



Assembly of Western European Union

PROCEEDINGS

FORTIETH ORDINARY SESSION

THIRD PART

June 1995

V

Assembly Documents

WEU

PARIS

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The proceedings of the third part of the fortieth ordinary session of the Assembly of WEU comprise two volumes:

Volume V: Assembly documents.

Volume VI: Orders of the day and minutes of proceedings, official report of debates, general index.

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LIST OF REPRESENTATIVES BY COUNTRY

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Representatives

MM.	BIEFNOT Yvon	PS
	KELCHTERMANS Lambert	CVP
	KEMPINAIRE André	VLD
	Van der MAELEN Dirk	SP
	PÉCRIAUX Nestor	PS
	SARENS Freddy	CVP
	SEEUWS Willy	SP

Substitutes

MM.	De DECKER Armand	PRL
	GHEQUIÈRE Ferdinand	CVP
	LAVERGE Jacques	PVV
	MONFILS Philippe-J.F.	PRL
	THISSEN René	PSC
	WEYTS Johan	CVP
	WINTGENS Pierre	PSC

FRANCE

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	BIRRAUX Claude	CDS
	BOUCHERON Jean-Michel	Socialist
	COLOMBIER Georges	UDF
	COUVEINHES René	RPR
	DUMONT Jean	Ind. Rep.
	GALLEY Robert	RPR
	GEOFFROY Aloys	UDF
	GOUTEYRON Adrien	RPR
	JACQUAT Denis	UDF
	JEAMBRUN Pierre	Dem. Left
	JUNG Louis	UCDP
	KASPEREIT Gabriel	RPR
	MASSET Jean-Pierre	Socialist
	SCHREINER Bernard	RPR
	SEITLINGER Jean	UDF-CDS
	VALLEIX Jean	RPR

Substitutes

MM.	BONREPAUX Augustin	Socialist
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	BRIANE Jean	UDF
	CROZE Pierre	Ind. Rep.
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	DECAGNY Jean-Claude	UDF
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	LE JEUNE Edouard	UCDP
	de LIPKOWSKI Jean	RPR
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	MIGNON Jean-Claude	RPR
	PRORIOLE Jean	UDF
	ROGER Jean	RDE
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Mr.	ZIERER Benno	CDU/CSU

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	MAASS Erich	CDU/CSU
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	FASSINO Piero	Progr. Alliance
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	LATRONICO Fede	Northern League
	MATTINA Vincenzo	Progr. Alliance
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	PARISI Francesco	Italian Popular Party
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	PINTO Carlos	Soc. Dem.		CUNLIFFE Lawrence
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	'CURTO Abilio Aleixo	Socialist	Mr.	GODMAN Norman
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	POÇAS SANTOS João Alvaro	Soc. Dem.	Baroness	HOOPER
			MM.	HOWELL Ralph
				HUGHES Roy
			Lord	MACKIE of BENSHEIE
			Mr.	MARSHALL Jim
			Sir	Irvine PATNICK
			MM.	TOWNEND John
				WRAY James

AGENDA

**of the third part of the fortieth ordinary session
Paris, 19th - 22nd June 1995**

I. Report of the Council

Fortieth annual report of the Council
(Second part)

II. Political questions

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| 1. The future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council | <i>Report tabled by Mrs. Aguiar on behalf of the Political Committee</i> |
| 2. New trends in North American countries' foreign policy and their implications for transatlantic co-operation in security and defence matters, with particular reference to the United States | <i>Report tabled by Lord Finsberg on behalf of the Political Committee</i> |
| 3. Europe and the establishment of a new world order for peace and security | <i>Report tabled by Mr. Marshall on behalf of the Political Committee</i> |
| 4. The situation in former Yugoslavia | <i>Report tabled by Mr. Fassino on behalf of the Political Committee</i> |

III. Defence questions

- | | |
|----------------------------------|---|
| 1. Ukraine and European security | <i>Report tabled by Sir Russell Johnston on behalf of the Defence Committee</i> |
| 2. European armed forces | <i>Report tabled by Mr. De Decker on behalf of the Defence Committee</i> |
| 3. The Eastern Mediterranean | <i>Report tabled by Mr. Cucó on behalf of the Defence Committee</i> |

IV. Technological and aerospace questions

- | | |
|---|---|
| Towards a European space-based observation system | <i>Report tabled by MM. Lenzer and Valleix on behalf of the Technological and Aerospace Committee</i> |
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V. Budgetary and administrative questions

- | | |
|--|---|
| 1. Draft budget of the administrative expenditure of the Assembly for the financial year 1995 – Opinion of the Council | <i>Report tabled by Mr. Rathbone on behalf of the Committee on Budgetary Affairs and Administration</i> |
| 2. Draft supplementary budget of the administrative expenditure of the Assembly for the financial year 1995 | <i>Report tabled by Mr. Rathbone on behalf of the Committee on Budgetary Affairs and Administration</i> |
| 3. Opinion on the budgets of the ministerial organs of Western European Union for the financial year 1995 | <i>Report tabled by Mr. Rathbone on behalf of the Committee on Budgetary Affairs and Administration</i> |

VI. Rules of Procedure and Privileges

Changes to the Charter and Rules of Procedure of the Assembly with a view to accommodating associate members and associate partners of WEU

Report tabled by Lord Finsberg on behalf of the Committee on Rules of Procedure and Privileges

VII. Parliamentary and Public Relations

1. National parliaments, European security and defence and the road to the 1996 intergovernmental conference
2. The Baltic Assembly

Report tabled by Sir John Hunt on behalf of the Committee for Parliamentary and Public Relations

Report tabled by Mr. Masseret on behalf of the Committee for Parliamentary and Public Relations

ORDER OF BUSINESS
of the third part of the fortieth ordinary session
Paris, 19th - 22nd June 1995

MONDAY 19th JUNE

Morning

Meetings of political groups.

Afternoon 3 p.m.

1. Opening of the third part of the fortieth ordinary session.
2. Examination of credentials.
3. Address by Sir Dudley Smith, President of the Assembly.
4. Election of two Vice-Presidents of the Assembly.
5. Adoption of the draft order of business of the third part of the fortieth ordinary session.

3.15 p.m.

6. Address by Mr. Cutileiro, Secretary-General of WEU.

3.30 p.m.

7. Chairmanship-in-Office of the Council – Presentation of the second part of the fortieth annual report of the Council – Address by Mr. Durão Barroso, Minister for Foreign Affairs of Portugal, Chairman-in-Office of the Council.
8. Address by Mr. Figueiredo Lopes, Minister of Defence of Portugal.

4.30 p.m.

9. Address by Mr. Kinkel, Minister for Foreign Affairs of Germany.
10. Replies by Mr. Cutileiro, Secretary-General of WEU, to questions from members of the Assembly.
11. The future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council:
presentation of the report tabled by Mrs. Aguiar on behalf of the Political Committee.
Debate.

TUESDAY 20th JUNE

Morning 10 a.m.

1. Address by Professor Dr. Ciller, Prime Minister of Turkey.
2. The future of European security and the preparation of Maastricht II – reply to the fortieth annual report of the Council:
resumed debate.
Vote on the draft recommendation.
3. Changes to the Charter and Rules of Procedure of the Assembly with a view to accommodating associate members and associate partners of WEU:
presentation of the report tabled by Lord Finsberg on behalf of the Committee on Rules of Procedure and Privileges.
Debate.
Vote on the draft decision.

At noon

4. Address by Mr. Millon, Minister of Defence of France.

Afternoon 3 p.m.

1. Europe and the establishment of a new world order for peace and security:
presentation of the report tabled by Mr. Marshall on behalf of the Political Committee.
Debate.

3.30 p.m.

2. Address by Mr. Gligorov, President of the former Yugoslav Republic of Macedonia.
3. Europe and the establishment of a new world order for peace and security:
resumed debate.
Vote on the draft recommendation.
4. European armed forces:
presentation of the report tabled by Mr. De Decker on behalf of the Defence Committee.
Debate.
Vote on the draft recommendation.

