

ASSEMBLY OF WESTERN EUROPEAN UNION

THIRTY-SEVENTH ORDINARY SESSION

(First Part)

Revision of the modified Brussels Treaty

REPORT

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

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1. Adopted in committee by 24 votes to 1 with 2 abstentions.

2. *Members of the committee* Mr. Ahrens (Chairman); Sir Geoffrey Finsberg, Mr. De Decker (Vice-Chairmen); MM. Aarts, Beix (Alternate: Baumel), Böhm, Brito, Candal, Caro, Collart (Alternate: De Bondt), Cuatrecasas, Eick, Fabra, Forni (Alternate: Lemoine), Foschi, Goerens, Hirschler, Lord Kirkhill, MM. Koehl, van der Linden (Alternate: Eisma), Lord Mackie, MM. Martinez, Martino, Müller, Natali, Pécriaux, Pieralli, de Puig, Roseta, Sarti, Sir William Shelton, Mrs. Staels-Dompas, MM. Stoffelen, Thyraud, Ward (Alternate: Rowe).

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

Draft Recommendation
on the revision of the modified Brussels Treaty

The Assembly,

- (i) Considering that the accession of Portugal and Spain to WEU and the reunification of Germany make necessary a revision of the modified Brussels Treaty;
- (ii) Considering that certain provisions of the modified Brussels Treaty no longer meet European security requirements but are obstacles to harmonious co-operation between member countries in security and defence matters;
- (iii) Considering that WEU is required to take its place, together with the Community and political co-operation, in a European union whose responsibilities will be extended to include security and defence matters;
- (iv) Considering that the North Atlantic Treaty is still essential for the security of Europe as a whole;
- (v) Considering that the new order of peace and security that the CSCE is in the process of establishing throughout Europe calls for a demonstration of a collective European will to ensure respect for the principles set out in the Paris Charter;
- (vi) Considering that WEU is still essential for any co-ordinated action by member countries outside the area defined by the North Atlantic Treaty,

RECOMMENDS THAT THE COUNCIL

1. Examine without delay the changes to be made to the modified Brussels Treaty to adapt it to the new circumstances;
2. To this end, take into consideration the draft treaty proposed by the Assembly as follows:

The high contracting parties

Resolved:

To reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the other ideals proclaimed in the Charter of the United Nations and in the European Convention on Human Rights;

To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage;

To strengthen, with these aims in view, the economic, social and cultural ties by which they are already united;

To co-operate loyally and to co-ordinate their efforts to create a firm basis for the European economy;

To afford assistance to each other, in accordance with the Charter of the United Nations and the provisions adopted by the Conference on Security and Co-operation in Europe, in maintaining international peace and security and in resisting any policy of aggression;

To promote the unity and to encourage the progressive integration of Europe;

To associate progressively in the pursuance of these aims other states inspired by the same ideals and animated by the like determination;

Determined to pursue their action to organise the integration of their economies, their economic, social and cultural co-operation, their legitimate collective defence and the organisation of security and co-operation in all European countries;

Have agreed as follows:

ARTICLE I¹

Convinced of the close community of their interests and of the necessity of uniting in order to play fully their due rôle in organising a new order of peace and security in Europe and maintaining peace and economic and social development in the world, the high contracting parties will co-ordinate their action in the various organisations helping to attain these aims.

The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VI, as well as through other bodies, shall not involve any duplication of, or prejudice to, the work of other organisations in which the high contracting parties are or may be represented but shall on the contrary assist the work of those organisations.

ARTICLE II²

In the execution of the treaty, the high contracting parties and any organs established by them under the treaty shall work in close co-operation with the North Atlantic Treaty Organisation.

While retaining the right to prepare for any military operations they may deem necessary, the Council and its subordinate bodies will ensure that there is no overlapping with NATO civil and military bodies and will pursue a continuing exchange of information and opinions with them.

ARTICLE III³

If any of the high contracting parties should be the object of an armed attack in Europe, the other high contracting parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the party so attacked all the military and other aid and assistance in their power.

ARTICLE IV⁴

All measures taken as a result of the preceding article shall be immediately reported to the Security Council. They shall be terminated as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.

The present treaty does not prejudice in any way the obligations of the high contracting parties under the provisions of the Charter of the United Nations. It shall not be interpreted as affecting in any way the authority and responsibility of the Security Council under the Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

ARTICLE V⁵

The high contracting parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the high contracting parties or any third state is in conflict with the provisions of the present treaty.

None of the high contracting parties will conclude any alliance or participate in any coalition directed against any other of the high contracting parties.

ARTICLE VI⁶

1. For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between them and with other European organisations, the high contracting parties to the Brussels Treaty create a Council to consider matters concerning the execution of this treaty.

1. Amended text.

2. Former Article IV amended.

3. Former Article V, amended in French.

4. Former Article VI.

5. Former Article VII.

6. Former Article VIII amended.

2. This Council is known as the “ Council of Western European Union ”; it is so organised as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be considered necessary.

3. At the request of any of the high contracting parties, of the European Council or of the Assembly, the Council shall be immediately convened in order to permit them to concert their approach to any challenge to security and co-operation in Europe or to the application of arms limitation conventions and to any situation which may constitute a threat to peace, in whatever area this threat should arise.

4. The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed.

ARTICLE VII ⁷

The Council of Western European Union shall make an annual report on its activities to an assembly of representatives of the Brussels Treaty powers appointed in accordance with the same criteria as representatives to the Parliamentary Assembly of the Council of Europe.

ARTICLE VIII ⁸

In pursuance of their determination to settle disputes only by peaceful means, the high contracting parties will apply to disputes between themselves the following provisions:

The high contracting parties will, while the present treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice, by referring them to the court, subject only, in the case of each of them, to any reservation already made by that party when accepting this clause for compulsory jurisdiction to the extent that that party may maintain the reservation.

In addition, the high contracting parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

ARTICLE IX ⁹

The high contracting parties may decide, by joint agreement, after the Council has consulted the Assembly, to invite any other state to accede to the present treaty on conditions to be agreed between them and the state so invited.

Any state so invited may become a party to the treaty by depositing an instrument of accession with the Belgian Government.

The Belgian Government will inform each of the high contracting parties of the deposit of each instrument of accession.

ARTICLE X ¹⁰

The present treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

It shall be considered to enter into force on the date of the deposit of the last instrument of ratification of the 1954 Paris Agreements and will remain in force for fifty years. After the expiry of the fifty years, each of the high contracting parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

The Belgian Government shall inform the governments of the other high contracting parties of the deposit of each instrument of ratification and of each notice of denunciation.

7. Former Article IX amended.

8. Former Article X.

9. Former Article XI.

10. Former Article XII.

Explanatory Memorandum

(submitted by Mr. Goerens, Rapporteur)

I. Introduction

1. The revision of the modified Brussels Treaty became necessary with the accession of Portugal and Spain. For that reason, the Council decided to examine this question but, noting that the governments were having difficulty in reaching agreement on the tenor of a new text, its progress was prudently slow. This is no cause for criticism since events in 1989 and 1990 radically changed the facts that had to be taken into account for achieving this aim.

2. (i) Although the reunification of Germany means that Germany has now inherited all the commitments entered into by the Federal Republic, including those in the Washington and modified Brussels Treaties, it has eliminated the reasons for several of the protocols making up the 1954 Paris Agreements, which protocols may now be considered null and void together with the provisions of the treaty itself which refer to them.

3. (ii) The decision taken by the Twelve in Rome in December 1990 to build up, in the framework of a European Council whose responsibilities are already greater than those devolving on the Economic Community, European co-operation extending to security and defence matters, raises in new terms the question of WEU's place in the European system. Any revision of the treaty will obviously have to bear this in mind.

4. (iii) The threat brought to bear by the Warsaw Pact has steadily diminished in the last two years, giving way to great uncertainty about the future of several Eastern European countries, including the Soviet Union, and the risks they may represent for peace in Europe. The countries of the Atlantic Alliance for their part have had to reassess the way they should organise themselves to meet the requirements of the new situation in view of the sharp reduction in the American military presence in Europe which has already started and will probably be accelerated. The modified Brussels Treaty is strongly marked by the confrontation between NATO and the Warsaw Pact since this was the dominating concern of Europeans at the time it was drawn up. Although, in the main, it still meets the requirements of European security in a new era, its revision must take into account the obsolescence of some of its provisions.

5. It was fashionable in recent years to make calumnious attacks on WEU and its past. It has been called the sleeping beauty and, when the

question was being examined of abolishing the ACA and the SAC and then the agencies created in 1987, they were readily accused of inefficiency, inability and laziness. This "little known" organisation was willingly sneered at and its "discretion" was compared with the "brilliance" of NATO or the European Community. All these direct or indirect attacks led to the idea that WEU should be wound up on the grounds that it would jeopardise NATO cohesion or the development of the Community. To be fair, it should first be recalled that an intergovernmental organisation can only be what the governments of the member countries wish it to be. The mediocrity of the SAC's work was attributable to the governments, not the organisation, as was the fact that the 1987 agencies were allowed no initiative and therefore made only a limited contribution to the establishment of defence Europe. Conversely, if one considers the aims the signatories of the Paris Agreements agreed to assign to WEU, one has to express a very different opinion on its action. The need to revise the modified Brussels Treaty does not stem from failure to implement it but on the contrary from its success.

