



# Assembly of Western European Union

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## EXTRAORDINARY SESSION

### Organising security in Europe – political aspects

#### REPORT

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



*Organising security in Europe – political aspects*

**REPORT<sup>1</sup>**

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1. Adopted in Committee by 8 votes to 0 with 3 abstentions.

2. *Members of the Committee:* Mr de Puig (Chairman); Lord Finsberg, Mr Roseta (Vice-Chairmen); MM Alegre, Antretter, Blaauw, Sir Andrew Bowden, MM Buhler, Caballero, Cioni, Ehrmann, Eyskens, Fassino (Alternate: *Benvenuti*), Irmer, Sir Russell Johnston, MM Jurgens, Kasperit, Lord Kirkhill, MM Koschyck, Liapis, van der Linden, de Lipkowski, Maass, *Van der Maelen*, Mrs Papandreou, Mr Pozzo, Mrs Prestigiacomo, MM Puche Rodriguez, Recoder, *Rippinger*, Rodeghiero (Alternate: *Latronico*), Rodrigues (Alternate: *Mrs Aguilar*), MM Rokofyllos, Scitlinger, Sir Keith Speed, MM Urbain, Vinçon

*Associate members:* Mr Godal, Ms Ragnarsdottir

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

*Draft Recommendation*

*on organising security in Europe – political aspects*

The Assembly,

- (i) Considering that the purpose of the modified Brussels Treaty is to ensure the defence of member countries, promote European unity and strengthen both collective security in Europe and world peace;
- (ii) Noting that WEU member countries are resolved to continue to exercise their sovereignty over all matters relating to the composition of their armed forces and their possible deployment;
- (iii) Emphasising that NATO provides Europe with its essential means of defence;
- (iv) Recalling that the European Union is not in a position at present to establish either a common defence policy or, much less, a common defence, both of which are to be implemented principally through NATO;
- (v) Considering, nevertheless, that the European Union can develop a common foreign and security policy only by having available military structures that are closely associated with it and that European security can be assured only if underpinned by adequate defence or deterrent means;
- (vi) Taking the view that such means can only be obtained through close cooperation between states with defence policies that converge towards the same objectives;
- (vii) Considering therefore that WEU should express its own views on how the objectives of the inter-governmental conference with regard to foreign and security policy matters should be attained and regretting that the Council has been unable to do so sufficiently clearly in the document it adopted in Madrid, on 14 November 1995;
- (viii) Wishing consequently to make a contribution to that conference which would help it produce constructive results promoting security, democracy, European Union progress and world peace;
- (ix) Noting that the objective being pursued by the majority of WEU member countries is completion of the European edifice through progressive integration of the security and defence dimension in the European Union, but that this will be achieved only if the following conditions are met, which for the time being is not the case:
  - (a) the existence of a common perception of the role the European Union wishes to play in the world and the contribution it wants to make to security in Europe and neighbouring regions;
  - (b) identification of national security and defence interests and development of the coordination necessary to bring about policy convergence;
  - (c) development of a global European defence concept and of a common policy that takes account of each country's specific views, the possible role of nuclear deterrence and the fact that no member country seems prepared to relinquish the essential attributes of its sovereignty in this area, which implies that all decisions must be the product of a consensus;
  - (d) resolution of the problems raised by the refusal of some European Union member countries to participate in a collective defence within the European and Atlantic frameworks;
  - (e) settlement of the problem created by the fact that three European member countries of the Atlantic Alliance, while contributing fully to Europe's defence, are not members of the European Union;
  - (f) the existence of an agreement on the role the nine WEU associate partner countries which intend to join the European Union in due course might and would wish to play in developing and implementing a common foreign, security and defence policy;
  - (g) implementation of the January 1994 agreement between WEU and NATO on the use of each other's assets in collective defence and crisis- management and peacekeeping tasks;
  - (h) a common perception of the consequences for transatlantic relations of the transformation of the European Union into a military power, the effects of the enlargement of the Union and the development of its relations with neighbouring countries, particularly members of the CIS and Mediterranean countries;

(x) Convinced that, under these circumstances, any plan to terminate the modified Brussels Treaty and transfer WEU's responsibilities for collective defence and crisis management to the common foreign and security policy of the European Union would be dangerous and would not increase European security and hence should be discarded by the conference;

(xi) Considering that it is necessary to work towards a rapprochement between WEU and the European Union through a gradual process which might if desired eventually lead to the development of a European security and defence identity in a single European framework, once all the necessary conditions have been met;

(xii) Taking the view, therefore, that for the time being the European Union should concentrate the main part of its work on improving the CFSP decision-making process, without necessarily creating new structures, while WEU should endeavour to become fully operational in order to respond to CFSP requests and to be able to undertake actions consequent to its own decisions;

(xiii) Welcoming the fact that France's decision to participate more closely in military cooperation in NATO and its Nuclear Planning Group facilitates the development of a common European defence in the Atlantic Alliance, the European Union and WEU,

#### RECOMMENDS THAT THE COUNCIL

1. Take the view that WEU's contribution to the intergovernmental conference should not be confined to submission of the document on the subject adopted in Madrid on 14 November 1995, but that it should actively monitor the intergovernmental conference and hold regular consultations to evaluate the progress of the conference in WEU's areas of responsibility with a view to intervening if necessary;
2. Regularly inform the associate member and associate partner countries and the Assembly of progress made at the intergovernmental conference so as to give them the possibility of making their views known in good time;
3. Maintain the modified Brussels Treaty in force, contemplate no revision thereof other than by the signatory states and not allow accession to WEU by any country not prepared to participate fully and without reservation in a common defence within the framework of the Atlantic Alliance and at the same time in the activities of the CFSP;
4. Reconsider the Assembly's repeated requests to permit European members of the Atlantic Alliance who wish to join WEU as full members to do so without having to be full members of the European Union;
5. Encourage all efforts to improve the working of the CFSP but not transfer to it the exercise of any of the authority conferred on WEU by the modified Brussels Treaty, and strengthen cooperation between WEU and the CFSP, in particular by ensuring regular participation by the WEU Secretariat-General in the activities of the CFSP;
6. Reject any proposal to separate WEU from the European Union, and give proper effect to the decision taken at Maastricht to place WEU at the service of the European Union should military action be envisaged under the CFSP, at the same time ensuring that the WEU Council makes full use of its ability to take any decisions arising out of the application of the modified Brussels Treaty, which will always be in the interest of the European Union and other organisations such as the United Nations and the OSCE;
7. Oppose admission to the European Union of any country not prepared to participate in a common defence within the framework of the Atlantic Alliance and the modified Brussels Treaty but envisage, for those European countries that so wish, simultaneous rapprochement with the European Union, WEU and NATO;
8. Make sure that any measures taken by the intergovernmental conference ensure that the development of the European Union and of WEU lead in due course, and consistently in an intergovernmental framework, to full participation by WEU in a Union that will remain incomplete as long as it is unable to develop a security policy and a common defence;
9. Resume preparation to this end of a white paper on European security and defence identifying all areas where convergence exists between the relevant policies of member states, noting any differences and preparing a review by all countries concerned of the progress that needs to be made to enable the European Union to act effectively around the globe;
10. Give WEU the essential means of command for military action in which NATO is not involved, at the same time developing interoperability of WEU and NATO assets and pressing NATO to proceed rapidly with the implementation of the January 1994 agreement on the CJTF;

11. Provide for permanent consultation between the competent bodies of the European Union and WEU with a view to extending European cooperation to areas reserved under Article 223 of the Treaty of Rome, specifically armaments and space;
12. Use all the means available to it to promote better information and understanding about Western European Union in government, parliament and the general public in the United States and Canada;
13. Treat the Assembly as its interlocutor on all matters pertaining to the application of the modified Brussels Treaty and during the intergovernmental conference insist that, for as long as member states remain the sole executors of their sovereignty in this area, national parliaments and delegations representing them in the WEU Assembly are the only partners of governments and the Council with authority in security and defence matters.

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*Draft Order**on organising security in Europe – political aspects*

The Assembly,

Desirous that its position on the organisation of security in Europe, which it adopted at the extraordinary session held in London on 22 and 23 February 1996, is duly taken into account at the 1996 intergovernmental conference,

INVITES ITS PRESIDENT

To transmit the reports on the organisation of security in Europe, adopted at the London extraordinary session, to:

- (a) the Chairman-in-Office of the Council of the European Union,
- (b) the group of representatives of the European Union foreign affairs ministers, which is responsible for preparing the intergovernmental conference,
- (c) the Secretary-General of the Council of the European Union,
- (d) the President of the European Commission,
- (e) the President of the European Parliament,
- (f) the national parliaments of the member countries of the European Union,
- (g) the national parliaments and foreign ministries of WEU associate member and associate partner countries,
- (h) the Secretary-General of NATO,
- (i) the President of the North Atlantic Assembly.

## *Explanatory Memorandum*

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

### *I. Introduction*

1. On the eve of the intergovernmental conference on the revision of the Treaty on European Union, which is to open in Turin under the Italian presidency on 29 March 1996, the Assembly of WEU finds itself in a state of uncertainty, not to mention deadlock, as regards the stance WEU should take. The document entitled "WEU contribution to the European Union intergovernmental conference of 1996", adopted by the WEU Council of Ministers in Madrid<sup>1</sup> on 14 November 1995 and transmitted to the European Union, discusses three options regarding future relations between WEU and the European Union, without favouring any particular one since the Council of Ministers was not able to reach a consensus on the matter.

2. Moreover, the parallel debate on WEU in the Reflection Group set up by the European Union, under the chairmanship of Mr Carlos Westendorp, merely adds to the uncertainty. Its final report, published on 5 December 1995, sets out a number of options, which do not appear to be the same as those drawn up by the WEU Council. Lastly, the latter clearly informed the Assembly that it considered the debate closed and did not envisage re-opening a discussion among member governments in an attempt to reach a common position.

3. Although the Spanish presidency of the Council had stated that any contribution from the Assembly would be welcomed and would certainly be taken into consideration in discussions concerning the conference, experience has nonetheless shown that the Council has so far failed to take account of the Assembly's contributions to the institutional debate, notwithstanding its statement in the second part of its fortieth annual report that the Assembly's contribution to this debate was both welcome and most necessary<sup>2</sup>.

4. Given that the Council document on the "WEU contribution to the European Union intergovernmental conference of 1996", or indeed the report of the European Union Reflection Group do not contain even a remote reference to any aspects the Assembly has considered in depth, particularly as regards the organisation of parliamentary supervision at European level of the

security and defence dimension, one might question the value that should be attached to statements from the WEU Council, particularly in view of the emphasis it places in the Lisbon Declaration on "the importance they [the ministers] attach to the role played by the Assembly in the debate on security and defence in Europe and its substantive contribution to the wider considerations of these issues"<sup>3</sup> or the statement in the Madrid Declaration dated 14 November 1995<sup>4</sup> that "ministers appreciated the valuable contribution of the parliamentary Assembly of WEU to the ongoing development of Western European Union. Ministers attach great importance to the Assembly's input into the debate on security and defence in Europe".

5. In point of fact the only references to the Assembly contained in the above document on WEU's contribution to the intergovernmental conference are to be found in paragraph 18 where it is claimed that "closer cooperation between the parliamentary Assembly of WEU and the European Parliament has not been promoted", which is far from being the case as it is well known that the Assembly has spared no effort in attempting to establish cooperative relations with the European Parliament on the basis of equality and reciprocity. If the European Parliament considers that it cannot establish its relations with the WEU Assembly on this basis, this decision cannot be attributed to a failure to promote such cooperation on the part of the Assembly. The Assembly is mentioned a second time in paragraph 87 of the same document dealing with the implications of integration of WEU in the European Union in the framework of option C, where the Council merely states: "The parliamentary Assembly's functions would be assumed by the European Parliament in accordance with the provisions governing the CFSP".

6. However paragraph 85 clearly states that in the event of WEU's integration in the European Union, Article J.4.3 of the Maastricht Treaty would be maintained in its present form. The paragraph makes clear that questions with defence implications would not be subject to the procedures defined in Article J.3, which provides for the possibility of decisions being taken by a qualified majority. Consequently, the Council consi-

1. Document 1492, 20 November 1995

2. Document 1453, 30 March 1995

3. Paragraphs 6 and 8 of the Reply of the Council to Recommendation 575, Document 1497, 1 December 1995.

4. Document 1491, 20 November 1995.



ders that the principle of consensus among governments should be maintained in defence matters even after the integration of WEU in the European Union. Your Rapporteur therefore wishes to point to the incompatibility between the option envisaged by the Council of transferring the WEU Assembly's responsibilities to the European Parliament, a community institution, and that of fully preserving member countries' national sovereignty over defence matters thus placing the defence dimension within a purely intergovernmental framework.

