried out by WEU on behalf of the Union. Regarding development of the CFSP, Luxembourg advocates the creation, within the Council Secretariat-General of an analysis and forecasting unit with which the European Commission would be fully associated, "assisted by WEU".

40. In Luxembourg's view, the field of application of majority decision-making should be extended and the principle of "consensus bar one" would be a considerable step forward insofar as it would allow a member state to dissociate itself from a joint action without, however, being able to prevent it. Luxembourg states, furthermore, that it is in favour of closer association with the European Commission, particularly over joint actions, under the supervision of the Council. It feels that the CFSP should in principle be financed from the community budget. According to the memorandum, actions with military implications would be decided without a member state being obliged to participate if it did not wish to do so, nor should it be able to prevent a majority from going ahead. WEU would be invited to carry out such actions.

41. According to press reports<sup>5</sup>, the Benelux countries are preparing to submit a joint memorandum on the question; meanwhile Mr. Jean-Luc Dehaene, Prime Minister of Belgium, addressing parliamentarians of the European Popular Party (PPE), in Bruges on 30th August 1995, stated:

"The qualitative step the intergovernmental conference might take in this field, would, in my view, be to decide that the

5. *Le Monde*, 22nd September 1995.

European Union may instruct WEU to use certain military means, unlike the present situation where the European Union must request this of WEU without being certain that an autonomous WEU will accede to that request."

42. In a note dated 18th October 1995 addressed to the Belgian Chamber of Deputies and Senate, the Belgian Government stated its position as follows:

"In a third approach, that preferred by the Belgian Government, WEU should draw as close to the European Union as possible with a view, ultimately, to integration. The complexity of integrating European defence and the awareness that, for a number of member states, defence forms part of the hard core of national sovereignty, strengthens the Government in its conviction that progressive integration of WEU in the European Union is the best option. The intergovernmental conference should work towards this. The government recalls that the WEU treaty may be denounced in 1998 so that the possibility of revising the treaty would then arise. The feasibility of major proposals will depend, inter alia, on the outcome of the intergovernmental conference.

In the run-up to the IGC and during the conference itself, the government will try to achieve various qualitative advances, first concerning both the operational and the institutional rôle of WEU:

- further development of WEU's operational capabilities, particularly in the framework of the "Petersberg missions" (humanitarian actions, peace-keeping, crisis-management). In this context, and aside from independent WEU initiatives, the government wishes to stress the importance of achieving the NATO concept of "separable, but not separate forces", in the form of combined joint task forces (CJTF). This would give WEU new momentum, without leading to any real duplication with NATO;
- administrative convergence between WEU and the European Union, through co-operation and the exchange of information between secretariats, harmonisation of working methods and harmonisation of the respective presidencies;
- convergence between WEU member states and observer countries (i.e. the member states of the European Union not members of WEU) by putting them

on an equal footing in both practical and organisational terms, but without WEU collective security and defence guarantees applying to NATO non member states (no "back-door" guarantees);

- action by WEU set under the cover of the CFSP, especially the provisions on joint action (which it was expressly declared in the Maastricht Treaty did not apply to questions with defence implications) and Community financing. The European Union must be empowered to assign tasks to WEU, in particular the conduct of Petersberg-type missions. The European Union's decision could be a majority decision provided the majority includes all WEU members. Once the European Union decision was taken, it would bear the financial cost. However no member state could be obliged to send troops against its will;
- additional qualitative advance in the integration of European defence to be achieved by proposing, after enlargement, a new EU Treaty including an explicitly-stated solidarity principle (without however giving automatic security guarantees), an obligation to consult in the event of a threat and arbitration in the event of conflict between member states;
- increased convergence between WEU and the European Union leading WEU associate members (Turkey, Iceland and Norway) gradually to replace their earlier ties with WEU by new ones with the European Union (through the common foreign and security policy)".

43. On 1st July 1995, in presenting its views in preparation for the intergovernmental conference, the government of *Greece* recommended maintaining in the framework of the CFSP too, the principle of unanimity, at least in areas affecting the vital interests of each member country.

44. When they met in Porto Santo Stefano on 14th and 15th July 1995, the *Italian* and *German* Ministers for Foreign Affairs made a joint declaration, containing the following passage of note:

"4. It is essential to develop the common foreign and security policy further in order to give it greater authority and effectiveness. To this end, the Union's ability to decide and act must be improved essentially through majority decision-making in the established areas and by extending analysis and planning capabilities. The European Parliament should be more closely associa-

ted with the foreign and security policy of the European Union.

.....

The European Union should evolve so as to become a security Union and – eventually – a defence Union, while fully preserving its transatlantic links. To this end, it is essential to strengthen WEU's rôle as an instrument of the European Union for crisis-intervention and to deepen the institutional links of the European Union and WEU, as well as making the latter subject to European Council directives. While WEU's integration in the European Union remains a long-term objective, the links between WEU and NATO must at the same time continue to be developed."

45. As to *Spain*, the Spanish Minister for Foreign Affairs, Mr. Javier Solana, stated in an interview with the *Figaro*, on 6th July 1995:

"We believe that Western European Union must in future be the pillar of European security, while maintaining links with the Atlantic Alliance. At the 1996 intergovernmental conference, the door must be left open for WEU to be merged with the European Union. At present, Spain holds the presidency of these two institutions, which may lead to interesting results. At the meeting of the WEU Council of Ministers, which will be held in Madrid at the end of the year, we shall already be working towards a merger."

46. Among the neutral countries which have chosen observer status in WEU, the *Austrian Government* set out guidelines on 30th May 1995; in this document it supports the proposal to create an "analysis capability" (which it calls a "planning cell"), answerable to the secretariat of the Union Council and composed of representatives of that secretariat, the European Commission and the member states. Austria should be open to the gradual introduction of the principle of majority voting with regard to the CFSP. However, in the area of military security the principle of unanimity should be maintained.

47. Although the proposal to create a "Mr. CFSP" was made at *France's* initiative, neither France nor *Germany* yet seems to have determined a final position. Despite rumours that the Franco-German machinery is grinding to a halt because differences between the two countries have driven them too far apart, other reports have it that the two governments say they are working together, and the result of their joint thinking is awaited<sup>6</sup>.

6. *Le Monde*, 22nd September 1995.

48. However, in a speech delivered to the German Foreign Policy Society in Berlin on 12th October 1995, Mr. Klaus Kinkel, the German Minister for Foreign Affairs, insisted strongly that clear progress towards the incorporation of WEU into the European Union should be made in 1996. The inclusion of WEU in the "Richtlinienkompetenz" (general guidelines) of the European Council would be an important step in this direction. Nevertheless, individual member states cannot be compelled to commit their armed forces. Conversely, no member state can prevent a majority of member countries acting together.

49. Moreover, it appears that the government of *Norway*, an associate member of WEU, is seeking to obtain the support of the United Kingdom Government to prevent WEU from being absorbed by the European Union, of which Norway is not a member. Like other European members of NATO that do not belong to the European Union, Norway fears that if WEU is absorbed by the Union it might be weakened as the European pillar of NATO.<sup>7</sup>

### 3. Work in the framework of WEU

#### (a) The activities of the Council

50. In their Lisbon declaration on 15th May 1995, the WEU Ministers recalled "their decision in Noordwijk last November that WEU should make a timely contribution to the work of the 1996 EU intergovernmental conference (IGC). Ministers held a first exchange of views on this contribution, which will re-examine and further develop the rôle of WEU and the provisions agreed at Maastricht, taking account of the progress made and experience acquired since the WEU Maastricht declaration of December 1991 and the entry into force of the Treaty on European Union. The Ministers tasked the Permanent Council to present a report at their next meeting in November in Madrid. In this respect, they welcomed the intention of the incoming Spanish Presidency to present a reflection document on the WEU contribution to the intergovernmental conference to serve as the basis of the Permanent Council's report. They noted that the possibility of holding a meeting at summit level to finalise the WEU contribution to the intergovernmental conference continues to be considered."

51. A seminar on WEU's contribution to the future European security and defence architecture, the close of which was attended by the President of the Assembly of WEU, was organised in Sintra (Portugal) on 3rd and 4th June 1995 at the level of political directors, senior officials responsible for defence policy and permanent representatives of WEU member countries.

7. *The Times*, 4th October 1995.

52. On 13th July last, the Permanent Representative of the Spanish presidency, addressing the Presidential Committee of the Assembly, referred to the aims and priorities of the Spanish presidency during its simultaneous term of office in WEU and the European Union:

- “ – WEU must become a true defence component, in accordance with the terms of the Treaty on European Union and appended declarations;
- the process of European integration will be completed only when it is equipped with an authentic security and defence dimension.”

.....

... my government is preparing a document of reflection which will be the point of departure for the discussion in the Council on this question.

This reflection must bear on three fundamental chapters, relations between WEU and the European Union, relations between WEU and the Atlantic Alliance and the operational development of WEU.