6. (a) Their first aim was to ensure peace and security in Western Europe. This has been attained in full.

(b) They intended to promote the unification of Europe, placing defence in the framework of integration. From this point of view, the establishment of the European Economic Community, its enlargement and subsequent confirmation are an essential part of the implementation of the modified Brussels Treaty.

(c) The Federal Republic was to be associated with the organisation of European security. This association became an undeniable fact and the preventive measures that existed for Germany in 1954 have almost all disappeared.

(d) The signatories sought to ensure United Kingdom participation in the building of Europe. In fact, for several years WEU was a bridge between the United Kingdom and the EEC and the British accession in 1972 was an important step in the implementation of the modified Brussels Treaty.

(e) During the crisis in relations between France and NATO in 1967, WEU helped to maintain co-operation between France and the NATO member countries in areas within its

purview, with the result that there is no longer much doubt about France's effective participation in a western security system, nor about that of Spain, whose armed forces are not integrated in the NATO commands either.

(f) In 1987, for the first time, the first war in the Gulf allowed member countries to take part in concerted operations outside Europe. In 1990, this initiative was repeated on a new scale.

7. Your Rapporteur is well aware that some consider it would have been better for Europe's participation in NATO's activities not to pass through an intermediary such as WEU. Others believe the European Community alone should embody the will of Europeans to organise themselves in security and defence matters. WEU's great merit has been to achieve an acceptable synthesis of all these aspirations. Without it, the unity of Western Europe would have been impossible, be it in NATO or in the Community. However important the changes that occurred in Europe in 1989 and 1990, they in no way affect the application of the modified Brussels Treaty but confer new importance on it. However, this importance will depend largely on how the NATO member countries manage to define the rôle of that organisation at the juncture now approaching and, on the other hand, how far the twelve Community member countries wish bodies directly connected with that institution to be extended.

8. These observations lead to the conclusion that a treaty of alliance must not include details too closely linked with present circumstances. It must provide a general framework allowing governments to agree on practices that may be abandoned as and when necessary. For instance, it is understandable that in 1954 the Seven wished to put an official stamp on very detailed commitments in regard to the limitation and control of armaments. This is the purpose of Protocols Nos. II, III and IV of the Paris Agreements, which form part of the treaty. However, the governments have since found them embarrassing from time to time. In the present period of uncertainty about the organisation of European security, it seems undesirable to include in an international treaty provisions which might better be reserved for Council decisions, subject to revision whenever governments so wish. Conversely, the fact that some provisions of the modified Brussels Treaty are no longer applied because they no longer correspond to present-day realities weakens the credibility of the governments' will to respect a most essential part of their commitments. A first conclusion will thus be that the text should be a short one.

9. Furthermore, the main part of the text should relate to the new situation in Europe. Admittedly, there seems to be a need for certain

provisions to be changed, but these are few and limited in scope. The governments themselves noted this at the meeting of the European Council in Rome in December 1990 and at the meetings in Brussels on 4th February which led to the first steps being taken towards organising twelve-power Europe associating WEU with the European Community: setting aside all proposals involving the disappearance of WEU and the establishment of a political Europe in a strictly Community framework, they paid particular attention to a Franco-German proposal to juxtapose WEU and political co-operation in the framework of a political union on behalf of which WEU would, as Mr. Dumas said, act on the union's behalf in security and defence matters and work out proposals for the union's institutions in these areas. This corresponds very closely to the guidelines laid down for WEU in the Preamble and Article I of the modified Brussels Treaty.

10. Finally, if our Assembly wishes to make its voice heard, it should express its views without delay. The first results of the work of the Twelve indicate that the latter will manage to put in writing the architecture of political Europe by the beginning of summer 1991. This will be a decisive step directing everything that follows. By explaining before that date how it believes the treaty should be revised, the Assembly will be able, further to the opinion it expressed in December 1990 on the revision of Article IX when adopting the recommendation presented by Sir Geoffrey Finsberg on behalf of the Political Committee (Document 1250), to initiate a true dialogue with the governments on the building of the European union.

11. However, it is not for the Assembly to replace the legal experts who will have to settle the terms of the future treaty. Its impetus must remain political and, although your Rapporteur is trying to set out in the text of an article his views on what the future treaty should be, the sole aim is to express his ideas as clearly as possible, without impinging upon the responsibilities of the executive. To demonstrate the political nature of his thinking, he will conduct his study under three main headings: the organisation of European security, the political union of Europe and, lastly, the functioning of WEU.

12. Finally, your Rapporteur has tried to be strict in naming institutions or prospective European institutions. Noting, however, that neither the press nor the governments were so strict, he believes it useful to spell out hereafter the meaning he attaches to the terms he uses, without, however, necessarily committing the authors of the quotations in the present document.

13. By *European union* he means the plan worked out by the nine members of the

European Communities in Paris in 1972 to group all the organisations, associating them under a single steering body, the *European Council*, which is not linked to the implementation of a particular treaty. This was the prospect mentioned by President Mitterrand under the heading of *European Federation*, while *political co-operation*, founded in Luxembourg in 1970, examines external policy matters, from which security and defence questions have hitherto been excluded. The plan for a *political union* which, since the meeting in Rome in December 1990, has been the aim of the *inter-governmental conference*, together with the *economic and monetary union*, aims at associating WEU and political co-operation at an early date in accordance with the intentions expressed in the *Single European Act*, adopted by the twelve member countries of the Community in 1975. By *European Community*, he means only the organisation stemming from the Paris and Rome Treaties creating, respectively, the European Coal and Steel Community, the European Economic Community and Euratom, which have now been merged. When he refers to *the Twelve*, your Rapporteur means the member states acting outside the institutions, just as *the Nine* are the member states of WEU since 1988. Europe of *the Thirty-Five* refers to the members of the *Conference on Security and Co-operation in Europe* (CSCE) who, in the Paris Charter of November 1990, defined the principles of their organisation in the light of events in Eastern Europe in 1989 and 1990.

14. Finally, it should be specified that all references to the modified Brussels Treaty in this explanatory memorandum are based on the treaty as it resulted from the 1954 Paris Agreements, still in force, and not the draft treaty contained in the draft recommendation.

II. Organisation of European security

15. The first objective of the modified Brussels Treaty is to ensure Western European security. This was the aim of the signatories of the 1948 Brussels Treaty, when the Atlantic Alliance did not yet exist. The Paris Agreements added other dimensions, but the implementation of these new provisions was progressively handed over to other institutions and the platform of The Hague which, with the accession of Portugal and Spain, became the second WEU charter, brings the organisation back to its initial target. This must therefore be the basis for any thinking about the future of WEU.

16. In the situation that prevailed from 1949 to 1989, Western Europe as a whole had to face only one threat, i. e. that of the Warsaw Pact divisions deployed defensively in the centre of

Europe at the service of a dominant country and an expansionist ideology. It was therefore logical for WEU to relinquish the exercise of most of its military responsibilities to NATO as the larger organisation thanks to which the United States and Canada, with the deterrent power American nuclear weapons gave the alliance, made a powerful contribution to joint security, while the participation of Norway, Iceland, Greece and Turkey extended the necessary guarantees to the flanks of the system of defence. The aim of *Article IV* of the modified Brussels Treaty, which associates WEU closely with NATO, was to fit the military dimension of WEU's rôle into the NATO framework.

17. Developments in Europe in 1989 and 1990 raised questions in some circles about the need to maintain that association. Considering the withdrawal of the Soviet means to defensive positions on Soviet territory, the disintegration of the Warsaw Pact, progress in disarmament, the decline of communist beliefs and the adhesion, demonstrated in the Paris Charter of November 1990, of all European states to many of the values hitherto upheld by the West, they believe NATO should be sacrificed, at the same time as the Warsaw Pact, to the abolition of military blocs and that the collective security of Europe as a whole should be organised in the framework of the Conference on Security and Co-operation in Europe. The least one can say is that uncertainty about the Soviet Union's internal and external policies and the certainty that it has retained a large military force most of which, both nuclear and conventional, escapes the arms limitation agreements and which is still being modernised do not allow consideration to be given to winding up the Atlantic Alliance which remains, and will probably remain for a long time to come, the basis of European security vis-à-vis a threat that has not disappeared. Hence there is no need to question the principle of Article IV of the modified Brussels Treaty.

18. Conversely, while the first part of that article seems to be drafted in terms which correspond to both today's and tomorrow's requirements, i.e.:

“ In the execution of the treaty, the high contracting parties and any organs established by them under the treaty shall work in close co-operation with the North Atlantic Treaty Organisation ”

the same cannot be said of the second part, which contains several anachronisms:

“ Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters. ”

19. NATO is in fact no longer the sole source of information on military matters that concern Europe's security. Each member of the alliance participates in its own specific way and many aspects of these questions are outside the purview of NATO. NATO for its part complains of being insufficiently informed about the activities of WEU.

20. At the close of its ministerial meeting on 18th December, the North Atlantic Council issued a communiqué setting out in paragraphs 5 and 7 its views on the future of relations between NATO and the future European security organisation, as follows:

“ 5. The adaptation of our alliance to new circumstances will include enhancing the rôle of the European allies with a view to ensuring a full and equitable sharing of leadership and responsibilities between Europe and North America. All allies agree that the foundation of European stability and security will continue to be a strong and viable North Atlantic Alliance which requires the continuing active political engagement and significant military presence of the North American democracies in Europe. A European security identity and defence rôle, reflected in the construction of a European pillar within the alliance, will not only serve the interests of the European states but also help to strengthen Atlantic solidarity. In this context, and as this process evolves, we will consider how the political and military structures of the alliance must be adapted accordingly.

