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(First Part)

WEU in the process of
European Union – reply to the
thirty-ninth annual report of the Council

REPORT

submitted on behalf of the Political Committee
by Mr. Ferrari, Rapporteur

*WEU in the process of European Union –
reply to the thirty-ninth annual report of the Council*

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. *Stoffelen* (Chairman); Lord *Finsberg*, Mr. *Roseta* (Vice-Chairmen); MM. *Agnelli*, *Alegre*, *Andreotti* (Alternate: *Gottardo*), *Benvenuti* (Alternate: *Caldoro*), *Bowden*, *De Hoop Scheffer*, *Ehrmann*, *Fabra*, *Feldmann*, *Foschi* (Alternate: *Ferrarini*), *Goerens*, *Homs I Ferret*, *Sir Russell Johnston*, *Mr. Kaspereit*, *Lord Kirkhill*, MM. *Kittelmann*, *Leers*, *de Lipkowski* (Alternate: *Baumel*), *Müller*, *Pécriaux*, *Polli* (Alternate: *Ferrari*), *de Puig*, *Reddemann*, *Rodrigues* (Alternate: *Mrs. Aguiar*), *Seeuws*, *Seitlinger*, *Soell*, *Vinçon*, *Ward* (Alternate: *Godman*), *Wintgens*, *Zapatero*.

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

Draft Recommendation

***on WEU in the process of European Union
– reply to the thirty-ninth annual report of the Council***

The Assembly,

- (i) Recalling that the Assembly of WEU, as part of the organisation of Western European Union under the terms of the agreement on the status of WEU signed in Paris on 11th May 1955, is an integral part of the development of the European Union as provided in Article J.4, paragraph 2, of the Treaty on European Union;
- (ii) Underlining that Article IX of the modified Brussels Treaty obliges the Council to keep the Assembly better informed than hitherto about developments in the CFSP and other sectors of the Union in all matters which come within the competence of WEU in accordance with the modified Brussels Treaty;
- (iii) Disapproving the Council's delay in transmitting Annex IV, on the links between the Union and WEU, to Chapter IV of the document on the implementation of the Maastricht Treaty;
- (iv) Deploring also the poor information contained in the thirty-ninth annual report of the Council to the Assembly on the new working relations between WEU and the Union;
- (v) Considering that the wording of Article J.4, paragraph 2, of the Treaty on European Union gives reason for doubts about the sharing of responsibilities between WEU and the Union;
- (vi) Considering also that the hitherto agreed "practical arrangements" contained in Annex IV on the links between the Union and WEU restrict the areas of action for WEU in a way which is not compatible with WEU's far-reaching obligations stemming from the modified Brussels Treaty;
- (vii) Deploring in fact that these arrangements and the lack of political will are some of the many factors which contributed to WEU's marginalised rôle in international crisis-management particularly regarding the conflicts in former Yugoslavia;
- (viii) Underlining the important rôle WEU has to fulfil on behalf of the Union in maintaining transatlantic solidarity and co-operation in security and defence matters;
- (ix) Welcoming the successful outcome of the negotiations with Austria, Finland, Norway and Sweden regarding their accession to the European Union;
- (x) Welcoming also the firm commitment of all the acceding states to include in their accession, in full and without reservation, the provision of Title V of the Maastricht Treaty regarding the establishment of a common foreign and security policy;
- (xi) Expressing the hope that the referenda to be held in Austria, Finland, Norway and Sweden will be positive;
- (xii) Recalling the important contribution and experience of the four EFTA countries in peace-keeping operations within the United Nations;
- (xiii) Convinced that defining a common European defence policy should now commence even though all members of the European Union are not yet full members of WEU;
- (xiv) Noting that the countries called upon to accede to the European Union have not applied for membership of WEU with the exception of Norway which seeks full membership of WEU once it becomes a member of the European Union;
- (xv) Recalling that the NATO summit meeting on 10th January 1994 did not agree to the accession to the North Atlantic Treaty of any of the member countries of the WEU Forum of Consultation;
- (xvi) Repeating therefore paragraphs 1 and 2 of Recommendation 556, to grant simultaneously to all the member countries of the Forum of Consultation an associate status in WEU;
- (xvii) Earnestly desiring the progressive integration of all the states of Western and Central Europe in a system of co-operation ensuring security, stability and peace for Europe as a whole;
- (xviii) Hoping that the necessary conditions can be created for other countries, such as Slovenia and Moldova, to acquire the new associate status in the future, on the basis of the same historical, geographical and political considerations which allowed this status to be granted to the countries of the Forum of Consultation;

(xix) Considering that the devolution of the exercise of matters within the competence of WEU to other international institutions or to countries which are not members of WEU or NATO might paralyse any steps towards joint action on defence and security in Europe ;

(xx) Recalling the importance of maintaining, in any future parliamentary system required to supervise a common foreign security and defence policy, the possibility of bringing together delegations from the parliaments of member countries in an Assembly which represents the will of the peoples of Europe in this particular area,

RECOMMENDS THAT THE COUNCIL

1. Carefully prepare the intergovernmental conference planned for 1996 in line with its declaration I D8 annexed to the Maastricht Treaty;
2. Fully associate the Assembly with the Council's reflection on its preparation for the 1996 conference;
3. Retain the modified Brussels Treaty so that all the members of the European Union will be able to accede to its provisions;
4. Seek, in conjunction with the authorities of the European Union, 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;
5. 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;
6. Encourage all member countries of the European Union and those acceding to it to become full members of Western European Union;
7. Study the possibility of creating a WEU peace-keeping training centre on the basis of experience gained in this area by the Nordic countries and especially Finland;
8. Improve the information communicated to the Assembly on developments in the CFSP and the Council's activities in the framework of the Union.

Explanatory Memorandum

(submitted by Mr. Ferrari, Rapporteur)

I. Introduction

1. During the period from December 1991 to November 1993, in which it was uncertain when and if the Maastricht Treaty would be ratified, the ministerial organs of Western European Union concentrated on the development of working relations with NATO, whereas WEU's relationship with the European Union had been left in limbo as Mr. van Eekelen, Secretary-General of WEU, described it in his speech at the last plenary session of the WEU Assembly on 29th November 1993.

2. During the abovementioned period, the Assembly continually reminded the Council of the importance of preparing a WEU position on its future relations with the Union as witnessed in particular by the reports presented by Mr. Goerens on WEU after Maastricht¹, European security policy – reply to the thirty-seventh annual report of the Council; Part one: European Union, WEU and the consequences of Maastricht², and on the interpretation of Article XII of the modified Brussels Treaty³.

3. Nevertheless, now faced with the situation after the entry into force of the Maastricht Treaty on 1st November 1993, the problems seem far from crystal-clear. In answer to a question put by Mr. Rathbone at the last plenary session of the Assembly about whether an increasing rôle for WEU in the formation of foreign policy in the context of the European Union could be seen, the WEU Secretary-General replied:

“I do not know how the relationship (with the European Union) will develop. I was a bit disappointed that the European Union did not envisage the possibility of a WEU rôle in Yugoslavia at the meeting which it had on 22nd November before our ministerial meeting. However, that is something which we must consider...

...

We shall be able to make a contribution to European Union deliberations, but the emphasis in political terms will be on a common foreign and security policy, because only the European Union is capable of providing convergence in rela-

tion to a political and foreign policy and to the economic measures that we can take in terms of sanctions or of support – the countries of Central Europe have much more need of economic support than of the military measures which have been envisaged or the guarantees that have been requested.

We have to look at this in the framework of the interesting arrangements by which WEU is an integral part of the European Union but at the same time maintains its autonomy as long as not all members of the Union are prepared to engage in military activities. If Austria, Finland and Sweden join, we shall have even more observers. We can act either in the context of a full foreign and security policy or in an autonomous rôle. The situation is not entirely neat, but international relations are never 100% neat and I think that this is a fairly ingenious arrangement. Then, in 1996, we shall see whether we need to take new steps or whether we can continue this arrangement for a further two years.”

4. Of course, it will not be possible to wait until 1996. In fact, Western European Union is now faced with manifold challenges:

- it has to find and implement practical arrangements for a working relationship between WEU and the European Union;
- Article J.4 of the Maastricht Treaty which enables the European Union to request WEU to elaborate and implement decisions and actions of the Union having defence implications has to be implemented;
- the consequences of WEU's new rôle in the development of the Union for its relationship with NATO have to be identified;
- the consequences for WEU of the Union's enlargement to include Austria, Finland, Norway and Sweden have to be elaborated;
- the parallelism between the Union and Western European Union regarding the nature of their new relationship with Central Europe on the one hand, and with Russia and the countries of the Community of Independent States (CIS) on the other has to be transformed into a specific policy;

1. Document 1308, 13th May 1992.

2. Document 1342, Part One, 6th November 1992.

3. Document 1369, 24th May 1993.

- WEU has to elaborate here and now a doctrine regarding its contribution to the intergovernmental conference planned for 1996 and it must be fully involved in the preparation of this conference.

5. The Assembly has to recall that, according to the agreement on the status of Western European Union signed in Paris on 11th May 1955 and ratified by all member parliaments, the organisation of "Western European Union" comprises the Council, its subsidiary bodies *and the Assembly*. The Assembly therefore, on the basis of Article IX of the modified Brussels Treaty and the abovementioned convention, is included in all measures envisaged by the WEU declaration annexed to the Maastricht Treaty, in particular regarding paragraph 3 of that declaration stating that "the objective is to build up WEU in 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". In the same way, Article J.4 of the Maastricht Treaty, considering Western European Union as an integral part of the development of the Union, applies to the WEU Assembly as an organ of the WEU organisation. The Assembly has therefore a major task to fulfil in the framework of Title V and in particular of Article J.4 of the Maastricht Treaty.

II. The consequences of the ratification of the Maastricht Treaty for Western European Union

(i) The new quality of co-operation between WEU and the European Union

6. During the first half of 1993 (covered by the first part of the thirty-ninth annual report of the Council to the Assembly⁴), the process of ratification of the Maastricht Treaty was still pending. The Council's indications regarding WEU's future rôle in the process of European Union were confined to the following:

"Both at the level of the Council working groups and at that of the Secretariat, working links may be forged as required with the European institutions ... having due regard to the principles of transparency, complementarity and reciprocity. These links will assume even greater importance in the months to come ... as the Maastricht Treaty ratification process is brought to a conclusion."

7. However a study of the second part of the thirty-ninth annual report of the Council⁵ yields no concrete information as to how WEU intends to organise its new responsibilities in the framework of the European Union, other than a repetition of the wording of the relevant provisions of the Maastricht Treaty and of the declaration issued by the WEU Ministerial Council in Luxembourg on 22nd November 1993.

8. This declaration drew the following consequences from the entry into force of the Treaty on European Union. First, in a political assessment:

"Ministers welcomed the fact that the links now established between the European Union and WEU were such that concrete form could now be given to the definition of a global concept of security in accordance with the aims and conditions of the Maastricht Treaty and recalled that European security included political, economic and military aspects. In parallel, WEU would continue to develop its activities on the basis of the guidelines established in the Maastricht and Petersberg declarations. In so doing, WEU would also contribute to the framing of common European defence policy. This might, in time, lead to a common defence. Thus WEU would reinforce the dynamic process of European Union."