The main question to be examined with a view to the intergovernmental conference, and which is also the most complex, is that of the shape of institutional relations between the European Union and WEU.

Article J.4 of the treaty of the Union will have to be revised in a specific manner. In this respect, we have retained three options which we believe can be achieved on the basis of certain joint premises: promote the European security and defence identity, overcome problems raised by the different geographical composition of the European Union and of WEU, maintain the intergovernmental nature of defence, preserve the rôle of NATO in European defence and tighten Euro-Atlantic links.

The first option would be to maintain, with certain improvements, the status quo of Maastricht. That would consolidate the present model by perfecting interaction between the European Union and WEU and the latter's operational capabilities. We do not believe this option is sufficient.

The opposite to this option would be to include defence as an integral part of the European Union. This would imply the existence of a juridical framework to deal with defence questions in the European Union and the revision of the treaty provisions of the Union so as to create a collective defence system and security guarantee similar to that of the modified Brussels Treaty.

Between these two options is a vast spectrum of possibilities characterised to a greater or lesser extent by the maintenance of the autonomous personality of each of the organisations but providing for a process of gradual convergence which would allow the merger of the two institutions in the future.

.....

Relations between NATO and WEU must take a prominent place in our thoughts, knowing from the outset that WEU must preserve its rôle of European pillar of the alliance and its complementarity in relation to that organisation. An analysis of the relations between these two organisations in the process of transformation must seek ways and means of achieving more balanced relationships in which the European pillar of the alliance would no longer be a rhetorical phrase”.

53. It should be noted that the document on “ WEU's contribution to the European Union intergovernmental conference of 1996 ”, drafted on the basis of the confidential working paper by the Spanish presidency was approved in Madrid on 14th November 1995 by the WEU Council “ at 18 ”, in other words with the participation of the observer countries *and* the three associate member countries which are not members of the European Union and therefore not participating in either the intergovernmental conference or the work of the Reflection Group set up by the European Union. The fact that Spain is providing the president both of WEU and the European Union doubtless facilitates exchanges of information on the progress and direction of work in the two organisations.

54. However, it should be stressed that a contribution from WEU such as this, which deals with the institutional questions to be discussed at the 1996 intergovernmental conference makes sense only if the organisation at the same time completes its work on two documents: the common reflection on the new European security conditions which should lead to the drafting of a white paper on European security; and the definition of a common defence policy on which the Council of WEU published preliminary conclusions in November 1994 and which, according to WEU ministers, should lead to a wide-ranging declaration on European defence policy with a view to the 1996 intergovernmental conference.

55. Hence during discussion of this report at the committee meeting held on 9th October last, several members rightly insisted on the need to assess the new risks that threaten European security and the budgetary implications of this situation at a time when most WEU member countries



have considerably reduced their defence budgets following the disappearance of the major threat linked to East-West confrontation. Regarding risk assessment, it is to be welcomed that the document on "European security: a common concept of the 27 WEU countries", should lead to an extremely profound analysis of security problems that might arise at world level and include a detailed description of European interests that might possibly require defending.

56. Chapter II of this document attempts to set out a concept for strengthening WEU's operational capabilities in the fields of crisis-prevention and crisis-management but does not deal in depth with the budgetary implications. The preliminary conclusions on the formulation of a common European defence policy have, on the other hand, tackled this issue in connection with the operational aspect of the problem and recommended that:

"WEU must have available the necessary decision-making procedures and mechanisms to ensure adequate and timely resourcing and financing of the preparation and implementation of these operations. The necessary arrangements including the issue of budgets and fixed contribution keys should now be examined at ministerial level as a matter of priority..."

57. This crucial question will have to be examined in the wider context of drafting a white paper on European security. However, another subject, the importance of which should not be underestimated, is the need for discussion of the nuclear issue and whether or not a common defence policy should include nuclear aspects. This question is in fact discussed in the document "European Security: a common concept of the 27 WEU countries", in the following terms:

"France and the United Kingdom, member countries of WEU who are also members of the EU and NATO, are weapons states within the meaning of the NPT.

In the language of paragraph 55 of the alliance's Strategic Concept, the fundamental purpose of nuclear forces is political; it is "to preserve peace and prevent coercion and any kind of war... by ensuring uncertainty in the mind of any aggressor about the nature of the allies' response to military aggression" and by demonstrating "that an attack of any kind is not a rational option". The Hague platform states that "To be credible and effective the strategy of deterrence and defence must be based on an appropriate mix of nuclear and conventional forces, only the nuclear element of which can confront a potential aggressor with an unacceptable risk".

The "Preliminary conclusions on the formulation of a common European defence policy" (WEU Council of Ministers, Noordwijk, 1994), which borrow the language of the Hague platform and the new Strategic Concept of the alliance, agreed respectively by WEU in 1987 and NATO in 1991, state that "Europeans have a major responsibility with regard to defence in both the conventional and nuclear field". The independent nuclear forces of the United Kingdom and France, which have a deterrent rôle of their own, contribute to the deterrence and overall security of the allies."

58. It should first be noted that Austria, Finland, Ireland and Sweden, as they have pointed out, were not party to the discussions referred to on the rôle of nuclear forces in deterrence. Moreover it is clear from the aforementioned declarations that nuclear deterrence has to date been conceived either in the framework of the Atlantic Alliance or in a strictly national framework, as in the case of France. Until now, the nuclear question has not played a part in the definition of a common defence at European level and therefore was not on the WEU Council's agenda. Hence in answer to Recommendation 517 requesting it to "Instruct a working group to examine Europe's requirements in respect of deterrence in the new circumstances with a view to defining a European concept of the rôle of nuclear weapons and developing consultations between its members on the possibility of resorting to such weapons", it replied that these questions were "not at present on the agenda of the Council and its working groups".

59. In answer to the repeated request of the Assembly inviting it, in Recommendation 540, to "Re-examine the rôle of both United States and European nuclear weapons in European security in conjunction with a parallel re-examination in the framework of the Atlantic Alliance", the Council recalled in its reply that "nuclear questions are not at present on the agenda of the Council or its working groups". Finally, the proposals in Recommendation 564 on the rôle and future of nuclear weapons aimed at establishing a strategic study group within WEU, inter alia:

- to examine the rôle and future of nuclear weapons for European security including the different aspects of intra-European extended nuclear deterrence;
- to examine the rôle all the WEU member states might play in defining a future European nuclear strategy;
- then to study the possibility of creating a nuclear co-ordination body within WEU;



have not been acted upon by the Council which confined itself to recalling the mandate tasking the Permanent Council to begin work on the formulation of a common European defence policy.

60. Given the reactions in several European countries to France's decision to carry out a limited series of nuclear tests, followed by the proposal of the French Prime Minister on 6th September 1995 to offer Europe the benefits of deterrence through French nuclear weapons in the form of concerted deterrence, it seems essential to include in any white paper on European security and any broad declaration on European defence policy a section on the rôle of nuclear weapons in that policy.

61. However, whether or not WEU countries can reach agreement on this essential problem is open to serious doubt. The Germans have rejected once and for all the acquisition of nuclear weapons and have invariably shown their preference for the American nuclear protection guaranteed them in the framework of the Atlantic Alliance. Moreover, the position of the United Kingdom must be taken into account, its Prime Minister, John Major, having stated on his last visit to France<sup>8</sup> that the United Kingdom deterrent force was already available for European security in the framework of NATO, with its tried and tested consultation and planning mechanisms based on the concept of burden-sharing among all participating allies and that he saw no place for new institutions of deterrence in Europe outside NATO.

62. If the main partners of Western European Union do not want a common defence which would also include nuclear aspects outside the structures of the Atlantic Alliance, it will be hardly possible to examine these questions in greater depth in WEU. The fact that France has never agreed to be subject to the obligation laid down in Article III of Protocol No. III to the modified Brussels Treaty raises another problem. This states that:

“When the development of atomic, biological and chemical weapons in the territory on the mainland of Europe of the high contracting parties who have not given up the right to produce them has passed the experimental stage and effective production of them has started there, the level of stocks that the high contracting parties concerned will be allowed to hold on the mainland of Europe shall be decided by a majority vote of the Council of Western European Union.”

63. However, if one takes seriously Article J.4 of the Maastricht Treaty according to which the common foreign and security policy includes *all*

questions related to the security of the Union, discussion of nuclear deterrence in the appropriate framework – namely WEU, based on its treaty – cannot be avoided. The Council will need to take account of this in the wide-ranging declaration on European defence policy that it has said it is drawing up but which is not yet finished.

*(b) The work of the Assembly*

64. Since the conclusion of the Maastricht Treaty the Assembly has unfailingly drawn the Council's attention to the importance of not calling the modified Brussels Treaty into question and making it known that this treaty “remains one of the juridical bases of the union and that WEU, as it exists in its ministerial and parliamentary bodies, is, in parallel with the organs of the European Union, a part which will have its place in the European structure” (paragraph 1 of Recommendation 517). It also requested the Council to “proceed to no modification in the scope of the modified Brussels Treaty by any other process than international agreements subject to ratification” (paragraph 3 of Recommendation 526).