We support current efforts to strengthen the security dimension in the process of European political integration, and recognise the importance of the recent decisions of the European Council in Rome. We emphasise, in this regard, the importance of safeguarding complementarity and transparency between the two processes of the adaptation of the alliance and of the development of European security co-operation.

.....

7. Security and co-operation in the Europe of tomorrow can best be achieved by a framework of interlocking institutions in which the interests of all European states can be accommodated. The three key elements of the European architecture are the alliance, the process of European integration and the CSCE. Each has its own purpose but complements the others. Our alliance will provide an essential underpinning to this architecture, guaranteeing the transat-

lantic dimension of security, providing effective defence for all the allies, and contributing to an environment of stability in which democratic institutions can be firmly rooted.”

21. If one accepts that the nine WEU countries are bound by North Atlantic Council decisions and by those of the European Council to associate WEU with the European union that the Twelve intend to set up, it would appear that:

- (i) their governments have no intention whatsoever of side-lining NATO and entrusting to a solely European organisation responsibility for their defence arrangements or even their policy on disarmament, security and co-operation in Europe;
- (ii) on the contrary, they are anxious to build a European pillar of the alliance to consolidate it at both political and military level;
- (iii) this implies the development of new relations between NATO and WEU based on greater cohesion of the European members of the alliance in defence and other matters and on mutual openness on the part of both organisations, a steady exchange of information, continuing co-operation, not only at government level but also at the level of secretariats and specialised bodies.

Your Rapporteur therefore proposes that the second part of Article IV be redrafted as follows:

“ The Council and its subordinate bodies will ensure that there is no overlapping with NATO civil and military bodies and will pursue a continuing exchange of information and opinions with them.”

22. Such wording would not prejudice the sharing out of military responsibilities between NATO and WEU. While it seems evident that, in any event, NATO's main task will continue to be to organise the defence of member countries against any form of attack, the new circumstances mean planning for cases in which, inside or outside Europe, deterrence or limited recourse to force may become necessary to maintain or restore peace, without the participation of the great powers being possible or desired by the WEU countries or required by the Washington Treaty. The principle that action must be taken by the largest possible organisation would allow it to be decided to what extent it was for NATO or for WEU to intervene in accordance with decision-taking procedures specific to each of the two organisations.

23. In order to take account of WEU's ability to act in areas denied to NATO, your Rapporteur therefore proposes redrafting the beginning of the second paragraph of Article IV as follows:

“ While retaining the right to prepare for any military operations they may deem necessary, the Council and its subsidiary bodies...”

24. As for the methods laid down in Article VIII, it is clear that this article corresponds to two separate intentions: to ensure application of *Protocols Nos. II, III and IV* concerning the levels of forces and armaments of member countries and to extend allied solidarity beyond the case of an attack on one of the member countries. However, the first of these aims is apparently no longer that of member countries today. Moreover, forty years of WEU history show that implementation of the protocols, after having made a major contribution to the creation of the Europeans' feeling of belonging to a community in which there was solidarity in security matters, subsequently harmed the proper functioning of the treaty because it created inequalities between commitments imposed on signatories and finally these texts have now either lost their importance or they are incorrectly applied.

25. (i) The Federal Republic's renunciation of the production of certain conventional weapons was progressively abolished by agreement between the seven signatory countries in application of Article II of Protocol No. III. The one concerning nuclear weapons was renewed by the Federal Republic's accession to the non-proliferation treaty and then, again, in 1990 by the so-called two-plus-four treaty on the final settlement of the German question. Under this treaty, Germany also confirms its renunciation of the production of chemical and biological weapons – regarding which a new treaty to ban them is now being negotiated in Geneva, and accepts limits for the level of forces in the *Bundeswehr*. The entire system set up by Protocols Nos. III and IV is therefore pointless where Germany is concerned.

26. (ii) While the United Kingdom was not compelled to submit its weapons deployed outside the mainland of Europe to control, France refused, since its nuclear weapons entered the effective production stage, to accept the provisions of Article III of Protocol No. III because it considered that a commitment which applied to it alone was discrimination.

27. (iii) The obligations under Article I of Protocol No. II have been a heavy burden on the United Kingdom since it abolished military service; it now has only a professional army, with limited levels, which has had to be used several times for operations outside Europe. It then had to anticipate a WEU Council decision.

On 11th January 1991, your Rapporteur put Written Question 289 to the Council:

“ Paragraph 4 of the reply to Recommendation 479 indicates that the modified Brussels Treaty ‘provides no legal basis’ for ‘the presence of the forces of one state on the territory of other WEU states’. Does the Council mean that Protocol No. II is no longer in force? If so, when and why was such a decision taken?”

in order to obtain detailed information on this point. He is waiting for the answer. When speaking to the Political Committee on 5th March 1991, the Secretary-General held that Protocol No. II implied commitments only for the United Kingdom but that it remained fully in force, thus correcting the reply to Recommendation 479. It remains to be seen whether the commitments in that protocol were effectively fulfilled in summer 1990 and why the Assembly has still not been notified of any Council decisions relating to cuts in the British Army of the Rhine to meet the Gulf crisis. Your Rapporteur considers it quite normal that, in the circumstances, such a decision should have been taken, but he still does not know whether the rules laid down in Protocol No. II were effectively respected and he considers it abnormal that the Assembly was not duly informed.

28. (iv) Portugal and Spain are subject to none of the obligations laid down in Protocols Nos. II, III and IV since their forces were not included in the “ Special Agreement annexed to the Treaty on the Establishment of a European Defence Community ” signed in Paris on 27th May 1952, referred to in Article I of Protocol No. II.

29. (v) Since France's withdrawal from the NATO integrated military structures, all French armed forces have been assimilated to “ internal defence and police forces ” in accordance with Article V of Protocol No. II which makes no provision for national armed forces other than those assigned to NATO. This is obviously a point on which the 1954 Paris Agreements are no longer adequate.

30. (vi) Overall, the maximum force levels laid down in the treaty of 27th May 1952 no longer correspond to Europe's possibilities or to its needs today. No one in Western Europe is reproaching its neighbours for having too many arms but each country would like the others to have more arms so that they may play a greater part in joint security. The limits laid down in Protocol No. II are therefore now pointless.

31. Your Rapporteur therefore proposes that Protocols Nos. II, III and IV be deleted and, consequently, the parts of *Article VIII* of the treaty that refer to them, i.e.:

– in paragraph 1: “ and of its protocols and their annexes ”;

- in paragraph 2: "in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV";
- in paragraph 4: the second and third sentences.

32. These proposals do not take account of two possibilities that have sometimes been envisaged:

- (a) no longer fixing maximum but minimum levels of armaments that member countries would undertake to place at the service of European security. This does not rule out the idea that member states might agree, in the framework of the Council, to fix maximum levels, but your Rapporteur believes that at the present juncture there can only be decisions linked with changing circumstances and that member states should not therefore be bound by a treaty article;
- (b) introducing procedure for majority decisions on important matters relating to European security. Your Rapporteur would not be against the introduction of such procedure but he believes that member states are not yet ready to accept it. It is better not to create new commitments than to have to close one's eyes to their non-application, as was too often the case for the parts of Article VIII that it is proposed to delete.

33. The other aspect of Article VIII, which makes WEU the instrument of European security, on the contrary corresponds to today's requirements, probably even better than to those of 1954. In particular, it should be underlined that, in *paragraph 1*, it is stated that the Council was created "for the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between [the high contracting parties] and with other European organisations", thus fully justifying the approach adopted by the Twelve since their Rome meeting to associate WEU more closely with European political co-operation with a view to preparing the future European union. Similarly, *paragraph 2*, laying down that the Council "shall be so organised as to be able to exercise its functions continuously" and that "it shall set up such subsidiary bodies as may be considered necessary" leaves the way clear for the Council to take all the decisions necessary for adapting it to the new situation. It is therefore empowered to decide, as soon as governments agree, to move closer to NATO or to the European Community by moving its seat or appointing, as part of the Permanent Council, the permanent representatives of member coun-

tries either to NATO or to the Community. It is to be hoped that decisions in this sense will be taken before the treaty is revised.

34. The question will immediately arise of whether the permanent representations of member countries to NATO or the Communities will have to form the WEU Permanent Council. Such a decision naturally means choosing WEU's future course and not only at symbolic level because in some cases co-ordination will be better ensured in one organisation or the other and the governments will presumably find it difficult to agree on this point. An easy way out would be for each of them to decide the matter in its own way, which would have the serious disadvantage of introducing into the WEU Council, in addition to the usual divergences between government policies, differences stemming from the approaches of their respective representations. Your Rapporteur believes twofold co-ordination would be better ensured, at least until an overall decision is taken by the nine governments on relations between the three organisations, if the Council were formed of specific permanent government representatives to WEU who would obviously be responsible for maintaining close relations with the representations to NATO and to the Community.