9. Furthermore, they:

"acknowledged the importance for WEU of the conclusions reached by the heads of state and government at the European Council in Brussels on 29th October on the implementation of the common foreign and security policy of the European Council of the European Union" and "reaffirmed that WEU was fully prepared to play its rôle in accordance with the Treaty on European Union and the Maastricht declaration of WEU member states and to respond to requests from the Union concerning its decisions and actions having defence implications."

10. Does that mean that, with the entry into force of the Maastricht Treaty, Western European Union has ceased to be an autonomous organisation and to act as such? The Luxembourg declaration of the WEU Council is far from clear in this respect. It confirms only that "in parallel, WEU would continue to develop its activities on the basis of the guidelines established in the Maastricht and Petersberg declarations". In the second part of its thirty-ninth annual report however, the Council confirms that WEU is being developed "as an institutionally autonomous body" as the

4. Document 1397, 12th November 1993.

5. Document 1411, 5th April 1994.

defence component of the European Union and the European pillar of the alliance. Furthermore, according to a declaration of the WEU Secretary-General during the last plenary session of the Assembly in Paris, WEU will maintain its autonomy "as long as not all members of the Union are prepared to engage in military activities".

11. But none of these declarations names the modified Brussels Treaty as the fundamental basis of WEU's autonomous legal existence and activity. It is a matter of fact that references by the WEU Council to that treaty have almost disappeared from WEU's recent public documents and declarations. Neither in WEU's last Luxembourg declaration, nor in the second part of the Council's thirty-ninth annual report can any reference be found to the modified Brussels Treaty.

12. These omissions enhance suspicions that the Council, firmly insisting arbitrarily on a so-called "1998 deadline" for the modified Brussels Treaty, is doing everything to give the public the impression that this treaty and its obligations may be increasingly neglected.

13. Nevertheless, in the platform on European security interests adopted in The Hague on 27th October 1987, which is one of the documents new member states must accept if they wish to accede to WEU⁶, WEU ministers had rightly stressed the importance of the modified Brussels Treaty for building an integrated Europe.

14. If this part of The Hague platform is still valid, it will be necessary for the WEU Council to give a clear indication of how WEU will harmonise its new obligations under the Maastricht Treaty with those under the modified Brussels Treaty. Yet the way the authors of the Maastricht Treaty have regulated the rôle of WEU within the Union does not facilitate this task since the wording of Title V of the Maastricht Treaty, and in particular of paragraph 6 of Article J.4 indicates that their clear intention was to base the European Union on the abrogation of the modified Brussels Treaty.

15. Here it might be recalled that in Recommendation 517 the Assembly asked the Council to request signatory states to correct the error in paragraph 6 of Article J.4 of the Maastricht Treaty (referring to a non-existent Article XII of the Brussels Treaty) before the text was submitted for ratification. However, both in the English text of the Maastricht Treaty issued by the office for official publications of the European Communities in Luxembourg and in the French text published by the same office the error was not correc-

ted. Thus the relevant paragraph still reads as follows:

"with a view to furthering the objective of this treaty, and having in view the date of 1998 in the context of Article XII of the Brussels Treaty, the provisions of this article may be revised... on the basis of a report to be presented in 1996..."

16. Your Rapporteur therefore deems it necessary to repeat that paragraph 31 of the Goerens report on WEU after Maastricht⁷ is still fully valid when it states:

"As everyone knows, the Brussels Treaty is no longer in force since it was modified by the 1954 Paris Agreements, but the Article XII in question is an article of the modified Brussels Treaty taken from Article X of the Brussels Treaty. The governments continue, therefore, to encourage confusion between the two treaties as your Rapporteur has already had the opportunity to underline, because, if it is the modified Brussels Treaty that is referred to, the date indicated would be 2004 and not 1998."

17. Regarding the WEU Council's negative reaction to the various written questions and its replies to Recommendations 517 and 539 on the interpretation of Article XII of the modified Brussels Treaty, one has to come to the conclusion that the Council is not prepared to consider the various legal arguments put forward by the Assembly nor to refer the question to independent arbitration. In the absence of a system of legal protection in the framework of the modified Brussels Treaty, the Assembly maintains its position and reserves the right to take further appropriate measures to uphold its legal and political position in this important matter. The aggravating factor of this question is that it is not only an internal dispute between the WEU Council and the Assembly but that it had fundamental consequences for the wording of the relevant provisions of the Maastricht Treaty. We are thus faced with a strange and perhaps unique case where the contracting parties of a new treaty (the one governing the European Union) impose a binding interpretation for a specific clause of the treaty of another organisation which has different origins and signatories. This is even less understandable, as there seems to be no unanimity among governments on this question. For instance in a debate on WEU in the British House of Commons on 18th March 1994, the representative of the British Government said that the modified Brussels Treaty would not terminate in 1998.

6. Petersberg declaration, 19th June 1992, Chapter III B.

7. Document 1308, 13th May 1992.

18. However, with the entry into force of the Maastricht Treaty on 1st November 1993, WEU obtained a supplementary legal basis for its activities, the implementation of which raises the question of how they are to be harmonised with the obligations laid down in the modified Brussels Treaty. The Maastricht Treaty (Article B of Title I and Article J.4 of Title V) distinguishes between "common foreign and security policy", "common defence policy" and "common defence", specifying that "the Union requests Western European Union (WEU), which is an integral part of the development of the Union, to elaborate and implement decisions and actions of the Union which have defence implications." That means that the Maastricht Treaty restricts WEU's competence to purely defence matters, whereas the common foreign and security policy is confined to the Union in the framework of the institutionalised common foreign and security policy (CFSP). The area of competence remaining within WEU seems even more restricted since the Maastricht Treaty specifies that:

"The common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence." (Article J.4.1).

19. What does this mean? The conclusions of the presidency of the European Council, published at its meeting in Brussels on 29th October 1993, provides the following explanation:

"Common foreign and security policy is the framework which must enable the Union to fulfil the hopes born at the end of the cold war and the new challenges generated by the upheavals on the international scene, with the resultant instability in areas bordering the Union. The aim of the common foreign and security policy is to enable the Union to speak with a single voice and to act effectively in the service of its interests and those of the international community in general.

Foreign and security policy covers all aspects of security. European security will, in particular, be directed at reducing risks and uncertainties which might endanger the territorial integrity and political independence of the Union and its member states, their democratic character, their economic stability and the stability of neighbouring regions. In this context Western European Union will shortly implement the various provisions embodied in the treaty and the statement on WEU.

20. In another document on the implementation of the Maastricht Treaty, published at the

same time under the title "Chapter IV: From political co-operation to the common foreign and security policy (CFSP)" one can find a slightly different wording:

"(a) The common foreign and security policy of the European Union covers all areas of security and will aim to achieve the objectives of the Union referred to in Article J.1 of the treaty. Common security policy will be based on a global concept of security. European security includes political, economic and military aspects, under the conditions laid down in Article J.4. It will be primarily aimed at reducing the risks and uncertainties likely to pose a threat to the territorial integrity and political independence of the Union and its member states, to its democratic character, its economic stability and the stability of its neighbouring regions.

(b) The Union has means at its disposal, backed up by contributions from the member states and the "acquis" of political co-operation, to achieve its security objectives, particularly in the areas of crisis management, the promotion of United Nations and CSCE principles, disarmament, non-proliferation and the economic aspects of security.

In some cases, measures may be taken by the Union itself. The Union can also take action with regard to security through multilateral diplomacy within international organisations such as the United Nations, the CSCE and the Council of Europe.

(c) A common defence policy, which might in time lead to a common defence, must eventually be framed by the Union on the basis of its security interests. CFSP proceedings conducted with a view to the 1996 intergovernmental conference will benefit from the development of the activities of WEU, which forms an integral part of the development of the Union.

The links between the Union and WEU established by Article J.4 of the treaty are such that the Union can now give concrete form to the global approach to security meeting the treaty's objectives. These links will be of a developing nature and must be reviewed in the light of the report to be submitted in 1996.

The Union notes that WEU is continuing to develop its own line of activity autonomously on the basis of the guidelines established in the Petersberg declaration and that, in the dynamics of the process of European Union, it is destined to become its defence component."

21. Despite the various references to WEU in these declarations of the European Council, the WEU Council has offered the Assembly not the slightest information or explanation regarding these documents, on what basis the Union made them and if and to what extent WEU is bound by them.

22. Furthermore, the second part of the thirty-ninth annual report of the Council provides no clear position regarding WEU's remaining competences. It states that:

“ the first six months of the Luxembourg presidency of the WEU Council brought further progress in the creation of a European defence policy. The aim of this major and long-haul task is to equip Europe with the means it needs to meet the challenges of the post-cold war era. Following the ratification of the Maastricht Treaty, and with the advent of the European Union on 1st November 1993, this task can now be taken forward in a new framework. ”

Does the term “ new framework ” mean that WEU's responsibility in creating a European defence policy has been transferred to the CFSP?

23. In the absence of an official definition of the term “ defence policy ” it might be useful to refer to definitions used in the excellent study published in January 1994 by two former State Secretaries of the Swedish Foreign Ministry on the consequences for Swedish foreign and security policy of membership or non-membership of the European Union.

24. According to this study:

“ A common defence policy probably means co-operation concerning certain questions regarding the drawing up and orientations of national defence, for example defence doctrines, intelligence service, communications, training and equipment. ”

If this definition is correct, it would mean that according to Article J.4,1 of the Maastricht Treaty, WEU would no longer have competence in the abovementioned areas.

25. In this context, however, it should be noted that the German text of Article J.4, paragraph 2⁸ of the Maastricht Treaty does not correspond with the French and the English versions. The English words “ defence implications ” appear in the German version as “ verteidigungspolitische Bezüge ” which means “ implications in the area of

8. The text in German reads as follows: Die Union ersucht die Westeuropäische Union (WEU), die integraler Bestandteil der Entwicklung der Europäischen Union ist, die Entscheidungen und Aktionen der Union, die verteidigungspolitische Bezüge haben, auszuarbeiten und durchzuführen. ...

defence policy”. In an address on the rôle of Western European Union in Bonn on 13th April 1994, at a meeting of the German society for military technology, Mr. van Eekelen, Secretary-General of WEU, based his speech on the German version of the Maastricht Treaty when he said inter alia:

“ Article J.4 of the Maastricht Treaty on European Union provides for three phases in the process of evolution of WEU. In the first, Western European Union is described as forming ‘ an integral part of the development of the [European] Union ’ and as providing a link between the European defence identity and the Atlantic Alliance.

The second phase is, ‘ in time ’, the framing of a common European defence policy which, in a third phase, might lead to a ‘ common defence. ’

WEU is requested to ‘ elaborate and implement decisions and actions of the [European] Union which have implications in the area of defence policy. ’ It is essential therefore that the Union itself does not conduct the defence policy but uses WEU for this purpose, since the ‘ defence policy ’ of the European Union falls within WEU's area of responsibility. ”

26. Nevertheless, regarding WEU's remaining competence under the Maastricht Treaty, Article J.4, paragraph 2 does not even constitute a general mandate for WEU's action but is only the basis for specific requests issued by the Union to WEU on a case-by-case basis. Thus, the Maastricht Treaty deals with Western European Union as if the modified Brussels Treaty did not exist and in particular not the provision of its Article VIII, paragraph 3, providing that:

“ at the request of any of the high contracting parties the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability. ”

27. How can this far-reaching general obligation be brought into line with the restrictive rôle the Maastricht Treaty reserves for WEU in Article J.4? Will there remain any likelihood that a WEU member country will make a request to convene the WEU Council on the basis of this article?