65. The Assembly has recommended that the Council support its juridically-based interpretation of Article XII of the modified Brussels Treaty, according to which the 1954 Paris Agreements establish a new treaty, and conform to it (Recommendation 539), “retain the modified Brussels Treaty so that all the members of the European Union will be able to accede to its provisions” (paragraph 3 of Recommendation 558) and “reconsider the WEU declaration II annexed to the Maastricht Treaty with a view to allowing the European members of NATO which are not members of the European Union the right to accede to the modified Brussels Treaty” (paragraph 5 of Recommendation 558).

66. The Assembly also recommended that the Council “open up real prospects of accession to the modified Brussels Treaty for associate partner countries, irrespective of whether or not they belong to other European organisations” and “in so doing, ensure that any future enlargement of WEU does not weaken the scope of Article V of the modified Brussels Treaty” (paragraphs 4 and 5 of Recommendation 565).

67. The reply of the Council to Recommendation 517 merely refers to the replies to Written Questions 296, 297 and 298, which did not however deal with the problems addressed by that recommendation. However it is to be welcomed that the Council affirmed it had no intention of proceeding with modification in the scope of the modified Brussels Treaty by any process other than international agreements subject to ratification (Reply to Recommendation 526). Conversely, the Council did not follow the legal opinion

8. *Le Monde*, 29th-30th October 1995.

set out in Recommendation 539 of the Assembly nor the proposal in paragraph 5 of Recommendation 558.

68. The Council replied to paragraphs 4 and 5 of Recommendation 565 that "the development of WEU's relations with associate partners closely follows their relations with the European Union". This reply is especially interesting in that it makes no reference whatsoever to the existence of a possible link between this question and NATO enlargement. Moreover, in the same reply the Council assures the Assembly "that any future enlargement of WEU will not be of a nature to weaken the relevance and scope of Article V of the modified Brussels Treaty". This reply is also of major importance, particularly in relation to the current debate in the press on the arrangements for an enlargement of WEU which would "freeze" the article in question.

69. As far as preparation of the 1996 inter-governmental conference (Maastricht II) is concerned, in May 1994 the Assembly had recommended that the Council do so carefully and "fully associate the Assembly with the Council's reflection on its preparation for the... conference... to seek... to clear up the ambiguities of Article J.4 of the Maastricht Treaty with a view to obtaining a general mandate to elaborate and implement decisions and actions on behalf of the Union in WEU's area of responsibility" (paragraphs 1, 2 and 4 of Recommendation 558). In Recommendation 565, the Assembly asked that the Council:

"3. Play the rôle of a political driving force vis-à-vis the authorities of the European Union and the Atlantic Alliance with a view to developing guidelines for linking the Central and Eastern European countries with Euro-Atlantic structures;

.....

7. Include in its present studies the French Prime Minister's proposal for drafting a white paper on European security in connection with the Noordwijk preliminary conclusions on the formulation of a common European defence policy and ensure that the outcome of its examination of the development of a European defence policy provides the main source of inspiration for the thinking process to be conducted in the framework of the CFSP and NATO;

.....

15. Study the conditions in which the WEU Council might meet as a European security and defence council, either as necessary or on the occasion of meetings of the European Council;

16. Organise a regular exchange of senior civil servants between "WEU" departments established in ministries for foreign affairs and defence and in the private offices of the heads of government of member states;".

70. Finally, in Recommendation 575, the Assembly recommended that the Council:

"2. Prepare ...a concept for developing its relations with the European Union and NATO, paying particular attention to its future relations with the European member countries of the Atlantic Alliance which have now become associate members of WEU and transmit such assessment to the Assembly for early comment;

.....

4. Arrange to be represented on the group of experts established by the European Council and ensure that all questions relating to the application of the modified Brussels Treaty are dealt with exclusively by the signatory countries of that treaty and its protocols;

5. Ensure that the 1996 intergovernmental conference results in WEU being recognised as an organisation authorised to act on behalf of the European Union in security and defence matters and that member countries of the European Union which are not members of WEU cannot block consensus achieved within WEU in this area;

6. On the basis of the white paper on European security, develop a medium-term concept of the criteria, procedures and even the stages that should be adopted for placing the common defence policy on a new legal and institutional basis subsequently enabling defence questions to be set in the framework of the European Union;

7. Agree that such an undertaking should be achieved within approximately ten years and use this period to examine how far the modified Brussels Treaty should be revised and adapted to the new situation with a view to presenting proposals to another intergovernmental conference which might be convened at the end of the period mentioned above;

8. Include in this medium-term concept provisions providing for more representative parliamentary supervision at European level, in particular by transforming the existing WEU Assembly into a second chamber, alongside the European Parliament thus confirming the rôle of delegations from national parliaments, with res-

possibilities that are different from and complementary to those of the European Parliament;

9. Ensure that no measure leading to the convergence of WEU and the European Union shall compromise the close co-operation between WEU and NATO;

10. Manifest more clearly its will to meet its obligations under Article IX of the modified Brussels Treaty and leave no doubt, in its relations with other European and Atlantic authorities, about the fact that the WEU Assembly is the sole Assembly with responsibility in security and defence matters in accordance with an international treaty;

11. Take the necessary steps to give the Secretary-General of WEU the right of initiative, in particular the right to convene the Council of Ministers and the right to participate in meetings of the Council of the European Union and the European Council, when the latter examine questions connected with the CFSP with a view to progressive co-operation towards convergence between the CFSP and WEU Secretariats;

12. Hold more frequent meetings, particularly before the meetings of ministers responsible for the CFSP, in order to give them the necessary impetus;

13. Take up the United Kingdom proposal to organise WEU summit meetings on the occasion of meetings of the European Council; ”

71. In its reply to Recommendation 558, the Council confirmed that it always welcomed “ the positive contributions made by the WEU Assembly to the development of the European security and defence identity through its reports, recommendations, written questions and colloquia ” and would “ continue to consider with great attention any substantive input from the Assembly in this context ”. “ ...The Council will continue to consider with great attention any substantive proposal from the Assembly in this context ” (reply to Recommendation 565). Moreover, in its reply to Recommendation 575, the Council recalls the terms of the Lisbon declaration in which WEU ministers stressed “ the important rôle played by the Assembly in the debate on security and defence in Europe and its substantive contribution to the wider consideration of those issues. They welcomed the regular and constructive dialogue between the Council and the Assembly ”. Furthermore, the Council states that it is “ well aware of its duties under Article IX of the modified Brussels Treaty ” and “ has no intention of entertaining institutional relations with other parliamentary bodies in either the European or the Atlantic context ”.

72. Nevertheless, the Council did “ not see the need to obtain a general mandate to elaborate and implement decisions and actions on behalf of the Union in WEU’s area of responsibility ” as proposed in Recommendation 558. The Council bases its attitude on the argument that WEU remains institutionally autonomous and responds to the Union’s requests in the framework of its own decision-making procedures. However, it should be recalled that it is precisely the institutional autonomy of WEU that will be called into question during the negotiations at the intergovernmental conference, but when Recommendation 575 again raised the issue, asking for WEU to be recognised as an organisation authorised to act on behalf of the European Union in the areas for which WEU has responsibility, the Council had nothing to say on this aspect of the recommendation.

73. To the Assembly’s wish to act as the political driving force for bringing the Central and Eastern European countries into Euro-Atlantic structures, the Council replied that “ The Permanent Council will play its political rôle in this respect accordingly, by discussing, co-ordinating and harmonising measures with a view to developing a complementarity with initiatives towards Central and Eastern Europe of the European Union and NATO ” (reply to Recommendation 565). This reply calls for two observations at least: first, it refers to the activities of the Permanent Council composed of senior officials who rely on instructions from their respective governments and therefore cannot play a political rôle and, second – this being the logical consequence of the first observation – the description of the action the Permanent Council intends to take in this connection has nothing to do with political impetus.

74. In answer to Recommendation 565 which suggested that WEU might meet as a European security and defence council and take up the “ United Kingdom proposal to organise WEU summit meetings on the occasion of meetings of the European Council ” (Recommendation 575), the Council recalled that “ it will be the responsibility of WEU *ministers* to evaluate in due time the desirability of holding a WEU meeting at summit level ” (reply to Recommendation 575). This statement is in contradiction with the reply to Recommendation 565 which states that it will be the Permanent Council’s responsibility to make such evaluation in due time. To which of these two answers must one give credence?

75. It is to be welcomed that the Permanent Council considers that the exchange of senior officials of relevant ministries between WEU states (as proposed in Recommendation 565) “ is an idea worth pursuing as a contribution to the definition of a European security and defence identity ” (reply to Recommendation 565). The

Council should therefore be asked what action it has taken in the meantime on this recommendation.

