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National parliaments, European security and defence and the road to the 1996 intergovernmental conference

REPORT

submitted on behalf of the Committee for
Parliamentary and Public Relations
by Sir John Hunt, Rapporteur

ASSEMBLY OF WESTERN EUROPEAN UNION
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1. Adopted unanimously by the committee.

2. *Members of the committee*: Mr. Masseret (Chairman); Sir Russell Johnston (Alternate: *Cummings*), Baroness *Gould of Potternewton* (Vice-Chairmen); Mr. Amaral, Mrs. Beer, MM. *Benvenuti,* Birraux, Decagny, Dionisi, Sir Anthony Durant (Alternate: Baroness *Hooper*), Mr. Erler, Mrs. Err (Alternate: Mrs. *Brasseur*), Mr. Eversdijk, Mrs. Fernandez Sanz, MM. Ghesquière, Gouteyron, Sir *John Hunt,* MM. Kempinaire, *Korahais, Kotsonis, Lummer, Martins,* Mattina, Robles Fraga, Sainz Garcia, Selva, Mrs. Terborg, Mrs. Verspaget.

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

Draft Resolution

on national parliaments, European security and defence and the road to the 1996 intergovernmental conference

The Assembly,

(i) Stressing the importance of the success of the 1996 intergovernmental conference for implementing a true European security and defence policy, built around WEU;

(ii) Convinced of the need to associate national parliaments closely with the development of a European security and defence policy in the framework of the preparation of the 1996 intergovernmental conference;

(iii) Considering that the intergovernmental conference must result in a clear division of responsibilities in security matters between the European Union and WEU and, in defence matters, between WEU and the member states;

(iv) Noting with concern the weakness of Europe's means of intervention and particularly the fact that the CFSP can take only economic or diplomatic measures, whereas there are numerous sources of crisis and conflict in the centre of Europe, the Caucasus, the Mediterranean and Africa;

(v) Wishing to strengthen its links with the national parliaments and to co-operate on a basis of equality and reciprocity with the European Parliament in order to achieve better parliamentary supervision of WEU in joint security and defence questions and of the European Union in CFSP questions;

(vi) Believing that any steps towards bringing defence matters within the competence of the European Commission and European Parliament might endanger the effective scrutiny of defence and security matters by national parliaments and the WEU Assembly,

INVITES THE PARLIAMENTS OF MEMBER COUNTRIES

1. To intensify parliamentary co-operation with a view to implementing an effective system of parliamentary supervision of the CFSP and European defence;

2. To promote exchanges between their respective foreign affairs, defence and European affairs committees and their co-operation with the corresponding committees of the WEU Assembly with a view to preparing the 1996 intergovernmental conference and subsequently the satisfactory implementation of the decisions the conference will be called upon to take;

3. To encourage greater transparency on the part of governments regarding their European policies so as to enable parliaments to exercise more effective supervision, keep public opinion informed and make it aware of the issues at stake in the European process.

Explanatory Memorandum

(submitted by Sir John Hunt, Rapporteur)

I. Introduction

1. The Maastricht Treaty includes a series of protocols and declarations adopted at conferences of representatives of governments of the member states of the European Union, held in Rome, on 15th December 1990, and Brussels, on 3rd February 1992. One such declaration, on the " rôle of the national parliaments in the European Union " states that it is important to encourage greater participation by national parliaments in the activities of the European Union.

2. Admittedly, since the inception of the European Economic Community, national parliaments have been involved in European affairs to varying degrees, albeit in a general way, and since the executive is pre-eminent in the management of national political affairs, their rôle has not always matched their expectations. Debates on the direction of government policy on Europe and examination and voting on community legislation adopted by the Council of Ministers of the Union give national parliaments only a relative right to oversee and supervise choices made by the European Union in the areas for which it is responsible, the consequences of which affect all member countries and the political life of each one.

3. Although long dominated by economic, social and cultural questions, an important qualitative change was introduced into the European debate with the entry into force of the Maastricht Treaty. This provides for the establishment of a common foreign and security policy (Title V of the Treaty), directly concerned with two distinctive symbols of national sovereignty: foreign policy and security (and its corollary, defence). The implementation of the CFSP is doubtless one of the greatest challenges the Union must face if it wishes to be more than just an economic power, in a world that has become unsettled, unstable even, since the main East-West confrontation gave way to a myriad of local conflicts, domestic and foreign, political, economic and military.

4. The responsibility of national parliaments in this area has increased, for such issues extend beyond the boundaries of the fifteen European Union member states, since they concern the Union's rôle and place in the world and determine, in part, the behaviour towards it of other international players: states, regional groupings, international organisations. The implementation of the CFSP transcends purely national frames of reference, making joint thinking about its implications imperative, and equally so the emergence of a European parliamentary consciousness which has its roots in the national parliaments, themselves the guardians of the sovereignty of the nations that make up the European Union.

5. Furthermore, national parliaments are not the only assemblies concerned with European policy. The European Parliament, the WEU Assembly, the Parliamentary Assembly of the Council of Europe, the North Atlantic Assembly and the Parliamentary Assembly of the OSCE, to mention only the most prominent such institutions, are all party, often randomly, to the debate on matters relating to the CFSP. Two of them, the European Parliament and the WEU Assembly, are nevertheless more directly concerned with developments in relation to this question.

6. The European Parliament, whose powers are strengthened under the Maastricht Treaty, wishes to play the leading rôle as the parliamentary component of the CFSP. Since Maastricht, it has several times taken a position on matters of foreign, security and defence policy in Europe, basing itself on Article J.7 of the Treaty on European Union, which provides that " the presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration ... " . Henceforth it will inevitably have to be taken into account, being associated with the preparatory work for the 1996 intergovernmental conference, which is to deal, inter alia, with the future evolution of the CFSP and consequently the rôle WEU is called upon to play in these matters as the defence component of the European Union.

7. The WEU Assembly has no intention of relinquishing its powers which are based on Article IX [1] of the modified Brussels Treaty. Through its recommendations to the Council of Ministers and other initiatives, including a colloquy in Paris in October 1994, which brought together the chairmen of parliamentary defence and foreign affairs committees of all countries linked

1. " The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe. "

to WEU and Russian parliamentarians, the Assembly is contributing to thinking in WEU, preparatory to the intergovernmental conference. This contribution is of prime importance as the conference's decisions on WEU will affect the Assembly's future work and existence.

8. The national parliaments for their part are intensifying their co-ordination, as the intergovernmental conference approaches, through two forums: CEAC (Conference of European Affairs Committees) and the Conference of Speakers of National Parliaments, which also have a liaison rôle with the European Parliament which has a seat on both.