7. Consequently, the Assembly increasingly has the impression that political will is lacking not only in European Union circles but also in the relevant authorities of the WEU Council, even when it is merely a matter of the Council listening to arguments put forward by the Assembly. The present report therefore has a threefold objective: first, to convince the Council that although it has transmitted the document it adopted in Madrid to the European Union, it still cannot consider its preparatory work for the intergovernmental conference to have ended. On the contrary, if WEU is regarded as an integral part of the process of European Union development and if furthermore it is held that Article VIII.1 of the modified Brussels Treaty places an obligation on the WEU Council to encourage "the progressive integration of Europe" and closer cooperation between member countries and other European organisations, the Council should participate actively in the intergovernmental conference and continue to contribute as the negotiations progress. Furthermore it must keep the Assembly informed of any developments during the course of the negotiations likely to affect the future activities and role of our organisation.

8. Secondly, this report is intended for all the governments participating in the intergovernmental conference and particularly the representatives of each of the Foreign Affairs Ministers and of the President of the European Commission, who make up the group to which, at its meeting in Madrid on 15 and 16 December 1995, the European Council gave the responsibility of preparing the conference. It would be highly desirable, in matters relating to the future organisation of European security and defence, for the competent authorities in this area, such as WEU and the defence ministries, to be involved in some form or another in the preparation of the conference and the negotiations themselves. It goes without saying that this report is also intended for the governments of the WEU associate member and associate partner countries, which are not involved in the conference but which have a major interest in the outcome.

9. Thirdly, this report is intended to draw the attention of the national parliaments of European

Union member countries to the issues at stake at the intergovernmental conference. The way in which governments have so far made it impossible for the national parliaments that will be required to ratify the new treaty to decide how they intend to organise parliamentary supervision of security and defence at European level is wholly unacceptable. It is quite inconceivable that a diplomatic conference alone should decide upon the organisation of parliamentary supervision in a reformed European Union. The Speaker of the French National Assembly is therefore to be congratulated on having formed a parliamentary reflection group on the 1996 intergovernmental conference, bringing together, over a period of five months in 1995, parliamentarians appointed by the speakers of their respective assemblies. The group did very useful work, the conclusions of which were published and conveyed to the intergovernmental Reflection Group on 4 December 1995<sup>5</sup>.

## *II. Defining the purpose of the institutional reforms of the European Union in areas of interest to WEU*

10. Paragraph 22 of the Madrid Declaration adopted on 14 November 1995 by the Council of Ministers of WEU<sup>6</sup> states that "Ministers reiterated their conviction that the construction of an integrated Europe will remain incomplete as long as it does not include security and defence and reaffirmed that the objective is to build up WEU in stages as the defence component of the European Union". The first part of this oft-repeated statement implies that a consensus exists on the purpose of such construction, which is not the case. Persistent differences of opinion on this matter find expression in the first part of the final report by the Reflection Group responsible for preparing the 1996 intergovernmental conference entitled "A strategy for Europe", in which the Group observes that "The (European) Union is not and does not want to be a super-state. Yet it is far more than a market. It is a unique design based on common values"<sup>7</sup>.

11. The basic question raised by Mrs Aguiar in her report "the future of European security and the preparation of Maastricht II"<sup>7</sup>, was to ask what the objective of European integration was in the framework of the European Union. This has still not been answered. However there is no disa-

5. Assemblée Nationale: information papers on the parliamentary reflection group on the 1996 intergovernmental conference. Report of proceedings and conclusions, June-December 1995.

6. Document 1491, 20 November 1995.

7. Document 1458, 16 May 1995, Explanatory Memorandum, paragraph 19.

greement on the goals to be achieved in certain quite specific areas. There is general agreement in thinking that any institutional reform should guarantee and increase the security of citizens and peace and stability in Europe and the world, not lessen them. In order to defend in Europe these values and the fundamental principles set out in the preamble to the modified Brussels Treaty, namely the principles of democracy, civil and personal liberties and fundamental human rights proclaimed in the United Nations Charter, the states party to the Treaty gave a firm commitment to defend Europe against all external aggression.

12. The commitment of the WEU member countries found expression first in the preamble to the modified Brussels Treaty in which the signatory states undertake "To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression" and, even more strongly, in Article V, which establishes an unconditional obligation that, in the event of armed aggression against the European territory of any signatory state, the others are to provide military assistance.

13. Until now this binding commitment offers an absolute guarantee against military aggression only to full members of WEU that have acceded to the modified Brussels Treaty and are at the same time members of the Atlantic Alliance. Under Article IV of the modified Brussels Treaty, Europe's territorial defence has been assigned to NATO military authorities and forces.

14. Had there been a desire to find a simple way of extending the territorial defence guarantee to all members of the European Union, it would have sufficed to make accession to the modified Brussels Treaty and the Washington Treaty a condition of entry to the European Union and to acknowledge unreservedly WEU *acquis* while deciding not to denounce the modified Brussels Treaty in 1998, the date fixed arbitrarily in the Maastricht Treaty by the governments concerned, with a view to that "deadline". If such had been the case, it would have been possible to make the modified Brussels Treaty an integral part of the Treaty on European Union and the intergovernmental conference would have been able to concentrate its efforts on problems other than that of Europe's defence.

15. It was however decided to proceed otherwise and to leave European Union members which are not members of WEU the choice of acceding to WEU or becoming observers if they so wish. Five European Union member countries, four of them neutral, Ireland, Sweden, Finland and Austria, and one, Denmark, a member of the Atlantic Alliance, opted to become observers. There were

undoubtedly good reasons for acting thus and preventing the European Union, including a fully integrated WEU, from becoming a European military bloc. The reason for not selecting the first method was not just to take the interests of the five countries mentioned into account but also to facilitate convergence between European institutions and the Central European countries it is intended should one day become part of the Union. Although enlargement of the latter to include the Central European countries is an objective in principle recognised by the vast majority of EU member countries, not all of them are yet prepared to give these countries firm security guarantees. Moreover, it should be remembered that as long as they remain outside the Atlantic Alliance, the United States does not wish to be obliged to offer them a security guarantee via an intermediary organisation. Finally it is to no-one's benefit to ignore the security concerns of Russia, which continues vigorously to oppose any prospect of a military alliance of which it is not a member being extended to its borders.

16. Moreover it was necessary to take account of the interests of European members of the Atlantic Alliance, such as Norway, Turkey and Iceland which, for various reasons, are not at present members of the European Union. In accordance with the Declaration by the WEU member states, which is annexed to the Maastricht Treaty, these countries have become associate members of WEU, which gives them the possibility of participating fully in the activities of the organisation but without acceding to the modified Brussels Treaty. Finally mention should be made of other countries wishing to join the European Union such as Cyprus and Malta, whose participation in the security and defence dimension of Europe has yet to be defined.

17. Hence there is ample justification to ask whether the intergovernmental conference will really contribute to enhancing European security by insisting on giving priority to the search for arrangements for organising Europe's defence in the framework of the European Union in the present conditions, namely:

- (a) while both the neutral countries and Denmark maintain their refusal to participate in a common defence as conceived of within the framework of WEU;
- (b) as long as the problem of widening the defence guarantee to the Central European countries within their existing borders remains unresolved;
- (c) while the three associate member countries are not members of the European Union, and

- (d) while the form of participation in the European security and defence dimension of other countries wishing to join the European Union, such as Cyprus and Malta, has not been defined.

18. Such difficulties seem not to arise in relation to peacekeeping and crisis management in Europe and the wider world. One of the main objectives of the intergovernmental conference is to develop methods enabling the European Union to assert its identity more clearly on the international scene and to acquire the capability to act more effectively in crises that may affect the security of Europe and its citizens.

19. In this context it should be recalled that within the framework of WEU the legal basis already exists to empower the member countries of that organisation to act in the event of international crises. Article VIII.3 of the modified Brussels Treaty states that at the request of a member country "the Council shall immediately be convened in order to enable them [the High Contracting Parties] to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise ...".

20. At present the signatory countries of the Treaty alone have the right to make use of the possibility offered by the abovementioned Article. However it has been agreed that all the countries of the "WEU family", namely the associate members, associate partners and observers, will be authorised to take part in Petersberg-type missions, i.e. peace-keeping and peace-enforcement actions and humanitarian missions carried out under the mandate of the United Nations or of the OSCE.

21. Your Rapporteur wishes here to define what he means by *security* and *defence* in order to clear any ambiguity there might be over the use of these terms in various contexts.

22. *Defence* means any preventive, deterrent or field action undertaken by the countries involved to secure their territorial integrity and protect their vital interests. Article V of the modified Brussels Treaty provides WEU member countries with the legal framework for such action, complementing the commitments they entered into under Article 5 of the Washington Treaty. Article IV of the modified Brussels Treaty establishes a link between the organisations responsible for the application of the two Treaties and Article VIII provides WEU with an instrument for ensuring the smooth running of WEU both as an instrument of European defence and for promoting security in Europe and in the wider world.

23. By *security*, your Rapporteur understands the organisation of peace in such a way as to avoid, contain or resolve conflicts which might

endanger it. Security implies political action which may be accompanied, although not necessarily so, by economic or military action. WEU derives its responsibility in this area from Article VIII of the modified Brussels Treaty but this responsibility can only be discharged in conjunction with both the CFSP and NATO, given that security operations must not under any circumstances compromise the cohesion of the Union or the defence of Europe. In the Petersberg Declaration of 19 June 1992, the WEU Council specified how it intended to act to enhance security in Europe and the wider world.

24. This distinction is essential since on it are based the relationships between WEU and NATO and between WEU and the European Union and the neutral countries that are members thereof. It should not, however, obscure the fact that, in practice, security and defence are closely linked since action to preserve security cannot be effective without a defence capability and defence effectiveness must not be compromised by actions promoting security, particularly bearing in mind that the involvement of the United States is essential for Europe's defence. This means that there must be consultation with that country, even on matters in which it wants no direct involvement.

25. In view of the above considerations, it must be emphasised that any reorganisation of the security and defence dimension in Europe must guarantee that transatlantic ties are maintained and strengthened, particularly in the areas referred to, both in terms of practical cooperation and task-sharing between WEU and NATO and in the context of the new transatlantic agenda and the joint action plan signed in Madrid on 3 December 1995 by the European Union and the United States. The importance of ensuring that there is consistency of views on both sides of the Atlantic emerges, inter alia, from the wording used by the authors of that document, which states:

"We share a common strategic vision of Europe's future security. Together, we have charted a course for ensuring continuing peace in Europe into the next century. We are committed to the construction of a new European security architecture in which the North Atlantic Treaty Organisation, the European Union, Western European Union, the Organisation for Security and Cooperation in Europe and the Council of Europe have complementary and mutually reinforcing roles to play.

We reaffirm the indivisibility of transatlantic security. NATO remains, for its members, the centrepiece of transatlantic security, providing the indispensable link between North America and Europe. Fur-

ther adaptation of the Alliance's political and military structures to reflect both the full spectrum of its roles and the development of the emerging European security and defence identity will strengthen the European pillar of the Alliance.

As to the accession of new members to NATO and to the EU, these processes, autonomous but complementary, should contribute significantly to the extension of security, stability and prosperity in the whole of Europe."

It is basically these last considerations that will determine the level of any integration of the security and defence dimension in a single European framework.

26. Finally the way in which the European Union decides to organise its own security and defence will determine the nature of the ties of cooperation and partnership it establishes with the countries bordering on Europe that remain outside the European Union, WEU and the Atlantic Alliance, such as, for example, Russia, Belarus and Ukraine and the countries on the other side of the Mediterranean. In particular the Council confirmed the thrust of the European Union's overall policy towards its future relations with Russia as regards security at the Madrid summit meeting on 15 and 16 December 1995 as follows:

"The EU should ensure transparency in Western European security decisions, especially those involving enlargement, in order to take into account Russia's concerns, to dispel existing misperceptions and to reassure it that those decisions will not impair its security but will lead to improved security in Europe as a whole. This goal needs to be pursued in a way which respects both the full autonomy of Western European security structures to decide on their institutional development and eventual enlargement, and the sovereign right of each state to seek freely its own security arrangements as recognised by OSCE documents."