WEDNESDAY 21st JUNE**Morning 10 a.m.**

1. Towards a European space-based observation system:
presentation of the report tabled by MM. Lenzer and Valleix on behalf of the Technological and Aerospace Committee.
Debate.
Vote on the draft recommendation.
2. New trends in North American countries' foreign policy and their implications for transatlantic co-operation in security and defence matters, with particular reference to the United States:
presentation of the report tabled by Lord Finsberg on behalf of the Political Committee.
Debate.
Vote on the draft recommendation.

11 a.m.

3. Address by Mr. Vargas, Minister of Defence of Spain.
4. The Eastern Mediterranean:
presentation of the report tabled by Mr. Cucó on behalf of the Defence Committee.
Debate.
Vote on the draft recommendation.

Afternoon 3 p.m.

1. The situation in former Yugoslavia:
presentation of the report tabled by Mr. Fassino on behalf of the Political Committee.
Debate.

3.30 p.m.

2. Address by Mr. Arsenis, Minister of Defence of Greece.

3. The situation in former Yugoslavia:
resumed debate.
Vote on the draft recommendation.
4. Draft budget of the administrative expenditure of the Assembly for the financial year 1995 –
Opinion of the Council:
presentation of the report tabled by Mr. Rathbone on behalf of the Committee on Budgetary
Affairs and Administration.
Debate.
Vote on the draft budget.
5. Draft supplementary budget of the administrative expenditure of the Assembly for the financial
year 1995:
presentation of the report tabled by Mr. Rathbone on behalf of the Committee on Budgetary
Affairs and Administration.
Debate.
Vote on the draft supplementary budget.
6. Opinion on the budgets of the ministerial organs of Western European Union for the financial
year 1995:
presentation of the report tabled by Mr. Rathbone on behalf of the Committee on Budgetary
Affairs and Administration.
Debate.
Vote on the draft recommendation.

THURSDAY 22nd JUNE

Morning 10 a.m.

1. Ukraine and European security:
presentation of the report tabled by Sir Russell Johnston on behalf of the Defence Committee.
Debate.
Vote on the draft recommendation.
2. The Baltic Assembly:
presentation of the report tabled by Mr. Masseret on behalf of the Committee for Parliamentary
and Public Relations.
Debate.

10.45 a.m.

3. Address by Mr. Brazauskas, President of the Republic of Lithuania.
4. The Baltic Assembly:
resumed debate.
Vote on the draft order.
5. National parliaments, European security and defence and the road to the 1996 intergovern-
mental conference:
presentation of the report tabled by Sir John Hunt on behalf of the Committee for Parlia-
mentary and Public Relations.
Debate.
Vote on the draft resolution.

CLOSE OF THE FORTIETH ORDINARY SESSION

*Second part of the fortieth annual report
of the Council to the Assembly*

(1st July - 31st December 1994)

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- II. Activities of the Permanent Council and the Council Working Group
- III. Activities of the Special Working Group (SWG)
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- V. Activities of the Politico-Military Working Group (PMWG)
- VI. Activities of the Planning Cell
- VII. Activities of the Space Group
- VIII. Activities of the Open Skies Working Group
- IX. Activities of the Mediterranean Group
- X. Certain activities of working groups (" at 13 ")
- XI. Activities of the Western European Armaments Group (WEAG) (" at 13 ")
- XII. Activities of the Agency for the Control of Armaments (ACA)
- XIII. Activities of the WEU Institute for Security Studies

ANNEXES (already printed in Document 1443, Volume III, November-December 1994)

1. Noordwijk declaration, Noordwijk, 14th November 1994
2. Preliminary conclusions on the formulation of a common European defence policy, Noordwijk, 14th November 1994

I. Introduction

In the second half of 1994, the Netherlands became the first WEU member state to experience the newly harmonised and shortened term of office of six months.

On 1st July, the Netherlands took over from Luxembourg in the wake of the important May ministerial meeting which adopted the Kirchberg declaration. At Kirchberg, WEU Ministers decided to give a status within WEU to the nine Central and Eastern European states of the Forum of Consultation. The status of associate partner offers the opportunity for active participation in WEU activities.

The challenge for the Netherlands presidency was to give practical substance to this new status in a relatively short period of time. Significant progress has already been made.

The countries of Central and Eastern Europe now take part in the deliberations of the Permanent Council once every two weeks. Furthermore, enlarged sessions of the Special Working Group, when appropriate, and twenty-four-strong meetings of the Council Working Group have taken place, providing the Central and Eastern European countries with an opportunity to make a substantial contribution to the common security agenda.

Clearly, a new perspective has been opened up: broader-based participation in WEU operations by associate members, observers and associate partners on the basis of their formal status within WEU. Their respective experience in the various new missions defined at Petersberg could significantly improve WEU's operational rôle and credibility on a case by case basis, examples being operation Sharp Guard, the Danube embargo and the WEU police operation in Mostar. The envisaged arrangements for a humanitarian task force

and evacuation planning also call for extended cooperation between WEU states.

The annexed Noordwijk declaration recalls WEU's underlying aims and aspirations and provides the basis for the work programme to be developed further in the crucial run-up to the 1996 intergovernmental conference.

One key element of WEU's future work is contained in paragraph 6 of the declaration. The common reflection on new European security conditions called for by Ministers gets a common goal for member states, associate members, associate partners and observers. On the basis of the WEU "acquis", they have been tasked jointly to analyse the new European security conditions and the related issues, including security and stability in the Mediterranean.

This common effort might in due course find expression in a white paper on European security. It could justify a WEU meeting at summit level before the intergovernmental conference in order to finalise WEU's political input to the conference.

The main achievement of the Permanent Council and its Working Groups was the agreement reached on the preliminary conclusions on a common European defence policy, which were endorsed by the Ministerial Council at Noordwijk. This document initiates a new process aimed at shaping the future European defence policy mentioned in the Treaty on European Union. It sets out in a balanced way the scope and objectives of such a policy while identifying a number of areas which should be developed with some urgency in order to build WEU into a flexible and operational organisation capable of rapid response.

The recommendations on strengthening the Planning Cell, notably in the intelligence area, and developing information and consultation mechanisms in support of the Permanent Council, with a view to enabling it to provide swift and appropriate responses to emerging crises, exemplify what has to be done in the short term.

The strengthening of WEU's operational rôle also depends on NATO's elaboration of the combined joint task force (CJTF) concept. The results will be a test case both for WEU/NATO relations and for the operational potential of WEU.

The Noordwijk Ministerial Council has not only set the stage for a coherent approach to a common European defence policy but it has also initiated an institutional debate which will be at the heart of the review of the WEU Maastricht declaration, a debate in which the Assembly's contribution is both welcome and most necessary.

II. Activities of the Permanent Council and the Council Working Group

At their meeting in Luxembourg on 9th May 1994, the WEU Council of Ministers and the ministers of foreign affairs and defence of the nine partners in the Forum of Consultation agreed on the status whereby the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, Romania and the Slovak Republic would become associate partners of WEU.

Following that WEU Ministerial Council, half of the Permanent Council's meetings have taken place with the participation of the associate partners.

Apart from those meetings where circumstances dictated that a specific subject be addressed, the Council's agendas have continued to contain an item devoted to the report on working group meetings and an item on topical questions.

The Permanent Council has paid particular attention to the preparation of draft decisions for submission to the Ministerial Council and to their implementation once adopted.

The Council also welcomed the results of the fourth joint session of the WEU and NATO Councils on 28th June. In this context, the Permanent Council discussed the possibility of establishing a regular schedule for joint sessions of the Councils. On 6th December, the fifth joint session of the two Councils took place, in order to discuss the effects on operation Sharp Guard of the United States measures to modify its participation with respect to the enforcement of the embargo.

The Council considered the German proposal to set up a joint EU/WEU experts group to examine the options for a European armaments policy and approved the guidelines for an informal group of experts to study the options for a European armaments policy on 7th November 1994.

The Council also held exchanges of views on the recent developments in the internal situation in Russia and in Ukraine and their implications for European security. This was an occasion for the Council to reflect on what kind of relations might be envisaged between WEU and Russia.

Events in 1994 and difficulties faced by the United Nations system and non-governmental organisations prompted public opinion to demand concrete action. The matter had been raised at the G7/G8 summit by the Italian President of the Council of Ministers. The Permanent Council had examined an Italian proposal for a multinational task force for humanitarian operations, which led to the approval, on 11th November 1994, of a report on a humanitarian task force.