35. In the same way, due to its vagueness, the notion of a subsidiary body seems particularly appropriate: it means a body introduced to help a principal organ and, while the treaty made the Agency for the Control of Armaments such a body, the Council announced, when setting up the WEU Institute for Security Studies, that it was acting in application of Article VIII, paragraph 2. There is no doubt that the Standing Armaments Committee, set up by a Council decision, was covered by the same article, like the three agencies which operated from 1987 to 1990. It may also be considered that the Council's working groups and also the Committee of Chiefs of Staff set up on the occasion of the Gulf crisis are subsidiary bodies of the Council, as would be the WEU satellite centre that the Council seems to be in favour of creating, if the reply to Recommendation 482 is to be believed. The fact that the IEPG now submits an annual report on its activities to our Assembly also places it, with FINABEL, in the family of WEU subsidiary bodies. In practice, the vagueness of this notion has the advantage of allowing non-member countries of WEU which, on certain matters, pursue similar aims, to be associated with a specific activity without necessarily having to accede to the treaty. Already, the SAC agreements were open to NATO countries that were not members of WEU. During the Gulf crisis, as from 20th August 1990, the Chairmanship-in-Office of the Council invited certain member countries of the Community or of NATO which were not members of WEU to

attend ministerial meetings on this subject. In the uncertain days ahead, particularly now that some countries which are still members of the Warsaw Pact are thinking of tightening their links with Western Europe, it seems desirable for possibilities of this kind to remain open, as is the case with the present wording of paragraph 2 of Article VIII. To some extent this also meets the wishes of member countries of NATO or of the EEC which have applied to join WEU but in respect of which member countries would not wish to subscribe to the commitments in Article V of the treaty. Whenever necessary, it may also allow representatives of the European Commission to be associated with the activities of such bodies at the appropriate level. Finally, the Political Committee decided to draft paragraphs 1 and 2 of Article VIII in the present, and not the future, tense.

36. *Paragraph 3 of Article VIII is of particular importance since it gives the WEU Council a worldwide mandate by encouraging 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, or a danger to economic stability". It should be noted, however, that the English text of this paragraph differs slightly from the French text since it uses the expression "to consult" while the French says "se concerter". It may be accepted that in the two languages the meaning of "to consult" and "to concert with each other" is fairly close. To concert means "union or agreement in any undertaking", which naturally includes consultation, but goes further in the sense of preparing for joint action. In any revision of the treaty, the two texts should naturally be aligned and there are two reasons for proposing that the English text should be lined up with the French: "to concert" is more binding on governments, without going so far as to create the obligation to take joint action, and, above all, the governments have already undertaken to do this in paragraph III (a) 4 of the platform of The Hague, which specifies that they will "concert our policies on crises outside Europe insofar as they may affect our security interests". In this case, the English text corresponds exactly to the French.*

37. It is worth noting that the obligations of members of the Atlantic Alliance and of WEU are rather different in the Washington Treaty and in the modified Brussels Treaty, but there is some ambiguity about the interpretation of the former whereas the latter has the merit of greater clarity. Article 4 of the North Atlantic Treaty provides that "The parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the parties is threatened", whereas Article VIII of the modified Brussels Treaty justifies such consultations by "a threat to peace, in whatever area this

threat should arise". Neither is set within a specific area but it was logical, on the occasion of the Gulf crisis, for the same countries to support Turkey against a possible Iraqi aggression in accordance with Article 4 of the North Atlantic Treaty because this was a threat to the security of a NATO member country but to take part in operations co-ordinated by WEU in the Gulf because this was to meet a threat to international peace. In fact, Article 4 of the Washington Treaty leaves room for discussion on the places and cases for consultation, which is not the case of the modified Brussels Treaty.

38. In paragraph 8 of its reply to Recommendation 489, the Council gave a useful pointer to the new meaning it intends to give to Article VIII and which corresponds perfectly to the wishes expressed by the Assembly:

"Defence solidarity is the fundamental link binding WEU member states. In adapting the modified Brussels Treaty, the aim will be to update its provisions and to take advantage of the prospects offered by the new European context. The changes to be made to the treaty at the appropriate time will inevitably stress the responsibilities assumed by member states in the defence of their common security interests."

39. The purpose is obviously to use WEU to strengthen the order of peace and security in Europe that the CSCE is in the process of establishing and whose most recent definition is given in the Paris Charter of November 1990. The governments may also have in mind the application of the CFE agreement and, more generally, arms limitation agreements. However, it does not seem very desirable to introduce into the text of the treaty too specific an allusion to a particular text or institution which may soon be overtaken by events or replaced. Conversely, it no longer seems necessary to ask the WEU Council to concert their approach to situations which are "a danger to economic stability", since such responsibilities are already exercised by the Twelve in other forums.

40. Finally, your Rapporteur considers the treaty should take account, in that paragraph, of the links that the Twelve wish to establish between the European Community, political co-operation and WEU. It might lead to the Chairmanship-in-Office of the European Council, which may, as matters now stand, be held by a non-member country of WEU, and the Chairman of the European Commission being given the right to ask for the WEU Council to be convened and, possibly, to attend such meetings for matters of concern to both organisations. Furthermore, the Political Committee decided to ask for the inclusion in the treaty of the right for the Assembly to call for the convening of the Council.

41. In the light of these remarks, paragraph 3 of Article VIII might be drafted as follows:

“ At the request of any of the high contracting parties, of the European Council or of the Assembly, the Council shall be immediately convened in order to permit them to concert their approach to any challenge to security and co-operation in Europe or to the application of arms limitation conventions and to any situation which may constitute a threat to peace, in whatever area this threat should arise. ”

42. *Paragraph 4* of Article VIII would be considerably lightened by the removal of Protocols Nos. II, III and IV since all the cases in which the Council had to take decisions by a majority, qualified or not, would have disappeared. Any attempt to extend such decisions to other areas does not seem to correspond to what member states are now prepared to accept, but the possibility might be kept open by drafting the paragraph as follows:

“ The Council shall decide by unanimous vote questions for which no other voting procedure may be agreed. ”

43. Naturally, the essential provision of the modified Brussels Treaty is the one contained in *Article V*, completed by *Articles VI and VII*. Because this article provides for mutual “ aid and assistance ” in the event of an armed attack on any of the high contracting parties in Europe, it gives the treaty special deterrent value, in particular because it stipulates that this assistance shall be afforded with “ all the military and other aid and assistance in their power ”, thus associating the nuclear weapons of WEU member countries with joint defence, while leaving each one free to decide how to use the means at its disposal, and this should of course be maintained, together with the two articles drawing the consequences of that solidarity.

44. Here again, the only rectification that should be made is due to a difference between the English and French texts. The former lays down that this assistance is guaranteed in the event of an “ *armed attack* ”, while the second refers to an “ *agression armée* ”. In this case, too, the two languages distinguish between an attack, which is a fact, and an aggression, which implies a political decision on this fact, since it is an unprovoked attack. It might therefore, in certain cases, be argued that an attack on a member country is not an aggression. Hence, your Rapporteur proposes that the French text be brought into line with the English because there are no loopholes in the latter. He feels that the level of mutual confidence between member states, their consistent policies in international affairs and the development of consultations allow them all to subscribe to a commitment thus worded. Moreover, he sees no reason to touch *Articles VI and VII*.

III. The political union of Europe

45. It is remarkable that, prior to the creation of the European Economic Community, the signatories of the modified Brussels Treaty endeavoured to place WEU in the framework of “ the unity ” and “ the progressive integration of Europe ”, as laid down in the sixth paragraph of the preamble to the treaty. Article I refers to the economic dimension of the treaty, indicating that economic co-operation “ will be effected through the [WEU] Council ” but that the latter “ shall not involve any duplication of ... the work of other economic organisations in which the high contracting parties are or may be represented ”. Article II extends WEU’s responsibilities to social matters, while relying on “ specialised agencies ” to define a social policy and conventions between them on its application to social security. Article III also leaves the definition of a European cultural policy to such conventions. It should be noted that, while Article I and the preamble were amended in 1954, *Articles II and III* in their present form date back to 1948. It is therefore quite logical that the Council should have relinquished the exercise of its cultural and social responsibilities to the Council of Europe and also, after the accession of the United Kingdom to the Rome Treaty, the exercise of its economic responsibilities to the Community. It cannot therefore be claimed that the modified Brussels Treaty was due to any special initiative of the seven signatory countries of the Paris Agreements. On the contrary, it reflects a vast European policy of which the creation of the Council of Europe was a first stage and that of the various communities now grouped in the European Economic Community an essential part.

46. However, it should be noted that the preamble refers to “ the progressive integration of Europe ” and not to Western Europe alone. This means that the enlargement of the Council of Europe and the extension of the Conference on Security and Co-operation in Europe also correspond to the aims of the signatories and that only insofar as it shows its openness towards Europe as a whole does the Community live up to their intentions. Those countries did not want WEU to be just a pillar of the Atlantic Alliance but also an instrument of the peaceful organisation of Europe as a whole. Some states, hitherto members of the Warsaw Pact, therefore quite rightly consider that their rapprochement with the European Community, now under way, also implies developing their relations with WEU. Moreover, the Assembly for its part has opened its sessions to parliamentary observers from non-member countries of WEU, as the Council has done in certain cases.