27. According to the statement by the General Affairs Council of the European Union on 20 November 1995, these goals could be achieved through measures such as:

" – development, in the framework of existing mechanisms, of an open, stable and substantial relationship of dialogue and partnership between the Union and Russia in the field of security, including relevant aspects of disarmament, non-proliferation, arms export controls and conflict prevention and management;

- examination with Russia of the feasibility of joint initiatives on issues of common interest in the field of security and disarmament and on new challenges (such as prevention of illegal traffic in fissile material, cooperation on non-proliferation issues, etc.);
- focusing Russian attention on projects related to security concerns eligible for EU assistance programmes (defence conversion, nuclear safety, etc.);
- cooperating in the elaboration of a common and comprehensive security model for the Europe of the 21st century. If and when useful, joint initiatives with Russia could be developed in the OSCE framework;
- encouraging Russia to make full use of its participation in NACC, PfP and, where appropriate, to exploit its evolving channels for dialogue with NATO;
- encouraging Russia to take full advantage of its developing contacts with WEU;
- encouraging Russia and the Central and Eastern European countries to consolidate good-neighbourly relations and to develop regional cooperation arrangements in accordance with the norms of international relations. The EU should use the means at its disposal to support and contribute directly to such regional endeavours, notably in the Baltic region and as regards the follow-up to the Stability Pact in the framework of the OSCE."

According to the General Affairs Council it would also be necessary to take measures such as:

- " – support for peaceful settlement of disputes in the CIS area with full respect for sovereignty rights, and for the development of voluntary regional and economic cooperation;
- promotion of a constructive dialogue between Russia, the EU and other western partners and of cooperation in international organisations;
- fostering Russia's commitment to peace-keeping in accordance with the UN Charter and OSCE principles and objectives."

28. However, in view of the results of the parliamentary elections in Russia in December 1995, the prospect of presidential elections in June 1996, indications that the general direction of

Russia's foreign policy is being called into question by several of the parties involved in the elections, and the absence of any indicators making it possible to predict the reaction of the Russian electorate, it is to be hoped that western countries, while encouraging the forces of democracy within Russia, will not give that country undertakings that are too specific, and will maintain the wherewithal to respond to any new challenge Russia may present. Under no circumstances must the security and cohesion of Europe be endangered by the vicissitudes of Russia's domestic policy, even if the common aim of the European Union countries is to maintain and foster mutual trust.

29. On the subject of Euro-Mediterranean relations, the Conference held in Barcelona on 27 and 28 November 1995 under European Council chairmanship identified a number of factors relating to a political and security partnership whose aim would be to establish a common area of peace and stability. Among other things, the participants expressed:

"... their conviction that the peace, stability and security of the Mediterranean region are a common asset which they pledge to promote and strengthen by all means at their disposal. To this end they agree to conduct a strengthened political dialogue at regular intervals, based on observance of essential principles of international law, and reaffirm a number of common objectives in matters of internal and external stability."

Furthermore, the conference participants undertook to:

- " – consider practical steps to prevent the proliferation of nuclear, chemical and biological weapons as well as excessive accumulation of conventional arms;
- refrain from developing military capacity beyond their legitimate defence requirements, at the same time reaffirming their resolve to achieve the same degree of security and mutual confidence with the lowest possible levels of troops and weaponry and adherence to CCW;
- promote conditions likely to develop good-neighbourly relations among themselves and support processes aimed at stability, security, prosperity and regional and subregional cooperation;
- consider any confidence- and security-building measures that could be taken between the parties with a view to the creation of an "area of peace and stability in the Mediterranean", including

the long-term possibility of establishing a Euro-Mediterranean pact to that end."

30. In particular, however, it is the apparent powerlessness of the European Union to reach agreement on common policy and action regarding the conflict in the Balkans that has raised serious doubts about whether the fundamental objective of the European Union as set out in Article B of the Maastricht Treaty can be achieved, namely:

- "to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy" (CFSP).

31. The authors of the Reflection Group's final report<sup>8</sup> therefore take the view that the Union must have greater capacity for external action and note that:

"The current possibilities offered by the Treaty have provided some positive results. We believe, however, that the time has come to provide this common policy with the means to function more effectively.

The Union today needs to be able to play its part on the international stage as a factor for peace and stability. Although an economic power today, the Union continues to be weak in political terms ...

...

We think that the Conference must find ways and means of providing the Union with a greater capacity for external action in a spirit of loyalty and mutual solidarity. It must be capable of identifying its interests, deciding on its action and implementing it effectively. Enlargement will make this task more difficult, but also make it even more imperative."

32. This task should fall within a more general framework of establishing an efficient and democratic Union. According to the authors<sup>9</sup>:

"The objective of the 1996 reform, as defined in the terms of reference and given the challenge of enlargement, is to ensure that the Union functions efficiently and with legitimacy; in short, the purpose is to improve the quality of the way the Union works. To this end it will be necessary to clarify its objectives and refine the instruments that serve those objectives, bearing in mind that in future the intention is not

8. Reflection Group's report: first part; a strategy for Europe, section III.

9. Reflection Group's report: second part, paragraphs 74 and 75.

that the Union should necessarily have more powers but that it should perform its tasks better.

The instruments of the Union, that is to say its institutions, rules, resources and policies, are not ends in themselves but are there to serve the objectives and tasks of the Union. The aim of the reform must be to ensure that the adjustments decided at the conference will enable the instruments of the Union to operate according to the criteria of efficiency, democracy, solidarity, transparency and subsidiarity." ...

33. It is primarily to WEU that improved operation of the CFSP is of fundamental interest because if the CFSP fails to operate and the necessary decisions cannot be taken, any undertaking given by the WEU member countries in accordance with the Maastricht Declaration – whereby WEU is to be built up in stages as the defence component of the European Union and to this end is prepared, at the request of the European Union, to elaborate and implement decisions and actions of the Union which have defence implications – would remain purely a matter of form.

34. Moreover, WEU cannot confine itself to defining its future relations with the European Union, without giving its views on appropriate methods of improving the operation of the CFSP. WEU not only has the right but also the duty to set out its position on this matter, first, because the modified Brussels Treaty lays an obligation on the Council to take the necessary measures to "promote the unity and encourage the progressive integration of Europe"; second, because Article J.4.2 of the Maastricht Treaty stipulates that WEU is an integral part of the development of the European Union, and third, because according to that Treaty, the CFSP includes 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.

35. This description of the CFSP accordingly takes in the areas at the very core of WEU's responsibilities. The discussion on the reform of the CFSP is therefore of interest to the WEU Council and the Assembly. Thus your Rapporteur feels it is most regrettable that the Council document on the "WEU contribution to the European Union intergovernmental conference of 1996"<sup>10</sup> should have set itself so restrictive a brief in examining only the institutional aspects of future relations between WEU and the European Union, without commenting on CFSP reform, on the subject of which many proposals have been put forward which, if adopted, might have direct consequences for WEU and its Treaty. Your Rapporteur

therefore intends to refer in the present document to the problems relating to the reform of the CFSP, taking as the point of departure the commitments given by the WEU member countries in their Maastricht Declaration which set the organisation a threefold objective:

- build up WEU in stages as the defence component of the European Union;
- develop WEU as a means to strengthen the European pillar of the Atlantic Alliance;
- strengthen WEU's operational role.

36. The Maastricht Treaty offers only two reasons for the need for revision of Title V, the first being to further "the objective of the present treaty". The second is the so-called "1998 deadline". However paragraph 45 of the Council's document on the WEU contribution to the intergovernmental conference acknowledges that the "need to review the present ESDI (European security and defence identity) institutional framework is not only due to the time limits established in the treaties. The review of the present framework must also consider the fundamental objectives which institutional arrangements in the defence and security fields are intended to serve, and the existing constraints. Public opinion in the member states demands defence arrangements that are credible and can be relied upon to work in practice ..."

37. The reference to the demands of public opinion in security and defence matters may seem rash since, in point of fact, these are rarely pressing except when an immediate threat is present. Conversely, the economic problems Europe is currently experiencing are in many countries giving rise to claims for "peace dividends" in the form of substantial reductions in defence budgets. However one can concur with the Council's observation that these are the fundamental objectives that must be taken into account in any review of the current provisions. Your Rapporteur has endeavoured to identify them in this section.

### *III. The conditions for achieving the desired objectives*

38. As Mr Soell demonstrated in his report "a European security policy"<sup>11</sup>, the main European countries still have differing interests when it comes to foreign, security and defence policy. It only takes a comparison of the British, French and German white papers to confirm this. Whether one likes it or not, one cannot ignore what the British Government states in its memorandum of

10. Document 1492, 20 November 1995.

11. Document 1439, 10 November 1994.

2 March 1995<sup>12</sup> on the treatment of European defence matters at the 1996 intergovernmental conference:

“ many nations have, as well as their common defence responsibilities shared with their European partners, a number of national responsibilities. As well as the United Kingdom, several of our partners have, for example, responsibilities flowing from history in respect of territories and citizens around the globe. Thus, for example, the United Kingdom has responsibility for the defence, external affairs and internal security of our Dependent Territories such as the Falkland Islands, and France has responsibilities towards its Overseas Departments and Territories ”.

39. The British Government takes the view that each country must preserve its freedom to act in the defence of its national interests, without being subject to any constraints. In contrast, the German Government believes that governments should be prepared to go along with majority decisions even where they conflict with their own preferences. This is a fundamental aspect of the issue and the first task should be to ascertain the positions and interests of all the member countries of WEU and of the European Union in this respect. Such interests should be defined in respect of specific areas such as crisis management. Everybody thinks that the decision to take part in military operations as part of Petersberg-type missions will remain a national prerogative. Would it be possible, for instance, to agree in WEU on the European corps intervening in Burundi in the event of a deterioration in the situation in that country, as suggested by Mr De Decker, Chairman of the Liberal Group of the Assembly, on 12 January 1996?<sup>13</sup> The question should be put to the Council and, more particularly, to those countries contributing to the European corps because if their response was negative or even conditional, there would be a case for asking whether the creation of the unit helps to promote European action in the world or whether, on the contrary, it actually makes it more difficult.

40. The collective work done by the WEU member countries, associate members, associate partners and observers, which produced a document on “ European security: a common concept of the 27 WEU countries ” has been useful for the purpose of making a global assessment of the risks that might affect European security in the future. But as far as any response to such risks is concerned, it is only in the light of the lessons learnt from the Yugoslav conflict that the document rightly points out that “ the political aims of

the mission must be set out clearly from the start ”. In order for that to be done, the respective interests of the countries concerned must first be identified and yet there is still no sign of the white paper on European security.

41. The same approach has to be taken on concepts for a common defence policy and for defence itself. The WEU Council started work in this area by producing preliminary conclusions on the formulation of a common European defence policy, which were issued at the meeting of the Council of Ministers in Noordwijk on 14 November 1994<sup>14</sup>. The document contains apt definitions that may be regarded as a programme of work yet to be carried out:

“ A common European defence policy will need to be formulated against the background of a thorough analysis of European security interests and should take as its basic assumption the collective cooperative approach to defence, as established in collective defence alliances under the Brussels and Washington treaties. It should take into account the following four levels of European responsibilities and interests in the field of defence:

- WEU governments have a direct responsibility for the security and defence of their own peoples and territories.
- WEU governments have a responsibility to project the security and stability presently enjoyed in the West throughout the whole of Europe.
- WEU governments have an interest, in order to reinforce European security, in fostering stability in the southern Mediterranean countries.
- WEU governments 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, 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 ”.

...

12. Document A/WEU/DG (95) 9 of 21 March 1995.

13. *Europe*, No. 6644, 13 January 1996.

14. Document 1443, 18 November 1994.

“ The full development of a common defence policy will require a common assessment and definition of the requirements and substance of a European defence which would first require a clear definition of the security challenges facing the European Union and a determination of appropriate responses ”.

The next sentence is in fact the one that spells out the fundamental task ahead:

“ This will in turn depend upon a judgement of the role 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 ”.