76. In publishing the document on WEU's contribution to the European Union intergovernmental conference, the Council has not met the request put to it by the Assembly in Recommendation 575 inviting the Council to transmit to it for early comment its assessment of future relations between WEU, the European Union and NATO. Nor has the Council acted upon the recommendation of the Assembly requesting the Council to arrange to be represented on the European Union reflection group. It has limited itself to stating that "the modalities of WEU's participation in the intergovernmental conference will be considered by the Council in due course" (reply to Recommendation 575). It has however assured the Assembly concerning paragraphs I.6 and I.7 of the aforementioned recommendation that "the debate on the further development of WEU's rôle will cover the full range of institutional options as well as the necessary practical measures for their implementation".

77. The Council's sole reaction to the proposal to transform the Assembly of WEU into a second chamber of the European Parliament has been to refer to paragraph 31 of the Lisbon declaration which stresses that ministers recognise the important rôle played by the Assembly. Moreover, the Council sees no reason for strengthening the political rôle of the Secretary-General of WEU (reply to Recommendation 575). This attitude is the more surprising since for some time there has been discussion, in connection with the institutional reform of the CFSP, of appointing a senior figure responsible for ensuring continuity of the work of the various European bodies including those of WEU. If, according to certain proposals currently circulating within the European Union, this personality were also to be responsible for the Secretariat-General of WEU, might not this be sufficient reason for re-examining the rôle of the WEU Secretary-General and possibly suggesting that he might undertake that of senior official responsible for the common foreign and security policy?

78. It is, however, to be welcomed that the Council has reacted positively to the Assembly's recommendation to hold more frequent meetings, particularly before meetings of ministers responsible for the CFSP; in its own words the Council might "consider this possibility in due course", but it is necessary to point out to it that that time has now come.

79. If, in short, it can be said that the Assembly has spared no effort to encourage the Council to play a far more active rôle in influencing the preparatory work on institutional reform on the agenda of the intergovernmental conference and to

regard itself as a political player in its areas of responsibility, the impression is that an attitude of "wait and see" prevails in the Council for which, apart from initiatives intended to make WEU fully operational, the organisation seems to have no true political rôle. The statement that the European Union has become the main decision-making body for many questions relating to foreign and security policy which directly influence the activities of WEU<sup>9</sup> is no doubt indicative of the uncertainty which seems to prevail in WEU's ministerial organs. It is not surprising that this attitude also has an effect on the way in which the Council has prepared its contribution to the intergovernmental conference and is developing different options concerning future relations between WEU and the European Union.

### *III. Examination of possible options*

80. Any consideration of the aims to be achieved following the intergovernmental conference must take account of the fact that the Maastricht Treaty has introduced an imbalance. Indeed, the provisions for achieving monetary union are worded very specifically while the implementation of a common foreign and security policy (CFSP) which is to lead only to an "eventual framing of a common defence policy which might in time lead to a common defence" is referred to in much vaguer terms.

81. In the eyes of the German Government, *inter alia*, monetary union is not achievable without true political union, which implies a true common policy on foreign affairs, security and defence matters. The Germans have therefore insisted on the intergovernmental conference being held in 1996, since they wished there to be enough time to achieve the desired progress before completion of the first stage of monetary union, which was originally to start in 1997. Meantime it has become clear that the first stage of monetary union cannot be achieved before 1999, or even later.

82. However, the concern to make progress in the area of the CFSP is also fuelled by the fear that too great a delay in achieving deeper integration in external security may strengthen the trend in European countries towards renationalising their foreign policies. Moreover, as a new wave of enlargement is expected around the year 2000, many member countries feel that the process of political integration should be completed before that date.

83. Certain countries nevertheless feel that the intergovernmental conference is being held too soon and does not leave them time to evaluate the

9. See the address by Mr. Holtoff, Deputy Secretary-General of WEU, at the session of the IHEDN, 13th October 1995.

Maastricht Treaty experience, whereas the argument of a so-called 1998 “deadline” for the modified Brussels Treaty is used in the Maastricht Treaty itself to justify the need to make haste.

84. Besides the question of time, a fundamental problem arises. There is seemingly agreement in thinking that the CFSP is not functioning satisfactorily. Yet there is no convergence of views on the reasons for this failure nor consequently on the steps to be taken if there is genuinely a wish to implement the CFSP. Solutions to make good the deficiencies are envisaged solely at institutional level.

85. More particularly with regard to WEU, it is agreed that for a variety of reasons, the organisation still has an operational deficit. As to implementation of Petersberg-type missions and the concept of military units answerable to WEU, it depends only partly on the agreement, still awaited, between WEU and the alliance on the combined joint task forces. The political will of the WEU member countries, essential for co-ordinating operations and actions in the context of crisis-management, also raises problems, as the events in Rwanda and the conflict in the Balkans have shown.

86. Moreover, it is recognised in all the member countries that WEU is suffering more generally from a political deficit. It even appears that there is little disagreement about the causes. Member governments are virtually unanimous in affirming that it is due to the inadequacy of the relationship between WEU and the European Union, for it is the latter that might and should provide the political impetus WEU needs.

87. All options under study therefore start from this premise. Before examining them in greater detail your Rapporteur wonders whether this premise may not be based on a fundamental error. One must first question not only the European Union’s ability to give WEU this impetus but also its political will to do so. First, the facts: the European Union has not yet taken a single decision which might have implications in WEU’s area of responsibility. Nor has it decided to take any specific action in that area. Consequently, the European Union has not yet made use of the possibility offered by Article J.4.2 of the Maastricht Treaty, namely of requesting WEU to elaborate and implement a decision or action of the Union. (The request to WEU to send a police force to Mostar is the only exception.)

88. Opportunities for the Union to take such initiatives, both before and after ratification of the Maastricht Treaty, have certainly not been lacking. As an example, suffice it to recall that it was possible to request WEU to elaborate and implement a European contribution to the reform of the United Nations in peace-keeping and crisis-man-

agement (see Recommendation 577 on Europe and the establishment of a new world order for peace and security). The European Union could equally have requested WEU to send a rapid reaction force to Bosnia, instead of leaving the initiative to two or three member countries.

89. The aptitude of the European Union authorities to take joint decisions with defence implications is compromised, *inter alia*, as has been stressed on many previous occasions, by the unwillingness of five countries of the Union to participate in closer military co-operation.

90. One must stress, also, the complexity of the European Union’s decision-making processes. These involve at its various levels:

- the European Council and the Council of Ministers for Foreign Affairs;
- the Committee of permanent representatives of member states created on the basis of Article 151 of the treaty establishing the European Community whose task is to prepare the work of the Council;
- the Political Committee created by Article J.8 of the Maastricht Treaty (“without prejudice to Article 151” above) composed of Political Directors and responsible for monitoring “the international situation in the areas covered by common foreign and security policy” and contributing to “the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative”. The Political Committee also monitors “the implementation of agreed policies, without prejudice to the responsibility of the presidency and the Commission”;
- at least fourteen working groups covering *inter alia* the following areas: security, disarmament and armaments control, non-proliferation of chemical and biological weapons, nuclear non-proliferation, the stability pact, the United Nations, the OSCE, Yugoslavia, Central and Eastern Europe, South-Eastern Europe, the Middle East/the Gulf, Maghreb/Machrek, the Middle-East peace process, consular matters (for planning possible evacuations);
- the Secretariat-General of the Union Council;
- the European Commission – and its vast bureaucracy – which, according to Article J.9 of the Maastricht Treaty, is “fully associated with the work carried out in the common foreign policy and security field”.

91. Added to the difficulty of co-ordinating the work of all these organs and avoiding conflicts of responsibility between them, there is a political problem. At a purely political level, the same ministers meet in the framework of WEU or of the CFSP and the good will of the ministers or of the heads of state and of government can in no way be questioned. However, the latter base their decisions in large measure on the opinions and information provided by their respective bureaucracies. The general attitude of European Union bureaucrats towards WEU is well-known; there is virtually no interest in strengthening WEU. Quite the reverse, in the minds of those bureaucrats there is a single overriding objective: to absorb WEU.

92. However, decisions concerning the future nature of relations between WEU and the European Union and in particular the future of WEU and its treaty cannot be based on institutional loyalty but must be based on an in-depth assessment of experience acquired to date in the application of the Maastricht Treaty and the declaration of the WEU member countries, dated 10th December 1991, annexed to the treaty. In this context, development of WEU's relations with the Atlantic Alliance, which is a particularly important aspect in the framework of any re-examination of the present arrangements is dealt with primarily in the report on "WEU in the Atlantic Alliance" submitted by Lord Finsberg. Your Rapporteur will therefore concentrate on examining the development of WEU's relations with the European Union, while being aware that these questions are closely linked both to transatlantic aspects and the development of WEU's operational rôle.

93. The declaration made on 10th December 1991 by the WEU member countries confirms that they "agree on the need to *strengthen the rôle* of WEU in the longer-term perspective of a common defence policy within the European Union". The declaration then goes on to state:

"The objective is to build up WEU by stages as the defence component of the European Union. To this end WEU is prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications.