28. This seems rather unlikely since the wording of paragraphs 4 and 5 of Article J.4 of the Maastricht Treaty leave room for serious doubts about whether their provisions are compatible with the modified Brussels Treaty. Paragraph 4 says that:

“ the policy of the Union... shall not prejudice the specific character of the security and defence policy of certain member states and shall respect the obligations of certain member states under the North Atlantic Treaty... ”

but does not mention the modified Brussels Treaty. Paragraph 5 stipulates that:

“ the provisions of this article shall not prevent the development of closer co-operation... in the *framework of WEU...*, *provided such co-operation does not run counter to or impede that provided for in this title.* ”

Again, the modified Brussels Treaty is not mentioned and co-operation within WEU is restricted by a proviso clause.

29. After all, there is a definite danger that the Council of WEU might base its future activities exclusively on concrete requests from the European Union and no longer on its obligations under the modified Brussels Treaty. The most recent replies of the Council to various Assembly recommendations seem to confirm this trend: in its reply ⁹ to Recommendation 548, the Council informed the Assembly that ... “ the WEU Council cannot allude to the decisions of European Community countries regarding their relations with the successor states to the former Yugoslav Federation ”. In its reply ¹⁰ to Recommendation 552, the Council stated: “ The WEU Council is not competent to intervene with its members regarding their relations with successor states to the former Yugoslav Federation ”. In its reply ¹¹ to Recommendation 554:

“ It is not within the competence of the WEU Council to recommend the creation of a European data centre nor even to discuss it.

...

The Council is aware of the need to promote transparency in the transfer of equipment for civilian and military use. Nevertheless, advanced technologies are outside the WEU Council's field of competence.

...

... the WEU Council has no authority to invite member governments to give their political and financial backing to the International Centre for Science and Technology. ”

30. The Political Committee is therefore grateful for Written Question 326 put to the Council by

9. Document A/WEU/DG (94) 3, 5th April 1994.

10. Document A/WEU/DG (94) 3, 5th April 1994.

11. Document A/WEU/DG (94) 3, 5th April 1994.

Mr. Goerens on 25th April 1994 ¹² and fully endorses it. While reiterating the provisions of Article VIII, paragraphs 1, 2 and 3, of the modified Brussels Treaty Mr. Goerens asked the Council what was the basis of its abovementioned statements and in particular:

“ what under such circumstances are the topical questions that the Council regards itself competent to consider and deals with, as we are led to believe from Chapter II of the second part of the thirty-ninth annual report? Has the Council not for many years devoted its meetings mainly to bilateral relations between member countries and non-member countries of the organisation? Does the Council consider that its competences have been modified since reactivation of WEU and, if so, by what acts? ”

31. In paragraph 8 of the Council's reply to Recommendation 548:

“ on the question of possible financial compensation for riparian countries implementing the Danube embargo, the Council would inform the Assembly that this issue does not come within the competence of the WEU Permanent Council. ”

32. This kind of argument for not needing to reply to a recommendation of the Assembly is absolutely unacceptable. Such a non-answer should be the subject of an urgent approach to the chairmanship-in-office if the Council is unable to provide, in due time, a satisfactory answer to paragraph 4 of Written Question 326 put by Mr. Goerens in which he asked what was the basis of the Council's statement that:

“ The Permanent Council has separate competences from those attributed to the Council by the modified Brussels Treaty and that the Council need not reply to recommendations from the Assembly if the Permanent Council does not discuss the questions addressed by such recommendations (Reply to Recommendations 548 and 554).

Does the Council no longer admit it should reply to Assembly recommendations dealing with the application of the modified Brussels Treaty, even if certain WEU competences are entrusted to other organisations? What is the point of exchanges between WEU and NATO or the European Union if they do not permit the Council to make such reply, despite the fact that it undertook to do so before such exchanges were organised? ”

12. Document A/WEU/DG (94) 11, 25th April 1994.

33. This question is the more justified if one considers the lack of or incomplete information from the Council regarding a number of practical decisions which WEU ministers reached in Luxembourg. First they:

“ endorsed the measures to ensure close cooperation between the European Union and WEU set out in Annex IV of Chapter IV of the conclusions of the General Affairs Council of 26th October on the implementation of the Treaty on European Union, which had been approved by the European Council on 29th October. ”

34. In fact on 27th October 1993, WEU issued the following press release:

“ At its meeting on 26th October 1993, the WEU Permanent Council mandated the Luxembourg presidency to convey to the European Council on 29th October its agreement to the text of Annex IV – on the links between the Union and WEU – to Chapter IV of the document on the implementation of the Maastricht Treaty ”

35. Since the Assembly was not informed of the contents or context of these documents, Mr. Stoffelen, Chairman of the Political Committee, put the following Question 324 to the Council on 8th November 1993:

“ Is the Council prepared to communicate to the Assembly Annex IV, relating to the links between the Union and WEU, of Chapter IV of the document concerning the implementation of the Maastricht Treaty which was approved on 26th October 1993, as announced in a press communiqué dated 27th October? ”

36. In a letter dated 23rd March 1994 – nearly six months later – the Secretary-General of WEU transmitted the relevant document¹³ with the following reply of the Council:

“ ... This annex was formally approved by the Permanent Council on 26th October 1993 and that approval endorsed by the Ministerial Council on 22nd November last. This text is a joint European Union and WEU working document. The Council invites the Secretary-General to forward Annex IV to the parliamentary Assembly. ”

37. If this text is a joint European Union and WEU working document, one has to ask why it has not been incorporated in the second part of the thirty-ninth annual report of the Council to the Assembly or transmitted, in time, in an official way to the Assembly, whereas the European Par-

liament was informed of the text already in November 1993. Furthermore, the text cannot be understood in isolation since it is part of another paper, called “ Chapter IV of the document on the implementation of the Maastricht Treaty ”¹⁴ dealing with the new procedure for the common foreign and security policy (CFSP) which has four appendices, the last of which concerns Western European Union.

38. Without further knowledge of the status and basis of Annex IV, one can only presume that it is based on Article J.4 of the Maastricht Treaty, according to which the Council of the Union shall, in agreement with the institutions of WEU, adopt the necessary practical arrangements regarding requests emanating from the Union to WEU to elaborate and implement decisions and actions with defence implications.

39. This kind of case-by-case approach led the WEU Secretary-General in his address to the Assembly on 29th November 1993, to express the wish “ that requests from the Union should be made at a sufficiently early stage so that WEU, which brings together the Foreign and Defence Ministers’ viewpoints, can beneficially influence the development of the common foreign and security policy. ”

40. In this context, the abovementioned Annex IV provides the following specifications:

“ The Union may, at the level of its Council, request WEU to elaborate and implement decisions and actions which have defence implications in the following kind of situations. These, while normally implying the use of military personnel, may include the use of other means. The following examples should only be considered as indicative and non exhaustive:

- the security interests of the Union are directly concerned;
- the Union is politically and economically involved in a specific crisis or conflict and acknowledges that additional WEU support is necessary (military observers, cease-fire, peace-keeping, sanctions monitoring and peace-enforcement);
- the Union is asked by the UN/CSCE to make a contribution and it comes to the conclusion that WEU, in a cohesive division of labour, could make a specific contribution;
- humanitarian efforts need logistical support. ”

13. Document 1412, 8th April 1994.

14. See paragraph 20 above.

41. Annex IV stipulates then that:

“2. Once the European Union has requested WEU to elaborate and implement its decisions and actions with defence implications, WEU will take on the request in accordance with the decision-making procedures of that organisation, and will carry out all actions concerning such a request in a manner that is fully coherent with the overall policy established by the European Union.

Special attention will be required when the request to WEU is part of a broader action which the Union itself will continue to conduct.

In this case mutual information and consultation procedures will ensure the coherence of the action as a whole, whilst ensuring that WEU take in an autonomous way the operational decisions, including military planning, rules of engagement, command structures, deployment and withdrawal.”

42. Such arrangements can only strengthen the firm impression that WEU's rôle is to be reduced to little more than that of a subordinate organisation and subcontractor, awaiting instructions from the European Union. Thus, it is anticipated, for example, that requests for a European contribution from the United Nations and the CSCE would be addressed only to the European Union which would decide whether WEU should be involved or not and which would also decide what kind of contribution WEU should make. The same line is followed by the Council's reply to Recommendation 549 on political relations between the United Nations and WEU, which envisages any activities by WEU in this context only via the European Union. Under these circumstances, nobody seems to consider that the United Nations and/or the CSCE might contact WEU directly in order to ask for a contribution. Not only would this be more practical, it would correspond more accurately to the specific duties and competences of WEU arising from the modified Brussels Treaty. Otherwise, what practical use would it be for WEU ministers to instruct the Permanent Council of WEU “to consider how to enhance relations with the United Nations and the CSCE” as reported in the second part of the thirty-ninth annual report of the Council?

43. Regarding the other examples referred to in Annex IV it should be stressed that in all cases where “the security interests of the Union are directly concerned” or “the Union is politically and economically involved in a specific crisis or conflict”, the provisions of the modified Brussels Treaty are automatically applicable, obliging WEU member countries to take appropriate action.

44. However, the implementation of the procedure provided for under Annex IV will, first and foremost, lengthen the decision-making process

and make it more cumbersome. The result will effectively represent the lowest common denominator. A specific example of this is the request made in Luxembourg on 4th October by ministers of the Twelve to study, concerning the administration of Mostar, what support WEU could give in connection with the organisation of a police force and the improvement of some vital logistic functions, particularly in the medical field¹⁵.

45. Another, much more serious consequence is that every decision by the Union as to whether or not to request a contribution from WEU will depend on the approval of those member countries of the European Union that are not prepared to become full members of WEU and to fulfil the obligations of the modified Brussels Treaty. If the accession of the EFTA countries to the European Union is ratified, the number of member countries of the European Union not prepared to become full members of WEU will soon increase. Thus future action of WEU will soon depend on the positions adopted by all these countries.

46. If such dependence on the part of WEU is not the intention of Annex IV, the WEU Council should quickly provide the necessary clarifications and explanations. If the possibility of autonomous decisions and actions on the basis of the modified Brussels Treaty shall remain open to WEU, it is not sufficient to confirm that WEU will be developed as an “institutionally autonomous” body¹⁶. To avoid the decision-making process in the European Union, particularly with regard to countries not prepared to participate in a common defence in the framework of WEU, hampering decisions on whether to request a contribution from WEU, it would make more sense to interpret Article J.4, paragraph 2, as a general clause obliging WEU, in all cases with defence implications, to take the necessary initiatives on behalf of the Union in elaborating (and implementing) the relevant decisions. Instead of waiting for specific requests from the Union it should be for WEU to propose the appropriate measures to the Union in any given case. In cases where the Union could not reach a decision WEU should be free to act on its own initiative. This should have been the content of the “necessary practical arrangements” referred to in the second sentence of Article J.4, paragraph 2, of the Maastricht Treaty.