9. Without prejudging the outcome of the intergovernmental conference, it can be said that the development of the CFSP, and, in particular, the possible inclusion of defence alongside security aspects, will be one of the most sensitive subjects for debate. The limits and areas of responsibility of the CFSP must be better defined, on the basis of existing experience and through judicious and flexible application of the principle of subsidiarity so as to avoid institutions being paralysed and with due respect for the sovereignty of member states. To this end, it would be desirable, at the conference, to redefine the institutional links between the Union, the member states, other European and transatlantic organisations involved and the national parliaments.

II. European security and defence: towards a common policy

10. In his welcoming address to delegations of the Assembly of WEU, meeting in Paris for the June 1994 session, the President of the French National Assembly, Philippe Séguin, observed that " the new world situation unfolding before us demonstrates how essential is the need for greater co-ordination among European states in matters of defence and security ".

11. This admission of inadequacy is also an indictment of the relative failure to implement the CFSP, even if account is taken of the very short time the Maastricht Treaty has been in force.

12. Simultaneously, WEU has launched a process of adaptation to the new geostrategic situation in Europe by also taking into consideration the Maastricht decisions that confirmed it as the defence component of the European Union. In the run-up to the intergovernmental conference, whose decisions on the CFSP will have repercussions on the organisation, WEU is developing its own thinking on its future rôle in the context of deepening the CFSP and the possible inclusion therein of the defence dimension.

(a) European Union and the CFSP

13. The Maastricht Treaty is the outcome of a laborious and complex process of discussion and compromise between the member states of the European Economic Community, the incomplete nature of which is illustrated by the decision to convene a conference, in principle in 1996, to clarify certain matters in relation to the functioning of the European Union and the CFSP.

(i) Title V of the Maastricht Treaty

14. The CFSP is the subject of Title V of the Maastricht Treaty, which comprises Articles J to J.11. Although in practice, its application seems very remote from the text, the latter nevertheless includes a series of provisions binding on states which have subscribed unreservedly to that part of the treaty [2].

15. Article J.1.2 sets out the five principal objectives of the CFSP, namely:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its member states in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international co-operation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

16. It is important to bear these objectives in mind, as to misunderstand them often creates confusion and disappointment when progress on the CFSP is being evaluated. In point of fact, these objectives stem from the search for a consensus likely to be acceptable to all the countries of the Union, and have led the latter, first, to align themselves on general, even vaguely worded principles, and, second, to defer the necessary discussion on procedures for implementing them and possibly extending them to defence matters until the 1996 conference.

17. The second and third paragraphs of the same article reveal a concern to make the CFSP an instrument for affirming the Union as a power that counts, not only in economic terms but also

2. Denmark is not involved in the elaboration and implementation of decisions and actions of the Union with defence implications. (European Council, Edinburgh, 11th-12th December 1992. Conclusions of the Presidency, Part B).

politically, and, by a time yet to be defined, militarily. It is in this perspective that one must consider Article J.4 which refers to " the eventual framing of a common defence policy which might in time lead to a common defence " (Article J.4.1). This article, which also concerns WEU, refers to the 1996 intergovernmental conference " and having in view the date of 1998 in the context of Article XII [3] of the Brussels Treaty ", to the discussion on the rôle that WEU will be called upon to play in its relations with the Union.

(ii) The 1996 intergovernmental conference

18. The Maastricht Treaty is the result of a hasty but necessary compromise, the aim of which was to position the European Union vis-à-vis the political and military changes that had occurred in Europe and the rest of the world since the end of the 1980s. Nevertheless, the consensus rule did not allow decisions of major scope to be taken, above all in the area of the CFSP. Hence the decision to convene a conference of representatives of governments of the member states in 1996 to examine " those provisions of this treaty for which revision is provided " (Article N.2).

19. The 1996 review must deal with the following topics, referred to in the Treaty on European Union:

- the policies and forms of co-operation introduced by this Treaty (Article B of the Treaty);
- the common foreign and security policy (Article J.4.6);
- widening the field of application of the procedure known as co-decision (new Article 189 B of the Treaty establishing the European Community);
- possible definition of a hierarchy of the different categories of community acts (Declaration on the hierarchy of Community acts);
- extension of the responsibilities of the Community to three new areas: energy, civil protection and tourism (Declaration on civil protection, energy and tourism).

20. In fact, the intergovernmental conference is also to decide on the new European architecture best fitted to meet the challenges of the future, be they political, economic, military, social, ecological, etc. The debate on institutional questions will be central to the discussions since only when an optimal framework for decision-making has been defined, avoiding extremes of national or pro-European sentiment, will the Union be able to give a coherent content to its decisions in essential areas like the CFSP and implement them effectively.

21. Looking beyond the debate on deepening and widening, on federal Europe " à la carte " and on the respective rôles and powers of the Council, the Commission, the European Parliament, the national parliaments and other institutions and organisations, the question is basically whether the evolution will be towards renationalising European policies or " Europeanising " national policies. The answer will be decisive for defining the rôle and place of Europe as a political and economic unit in the world of 2000. As far as security and defence are concerned, WEU, linked in accordance with Article J.4 to the intergovernmental conference process, is the organisation best placed to devise a project that is coherent, clear and devoid of all ambiguity.

(b) WEU and the definition of a common European defence policy

22. *WEU is the only European organisation with responsibility in security and defence matters.* Nevertheless, despite its reactivation in 1984, it still gives the impression of not being in a position to exercise that responsibility fully in face of the geopolitical and geostrategic changes of the last five years. Its evolution is a gradual process which also takes account of the evolution of the two other organisations with which WEU is linked, i.e. the European Union and NATO, as is apparent from study of the texts adopted at Maastricht in 1991 and Noordwijk in 1994. To these documents must be added the memorandum on the United Kingdom Government's approach to the treatment of European defence issues at the 1996 intergovernmental conference released on 2nd March 1995, which presents a series of proposals for strengthening the organisation.

(i) The Maastricht declarations

23. Annexed to the Maastricht Treaty are two declarations by WEU member states intended to define the organisation's place and rôle in relation to the European Union and NATO.

24. In the first, member states " agree on the need to develop a genuine security and defence identity and a greater European responsibility in defence matters ". To achieve this " WEU will be developed as the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance ".

3. Article XII of the modified Brussels Treaty provides that " After the expiry of the period of fifty years, each of the high contracting parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government ". Unlike the Council of Ministers, the Assembly of WEU takes the view that the period of fifty years runs from 1954, the date of signature of the modified Brussels Treaty, and not 1948 (Brussels Treaty).

25. In asserting itself as the " defence component ", WEU may appear to be linking its future to the institutional development of the Union, as the organisation has committed itself at the same time to a review, in 1996, of its declaration annexed to the Maastricht Treaty, in parallel with the intergovernmental conference (point D of the declaration on Western European Union).