The Council also followed a presentation by the Hungarian Minister for Foreign Affairs, Mr. Laszlo Kovacs, in his capacity as future Chairman-in-Office of the CSCE¹.

The Council has been kept directly informed of the activities of the WEU Institute for Security Studies, the Satellite Centre in Torrejón and of the work of the Planning Cell. It has continued to acknowledge the vital importance of the institutional dialogue with the Assembly, and followed with keen interest the debates and votes of the first part of the fortieth ordinary session. Lastly, the Council took a number of administrative and budgetary decisions on the basis of opinions submitted by the Budget and Organisation Committee.

Apart from preparing the ground for the Permanent Council's discussions, the Council Working Group's agenda ranged over specific questions concerning the implementation of the modalities document on the status of association, the Agency for the Control of Armaments, the security of the WEU building, relations between WEU and NATO, the formulation of political guidance on budgetary and financial matters, the development of the WEU Institute into an academy, the dialogue between WEU and Russia and between WEU and Ukraine, WEU working methods, the connection of Greece, Iceland, Norway and Turkey to the WEUCOM network and the modalities for information and consultation between the European Commission and WEU.

Furthermore, the Council Working Group dealt with evacuation planning, especially with the political "chapeau" of the document, whose technical part was discussed in the Defence Representatives Group.

The WEU Permanent Council decided on 10th November by consensus to appoint Ambassador Jose Cutileiro as the new Secretary-General of WEU. In this capacity, Ambassador Jose Cutileiro succeeded Dr. W.F. van Eekelen who had served as Secretary-General since May 1989.

1. Topical questions

(i) Situation in former Yugoslavia

The German Representative, on behalf of the Presidency of the Twelve, has regularly briefed the Permanent Council on the activities and démarches of the European Community aimed at reaching a peaceful settlement of the conflict in former Yugoslavia.

The Permanent Council has closely monitored developments on the ground, its discussions focusing on the implementation of the Danube embargo, the participation of naval forces of WEU member states in the Adriatic embargo, and WEU's police contribution to the EU's administration of the Mostar district. The Experts Groups and the Mostar Working Group, in co-operation with the Planning Cell, dealt mainly with these issues.

The Presidency has regularly briefed the Council on developments in the WEU Danube operation.

The Council also closely followed the conduct of the WEU/NATO combined operation Sharp Guard to strengthen the embargo in the Adriatic. On 6th December, the fifth joint session of the WEU Council and the NATO Council took place, in order to discuss the effects on operation Sharp Guard of the United States measures to modify its participation with respect to the enforcement of the embargo. The Joint Council noted that the concept of operations remained completely valid, taking into account the adjustments made by the operational commanders.

The WEU police contribution to the European Union administration in Mostar also ranked high on the Council's agenda. The memorandum of understanding on the EU administration of Mostar was signed on 5th July in Geneva by the Netherlands Minister for Foreign Affairs on behalf of WEU. The EU administrator, Mr. Koschnick, took up his duties on 23rd July. The Council confirmed the appointment of General Eleta as military advisor and of Colonel Meijvogel as Head of the WEU police element.

From 23rd-25th August, a high-level team of the WEU Presidency visited Mostar, following the request made by the EU administrator, in order to discuss issues relevant to the deployment of the WEU police element.

From 13th-15th December, a multidisciplinary team – sent by the WEU Presidency – visited Mostar to take stock of the progress made so far and of the obstacles – political, legal and operational – that needed to be removed in order to ensure the effective implementation of the police operation. The Planning Cell participated in order to give the necessary logistics and planning support.

The Mostar Council Working Group also discussed the implementation schedule and resource requirements for the first stage of implementation of the WEU police element, the establishment of a unified police force for Mostar, budget arrangements, reporting and liaison arrangements, identification of WEU police personnel and vehicles in Mostar, rules of conduct of the WEU police element in Mostar and the command authority of the Police Commissioner.

1. Renamed Organisation for Security and Co-operation in Europe (OSCE) at the Budapest summit of December 1994.

(ii) Situation in Rwanda

The Council continued to keep the situation in Rwanda under review. Its discussions proved to be a useful catalyst for nations. The Planning Cell was tasked to continue monitoring events closely. The links established with the United Nations remained operational and reports were produced on a weekly basis.

*(iii) Involvement of the intergovernmental bodies**Council working groups*

At each of its meetings, the Council took note of the results of its working groups' activities since the previous meeting. The summary records were discussed as necessary.

WEU Institute for Security Studies (ISS)

The Institute Director attended all those Council meetings where the agenda warranted his presence. The Institutes' quarterly reports to the Council provided an opportunity for exchanges of view on the current work of the ISS.

WEU Satellite Centre

The Centre's Director attended all those Council meetings where the agenda warranted his presence to brief the Council on the progress of the Centre's activities during its experimental period.

III. Activities of the Special Working Group

The Special Working Group held three meetings in the second half of 1994: two joint meetings of the SWG with the Defence Representatives Group (DRG) and one meeting with the associate partners.

Apart from discussions on an approach to a common European defence policy (CEDP), the agenda for the meetings with the DRG also included defence implications of the security analyses undertaken in the CFSP framework and non-proliferation. The conclusions of the SWG/DRG on the CEDP were submitted to the Council and the Council Working Group for consideration.

During the SWG meeting with the associate partners, the SWG discussed the issue of drawing the associate partners closer to WEU and had an exchange of views on the situation in the Balkans, including arms control measures.

IV. Activities of the Defence Representatives Group

Pursuant to the mandates given by the Permanent Council, the Defence Representatives Group, in close co-operation with the Planning Cell, focused on the following issues:

- humanitarian task force
- generic planning

- WEU intelligence policy
- WEU command and control
- evacuation planning

Humanitarian task force: the DRG examined the document on a humanitarian task force, which was approved by the Permanent Council at its meeting on 11th November 1994. The report regarding the setting-up of the arrangements and the provisions of the means for a WEU humanitarian task force was endorsed by Ministers on 14th November in Noordwijk.

Generic planning: the DRG had several discussions on the subject based on the comments received on the Planning Cell's paper on generic planning and on national contributions. Subsequently, the DRG set up a Working Group on Generic Planning composed of planning experts familiar with the planning activities of their MODs, with the aim of drafting a generic planning "directive" or "guidelines" for the Planning Cell.

WEU intelligence policy: two complementary aspects were discussed: (a) intelligence support to the PC and (b) longer-term objectives of the WEU intelligence policy. As a follow-up to the CHODs meeting, the DRG set up a working group composed of intelligence experts. Work within the Experts Group is continuing.

WEU command and control: the Planning Cell briefed the DRG regularly on the results of the Military Delegates' C2 Working Group meetings. This Working Group, a sub-group reporting to the Military Delegates and chaired by the PC, is engaged in a programme of work primarily looking at the military and technical aspects of command and control of WEU operations at the strategic level.

Evacuation planning: the DRG had several exchanges of views on the Planning Cell document on WEU evacuation operations. The group concluded that the link with the EU needed to become more effective. The DRG worked on the technical part of the document and the political "chapeau" was discussed in the Council Working Group. The Presidency presented a progress report on the document "Rôle of WEU in evacuation operations" in order to obtain further directives by Ministers.

Among the other specific tasks carried out by the Group, mention should be made of:

- the preparation of the agenda for the Chiefs of Defence Staff meeting on 3rd November 1994;
- examination of the follow-up to be given to the CHOD and Ministerial meetings;
- examination of future DRG activities.

V. Activities of the Politico-Military Working Group

The Council agreed on the text of the terms of reference for a Politico-Military Working Group (PMWG) operating under the Council's authority, as part of the follow-up to the declaration by the Council of Ministers in Luxembourg and to the alliance summit, especially aspects of the emergence of a European security and defence identity (ESDI).

Prior to the second half of 1994, the PMWG finalised a document on criteria and modalities for effective use by WEU of CJTFs, which was agreed by the Council on 28th June and presented to NATO at the joint session of the WEU and North Atlantic Councils, which took place on 29th June.