47. Annex IV also provides that:

“3. In order to ensure close co-operation between WEU and the European Union, the following measures will be implemented from the date of entry into force of the Maastricht Treaty:

15. See WEU press release, 5th October 1993, Document 1411, Annex 1.

16. See introduction to the second part of the thirty-ninth annual report of the Council to the Assembly, Document 1411.

3.1. Co-operation between presidencies and harmonisation of their duration

The presidency of WEU will continuously inform CFSP bodies about ongoing work within WEU which is relevant to the Union. The presidency of the Council will inform, on a regular basis, competent WEU bodies of the work undertaken by the Union which is relevant to WEU, in particular in areas where WEU could be invited to elaborate and implement decisions of the Union which have defence implications.

The two presidencies will co-operate closely in order to ensure the consistency and the efficiency of the work relevant to both organisations.

To facilitate the envisaged harmonisation of presidencies, the Union suggests that WEU reflect on the reduction of its presidency's term of office to six months. "

48. Regarding this last item, WEU ministers agreed in Luxembourg to reduce the period of the WEU presidency to six months from 1st July 1994 as suggested by the European Council. They requested the Permanent Council to consider further the question of harmonising the presidencies of the European Union and WEU and to report back. It should be noted in this context that in the Rome declaration of October 1984 WEU ministers had decided to prolong the period of its presidency from six months to one year, in order to render the presidency more effective! According to the second part of the thirty-ninth annual report of the Council, the reduction in the term of the WEU presidency "symbolises the willingness to harmonise WEU's method of working with that of the European Union". Do such statements mean that the Council of WEU is itself not convinced of the usefulness of its decisions?

49. Regarding further practical modalities of co-operation the following details are set out in the abovementioned document:

" 3.2. Co-operation between the Secretariat-General of the Council and the Secretariat-General of Western European Union

- the Secretary-General of the Council will ensure that the Secretary-General of WEU is kept timely and fully informed on developments of the CFSP, in particular in areas where WEU could be invited to elaborate and implement decisions of the Union which have defence implications as well as in areas where complementary or similar activities are being

carried out by the Union and by WEU. Similarly, the Secretary-General of WEU will keep the Secretary-General of the Council punctually and fully informed of any activities of WEU which are relevant to the Union, including the development of contingency planning for implementing measures in areas where the Union might call for such action.

- The collaboration includes the exchange of written material in the relevant areas. This covers documents as well as exchanges over the WEUCOM and COREU networks. The two secretariats will establish the necessary practical arrangements in this regard and ensure the security classifications and provisions of the two organisations are respected in the handling of such documents.
- The collaboration includes cross-participation of collaborators from the two secretariats in relevant meetings in the two organisations according to decisions taken on a case-by-case basis, after consultation of the two presidencies at the appropriate level. This applies to meetings at working group level, as well as with regard to relevant agenda points in meetings at ambassadorial level and at ministerial level. The two secretariats will keep each other informed about the agendas for all relevant meetings. The collaborators in question will be seated in the delegation of the presidency-in-office of the organisation they represent. "

50. Regarding co-operation between the two secretariats, it would appear that initial arrangements have been made for the exchange of documents drawn up by the different working groups and for cross-participation of collaborators. As far as the latter is concerned, it seems that the secretariat of the Council of the European Union may participate in all meetings of the WEU Council of Ministers whereas the arrangement for participation by the Secretariat-General of WEU in meetings of the Council of the European Union is not entirely reciprocal as it is restricted to certain items of its agenda only:

" 3.3. Arrangements for appropriate modalities to ensure that the Commission of the European Communities is regularly informed and, as appropriate, consulted on WEU activities

The information and, as appropriate, the consultation of the Commission on WEU activities should take place through regular contacts between the Commission and the WEU presidency, on the one side, and bet-

ween the Commission and the Secretary-General of WEU, on the other side.

The WEU secretariat will forward WEU written material to the Commission, in which the Commission has an interest by virtue of its responsibilities in implementing policies of the European Union and whenever WEU is dealing with matters relating to the Commission's responsibilities under the Treaty on European Union. Similarly, the Commission will forward documents to WEU in all relevant areas."

51. It appears that in the meantime the Commission and the Secretariat-General of WEU have agreed on the modalities of the exchange of documents. Furthermore, it has been clarified that the Commission is to be included in the delegation of the presidency of the European Union to WEU meetings and form part of the delegations of the presidency of the European Union to WEU ministerial meetings. Conversely, the Commission will regularly inform the WEU secretariat of meetings organised by the Commission which might be of interest to WEU. Attendance by the WEU Secretariat-General at such meetings is to be requested through the presidency of WEU:

"The presidency will represent the European Union at WEU meetings. It is understood that the presidency will include representatives of the Commission in its delegation whenever WEU is dealing with matters relating to the Commission's responsibilities under the treaty."

52. It is not made clear in the paper how the presence of WEU in European Union meetings will be ensured. According to an Agence France Presse communiqué dated 3rd March 1994, the Secretary-General of WEU complained that relations between WEU and the European Union were less satisfactory than those with NATO and that WEU was not represented in meetings of the Twelve dealing with security matters. On 18th April 1994 however, Agence Europe released information stating it had been decided that WEU would be represented by its Secretary-General and by a representative of the WEU presidency at the meeting of the European Union to be held in Brussels on 17th and 18th May. Such a decision is of course to be welcomed, but the representation of WEU in such meetings should not be the subject of ad hoc decisions but based on an overall agreement:

"3.4. Synchronisation of dates and venues of meetings

The two organisations, at the level of the presidency and the secretariats, will whenever possible consult each other before finalising plans for meetings at ministerial level or meetings of relevant working

groups with a view to establishing the greatest possible synchronisation of dates and venues of meetings. This applies in particular to situations where successive decisions of the Union and WEU are called for.

The two secretariats will make the necessary practical arrangements to provide appropriate meeting facilities whenever successive meetings of the two organisations on the same day and in the same place are called for practical or operational reasons."

53. According to information your Rapporteur gathered during a visit to the European Commission and the WEU Secretariat-General in Brussels in March, the discussions for implementing the various arrangements are only just starting. Unfortunately the Secretariat-General of the European Union which has to be reorganised, was not able to receive your Rapporteur. He therefore has no detailed information about the background of the abovementioned Annex IV. But he recalls that in Chapter A of the declaration of Western European Union annexed to the Maastricht Treaty dealing with WEU's relations with European Union, WEU announced that "the WEU Council shall, in agreement with the competent bodies of the European Union, adopt the necessary practical arrangements." Will this still be done or has it become obsolete by agreeing to the Union's paper?

54. Should this be the case, it would be a further example of the consequences of the inactivity of the WEU Council in allowing the Union to impose its practical arrangements and provisions in matters which are within WEU's specific purview. If WEU is to avoid losing the basis of its responsibilities and competences, it will be crucial to remind the Council that it must continue to implement fully all provisions of the modified Brussels Treaty and not restrict WEU's area of activities to obligations arising from specific requests stemming from the European Union alone. The far-reaching obligations of the modified Brussels Treaty also make it impossible to reduce WEU's activities to defence matters alone. Threats to peace are not just military threats; they also include political, economic and other threats and dangers.

55. What is even more important is that WEU must be both the subject and a player in the elaboration of the institutional architecture of the security and defence branch of the European Union. In this respect, WEU has so far been more an object than a subject of reflexion. WEU must put forward its own vision of the future European construction; the modified Brussels Treaty itself obliges the Council to make a proper contribution in this area, since its Article VIII, paragraph 1 clearly provides that the Council of WEU had been created for the purposes ... "of promoting

unity and encouraging the progressive integration of Europe and closer co-operation between them and with other European organisations ” even before the European Community was created and a long time before the Maastricht Treaty was concluded.

56. That means first and foremost that the Council should now do what it should have done already during the preparation of the Maastricht Treaty: it must decide on its approach to the 1996 intergovernmental conference. During his recent visit to Brussels, your Rapporteur was told that WEU instances were too busy with their heavy day-to-day duties to have the time to think now about the 1996 conference. That enhances the need to think about improving WEU's means of ensuring continuous political planning. First, however, the Council and the Secretariat-General must realise the importance of being involved in the planning for 1996 from the very outset.

57. Furthermore, it is crucial to remind the Council that with the entry into force of the Maastricht Treaty WEU's activities are closely connected with those of the European Union and the structures of the CFSP. In the framework of the latter, subjects connected with the responsibilities of WEU and practical co-operation with it will play an increasingly important rôle. The exchange of information and documents will be developed. Consequently, the Council has to inform the Assembly about developments in the CFSP and other sectors of the Union in all matters which have implications for WEU and in which it is involved. The Council should reply to recommendations of the Assembly dealing with the application of the modified Brussels Treaty, even if the exercise of certain WEU competences are entrusted to other European organisations, such as the European Union.

58. Article IX of the modified Brussels Treaty created an Assembly whose activities are not just an echo of those of the WEU Council. They are based on its political independence which was recognised by the Council from the very outset. In this spirit, the Assembly was able to draw up a Charter which lays down that the Assembly carries out the parliamentary function arising from the application of the modified Brussels Treaty and may proceed on any matter arising out of that Treaty. The Assembly's recommendations to the Council constitute the Assembly's formal answers to the annual report of the Council which is transmitted to the Assembly in accordance with Article IX and reflect its formal positions on any matter arising from the treaty. The Assembly's recommendations therefore cannot be considered as simple “ suggestions ” as implied in the Council's reply to Recommendations 548 (paragraph 6) and 550 (paragraph 3).

(ii) The parliamentary dimension of co-operation between WEU and the European Union

59. The need to elaborate a WEU concept regarding the future place of the security and defence element within the future European (and Atlantic) institutional architecture applies also to the question of how democratic and parliamentary supervision of the European executive institutions should be guaranteed and organised in the best possible way. As already stressed in paragraph 5 of the introduction, the Assembly should be conscious of its special responsibility in putting forward constructive proposals and recommendations in this area, which is still far from being examined and clarified with due attention. Whereas the Maastricht Treaty does not refer to specific WEU organs but to “ WEU ” as an integral part of the development of the Union, the WEU declaration annexed to the Maastricht Treaty contains encouragement for closer co-operation between the Assembly of WEU and the European Parliament.

60. In answer to Written Questions 302 and 303, on 16th October 1992 the Council specified that its:

“ encouragement of closer co-operation between the parliamentary Assembly of WEU and the European Parliament is based on the fact that the Maastricht declaration of the Nine on the rôle of Western European Union and its relations with the European Union and with the Atlantic Alliance specifies under the heading ‘ WEU's relations with European Union ’ (paragraph 3): ‘ The objective is to build up WEU in 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. ’ The ‘ encouragement of closer co-operation between the parliamentary Assembly of WEU and the European Parliament ’ is one of the ‘ measures ’ which ‘ WEU will take... to develop a close working relationship with the Union ’ . ”

61. This specification is very important. Measures to develop a close working relationship with the Union have to be seen in the context of Article J.4 according to which WEU is an integral part of the Union and will, at the request of the latter, elaborate and implement decisions and actions of the Union which have defence implications. Consequently, all efforts to establish close co-operation between the Assembly of WEU and the European Parliament should be seen in this context. The objective of building up WEU in stages as the defence component of the European Union has to be implemented in its parliamentary component too, this being the Assembly of WEU.