26. Furthermore, WEU states that it is " prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications ". To this end, the declaration presents a series of measures aimed at developing " a close working relationship " between the two organisations (point A of the declaration), namely:

- synchronisation of the dates and venues of meetings and harmonisation of working methods;
- establishment of close co-operation between the Councils of Ministers and the respective secretariats;
- harmonisation of the presidencies;
- keeping the Commission informed on WEU activities;
- encouragement of co-operation between the WEU Assembly and the European Parliament.

27. The second declaration concerns the enlargement of WEU to include the member states of the European Union and other states, members of NATO. According to this declaration:

> " 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 ... ".

Simultaneously, European member states of NATO are offered associate member status.

28. Nevertheless, application of the text is not easy, despite its apparent simplicity. In practice, since the decisions taken by the Council in Petersberg in June 1992, only one member state of the European Union, Greece, has become a full member of WEU. Denmark has requested observer status, as has Ireland. When Austria, Finland and Sweden joined the Union it was thought that two of these countries, if not all three, might qualify to join as full members but in fact, for the time being, they only have observer status, placing them, in theory, in a position similar to associate partners [4] in WEU, although they are entitled to take part in the discussions at the 1996 intergovernmental conference that will deal with the CFSP and consequently with WEU's future.

(ii) The Noordwijk declaration

29. At the Kirchberg meeting on 9th May 1994, the Council of Ministers, in line with the decisions taken at Maastricht and within the framework of the preparation of the intergovernmental conference, requested the Permanent Council to begin work on the definition of a European defence policy. The Dutch presidency had the task of preparing a preliminary document which was examined and adopted by the WEU ministers at Noordwijk on 14th November 1994.

30. The document defines four levels of European responsibilities and interests in defence matters (II.4), as follows:

- WEU governments have a direct responsibility for the security and defence of their own peoples and territories;
- [they] have a responsibility to project the security and stability presently enjoyed in the West throughout the whole of Europe;
- [they] have an interest, in order to reinforce European security, in fostering stability in the southern Mediterranean countries;
- [they] are ready to take on their share of the responsibility for the promotion of security, stability and the values of democracy in the wider world, including through the execution of peace-keeping and other crisis-management measures under the authority of the United Nations Security Council or the CSCE [5], acting either independently or through WEU or NATO. They are also ready to address new security challenges such as humanitarian emergencies, proliferation, terrorism, international crime and environmental risks, including those related to disarmament and the destruction of nuclear and chemical weapons.

31. This list is not exhaustive. These are merely the broad outlines to be followed, for the document also states that " the full development of a common defence policy will require a common assessment and definition of ... the substance of a European defence ... This will in turn depend upon a judgment of the rôle the European Union wishes to play in the world and the contribution it wishes to make to security in its immediate neighbourhood and in the wider world " (II.6). This is tantamount to assigning the task of elaborating a

4. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

5. Now OSCE: Organisation for Security and Co-operation in Europe.

European security and defence policy to the European Council, when it should rather be the responsibility of WEU, as the defence component of the Union, to deal with all aspects of this question.

32. At the same time, it should be borne in mind that these preliminary conclusions represent but a first step for WEU towards preparation of the intergovernmental conference; this explains their generalised tone, which is also linked to the need for member states to reach consensus on the definition of European defence and its objectives. In this connection it is noteworthy that the list as it stands does not include the defence of Europe's economic interests, although this important aspect of contemporary international relations falls within WEU's sphere of responsibility[6] and the United States has integrated this aspect fully into its concept of national security[7]. Since 1st April 1995, France has also established a committee on competitiveness and economic security for which a secretariat is provided by the National Defence Secretariat-General under the supervision of the Prime Minister[8]. A report to the President of the Republic on the powers of this committee notes that control over the flow of information governs economic performance and hence job protection. It underpins international power relations which may be confrontational or tend towards partnership[9].

33. In order to deal with this new situation, the report advocates a new organisation of strategic information around the notion of " economic intelligence ", defined as " a body of co-ordinated research, processing, dissemination and protection of information activities bringing together the state and the world of business ... " . This awareness, in a context where cold war confrontation has partly given way to increasing economic competition between large commercial groups (as has been evident from the GATT negotiations and the creation of the World Trade Organisation) extends beyond a strictly national framework as a result of growing interpenetration and integration of the economies of the countries of the European Union.

6. Article VIII.3 of the modified Brussels Treaty provides 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. "

7. In an interview with Newsweek on the Franco-American espionage question which surfaced at the end of February 1995, the Trade Secretary of the Clinton Administration, Mr. Ron Brown stated that United States national security interests were inextricably linked with its economic interests. (Quoted in Le Monde, 2nd March 1995).

8. Official Journal of the French Republic, No. 80, page 5376, 4th April 1995.

9. Idem, page 5375.

(iii) The memorandum of the United Kingdom Government[10]

34. The memorandum on the United Kingdom Government's approach to the treatment of European defence issues at the 1996 intergovernmental conference was released on 1st March 1995. This was the first contribution by a European government to the preparation of the IGC dealing with European security and defence matters.

35. The main thoughts set out in the memorandum are as follows:

- NATO is the central component of the security and defence of Europe;
- Europe must be more outward looking, " pulling its full weight internationally and acting as a power for good in the world ";
- WEU " has an important and growing rôle to play in the development of a European security and defence identity ". It must remain autonomous and separate from the European Union;
- " the basis for European action in the defence and security field should be intergovernmental, based on co-operation between nation states ".

36. On WEU, in order to improve the decision-making process, the memorandum proposes creating " a new WEU body at head of state and government level involving full members, associate members and observers ". This body " would be built on the WEU treaty base and the rights and responsibilities of its members would thus mirror those already in force in the WEU Council ". At operational level it is necessary to " strengthen WEU's planning capabilities " and " develop its practical arrangements such as a situation centre and improved intelligence-handling capabilities ".

37. This document has been quite well received in other European Union and WEU countries. It is clear nevertheless that this contribution is open to discussion and possibly to amendment during the intergovernmental conference, particularly in regard to the question of decision-making procedures in the new consultative body proposed in the memorandum, in the event of that idea being adopted. The rôle assigned to the associate partners in such a body must also be clarified in order to avoid the latter being left " out in the cold ". Nor is there mention of the democratic supervision that parliaments might exercise over the decisions of this body, the WEU Assembly having only a consultative rôle – unlike the European Parliament which has certain powers of co-decision and supervision in the European Union.

10. WEU Assembly document A/WEU/DG (95) 9.

III. Parliaments in Europe and their rôle in the common foreign and security policy

38. Annexed to the Maastricht Treaty are two declarations concerning the national parliaments, one on " the rôle of national parliaments in the European Union ", the other on " the Conference of Parliaments ". In both cases the principle is to involve parliaments in the Maastricht process and also to reassure them in view of the wider powers of the European Parliament within the European Union.