To this end, WEU will take the following measures to develop a close working relationship with the Union:

- as appropriate, synchronisation of the dates and venues of meetings and harmonisation of working methods;
- establishment of close co-operation between the Council and Secretariat-General of WEU on the one hand and the

Council of the Union and General Secretariat of the Council on the other;

- consideration of the harmonisation of the sequence and duration of the respective presidencies;
- arranging for the appropriate modalities so as to ensure that the Commission of the European Communities is regularly informed and, as appropriate, consulted on WEU activities in accordance with the rôle of the Commission in the common foreign and security policy as defined in the Treaty on European Union;
- encouragement of closer co-operation between the parliamentary Assembly of WEU and the European Parliament."

94. The Assembly has frequently criticised the Council for not conveying to it enough information on the evolution of its working relations with the authorities of the Union. On the essential point in particular, namely WEU's elaboration and implementation, at the European Union's request, of decisions and actions of the Union which have defence implications, no concrete results are observable as your Rapporteur has already noted in paragraphs 87 and 88 above. But on reading the WEU contribution to the European Union intergovernmental conference of 1996, we discover that the CFSP Security Working Group in May 1995 agreed a document on "Relations between the European Union and WEU" which it sent to WEU, but whose content was not communicated to the Assembly. The Council considers that:

"The arrangements required to facilitate WEU's compliance with the "task to elaborate and implement decisions and actions of the Union which have defence implications" imply in particular the existence of an EU-WEU crisis-management mechanism, which has yet to be developed, since this is an essential element of the WEU-EU framework of relations. In this sense:

- It is necessary to develop modalities for the elaboration and implementation of EU decisions and actions which have defence implications, and to provide for a follow-up evaluation of their effectiveness;
- Crisis-management exercises are needed to facilitate the definition of flexible procedures which would allow for a truly operational WEU response; the simulated exercise scenarios would provide the opportunity for the study of command and control problems in accordance with the respective fields of competence;

- It is necessary to establish the most unrestricted exchange of information between the two organisations as possible;
- The conclusion of a security agreement between WEU and EU is required as well as the adjustment of the security standards in both organisations. ”

It is particularly surprising that it has not been possible to reach agreement with the European Union on this last point.

95. It is clear from the Council's document on the WEU contribution to the European Union intergovernmental conference of 1996 that "agreement has not yet been reached on synchronisation of the dates of meetings and harmonisation of working methods, nor has the issue of harmonisation of the sequence of respective presidencies been settled" but no information is given on co-operation between the respective Councils and secretariats and with the European Commission. However the document does state that "closer co-operation between the parliamentary Assembly of WEU and the European Parliament has not been promoted" and advocates encouraging closer co-operation between the two Assemblies. The Assembly has explained to the Council in detail the reasons why the close co-operation the Council encouraged it to establish with the European Parliament has not yet been achieved. The Assembly expects the Council to take into consideration the explanations it has given and do what is necessary in its contacts with the European Union to ensure that the latter, and especially the European Parliament, treat the Assembly in appropriate fashion, namely as an integral part of the development of the European Union.

96. Your Rapporteur furthermore considers that questions of harmonisation, rotation, duration and arrangements for the respective presidencies must be considered more fully.

97. The Assembly is convinced that the inadequacies in the implementation of the objectives set out in Title V of the Maastricht Treaty and the declaration of 10th December 1991 stem primarily from the inability of the European Union and in particular the CFSP to take joint decisions and give WEU the necessary political impetus. It is therefore necessary for the preparatory work for institutional reforms to be carried out in such a way that the necessary political impetus can come from WEU itself. It is in this perspective that the various options for organising future relations between WEU and the European Union should be examined.

98. In so doing it is necessary to recall that the WEU member states agreed at Maastricht on the need to develop a genuine European security and

defence identity and for Europe to take on more responsibility in defence matters. Moreover, it should be stressed that all WEU member countries have subscribed to Article C of the Maastricht Treaty which states that "The [European] Union shall be served by a single institutional framework which shall ensure the consistency and continuity of the activities carried out in order to attain its objectives..." and "shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies". Finally, all agreed that questions with defence implications will continue to be dealt with on the basis of the principle of the national sovereignty of each member state, which means that the process of decision-making in this area will continue to be based on consensus. Now that these basic principles have been established, the various options at present being discussed for the organisation of Europe's future security and defence identity must be considered and, where appropriate, additional solutions sought.

99. In this context it is important to distinguish between two types of option: that tending to preserve the modified Brussels Treaty and consequently WEU, as an independent organisation, and those which foresee the ending of the treaty and WEU, with the essential elements of the treaty then being incorporated in the new Treaty on European Union, while the organs of WEU would either be dissolved or incorporated in the institutions of the European Union.

#### *1. The status quo option*

100. According to this option, the modified Brussels Treaty would be retained and WEU, and all WEU bodies, would continue to exist as an autonomous organisation, entirely independent of the European Union, while seeking practical arrangements for strengthening working relations and co-ordination between the WEU and European Union authorities. This option is based mainly on the United Kingdom proposal developed in the United Kingdom Government's memorandum dated 2nd March 1995 providing, inter alia, for regular meetings of WEU heads of state and of government (WEU summit meetings). The solution it proposes is to give WEU the possibility of providing the necessary political impetus.

101. If this option were to prevail, it would not be in contradiction with Article D of the Maastricht Treaty, according to which the *European Council* provides the necessary impetus for the Union and lays down general political guidelines, since it specifically suggests that the European Council may transmit appropriate proposals to the WEU summit meeting. However, as Mrs.



Aguiar's report has already explained, it would be more sensible to give the WEU summit meeting the responsibility of formulating proposals which would be endorsed by the European Council or, as proposed in Recommendation 565, to arrange that whenever decisions have to be taken in defence policy matters, the WEU Council meets as "the European Security and Defence Council" to take the necessary decisions. Such WEU summit meetings would have several advantages: first, WEU associate member countries, namely Iceland, Norway and Turkey, could participate and thus give decisions the stamp of authority that might be expected of a genuine European pillar of NATO. Second, WEU observer countries, which would also have the right to participate in these summits, would not be able to prevent decisions being taken on military matters.

102. This option would also mean involving the WEU Secretary-General more closely in CFSP activities if he were invited to the meetings of the European Council whenever the latter was called upon to decide on WEU proposals. Another important point is that this option would enable WEU to achieve its objective of becoming fully operational. Article V of the modified Brussels Treaty would retain its full scope and countries with WEU observer status would be obliged to state clearly whether or not they wished to participate fully in the defence of Europe. Moreover, this solution would require specific arrangements to be reached on the financing of WEU activities by its member, associate member, observer and associate partner countries, and also with the European Union.

103. It is clear from the information given by the Chairmanship-in-Office of the Council that the United Kingdom is the only member country to support this approach (Option A in the WEU contribution to the intergovernmental conference). However nothing is known of the attitude of the associate member countries or the observer countries who were also involved in preparing the document. Paragraph 99 of the document furthermore states that:

"This option would leave open the future development of European defence arrangements. It could be implemented under arrangements maintaining WEU as an autonomous organisation but is also compatible with a longer-term perspective of a more integrated approach."

## *2. The merger option*

104. Contrary to the previous option, a large number of member countries, supported in particular by the European Commission and the European Parliament, are advocating going further at

the intergovernmental conference and laying the foundations there for effective integration of WEU into the European Union, the aim being to transfer to the Union all functions now exercised by WEU. This option, which is being examined in the European Union Reflection Group and also in WEU is basically different from the first one. It implies in fact the end of the modified Brussels Treaty and the disappearance of WEU as an organisation, the various bodies of which would either be dissolved or incorporated into the European Union. This eventuality is discussed in the Council's document on the WEU contribution to the European intergovernmental conference, under Option C. Here the possibility is explored of either incorporating the principal clauses of the modified Brussels Treaty within the second pillar of the Treaty on European Union (Option C1) or of establishing a distinction between "Petersberg" type missions, which would be provided for under the treaty itself, and mutual assistance (defence against military attack), which would be dealt with in a protocol annexed to the Treaty (Option C2).

105. The last of these possibilities has been envisaged to enable member countries, which do not participate in the joint defence but are involved in peace-keeping and crisis-management missions, to participate in due course in the joint defence by signing the appended protocol. Even if it is very unlikely that this option will win the approval of all the countries participating in the intergovernmental conference, it has a fair number of supporters and will certainly remain on the table, particularly when it comes to drawing up a precise timetable for achieving a full merger.

106. An in-depth study of the possible consequences of this option for relations with the Atlantic Alliance and Euro-American relations has been undertaken in the report on "WEU in the Atlantic Alliance" submitted by Lord Finsberg. However, it is in the area of parliamentary supervision that the most sensitive problem arises. Even if the option in question is set, like all the others, in the framework of intergovernmental co-operation, we should be in no doubt that its aim is to eliminate the legal basis for the existence of the WEU Assembly. The Council document states clearly that "The parliamentary Assembly's functions would be assumed by the European Parliament in accordance with the provisions governing the CFSP". If we are not prepared to accept that, under this option, the Assembly's functions are to be quite simply transferred to the European Parliament, other solutions must be found to resolve the problem of parliamentary supervision at European level.