62. That means that arrangements which need to be made for establishing closer relationships between the WEU Assembly and the European Parliament should take into account WEU's enhanced responsibilities in the framework of the Union. They should therefore be based on a spirit of equality, reciprocity, transparency and complementarity. To this end, informal contacts have been established between the Assembly and the European Parliament.

63. They led to a meeting in Paris on 29th January 1993 at which the Political Committee of the WEU Assembly was briefed by Mr. De Gucht, Rapporteur of the Committee on Institutional Affairs of the European Parliament on future relations between the European Community, WEU and the Atlantic Alliance. On that occasion, the Political Committee of the WEU Assembly gave its views on certain points and on 2nd March 1993 the Presidential Committee adopted a declaration on the WEU Assembly's place in the European Union which the President of the WEU Assembly transmitted to the President of the European Parliament¹⁷.

64. Following an exchange of letters in April 1993 between the Sub-committee on Security and Disarmament of the Foreign Affairs Committee of the European Parliament and the Office of the Clerk of the WEU Assembly it was decided to form a small group of parliamentarians of the Political Committee with the task of maintaining contact with the said sub-committee of the European Parliament. On 15th June 1993 a meeting was held between MM. Holzfuß and Lagakos, members of the Sub-committee on Security and Disarmament of the European Parliament, and Lord Finsberg, MM. Goerens and Stoffelen, members of the working group for contacts with the European Parliament nominated by the Political Committee of the WEU Assembly. It was agreed that a formal meeting between the working groups of both the European Parliament and the WEU Assembly should be held in early autumn 1993, most probably in Brussels, in order to discuss proposals for contacts between the two parliamentary bodies.

65. In fact, no such meeting was held but it was agreed that, in principle, all parties should be on an equal footing in such contacts. All participants agreed that the contacts could include:

- an exchange of draft reports at an early stage;
- regular contacts between rapporteurs;
- joint meetings of committees.

Participation in plenary sessions with the right to speak on a reciprocal basis was a problem which

might not be solved easily at short notice, but both sides agreed that constructive proposals on this matter should be discussed at their next meeting.

66. On 24th February 1994, however, the European Parliament adopted Resolution A3-0041/94 on future relations between the European Union, WEU and the Atlantic Alliance emphasising *inter alia*:

“ that the primacy of the European Union over WEU should be confirmed unambiguously, with the European Union taking the political decisions concerning security and defence, with WEU implementing the decisions which have defence implications... that the European Parliament may address questions and recommendations to the WEU Council ” and that “ in the third stage, the European Parliament should replace the WEU Assembly in its entirety at plenary and committee levels... ”

67. Reading the explanatory memorandum attached to that resolution, the Rapporteur Mr. De Gucht already proposes in a first stage a modification of Article IX of the modified Brussels Treaty in the sense that the WEU Assembly shall be composed of the representatives of WEU member countries elected to the European Parliament. Of course, this is the personal view of the rapporteur, but if his argument that “ the WEU Assembly, unlike the European Parliament, is under the current provisions not included in the normal process of European integration ”, becomes the official position of the European Parliament, it will be very difficult for the WEU Assembly to develop a working relationship with it because such a starting point would run counter to the text of the relevant provisions of the treaties and also to the spirit of understanding the liaison group of both parliamentary assemblies had already reached.

68. The Assembly therefore expects that the Council will take appropriate steps in the framework of its new working links with the inter-governmental authorities of the European Union, with the European Commission and last, but not least, also whenever its representatives have contacts with members of the European Parliament. Thus the Council should make it clear that the planned closer relationship between the WEU Assembly and the European Parliament which the Council has encouraged the WEU Assembly to develop will not be possible, if the relevant instances of the Union, and in particular the European Parliament, continue to claim that the WEU Assembly, which is a component of the WEU organisation, is excluded from the process of European integration.

69. The future structure of the parliamentary dimension of a European Union in which security and defence will take their appropriate places will

17. See Appendix.

be the subject of a carefully-prepared study the Political Committee is to present at a later stage. The committee is also ready to reopen the dialogue with a newly-elected European Parliament in order to agree appropriate ways and means for developing closer co-operation. The primary aim of these efforts should be the elaboration of ways to strengthen and improve democratic control bearing in mind the will of the peoples concerned in the most sensitive political area, i.e. defence and security. However, in pressing steadfastly for a single European framework for security and defence matters and for introducing the principle of majority decisions in these areas and asking to replace the WEU Assembly in its entirety, the European Parliament has never explained why all this would lead to greater democracy in security and defence matters, nor why it should lead to greater efficiency. The European Parliament's fight against the intergovernmental decision-making process in the European Union and in WEU, which has been even further strengthened by the Maastricht Treaty, seems particularly counterproductive when one considers that the true goal is to bring together all the nations of a continent such as Europe whose greatest quality is the very diversity of its peoples and countries, including especially the "smaller" countries and former neutral countries, which are now prepared to join European Union but wish nevertheless to retain some control over their destiny.

(iii) European Union, WEU and NATO

70. The problem of pressing for a single European framework in security and defence must also be examined carefully with regard to Europe's future transatlantic relations in these matters and even its relations with the United Nations. Resolution A3-0041/94 of the European Parliament:

"Takes the view ... that aspects of the relationship with the United States should come under the responsibility of the same political authority, which implies that the European Union should become responsible for defining the European position in the Atlantic Alliance; considers that this will allow the development of a more consistent attitude towards the United States as well as a less ambiguous relationship between the Union and the United States;

Considers it important that ultimately, together with the revision of the treaties leading to the full incorporation of WEU into the European Union, the existing North Atlantic Treaty is adapted or a new treaty signed between the United States and the European Union to reflect better the new equal relationship between the two sides of the Atlantic."

71. Again, in a resolution on the "development of a common security and defence policy for the European Union" adopted on 24th March 1994, the European Parliament:

"Welcomes the thought being given on both sides of the Atlantic to the possibility of anchoring all political, economic and defence policy relations between the European Union and the United States and Canada in a comprehensive treaty;"

72. It cannot be the purpose of this report to enter into discussion of numerous reports and positions adopted by the European Parliament in the area of competence of Western European Union. Nevertheless your Rapporteur deems it necessary to emphasise that Europe's relations in security and defence matters with the United States and Canada in the framework of the Atlantic Alliance are particularly sensitive and have to be handled most carefully. It is well known that a number of problems and rivalities in political and economic areas have arisen recently between the Twelve and the United States. For the security of Europe, it will be crucial to avoid difficulties and competition on either side of the Atlantic affecting transatlantic solidarity in security and defence matters. Suggesting in this context to replace the North Atlantic Treaty by another treaty without specifying the purpose and the content of such a new arrangement can be a dangerous undertaking. The Treaty establishing the European Union in no way indicates in which way the Union intends to develop its relations with the United States and with NATO other than requesting that co-operation between member states within NATO shall not run counter to or impede that provided for in the Union. Again, the Union is already in competition and even in conflict with the United States, particularly in economic matters. To maintain transatlantic solidarity, it is therefore most important that WEU has been developed as the European pillar of NATO on the basis of Article IV of the modified Brussels Treaty obliging it to work in close co-operation with NATO. The importance of this provision increased considerably after the January NATO summit meeting which explicitly supported strengthening the European pillar of the alliance through Western European Union.

73. It will be a main task of Western European Union to use its new working relations with the relevant instances of the European Union and the CFSP, to strengthen transatlantic cohesion and to advise the Union on possible repercussions of certain decisions with defence implications on transatlantic co-operation. It was therefore a wise decision to confirm WEU as a separate institution with the task of developing co-operation with NATO to the benefit of the European Union as a whole.

74. Both the European Union and WEU will also have to study the impact the establishment of a single European framework in the security and defence area would have on relations with the United Nations. According to Article 2 of its Charter, the United Nations is based on the principle of the sovereign equality of all its member states. When the Assembly recommended in Recommendation 549 that the Council study the proposals ... with regard to reforming the United Nations and its Security Council with a view to strengthening its effectiveness in peace-keeping and improving WEU's participation in the decision-making process in the United Nations, the Council replied that "this issue is solely a matter for the member states as members of the United Nations."

75. Article J.5, paragraph 4 of the Maastricht Treaty obliges member states which are permanent members of the Security Council to ensure the defence of positions and the interests of the Union, but without prejudice to their responsibilities under the provisions of the United Nations Charter. So far this Charter allows only individual sovereign member countries to become members of the United Nations Council. Furthermore, United Nations member states alone can decide individually on the basis of their autonomous political evaluations and in conformity with their constitutions whether or not to contribute to peace-keeping or peace-enforcing operations requested or authorised by the United Nations. Appropriate parliamentary supervision of these decisions is becoming increasingly important. It must be carried out by a parliamentary assembly whose members should have far closer links with the decision-making process in the relevant countries than members of the European Parliament elected by direct universal suffrage could have. Neither the present member countries of the Union nor the EFTA countries now joining as new members with their long experience in peace-keeping in the framework of the United Nations would agree that powers to decide on sending national or multinational military contingents abroad for peace-keeping or peace-enforcing purposes should be transferred to supranational institutions.

III. The enlargement of the European Union and its implications for Western European Union

(i) The EFTA countries

76. The recently successful negotiations with Austria, Finland, Norway and Sweden regarding their accession to the European Union seemed particularly difficult in a number of areas but not in regard to foreign and security policy (Chapter 24 of the agreement package). Whereas Norway as a member of NATO had from the very beginning no difficulties with this chapter, the other three countries had so far maintained a pol-

icy of neutrality, in each case based on different legal, political and historical grounds. Nevertheless, all three countries agreed with the European Union on the following joint declaration :

77. "I. The Union notes the confirmation by Austria, Sweden, Finland and Norway of their full acceptance of the rights and obligations attaching to the Union and its institutional framework, known as the "acquis communautaire", as it applies to present member states. This includes in particular the content, principles and political objectives of the treaties, including those of the Treaty on European Union.

The Union and Austria, Sweden, Finland and Norway agree that:

- accession to the Union should strengthen the internal coherence of the Union and its capacity to act effectively in foreign and security policy;
- the acceding states will, from the time of their accession, be ready and able to participate fully and actively in the common foreign and security policy as defined in the Treaty on European Union;
- the acceding states will, on accession, take on in their entirety and without reservation all the objectives of the treaty, the provisions of its Title V, and the relevant declarations attached to it;
- the acceding states will be ready and able to support the specific policies of the Union in force at the time of their accession.

II. With regard to member states' obligations deriving from the Treaty on European Union concerning the implementation of the Union's common foreign and security policy, it is understood that, on the day of accession, the legal framework of the acceding countries will be compatible with the *acquis*."