39. Nevertheless, the attention the contracting parties pay to the national parliaments can also be explained by political considerations with the aim of facilitating ratification of the treaty. Furthermore, the two declarations on the rôle of national parliaments, which are still very general, place the emphasis on co-operation with the European Parliament. If the trend in the framework of the CFSP is towards a common defence policy, which WEU is intended to embody, reference should also be made to the WEU Assembly, even if the preliminary conclusions on this question adopted by the Council of Ministers in Noordwijk make no reference to the Assembly's rôle.

(a) National parliaments and preparation of the 1996 intergovernmental conference

40. The intergovernmental conference is of the utmost interest to the national parliaments. The decisions to be taken on the future of the European Union will have political, economic and social consequences which must be carried into effect in each member state with the essential co-operation of the national parliaments. It is therefore logical that the latter should, from now on, contribute to the reform of the European institutions.

41. Their task is a delicate one in relation to the CFSP, as the shape of the latter is still ill-defined and no decision has yet been taken on its nature. On this point, proposals have been made by parliaments or within them, which, not having yet been finalised, are still subject to debate and amendment during a process which will continue until 1996 and beyond.

(i) The French proposals: the European senate and interparliamentary committee

42. In France, the Senate and the National Assembly, through their delegations to the European Union, have put forward proposals for the preparation of the intergovernmental conference that accord an important place to the question of parliamentary supervision. These proposals were set out in detail in three reports published in December 1994 and February 1995.

43. The Senate has published two reports [11] on the preparation of the intergovernmental conference which present the idea of creating, alongside the European Parliament, a second European parliamentary chamber which would allow national parliaments closer participation in the European decision-making process. This " chamber of national parliaments whose powers would be different to those of the European Parliament ... would supplement the control exercised by the latter with a control rooted in national political life ".

44. Its powers " might relate first and foremost to areas which fall outside the community decision-making process ... primarily the second and third pillars of the Union ... Moreover, the second chamber might exercise control over the principle of subsidiarity, a task not currently undertaken by any of the institutions of the Union .. " [12].

45. As to its composition, " the members of this Assembly would sit in national delegations ...; in this way its composition might be adjusted in accordance with the participation of states in the various aspects of the intergovernmental pillars or in related forms of co-operation between member states. Thus the Assembly of WEU might become one of the formations of the European Senate, the one made up of parliamentary delegates of the WEU member states ... " [13]

46. " Its membership should, for reasons of consistency, be determined in relation to the weighting of voting within the Council: one might, for example, envisage that the number of members of the parliamentary delegation of a state should be equal to double the number of votes that state has in the Council; one would thus, under present conditions, arrive at an assembly of 174 members ... ".

47. This " European senate ", the aim of which would be to introduce an element of parliamentary supervision into areas of intergovernmental co-operation and which would have a rôle distinct from that of the European Parliament (limited to supervision of the single " community " pillar) " would be a simplification compared with the present situation since it would be based on a clear definition of the rôles of each one, while today's institutional grey area between the second and third pillars is a source of confusion of responsibilities and procedural conflicts " [14].

11. Senate, Information Reports 104, 2nd December 1994, and 224, 15th February 1995.

12. Senate, Information report 104 on the preparation of the 1996 intergovernmental conference, 2nd December 1994, pages 41-42.

13. Senate, Information report 224 on the reform of the institutions of the European Union (Vol. I), 15th February 1995, page 39.

14. Idem, page 40.

48. The delegation of the National Assembly to the European Union has proposed the creation of an " interparliamentary committee to ensure the participation of national parliaments in the decision-making process of the Union " [15]. This committee " would be composed of a number of representatives, that might be fixed between three and six for each member state. States with bicameral parliaments might share the seats between their two assemblies in accordance with their own constitutional system. This committee would thus be a renewed version, with enhanced powers, of the present Conference of European Affairs Committees (CEAC) ... ".

49. The committee would be competent to examine " the major decisions of the European Union and subjects which, by their nature, fell outside the area of responsibility of the European Parliament: revision of treaties, international agreements and enlargement of the Union, the budget and in particular receipts, internal and judicial affairs. The committee would also be the authority for appropriate parliamentary supervision of decisions relating to the restricted circles established for currency and defence matters. On all these questions the committee would give consultative opinions ".

(ii) The United Kingdom debate: strengthening the rôle of the national parliaments

50. In the United Kingdom, the preparation of the intergovernmental conference and the policy on an enlarged and reformed European Union have been a source of extremely lively debate. An important place is given to the question of parliamentary supervision of decisions taken in the Union, a question which the Prime-Minister, Mr. John Major, has undertaken to present to the conference [16].

51. A consensus is emerging within the main parliamentary groups in favour of a more active presence by national parliaments in the European process; there are divergences only as regards the means, with most Conservatives in favour of better definition and a reduction of the powers of the European Parliament in favour of national parliaments, while Labour and the Liberal Democrats generally advocate strengthening the powers of the European Parliament within the limits imposed by community legislation and closer co-operation between the latter and national parliaments [17]. The idea of a European second chamber, representing national parliaments has also met with a degree of support within the United Kingdom Parliament [18].

52. Parliamentary supervision was not developed in the United Kingdom Government's memorandum on " the treatment of European defence issues ", which confined itself to noting the existence of the Assembly of WEU as the parliamentary component of European defence [19]. But the government is paying close attention to it as is evident from a confidential information note by the Foreign Secretary on the preparation of the intergovernmental conference, extracts from which have been published in the press [20].

53. This note states that: " building up a formal rôle for national parliaments through treaty amendment would not only be fraught with difficulty but would tend to require inputs from parliaments which are significantly more integrationist than Westminster ". To deal with this difficulty, the authors of this document propose " to tread carefully in this area, avoiding treaty amendments wherever possible in favour of practical steps designed to enable the United Kingdom Parliament to enhance its rôle in European affairs. " This text also addresses a question of prime importance, that of the effectiveness of European parliamentary supervision exercised by national parliaments, observing that: " Despite a general wish to bring national parliaments into the frame, it seems highly doubtful whether the involvement of 15 parliaments in testing subsidiarity would in practice lead to a more positive outcome in individual cases. "

54. The United Kingdom Government's proposals on European defence in the memorandum submitted to Parliament by the Prime Minister on 1st March are the subject of continuing debate and scrutiny in both Houses of Parliament; select committees in both the House of Commons and the House of Lords are currently examining issues which may be raised at the IGC, including links between the EU and WEU.