42. In their Noordwijk Declaration, the WEU ministers said their aim was that “ the present policy document will evolve into a *comprehensive* common European defence policy statement in the perspective of the intergovernmental conference of 1996 ”. But this undertaking was less strong in the Lisbon Declaration<sup>15</sup> in which the ministers confined themselves to reaffirming their resolve to work, on the basis of the preliminary conclusions adopted in Noordwijk, on the formulation of a common European defence policy, “ to ensure that this policy can effectively take shape in the years ahead ”.

43. The result is that the document on “ European security: a common concept of the 27 WEU countries ” does no more than analyse the risks and gives no definition of the common European defence policy. There is therefore no European concept as yet in this area.

44. What is also missing is a discussion in the relevant European institutions, and particularly in WEU, about the future role of *nuclear deterrence*. As your Rapporteur has already stressed in his previous report on “ the intergovernmental conference and the organisation of the Europe of security and defence ”<sup>16</sup>, it is true that the role nuclear forces can play as a deterrent is mentioned in the document on “ European security: a common concept of the 27 WEU countries ” but it goes no further than the observation that the independent nuclear forces of the United Kingdom and France contribute to the allies’ global deterrence and security. Austria, Ireland and Sweden have pointed out that they did not play a part in formulating the Alliance’s strategic concept and were not involved in The Hague platform of WEU. As for Denmark, it does not want to become a full member of WEU mainly because of the nuclear deterrent problem. But the idea of developing a European defence concept without tackling the problem of nuclear deterrence is inconceivable.

15. Document 1455, 15 May 1995.

16. Document 1495, 16 November 1995.

45. In a speech on 8 September 1995, the French Prime Minister, Mr. Juppé, explained that France proposed to examine with some of its allies the question of how its nuclear arsenal might contribute to Europe’s defence. This proposal has already prompted reactions that are so diverse and contradictory that it hardly seems likely that Europeans will be able to reach agreement on a common policy in the important area of defence. Up till now, the Council has said it would not contemplate including this matter on the agenda of its meetings.

46. Since the majority of member countries are convinced that the principle of national sovereignty must continue to govern relations between European countries on defence matters and that the intergovernmental nature of decision-making requires consensus<sup>17</sup>, it will be necessary to:

- (a) ensure that concepts and national actions are harmonised, and
- (b) formulate a common security and defence policy.

#### ***IV. Appropriate methods for achieving a common security and defence policy***

##### *1. The various institutional methods*

47. All the member countries of the European Union and of WEU have accepted the provisions of Title V of the Maastricht Treaty establishing a common foreign and security policy (CFSP) which “ 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 ”. These same countries have also accepted Article C of the Maastricht Treaty according to which the Union is to be served by a single institutional framework which shall ensure the consistency and continuity of the activities carried out in order to attain its objectives, particularly in external relations and security. Lastly, all the member countries of the European Union and of WEU have accepted Article D whereby the European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof.

48. The Council of WEU for its part was created both to pursue a policy of peace and strengthen the security of its member countries and to promote the unity and encourage the progressive integration of Europe. This aim cannot be challenged any more than can the will of the WEU member countries that WEU should be an integral part of the development of the European Union. On

17. The Reflection Group’s report: second part, paragraph 172



the basis of these fundamental principles the WEU member countries have given a series of undertakings, contained in their Declaration annexed to the Maastricht Treaty with a view to strengthening the role of WEU, in the longer-term perspective of a common defence policy within the European Union which might in time lead to a common defence, compatible with that of the Atlantic Alliance, as organised by NATO.

49. Unless it wishes to pursue an entirely new policy constituting a departure from its original aims, any steps taken by WEU as regards the 1996 intergovernmental conference must be consistent and in conformity with the earlier undertakings given by its members when signing the Maastricht Treaty. Your Rapporteur is convinced that none of the member countries wishes to change the course set by the Maastricht Treaty. That said, WEU and its member countries also have a responsibility to make it understood that security and defence are highly sensitive areas and that the problems linked to the establishment of a true European identity in this area will not be resolved simply by transferring them from one institution to another.

50. The reason why the signatory states gave WEU a remit in the Maastricht Treaty to elaborate and implement decisions and actions of the Union which have defence implications, at the request of the Union, was that it was not possible to organise defence within the structures of the European Union itself.

- Five European Union member countries are not prepared to participate in the defence of the territory of the Union on the basis of the obligations contained in the modified Brussels Treaty. Consequently their government and parliamentary representatives who have full rights in the executive and parliamentary bodies of the European Union have only observer status in WEU – a situation which has not changed since the coming into force of the Maastricht Treaty.
- Three European members of the Atlantic Alliance, Iceland, Norway and Turkey, which are associate members of WEU, are prepared to participate fully in the defence of Europe but are not European Union members. Their government representatives are entitled to participate in most WEU Council activities without acceding to the modified Brussels Treaty. Their parliamentarians are represented at WEU Assembly sessions as associate members of the Assembly, but not in the European Parliament.
- WEU has taken specific measures in respect of nine Central European countries which have become associate partners in

WEU, enabling them to participate under certain conditions in the Council's activities. Similarly, the WEU Assembly has granted the parliamentary representatives of associate partner countries permanent observer status together with the right to sit in the Assembly, and on its committees, without voting rights. Conversely, the relations the European Union has established up to now with the Central European countries concerned are of a different order and their parliamentarians are not represented in the European Parliament.

51. The member countries of WEU and the European Union consider that the defence of European territory under the terms of Article V of the modified Brussels Treaty and Article 5 of the Washington Treaty should be assured by means of the structures set up by NATO for that purpose. It was therefore decided at Maastricht that WEU would not only be developed as the defence component of the European Union but also as a means to strengthen the European pillar of the Atlantic Alliance.

52. This Atlantic dimension to WEU, as set out as early as 1954 in Article IV of the modified Brussels Treaty, has been strengthened considerably in recent months, specifically since France resolved to become more closely involved in military cooperation within NATO and even to participate in the Nuclear Committee, which should provide an opportunity to engage in a discussion on the role of the French deterrent. According to the French government's new line of thinking, France will be seeking to achieve the aims of a common European defence within the framework of both the Atlantic Alliance and the European Union<sup>18</sup>.

53. If the majority of France's European partners were ready to follow it down this road, it would be difficult for them then to sustain the arguments in favour of option C, as outlined in the "WEU contribution to the European Union intergovernmental conference of 1996". This option effectively provides for the transfer of all defence matters to the CFSP on the basis of a new Treaty on European Union, either according to the C1 model allowing countries not in a position to subscribe a collective defence undertaking to be exempted from participating or according to the C2 model which suggests the integration of only those aspects relating to crisis management into the CFSP and the adoption of a defence protocol annexed to the new Treaty on European Union including a collective defence commitment for which member states might opt under conditions yet to be determined.

18. International Herald Tribune and Le Figaro, 17 January 1996.

54. These two versions of option C therefore envisage the disappearance of the modified Brussels Treaty, and of WEU, and the incorporation of part of the Treaty's provisions in a new treaty. The functions of most of the WEU bodies, including the Assembly, would be transferred to the equivalent bodies of the European Union.

55. This first begs the question of whether France, the United Kingdom and other member countries might not be inclined to give greater priority to the Atlantic Alliance than to the European Union, not merely in terms of European defence, but perhaps also in terms of the organisation of security in Europe. Furthermore, option C involves a number of risks which should not be ignored: first, it might prompt the suggestion from those in favour of the Atlantic Alliance and its military structure remaining the principal guarantors of Europe's defence, that the new treaty should refer only to Article 5 of the Washington Treaty and not contain any specific European Union obligation, or even that there should be a "non-participation" option. Even if this did not arise, the possibility cannot be ruled out of a debate on the inclusion in the Treaty on European Union of a mutual assistance clause and on the content and scope thereof, in the course of which many differing viewpoints might emerge. Reference might be made in this connection to the political differences that still exist between Greece and Turkey and the fact that at the time of Greece's accession to WEU, the possibility of Article V applying to a possible conflict between the two countries was ruled out. The risk that the negotiation of a new treaty might lead to a number of such exceptions, and ultimately to a weakening of its signatories' commitments, is high.

56. It would be even more dangerous to open a debate on the wording of an assistance clause that nevertheless appears to be essential. Can one in fact be sure that all governments interpret "an armed attack in Europe" or "all ... aid and assistance in their power" in the same way. Will they all agree in considering that this implies resorting to nuclear weapons?

57. The negotiations on the introduction of a collective defence clause will not necessarily lead to a more effective defence or greater security for Europe's citizens. There are many other uncertainties besides. We do not actually know which members of the European Union, albeit at present full members of WEU, would be prepared to enter into a new collective defence commitment under the Union umbrella. Furthermore, this would create a multi-speed Europe within the framework of the Union – precisely the opposite of the purpose of integrating WEU's functions into the European Union. At present, responsibility for assessing whether the conditions necessary for implementing a collective defence are met by

countries applying for accession to WEU lies solely with the states party to the modified Brussels Treaty, in coordination with the Atlantic Alliance. Would it be desirable to extend it to other countries?

58. In point of fact, in the event of any transfer of the decision-making process in this particular area, the number of institutions that might have to be involved would increase substantially. In the first place, those member countries of the European Union which have opted not to participate in a collective defence would have a number of possibilities to influence choices, especially financial choices, if actions with defence implications were to be funded jointly out of the community budget. In this case, not only the European Commission but also the European Parliament would be involved in the decision-making process, which would certainly not make it any easier.

59. The idea of including crisis management in the Treaty on European Union and assigning responsibility for it to the CFSP under option C might also raise serious difficulties. The document on WEU's contribution to the intergovernmental conference does not contain any clear indication that the terms of Article VIII.2 of the modified Brussels Treaty, at present the legal basis for all WEU action in the field of crisis prevention and management, would be incorporated in the new treaty. The document discusses incorporating the relevant provisions of the modified Brussels Treaty into the main body of the Treaty on European Union, mentioning Articles IV, V, VI and VII "as well as provisions covering the Petersberg tasks".

60. In this event, still with reference to the same document, all Petersberg-type operations would be dealt with under the CFSP. What advantages would this have? According to the authors, in the operational sphere this process would eliminate duplications in decision-making which can delay action when different organisations are involved. "Joint actions with defence implications (including crisis management and peacekeeping) would be more feasible and would have the advantages of joint financing, either from the Community budget or through particular arrangements".

61. However the fact of its responsibilities being transferred to the CFSP would not make WEU operational any sooner. Decisions would not necessarily be quicker if taken in the CFSP framework. The opposite will be true unless the CFSP can be made to work so as to achieve its goal of asserting Europe's identity on the international stage. If the CFSP does not enable the necessary decisions to be taken, neither the integration of WEU or its Treaty in the Union, nor the various models seeking to subordinate WEU in

one way or another to the Union's institutions (variants of option B) can produce the desired results, namely greater consistency and effectiveness in Europe's involvement in international affairs. As has been emphasised above, the transfer of crisis management to the CFSP, far from reducing the number of decision-making authorities, would increase it considerably.

62. The institutional specificity that has always characterised WEU is the legal basis provided by its Treaty, which includes provisions both for a traditional defence alliance such as the Atlantic Alliance and for promoting the progressive integration of Europe, a project which goes beyond defence and security concerns. WEU, which, like NATO is an intergovernmental organisation whose work and standing depends on the will of the member governments, has always wavered between two options, with some governments preferring that the European security and defence identity should be achieved in a European Union framework and others insisting on the need to develop that identity within the Atlantic Alliance.

63. These two possibilities have always been presented as complementary rather than contradictory. Nevertheless, a fundamental choice was made by stating in the Maastricht Treaty that WEU was "an integral part of the development of the Union". As Mr de Charette, the French Minister for Foreign Affairs observed "WEU must work with the Atlantic Alliance on behalf of the European Union" which for Mr Millon, the French Defence Minister, means that "Europeans, in other words the relevant countries of the European Union and WEU, must be able to express themselves within the Alliance in an organised way ... this might, for example, be through the country that holds the WEU presidency"<sup>19</sup>.

64. If France's new attitude, which to an extent supports that of the United Kingdom in advocating development of a European security and defence identity within the framework of the Atlantic Alliance, becomes more marked, attempts to introduce aspects of the community process into security and defence decision-making will be correspondingly weakened. Nevertheless one fundamental task still has to be completed, that of "bringing the foreign and defence policies of each of our countries significantly closer together on the basis of clear aims and priorities" as President Chirac and Chancellor Kohl requested in their joint letter, dated 6 December 1995, to the Spanish presidency of the European Union. The purpose is to bring about a convergence of national policies. The preferred method of achieving this up to now has been through institutional reform. But there may be other ways.