78. In its reply to Recommendation 548 asking the Council to define without delay the nature of its future relations with Austria, Finland and Sweden, offering them means of co-operation corresponding to the specific situation of each one, the Council stated that:

"The nature of WEU's future relations with Austria, Finland and Sweden depends on the decision which these countries will take regarding their relations with WEU. Under the terms of the declaration by Ministers on 19th May 1993, and at these countries' request, WEU has established the appropriate contacts with them in order to inform them about WEU's rôle."

79. Nevertheless, it would be helpful if the Council would clarify whether the entry of these countries into the European Union, once approved by the European Parliament and the population of the countries concerned, will enable them to benefit from the WEU declaration appended to the Maastricht Treaty according to which "states which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish". Since this declaration assumed that treaties and agreements corresponding to the above proposals would be concluded before 31st December 1992, it has to be made clear whether the same procedure will apply to countries joining the European Union after that date.

80. So far, only *Austria* has publicly announced its intention to become an observer in WEU. There are regular informal information contacts in Brussels between representatives of Austria and WEU representatives, but according to the information your Rapporteur received in Brussels the three countries in question have made no formal requests regarding their future relationship with WEU.

81. The Political Committee's information visit to Austria in March 1994 was particularly rich in enhancing knowledge of the country's commitment to join the European "club". It became clear that the Austrian authorities consider that the reasons for incorporating in its constitution in 1955 a declaration of permanent neutrality have become more and more obsolete following the radical political changes in Europe since 1989. Austria has an important geographical position as a direct neighbour of three of the Visegrad countries, Slovenia and a short distance from Ukraine. Since the outbreak of hostilities on the territory of former Yugoslavia, Austria views its application to join the European Union increasingly from a security angle. It intends to become an active participant in the development of a security policy within the Union and sees its future relationship with WEU as an evolutionary process. Furthermore it has expressed its commitment to contribute to the deepening of the Union¹⁸. According to Mr. Mock, Minister for Foreign Affairs, there would in the long run be full identity between members of the Union and WEU. Austria is concentrating its present efforts on the European Union and WEU whereas the question of relations with NATO are not at present on the agenda of the political discussion. Austria considers the partnership for peace programme as a positive initiative, but does not envisage participating in it for the time being.

18. See the contribution by Mr. Mock, Austrian Minister for Foreign Affairs, *Le Monde*, 30th April 1994.

82. Austria's longstanding participation and experience in peace-keeping operations of the United Nations will constitute a valuable contribution to the European Union and Western European Union provided the referendum on joining the Union, which is to be held on 12th June 1994, is positive. According to opinion polls conducted prior to the successful conclusion of the accession agreements, a majority was in favour of the country's accession to the Union. Gallup counted 48% in favour, 38% against and 14% undecided, whereas Market Institute counted 39% in favour, 34% against and 27% undecided¹⁹. But most recent opinion polls indicate more than 53% in favour, about 32% against and 11-14% undecided. There are therefore good reasons to hope that Austria will be the first of the four EFTA countries whose population will approve its entry into the Union which undoubtedly will have a positive impact on the results of the referendums to be held in the other three countries.

83. In *Finland*²⁰, an opinion poll was organised by Finska-Gallup on 14th February 1994 according to which 39% of those questioned were in favour of Finland joining the Union, 30% against and 31% undecided. When the Political Committee visited Finland on 25th and 26th April 1994, it saw a country which had succeeded by its policy of neutrality in maintaining its national independence next door to a superpower neighbour which had defeated it in war and demonstrated expansionary tendencies. However, neutrality for the Finns was never an end in itself but only a means of safeguarding their national existence and security. Ever since achieving independence from Russia in 1917, Finland had sought a *modus vivendi* with Moscow. For 43 years after the second world war, Finland was enmeshed in a special relationship governed by a 1948 treaty of friendship, co-operation and mutual assistance and on strong bilateral trade relations. The failure of the August 1991 coup in Moscow hastened the end of the 1948 treaty in its entirety, abrogated by a new treaty signed on 20th January 1992. Negotiations are now expected with the Russian Government on trading and border questions. During European Union membership negotiations, Finland insisted on the importance of ensuring prospects for continuing and indeed developing economic co-operation with Russia.

84. Finland's security has been greatly affected by the strategic game of superpower doctrines, weapons and deployments that was played around the Kola base complex and in the northern waters and airspace. Despite the implemented and forthcoming deep reductions in strategic and tactical nuclear weapons by the United States and Russia,

19. *Le Monde*, 4th March 1994.

20. *Le Monde*, 4th March 1994.

Northern Europe retains its strategic significance for the residual forces of the superpowers. Now that the Baltic states are independent, the focus of military policy in the Baltic has shifted from the Straits of Denmark to the mouth of the Gulf of Finland, and when the START II Treaty on the reduction of strategic nuclear forces comes into force, nearly half of Russia's nuclear capacity, consisting mainly of strategic missile submarines, will be concentrated in the Kola Peninsula. No matter how positive development may be in Russia, this will not change the reality that Russia's two most important areas from a strategic point of view – the Leningrad military district and the Kola Peninsula – are located next door to Finland. In the Leningrad district in particular, important units of Russian troops and matériel are deployed which had been withdrawn from Central Europe and Germany.

85. On 18th April 1994, Finland decided to join NATO's partnership for peace programme. Since June 1992, Finland has also an observer's status in NACC. Despite the large Russian military deployment near the Finnish borders the President of the Republic of Finland confirmed in a speech to the plenary session of the European Parliament on 16th November 1993:

“ Finland is not asking for a free ride in terms of security. We do not feel threatened and are not in the search for new security solutions. Finland pursues a policy of military non-alliance and an independent and credible defence.

In the European Union, we are fully prepared to take an active part in the common foreign and security policy and in its further development as foreseen in the treaty. We do not exclude any options. ”

86. This Finnish attitude was confirmed by the Foreign Minister Mr. Haaviston Tapaaminen, when he told the Political Committee in Helsinki on 25th April 1994:

“ to the extent our military security is concerned, maintaining military non-alliance and an independent, credible defence capacity remains our point of departure. This is the way we have defined our policy of neutrality in the post-cold war Europe. We are prepared to participate actively and constructively in the further elaboration of the defence dimension. We do not foreclose any options but believe it is our legitimate right and obligation to look at future arrangements from the point of view of our national security.

We are engaged in an informal and useful dialogue with WEU at various levels. No decision has been taken by the government to formalise this relationship for the time

being. Our priorities are very clear: we have to tackle with European Union accession first. Only after that can further aspects be considered. In this perspective, it is significant that there will be a referendum on membership some time in the autumn, probably in October.

One further consideration deserves to be mentioned here: full membership in WEU implies an Article V security guarantee. We are not seeking one, nor would a guarantee be compatible with our present policy. Observer status in WEU, in contrast, would not seem to contradict the fundamentals of our policy. ”

Mrs. Rehn, Finnish Minister of Defence, considered Finland's observer status in WEU as a minimum.

87. The Finnish Government showed that it was well aware of the wish of the Swedish and Norwegian authorities that the Finnish referendum should be held earlier than in the other nordic countries since both Sweden and Norway counted on a positive vote from the Finnish population. Nevertheless, the Finnish authorities told the committee that no definite date for the referendum had yet been fixed.

88. They also made clear that, apart from certain threats voiced by Mr. Zhirinovskiy during a recent visit to Helsinki, no pressure had been brought to bear by the Russian Government regarding Finland's ambitions to join the West. The Russian Defence Minister did not like to see Finland joining NATO, whereas WEU was not mentioned. The Finnish authorities avoid discussing these issues with the Russian authorities in order to avoid giving the impression that they might seek Russian advice in this area.

89. The committee's visit to the Defence Ministry's peace-keeping training centre in Niinistö was particularly interesting in the context of the recent decision by Finland to join the NATO partnership for peace programme. According to a Finnish press release dated 19th April 1994,

“ The Finnish presentation document will list the forms of co-operation Finland is interested in within the partnership for peace. They are:

- co-operation in the field of peace-keeping, primarily providing peace-keeping training;
- co-operation in search and rescue as well as in humanitarian operations;
- visits and educational exchange;
- co-operation in the field of the environment. ”

90. From Finland's longstanding experience in peace-keeping, in particular in training, the relevant European institutions such as WEU could find much to their advantage even if initially Finland chose only observer status in WEU. In view of the increasing need to develop peace-keeping capabilities and training, a study might be made of the usefulness of creating such a training centre under the aegis of Western European Union.

91. Regarding the position of Sweden, your Rapporteur was able to hold comprehensive talks with various governmental, parliamentary and scientific authorities of that country during a visit to Stockholm at the end of March 1994. In these talks he was particularly impressed by the way most of the Swedish speakers expressed their feeling of responsibility and concern for maintaining the independence of the Baltic states. They particularly believed that WEU's decision to grant enhanced status for the countries participating in the WEU Forum of Consultation should not exclude the Baltic states so that a new dividing line would not be drawn between Poland and Lithuania. These questions will be developed in greater detail in the following chapter dealing with the Central European countries.

92. Furthermore, the Swedish analysts in the Defence Ministry underlined even more than the Finns the importance of new Russian deployment on the Kola Peninsula and in the Leningrad district. In a speech at the Royal Academy of Military Sciences, Stockholm, on 7th December 1993, the Swedish Prime Minister, Mr. Carl Bildt, emphasised with reference to the Kola Peninsula:

“ It is somewhat of a paradox that, although current developments mean that nuclear weapons are declining in importance and are being cut back, the importance of the Kola bases and their immediate area of operations will increase in step with these reductions.

Developments are affected by several factors. The main ingredient is the START II Treaty which was signed by the United States and Russia earlier this year, under which strategic nuclear arsenals will be cut back to 3 500 warheads on each side. The structure of these arsenals will also be changed, and this will result in a marked increase in the proportion of warheads deployed on submarines. In addition, the independence achieved by Ukraine and Kazakhstan, and the resultant depletion of Russia's ground-based missile systems, now means that warheads deployed on submarines have become even more important.

In combination with technological developments which mean that only the Russian Navy's Northern Fleet is equipped with the

two most modern types of military launching submarines, this will imply that, in the future, slightly more than half of the total Russian strategic nuclear-weapon arsenal will be located on some ten submarines based on the Kola Peninsula. ”

93. “ The changes which affect our neighbourhood in a major way include the CFE Treaty for the reduction of conventional forces in Europe.

...

Under the CFE Treaty, Russia has two geographically distinct sections of the flank zone: the Leningrad military district to the north, and the Northern Caucasus military district to the south. The principle is that of “ communicating chambers ”. Thus the Russian areas of the flank zone have a common maximum ceiling for the volume of heavy military equipment permitted, but Russia can decide where this equipment should be deployed, for example with an emphasis on the north or the south. ”

94. In the same speech, the Swedish Prime Minister said that if the economic aspects have been an important factor for Sweden's decision to apply for such membership in the European Community, it was very clear that the security policy reasons for membership have gradually become stronger. Sweden wants to give the CFSP of the European Union a clear Northern European dimension. Its second objective consists of “ building up a network of co-operation and stability in the Baltic Sea area and between Sweden, the Baltic countries and Russia, whose importance for developments in the North of Europe will always be very considerable. ” As things now stand, the Swedish referendum on joining the Union should be held on 13th November 1994, the outcome of which seems still to be an open question.