(iii) The German debate: the Lamers-Schäuble document [21]

55. In early September 1994, the CDU/CSU parliamentary group published a document: Thoughts on the European Union in the frame-

15. National Assembly, Information report 1939 on institutional reform of the European Union, 8th February 1995, pages 99-100.

16. See in this connection the debate on the European Union; Hansard, House of Commons, Vol. 255, No. 62, Col. 1063, 1st March 1995.

17. See for example the debate on the 1996 intergovernmental conference; Hansard, House of Lords, Vol. 562, No. 53, col. 272-357, 8th March 1995.

18. Idem, col 293.

19. WEU Assembly; A/WEU/DG (95) 9, page 7.

20. The Times, 9th March 1995.

21. Bulletin Europe (Documents) No. 1895/96, 7th September 1994.

work of preparations for the parliamentary elections to be held in November of the same year. This document had repercussions beyond Germany's borders on account of its proposal for a multi-speed Europe, built around a central core of five or six countries, hinged upon France and Germany. Taking what might be described as a " pro-integration " stance, this text, in addition to its arguments in favour of the " hard core " approach, deserves credit for highlighting certain shortcomings from which the European Union suffers, especially in relation to the common foreign and security policy.

56. These " thoughts " do not represent the views of the Bundestag, but probably provide a reference in the discussions in the German Parliament concerning the preparation of the intergovernmental conference. According to the authors of the text, the European process has reached a critical stage in its development as a result of its institutions becoming overextended (enlargement of the European Union), the growing divergence of interests of the member countries, differing perceptions of priorities (the Mediterranean, Central and Eastern Europe), economic changes and their social consequences, a strengthening of nationalist tendencies and nations looking inwards (out of fear of migration) and the weakness of governments and national parliaments in remedying problems that extend beyond the national framework.

57. Several proposals for dealing with this situation have been made concerning the institutional development of the Union, strengthening the " hard core " (composed of five or six countries involved in a process of advanced currency and political integration), deepening Franco-German relations, strengthening the Union's ability to act in foreign policy and security matters and extending the Union to the countries of Central and Eastern Europe. In the institutional sphere, the document suggests drawing on the federal model, with clear demarcation of responsibilities at European, national and regional levels. The power structure revolves, as is presently the case, around the Council of the Union, the Commission and the European Parliament, but the Council and the Parliament would share the legislative function, with the first acting as a second chamber (the Chamber of States), while the Commission would have the duties of a " European Government ".

58. This structure, intended in principle to make the Union function more efficiently, nevertheless leaves national parliaments out of the European process, as their power of supervision would apply only indirectly through the Chamber of States (the present Council of the Union), being exercised, a priori, uniquely over the national government, while decisions are taken in a community or intergovernmental framework and are binding on governments in respect of their partners. That is one of the weaknesses of this document, which will have to be revised, as it leads to marginalisation of the only political representation available to the peoples of the member countries of the Union, the source of each state's sovereignty, including that of Germany, even if the authors attribute " in parallel, not as a priority ... prime importance to the participation of national parliaments in creating political will in Europe "[22].

59. During its working visit to the Bundestag in March 1995, the Assembly's Committee for Parliamentary and Public Relations was able to gain an impression of the state of the discussions being held in the German Parliament on the intergovernmental conference. For Mrs. Rita Süssmuth, President of the Bundestag, there would be no sense in WEU remaining outside community structures: even if a merger were not immediate, it should at least be effective when the modified Brussels Treaty became due for review in 1998. In terms of parliamentary supervision, she believed it would first be necessary to strengthen the responsibilities of the European Parliament instead of creating new parliamentary structures – such as a second chamber of the European Parliament.

60. A draft resolution of the Bundesrat on the preparation of the 1996 conference follows similar lines by proposing better definition of the areas of responsibility of the Union, its institutions and the member states and bringing the second (CFSP) and third (Justice) pillars of intergovernmental co-operation into the community. According to this text, the European Parliament should have greater powers of co-decision alongside the Council and the number of topics requiring a qualified majority or unanimous vote in the Council should be reduced. The document furthermore specifies that national parliaments and the European Parliament should co-operate closely in preparing the Conference and implementing the results[23].

(iv) Belgium and the 1996 intergovernmental conference

61. The committee for opinion responsible for European questions in Belgium's House of Representatives has published an interim report on the issue[24] according to which the conference should have a two-fold objective: " develop a medium-

22. Idem, page 5.

23. Bundesrat, Antrag der Länder Bayern und Rheinland-Pfalz, Drucksache 169/95, 24th March 1995.

24. House of Representatives of Belgium, interim report on the 1996 intergovernmental conference: Rapporteurs, MM. Eyskens and Willcokx; No. 1783/1 - 94/95, 30th March 1995.

and long-term political programme for all areas for which the European Union could and should assume responsibility ...; make the required amendments to the treaty in areas where this should prove necessary, particularly for institutional reasons ... . In any event, any institutional reform should have a purpose, namely to permit enlargement through deepening ". The institutional reform of the Union is, according to the authors, the primary condition for completing the process of accession of new members and the introduction of monetary union is, in their view, a major requirement, since it is probably the only real lever for achieving a deepening.

62. The interim report also advocates establishing a procedure for voluntary withdrawal or exclusion of a member state and the rejection of a " Europe à la carte " where " each member state would decide independently which component of European policy it intended to implement ". Here too, the " hard core " theory receives a less than enthusiastic welcome and a multi-speed Europe within which the pace of integration would not be identical for the various member states is acceptable as a temporary interim solution ...; it cannot become an end in itself ". Indeed, the concept of a federal Europe with strong community institutions like the Commission and the Parliament would seem to be preferred by the Rapporteurs.

63. The CFSP should be the sole responsibility of the community institutions and decisions in this area would be taken by qualified majority. Proposals regarding WEU are more tentative since the Rapporteurs admit that " it is in principle desirable for WEU to be integrated into the European Union ". At the same time they advocate WEU's organic involvement in NATO. It is necessary too for European Union members also to join WEU and to be members of NATO ... . Consequently any form of detachment is to be avoided and the European Union should defend Atlantic solidarity in a convincing manner. Moreover the Rapporteurs consider it desirable for COREPER [25] to be associated with the working of WEU: states might replace their ambassadors to WEU by their permanent representative to the European Union. As to the WEU Assembly, the Rapporteurs wonder whether it should not be composed of members of the European Parliament, an idea which concords with the resolutions adopted by the latter in this connection.

64. With regard to parliamentary supervision, the idea of a European senate composed of delegations of national parliaments is rejected in favour of establishing a body for contacts and consultation between national parliaments. This converges with the proposal of the French Senate Delegation to the European Parliament which advocates the creation of an interparliamentary committee or strengthening the responsibilities of the CEAC. The number of European parliamentarians would be reduced but the European Parliament's powers of co-decision would be extended. This interim report opts firmly in favour of strengthening community structures and the European Parliament as opposed to attempts to renationalise European policy and resorting too much to intergovernmental procedures.