Subsequently, the PMWG continued to hold weekly meetings in order to discuss: progress of work within NATO, contacts with NATO, assets and capabilities necessary for the execution of operational missions by WEU and mechanisms and procedures for WEU use of alliance assets and capabilities.

The PMWG is now awaiting NATO's reaction to the document on criteria and modalities for effective use by WEU of CJTFs and continued its work on the document on mechanisms and procedures for WEU use of alliance assets and capabilities, as well as on the report on assets and capabilities required for WEU operations.

VI. Activities of the Planning Cell

During the period July-December 1994, the Planning Cell's (PC) main effort was again directed towards long-term planning activity concerning the future *modus operandi* of WEU, including, for example, the list of FAWEU (forces answerable to WEU); development of the CJTF (combined joint task force) concept and generic planning. With regard to crisis-management and contingency activity, the PC was involved in different activities related to former Yugoslavia and Rwanda. A third area of PC activity was the relationship with other agencies both within and outside WEU. Finally, PC personnel have been involved in a wide range of activities concerning the internal organisation of the WEU Headquarters (WEU HQ).

1. Long-term planning activities

Review of Planning Cell activity: In accordance with its TORs, a review of PC activities was to be submitted by 1st October 1994 to the Permanent Council. As a part of the review process, the PC circulated in September 1994 an

internal review to all delegations. The CHODs took note of this report and supported its recommendations. The review process is ongoing.

WEU strategic mobility study (WSMS): Tasked by the Council of Ministers in April 1993, the PC took forward the study on WEU requirements in the field of strategic mobility. The aim of Phase I was to evaluate WEU current capabilities in this field. In November, the PC presented the main results and conclusions of this first phase to the CHODs and the Ministers. Phase II will deal with the development of solutions designed to improve WEU capabilities in the field of strategic mobility.

List of FAWEU: In accordance with its TORs and with the mandate of the Council of Ministers (Kirchberg declaration, 9th May 1994), the PC continued with the collection and evaluation of data and the improvement of the data-base in order to draft the list of FAWEU from which could be developed appropriate force packages for use in future planning and in which specific forces for employment in humanitarian operations could be identified. Meanwhile, the process of checking the individual contributions with the nations is proceeding but the finalisation still depends on national contributions and close co-operation with the PC to solve detailed questions.

The rôle of WEU in evacuation operations: On the basis of the mandate given by the Permanent Council in September 1993, the PC proceeded with its work on this issue, drafting a operational paper entitled "Military considerations". This paper was merged with a "Political chapeau" paper into one document called "The rôle of WEU in evacuation operations".

Humanitarian task force proposal: At the meeting of the Permanent Council on 12th July 1994, the Italian Ambassador introduced a proposal for a WEU multinational task force for emergency humanitarian interventions. Subsequently, the PC was tasked to provide a preliminary analysis of this proposal by identifying the implications of its implementation for WEU's current organisation and indicating where further development of existing WEU procedures was required. This analysis was forwarded to all delegations. In September 1994, the PC circulated a more detailed analysis and the PC's views on the way ahead. Nations have been invited to comment and agree on the proposed way ahead, in order that further progress can be made.

WEU maritime co-operation (OPLAN Combined Endeavour): At their meeting in Luxembourg on 9th May 1994 (Kirchberg declaration), Ministers approved the WEU OPLAN Combined Endeavour and "agreed that such an initiative should be further developed in accordance with the initial mandate" The PC, suppor-

ted by the MilDels is to develop the initiative in this way. For the moment, the PC is awaiting the requested guidance from nations to pursue the Ministers' mandate.

CJTF concept: In accordance with the TORs for the WEU Politico-Military Working Group (PMWG), the PC is to take part in this group to support its work. Participation as observers in the Military Transitional Issues Working Group (MTIWG) of NATO is envisaged. The PC also participated in the PMWG's sub-group on assets and capabilities and has been requested to provide inputs to the sub-group's discussions and work.

Tasks of combat forces in crisis-management, including peace-making: At their meeting in November 1993 in Luxembourg (Luxembourg declaration), Ministers "requested that work on planning for the tasks defined in the Petersberg declaration be continued, especially on peace-keeping and crisis-management, including peace-making". The PC, pending further guidance on the future "Political chapeau", started to prepare a "strawman" of the operational aspects of the third Petersberg mission following the same structure as for the existing humanitarian and peace-keeping documents. This paper will define the possible "missions of combat forces in crisis-management including peace-making" which are simply called "peace-making" but in the sense of the general concept of peace enforcement in the context of peace operations.

Generic plan for setting up a WEU observer mission: The establishment of observers comes under the heading of peace-keeping operations, as envisaged in the document on the "rôle of WEU in peace-keeping" noted by Ministers on 9th May 1994 in Luxembourg. On the basis of this document, the PC has produced a draft paper to facilitate the setting-up of WEU observers. It describes the principles governing their establishment and the operational structures to set up an international observer mission.

Command and control: At their meeting in June 1994, the MilDels agreed that a military Command and Control Working Group (CCWG), chaired by the PC, would carry out a study on the details of the interface between the WEU Council and the Operation Commander. That work is still ongoing.

Exercise activity: In accordance with the WEU exercise policy, the PC was involved in different exercises:

- Exercise Purple Nova: The PC has co-ordinated all WEU/PC involvement and in particular player/visitors/observers participation in this United Kingdom-led command post exercise (CPX). It also provided representatives in the exercise control teams;

- Exercise Tramontana: Trilateral (SP-IT-FR) field training exercise (FTX) organised by the Spanish joint staff. Other WEU nations participated with company/squadron level units. During the planning process, the PC collaborated to introduce WEU objectives as well as the WEU crisis-management concept. In the execution phase, the PC actively collaborated with representants within evaluation, analysis and simulation teams;
- Exercise Mistral: Trilateral exercise (FR-IT-SP) is to take place in September 1995. PC representatives are already collaborating with nations on planning for the exercise.

WEU Headquarters ADP (Automatic data processing) plan: WEU HQ ADP plan deals with the overall ADP issue for both the Secretariat-General and the PC. Work with the Secretariat and with the support by experts from capitals is still ongoing.

2. Crisis-management and contingency activities

Weekly situation report to the Permanent Council: The PC presented weekly written situation reports to the Permanent Council with the aim of informing the Council about the development of the situation in the former Republic of Yugoslavia (FRY), Rwanda and current operations like Deny Flight, Sharp Guard and the Danube embargo. The situation reports are based upon information provided by a number of WEU nations, the WEU Satellite Centre and NATO.

Rwanda activities: In June 1994, the Council tasked the PC to act as a contact and co-ordinating point between contributing states and the headquarters commanding the operation in Rwanda. To carry out this task, a PC liaison officer on a rotational basis was dispatched to the operational centre for operation Turquoise in Paris until end of August 1994, on which date the United Nations took over the operation in Rwanda. After the withdrawal of the liaison officer from Paris, the PC continued to monitor the situation and has been keeping and updating a table of all WEU nations' contributions to the United Nations and NGOs dealing with the Rwanda crisis.

WEU police element in Mostar: With regard to the EU administration in Mostar (EUAM), the PC provides a weekly situation report to the Council on the deployment of the WEU police element in Mostar. One section chief of the PC accompanied a WEU Presidency's high level team visit to Mostar from 23rd-25th August 1994. The PC has since been co-ordinating the national contributions on behalf of the Presidency and in close contact with the WEU Police Com-

missioner. In addition, the PC has been involved in a wide range of other activities including:

- commenting on a draft evacuation plan for the police element in Mostar;
- requesting VHF radio equipment to establish communication links between the WEU police element and the (SP) UNPROFOR battalion;
- co-ordinating the installation of a secure fax link between the WEU police HQ, WEU HQ in Brussels and the Presidency;
- forwarding initial thoughts to nations on the interoperability of equipment for the WEU police element;
- developing the identification marks for the WEU police element.

3. Relationships with other agencies both within and outside WEU

Relations with NATO: The PC keeps in contact with NATO at two levels. Firstly, regular meetings are held between the respective points of contact (PC co-ordination section, IMS plans and policy, SHAPE, ARFPS and SACLANT). These meetings are attended by experts as appropriate and agreed minutes are distributed to the member nations. Secondly, there are day to day contacts concerning ongoing operations e.g. operation Sharp Guard.