## 2. Other ways of achieving convergence of national policies

65. Identification of national interests is clearly not enough. Ways have to be found which will lead, though a gradual process, to a convergence of national foreign affairs, security and defence policies. But what criteria are to be used? This will be the first question to resolve. One might draw upon the method devised for the CFSP in the Maastricht Treaty by which the Council decides case by case and on the basis of general guidelines issued by the European Council "that a matter should be the subject of joint action" (Article J.3.1 of the Maastricht Treaty).

66. The report of the European Council on the functioning of the Treaty on European Union, published on 6 April 1995, states that the joint actions agreed upon until that date covered areas as varied as the definition of overall strategies towards Rwanda and Ukraine, the sending of observers to the parliamentary elections in Russia, the Stability Pact, the process of transition to democracy in South Africa, the Middle East peace process, non-proliferation of nuclear weapons, former Yugoslavia and especially the conveying of humanitarian aid to Bosnia-Herzegovina and support to the civilian administration of Mostar.

67. Again, according to this report, decisions were normally taken by consensus and qualified majority voting, use of which is authorised under Article J.3.2 of the Maastricht Treaty, has not been used for implementing actions approved. The results so far obtained by the CFSP have been much criticised and have led the European Union's Reflection Group on the preparation of the intergovernmental conference to give thought to establishing criteria better suited to achieving a common policy. According to the final report of this group:

"... some members seek a more specific statement of the Union's fundamental interests, as referred to in Article J.1.2. Their definition in relation to geographical areas has been suggested by some. Other members see the need for definition of common interest, not through a geographical approach, but through common priorities such as reinforced diplomatic solidarity between member states and the upholding and defence of human rights and democracy".

68. Your Rapporteur is convinced that establishing suitable criteria for achieving convergence of national policies is an absolutely essential task. This undertaking should be carried forward in the framework of the Union and, above all, within WEU, in order to facilitate decision-making in defence-related areas. The "Preliminary Conclu-

<sup>19</sup> Address given by Mr Millon, French Minister of Defence, to the IHEDN on 19 December 1995.

sions on the formulation of a Common European Defence Policy " and the document entitled " European security, a common concept of the 27 WEU countries " already give important insight into the definition of common interests, but these must be made more specific, as has already been done on a piecemeal basis in relation to such areas as the protection of Europe's economic interests or the security of European citizens throughout the world.

69. Reference might be made in this connection to work on encouraging cooperation between WEU and the European Union as regards consular protection and the implementation of evacuation plans in the event of a crisis in countries such as Zaire, Angola, Yemen and Rwanda. However what is missing is a general strategy, adopted by all WEU member countries, which WEU could use to underpin joint actions in the event of a crisis affecting European security. In order to develop this common strategy, the Council must draw up a programme which takes account of the interests of each country and its perception of the criteria for bringing about progressive convergence of national policies until a common policy is reached. In this connection one might draw on the research that has led to the establishment of common criteria for the implementation of a common monetary policy (convergence principle) without necessarily going so far as to fix deadlines by which all the jointly determined criteria must be met.

70. To summarise, your Rapporteur is convinced that the basic thrust of efforts to give Europe a real ability to act in concert on the international stage should be directed towards converging interests rather than unifying institutions. This does not detract from the importance of the latter, but it can only result from a gradual process which cannot be ordained in the same way as if it were merely a question of simplifying an administrative procedure. The oft-used argument that public opinion would not understand why different organisations and institutions should be necessary in order to pursue one and the same goal does not stand up. Trying to find easy answers to complex problems is not necessarily an effective way of going about things. Public opinion has no trouble in understanding, provided that those with political responsibility are able to explain matters in the right way.

#### *V. Implications for WEU thinking in the framework of the 1996 intergovernmental conference*

71. The intergovernmental conference will have to tackle the problem of Europe's security and defence from two different angles, that of a global concept of a future European Union which

can only become a Union in the proper sense if it takes on board all the issues and from the point of view of what it is possible and desirable to achieve immediately in order to enable it to:

- (i) secure those aspects of a common security policy that are essential for the functioning of the community, in the form in which it emerges from the intergovernmental conference;
- (ii) make such advances as are immediately feasible towards a Union with wider responsibilities;
- (iii) provide Europe with the instruments necessary for its defence and for organising its security.

72. In your Rapporteur's view, this involves three separate approaches which it does not seem possible under present circumstances to combine in a single approach as those in favour of option C would wish.

73. (i) First, NATO must be maintained and strengthened and, in order to do so, it will very probably have to be reformed in such a way as to enable its European component to exercise greater political influence in the Alliance's decisions, while ensuring that an American presence in Europe is maintained. In view of the United States' military power, this is essential to the Alliance's deterrent capability. For as long as certain member countries remain outside the Alliance and, even more especially, if they claim to pursue a policy of neutrality, military organisation of the Union cannot provide the Alliance with a European pillar, whereas the modified Brussels Treaty allows WEU to carry out this role more or less satisfactorily even though Denmark, Iceland, Norway and Turkey are not involved in taking certain WEU decisions.

74. (ii) On the other hand, the development of the CFSP requires that the European Union can call upon armed forces. However, bearing in mind the reductions in the armies of European countries since 1989, it is out of the question that the latter should split forces which are already inadequate between several defence or security organisations. They have tried, with NATO's decision of January 1994, then through the creation of multinational forces, to organise them in such a way that they can be placed under NATO command or WEU authority, depending on needs and circumstances. Moreover, the participation of countries that are not members or not full members of these organisations in joint peacekeeping operations has been examined and, at times, achieved. However, there has been little progress on the implementation of the CJTF for over two years. That being said, there is probably no alternative and it is necessary at all costs to obtain the agree-

ment of the American authorities to the application of an arrangement whose principle they have accepted.

75. Similarly, the Maastricht Treaty, in principle lays the basis for close cooperation between WEU and the CFSP, in such a way as to place WEU forces at the service of the CFSP. However, the application of this principle has remained somewhat shaky, essentially because governments have not managed to reach agreement on many aspects of how a common policy is to be achieved. Under these circumstances, it does not seem desirable to divest the WEU Council of its responsibilities, which may be exercised, if required, without intervention from the Union authorities. The CFSP must be able to mobilise armed forces through WEU. Several institutional procedures for achieving this have been suggested, in particular the idea of making the WEU Secretary-General the Secretary-General of the CFSP, which was discussed in some detail in the second report of the high-level Group of Experts on the CFSP<sup>20</sup>. The WEU member countries cannot see any serious problem with this, but the same view may not be taken by non-member countries which would be automatically debarred from holding such a post.

76. In actual fact, procedures, however excellent they might be, cannot solve the basic problem raised by the presence in the European Union of countries whose views on security and defence differ widely. Whatever the framework of a joint military action, it is for states themselves to decide whether or not to take part. Agreement among them can produce a decision binding all or some of them and the greater homogeneity of WEU countries, at least in foreign policy and defence matters, combined with the flexibility the organisation has under Article VIII of the Treaty, makes it more probable that agreement can be reached in the restricted framework of WEU rather than in the wider one of the European Union. It seems wise, therefore, to pursue two lines of action which are not in conflict: allow WEU to retain its political prerogatives and place it at the service of the CFSP.

77. (iii) As the Treaty of Maastricht points out, strengthening WEU should lead to a stronger European Union. In political terms, this strengthening can only be achieved by governments being prepared to encompass the concerns of their partners within their foreign and defence policy. This is still a long way off as shown by the fact that no government has ever invoked paragraph 3 of Article VIII of the modified Brussels Treaty even

in such important cases as the Suez operation in 1956 or, more recently, the Falklands or France's various interventions in Africa. It is also evident in the disagreement that surfaced between member countries in 1995 about the series of French nuclear tests. Until the situation changes, no international institution will be in a position either to take the place of states in order to promote a common defence policy, and the CFSP will only be able to take effective responsibility for matters which everyone would agree in regarding as relevantly minor, as is currently the case.

78. On the military level, the consistency with which states have made plain their determination that their decisions should not be subject to any international authority engenders some scepticism about any proliferation of multinational units or commands, whatever the context. Unless there is specific agreement for each operation between the countries involved in it, such units and commands will either not be able to intervene or, in the event of crisis, will risk finding themselves deprived, as a result of national decisions, of the means which they have in principle been granted. These specific agreements may lead to joint action, as was the case for WEU naval operations in the Gulf and the Red Sea. They are necessary in order to provide one or more member countries with the means, especially logistic means, which others in turn have placed at the service of the organisation. This means that their deployment remains uncertain and that except where Article V of the modified Brussels Treaty is applied, the ability of forces assigned to NATO or to WEU to take action is unpredictable.

79. However, there are still areas in which WEU is in a position to strengthen the Union's capabilities considerably. This is true of areas where long-term decisions are not dependent on political decisions in the short term. The achievements of WEU and its members in space applications, inasmuch as these involve only observation and interpretation, make a clear contribution to Europe's security and defence and are conducive to collective decision-making on the basis of jointly gathered information. Similarly, the development of the work of WEAG, especially if it leads to the creation of a European armaments agency, should promote interoperability between the weapon systems of the participant countries and as a result make the implementation of joint political decisions easier.

80. It therefore seems possible to state that WEU, as it exists and is developing, is contributing or has the prospect of bringing to the European Union everything that governments are prepared to make available to it in security and defence matters. It is undoubtedly true that communication between the CFSP and WEU must be improved. However, this should not involve insti-

20. High-level Group of Experts on the CFSP, second report, European foreign and security policy towards the year 2000: ways and means to establish genuine credibility, Brussels, 28 November 1995, paragraph 23.

tutional subordination of the one to the other, even if WEU is called upon to intervene more frequently and more systematically than in the past in order to implement decisions taken within the CFSP framework. Indeed, such subordination would make it more difficult to give operational effect to decisions taken by the CFSP itself.

81. Such is, in the view of your Rapporteur, the framework in which measures to be taken in relation to WEU should be examined at the intergovernmental conference. The first question this then raises is the place the modified Brussels Treaty will occupy in any legal system which might emerge from the intergovernmental conference.

82. The prevailing idea until very recently was that taken up by the Maastricht Treaty in Article J.4, according to which, having in view the date of 1998 in the context of Article XII of the modified Brussels Treaty, after 50 years it would be time to incorporate into a new treaty organising the European Union those parts of the modified Brussels Treaty that remained valid. This view now seems to have lost currency in particular because of the accession of neutral countries to the Union. It was moreover based on a tendentious reading of Article XII which gives each individual signatory country the right to denounce the Treaty as far as it is concerned but does not specify in any sense that the Treaty ceases to be in force on any particular date. There is therefore no legal need to replace the modified Brussels Treaty with a new treaty.

83. However, it is quite obvious that certain aspects of the Treaty have become obsolete, particularly those concerning arms limitation and control. The Council, moreover, by what is no doubt a disputable though very real decision, brought this activity to an end in April 1995. This illustrates that governments are entirely capable of modifying the application of a treaty once they have reached agreement on doing so, without resorting to the cumbersome procedure of revision, subject to ratification by the parliaments of member countries. It cannot therefore be argued that renegotiation of the Treaty is essential, either in 1998 or at any other date.

84. The Treaty in fact has a number of aspects which enable it to respond very satisfactorily to the requirements of the situation.

- (i) Articles I and II establish obligations towards the European Community and lay the basis for the closest possible association between WEU and the European Union.
- (ii) Article IV defines the principle of cooperation with NATO based on transparency and complementarity as

these were defined in the Declaration on Western European Union adopted at Maastricht.

- (iii) Article V, supplemented by Articles VII and X, provide the essential basis for any common defence policy or common defence as referred to in Article J.4.1 of the Maastricht Treaty.
- (iv) Article VIII provides the basis both for political and military consultation within the framework of the WEU Council and for the creation of subsidiary bodies whose composition and status may be adapted to the specific tasks of each.