65. The proposals set out in this report are to be the subject of an in-depth debate during the second half of this year in the Chamber of Representatives, whose membership has changed following the elections in May 1995. The Consultative Committee of the Belgian Senate has a more qualified position on these questions; it envisages the integration of WEU into the European Union in the framework of a process of gradual rapprochement, while maintaining effective parliamentary supervision of security and defence questions.

66. The proposals and current debates in the national parliaments give an insight into the possible options for parliamentary supervision of European decisions, be it by establishing a second European parliamentary chamber representative of national parliaments, or by strengthening at national level the powers of parliaments over the European policies of governments or again by a transfer of legislative powers from the Council of the Union to the European Parliament. Opinions on the subject are not confined to the cases mentioned and the thinking in progress in other national parliaments will further contribute to these questions along lines which, depending on national traditions, will be based on one or other of the views expressed. At the same time, introduction of the parliamentary dimension into the European context is also achieved through development of interparliamentary co-operation.

(b) European interparliamentary co-operation

67. The national parliaments of the member countries of the European Union and WEU participate in the community process to varying extents. However, one cannot help but note that this participation remains largely beyond their reach and is frequently confined to discussion and approval of legislation and community decisions ratified by the Council of Ministers of the Union.

68. In relation to the CFSP, for example, Title V of the Maastricht Treaty makes no reference whatsoever to the rôle of national parliaments, but does mention that of the European Parliament. Once aware of the situation, national parliaments responded by stepping up interparliamentary co-operation in order to face up to the implications of Maastricht and have their say at the intergovern-

25. Committee of permanent representatives of member states.

mental conference. This co-operation is being developed for the main part within the CEAC and the Conference of Speakers.

(i) CEAC – Conference of European Affairs Committees

69. CEAC held its first meeting in November 1989 and has since met half-yearly to discuss subjects which fall within the European Union's areas of responsibility; it is composed of national and European parliamentarians. Meetings are held in the country of the presidency of the Council of the Union, thus enabling parliamentarians to be informed of the programme of the current presidency and to make their views known.

70. From the time the Maastricht Treaty took effect and since the initial development of the CFSP, CEAC has been used to clarify the rôle of national parliaments in this area, as noted in the conclusions adopted at the VIIIth conference [26] held in Copenhagen on 4th and 5th May 1993. According to these conclusions, participants agreed that parliamentary supervision of intergovernmental co-operation was most important, despite the fact that such co-operation did not fall within the sphere of the Community.

71. For them to exercise this supervision in full, national parliaments need to be informed by governments, the Council of Ministers and the Commission about decisions to be taken, within a time-frame allowing them to discuss matters in full possession of the facts. This is far from always being the case, as current procedure in the majority of countries frequently limits the powers of national parliaments in this respect even if in certain cases they express the wish to intervene over and above the community decision-making process.

72. It was in part this question that the Xth conference sought to answer at its meeting in Athens on 9th and 10th May 1994 which dealt mainly with the democratic deficit and transparency in the decision-making process [27]. The discussions provided an opportunity to emphasise that if there was a perceived democratic deficit this was largely because governments were not sufficiently answerable to their national parliaments [28]. This facet of the problem is sometimes neglected when discussing the powers of national parliaments in European policy matters.

73. In the area of the CFSP, this weakness might become even more acute because of the growing trend for the executive to treat such questions as confidential, indeed, to shroud them in official secrecy. The contradiction here between official speeches to national parliaments calling for further commitment to the European process and the unwillingness of the Council of Ministers of the European Union to authorise publication of documents drafted by the Council and its committees during the preparation of Council decisions on European Union [29] legislation is all too evident. CEAC, aware of the need to resolve these issues, included an item on the rôle of national parliaments in the institutional development of the European Union [30] in the agenda of its XIIth meeting on 27th and 28th February 1995.

74. At the XIIth conference and in the debate on the rôle of national parliaments in the European Union and their participation in the preparatory work for the intergovernmental conference, the French proposal for the creation of a second European chamber and associating national parliaments more closely with the group of experts preparing the intergovernmental conference met with little response [31]. The Luxembourg representation opted for maintaining the half-yearly conferences and making them more effective [32], partly concurring with the French National Assembly delegation proposal for creating an interparliamentary committee [33].

75. The Danish Delegation adopted a position in favour of clear demarcation between European, national and regional areas of responsibility. Spain and Belgium stated they were in favour of strengthening the supervision exercised by their parliaments over national European policies [34] – a sensitive issue as it is closely linked to the functioning of the institutions and political tradition of individual countries, which does not encourage a harmonisation of procedures in this area between parliaments. These institutional differences also explain in part the informal rôle of the Conference of Speakers of National Parliaments of the European Union. The participants agreed to pursue the debate on the preparation of the intergo-

26. National Assembly (France), Information report No. 143 (amended), 5th May 1993, page 15.

27. National Assembly (France), Information report No. 1237, 17th May 1994.

28. Idem, page 13.

29. Netherlands draft motion on transparency; National Assembly (France), Information report No. 1237, 17th May 1994, Appendix 3, page 53.

30. National Assembly (France), Information report No. 1660, 15th November 1994, page 37.

31. House of Representatives and Senate of Belgium: report on the conference of Conference of European Affairs Committees (CEAC XII), Paris, 27th and 28th February 1995; No. 1769/1 - 94/95 and 1369-1 (1994-1995), 24th March 1995.

32. Grand Duchy of Luxembourg, Chamber of Deputies, extract from proceedings No. 5/94-95, page 7.

33. French National Assembly, Information Report No. 1939 on institutional reform of the European Union, 8th February 1995, pages 99-100.

34. Le Monde, 2nd March 1995, page 4.

vernmental conference at the next CEAC meeting which is to be held in Madrid in the second half of 1995.

(ii) The Conference of Speakers of National Parliaments

76. A more informal body, the Conference of Speakers of National Parliaments (which also includes the European Parliament) has met on average once every two years, since 1975. It groups speakers with different statuses, some having a more political than procedural rôle, and allows exchanges of views on such questions as parliamentary supervision, links between parliaments and electors, the media and power and other related questions[35].

77. The participation of national parliaments in the reform of European institutions as envisaged after 1996 was a central issue in the discussions during an informal meeting of speakers in Bonn on 12th September 1994, when members set themselves two major goals: to participate to the greatest extent possible in discussions on the reform of the European institutions before decisions were reached at the 1996 intergovernmental conference and to work together to ensure national parliaments took a leading rôle. At that meeting it was proposed to set up a small working group to prepare a conference of national parliaments for the second half of 1995, in order to assert their views before decisions are taken in 1996[36].