47. Hence there is no reason to consider that the atmosphere of détente, understanding and co-operation that has prevailed in Europe since

1989 calls in question the existence or vocation of WEU. On the contrary, it encourages them. In this area, the revision of the Brussels Treaty should therefore not take WEU along new paths but merely terminate certain archaisms and, above all, spell out the relationship between WEU and the other organisations leading to European union.

48. Since the meeting of the Twelve in Rome in December 1990, the question of relations between WEU and the European Community has effectively been studied by the governments in the intergovernmental conference on political union whose first meeting at ministerial level was held in Brussels on 4th February. The question was also studied by the WEU Council at its ministerial meeting in Paris on 22nd February. According to information obtained by your Rapporteur, while the Twelve seem to agree that there should be some degree of rapprochement between WEU and the Community, they differ about the nature of such a rapprochement.

(a) Italian proposal

49. On 4th February, Italy presented a document proposing that the member states of the Community undertake to ensure close co-ordination and harmonisation with the activities of WEU with a view to the latter's enlargement and strengthening and its progressive integration in the Community, possibly in 1998, the date on which, according to the Italian document, individual member states may cease to be parties to the modified Brussels Treaty. To that end, WEU might be placed under the aegis and authority of the European Council. At the same time, the secretariat of the European Council for foreign policy would be entrusted to the Secretariat-General of the Commission of the Community. The latter would be closely associated with defining and implementing joint foreign and security policy for which it would have a right of initiative, while the European Parliament would be given wide-ranging responsibilities in these areas. The Council's decisions would be taken by consensus in security matters when they relate to principles and by qualified majority when it is a matter of implementing them. Finally, the Italian document says a joint security policy should be developed in all these sectors with a view to achieving a joint defence policy based on a mutual assistance undertaking. Such a policy might be applied here and now to industrial co-operation, transfers of military technology, negotiations on arms limitation and confidence-building measures and participation in co-ordinated military operations, in particular by mandate from the United Nations.

50. These proposals raise a series of problems. They are tantamount to abolishing WEU, since

they link the new organisation of European security with the possibility of member countries withdrawing from WEU on a date which, as it will moreover be seen, is debatable. It would then be rebuilt round a new treaty of mutual assistance between countries which, in a new context, would probably not be prepared to undertake or repeat commitments such as were accepted in the 1954 Paris Agreements. Security policy would then be subject to different procedures divided between principles and implementation, a separation to which it seems difficult to give a juridical or political basis. The immediate measures foreseen in the Italian proposals include some which WEU has been handling, sometimes for a long time, sometimes only recently, an exception being the control of arms exports which member governments have always excluded from their joint discussions. In any event, there would have to be an agreement defining exactly what should be controlled. Would twelve governments be prepared to go further than nine governments? This is a moot question. In fact, the Italian proposal amounts to the delayed – but not for long – absorption of WEU by the Community, a solution which our Assembly has always rejected both for itself and for WEU as a whole.

(b) European Commission proposal

51. The European Commission published a proposal at the beginning of March. It is too long to reproduce in full here, particularly as, apart from foreign and joint security policy, it deals with two other matters which are outside the scope of the present report, i.e. external economic policy and development co-operation policy. The text is in three parts: an explanatory notice, an appendix (which is in fact a draft treaty) and comments. Your Rapporteur will examine that part of the appendix dealing with foreign and joint security policy.

52. The text seeks solutions to the problems raised by the coexistence of a twelve-power European union based on Community principles and nine-power co-operation based on a treaty of alliance between sovereign states. As a result, the Commission:

(i) is quite vague about what it means by security since it refrains from claiming responsibility for defence matters but in fact admits such responsibilities for the union, as emerges *inter alia* from the inclusion of Article V of the modified Brussels Treaty in the draft treaty;

(ii) includes in the draft treaty the major part of the modified Brussels Treaty, and in particular Article V, taken up in full in Article Y12. The substance of Article X is included in Article Y10, whereas a more detailed adaptation of that of Article VIII is included in many articles of the draft treaty, especially Articles Y4 and Y14. The

substance of Article IX is also included in Article Y5, which replaces the WEU Assembly by the European Parliament. Conversely, Article IV, defining relations between WEU and NATO, is included only vaguely in Articles Y7 and Y15, so as to make it theoretically possible for non-member countries of NATO to take part in a joint security policy:

(iii) distinguishes two areas of external and joint security policy (Article Y2):

(a) "matters that are deemed to be of vital interest for the union" by decision of the European Council, for which the Commission provides for a qualified majority decision-taking procedure for defining "the principles of the common policy" and deciding on "action to be taken, whether it is to be implemented by the union or by the member states" (Article Y3);

(b) "matters that have not been declared to be of vital common interest" for which it advocates procedures for consultation which, by the use of wording not very binding on member states, is largely the same as that referred to in Article VIII of the modified Brussels Treaty (Article Y4) but with the following provision: "Member states shall refrain from hindering consensus and joint action that may flow from it", which would be a significant relinquishment of sovereignty for possible signatories;

(iv) works out procedures that are, to say the least, complicated in order to allow at one and the same time co-operation with NATO and the participation of non-member countries of NATO, the maintenance of the fiction of neutrality and a military assistance clause, abstention in taking decisions and implementing them and participation in a union capable of taking decisions and acting (Article Y13);

(v) provides both for the participation of non-member countries of NATO (and WEU) in the union and the presentation to NATO and WEU bodies of joint union positions stemming from decisions taken by qualified majority, which, moreover, does not necessarily imply that there was such a majority among members of the union who are members of NATO or WEU (Articles Y7 and Y15. 3). This procedure would in fact raise few problems in the framework of WEU all of whose members are members of the community, but the United States and NATO have always been extremely reserved about the formation of a bloc of certain European countries in the North Atlantic Council. These reservations would probably be even stronger if such a bloc were to be institutionalised so that non-member countries

might play an indirect part in the North Atlantic Council's decision-taking process;

(vi) gives itself a rôle of initiation, representation and implementation far exceeding what it is granted by the treaties in force and making it a true federal government of Europe. Naturally, it might be possible to give the Commission such prerogatives but this would require a fundamental revision of those treaties in order to give it democratic legitimacy and policy responsibility that are now totally lacking.

(vii) Where WEU is concerned, its relations with the European union are referred to in Articles Y11 and Y15, as follows:

"The common security policy shall constitute an integral part of the union's foreign policy. Its purpose shall be to strengthen security in Europe and to maintain peace in the world in accordance with the United Nations Charter. It shall rest on co-operation within the WEU. Its long-term objective shall be to establish a common European defence in full compliance with commitments entered into in the Atlantic Alliance.

.....

1. When deciding on action to be taken pursuant to Article Y 13(3), the Council shall also decide whether to refer implementation of the guidelines it has established to the WEU Council.

2. For the application of paragraph 1 the union shall establish with the WEU such arrangements as may be necessary to enable member states which are not members of the WEU and the Commission to attend meetings of the WEU bodies.

.....

4 The union shall endeavour to make use of the provisions of Article XII of the Treaty of Brussels of 17th March 1948 to promote the gradual integration of the WEU into the union."

53. It can be seen that there is a flagrant contradiction between the will expressed in the first of these paragraphs to co-operate with WEU and that expressed in veiled terms in Article Y15.4 to bring about the early disbandment of WEU, i.e. to base the European union not on an association of WEU, political co-operation and the Community but on the disbandment of WEU and the inclusion of the contents of the modified Brussels Treaty in a new twelve-power treaty. This approach is contrary to the doctrine constantly upheld by our Assembly and implies a risk of destroying a firmly-based European defence organisation without offering any real replacement.

54. To sum up, your Rapporteur's opinion on the Commission's proposal is that it tries to use institutional procedures that are complicated and, in his view, very fragile from both a legal and a practical standpoint in order to remedy the fundamental political problem that defence is an essential part of the sovereignty of states that they do not wish to relinquish. The superiority of the modified Brussels Treaty over this plan is due to the fact that, starting from reality, it establishes European co-operation based on the will of states whereas the Commission's proposal jeopardises sovereignty to an ill-defined extent and does not produce a Community will capable of replacing the will of states. It condemns the union to paralysis because it would be based on procedure liable to stifle any initiative and not on political will.

55. If it is borne in mind that, in the last fifteen years, WEU member states have resorted to force to defend international law or endangered populations or to restore peace in Zaire, Chad, Lebanon, the Falklands, Beirut and twice, in a co-ordinated manner, in the Gulf, not to speak of their permanent deterrent action in Europe in the context of the Atlantic Alliance, it may be wondered to what extent the procedure proposed by the Commission, if it had been in force at that time, would have allowed such rapid and – except in the case of Beirut – effective action.

(c) United Kingdom and Netherlands positions

56. The United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Mr. Douglas Hurd, expressed a diametrically opposite position to the press on 4th February, the same day as the Italian document was presented. He believes WEU should not be swallowed up in another organisation but, on the contrary, strengthened so as to be a bridge between the Community and NATO, the bases of the collective defence of Europe. The Foreign Secretary excluded any procedure other than a consensus for taking decisions in security policy matters and refused to conceal the disagreement behind institutional changes. Some may find this concept of WEU's rôle a minimalist one, but Mr. van den Broek, in an interview in *Le Monde* of 8th February, spoke about relations between WEU and NATO in similar terms to those of his United Kingdom colleague. He added: "I object to the fact that the EEC wishes to define a joint security policy without taking account of countries which are not members of the Community but which help to protect it, for instance Norway and Turkey. Furthermore, three EEC countries are not members of WEU. The Twelve cannot monopolise European security policy."