85. It is clear that not all the European Union member states are at present prepared to accede to this Treaty, particularly Articles IV and V thereof, and perhaps also, in the case of some, Articles VII, VIII and X. Under these circumstances, any step leading to the abolition of the modified Brussels Treaty with a view to transferring its content to a new treaty on European Union would substantially weaken Europe, both militarily and politically. Bearing in mind that there is no 1998 "deadline", the only reasonable solution is to retain the Treaty as it stands, allow only those countries to accede to it that are resolved to accept all of the obligations it contains, with the exception of those relating to armaments limitation and control which are no longer applied by unanimous decision of the Council.

86. If the option of maintaining the modified Brussels Treaty in force is accepted, the possible solutions to organisational and institutional problems raised by the coexistence of the European Union and WEU over an indeterminate time-frame, can be viewed with relative clarity since the problems to be resolved are thereby considerably reduced. Hence it is possible to set them out here.

- (i) It would be desirable to agree that no country would be allowed to accede to the modified Brussels Treaty unless it was already a signatory of the treaties founding the European Union and NATO. These are the logical consequences of Articles I, II and IV of the Treaty. However, according to the Declaration by the WEU member countries that is appended to the Maastricht Treaty, membership of the European Union constitutes a precondition for entry to WEU. According to that Declaration, "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".

It is now the case that there is a growing number of WEU member states that consider that one of the "conditions to be agreed" should be precisely that a candidate country gains admission to NATO. This is fully consistent with the arguments put forward by your Rapporteur but at the present time none of the countries concerned, namely Austria, Finland and Sweden, intends to accede to the modified Brussels Treaty. Moreover, "other European member states of NATO" that are not members of the European Union were invited in the aforementioned Declaration "to become associate members of WEU in a way which will give them the possibility of participating fully in the activities of WEU". This is how Iceland, Norway and Turkey became WEU associate members without acceding to the Treaty itself. The Assembly has on several occasions expressed its dissatisfaction with this solution which discriminates against those countries that are participating fully in Europe's defence, and it has recommended the Council to allow them, if they so wish, to become full members of WEU.

The Committee discussed this problem again at its meeting on 26 January 1996 in Strasbourg and decided to recommend that the Council reconsider the many requests the Assembly has made to that end. This action does not invalidate the principle described above given that accession to the modified Brussels Treaty by the three associate member countries (one of which has for a long time been a candidate for membership of the European Union) is bound to bring them closer to the European Union and the CFSP.

- (ii) It would be essential for a duly empowered representative of WEU, in other words the Secretary-General or his representative, to participate in all CFSP activities in order to inform the representatives of the countries concerned of the possibilities WEU offers in terms of implementing the CFSP wherever it has military implications and of directing the work of the WEU bodies in such a way that they are able to respond to the needs of the Union. Conversely, for the reasons referred to above, your Rapporteur fears that any arrangement which

entrusted the CFSP secretariat to the WEU Secretary-General might prove difficult to achieve in practice.

- (iii) The Fifteen, and not WEU, should specify the mandate of the CFSP Secretary and say whether they think it appropriate to create a specific "Mr CFSP" post to be held by a politician or an EC commissioner. WEU can only express the wish that the solution adopted should confer the greatest authority possible on the person with responsibility for furthering the CFSP.
- (iv) Coordination between the CFSP and WEU should not affect the WEU Council's ability to take decisions in areas relating to the application of the modified Brussels Treaty.
- (v) Such coordination should not weaken the credibility of WEU and its various bodies as NATO partners as a result of constant intervention by NATO non-member countries in the organisation's work, nor should it prevent WEU from acting as the European pillar of the Atlantic Alliance.
- (vi) Agreement must be sought with NATO both on the implementation of the CJTF and that of any WEU operation in which not all NATO members wish to participate but approve in principle.
- (vii) WEU should develop its military organisation in such a way to be able, as necessary, to organise participation by the member countries in operations designed to ensure European security, even if NATO did not provide it with the necessary means; this applies specifically to the areas of intelligence, command and logistics.
- (viii) The signatory countries of the modified Brussels Treaty should be urged not to take any significant military measure such as external intervention on any grounds whatsoever, re-organisation of their armed forces or deployment of new weapons, without having informed their allies in accordance with Article VIII.3 of the Treaty.
- (ix) The establishment of a European armaments agency should be pursued within the framework of WEU taking account of the principles governing industrial policy developed by the European Community. Conversely, the Community should be requested

to ensure that this policy meets the specific requirements of the armaments industries so that measures taken within the framework of either organisation converge towards a coherent European policy on armaments production.

87. More specifically, with regard to parliamentary supervision, it is common knowledge that a majority of European Parliament members would like that Assembly to replace the WEU Assembly in discharging responsibilities for security and defence matters that the treaties at present in force do not confer upon the Parliament. Bearing in mind that the WEU Assembly's responsibilities are assigned to it under Article IX of the modified Brussels Treaty, they cannot be taken away unless the Treaty is revised, which does not seem necessary under the present circumstances.

88. However, there are other reasons, based on more political considerations, for hoping that each of these Assemblies continues to act in its present areas of responsibility even if there is nothing to prevent a parliamentary assembly from intervening in any area without the partner essential for useful dialogue necessarily being present on the government side. The most important of these reasons is that, for as long as defence forms part of an area in which states have made no concession whatsoever to a supranational organisation in terms of the exercise of their sovereignty, control over any joint activity can only have minimum effectiveness if exercised by delegations drawn from the parliaments of member countries, since they are the only real interlocutor of those who prepare and implement budgets, manage the armed forces, provide for their use and decide whether they are to intervene. The role of the WEU Assembly is to be a European extension of the parliaments of member countries, while the job of the European Parliament, which is directly elected, is to represent the peoples of Europe vis-à-vis the Community executive.

89. It should also be said that, in whatever form WEU is considered, be it as 10 signatory states of the modified Brussels Treaty or 27 countries associated in various ways with the organisation, a European Parliament elected in 15 countries does not correspond in any sense to the realities of a security and defence Europe. It would lose much of its authority if it were to move away from its fifteen-strong structure which makes it the parliamentary counterpart of the European Union executive, while the WEU Assembly, with no legislative powers and their attendant constraints has been able to adjust more or less satisfactorily to the changing shape of WEU.

90. These observations are valid today. They will obviously no longer carry the same weight

once WEU's responsibilities can be exercised within the framework of the European Union. That is doubtless some way off and it would be premature to examine in greater depth how a federal Europe, in which the distribution of powers between the Union and its member states might yet take an unforeseeable turn, should envisage a form of parliamentary supervision meeting its needs.

#### *VI. The WEU Assembly's view on European security and defence at the intergovernmental conference*

91. It is difficult to tackle the issue of the reforms to be made to the European Union institutions as regards security and defence without first establishing priorities among the objectives being pursued. Top priority must go to ensuring the defence of Europe because without such a defence, any form of European construction would be pointless. The absolute priority of putting defence first means that relations between Europe and NATO must take precedence. The second priority would be to establish a link between the organisation of security and defence and the European Union so that the Union's development promotes the convergence of national policies in those areas leading, in due course, to a Union with wider responsibilities. In the present conditions, the establishment of a pan-European security system can only rank third in the objectives pursued because such a system can be based only on solid defence capabilities and firm political guidelines from the Union. This hierarchy of objectives is not the result of an ideological choice but is based solely on realities from which there is no escape.

92. In a situation in which four European Union members are not members of NATO and have declared, in different ways, that they intend to continue the policy of neutrality they have adopted in the past, putting the requirements of a common defence at the top of the list of priorities implies that WEU should remain separate from the Union by virtue both of its Treaty and of its membership and method of working. The option of a full and immediate merger of WEU and the European Union is ruled out as a consequence and the issue of a possible fourth EU pillar deferred until circumstances are more favourable.

93. In contrast, making the second priority the objective of including security and defence among the Union's activities, in accordance with the spirit and the letter of the Maastricht Treaty, implies that an energetic effort should be made to converge national policies in this area both in WEU and in the CFSP and that controversial issues, such as the responsibilities of certain member states outside Europe, nuclear weapons,



the deterrence strategy or the continuation of a policy of neutrality, should no longer be left untouched on the sidelines. This means that any option advocating an autonomous role for WEU that takes no account whatsoever of the development of the Union and the CFSP and that in fact separates WEU from the Union, should be firmly rejected because, far from facilitating efforts to arrive at a convergence of foreign and security policies, such an option would serve to aggravate differences and would weaken the European Union such as it exists today by prohibiting any progress on the CFSP or by reducing it to those aspects of a common foreign policy that are directly related to the economy.

94. One of the important effects of including security and defence in the European Union's activities should be to prompt the Union to be more rigorous than it has been in the past about admitting new members. It should require any applicant country to take the steps necessary for it to participate unreservedly in the effort to set up and implement a common foreign and security policy which would not automatically exclude the use of force, and to show a willingness to join NATO and WEU.

95. Furthermore, the priority assigned to defence implies that WEU would not be subordinate to the CFSP. This does not mean WEU should not make preparations to respond to a request from the Union but that the WEU Council must preserve its autonomy not only for the purpose of taking decisions in order to implement requests emanating from the CFSP but also of defining a common foreign, security or defence policy of the member countries without necessarily waiting for an agreement to be reached by all fifteen. The idea here is that military action should not have to depend on the agreement of countries not participating in a common defence, and that Europe should continue to be an acceptable partner for all the members of the Atlantic Alliance, including the United States, in areas covered by NATO activities and responsibilities.

96. The path leading to the necessary convergence of the policies of member countries of WEU and the European Union therefore lies in communication between the two organisations, the only limits being those imposed by WEU's ties with NATO. The participation of a WEU representative in CFSP meetings would appear to be the simplest way of ensuring such communication if the option of giving the WEU Secretary-General responsibility for the CFSP secretariat had to be dismissed.

97. Finally, as was quite clear to the authors of the Maastricht Treaty, the prospect of a European Union that included security and defence activities would certainly not condemn WEU to vege-

tate but should instead motivate it to develop its activities both in the operational sphere proper and in all the other areas in which it, and by extension Europe as a whole, should have the wherewithal to take action enabling it to conduct a more autonomous policy: space observation, joint armaments production, logistics facilities and strategic lift capabilities would be the essential elements alongside command capabilities. These are areas in which WEU has already taken steps to make progress. But it is doing so too slowly and, in certain cases, without all its members taking part in the endeavour, which makes it difficult at a later stage for WEU to exploit facilities that belong to certain members only. It is clearly not possible to force member countries into new commitments but it is up to the Assembly to stress that WEU will not derive any real benefit from the initiatives taken in certain quarters unless everybody is involved in them.

98. In contrast, WEU has no reason to lay claim to responsibilities that can be or in fact are exercised by the European Union, i.e. those that do not imply the use of armed forces. European security also includes the provision of administrative assistance to countries in difficulty – such as Bosnia-Herzegovina – the distribution of humanitarian aid in regions where it is required, the fight against Mafia dealings and against drug traffic. The European Union is more able than WEU to take up these challenges and any action it takes does not invalidate the defence options of its members. WEU can therefore confine itself to organising the military assistance any of the Union's initiatives require, as is the case in Mostar.

99. The third objective, the organisation of a European security system, is not the direct responsibility of NATO, WEU or the European Union but of all the European countries, including Russia. The role of the western organisations in this respect is to support those that are best suited to give European security a legal framework but have no effective means of taking action. This is currently the case of the OSCE and indeed of the Council of Europe. Nevertheless, as a result of their achievements over the last fifty years in setting up a western security system, NATO, the European Union and WEU have credit throughout Europe. This allows them to build up the trust that is essential for enlarging the system which many see as a model and think could be considerably extended. The Europe agreements concluded by nine Central European countries which have declared their intention to join the European Union, are an important gauge of the positions they will adopt in the future. As WEU associate partners, these countries can take part in the planning and, possibly, the execution of measures designed to keep or restore peace and this is what

some of them did in the Yugoslav crisis. The purpose of the Partnership for Peace is to show that NATO has no aggressive intentions. It aims only to strengthen peace and rehabilitate trust in Europe and not to enlarge the Washington Treaty and NATO.

100. The issue of some of these countries moving on to full membership of one or other organisation clearly poses a problem and leaves western countries in somewhat of a dilemma in view of Russia's sensitivity about this matter and the difficulty of enlarging NATO to absorb all nine countries at once. Yet if some of them were admitted promptly and the applications of others deferred, the problem of the rejected group's reactions would also arise. While this complex issue does not form part of the preparations for the intergovernmental conference, it does confirm the need for measures on the CEEC taken by NATO, the European Union and WEU to be coordinated in order not to accentuate the differences separating those states and as a result compromise the desired process of convergence.