95. In a study entitled “ A historic choice, the consequences for Swedish foreign and security policy of membership or non-membership of the European Union ” published in January 1994 by two former State Secretaries of the Swedish Foreign Ministry at the request of the government, the authors plead for Sweden to join the Union. They underline that this would not oblige Sweden to decide whether or not to participate in a common defence. The paper is part of the efforts made by the government to convince the population to vote in favour of joining the Union. A last poll published on 13th February 1994 showed only 28% in favour, but 40% against joining whereas 28% were undecided ²¹.

21. Le Monde, 4th March 1994.

96. Bearing in mind Sweden's longstanding policy of neutrality, it is understandable that neutrality still has important roots in Swedish public opinion. The decision to join the European Union is therefore to be considered as a fundamental new step in a new direction. Sweden's future relationship with WEU is largely tantamount to entering a whole new world. The Swedish authorities therefore prefer to handle this question only after entering the European Union in order to have a possibility of influencing its development in the light of the intergovernmental conference of 1996.

97. In an interview on 11th April 1994 with "Die Welt", however, Mr. Bildt answered the question about Sweden's position towards WEU and the prospects it offered and whether neutrality was an issue as follows:

"Sweden's position of neutrality to date will not constitute an obstacle as the circumstances on which neutrality in Europe was based have completely changed, in the sense that the historical meaning and purpose of neutrality disappeared with the dissolution of the Warsaw Pact.

Our main interest is to help establish democratically-controlled national defence systems, based on international co-operation, in the former Warsaw Pact countries with NATO's partnership for peace initiative meeting their security needs. In order to do so, we can draw on Sweden's valuable experience of its own defence system and its participation in United Nations peace operations. However, the most important consideration for Sweden is to play an active part in the common foreign and security policy, within the framework of the European Union, since this is participation in its most essential form at the heart of a policy aiming to extend stability and security throughout Europe. Once Sweden has become a member of the European Union, we will decide if it should also become a member of WEU or merely have observer status. I feel that the latter option is the more likely."

98. Meanwhile, Sweden has adopted a positive attitude about participating in the partnership for peace programme²² and, unlike Finland, did not join the NACC which is considered to be devoted first and foremost to the former Warsaw Pact countries. Nevertheless Sweden continues to give high priorities to participation in various forms of peace-keeping operations in which the Nordic countries co-operate effectively. Two joint Nordic

battalions under United Nations command have been deployed in the former Yugoslav Republic of Macedonia (FYROM) and in Bosnia. During its stay in Helsinki, the committee was informed that as the Norwegian and Swedish contingents were to leave the FYROM, the Finnish units were asked to fill the gap.

99. The three countries are faced with a fundamental political new choice and orientation which will not be easy to put over to public opinion, which has to be convinced that this choice will be to the advantage of the countries concerned and of Europe as a whole. For various reasons which differ from country to country it is understandable that these countries should be granted time to consider what kind of relationship they wish to establish with WEU.

100. But it is obvious that, in order to achieve the objective of Article J.4 of the Maastricht Treaty at a later stage, the broadest possible identity between member states of the Union and of WEU should be the political goal. More astonishing is the position adopted on 24th March 1994 by the European Parliament in a resolution "on development of a common security and defence policy for the European Union" when it emphasises "that relations with countries with which accession negotiations are under way should be conducted in such a way as to make these countries fully aware that membership of WEU as a military alliance is not an essential condition for accession to the European Union". How does this fit in when the same resolution in another paragraph "advocates that all member states of the European Union should become full members of WEU?"

101. *Norway's* position regarding joining the European Union is slightly different since it is one of the founder members of NATO and already has observer status in WEU. Nevertheless the public opinion that supports the Union still seems to be in a minority. The Nielsen Norway Institute made public at the beginning of March the result of a poll which showed 28% in favour, 42% against and 30% undecided. According to the results of an opinion poll published by *Dagbladet* on 18th April 1994, 50% of the Norwegians remain opposed to their country's accession to the European Union, 36% are in favour and 14% are still undecided. Opinion polls in March were 52% against and 34% in favour. According to other surveys the number of those who have not yet made up their minds is even higher.

102. During an information visit to Oslo on 21st and 22nd April 1994, your Rapporteur was told that parliament had not yet definitely decided on the date of the referendum, but that it would be held late in November, probably on 28th November 1994, in order to give voters enough time to form their opinion. Furthermore, while most

22. See contribution of the Swedish Minister for Foreign Affairs in NATO Review, April 1994.

governmental and parliamentary authorities are fairly optimistic that the result of the referendum will be positive, they feel it would be advantageous to give the voters an opportunity to hear the results of referendums in the other three EFTA countries.

103. Everyone your Rapporteur had the opportunity to meet underlined that the security and defence aspect was the government's most important reason for applying for membership of the European Union. The State Secretary for Foreign Affairs said clearly that, once a full member of the European Union, Norway would also seek full membership of WEU. Official circles are satisfied with the outcome of the negotiations, including the fishing and agricultural sectors, but there is still considerable public opposition to the treaties. Governmental authorities therefore believe that the security aspects will be crucial for a positive vote.

104. Norway has a 200 km land border with Russia. It is fully integrated in the military command structure of NATO, but does not accept the permanent stationing of foreign troops on its territory nor the deployment of nuclear weapons. In a speech at the Leang Kollen Seminar on 7th February 1994, the Norwegian Foreign Minister recalled that the only remaining Russian nuclear test site is located at Novaya Zemlya, close to Norwegian territory. Norwegians are concerned about the risk accidents or leakage from nuclear tests. The minister said inter alia:

“ Although Norway remains the only NATO country with a common border with Russia, we do not today view Russia as posing a concrete threat. We do however realise that there is widespread discontent and uncertainty. Barents co-operation and Baltic Sea co-operation are new approaches for solving old problems. The Baltic Sea and the Barents regions are the only two regions in which, in a foreseeable future, Russia will share a common border with countries of the European economic area, hopefully soon also member states of the European Union. ”

105. ... “ The problems related to the military complex on the Kola Peninsula and the Kola nuclear power plant, which is 200 km from the Norwegian-Russian border, are of particular concern. ”

One parliamentarian said that the largest concentration in the world is located in the Murmansk area. It is therefore understandable that Norway wishes to bring its so far bilateral cross border dialogue with Russia into the broader context of the European Union. Like the Swedish authorities, the Norwegian representatives in the Ministry for Foreign Affairs stressed the importance of

not excluding the Baltic states from the enhanced status to be granted by WEU to the Central European countries. But the Norwegian authorities also made clear that they did not want to see countries becoming full members of WEU which were not closely linked with NATO.

106. In the abovementioned address, the Norwegian Foreign Minister evaluated NATO's partnership for peace initiative in a specific and positive manner. In his view it provides a dynamic perspective that has been largely underestimated in the public debate, whereas its political element, the granting of consultation rights, has potential as a significant contribution to European crisis-management and crisis-prevention. Norway which, like the other Nordic countries, has a significant experience in peace-keeping, intends to contribute actively in order to make the initiative a success. It wants Finland and Sweden to participate, in particular with regard to peace-keeping:

“ The successful Nordic co-operation in this field already established within the framework of the United Nations could be further developed in a broader European context. ”

Norway is also prepared to provide concrete assistance to partnership for peace countries in order to enable them to seize in full the opportunities now open to them. In particular, the Norwegian Government will consider co-operation with the Baltic states as an important contribution in this respect.

107. Summarising the various information and impressions gathered in all four EFTA countries, one can come to the conclusion that their accession to the Union will strengthen its cohesion and homogeneity and contribute also to stability in Europe as a whole. Notwithstanding the decisions still to be reached by these countries regarding their future relationship with Western European Union, the Council should increase appropriate contacts with them in order to keep them fully informed about WEU's rôle and activities and also to indicate how much contributions from these countries in the specific areas of their capacities and experience – for instance in peace-keeping – and as important factors of stability in their respective regions will be appreciated.

(ii) The Central European countries

108. On 9th May 1994, the Council of WEU is to take a decision on the scope of the “ associate ” status it intends to grant to the countries participating in the WEU Forum of Consultation. In this context, your Rapporteur wishes to recall the importance of paragraphs 1 and 2 of Recommendation 556 on the evolution of NATO and its consequences for WEU adopted by the Standing

Committee on 3rd May 1994 on the basis of the report submitted by Mr. Baumel on behalf of the Political Committee, and also paragraphs 19 to 24 of the explanatory memorandum of that report.

109. After the Political Committee's visits in 1993 to six of the nine countries in question, your Rapporteur deemed it necessary to complete the information by visiting the three Baltic countries which call for special attention bearing in mind their close links with the Nordic countries such as Denmark, Sweden and Finland. These countries, which had lost their independence as victims of the Stalin-Ribbentrop Pact which was confirmed at the Yalta Conference, succeeded only in 1991 in regaining their independence, but in Latvia and Estonia a number of Russian troops still remain.

110. The Rapporteur's visit to the Baltic states, which was particularly rich in information, confirmed his conviction that the Council of WEU took the right decision by including these countries in the Forum of Consultation and granting them an associate status in WEU. Like the Nordic countries and the other Central European countries, they belong to the European family which sooner or later should be united in the European Union.

111. Important steps have been taken by all the Baltic states to pave the way for drawing closer to the West and for settling their relationship with their neighbours, and in particular with Russia. All three countries participate in NATO's partnership for peace initiative and have created a joint peace-keeping battalion. The creation of a Baltic Council, composed of the Heads of State, a Council of Ministers and a Baltic parliamentary Assembly with strong links to the Nordic Council offers a valuable means of strengthening intra-Baltic co-operation, solidarity and stability.

112. All the countries need substantial support and help in order to establish the necessary administrative infrastructure for their new democratic institutions including training, matériel and equipment for their police forces and for protecting and controlling their borders. In this respect they already receive considerable assistance from the Nordic countries, especially Denmark, Sweden, and Finland but also, in the economic field, Germany.

113. This generally positive development however cannot hide the fact that a number of important problems remain to be solved. Whereas Lithuania no longer has Russian troops on its soil, the large Russian military presence in the district of Kaliningrad is a source of concern. In his annual address to Parliament on 10th February 1994, the President of the Republic of Lithuania stressed that:

“Lithuania is raising the issue of demilitarising the Kaliningrad district in international forums, because that is a problem that is shared not only by Lithuania, but by all of the states in the Baltic Sea region. The eco-

nomic, environmental and cultural interests of the Kaliningrad region often overlap with those of Lithuania and in that sense they become common. In our opinion, it would be useful for Russia, and the states that neighbour the Kaliningrad district to establish a special trade zone in this region. International organisations, especially the European Union could play an increasingly more important rôle in it. Statements by Russian politicians and military officials to significantly reduce the military potential in this district and to react more flexibly to suggestions for changing its economic status should be evaluated positively.”

114. Lithuanian authorities have therefore indicated in their talks with the Rapporteur that this question should be included in the conference on a stability pact initiated by the French Prime Minister, Mr. Balladur. After some difficulties, Lithuania and Poland have now normalised their relationship on the basis of a bilateral treaty settling inter alia the question of minorities²³.