(d) Franco-German proposal

57. Finally, at the meeting on 4th February, Mr. Dumas and Mr. Genscher submitted a joint Franco-German proposal which is in many respects half way between the Italian proposal or that of the Commission which is more detailed and the views of Mr. Hurd and Mr. van den Broek. The text, which seems authentic following the publication of several shortened or erroneous versions, reads as follows:

"I. General aims and concepts

(a) Political union and its member states are to develop a common foreign and security policy (CFSP). The mission of the CFSP will be to extend to all areas of external relations.

(b) CFSP will have as its objective the defence of the fundamental interests and common values of political union in its external relations. It should in particular reinforce the security of member states, contribute to maintaining peace and international stability, develop friendly relations with other countries, and promote democracy, primacy of law and human rights as well as the economic development of all nations.

(c) A common security policy implies the following:

1. Within the framework of CFSP, political union should implement a common security policy in the aim of setting up a common European defence system in due course without which the construction of European union would remain incomplete.
2. This implies suppression of the restrictive indication 'political and economic aspects of security' under Article 30, paragraph 6 (a) of the Single European Act.
3. The validity of the commitments that the partners have undertaken in the framework of the Atlantic Alliance and the objectives connected to them should not be questioned.
4. The Atlantic Alliance, and notably a permanent United States military presence in Europe, remains indispensable for European security and stability.
5. The possibilities given by the Western European Union should be put to use. WEU would become the co-operation channel between political union and NATO with

a view to ensuring mutual reinforcement of European or trans-Atlantic security structures. As common European security policy develops, the formal link established between the WEU treaty and the alliance should be adapted in accordance.

6. WEU acquisitions should be preserved: WEU is founded on a treaty which includes a specific commitment for mutual defence and institutes an adequate organisation which associates foreign affairs and defence representatives. The 1987 platform underscores the fact that WEU activities, as a European defence organisation, are carried out in the perspective of European union.
7. The Atlantic Alliance as such should be strengthened by a more important rôle and greater responsibilities for Europeans as regards security and defence policies. In this perspective, a European identity for security and defence should be reflected in the development of a European pillar within the alliance. It is hence necessary to take into account the interaction between the development of the security factor of the union and the transformation that the alliance undertakes further to political changes in Europe.

II. Proposals

(a) On these bases, the provisions relating to co-operation as regards security policy within political union should be progressively established. To this end, the European Council should have the jurisdiction to decide what areas of security policy should be the subject of a common policy.

(b) As an example, the following elements could already be listed which should be tackled within the union framework.

1. Disarmament and control of armaments in Europe. Work in this field will take on particular importance after the CSCE summit in 1992. Co-operation between the Twelve should make it possible for Europeans to put forward common positions as a contribution to the co-ordination taking place within NATO.
2. Security questions, including peace-keeping measures in the context of the United Nations. This should

include the definition of common positions in the debates on disarmament and the control of arms within the United Nations.

3. Nuclear non-proliferation. The decision should be taken, on the base of results obtained in this field in the EPC context, to intensify efforts to implement a common non-proliferation policy dealing with all the aspects examined in the general debate on non-proliferation policy.
4. Economic aspects of security, namely co-operation concerning armaments (including questions relating to the arms market and competition) as well as the control of arms exports (notably for dual-purpose products, precursors of chemical and biological arms, installations and equipment, and ballistic technology) should, because of their link with external policy, be dealt with in the context of CFSP. The question of knowing to what extent these subjects should also come into the areas of Community policy in the framework of Community responsibilities, in relation to the achievement of the European internal market and common commercial policy, should also be examined. Adequate co-ordination with the work of international bodies having jurisdiction in this field, and in particular the IEPG, should be studied.

(c) As regards the rôle of the WEU, it could be stipulated that the WEU makes up an integral part of the European unification process. The following points could be approved concerning this:

1. The work of WEU should be organised in order to establish organisational relations between political union and WEU, thus enabling the WEU, with a view to being part of political union in course, to progressively develop the European common security policy on behalf of the union.
2. The obligation of aid and assistance in accordance with the Treaty of Brussels should be maintained for as long as no other equivalent commitment exists between political union member states.
3. The different forms of co-operation which exist within WEU on security

and defence matters will be continued. After a certain period of time – during which it will be possible to put the link between the union and WEU to the test – it will be possible to examine, by 1996 at the latest, while taking into account the development of the European security structure, to what extent the pertinent stipulations of the treaty should be revised.

4. Co-operation within the WEU will be made more operational in the politico-military areas as well as in the purely military field, and the appropriate operational and institutional consequences will be drawn.

(d) In order to progressively bring WEU closer to political union, a co-operation in the sense of co-ordination of work and complementarity in the distribution of tasks between the union (CFSP) and WEU should be sought by using the following methods:

1. European Council decisions on the principles and guidelines of common foreign and security policy should serve as a guideline for co-operation in the framework of the Treaty of Brussels.
2. The order and duration of the terms of office for presidents of political union and Western European Union will be harmonised as far as possible (by adjusting the transitional provisions in the case of Denmark, Greece and Ireland).
3. The dates and places of political union council and Western European Union meetings at ministerial level, as well as certain meetings of high-ranking officials will be synchronised.
4. The Secretariat-General of the Council and the Secretariat-General of the Western European Union will finalise appropriate provisions in order to ensure mutual information.
5. Links should be established between the European Parliament and the WEU Assembly.

(e) The modified Treaty of Brussels should be revised in due course in order to take into account the changes that have occurred in the European security structures, mentioned in the present document.

(f) In order to promote co-operation between the various bodies of the union and WEU, and given the links between WEU and NATO, it could be desirable to transfer WEU administrative divisions to Brussels.

III. Relations with the European states which are not WEU members

(a) Relations between the WEU and the EC member states which are not members of WEU will be progressively strengthened with a view to possible WEU membership of the above states.

(b) Co-operation between WEU and the European members of the alliance which are not EC members should also be increased. Specific contacts or specific forms of co-operation could also be approved with European members of the alliance not belonging to political union.”

58. This proposal corresponds better than the other three to our Assembly's concerns. It is obviously far less detailed than the proposal for a treaty presented by the Commission but it is basically far clearer in that it lays down relatively clear limits between the responsibilities of the various organisations that will have a part to play in the future European union. It thus provides a framework within which it is possible to consider a revision of the modified Brussels Treaty that takes account of a probable future. The fact that France appears to have endorsed the proposal to move the seat of the WEU Council to Brussels is a major concession by that country. It is likely to give considerable encouragement to exchanges with bodies of the Twelve and NATO, which everyone believes desirable. Furthermore, the text defers the revision of the modified Brussels Treaty until after the modification of European security structures. This might mean the task would take longer than the governments now expect. Moreover, measures will probably be taken progressively. However, revision of the modified Brussels Treaty is now necessary and urgent and your Rapporteur considers it useless and hardly desirable to set out in the text of the treaty itself provisions which may be adopted by the governments by other means. What he proposes is a treaty which opens the way to such provisions.

59. In any event, compared with the Italian proposal, the Franco-German proposal has the twofold advantage of great flexibility and stricter wording: it expresses similar aims but subordinates them to what governments might actually be prepared to accept. Far from advocating the abolition of WEU, it makes it, as an “integral part of the European unification process”, the forum for working out joint security policy under the direction of the

European Council, thanks to the progressive development of an "organic relationship between the political union and WEU", leading to WEU being integrated in the political union after re-examination of the matter. Without anticipating the governments' decision, it may be thought this proposal will be positive. Your Rapporteur therefore feels it might be used to guide the revision of the modified Brussels Treaty.

60. However, a difficulty stems from the fact that the European Council has twelve member countries, three of which do not belong to WEU, and, in these circumstances, it is hard to see how twelve countries could take decisions for implementation by nine of them. Naturally, the accession to WEU of the three non-member countries would solve the problem, provisionally at least, if it were not decided at the same time to merge the Rome and modified Brussels Treaties. However, your Rapporteur wonders whether, at the present juncture, this merger would be desirable for Europe. Would it not be better, even for quite a long time, to renounce a geometrical view of Europe in which any progress in one area is necessarily accompanied by equivalent progress in other sectors and adopt a more pragmatic concept by which any progress in one direction might be considered as progress by Europe, without having to worry too much about what is happening in the others? Here your Rapporteur is thinking of a certain form of Community "integrism" which, in the light of a preconceived view of what Europe should be, refuses the enlargement of any organisation involved in the unification of Europe if it is not accompanied by the parallel enlargement of the other European organisations. At the present juncture, he feels it would be better for the Europe of the next few years to be a nebula round which various stars orbit without their link with the whole necessarily being clearly seen rather than a constellation whose image reflects one or other figure, designed a priori in terms of a specific point in time. He believes the procedure adopted for the Gulf crisis, when European political co-operation took all the decisions it could before the WEU Council met to examine the military implications of these decisions, non-member countries being invited to take part if they so wished, is the best solution to this problem. Thus, depending on its agenda, the European Council might meet on a twelve- or a nine-power basis depending on what the governments wish to do. Depending on whether it was a matter for the Rome Treaty or for the modified Brussels Treaty, the body known as the European Council would therefore not necessarily be composed in the same way, but in any event it would be the council of European countries determined to take action on the questions on its agenda.