To improve the relationship with NATO/IMS and to have a better understanding of WEU's and especially the PC's work, briefings have been given to members of the IMS. It should be noted that working relations between the PC and its NATO counterparts have gradually become more formal during the period of this report.

Linkage with the multinational FAWEU: In order to initiate the relationship between the PC and the multinational FAWEU, the PC made contact with the Eurocorps and the MND(C). A briefing on the PC's organisation and current activities was given to the Eurocorps at Strasbourg in June 1994. An exchange of briefings between the PC and the MND(C) took place during a visit of the Deputy Commander and staff members at WEU HQ in August 1994. Contact with the United Kingdom/Netherlands Amphibious Force will be made in the near future.

4. Internal organisational activities

Interim PC enlargement: In accordance with the Kirchberg declaration (9th May 1994), the three associate members may nominate officers to the PC. The PC provided the Permanent Council with a proposal to integrate these officers within various sections of the PC.

Job descriptions: Based on the TORs and the experience gained so far, the PC produced the job descriptions for all PC personnel and distributed them to the MilDels in November 1994.

PC infrastructure: With regard to the PC's operational capability, there is some progress with regard to the internal security standards and compatibility with NATO in this area, but secure communication links with the HQ NATO still do not exist. In accordance with the Noordwijk declaration, the PC began a study on a situation centre capable of monitoring activities on a 24-hour basis.

PC ambassadors briefings: In order to promote a better understanding of its business and to provide background information on its work, the PC started to give detailed briefings to Permanent Representatives of WEU member countries. Until now, briefings have been given to five delegations. In addition, the associated partner delegations have been briefed.

VII. Activities of the Space Group

This part of the annual report provides information on the status of WEU space activities following the decisions taken by Ministers at their spring 1994 Council meeting. The continuing WEU space activities do not for the moment require further decisions by Ministers. Proposals for possible decisions will be presented to Ministers for their spring 1995 Council meeting.

1. Evaluation of the experimental phase of the Satellite Centre

In accordance with this Ministerial decision, the Space Group has assessed the requirements to ensure the continuity of the operations of the Satellite Centre until the evaluation of its capabilities has been completed.

On the basis of this assessment the Centre will be able to continue its activities until the end of 1995 without additional funding; thus, no Ministerial decision is necessary at this time.

By the beginning of 1995, the output of the Centre will be sufficient to evaluate the preliminary operational capabilities of the Centre. The outcome of this evaluation will be presented to Ministers at their spring 1995 Council meeting.

2. Proposal for a possible decision to launch a WEU satellite programme

Ministers tasked the Space Group to prepare for the spring 1995 Ministerial meeting a proposal for decision including the preparation of a draft MOU to be concluded between the present WEU member states. The Space Group has established

an Organising Working Group and a Technical Working Group to provide support to complete this task.

The Organising Working Group will focus on the programme management and organisational aspects.

The Technical Working Group will elaborate the system requirements and the choice of system options, together with WEU users, taking into account the final report by the Study Management Team.

3. Further studies

Ministers authorised the Space Group to initiate further studies within the agreed financial limits if these were deemed necessary. During this reporting period the need for such additional studies did not occur.

The assessment of the results of the studies performed by an industrial consortium were finalised by the end of November 1994. At that time the mandate of the Study Management Team, which was carrying out this assessment, expired. Thereafter it would be up to the Technical and Organising Working Groups to recommend to the Space Group the possible initiation of further studies.

VIII. Activities of the Open Skies Working Group

During the second half of 1994, the Open Skies Experts Group has made substantial progress in a number of fields.

Standing operating procedures (SOP)

Since 18th March 1992, the nine WEU members have formed a group of states parties under Article III, Section II, paragraph 2 of the Open Skies Treaty. This has several implications when receiving observation flights from third parties. To facilitate co-operation, a set of standing operating procedures (SOP) have been drafted. The negotiating process started in October 1993 and culminated in the adoption of the SOP by the Council on 7th November 1994. In May 1994, the Presidency had presented an outline of the (then draft) SOP to the Open Skies Consultative Commission in Vienna. Other parties to the treaty, who might be affected by the WEU SOP, could have brought forward comments and suggestions to the draft, but none of them did.

Trial flights

In the first months of 1994, two trial flights were carried out in which the United Kingdom, the Netherlands, Germany and France were involved. The experience of these flights (lessons lear-

ned) has been useful in refining the terms of the SOP.

A third trial flight will take place in February 1995. In this trial the United Kingdom, Italy and Greece will be actively involved. All three flights have made use of the British Andover aircraft, being the only available observation system within WEU so far.

Entry into force of the Open Skies Treaty

WEU members tasked the Presidency to make démarches in Kiev, Minsk and Moscow in order to underline the importance WEU attaches to a timely ratification of the Treaty on Open Skies. Ratification by the Russian Federation, Ukraine and Belarus is a precondition for entry into force.

National implementation

Three observation systems will ultimately function within WEU during the first implementation phase of the treaty:

- The British P.R. Andover has already been equipped for some time and has been used for all WEU trial flights so far.
- The German Tupolev 154-M is currently being refitted and it is expected that this plane will become available for active (trial) flights during the early months of 1995.
- The ten parties of the so-called 'POD Group' (Netherlands, Belgium, Luxembourg, France, Italy, Spain, Portugal, Greece, Norway, Canada) signed a MOU formalising their co-operation in July 1994. Procurement procedures for a Lockheed Samson POD are under way. It is expected that the POD will be available for its first trials by July 1995.

IX. Activities of the Mediterranean Group

At its two meetings held since June 1994, the WEU Mediterranean Group has given priority to arranging the group's first special meetings with experts designated by the governments of non-WEU Mediterranean countries. A series of consultations with the Ambassadors of the Maghreb countries and Egypt took place in Brussels on 23rd and 26th September 1994, on the initiative of the Presidency and the Secretary-General.

The first meetings with experts from Algeria, Mauritania, Morocco and Tunisia were held on 12th and 13th October 1994. The meeting with the experts from Egypt took place on 26th October 1994. The group considered that this first series of meetings produced encouraging results,

bearing in mind that they constituted a new development in the dialogue on security and defence between Western European and Southern Mediterranean countries. The group also noted the stated wish of the non-WEU Mediterranean countries for western help in solving regional issues.

The Maghreb experts aimed to promote a concept of a dialogue broadened to include the socio-economic and even the cultural dimension. They also called for a re-examination of the existing institutional framework for the dialogue with WEU countries.

The group agreed that it would continue to make clear to its Maghreb and Egyptian interlocutors that in the dialogue between these countries and WEU, WEU was competent to address only politico-military and defence questions, the other issues coming within the purview of institutions such as the CSCE (now OSCE) and the European Union. It also agreed on the fact that consultations with the ambassadors in Brussels and the meetings with the experts were at present the most appropriate arrangement for continuing the dialogue as provided for under the ministerial mandate.

As to the content of this dialogue, the Mediterranean Group would have to define the topics and formulate a common approach for the meetings scheduled in the first half of 1995. The assiduous and regular participation of military experts from the Maghreb countries and Egypt would continue to be desirable.

The group stressed the importance of the Institute for Security Studies' contribution to the dialogue and of the active participation of military delegates and the Planning Cell and its hope that a regular exchange of information on Mediterranean questions would take place between WEU, the EU and NATO.

The Mediterranean Group welcomed the Presidency's seminar on North Africa, challenge and response, which took place in The Hague on 5th December 1994, and which offered a good opportunity for further reflection.

X. Certain activities of working groups ("at 13")

1. Transatlantic publicity activities (TPA)

As of 1st July 1994, the United Kingdom took over the TPA Chair from Norway.

The CWG/TPA's efforts were mainly geared to the organisation of Panel Tours to the Mid-West. From 16th-21st October, a panel consisting of Sir John Weston, United Kingdom Permanent Representative, Mr. Per Carlsen, Danish Deputy

Under-Secretary of State for Defence and Mr. Pieter Feith, Netherlands Deputy Permanent Representative, visited the mid-West of the United States. Their itinerary included visits to Dallas, Houston, Cleveland, Milwaukee and Indianapolis.