101. The priorities this report sets for the objectives described imply that those in second and third place should be pursued with the greatest caution and, above all else, in permanent and detailed consultation with the United States. It is vital that any action promoting either the establishment of closer links between the European Union and WEU or the creation of a European system should not result in a crisis in transatlantic relations, both because Europe would cease to have a satisfactory defence and because it would be impossible to achieve the second and third objectives if the first was not attained. It is difficult for the United States to refuse the principle of a European defence identity, regardless of its framework, but establishing such an identity implies a change in a certain type of relationship which can only be brought about with the agreement of all the partners and through a very gradual process.

102. Lastly, none of these objectives can be achieved unless the European countries, which alone have the financial resources, control of their armed forces and power of decision that are indispensable for any action in the field of defence, put an end to the decline in their military activities. Although justified by changes in the international situation since 1989, in many countries this decline has gone so far that their participation in a common defence is gradually losing credibility. The prospect of a European defence must not be used as an excuse for not meeting national defence requirements. Instead it should enhance the efforts that have been made to put each state in a better position to achieve its own objectives by integrating them in a European system. Wherever there is an absence of resolve on the part of

nations and their populations, institutions – however excellent they may be – will never be able to compensate for it in the search for convergence, in defence policy, in the development of the CFSP, in the organisation of a European security system or in the establishment of a European identity. This is probably the most serious threat to the intergovernmental conference in so far as security and defence are concerned. It is not a question of coming up with formulas that will produce some vague consensus among all the participants. What is important is to secure undertakings on realistic objectives and programmes that bind the countries to serious commitments.

103. It is with this in mind that your Rapporteur would wish WEU to renew its endeavours to produce a white paper on European security and defence bringing up to date points on which there is convergence, pinning down those on which convergence cannot be achieved at the present time and drawing the consequences in terms of budgets, manpower, equipment and strategy, with the aim of making each state fully aware of its responsibilities. This exercise should be repeated regularly to show that European defence is in the making and that WEU's contribution to the European Union is becoming a reality even though the two organisations remain separate.

## VII. Conclusions

104. Your Rapporteur considers that all the political authorities that have taken on the task of preparing the intergovernmental conference and guiding it to produce tangible results must stop making public opinion believe that, at the conference, Europe will be faced with the choice of progress or disintegration – the inevitable consequence of which would be a return to former rivalries and to the policy of a balance of powers and allies fitting the circumstances.

105. The 1996 conference will certainly not be the last of its kind to deal with the problems of building Europe and it is definitely not "the last chance" conference! Since the 1950s the process of economic and political integration has been moving forward laboriously. It has sometimes gone through periods of stagnation and has sometimes been given new impetus. Those who want to make a qualitative leap forward towards a genuine common policy in areas that are at the core of national sovereignty – such as foreign, security and defence policy and defence itself – would do well to remember that the political will necessary for such a leap is not produced to order as a result of institutional arrangements but is the fruit of hard labour that entails identifying national interests and making them converge. Everyone acknowledges that fundamental decisions on

security and defence must remain the responsibility of states.

106. The opponents of any institutional integration between WEU and the European Union need to be reminded that integrating WEU with the CFSP would not prevent member states from taking decisions that fall within the realm of their national sovereignty. However, integration of that type would do nothing to facilitate the decision-making process, as has been shown in this report. In order to make real progress, the first thing to be done is to strengthen the way in which the CFSP works and, perhaps even more importantly, give WEU the political impetus it needs in order to act, either in response to a CFSP request or on the basis of its own policy decisions.

107. In this respect the principles set forth in the Joint Declaration by Italy and the United Kingdom on WEU in the context of European security and defence, of 6 December 1995<sup>21</sup>, should serve as inspiration since the Declaration stresses inter alia that in its development the European Union should be outward-looking and that it is "essential to give an impetus to WEU's role in elaborating and implementing EU decisions and actions which have defence implications". At the same time, WEU should be able to take policy decisions, if necessary, at the level of heads of state and government.

108. Conversely, it is not appropriate to reduce the remit of WEU, as was the case in the past, to make it a simple "forum for analysis and consultation on the defence implications of security issues of the CFSP" as described in paragraph 24 of the Madrid Declaration by the WEU Council of Ministers<sup>22</sup>.

109. It is not by seeking at all costs to give European construction a single institutional framework

that some member governments will help to solve the problems that still put an obstacle in the way of a common policy. Without forgetting the need for coherence, yet without for all that advocating a "Europe à la carte", your Rapporteur considers that the approach should be a flexible one if Europe is to arrive at the greatest possible degree of integration in the various areas concerned.

110. Your Rapporteur believes that the model of a "Europe with various patterns of integration" is worthy of attention. In that model, all the member states would have a joint role in specific areas of action while in others they would be free to progress more quickly or, on the contrary, to abstain from participation in any action or be only partly involved<sup>23</sup>. This approach would allow WEU to develop in a manner that would enable it at last to serve the European Union effectively and cooperate with the Atlantic Alliance.

111. Community fundamentalism as it were has had its day and everyone must realise that the methods used to engender and develop an economic Europe are not valid when it comes to foreign and defence policy. This was perfectly clear to the signatories of the 1954 Paris Agreements modifying the Brussels Treaty. Any attempt to disown reality is bound to end in helplessness and uncertainty. The difficulties encountered in the ratification of the Maastricht Treaty highlighted the danger. What is therefore needed is a more cautious, more progressive approach but one which is also more positive and will lead to the constitution of a European defence. The first stage is to reach agreement on the objectives pursued on the basis of existing treaties. Omitting that stage in order to construct an institutional edifice whose facades would doubtless be attractive would be tantamount to building European defence on very shaky foundations.

21. Document A/WEU/DG (95) 32, 21 December 1995.

22. Document 1491, 20 November 1995

23. Note from the Belgian Government to the parliament on the 1996 intergovernmental conference, 18 October 1995.

## APPENDIX I

*Associate members' view –  
contribution from Mr Godal, Norway*

1. The following considerations are the personal views of the author and do not in any way commit the Norwegian government or parliament or anyone else.

2. Associate members of WEU are, of course, full members of NATO and thus covered by NATO's collective security guarantee. Correspondingly they will immediately be fully involved if any full member of WEU is attacked. Thus their destinies as far as security is concerned are completely interwoven with that of the full members of WEU.

3. A common factor for two associate members, Turkey and Norway, is their exposed geographic position. Norway has a direct border with the second nuclear superpower, Russia, which has a high concentration of military forces on the Kola peninsula. Turkey borders the unstable Soviet Union successor states in the Caucasus. Iceland is also situated on what used to be called NATO's northern flank. These geographic factors play an important role in the context of their security policy and their interest in taking part in the further development of a European security and defence identity through Western European Union of which they have become associate members.

4. The associate members are all European countries. It is in their interest to increase the stability of Europe, including the development of a European capability for handling security problems in cases where the North American members of NATO do not wish to be involved. For this reason the associate members are very interested in the further development of the European Union and consequently in the outcome of the 1996 intergovernmental conference especially regarding the question of how security and defence matters will be handled in future in the European and transatlantic framework.

*WEU and NATO*

5. Because of their geographic position, the preservation of transatlantic ties are of special importance for the associate members. It is also important to them that WEU truly becomes the European pillar of NATO and that this pillar is capable of acting efficiently on its own when necessary. Rapid implementation of the combined

joint task force (CJTF) concept is of special significance in this respect. A development in which Europe finds it necessary to duplicate the assets of NATO is not only uneconomic but will inevitably serve to weaken transatlantic ties. This is not in the interest of Europe and especially not so for the associate members of WEU. Rapid implementation of the CJTF concept is therefore of paramount importance.

*WEU and the European Union*

6. While still considering NATO as the bedrock of their security, the associate members do not underestimate the importance, for their own security, of the possibility of participating in the building of a European security and defence identity, complementary to NATO, in the framework of Western European Union. Their wish to become full members of WEU is based on the understanding that the strict mutual assistance clause in Article V of the modified Brussels Treaty is important for enhancing their security. They are also ready to participate fully in Petersberg missions on the basis of Article VIII.3 of the Treaty. Now that they are associate members, the possibility for their governments and parliamentary representatives to participate actively in the work of all WEU institutions is highly appreciated. It gives them a say in European security and defence cooperation, even though they are not members of the European Union.

7. One of the main subjects of the inter-governmental conference is whether and to what extent the European defence dimension, currently the responsibility of Western European Union, could be progressively integrated in the European Union without affecting the Atlantic Alliance. The associate members are taking a special interest in all the different options which were elaborated in the framework of the WEU Council and led to the document adopted in Madrid on 14 November 1995, on the "WEU contribution to the European Union intergovernmental conference of 1996".

8. For the time being it does not seem to be in the interest of the associate members to integrate WEU in the EU where not all members are part of the same collective security arrangements. Security and collective guarantees are, of course,

extremely serious matters which require absolutely clear lines of responsibility, organisation and decision-making. Such vital clarity would easily be blurred if WEU were integrated in an organisation where some members are not part of the collective security arrangements and guarantees.

9. Whatever option is chosen as a result of the conference, it is in the associate members' strong interest that any new arrangement does not diminish their possibility of participating fully in European security and defence activities, both on the executive and the parliamentary side. They note with interest the intention formulated in the above-mentioned WEU document according to which, in the case of full integration of WEU in the European Union under option C, under which the modified Brussels Treaty would disappear, "the participation of associate members in the further development of the European security and defence identity (ESDI) would have to be maintained and even improved vis-à-vis their present status, through appropriate arrangements to ensure their involvement and association with the CFSP".

10. However, it is clearly in everybody's interest to simplify the present confusing mosaic of security organisations and memberships in

Europe. The ideal goal would be a situation where all EU members are also full members of the relevant security structures.

11. If WEU gradually moves closer to the EU, it is of vital importance for the associate members that this neither weakens the transatlantic ties, nor reduces their influence in the field of security. To open up the possibility of full membership in WEU for the associate members would be a constructive step providing an assurance in this respect. Since they are, as it is, fully integrated in NATO's collective security guarantee, this should not cause insurmountable problems.

*Associate members, associate partners  
and observers*

12. Because of their exposed geographic positions, any European conflict, if allowed to escalate, may soon result in special pressure on, and special danger for the associate members. A stable Europe is therefore very important to them. Consequently it is in their interest that the observers and associate partners in due course become fully integrated in the relevant security structures, thereby strengthening European cooperation, solidarity and stability.

## APPENDIX II

*Associate partners' view –  
contribution from Mr Eörsi, Hungary***A. Risks and challenges to security in Europe***General considerations*

Security is indivisible. It is comprehensive in character, encompassing political, military, economic and environmental aspects as well as the human dimension. Developments of a very different nature – political, military, human rights, economic, social, environmental – all have the potential for putting security at risk. In addition, all of them are interconnected. A threat in one dimension of security affects the situation in other domains.

Naturally, not every threat to security is present in every region of Europe to the same extent. Different regions and sub-regions are faced with different, sometimes very specific problems. At the same time, the indivisibility of security implies that all security risks require the full attention of each European state.

Since WEU concentrates its attention on politico-military aspects of security, the focus should be on this field.