61. It should also be borne in mind that there is no guarantee that the European Community will be limited indefinitely to twelve members. It has decided to postpone until 1992 consideration of the candidatures of certain countries, including Austria, but will be unable to delay a decision indefinitely. Moreover, certain members and non-members of the Community have applied for membership of WEU and the Council's decision has been postponed, but the signatory countries' undertaking to work for the progressive integration of Europe makes it difficult for them to leave these candidatures unanswered for much longer. In response to Assembly questions on this point, the former Secretary-General of WEU, Alfred Cahen, said he believed WEU should open its doors swiftly to the countries which were already members of both the EEC and NATO but not to others, which probably corresponded perfectly to the requirements of the pre-1989 situation but perhaps not to the same degree in the Europe of today or tomorrow. In fact, the question of the enlargement of WEU is linked with that of the direction it will take.

62. (i) Those who consider WEU to be primarily a European pillar of the Atlantic Alliance are encouraging it to open its doors to all the European member countries of NATO without exception so as not to create inequalities between these countries. This is the view expressed by Mr. van den Broek and by the United States Permanent Representative to NATO, Mr. Taft, when addressing the International Institute for Strategic Studies in London on 4th February. He insisted that countries that were not members of WEU should not be left on one side in NATO.

63. (ii) Those who wish it to be quickly merged with the Community are very logically pressing for the accession of the three Community countries which are not members, which is far from certain and would not necessarily strengthen European cohesion in security matters. Conversely, they are reserved about the principle of non-member countries of the EEC joining WEU. In this connection, it might be considered that membership of WEU would prepare for accession to the EEC, as was the case for the United Kingdom, and that the EEC should examine candidatures only from countries that have acceded to the modified Brussels Treaty.

64. (iii) Those who intend to give priority to the establishment of a new European order of peace and security will obviously be more in favour of countries not belonging to the Atlantic Alliance becoming associated with WEU and the Community.

65. While, as your Rapporteur thinks, it is not desirable to take unanimous, final decisions here and now, on which the governments are far from

agreed, *Article IX* of the treaty should be kept as it is because it makes invitations to other countries subject to the unanimous agreement of all the contracting parties. Obviously, the notion of invitation does not prevent some countries from applying for membership, but requires a unanimous reaction to such applications before they can be transformed into a formal invitation by the Council following negotiations, inter alia, on Article VII and the application of the platform of The Hague. The precedents of Portugal and Spain show that this procedure creates no serious difficulties. Since, in any event, Article XI leaves no room for an enlargement of WEU that is not accepted by all member countries, there is no point in tying oneself down with principles which, one day or another, may hamper a development that member states want; it is better for the treaty to keep to the unanimity requirement for any decision relating to enlargement. The Political Committee asked the Council, however, to consult the Assembly before inviting any new states to accede to the treaty.

66. Your Rapporteur draws the following conclusions from these various considerations where the wording of the treaty is concerned:

67. (a) The *Preamble* would be maintained, with the exception of:

- (i) its *fourth paragraph*, where "in Western Europe" should be deleted to show that WEU's action may cover the whole of the Europe of the CSCE and "European economic recovery" replaced by "the European economy" so that the treaty is a better reflection of the Europe of today. This paragraph would therefore read as follows:

"To co-operate loyally and to co-ordinate their efforts to create a firm basis for the European economy."

This wording would have the advantage of showing the link between the economic building of Europe round the Community and Europeans' efforts to ensure their security on the one hand and this undertaking and that of the economic development of the whole of Europe on the other.

- (ii) its *fifth paragraph*, where it should be recalled that the Paris Charter is a basis for organising European security in the following words:

"To afford assistance to each other, in accordance with the Charter of the United Nations

and the provisions adopted by the Conference on Security and Co-operation in Europe, in maintaining international peace and security and in resisting any policy of aggression."

- (iii) its *eighth paragraph*, which should be adapted to the new situation in Europe and which might be drafted as follows:

"Determined to pursue their action to organise the integration of their economies, their economic, social and cultural co-operation, their legitimate collective defence and the organisation of security and co-operation in all European countries."

68. (b) *Article I* should then be drafted as follows:

First paragraph:

"Convinced of the close community of their interests and of the necessity of uniting in order to play fully their due rôle in organising a new order of peace and security in Europe and maintaining peace and economic and social development in the world, the high contracting parties will co-ordinate their action in the various organisations helping to attain these aims."

Second paragraph:

Only the word "economic" should be deleted.

69. (c) *Article II* and *Article III* on matters which are effectively handled by other organisations and the exercise of which WEU relinquished to the Council of Europe might usefully be deleted.

70. These various amendments to the treaty should bring out more clearly the respective responsibilities and the nature of relations between WEU, on the one hand, and the Community, the Council of Europe and the CSCE, on the other. They should also make it easier, if and when necessary, to include the modified Brussels Treaty in a wider contractual whole, in which the Rome Treaty would also be included, which would become the charter of a future European union.

71. At the committee's meeting in Madrid on 5th March 1991, the Secretary-General of WEU asked whether greater stress should not be laid on WEU's membership of the family of the Twelve by replacing the International Court of Justice referred to in *Article X* by the Court of Justice set up under Article IV of the Rome Treaty. Close study of the texts leads your

Rapporteur to rule out this proposal which he believes does not correspond to the possibilities offered by present international law. The Rome Treaty would first have to be revised in order to extend the responsibilities of the European Court to include matters raised by Article X of the modified Brussels Treaty. Only in the event of the Twelve having previously carried out such a revision could the modified Brussels Treaty refer to that court matters which, in present circumstances, are within the purview of the International Court alone. It should be noted that the Commission's proposal to the intergovernmental conference expressly rules out, in Article Y10, jurisdictional control by the European Court over areas covered by common external policy.

IV. The functioning of WEU

72. Since your Rapporteur dealt in Chapter II, in connection with Article VIII of the treaty, with the functioning of the Council and its subsidiary bodies, he willingly takes note of Recommendation 490 in which the Assembly, on a report presented by Sir Geoffrey Finsberg on behalf of the Political Committee, proposed that the Council draft Article IX as follows:

“The Council of Western European Union shall make an annual report on its activities to an assembly of representatives of the Brussels Treaty powers appointed in accordance with the same criteria as representatives to the Parliamentary Assembly of the Council of Europe.”

73. While welcoming this wording, which corresponds perfectly to his proposals concerning Article VIII and the protocols, your Rapporteur wishes to underline that this is wholly compatible with WEU's present position and with that of a future European union covering security questions as well as economics and political co-operation. Any democratic federal organisation includes dual representation of nations, on the one hand at federal level, such as the Community now has with a European Parliament elected by direct universal suffrage, and, on the other hand, at the level of the federated entities thanks to an assembly in which those entities are represented, thus implying an indirect form of representation. The case of Europe of course differs from those to be found in history since external policy and defence have always been among the main responsibilities of federations whereas economic affairs have very often remained under the control of the federated states. However, this does not affect the principle that the federal assembly has prime responsibility for federal affairs, the assembly representing the federated states having, as its main task, to co-ordinate matters handled by

those states. Today there is naturally no question of deciding what should be the institutions of a European union based on a federal principle. However, the wording the Assembly proposes for Article IX paves the way for a rational division of European parliamentary responsibilities.

74. Furthermore, to avoid any misunderstanding, it should be recalled that a parliamentary assembly must derive its powers from a single source and that it does not seem desirable to associate in a single assembly parliamentarians elected by direct universal suffrage and delegations from national parliaments. This in no way prevents two separate assemblies from voting on texts on the same subject.

75. Conversely, Article XII, as drafted, has opened the door to discussions and mistaken interpretations that your Rapporteur feels it essential to clarify here. First, many commentators, some of whom claimed to have been speaking on behalf of the governments of member countries, have read Article XII as limiting to fifty years the period of validity of the modified Brussels Treaty. This is quite clearly an error since, by declaring that “each of the high contracting parties shall have the right to cease to be a party thereto” after the expiry of this period, this article implies beyond any doubt that the treaty will remain valid for the other signatory countries. The duration of the treaty is not specified and, as far as your Rapporteur knows, no signatory country has expressed the intention to denounce it once the fifty-year period expires.

76. A more delicate question is that of the operative date which started the fifty-year period during which the treaty will in any event remain in force for all the contracting parties. *Article XII* specifies that the treaty “shall enter into force on the date of the deposit of the last instrument of ratification and shall thereafter remain in force for fifty years”. This text was that of Article X of the 1948 Brussels Treaty. Should it be inferred, therefore, that the count starts in 1948 or in 1954? Several members of the Assembly have questioned their governments on this subject and, if the latter answered, they always, as far as your Rapporteur knows, said the treaty came into force in 1948. *Inter alia*, this is what emerges from the Italian proposal submitted to the interministerial conference on 12th February 1991. However, none of them has provided any arguments in support of this view. On 11th January 1991, your Rapporteur therefore addressed Written Question 288 to the Council, as follows:

“Article I of Protocol No. I provides that the Federal Republic of Germany and the Italian Republic ‘accede to the treaty as modified and completed by the present protocol’. This protocol thereby set a new

course for the Brussels Treaty (Articles II and III), created WEU with its Council (Article IV) and Assembly (Article V) and gave it new aims and methods (Protocols Nos. II, III and IV). All these modifications and additions therefore made the 1954 treaty a new treaty that included only a few of the major common elements of the 1948 treaty.