During the visit they gave interviews to the following local media: Dallas Morning News, Houston Chronicle, Houston Post, Plain Dealer Newspaper, Milwaukee Journal, and Milwaukee Sentinel as well as a local radio interview and a television interview for a public service educational channel. An article by Sir John Weston was also published in the Chicago Tribune. The panel also carried out speaking engagements at the Dallas Committee on Foreign Relations, Dallas Council of World Affairs and the Akron Council on World Affairs.

The CWG/TPA also turned its attention to TPA activities in 1995. In 1995, there will be two panel tours: one to the East Coast, to which will be added a day in Ottawa; and one to the West Coast. The CWG/TPA and the Washington Group have also agreed on the format of a one-day conference in Washington, to be co-hosted by the Atlantic Council on Capitol Hill. In addition, the CWG/TPA is discussing with the WEU Institute the possibility of organising a seminar in Brussels for congressional staffers.

2. EUROCOM

At the direction of the WEU Council "at 13", the prime aim of EUROCOM is to promote interoperability between tactical communications systems of the land forces of the EUROCOM nations. A subsidiary aim is to exploit opportunities for interdependence in systems and equipment development and production, thereby making the best use of national resources.

EUROCOM has pursued these aims by agreeing and documenting the necessary operational requirements and system parameters recorded on baseline documents:

- (i) EUROCOM D/0 (94) defines operational concepts, requirements and performance characteristics.
- (ii) EUROCOM D/1 which defines basic system parameters and EUROCOM D/1 (EES) which defines the enhanced system.
- (iii) EUROCOM D/2 which defines interoperability test specifications.

To achieve commanders' requirements well into the next decade, use should be made of the inherent growth potential of EUROCOM systems. Therefore evolutionary enhancements and improvements to the basic system are constantly being considered.

3. Western European Logistics Group (WELG)

EUROLOG formally transferred to WEU on 1st January 1994 to become the WELG. Work continues under the direction of a Steering Group, chaired by the United Kingdom, supported by Maritime, Land and Air Subgroups.

The Steering Group met for its first WELG meeting in Madrid in April 1994, and also in the WEU HQ in October. Close liaison is maintained with the Planning Cell and a draft mandate was submitted for approval to the WEU Council in October.

Activities

- (i) *Joint*: The WELG is producing a booklet containing a concise checklist of key logistic considerations for any nation about to take part in United Nations peace-keeping operations.
- (ii) *Maritime*: Development of a containerised support concept, and a review of suitable operational logistics management information systems for use in a WEU context.
- (iii) *Land*: Development of the logistics requirement and a framework for WEU ground forces logistics systems in 2000 and beyond.
- (iv) *Air*: Development of a mobility handbook for potential WEU operations, and work to update the mutual emergency supply and support system.

4. Eurolongterm

Eurolongterm terms of reference are likely to be finalised during the first half of 1995.

XI. Activities of the Western European Armaments Group ("at 13")

The second meeting of the National Armaments Directors in 1994 (their third meeting as WEAG NADs) took place in Brussels on 14th October 1994. The yearly meeting of the WEAG Defence Ministers took place in Noordwijk on 14th November 1994. On the basis of an oral report by the Danish Minister of Defence, the WEU Ministerial Council adopted the results of the WEAG Ministerial meeting.

Current activities

WEAG activities during the second half of 1994 may be summarised as follows:

1. *The Armaments Secretariat* is now firmly established within the WEU Secretariat-General and serves as a focal point for armaments matters.

In the light of the current and expected level of activity on armaments co-operation, an increase in the manning level of one executive and one support post has been approved. Vacancy notices have been issued.

2. *Equipment co-operation (Panel I)*: the structure and operating methods are under review with the aim of accelerating the creation of collaborative programmes by adopting less rigid and formal rules. Progress on the future large aircraft programme was welcomed and nations were invited to participate in this major European project. The Panel I Chairman has been tasked to approach the Eurolongterm with the aim of identifying areas of common interest and of examining how to expand co-operation between the two bodies. In parallel, the WEU Presidency and the WEAG Chair have initiated steps to create a common framework.

3. *Research and technology (Panel II)*: the decision was taken to establish step 1 of a research cell (in the WEU building) as part of an expanded Armaments Secretariat. That first phase (step 1) will lead to the creation of a limited entity providing support to the EUCLID and the research and technology programmes. The Cell is expected to ease the development of additional research and technology projects.

The research cell will comprise five executive and two support staff, with effect from 1st April 1995. Vacancy notices have been issued.

The Cell will be working under the authority of the NADs and will report to NADs through the Research and Technology Management Committee and Panel II.

The second, more ambitious phase (step 2), recommended by NADs for consideration, would establish the Cell as a subsidiary body of WEU in order to enable it to place contracts.

A symposium on the EUCLID programme held in The Hague on 2nd/3rd November 1994 achieved its objective of promoting participation in the programme. Presentations made jointly by WEAG representatives and EDIG representatives on the various research areas contributed to the participants' better understanding of the objectives, development and constraints of the EUCLID programme.

Further, it has been agreed to produce a test facilities catalogue.

4. *European defence equipment market (Panel III)*: it was decided to continue the initiative in order to meet, to the extent possible, the objective of providing benefits for all participants. Monitoring of progress will continue and the results will be analysed in two years' time. In addition, the Panel will investigate the merits of a commercial approach to military programmes.

5. In relation to the proposed creation of a *European armaments agency*, the principles for its operation have been approved and the Ad Hoc Study Group dealing with this matter has been tasked to complete definition of the organisational charters and to consider possible locations. Further, Panel III was asked to study common procedures and regulations for that agency.

6. Ministers agreed to consider favourably the *Franco-German initiative* to create a new armaments co-operation structure as a subsidiary body under the modified Brussels Treaty, when introduced to the WEU Council. The WEU Council of Ministers adopted this agreement on the understanding as recorded in the summary of conclusions of their meeting.

7. Definition of a *European armaments policy*: Ministers endorsed the guidelines for an informal group of experts to study the options for such a policy. The report of the informal group will be submitted for consideration by the Defence Ministers.

8. The NADs have approved the *WEAG 1995 budget of 46 752 275 BEF*; this includes the Armaments Secretariat budget, taking into account the increase in personnel. The WEAG budget also includes the establishment of the research cell (five A grades and two B grades) and the production of the test facilities catalogue. In terms of funding arrangements for the research cell, the agreed WEAG cost-sharing key will be used without prejudice to a possible future expansion of the established arrangements.

France on 1st January 1995 for a period of two years takes over the WEAG Chair.

XII. Activities of the Agency for the Control of Armaments (ACA)

The Agency for the Control of Armaments continued its residual tasks regarding the limitation of atomic, biological and chemical weapons, at a level of activity corresponding to that obtaining at the time of the 1984 Rome declaration and in accordance with the procedures approved up to that point.

As regards atomic weapons, the ACA carried out no controls of these weapons.

As for biological weapons, all the member states decided to renew the list in force of biological weapons subject to control. As in previous years, the ACA did not carry out any controls in this field.

The list in force of chemical equipment and products (chemical weapons) was also renewed with the agreement of the member states.

As for chemical weapons, all the member states are signatories to the United Nations Convention banning the manufacture of these weapons. No country reported that it held chemical weapons on the mainland of Europe.

In accordance with the usual procedure, four chemical factories were inspected as part of the "controls on the non-production of chemical weapons". In no case did the ACA find any evidence that the undertaking not to manufacture chemical weapons had been breached.

For this thirty-ninth year of controls carried out by the ACA, the legal sources used to justify the levels of control and the control procedures have remained unchanged.

XIII. Activities of the WEU Institute for Security Studies

During the period 1st July to 31st December 1994, the Institute organised, in collaboration with Ian Gambles, visiting professor at the Budapest Institute for Graduate International and Diplomatic Studies of the University of Economic Sciences, a seminar in Budapest, on the eastward expansion of the West European security-community, and four meetings in Paris: the first with the Bertelsmann Foundation; the second a meeting of the steering group on a paper on the European defence markets; the third a meeting of a task force on Egypt and the fourth the task force on Russia and the CIS. The Institute also organised, in collaboration with the Czech Institute for International Relations, an enlarged meeting of the European Strategy Group (ESG) in Prague.