*Politico-military risks to security*

*Weakness or insufficient adaptation to new conditions concerning consultation mechanisms, coordination, and the mutual complementarity of actions by states and existing European structures and institutions. The lack of adequate resources hinders the efforts to settle regional conflicts.*

*Insufficient development of new, more dynamic patterns of security cooperation.*

*The exaggeration of national interests jeopardises efforts to create a new cooperative system.*

*The perpetuation of a cold war mentality results in distrust and confrontation. Eliminating the heritage of decades of political, ideological and military confrontation and building confidence take time and mutual effort, and require a new approach to security issues.*

*Attempts to create zones of influence. Regions in conflict are much more vulnerable to the sphere-of-influence policy.*

*Creation of new divisions to replace old divisions.*

*An unduly extended period of transition, as well as delay in the long-term consolidation and*

*stabilisation of the result of transition, which may lead to a reversal of positive trends.*

*Preponderance of the balance of forces concept in security policy. The resulting notion of providing total and exclusively military defence against all real or imagined threats is not conducive to security cooperation.*

*Increased inclination to use force internally and externally to settle problems. Open wars and military conflicts – like the Balkan crisis. Ethnic and nationalist-based territorial conflicts with their spill-over potential and destabilising effects on the whole system of security of Europe are the most immediate threat to security.*

*Clash between the principle of territorial integrity and the right to self-determination. The lack of a balance between these two principles and of a democratic political culture can lead to extremities.*

*Unresolved territorial disputes between states.*

*Internal instabilities in European states may also have dangerous external implications. Unstable, non-democratic political structures endanger the ability to solve problems peacefully. The fragility of the rule of law, insufficient guarantees of human rights and fundamental freedoms, insufficient democratic control of armed forces and shortcomings in the limitation of police powers are all detrimental to the development of democratic stability.*

*Domestic tensions and internal politics having a negative influence on foreign policy decisions.*

*Clear and gross violations of basic international norms and non-observance of international agreements undermine confidence between states.*

*The non-observance or circumvention of arms control obligations have a serious destabilising effect and erode confidence between states. Risks persist in certain regions owing to deficiencies or a lack in arms control in these areas.*

*The proliferation of weapons of mass destruction can undermine international peace and stability. Proliferation is facilitated by uncontrolled exports of armaments, illicit dealings with nuclear materials, illegal transfers of armaments and weapons manufacturing, technology and know-how.*

*An excessive arms build-up* poses a threat to security, particularly in regions of tension.

*A disproportionate concentration of armed forces* within certain regions may be viewed as threatening, thus putting international peace and security at risk. A change in the balance of forces can also have this effect.

*Terrorism* is becoming a more widespread menace to society, challenging the preservation of security, democracy and human rights.

### ***B. A Central European perspective***

I. Central Europe is not directly threatened militarily and represents no threat to other regions. No Central European country threatens any other. Central Europe is stable but because of the huge number of politico-military risks, its stability in the future is difficult to evaluate.

Stable regions in Europe are expected to project stability into Central Europe by a combination of economic assistance and cooperation, as well as by expanding western institutions, so that the results of transition are further consolidated.

It was only in the eastern half of Europe that institutional changes properly reflected the historical changes of 1989-90. The adaptation of western European institutions did not keep pace with these changes. The "freeze" on membership of those structures creates a sense of insecurity in Central Europe.

The prospects of early accession by Central European states to western institutions acts as an important "political magnet", consolidating the results of transition in these countries and stimulating further progress. Continuing delays in taking firm decisions in favour of the accession of those who have met the requirements will quickly erode the stabilising effect as well as the credibility of the organisations concerned. Should they prove unable to adapt to a dramatically changed European security environment, their future role may be called into question.

From this perception stems the fear that old security blocs might be replaced by new economic divisions. Freezing access to such institutions and organisations threatens to bring back cold war divisions in new forms.

II. However, mere enlargement of the institutions themselves is insufficient to solve the long-term security concerns of the wider Euro-Atlantic region. The different parts of this region probably cannot – and certainly should not – be isolated from one another. It is obvious that instability or unpredictability in any part of the region has serious security implications in the other parts as well. Accordingly, instability or unpredictability

in Central Europe jeopardise the security of Western Europe and the whole Euro-Atlantic region. Consequently, it is in the common interest to establish and maintain an effective pan-European, or rather, transatlantic security architecture. In order to achieve this goal, there is no need for new institutions. The existing structures have already proved reliable and represent continuity. They should, however, be:

- improved in order to cope with new challenges;
- linked closely to and harmonised with one another;
- enhanced through certain new arrangements (but certainly not more institutions).

The basic principles to be taken into consideration with respect to the new security architecture are as follows:

#### *(a) The indivisibility of security*

No region in Europe can be safe and secure without the others enjoying security and stability. This does not unconditionally mean equal security, but rather a definitive tendency towards it.

#### *(b) The complex and comprehensive nature of security*

A military balance at the lowest possible level of armaments and manpower solely for self-defence is still important but preventive policy should play a more substantive role and more attention should be paid to other components of security, such as the political, economic, social, individual and minority rights components. Organic links between military and democratic institutions and civilian control of the military dimension is also an essential tool for preventive security policy.

#### *(c) The cooperative character of security*

The various structures should be interlocking (but not interblocking) in their spheres of activity. There should not be subordination or priority among them, nor should there be any kind of competition involving unnecessary conflict. The importance of making the most of the comparative advantages of different security organisations cannot be overestimated.

For example, OSCE, being the most transatlantic organisation and covering an area stretching from Vancouver to Vladivostok, is excellent for multilateral exchanges of views but often lacks substantial influence. NATO covers a smaller area but is the sole institution that possesses a credible military potential to implement security decisions. The European Union can contribute substantially to economic and social stability and

to political security, as a rule by operating through WEU for most of its members and in specific cases on its own. Where WEU is concerned, the idea of strengthening its function as the European pillar of NATO and the defence component of the EU serves Europe's special security interests. Finally, the Council of Europe has the most experience with regard to individual and minority rights, these being essential factors of stability.

III. There are theoretically five basic pillars upon which the new European security architecture should be built:

First pillar: Enlargement of NATO, the European Union, Western European Union and the Council of Europe. Should any of these institutions decide not to enlarge, Central Europe will remain in a security vacuum and stability could not be maintained either in Central Europe or, as a consequence, in Europe as a whole. On the other hand, while stability must be projected to as many Central European countries as possible, enlargement can and should apply to eligible and qualified countries only, in order not to endanger the effectiveness and standards of the relevant institutions.

Second pillar: the OSCE, which is unique in setting norms and which has a broad network of mechanisms and organs. In other words, it operates a comprehensive system of preventive diplomacy, similarly to the Office for Democratic Institutions or High Commissioners. After years of some doubt, the OSCE was successful in getting conflicting parties around the negotiating table in summer 1995 in Grozny and will play a significant role in the establishment of democratic institutions and in the organisation of elections in Bosnia. Since it is the most comprehensive transatlantic organisation, improved cooperation between the OSCE and the United Nations is a very important and far-reaching goal.

Third pillar: Special arrangements, enhanced dialogue and cooperation between the structures of the first pillar and those countries that are not members of the same, either because they do not intend to join or because they are not yet eligible to do so. The NATO Partnership for Peace programme should be brought to a higher level, in order to maintain cooperation on a pan-European scale and to endorse the commitment of applicant countries that are not yet eligible for membership. It is crucial that all Central European countries should feel the door is open. There will be no new dividing line replacing old divisions and European structures should provide help to meet the requirements for full membership. WEU can play an essential role in this process by increasing cooperation with its associate members and enhancing the status they were granted in the Kirchberg Declaration of 9 May 1994.

Special attention is to be paid to Russia in the third pillar as it is one of the most sensitive

issues for European security and also has a huge military potential. Russia opposes NATO enlargement and there is a fear that NATO enlargement would radicalise Russian policy. It has been stressed on many occasions that Russia has no veto on NATO enlargement. It is obvious that Russia has no veto in the legal sense of the word but Russian opposition already constitutes a *de facto* veto. The dilemma is huge since one of the key components of long-term European security is a democratic Russia. It should be noted, however, that a *de facto* veto can also radicalise Russia because it endorses its view that it has a right to extend its influence as a former world power. Enlargement is an important step not just in order to fill the security vacuum in Central Europe, but also to moderate any undesirable Russian ambitions. On the other hand, all possible means should be used to make Russia feel safe. Consequently, it should be offered a special arrangement with a view to meeting its concerns, except as regards enlargement itself.

Fourth pillar: Regional and sub-regional cooperation in Central Europe, similar to that already existing within European structures. The CEFTA, Central European Initiative, Alps-Adriatic Working Group and Carpathian Euro-Region are good examples, which need to be enhanced. These structures do not represent alternatives to full integration in European structures, but provide tools for communication and harmonise interests, thus providing more stability and Euro-conformity for participating countries.

Fifth pillar: Network of bilateral treaties between neighbouring states in Central Europe. These treaties are especially important between countries that have fought each other in history. They make a substantial contribution to European stability by confirming the inviolability of existing borders and guaranteeing the respect of minority rights. The European Stability Pact provides an excellent framework for bilateral arrangements and European organisations should increase their commitment to influence the process and monitor the application of the treaties concluded.

IV. When deciding on the expansion of western institutions, long-term European security interests should take priority over short-sighted perceptions of national interests.

The projection of stability from the West should be seen as a broad, comprehensive process, encompassing areas beyond the politico-military and benefiting every country in the long term. There are no losers in this process, which should lead to a more democratic and inclusive security order built on shared European democratic values.

Timely accession to NATO, WEU and the EU by those countries that are ready for it would contribute tremendously to the eastward projection of stability which is in everybody's interest.



## APPENDIX III

*Observers' view –  
contribution from Mr Paasio, Finland*

1. The following viewpoints represent the co-Rapporteur's personal opinions and do not necessarily reflect official positions of the Finnish Government.

2. The political and security climate of Europe is still undergoing rapid change. Although the cold-war years are over, this is not necessarily reflected in the development of corresponding security doctrines. The language used in the European debate on security is still, at least to some extent, based on the models of two antagonistic camps. Historically this is not surprising as the legacy of cold war is not easy to live with. This means, however, that the security challenges of a new era are not met in sufficient degree and that the necessary instruments for modern crisis management have not been adequately developed.

3. It is possible, if not obvious, that the same historical gap in political culture also characterises the positions of those European countries that have adopted a policy of military non-alignment. The profound change in the role of NATO when compared to the cold-war years has perhaps not been fully understood. The same is no doubt true as far as the military organisations themselves are concerned.

4. It is of utmost importance that European security developments do not lead to renewed bipolarity between East and West. This basic principle calls for enhanced cooperation and openness as well as mutual respect between all the actors in the great European drama.

*Policy of active non-alignment*

5. Different EU member countries have adopted different security policies. The majority of them are members of NATO and three countries have chosen a policy of non-alignment. This is a fact that is bound to affect common security structures in Europe.

6. The non-aligned EU members have chosen observer status in WEU. This does not indicate any desire to be passive. The pragmatic working methods of WEU enable even observers to actively participate in designing new security architecture for Europe.

7. The active role of neutral and non-aligned countries in the CSCE process, especially in the

1970s and 1980s contributed significantly to the creation of detente. Bridging the gaps between the superpowers and military alliances was possible because an atmosphere of confidence could gradually be achieved.

8. During the cold-war years, it was relatively easy to define the concept of neutrality. Today it is much more complicated. The absence of rival military alliances and ideologies makes it difficult to understand what neutrality is. This explains why Finland does not use the word "neutrality" in official security documents any more. Terminologically speaking, "non-alignment" is more precise and easy to understand.

9. Historically, the policies of neutrality and non-alignment are not identical in all the countries concerned. In some countries long historical tradition constitutes the main background for their security doctrines, while in others the legacy of World War II is clearly visible.

*Case study – Finland*

10. In spite of its relatively eastern geographical location, Finland is a typical West European country as far as historical ties, culture, national economy and political democracy are concerned. These characteristics made it possible for the nation to maintain its identity and develop elements of independence during the decades of oppression under tsarist Russia. Finland was declared independent in 1917. Notwithstanding its non-independent status as a grand duchy under the Russian tsar, Finland already had a modern single-chamber parliament based on universal suffrage for both men and women as early as 1906.

11. Joining the European Union consolidated Finland's membership with in the family of Western European nations. It is obvious that national security elements were in the minds of the Finns when voting in the referendum. The positive outcome reflected the prognosis. This means that security concepts are not interpreted in a military context alone.

12. The 1 300 km long border between Finland and Russia also became a border between Russia and the EU when Finland joined the Union. From the security point of view, this fact emphasises the extreme importance of a situation of low political

and military tension in the northern part of Europe.

13. The key question is who is to maintain the peaceful atmosphere in the North and by what means? What kind of factors would disturb it? The Parliament of Finland has debated and adopted a special report with the title "Security in a changing world". The Parliament and the Government of Finland unanimously stated that the policy of non-alignment still serves the security

interests of Finland and the whole region. It is obvious that any rapid change in this unanimously adopted security doctrine would cause tension to rise between Finland and Russia and thus between Russia and the EU.

14. Finland will actively participate in the dialogue and cooperation on enhancing security in Europe as a committed member of the European Union and will also discuss these matters with organisations such as NATO and WEU.