Moreover, Article VI of Protocol No. I specifies that it shall enter into force when the instrument of accession of the Federal Republic of Germany to the North Atlantic Treaty has been deposited which was done on 6th May 1955. Finally, Protocol No. I specifies that Article X of the Brussels Treaty shall become Article XII of the new treaty. This article provides that the treaty shall 'remain in force for fifty years' after which 'each of the high contracting parties shall have the right to cease to be a party thereto' with one year's notice.

Can the Council say on what basis some governments have declared that 1998 is the date as from which each signatory country would be entitled to cease to be a party to the treaty whereas an analysis of the texts indicates that the date should be 2005?"

He has not yet received an answer.

77. For his part, the President of the Assembly wrote to the Secretary-General on 19th December 1990 asking him for his opinion on this point. The answer, dated 15th January 1991, is worth quoting in full:

"In answer to the question you put to me in your letter of 19th December 1990 about the Council's views on the problem of the duration of the modified Brussels Treaty, I am able to inform you that, in the framework of the exchanges of views on the revision of the treaty, the Secretariat-General proposed to the Council inter alia, following the publication of various hypotheses in the press, that it discuss the interpretation of Article XII of the treaty. These exchanges of views have for the time being been interrupted pending decisions on the political union and the restructuring of NATO and the Council has not yet had an opportunity to discuss the matter.

In my opinion, you are perfectly right about the mistaken use in the press of the term 'expiry' of the treaty. In reality, the modified Brussels Treaty is a treaty of indefinite duration which will 'expire' only when the objectives for which it was signed have been attained or, at worst, when the majority of its members have

withdrawn, making it impossible for the remaining members to attain them.

As for the date as from which each contracting party would be entitled to withdraw from the treaty, I believe that examination of Protocol No. I shows that Article XII of the modified Brussels Treaty (formerly Article X) was not modified on the occasion of the 1954 Paris Agreements; hence the instruments of ratification to which it refers cannot be those ratifying the initial Brussels Treaty (the modified Brussels Treaty being the result of the ratification of Protocol No. I and of the other protocols referred to in Article I).

Hence it is as from the date of deposit of the last instrument of ratification of the initial Brussels Treaty that the fifty-year period should be counted."

78. The first paragraph is particularly interesting because it clearly suggests that the Council has little intention of tackling the question from a legal standpoint but merely from that of expediency, since it has interrupted its examination of the question "pending decisions on political union and the restructuring of NATO". It is evident that it is not juridical considerations that it is expecting of meetings outside WEU. Your Rapporteur well understands why the Council is waiting for these decisions before redrafting the modified Brussels Treaty but he does not understand the need to wait in order to interpret the existing text unless it is based on a juridical relativism that he condemns.

79. The second paragraph corresponds exactly with your Rapporteur's views.

80. The third paragraph does not claim to reflect any views other than those of the Secretary-General, but there is every reason to think that his views are based on those expressed by the government representatives. However, his argument is far from convincing. There seems to be little reason for distinguishing between articles of the initial Brussels Treaty taken up by the Paris Agreements and those added or modified. The authors of the modified treaty took the Brussels Treaty as a document out of which they used any parts they needed. In fact, the modified treaty is a new treaty which includes, as specified in Article I of Protocol No. I, all four protocols making up the Paris Agreements. If one reads what was written by all those who took part in the negotiations, it is clear that at that time they intended to retain for fifty years the arms limitations that they had accepted on that occasion. Moreover, it is difficult to consider as one and the same treaty two agreements with totally different aims since the first was clearly directed against Germany, its preamble

specifying that the high contracting parties were resolved "to take such steps as may be held to be necessary in the event of a renewal by Germany of a policy of aggression" while the second was signed by the Federal Republic. However, it is above all the arguments advanced in Written Question 288 quoted above that should lead to the conclusion that the modified Brussels Treaty is a new treaty that came into force on 5th May 1955 whose signatories are entitled to announce their withdrawal, after one year's notice, only as from 6th May 2005. Finally, the fact that the governments decided to call the text resulting from the Paris Agreements a "modified treaty" and not a "revised treaty" is a clear indication, in semantic terms, of their intention not to rectify a text but to change its form, substance and sense, in a word to change it into something new.

81. Everything indicates that it is for reasons of expediency that most governments intend to subscribe to the tendentious interpretation according to which the date is 1998. In some cases, it is a matter of terminating as soon as possible any clauses that bother them and that they no longer respect. In other cases, they are probably motivated by more general reasons, particularly the idea that WEU's activities should be brought to an end and handed over to the European Community in conditions which are still unclear. However legally questionable may be the grounds for this approach, it shows that it is urgent to revise the treaty and that this revision must include the removal of provisions which are no longer applied and make it possible to establish closer links between WEU and the organs of the Twelve. This is the twofold aim of the proposals made here.

82. Finally, Article Y15.4 of the draft treaty drawn up by the Commission and its relevant comment should be recalled:

"Paragraph 4 confirms the long-term objective of integrating the WEU into the union and for this purpose uses Article XII of the revised 1948 Treaty of Brussels. At the end of the fifty-year time limit set in that article, the contracting parties each have the right to withdraw, subject to one year's notice. This will give a chance to take stock of security co-operation with a view to the eventual integration of the WEU into the union."

It should first be noted that the 1948 Brussels Treaty contained no Article XII but that it is the former Article X which became Article XII of the 1954 modified Brussels Treaty. The Commission thus confuses the two treaties even more than the Council does, thus strengthening the position that member countries may withdraw from the modified Brussels Treaty on the earlier date. What is more serious is that it

bases the integration of WEU in the union on the former's disbandment, which is just the opposite of the doctrine constantly defined by our Assembly. While the Commission's proposal mentions relations between WEU and the European Council, these relations are placed under the exclusive control of the European Parliament and no reference is made to the WEU Assembly, thus clearly indicating that a merger implies the disappearance of WEU in 1998.

83. Where the drafting of Article XII is concerned, your Rapporteur had proposed to sidestep the juridical discussion by deleting from the second paragraph the phrase "and shall thereafter remain in force for fifty years" and from the third paragraph the phrase "After the expiry of the period of fifty years", replacing "shall have" by "has" in both cases. However, the Political Committee decided not to follow its Rapporteur but to specify that in its opinion the treaty could not be denounced by any of its signatories for fifty years starting from the entry into force of the Paris Agreements. It therefore adopted the following wording for the second and third sentences of Article XII:

"[The treaty] shall be considered to enter into force on the date of the deposit of the last instrument of ratification of the 1954 Paris Agreements and will remain in force for fifty years. After the expiry of the fifty years, each of the high contracting parties shall have the right to cease..."

V. Conclusions

84. Your Rapporteur's proposed drafting of a new text of the treaty meets two aims:

- (i) to ensure that member countries continue to have the means necessary for their joint security, while respecting each one's particular concerns;
- (ii) to allow the integration of the treaty itself and the organs it created, i.e. WEU, in the framework of a more complete organisation of Europe such as the European union whose establishment is the declared aim of all the member countries.

85. A question arose as to whether the new text should be more explicit in four respects:

- (i) relations between WEU and NATO;
- (ii) relations between WEU and the organs associating the Twelve, or even the future integration of WEU among these organs;
- (iii) relations between WEU and the CSCE;

- (iv) integration into the treaty of the principles of the platform of The Hague relating to the organisation of European security.

86. Your Rapporteur reached a negative conclusion on all four points for the following reasons:

(i) While all the governments agree that the new circumstances in Europe have made it necessary to reorganise NATO, present uncertainty about how these circumstances will develop make it extremely difficult to hold a debate in WEU that should be held in NATO. As proposed, the treaty makes it binding on member countries to do their utmost to maintain and ensure the smooth running of that organisation. It cannot be more precise.


(ii) Where the CSCE is concerned, there is similar uncertainty about how it will be able to organise a new order of peace and security in Europe. One cannot commit member countries on the basis of guesses about its future.

(iii) In regard to the institutions of the Twelve, the Nine must place no obstacles in the way of WEU's possible integration in a European union, but it is not for them to say what this union should be. If, as it appears, the governments wish here and now to build "bridges"

between WEU and NATO, on the one hand, and WEU and the Community, on the other, the Brussels Treaty must give them the juridical basis for doing so. It cannot determine what these bridges will be.

(iv) Finally, with the adoption of the platform of The Hague, the governments showed that they were capable, in case of need, of defining the new requirements of European security on the basis of the modified Brussels Treaty. To specify, in changing circumstances, what these requirements will be in the future would be to take the risk of proposing a treaty which might be out of date by the time it was ratified. This does not mean that as long as it is useful the platform should not remain the basis for WEU's work to which any new candidate countries will have to accede, as did Portugal and Spain.

87. Thus, the text your Rapporteur is proposing has eliminated everything which he considered archaic in the treaty. It has added or been more specific about a few new directions, without linking WEU too strictly with organisations which are, in spite of everything, outside it. He has, however, attempted to make the most of what he believes to be essential: the compulsory mutual assistance clause and the clause which opens the door to all forms of co-operation with a view to organising joint security.

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