107. In this connection, it is important to stress clearly the incompatibility of any decision to transfer the responsibilities of the WEU Assem-



bly to the European Parliament with a decision designed to preserve the full national sovereignty of all member countries in defence matters as it would place the defence dimension in a purely intergovernmental framework. Indeed, it is necessary first and foremost to recall that the European Parliament is a community institution whose members are elected by direct universal suffrage and have no political links with the national governments taking decisions in defence matters.

108. Mrs. Guigou, a Socialist member of the European Parliament and member of the Reflection Group, emphasises the difficulty of organising variable geometry in the European Parliament<sup>10</sup>. The problem could only be compounded by making security and defence a community policy, which is not envisaged. Another obstacle lies in the fact that the contracting parties to the modified Brussels Treaty are not the same as parties to the Treaty on European Union. What would be the rôle of European Parliament delegates from countries that are not contracting parties to the modified Brussels Treaty, such as Austria, Denmark, Finland, Ireland or Sweden? Would they be given voting rights for questions relating to Article V of the modified Brussels Treaty? This hardly seems acceptable since they would be granted the same rights as the signatories of the modified Brussels Treaty without, however, being bound by the obligations arising therefrom. With this idea in mind, it has been suggested that, for matters relating to defence policy, the European Parliament might sit in restricted session with only those countries that are signatories of the modified Brussels Treaty. However this would fundamentally change the rationale of the European Parliament which sees itself as a community body. Delegates are grouped according to political rather than national affiliation. The effect of restricted sessions, which would exclude some delegates on grounds of their nationality, would be to cloud the "community" nature of the Parliament without guaranteeing that the delegates sitting there represented the interests and viewpoints of their countries of origin. How would the associate member and associate partner countries participate in discussions relating to defence policy? Would the status they at present enjoy have to be withdrawn?

109. To the extent that certain decisions in this area – such as the involvement of troops in peace-keeping and peace-enforcement actions – imply the possibility of loss of life, it is difficult to conceive of national parliaments transferring to a community authority the small amount of control they have left. In the contrary event, it would become possible for a majority of the

members of the European Parliament, some of whom come from countries which are not members of WEU and do not contribute to European joint forces, to vote to send troops from one country, against the will of delegates of that same country to the European Parliament. This example illustrates the problems which would arise if a "community" procedure were applied in an intergovernmental area. Moreover, there is nothing to indicate that European citizenship is already developed enough for citizens of member states to agree to their delegates being put a minority in the European Parliament. This might tend to reinforce the "Euroscepticism" that the principle of subsidiarity was meant to reduce and seriously compromise ratification of the reforms of the 1996 intergovernmental conference.

110. Given the way the Reflection Group of the European Union lightly dismissed any possibility of examining in greater depth the usefulness of a second chamber, urgent consideration must be given to solutions likely to guarantee adequate democratic control over defence policy at European level, without adding further to the present confusion of responsibilities.

111. In the event of a merger of WEU with the European Union it would be easy to retain the WEU Assembly as the parliamentary body for the common European security and defence policy by integrating it into the European Union. This would allow the necessary flexibility in an area where the will for co-operation varies considerably. On the one hand, the countries not wishing for the time being to be bound by the obligations arising from a common security and defence policy would not be given a right of decision. Moreover, the structure would remain open at all times to new members. The national parliaments would appoint their representatives to sit in national delegations which would have responsibility for supervising intergovernmental co-operation in defence matters. The other member states of the European Union would participate actively in the work as observers, as at present. Such an arrangement would enable those states that do not wish to or cannot participate fully in the development of a common security and defence policy also to gain a hearing for their point of view.

112. Such a solution would give a European dimension to parliamentary supervision, without which any co-operation project at European level would lack legitimacy, but without reducing the prerogatives of national parliaments in security and defence matters. Quite the reverse, it would serve the stated aim of the Treaty on European Union of encouraging closer participation by national parliaments in the activities of the Union (Declaration No. XIII). (Moreover, this solution would have the advantage of guaranteeing adequate parliamentary supervision while preserving

10. Élisabeth Guigou, "Les enjeux de la Conférence de 1996" – *Revue des affaires européennes*, No. 1, April 1995, page 42.

the various constitutional traditions and ensuring the necessary speed and confidentiality). It will therefore be essential to stress, both to the member governments on the WEU Council and the authorities of the European Union, that implementation of the option involving the denunciation of the modified Brussels Treaty and the elimination of WEU as an independent organisation will raise problems of parliamentary supervision which cannot be dealt with lightly.

### 3. *Intermediary options*

113. Since the observer countries in WEU are hesitating to accept the obligations stemming from the modified Brussels Treaty and therefore feel that a merger between WEU and the European Union cannot be achieved in the near future, and, furthermore, other governments are against a merger of WEU with the Union, advocates of such a merger have proposed intermediary arrangements for discussion which would permit the establishment of more binding links between the two organisations while, for the time being, maintaining the separation between them and retaining the modified Brussels Treaty. Since most countries are of the opinion that agreement must be reached on concrete measures for the progressive integration of the two organisations, discussions at the intergovernmental conference will probably be concentrated on the feasibility of these intermediary options, presented by the Council under Option B.

114. They are based on the idea of introducing provisions into the Treaty on European Union which strengthen the subordination of WEU to the Union. Several solutions are envisaged, ranging from a purely political subordination of WEU to the Union either by giving the European Union the ability to draw up general guidelines for WEU (Option B1), to the possibility even of compelling WEU politically to follow instructions issued by it (Option B2). Lastly the possibility is also being examined of concluding an agreement between the Union and WEU under which WEU would be legally bound to implement decisions and actions of the European Union (Option B3).

115. The implementation of such options in particular would require a declaration of the five members of the European Union with observer status in WEU. They would undertake not to hinder the adoption by the European Union of decisions having defence implications and on the basis of which the Union would give directives or instructions to WEU. The scope of such a declaration by the five countries in question would be purely political, which points to the real weakness of such an arrangement. Furthermore, account must be taken of the fact that any strengthening of the European Union's right to address more or

less binding directives to WEU would automatically give the European Union a greater say in the financing of WEU's actions. Consequently complex financial arrangements must be envisaged between the European Union and WEU which should include the five observer countries. There must therefore be serious doubt about whether such an approach will genuinely facilitate the decision-making process within the Union. Moreover, one may wonder how greater subordination of WEU to the decisions of the European Union can be compatible with the three WEU associate member countries, Iceland, Norway and Turkey, which cannot participate in the decision-making process in the framework of the European Union.

116. However the greatest weakness in the intermediary options now being studied lies – as your Rapporteur has already had occasion to note in earlier paragraphs – in the fact that they are based on an erroneous premise according to which impetus and initiative, even in connection with defence policy, must be provided by the Union, which takes the decisions, with WEU merely carrying them out.

117. While it is true that the European Union has become the main decision-making body for most questions relating to the common foreign and security policy, it is nonetheless true that it has not yet been able to take the necessary decisions, particularly in areas with defence implications. The failure of the CFSP in the conflict in former Yugoslavia is an excellent example, whereas the Council of Ministers of WEU had stated on 18th November 1991 that WEU member countries were prepared to provide practical support for a peace-keeping operation in Yugoslavia<sup>11</sup>.

118. The reasons for WEU's political deficit are therefore not due to an absence of institutional subordination in regard to the decisions of the Union but are primarily linked to the inability of the latter's authorities, particularly those of the common foreign and security policy, to reach agreement on decisions and, secondly, on the wording of Article J.4, paragraph 2 of the Maastricht Treaty, according to which WEU can act only at the request of the Union. It might consequently be expected that formulae for making WEU more subordinate to the European Union may not help the European Union to overcome its own decision-making difficulties. Conversely, they would lead to virtually total paralysis of the political activities of WEU.

119. Your Rapporteur is nevertheless convinced that efforts to develop practical solutions with a view to institutional convergence between WEU

11. See the second part of the thirty-seventh annual report of the Council of the Assembly of WEU, Document 1315, 25th May 1992.

and the European Union should be pursued if one wishes to progress along the path marked out by the modified Brussels Treaty, which aimed to promote unity and encourage the progressive integration of Europe, and by the WEU declaration annexed to the Maastricht Treaty which proposes "building up WEU in stages as the defence component of the European Union". To this end the point of departure must be the following considerations.

120. Amendments to the provisions of Title V of the Maastricht Treaty governing the rôle of WEU will be essential. Indeed, it will be necessary to amend the Maastricht Treaty so as to enable WEU to act on behalf of the European Union in areas which fall within the former's area of responsibility. To this end, the provision that WEU can act only at the request of the European Union must be deleted. Moreover, WEU must be granted the power, within its area of responsibility, to take decisions whose consequences are politically binding upon the Union. This is why the proposal to set up summit meetings under the aegis of WEU to take the necessary decisions should be retained.