Seven documents, on the conversion of a meeting room in the Paris building of WEU into a conference room, the development of the Institute into an academy, Yugoslavia and Balkan security – what further measures?, the European security and defence academy, transatlantic publicity activities – European seminar 1995(2) and a note to the Council on the organisation of seminars with Russia and Ukraine were sent to the Council.

Gabriel Munuera left the Institute at the end of August to take up an appointment at the United Nations in New York and the Institute welcomed two new research fellows, Alessandro Politi and Carles Echeverria Jesus, for a period of three years.

The Institute also welcomed a visiting research fellow, Rudolf Joo, for a period of four months, and awarded fellowships to Felix Arteaga of Spain and Johannes Bohnen of Germany, for periods of one and two months respectively.

Mr. Vlastimil Fiala of the Czech Republic spent the months of September and November at the Netherlands Institute of International Rela-

tions, Clingendael, The Hague; Mrs. Mare Haab of Estonia spent the month of September at the Royal Institute of International Affairs, London, and Ilmars Viksne of Latvia the period July to September at the Deutsche Gesellschaft für Auswärtige Politik, Bonn.

The members of the research team held information and training meetings for members of the Council Working Group, participants from Central Europe and the Baltic states at the IHEDN, parliamentarians from Central and Eastern Europe participating in the North Atlantic Assembly's summer seminar, participants in a CHEAR semi-

nar, officers from the NATO Defence College, Rome, members of Women in International Security (WIIS), young diplomats from Central and Eastern Europe and students at the Institut Européen des Hautes Études Internationales.

During this period the Institute published Chaillot Paper 17, "The implications of the Yugoslav crisis for Western Europe's foreign relations" by Pavel Baev, Ali Hillal Dessouki, F. Stephen Larrabee, Duygu Bazoglu Sezer and Monika Wohlfed, edited by Mathias Jopp, and Chaillot Paper 18 "Peace-keeping in the Soviet successor states" by Roy Allison.

Towards a European space-based observation system

REPORT¹

*submitted on behalf of the
Technological and Aerospace Committee*²
by Mr. Lenzer and Mr. Valleix, co-Rapporteurs

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. *López Henares* (Chairman); Mr. *Lenzer* (Vice-Chairman); MM. *Arata*, *Atkinson*, *Biefnot*, *Blaauw*, Mrs. *Blunck*, MM. *Coviello*, *Curto*, *Feldmann*, Mrs. *Gelderblom-Lankhout*, Mrs. *Guirado*, MM. *Jeambrun*, *Le Grand*, *Litherland* (Alternate: *Sir Dudley Smith*), *Lorenzi*, *Magginas*, *Marshall* (Alternate: *Alexander*), *Mitolo*, *Palacios*, *Poças Santos*, *Probst* (Alternate: *Kriedner*), *Roger*, *Sarens*, *Sofoulis*, *Theis*, *Sir Donald Thompson*, Mr. *Valleix*.

Associate member: Mrs. *Jørgensen*.

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

Draft Recommendation

on a European space-based observation system

The Assembly,

- (i) Taking account of the fundamental importance of space in a global strategic concept of security in Europe;
- (ii) Stressing that space-based observation means are an essential and indispensable part of the European security and defence policy;
- (iii) Believing therefore that Europe must equip itself as soon as possible with a space-based observation system that is both autonomous and interdependent;
- (iv) Believing that Europe has the necessary technological and industrial capability to establish such a system;
- (v) Considering that the military use of space-based means is a global operation, the various parts of which cannot remain separated;
- (vi) Renewing its congratulations to the industrial consortium for its feasibility studies of the main system and the study management team for assessing these studies;
- (vii) Congratulating also the space research institutes of the various member countries of WEU on their outstanding contribution to these studies;
- (viii) Taking account, nevertheless, of the difficulties that will inevitably be encountered in creating this system, connected mainly with the cost, implementation and use;
- (ix) Taking into consideration the various options available in deciding to create this system, which may be summarised as follows:
 - (a) an independent WEU system;
 - (b) a system based on work already carried out (Helios I);
 - (c) the continuation, pure and simple, of the present work of the Satellite Centre in image acquisition and interpretation;
- (x) Considering that the first of these solutions is technologically achievable but very costly, and that the third in no way meets Europe's need to have independent space-based information means, which are essential for its security and defence and, in consequence, for the exercise of its sovereignty;
- (xi) Considering that the second solution seems to be the most pragmatic and easiest to implement, since it will draw on efforts already made and experience gained from co-operation which has proved viable and fruitful (Helios I) and is, additionally, the least costly;
- (xii) Welcoming the prospects for a significant participation in the Helios II programme by Germany, Italy and Spain, alongside France;
- (xiii) Conscious nevertheless of the many difficulties linked to participation in the financing and industrial production of the system and its use which must be resolved in order to develop, produce and exploit the system;
- (xiv) Recognising, moreover, that discussions should be started with the United States and possibly other countries on the possibility of co-operation in early warning and antimissile defence systems;
- (xv) Taking account, finally, of the overriding need for the Torrejón Satellite Centre to be given permanent status,

RECOMMENDS THAT THE COUNCIL

1. Immediately take the measures necessary to make the Torrejón Satellite Centre permanent and make provision for the budgetary means necessary for making use of the most satisfactory satellite images;
2. Seek agreement with the countries deciding to participate in the Helios and Osiris programmes for facilitating implementation of these programmes and associating other member countries, integrating them progressively into WEU's activities and, to this end, requesting participant countries to open up these programmes to their WEU partners;
3. Task the Space Group with studying the integration of these programmes into WEU's activities and invite the intelligence section of the Planning Cell, as soon as it is set up, to give its opinion on problems connected with the use of the system;
4. Conduct the necessary studies on a European early warning and antimissile defence system and foster co-operation with the United States and, as necessary, with other partners pursuing aims similar to those of WEU in these areas.

Explanatory Memorandum

(submitted by Mr. Lenzer and Mr. Valleix, co-Rapporteurs)

I. Introduction

1. Assembly Documents 1304 (1992), 1393 (1993), 1436 (1994) and 1437 (1994) studied in depth an aspect that is clearly fundamental to the future common European security policy and hence to a European defence policy: the creation of a European space-based observation system.

2. These documents surveyed the activities of the WEU Council in space matters, analysed the consequences of the evolution of the international situation on setting up a European space-based observation system, its strategic importance, the different tasks such a system would have to accomplish, the challenges which had to be met and Europe's technological and industrial capability for undertaking a project of this dimension; they also analysed current and future military space programmes and studied the activities of national space research institutes, the possibility of co-operation between the latter (Document 1434) and the different possibilities for space co-operation in Europe and the expediency of participation from outside Europe in this area.

3. Finally, the Technological and Aerospace Committee organised colloquies on these same subjects over recent years which brought together the players essential for implementing such projects, in order to enable them to present their respective positions and different interests, needs and difficulties, and to discuss them.

4. A single conviction has been the inspiration for all these initiatives: namely that such a project required a rigorous and in-depth study of the strategic, technical, industrial and financial problems that it raised and that once these problems had been examined and resolved a firm and tenacious political will was necessary in order finally to achieve the system.

5. The colloquy organised recently by our committee (on 24th and 25th March 1995) in San Agustin, Gran Canaria, under the same title as the present report, represented a synthesis of work carried out to date in order to be able to present a range of information, considerations and conclusions to the WEU Council that might help the WEU defence ministers to take the best decision on the creation of a European space-based observation system – a decision which is to be taken in the coming months.

6. The present report also seeks to make a realistic and pragmatic summary of the speeches

and debates at San Agustin, avoiding, insofar as possible, any further mention of data given in previous reports. Moreover, your Rapporteurs will draw the conclusions and formulate recommendations in the best interests of Europe so that the future European security and defence policy will have the instrument essential to achieve its objectives: a European space-based observation system.