78. CEAC and the Conference are two mechanisms for dialogue and exchange of interparliamentary views, but they are a long way from co-ordinating national parliaments' attitudes to Community-related questions. For the CFSP and European defence, no structures yet exist for bringing together defence and foreign affairs committees of national parliaments and this shortcoming is one the WEU Assembly should take upon itself to rectify. In the meantime, two European parliamentary institutions, the European Parliament and the Assembly of WEU, are endeavouring, each in its own way, to introduce a real parliamentary dimension into this debate.

(c) The rôle of European parliamentary institutions

79. European security and defence remain essentially within the area of intergovernmental co-operation, despite mention here and there of a European army or a European defence policy. In point of fact, leaving aside the speeches and declarations of principle, there is a European defence which, although not integrated, is ensured in an intergovernmental framework by WEU, and a Euro-Atlantic defence which, through NATO, has an integrated command structure, but which is not supranational.

80. Both these organisations have a more or less well-defined collective defence rôle (see the fifth article of their respective treaties). The fact remains, however, that there are no forces permanently assigned to WEU, nor is there a single command. Member states decide, case by case, the possible contribution they will make to any joint action, on the basis of national criteria.

81. In the framework of the CFSP and the definition of a common defence policy, it will be necessary, if we are to have a credible instrument at our disposal, for our respective defence policies to be made more " European " by pursuing the harmonisation of personnel, equipment and current military doctrine. These are difficult steps, touching as they do upon one of the principal attributes of state sovereignty: national defence. For to succeed, states must be agreed on such a development and public opinion and national parliaments must also support it. This also presupposes a common vision of the problems stretching beyond mere national considerations. It is in this area that the WEU Assembly can best contribute to establishing a European security and defence policy.

(i) The European Parliament

82. The European Parliament, elected by universal suffrage in a manner specific to each member country of the Union, has experienced a qualitative enhancement of its rôle through the entry into force of the Maastricht Treaty. It now has very real powers in implementing the CFSP, despite difficulties in their application, and would wish to see them extended.

83. Article J.7 of Title V of the Treaty on European Union gives the parliament specific powers in relation to the CFSP:

- " The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament should be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.
- The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on implementing the common foreign and security policy. "

35. See for example Conference of Speakers of the European parliamentary assemblies - Summary report, The Hague, 24th and 25th June 1994 (Netherlands Parliament edition).

36. Le Monde, 13th September 1994.

84. Additionally, the European Parliament is sending two representatives to participate in the preparation of the intergovernmental conference, whereas national parliaments and the WEU Assembly, which wish to make a contribution and be present at the negotiating table, are having difficulty in this respect, although they will be called upon subsequently to ratify the results[37].

85. The European Parliament lost no time in seizing the opportunity to affirm its prerogatives and, since 1993, has worked on the CFSP at the expense in particular of those who might be partners and help to strengthen parliamentary supervision of intergovernmental initiatives in these questions, namely the national parliaments and the WEU Assembly. One of the aims of the European Parliament is to acquire prerogatives in supervising the CFSP budget, which it does not at present possess. Its ability to take action is nevertheless real, as Turkey discovered in discussions held in February 1995 on its proposed customs union with the European Union which in no way detracted from the difficulties encountered in what were already sensitive negotiations[38].

86. In security and defence matters, the European Parliament is proposing the gradual replacement of intergovernmental by community procedures, the absorption of WEU by the European Union, the submission of military operations decided by WEU to authorisation from the European Parliament and the intensification of co-operation with the WEU Assembly, the latter eventually being replaced by the European Parliament[39]. At the same time it is calling for more systematic democratic control of the decisions of the European Union, in association with the national parliaments. To this end, it is proposed, in a document by the Institutional Committee on the Development of the Union, to include directly in the Treaty on European Union a revised version of Declaration 13 annexed to the Maastricht Treaty on the rôle of national parliaments, urging governments to allow sufficient time to enable them to decide on the new European Union legislation without unduly delaying the decision-making process[40].

87. The text also proposes that national parliaments be more closely associated with the annual legislative programme and, with the intergovernmental conference in view, asks for a consultative conference of parliaments to be convened, which might be held at the start and end of the conference[41]. These approaches to national parliaments are nevertheless set in the context of a prospective increase in the European Parliament's powers, making it the mainspring of parliamentary supervision in Europe.

88. This aim is set out clearly in another draft report of the Institutional Committee, adopted in May 1995, which states, in reference to parliamentary supervision:

> " The foreseeable emergence of restricted circles of integration in the areas of monetary union, WEU or the Schengen area poses a serious threat to the very existence of parliamentary control. Whenever Union policies are pursued within a specific institutional framework and for a period of several years by a restricted number of member states, it is therefore vital to set up an ad hoc body to exercise parliamentary control. *Such ad hoc bodies* which would have to be restricted in size and composed exclusively of members of the European Parliament from the member states concerned, could be administered by the secretariat of the *European Parliament, which would thus play a pivotal rôle in a genuine European system of parliamentary control* (ESPC). "[42].

89. These proposals are an accurate reflection of the European Parliament's wish to increase its prerogatives at all levels of operation and in all areas of responsibility of the European Union. In security and defence matters, the present intergovernmental character of the CFSP prevents it from exercising close supervision of Council initiatives, hence the demand for the second pillar of the Union to be brought into the community and for the integration of WEU in the structures of the latter. This is a sensitive subject affecting both the prerogatives of states and national parliaments and those of the WEU Assembly, which is the only European parliamentary institution wholly concerned with security and defence questions.

(ii) The Western European Union Assembly

90. The WEU Assembly remains an institution apart, as the only European parliamentary body with acknowledged treaty powers in security and

37. Apart from the WEU Assembly which has only a consultative rôle.

38. Greece was opposed to signing the agreement with Turkey as long as the Union failed to give firm undertakings regarding the future accession of Cyprus.

39. European Parliament: Committee on Foreign Affairs, Security and Defence Policy; sub-committee on security and disarmament; PE 211.388, 19th December 1994, pages 3-4.

40. European Parliament: Committee on Institutional Affairs; draft report on the development of the European Union; part A: draft resolution; Rapporteur Mr. David Martin; PE 211.919/A, 16th March 1995, pages 7-8.

41. Idem, page 13.

42. European Parliament: Committee on Institutional Affairs; draft report on the operation of the Treaty on European Union with a view to the 1996 intergovernmental conference - implementation, Part A: Motion for a resolution; Rapporteur Mr. Jean-Louis Bourlanges; PE 211.920/A, 10th April 1995, page 14.

defence matters. Article IX of the modified Brussels Treaty states that " the Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty powers to the Consultative Assembly of the Council of Europe ".