121. To enable WEU to act on behalf of the Union in this way, it will be necessary to introduce into the Treaty on European Union a political commitment by the member countries of the European Union which are not members of WEU not to block in the European Union decisions taken by WEU. The Council of WEU should therefore work out an interim solution to this effect. In order to make such a solution truly effective, juridical links might be established between the modified Brussels Treaty and the new Treaty on European Union in order to have a firm basis from which WEU might fulfil its function as defence component of the European Union. This intermediary option has four advantages: first, decisions with defence implications might be made more easily and rapidly; second, they might be based directly on the expertise of military specialists; third, the institutional link between WEU and the European Union would be strengthened considerably and fourth, the countries which are not (yet) ready to participate in a common defence policy could not prevent the achievement of a consensus.

122. However, it may be imagined that all the options at present under consideration will give rise to further divergences between member countries, even if a substantial majority appears to emerge formed of those ready to advance towards the full integration of WEU into the European Union. It is very clear from the WEU contribution to the intergovernmental conference in 1996 that the Council has not been able to reach agreement on a common WEU approach to this conference. There is therefore the risk of WEU leaving the final decision on the future organisation of the

Europe of security and defence to the intergovernmental conference. The Assembly must therefore try to find a common position with a view to contributing to solutions acceptable to all concerned. This will be one of the principal aims of the extraordinary session it will hold in London in February 1996.

#### ***IV. The Assembly's contribution to promoting a common approach in WEU towards organising the Europe of security and defence***

##### ***1. The need to make reasonable and realistic progress in institutional reform***

123. The picture presented in the preceding chapters shows the complexity of the subject and the real difficulties the Assembly will have to overcome in order to reach a unanimous position at the intergovernmental conference. Your Rapporteur will nevertheless continue his search for a reasonable and sensible proposal for achieving consensus. The considerations which follow draw specifically on the search for a realistic solution, pragmatic and effective and at the same time coherent with the political will demonstrated by WEU and its Assembly and with the positions defended by the latter on developing a European security and defence identity. It is possible to reach an agreement if one examines rigorously and in a historical perspective the present situation as regards security and defence. It is universally recognised that it is necessary to act and demonstrate the political will to progress towards a security and defence system able to meet future challenges. Such a system must be based on commitments and contributions from all countries and must not rest on national defence structures taken in isolation. The European Union must include a defence component if it wishes truly to become a respected and powerful institution.

124. Starting from these principles, accepted by all WEU members, it must be possible to reach a common position to present to the intergovernmental conference. Failing this, our Assembly would experience a resounding defeat and would miss this exceptional opportunity of acting jointly. However, the arguments used in the debate are in many respects the source of confusion that must be dispelled or fought. There are also real problems of a political nature which it is essential to analyse in order to try and resolve or circumvent them over time. By way of example one might mention the presence in the European Union of five countries which are not members of WEU and are not to become so in the near future, together with the fact that three WEU associate member countries are not members of the European Union.

125. Ideas often appear confused when it comes to defining what is meant by "common defence". The term does not mean bringing defence responsibilities into the "Community system" as some fear (and others might wish). On the contrary, this notion must be understood in the context of the mutual assistance obligation member countries have in the event of military attack against any one of them, as stipulated in Article V of the modified Brussels Treaty. This binding provision does not change in any way the principle that the decision to come to the aid of a country under attack must be taken at national level. In any event, member states are sovereign in any decision to participate in military operations in a crisis-management, peace-keeping or peace-making context.

126. All these questions concerning defence policy and defence itself will therefore, for a long time to come, be the responsibility of states. Even when a common defence has come into being, each country will decide the arrangements for its participation; if each one remains master of its own defence plans, doctrine, strategy, financial resources, weapons and weapons systems, its service and military career structure and its legislation in this area and if, in short, each state remains free to intervene or not according to circumstances, national sovereignty over defence will not be threatened. To regard integration subject to such reservations as abandoning national responsibilities is an incomprehensible exaggeration. It should be recalled that there is total agreement on maintaining defence within the realm of state sovereignty.

127. The term "integration" can also lead to confusion. Integration does not necessarily mean "bringing into the Community system", or a merger, in other words the disappearance of WEU. Given that there is wide consensus on the fact that the defence dimension cannot be brought into the Community system, the main question it raises is whether progressive convergence will be pursued between the institutions of WEU and the European Union in an intergovernmental framework by maintaining the modified Brussels Treaty alongside the Treaty on European Union and adding to it the clauses facilitating closer links between them, at the same time waiting until the conditions are met for a merger of the two treaties, or whether the moment to bring to an end the modified Brussels Treaty should be regarded as having arrived and the latter replaced in its entirety by the provisions incorporated into the new Treaty on European Union. Your Rapporteur is convinced that the time is not yet ripe for bringing the modified Brussels Treaty to an end. Such a policy would not serve to strengthen the European defence identity.

128. False ideas about WEU's position in the process of developing European defence are to be

avoided. The issue is not WEU versus the European Union. Rather the signatories to the modified Brussels Treaty have registered in the treaty itself their determination to take the necessary measures to promote the progressive integration of Europe. In the declaration annexed to the Maastricht Treaty, it is clear that WEU is joining in the process of establishing itself as the defence component of the European Union. Subsequently, on the occasion of all its meetings and declarations, WEU has constantly shown its will to contribute to the implementation of a European defence identity in the framework of the European Union. It is therefore pointless to look in our documents for positions contrary to the process set in train at Maastricht. The defence of the organisation and its development at institutional level have always concurred exactly with the principles of Maastricht. Recommendation 575 in Mrs. Aguiar's report provides an illustration.

129. As regards WEU's official position, whether one considers the Council or the Assembly, the organisation has, since the signing of the Maastricht Treaty, followed the same political direction towards participation in a common defence in conformity with that marked out in the Treaty on European Union. The objectives are clear but it is entirely natural for differences to emerge over arrangements and particularly over the timetable for convergence between WEU and the European Union. First and foremost it should be recalled that WEU is constantly evolving towards becoming fully operational and finding answers to the basic questions raised by the creation of a common defence policy and a common defence. The experts of the European Union tasked with the preparation of its institutional reforms and a fair number of member governments seem entirely convinced that only very speedy introduction of the defence dimension into the single framework of the European Union could provide the solution to all these problems.

130. One cannot demand at one and the same time full integration of WEU into the Union and possibly the disappearance of the former, and increased efforts to make it fully operational. There cannot be integration if there is nothing to integrate. Consequently WEU must be given the time and above all the means to develop fully. In this connection, it is unfortunately necessary to take note of an attitude that is very widespread among the authorities of the Union and of the Atlantic Alliance and even within governments of member countries which severely criticise WEU for not making progress and having no means. WEU can advance only if it is given the possibility and the means to do so.

131. Making WEU an effective and vital instrument is therefore a necessary transitional stage pending integration. As to the government repre-

sentatives and community experts in the Reflection Group, it is obvious that despite their inclination towards a merger they are convinced that this option can be achieved only in the distant future, for which a date cannot be fixed. They therefore also insist that WEU should be strengthened operationally.

132. Moreover, in the thinking in the Union and WEU and the declarations of some ministers, the idea constantly recurs that WEU should act only "upon instruction", "at the request", while remaining "subordinate" to the European Union. This notion, expressed in the bluntest of terms, in your Rapporteur's opinion runs counter to the spirit and the aims of the Maastricht Treaty. It should therefore be recalled that WEU is an integral part of the process of development of the European Union and not an institution apart from the Union the activities of which should be "controlled". WEU has been tasked with developing the defence policy of the European Union.

133. If one agrees that WEU may act on behalf of the European Union in security and defence matters, it is inconceivable that in accomplishing this task it should take initiatives only after receiving "instructions" from the Union. As past experience has shown, it is difficult to see which body of the Union, which has no responsibility in this area, will be able to give WEU specific guidance.

134. Your Rapporteur is convinced, as stated in the section on consideration of intermediary options, that it would be absurd to restrict the rôle of WEU, the only competent organisation with experience in defence matters and also in security matters in the wider sense, purely to that of executor of instructions from the Union. To make the procedure effective, it is necessary – as the Assembly has requested on several occasions – to give WEU a general mandate to formulate the broad outlines of the defence policy. To ratify the decisions resulting from it, it will suffice to bring together heads of state and of government under the aegis of WEU, who will take decisions simultaneously on behalf of the European Union. Another formula might be for WEU to make proposals to the European Council which would approve them. However, this variant would require suitable arrangements to prevent the five countries, not members of WEU, from blocking consensus reached in WEU when the proposals were examined by the European Council.

## *2. The need to develop a common security and defence project for Europe*

135. The achievement of qualitative progress towards laying the foundation of a true European security and defence identity constitutes one of the major objectives of the 1996 intergovernmen-

tal conference. The "defence" issue is, however, so complicated that it would be dangerous to take quick decisions and decide on options the consequences of which had not been fully thought out. The alleged pressure of public opinion and political and media circles at the present juncture should not prevent the debate on complex questions of security and defence being conducted in the calm and cautious atmosphere that is essential.