115. Latvia has now signed an agreement with Russia according to which all remaining 12 000 Russian troops will leave the country by 31st August 1994²⁴. The package of agreements also settles the right for retired Russian officers (about 20-25 000) to remain in the country and to benefit from social assistance but they will not be allowed to take Latvian citizenship. Furthermore, the Russian side was granted the right to use their radar early warning system in Skrunnda for a further four years with the proviso that the installations will be dismantled within 18 months at the end of this period.

116. Finalising this agreement was particularly difficult in the light of a decree published on 5th April 1994 by the Russian President, Mr. Yeltsin, to establish Russian military bases in the territories of the Community of Independent States (CIS) and the *Republic of Latvia*. The mentioning of Latvia in that decree was later described by the Russian side as an “error”

117. Similar negotiations between Estonia and Russia have not yet reached final results. The Russians link the signing of an agreement on withdrawing the remaining 2 500-odd Russian troops from Estonia with other questions such as the rights of retired military personnel and payment for building housing in Russia. Whereas Estonia is ready to participate in international efforts regarding accommodation facilities for Russian military personnel withdrawn to Russia, it is not prepared to link these questions with the Russian commitment to withdraw their troops. Furthermore, a special problem stems from a for-

23. NZZ, 28th April 1994.

24. Frankfurter Allgemeine Zeitung, 2nd May 1994.

mer Soviet nuclear submarine training and study base in Paldiski on the Baltic sea coast southwest of Tallinn which is still under Russian control. Nevertheless there is agreement that the site has to be dismantled under Russian responsibility. Certain Estonian authorities fear that while the Russians succeeded in concluding separate negotiations on similar problems with Latvia, they are trying to breach Baltic solidarity.

118. Last but not least, one should mention that both Latvia and Estonia have open border problems with Russia due to the fact that in 1945 the borders fixed by the peace treaties of 1920 were changed slightly in favour of the Soviet Union; when these countries at the same time became part of the Soviet Union, the relevant borders became merely administrative lines.

119. It has already been stressed as one of the essential conditions to be fulfilled by countries wishing to join the European Union and Western European Union that they should first have settled any bilateral disputes between each other and with third countries. This applies also to the other Central European countries. In this respect the importance of the initiative by Mr. Balladur, French Prime Minister, for an international conference on a European stability pact should be underlined.

120. The conference will be opened by the European Union in Paris on 26th and 27th May 1994 in a context of preventive diplomacy with the main objective of settling problems of minorities and strengthening the inviolability of frontiers. It is intended to help in particular those countries wishing to draw closer to the European Union, but not to handle the problems of countries which are engaged in open conflicts. Apart from the twelve member countries of the Union, all countries interested in European stability and those with association agreements with the Union will be invited, such as Albania, Austria, Belarus, Bulgaria, Canada, Cyprus, the Czech Republic, Estonia, Finland, Hungary, Iceland, Latvia, Malta, Moldova, Norway, Poland, Romania, Russia, the Vatican, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine and the United States as well as representatives of the CSCE, the Council of Europe, WEU, NATO and the United Nations. It is to be hoped that it will be possible for the conference to help to settle most of the problems mentioned in previous paragraphs regarding the Central European countries and the Baltic states.

121. Regarding the future work of WEU, it is obvious that however the relations of the EFTA countries with WEU develop after their entry into the Union, and how exactly the WEU Council will define a new status to be granted to the Central European countries, WEU will soon be faced with the problem of organising a new quality of relations with at least thirteen newcomers.

122. There might soon be some fifteen countries participating in the work of Western European Union as associate members, as members with associate status or as observers, without acceding to the modified Brussels Treaty. This will create important organisational and political problems because it will not be possible to base a common defence policy or common defence on a group of states only a minority of which is linked by a formal treaty. Furthermore, enlargement of the Union and of Western European Union to the north and east will considerably change the strategic significance of the European security architecture. With Norway, Finland (and perhaps Estonia and Latvia), the European Union will have a common frontier with Russia some 2 000 km long.

123. In the context of enlarging the Union and establishing WEU's enhanced relationship with the Northern and Central European countries, your Rapporteur would draw attention to the fact that Western European Union does not discuss in sufficient detail the problem of Moldova, a region which is the victim of the Ribbentrop-Stalin arrangements similar to the Baltic states.

IV. WEU in the perspective of 1996

124. With the entry of the EFTA countries into the Union and the future enlargement of the Union to include a number of Central European countries, the goals laid down in Title V of the Maastricht Treaty regarding the implementation of a common foreign and security policy (CFSP) "which might in time lead to a common defence" will certainly not become easier. The new structures to be established under the CFSP with the secretariat of the Council, the conference of the permanent representatives and the Political Committee of Political Directors are rather complicated. The CFSP will not be more homogenous than it is at present. Probably there will be even less identity of membership in the CFSP and in WEU than is the case at present. In 1996 it will therefore be more difficult than now to establish common defence within the European Union by incorporating WEU.

125. It will therefore be crucial for the Council of WEU to begin here and now its thinking in regard to its conception of the intergovernmental conference in 1996. The more the Union is enlarged to include countries which are not prepared to subscribe to obligations in defence matters and to become full members of Western European Union, the less it will be possible to subordinate WEU to the authority of the Union. WEU must therefore elaborate proposals for the new intergovernmental conference with a view to ensuring that it is granted a general mandate and authority to elaborate and implement, for the Union, all questions with defence implications. Further-

more, WEU will have to reconsider its doctrine determining the degree to which it can develop its relationship with European member countries of NATO which are not members of the European Union such as Turkey and Iceland. Shall membership of the European Union remain the principal condition for becoming a full member of Western European Union?

126. Since WEU as a whole is now an integral part of the development of the European Union, it is for the Council and the Assembly to take an active part in preparing an eventual revision of the Maastricht Treaty, reminding the Council that WEU declared in an appendix to the Maastricht Treaty: "WEU will re-examine the present provisions in 1996. This re-examination will take account of the progress and experience acquired *and will extend to relations between WEU and the Atlantic Alliance*". It should be noted that the part of the sentence in italics is missing from the corresponding paragraph 6 of Article J.4 of the Maastricht Treaty.

V. Conclusion

127. 23rd October 1994 will be the fortieth anniversary of the modified Brussels Treaty. Ten years ago, the thirtieth anniversary was taken as an

occasion for an extraordinary meeting of the WEU Ministers in Rome, leading to the Rome declaration initiating the reactivation of the organisation. The extraordinary challenge Western European Union is now facing is to prove its efficiency as the defence component of the European Union, and in assuming enhanced responsibilities, endorsed by the NATO summit meeting in January 1994. There is now even greater reason to hold an extraordinary meeting than ten years ago.

128. With the approaching "deadline" of 1998, it would be crucial to take this year's anniversary as an opportunity to recall the importance of the treaty, as was done in Rome, and to start reflecting on how it can continue to serve in the framework of the Union. In issuing a public document similar to the Rome declaration of October 1984, WEU could start a move to give basic orientation for the work to be done in order to ensure that the objective of furthering European integration in security and defence matters will not be seen only as an end in itself but will lead to a real improvement in the security of the citizens of Europe. For this purpose, it is crucial for the fundamental aspects of the modified Brussels Treaty, which are the only guarantees for this security, not to be diluted.

APPENDIX

*Declaration on the WEU Assembly's place
in the European Union**Paris, 2nd March 1993*

The Presidential Committee, the steering body of the WEU Assembly, met in Brussels yesterday. It adopted the enclosed declaration on the WEU Assembly's place in the European Union and instructed Mr. Hartmut Soell (SPD, Germany), President of the Assembly, to transmit it to Mr. Egon Klepsch, President of the European Parliament.

At its meeting, the Presidential Committee met the new Permanent Council of WEU for the first time. Exchanges of views related mainly to the Yugoslav crisis, WEU's operational dimension, the consequences of the enlargement of WEU for its Assembly and improving the institutional dialogue between the Assembly and the Council.

1. Building the European Union is a task which calls for co-operation between all appropriate bodies and every step must be subject to effective parliamentary supervision. The co-operation of the European Parliament and of the WEU Assembly provided for in the Maastricht Agreements is necessary to this end.

2. The Assembly of Western European Union therefore welcomes the fact that, in accordance with the wishes expressed by the governments in Maastricht, exchanges of views are now being held between its committees and those of the European Parliament. It believes that such exchanges can be fruitful when reports are being prepared, provided those taking part are willing to take account of the points of view expressed by their partners.

3. The meeting on 29th January at which the Political Committee of the WEU Assembly was briefed by Mr. De Gucht, Rapporteur of the Committee on Institutional Affairs of the European Parliament on future relations between the European Community, WEU and the Atlantic Alliance, was particularly lively and led the Presidential Committee of the WEU Assembly to give its views on certain points.

4. Noting that the Maastricht Treaty states that "the common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence", the WEU Assembly notes that the signatory states of the Maastricht Treaty took no decision limiting their sovereignty in this

area and that several states that are members of the Union or have applied for membership have shown that they are not prepared to accept such provisions in the near future. It recalls that the Maastricht Treaty provides for these aims to be pursued only through "systematic co-operation between member states in the conduct of policy" and by the implementation of "joint action in the areas in which the member states have important interests in common." It believes that only a completed European Union might develop joint defence.


5. As long as this is not the case, the modified Brussels Treaty remains the essential legal foundation for a European identity in defence matters and the structures WEU is progressively setting up are the instruments for European military action. It would therefore be dangerous to denounce this treaty and to abandon these instruments as long as no agreement has been reached to give defence Europe other legal bases, other institutions and other means of action.

6. At the present juncture, because the WEU Assembly is composed of delegations from the parliaments of member countries, it is better able than the European Parliament to supervise co-operation between member countries on security and defence matters. The WEU Assembly in no way challenges the right of the European Parliament to consider receiving, in the framework of a future European Union, responsibilities that allow it to handle external policy including questions relating to common security and it wishes to develop a dialogue with it on these questions, in appropriate conditions, based on the principle of equality and reciprocity. However, it considers that such a dialogue requires the European Parliament to co-operate with the WEU Assembly in pursuing the aim set by the modified Brussels Treaty which is "to promote the unity and to encourage the progressive integration of Europe", as laid down in the preamble, and to recognise that the task of the WEU Assembly is to supervise the application of this treaty.

7. The WEU Assembly for its part considers itself to be committed to the process of European Union defined by the nine member states in the Maastricht declaration which confirms its vocation to be the European pillar of the Atlantic Alliance. It considers that, when the time comes, it will, as a European Assembly in which the parliaments of member states are represented, have an important rôle to play in the European parlia-

mentary system, in particular with a view to harmonising European activities and those of the member states of the Union in defence matters. As long as every aspect of the European Union is not in place, a European defence policy which would not be supervised in accordance with a treaty by an assembly composed of representatives of national parliaments would be without parliamentary supervision.

8. The WEU Assembly invites the European Parliament to take account of these facts in its thinking on the institutional future of the European Union and in particular on relations between the Community, WEU and the Atlantic Alliance so that Europe will be better able to take over the growing responsibilities incumbent upon it in the areas of foreign policy and defence.

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