91. Over the years, the Assembly has widened its areas of responsibility to all major areas relating to security and defence. However, it shared WEU's relatively low profile throughout most of the cold war years, despite its recommendations asking the Council to shoulder its responsibilities more effectively.

92. The Maastricht Treaty and the implementation of the decisions on the CFSP mean that the Assembly must define and assert its rightful place within the new structures of Europe. For, although its responsibilities are not called in question, its sphere of action must be shared with other institutions such as the Parliamentary Assembly of the Council of Europe, the North Atlantic Assembly, the Parliamentary Assembly of the OSCE and the European Parliament.

93. The Assembly is the European forum where national parliamentarians can air their points of view and ideas, thus contributing to the emergence of a European parliamentary identity in security and defence matters. In this context, in Paris, in October 1994, the Assembly brought together the chairmen of defence and foreign affairs committees of all the member countries of WEU, irrespective of status. These initiatives, together with its recommendations to the Council of Ministers, allow the Assembly to take a position in the debate forming the prelude to the intergovernmental conference, although it is to be regretted that the Council has not responded to the Assembly's request to take part in the work of the WEU " think tank " responsible for preparing the organisation's contribution to the conference.

94. This situation has implications for relations with the European Parliament, as proposals have been made for the latter to absorb the Assembly, although the modified Brussels Treaty is still in force and will very likely remain so after 1998[43], as the President of the Assembly, Sir Dudley Smith, stated at the opening of the Paris colloquy. It is logical and desirable for the Assembly, as an integral part of WEU, to be asked to be involved in revising the declaration adopted by the ministers at Maastricht. At the same time it is necessary to consider the reforms that will be necessary to enable it to play its full part as the parliamentary component of the sole European defence organisation.

95. This is no easy matter given the uncertainty over the future of WEU, whose existence is not threatened, but whose future nature and relations with the European Union are as yet unknown. In this area, the intentions of governments differ and only the United Kingdom Government has openly taken a position on the question in its memorandum, by asserting its preference for intergovernmental co-operation in relation to the CFSP and the European defence policy and stating that WEU should remain separate from the European Union. The Minister for Foreign Affairs of Germany, Mr. Klaus Kinkel[44], and the Netherlands Government[45] have for their part stated they are in favour of the integration of WEU in the European Union. The 1998 deadline also holds uncertainty as it is not known whether the modified Brussels Treaty will be maintained in its present form or possibly revised.

96. In any event, one of the problems to which a solution will have to be found in the medium term is that of national representation in the Assembly, which is at present the same as the parliamentary delegations to the Council of Europe. In the event of the modified Brussels Treaty being revised, it might be desirable for the composition of the Assembly to reflect that of the defence and possibly also foreign and European affairs committees of the national parliaments. Links with the delegations to the North Atlantic Assembly should also be sought in order to ensure a common parliamentary representation of the European pillar of the alliance in that institution.

97. Nor is the present consultative rôle of the Assembly entirely adequate to ensure parliamentary supervision with the participation of national parliaments in decisions concerning European security and defence. The possibility of giving consultative opinions on decisions already taken or to be taken in future by the WEU Council would be a political factor of greater impact than the present procedure of recommendations to the Council. In the event of a military operation, of the Petersberg type for example[46], requiring

43. The WEU Council of Ministers takes a different view to the Assembly and believes the fifty-year time limit under Article XII of the modified Brussels Treaty starts in 1948 and not 1954.

44. Die Zeit, 9th March 1995.

45. Bulletin Europe, No. 6453, 1st April 1995, page 2; Report of the Netherlands Government on the common foreign, security and defence policy of the European Union: towards more energetic action abroad ".

46. WEU's military missions are defined in paragraph 4 of Part II of the Petersberg declaration which provides that: " Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member states, acting under the authority of WEU, could be employed for: humanitarian and rescue tasks; peace-keeping tasks; tasks of combat forces in crisis-management, including peace-making "; Document 1322, 29th June 1992.

troops to be sent to a region in the throes of conflict, consulting the Assembly, coupled with a vote in national parliaments authorising the deployment of troops in the framework of such missions would constitute the element of European parliamentary supervision that is at present lacking.

98. By thus strengthening the link between the Assembly and the national parliaments, such procedure also preserves and affirms the intergovernmental nature of European security and defence, without diminishing its effectiveness, and eliminates the democratic deficit at national and European levels of which intergovernmental co-operation stands accused. This also assumes that the quality of the relationship between the Assembly and the Council, including the Secretariat-General and other WEU bodies, is improved, particularly as regards information. It is in this perspective that an Assembly composed of representatives from national defence and foreign affairs committees acquires its full meaning.

99. Proposals in this direction have moreover been presented in a study carried out jointly by the WEU Institute for Security Studies and the European Strategy Group, which might be considered as a contribution to the 1996 conference. In this collective work the authors suggest establishing a joint parliamentary defence committee formed by representatives of the European Parliament together with members of the defence committees of national parliaments. According to the authors, such a committee might gain more budgetary and control powers than the present Assembly of WEU, which might be reformed to that end[47]. This will clearly be a matter of continuing debate.

100. In its report adopted in Lisbon on 16th May 1995 on the future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council, the Political Committee of the Assembly considers, on the contrary, that " one must reject any proposal tending to create mixed parliamentary institutions "[48]. According to the Rapporteur, " this solution would not only have the disadvantage of creating a two-speed [European parliamentary] assembly, but, far from improving efficiency, would contribute also to a blurring of responsibilities. " On this matter, the committee stated that it favoured the creation of a second European chamber, alongside the European Parliament, composed of " delegations from national parliaments, with responsibilities that are different from and complementary to those of the European Parliament "[49] which would deal with security and defence questions.

101. The decisions to be taken by the 1996 intergovernmental conference will affect the future of WEU and also that of the Assembly. But, at the same time, it is necessary to maintain and optimise parliamentary supervision and participation at both national and European level, with the help of a reformed WEU Assembly with wider responsibilities and which is even more representative. This report is not directly concerned with the wider political arguments on future relations between the EU and WEU, but there can be little doubt that any steps towards bringing defence matters within the competence of the European Commission and European Parliament might endanger the effective scrutiny of defence and security matters by national parliaments and the WEU Assembly, through which the sovereignty of nation states continues to be expressed in the late twentieth century.

47. Towards a common defence policy - study by the European Strategy Group and the WEU Institute for Security Studies, 1995, page 68.

48. The future of European security and the preparation of Maastricht II - reply to the fortieth annual report of the Council; Document 1458, paragraph 84, 16th May 1995.

49. Idem; draft recommendation, paragraph I.8.

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