136. Those who consider that the intergovernmental conference is being held too soon for it to be possible to take decisions with a major impact on defence policy have sound arguments on their side. The CFSP has not had time to develop and WEU has not been able to complete the work it started on formulating a common defence policy and preparing to become operational. It would therefore be inappropriate to take institutional decisions without basic questions having been examined thoroughly.

137. It seems inconceivable, as your Rapporteur has already stated in paragraphs 54-63 of this report, to arrive at institutional decisions without there being a consensus on security and defence in Europe or a joint concept as to the purpose of a European defence identity. In this connection, there is still neither a common assessment of risks nor a coherent point of view on defence doctrines, operational strategy, armaments policy, industrial policy, intelligence and the financial aspects of the foregoing.

138. However in the first place it should be remembered that institutional decisions cannot be taken unless there is agreement on how nuclear deterrence should be dealt with in the context of a European defence identity, taking into consideration the development of the most sophisticated technologies in this field.

139. All these considerations lead your Rapporteur to recommend that the governments concerned exercise caution in their decisions on the institutional options. Thus the intermediate options would appear to be the most suitable for securing progress towards progressive convergence between WEU and the European Union and the definition of a common defence policy.

140. Moreover, the consequences of building up the Europe of defence and of enlarging WEU and the European Union eastwards and southwards cannot be ignored. It is too soon to tell whether the problems such enlargement will involve call for acceleration of the process of integrating defence into the Union or, on the contrary, for a more cautious approach, as your Rapporteur believes.

141. It is to be hoped that a white paper on European security being drawn up by the twenty-seven countries co-operating in WEU with various statuses will constitute the basis necessary for defin-

ing a common defence policy with a transatlantic (NATO) and a pan-European dimension (OSCE). It is here – not in institutional problems – that lies the major challenge for the years to come. The development of a common concept of defence, able to solve the problems of the next millennium, will require more time. This is another reason why the intergovernmental conference can only take provisional measures in institutional terms.

### 3. *The course for WEU to follow*

142. Any consideration of the future of WEU must start from a knowledge and an in-depth evaluation of the evolution of this organisation and the progress it has achieved since its creation and from a very clear awareness of the place it currently occupies in organisations which complement one another. It is thus that one rediscovers the unique character of this organisation. With limited means and staff, WEU has succeeded in establishing capabilities in all sectors relating to defence: armaments, information, logistics, planning, analysis, creation of multinational forces and parliamentary supervision. The modified Brussels Treaty is still the only legal and political guarantee of a collective European defence mechanism. It is also the essential contractual link with the Atlantic Alliance of which WEU is the European pillar. Participation of the nine Central European countries, three member countries of NATO and five observer countries in the work of WEU in an intergovernmental and parliamentary framework have made WEU the ideal institution for gradually establishing the defence dimension of the European Union.

143. This is precisely the route mapped out by the Maastricht Treaty. Questions concerning WEU's area of responsibility do not by their nature lend themselves as readily to rapid progress as those concerning other areas. However, this does not mean that the organisation is at a standstill or that its aim is to maintain the status quo. Furthermore, it is obvious that a decision to bring to an end the modified Brussels Treaty, and WEU as an organisation, would create more problems than it would solve. Faced with the all-round reduction in defence budgets, negotiating new provisions to replace the treaty, with partners reluctant to commit themselves to a common defence, would be a dangerous undertaking. Moreover it would be disastrous to replace WEU's relatively simple structures with the bureaucratic labyrinth of the European Union.

144. On the other hand, it is not the Assembly's intention to defend WEU as an organisation in the name of inappropriate institutional chauvinism. The Assembly is merely convinced that WEU's task has not been completed. While one may concede that there is a need to bring the defence

dimension into a single framework, differences over the most appropriate approach for achieving this, particularly as regards the timetable and the various stages of the process, still have to be resolved.

145. There are many reasons why your Rapporteur does not think immediate integration of WEU in the European Union is achievable. First of all, the fact that at least one member country has presented substantial arguments against this solution cannot be ignored. In defence matters, consensus must be preserved. This area is not comparable with that of the social charter or the environment. A country cannot be excluded from Europe because it has voted against the majority. Consequently your Rapporteur wishes to stress that the idea, seriously being considered in the European Parliament, of requesting a country not prepared to go forward at the same pace as the others to withdraw from the European Union is, in his opinion, utterly irresponsible. European solidarity in security and defence matters is the result of close co-operation since the end of the second world war and must not be called into question.

146. The problems that would arise if the European Union replaced WEU as the European pillar of NATO are discussed exhaustively in the report on WEU in the Atlantic Alliance, submitted by Lord Finsberg. It is pointless to refer to them again here. The question of parliamentary supervision has been discussed in paragraphs 106 to 112. It emerges clearly from such considerations that one cannot take hasty or improvised decisions in such a sensitive area.

147. WEU is called upon to play a part in the progressive introduction of a defence dimension into the responsibilities of the European Union, as it is the work and existence of WEU as an independent body that enables progress to be made on defence questions in Europe. It is not WEU's fault that Europe is failing to make headway in its external and security relations. The reason for the delays and stagnation lies rather in the inability of the European Union authorities to implement a common foreign and security policy, while WEU, for its part, has evolved in full accordance with the mandate it was given at Maastricht.

148. Thus the greatest service WEU can render Europe is to create the conditions for the European security and defence identity to become a reality and for the European Union to be able to rely on it in the defence sphere. In the meantime, the Union should improve its capabilities in order to carry out a proper common foreign and security policy. All of this requires time, which is why your Rapporteur is convinced that all those who sincerely wish for progress in the construction of a European security and defence identity should endeavour to find solutions through the intermediate options.

### V. Conclusions

149. In the face of the problems encountered by Europe and WEU in particular on the eve of the 1996 intergovernmental conference and the new challenges which Europe will have to overcome in security matters in the era post 2000, it is important first of all for the Assembly to state its positions and convictions, if possible unanimously or at least by a large majority.

150. Your Rapporteur is convinced that such consensus is possible despite all the difficulties that arise. The positions of those advocating the pursuit of progressive integration of WEU in the European Union and those that support WEU being maintained indefinitely as an institution independent of the European Union can be reconciled in the framework of intermediary solutions: the latter have as their focus strengthened partnership arrangements between the two institutions, which have all-round support.

151. A short-term consensus can therefore be reached on the position WEU is to defend next year. On this basis it is necessary to develop longer-term thinking both on the definition of a common defence policy and the institutional aspects of the question. It should again be noted that wide consensus exists for so doing with regard to the following points:

- Europe must assume greater responsibility for defence matters;
  - it cannot deal in isolation with the new challenges and risks facing it, but must respond to them collectively;
  - consequently, it is necessary for the European Union to have a true common policy in defence matters in order to create a real European defence identity;
  - the European Union must still implement a true common foreign and security policy;
  - the principle of national sovereignty remains the essential reference in this area and must therefore be governed by the rules of consensus;
  - no country should be obliged to participate in military action by the Union and none should be able to prevent a majority of member states from carrying out such action.
- the Atlantic Alliance remains the essential authority for safeguarding the peace and defence of Europe;
  - WEU which is evolving as the European pillar of the Atlantic Alliance, should carry out its tasks in close co-operation with NATO in a spirit of transparency and complementarity;
  - WEU will pursue the development of its subsidiary organs and endeavour to become fully operational;
  - WEU will intensify its relations with the Central and Eastern European countries with a view to more in-depth consideration of the future rôle of these countries in a European security and defence order.

152. The challenge of the intergovernmental conference will require that the Assembly make substantial efforts to clarify the above points, taking account of the evolution of negotiations between governments. We are at present in a fluctuating situation, while discussions are being held in all forums whose task it is to formulate initial positions for the inter-governmental conference. The debate in progress in the European Union is highly visible to public opinion, unlike that within WEU. This organisation consequently is still considered more as a subject for discussion than an actor capable of influencing a choice of direction. While the Reflection Group of the European Union (which has no responsibility for defence matters) is openly discussing WEU's future, the WEU Council is taking no public position in the discussions on the reform of the CFSP, although this issue is crucial to the question of WEU's responsibilities.

153. The Assembly, as a body composed of representatives of the peoples of member countries, therefore has a difficult task. It must enrich the debate by making a substantial contribution to it over the whole period leading up to and during the conference. At the same time, in the negotiations themselves, it must make proposals that may serve to strengthen European security in the common interest. The recommendations which precede this report are the expression of the firm will of the Assembly fully to comply with its functions on the eve of a year in which Europe finds itself poised at a crossroads.





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IMPRIMERIE  ALENÇONNAISE  
Rue Édouard-Belin : 4<sup>e</sup> trimestre 1995  
N<sup>o</sup> d'ordre 36310

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PRINTED IN FRANCE