II. The strategic dimension

7. If the fall of the Soviet empire put an end to certain risks and threats hovering over Europe's existence, it nevertheless gave rise to a whole range of factors of instability that might have considerable repercussions on our security: widespread political and economic crises, ethnic and border conflicts due to nationalist extremism, massive immigration with unpredictable repercussions, extreme deterioration of the environment, the emergence of powerful mafias frequently linked to trafficking in drugs and/or armaments and nuclear materials creating a real risk of armaments proliferation, particularly of ballistic missile systems etc. Besides and at times precisely because of these problems we are faced with numerous regional conflicts and risk factors with direct and far-reaching repercussions on Europe's security, such as for example the conflict raging in former Yugoslavia, the aftermath of the war between Iraq and Kuwait, the Middle East situation still far from a final and satisfactory solution, the Kurdish problem and the civil war that is rife in many regions of Africa (Rwanda, Burundi, Somalia, Sudan...).

8. Of particular concern to Europe is the situation on the southern flank of the Mediterranean where religious fundamentalism could have dire consequences for the future of certain countries and their peoples. The evolution of this situation is of major importance to Europe which it would be suicidal to underestimate. In this connection one might recall the lessons drawn from the colloquy organised by our Committee in Rome in 1993, on an anti-missile defence for Europe.

9. The foregoing considerations lead us to think that a European space-based observation system (the need for which is proving to be most urgent) capable of providing real time information gathered from all over the world, is an essential element in guaranteeing Europe's security and a

basic tool for developing a European defence policy; it would permit verification of treaties on disarmament, control over armaments proliferation, conflict prevention and monitoring and protection of the environment.

10. It has already been said (Document 1435) that space-based observation should merely be one stage in a comprehensive system that would also include early warning and anti-missile defence. This will be taken up later in regard to the possibilities for co-operation outside Europe in the development of such systems.

11. The United States and Russia already have space-based observation means, which are an essential aspect of the exercise of their sovereignty. It seems that it is now time for Europe too to obtain means of its own, enabling it to assert its sovereignty and independently to strengthen its presence on the international scene and play an active part in world security and the defence of the values it deems to be essential.

12. The experience of the war between Iraq and Kuwait and the conflict being waged in former Yugoslavia have recently served to highlight both the value of information obtained from space-based observation and the virtual monopoly of the United States in this area and consequently Europe's inability to act on the basis of its own sources of information. In short, Europe must acquire independent information means enabling it to play its full part alongside its allies with all the facts at its disposal.

13. The press communiqué released by the Assembly on 11th November 1994, at a time when rumours were circulating to the effect that the United States was about to stop implementing the United Nations embargo on the supply of arms to Bosnia-Herzegovina, accurately summarises certain arguments developed earlier. This states:

“ Commenting on reports that the United States authorities were likely to cease applying the United Nations embargo on arms supplies to Bosnia-Herzegovina, the President of the Western European Union Assembly, Sir Dudley Smith, M.P., today expressed the hope that the WEU Council of Ministers, scheduled to meet in Noordwijk (the Netherlands) on Monday 14th November, would act urgently to counter the various potential problems posed.

The United States dominates the NATO command structure in the Adriatic area and the withdrawal of United States ships and aircraft would make a mockery of the embargo operations. WEU must be ready to fill the breach and respond to the challenge”, said Sir Dudley.

This example also proves just how much Europe needs to be autonomous where intelligence gathering, satellite reconnaissance and logistic support are concerned.”

Subsequent events have merely confirmed the above fears.

14. In short, it emerges clearly that, on the one hand Europe's rôle in terms of world security can be neither understood nor guaranteed if it does not have the necessary space-based means to accomplish its task, and, furthermore, if its dependence on foreign means, even those of our allies, continues, such dependence can only prevent Europe from playing its part in the management of world peace and security and will consequently lead to a loss of the political weight that it should rightly have in the international scene.

15. Recently, at a conference held at the Royal Institute for International Affairs (9th February 1995) on “ Western European Union: myth and reality”, the WEU Secretary-General, Mr. Cutileiro stated:

“ All of the above is being attempted and if I have not misjudged the attitude of governments of WEU member states, we are on track and will make progress. But even if everything goes well, WEU will still need an armaments policy and a space policy if it is to become a strong enough European pillar of the alliance and a strong enough instrument of defence of the European Union. In conventional defence, Europe's two glaring shortcomings are the lack of transport systems and the lack of satellite intelligence. To correct these deficiencies, political will has not always been there: money has seldom been there. Attitudes are changing, efforts are being made but it is a long haul.”

16. Your Rapporteurs are convinced that giving WEU space-based means is part of the reality that our organisation has to deal with from now on; the latter must be persuaded that the need for such an observation system must lead us to overcome the major difficulties involved in creating it. These difficulties need to be faced in a practical and realistic way, but also, and this is essential, with a firm and resolute political will.

III. The technological and industrial dimension

17. The colloquy held recently in San Agustin served inter alia to confirm what we already knew: Europe has the technological and industrial resources to meet the challenge of building an independent space-based observation system. If a problem exists at all in this area it is that of excess

industrial capacity, as the General Rapporteur, Mr. Rabault (Director of Missiles and Space, DGA (national procurement directorate), France, noted in his conclusions to the colloquy.

18. Indeed, Documents 1393, 1434 and 1436, mentioned previously, examine at great length Europe's technological and industrial capability to achieve a space-based observation system.

19. This capability is by no means theoretical, it is very real. It has been acquired and strengthened through the various national space programmes and, more particularly, the programmes of the European Space Agency (ESA).

20. Industry's ability to meet the challenge of space is matched by its long experience of co-operation, not only in the framework of ESA programmes but also other programmes, the most appropriate example of which is Helios I, the French, Italian and Spanish joint programme which laid the foundations for military space programmes.

21. France has a leading position among the space industries of Europe and the experiences of Germany, Italy and the United Kingdom are in some areas complementary to it. Spain, the Netherlands and Belgium also have proven space industries which are perfectly capable of contributing to the European space programme. This programme is a prime factor for European political integration and plays a part in strengthening and promoting European industry. Moreover this space-based system will have spin-off in the civilian sector in the form of experiments and capabilities that can find application there.

IV. Achievement, costs, timetable and operation of the system

22. Once it is admitted that Europe has a strategic need for an independent space-based observation system, built by Europeans using European technology and since, moreover – as noted previously – such an enterprise would be a factor of political integration, consolidation and industrial expansion, a stage is reached where several questions need to be answered: what will be the costs of the operation, which partners are to be involved and what will be the time-scale?

23. One of the main reasons for co-operating in developing such a system is obviously to share costs. At present it would be difficult for a single country to bear the financial burden alone.

24. As was observed correctly at the San Agustin colloquy, space systems are no more expensive than other defence systems. We need only consider spending in recent years by our respective countries on fighter aircraft to be convinced of this fact. Moreover, space-based systems serve a

whole range of countries, for which they provide cover, in this case, those belonging to WEU: these are ultimately, therefore, multinational defence systems.

25. The tables appended to the present report illustrate certain considerations raised in this chapter. Your Rapporteurs are unfortunately not in a position to provide more detailed information owing to the confidential nature of the studies undertaken on the feasibility of the system.

26. It would be logical to assume that all WEU members would participate financially in the system, as all would benefit from it. It would be desirable for the criteria that currently apply to member countries' contributions to the WEU budget to be taken as a basis, but, however this may be, flexibility should be the guiding principle so that all member countries are able to participate. The wish to take part in the programme should not be used as a reference, nor should the programme be delayed because a member is not participating. Technological and industrial participation in achieving the system is another matter. It would then be appropriate, as far as possible, for industrial profits to be shared in proportion to the technological and industrial capabilities of each country but such sharing must not lead to the technological level being lowered or to perceptible financial increases.

27. Shared use of the system is a major difficulty but one that is not insoluble. It is in fact a matter of harmonising the various national information needs – obviously a very sensitive area.

28. The experience gained with Helios I will be taken into account and in any event specific determination of standards to be adopted will be an additional means of European integration and undeniably a stimulus to the development of a European security and defence policy.

29. The WEU Planning Cell and its intelligence section will be able to make their opinions known through relevant studies and assessments.

30. The projected timetable for the system should be adhered to as closely as possible. Any delay in decisions and hence in implementation will only increase the difficulties and discrepancies between budget forecasts and actual costs. It is clear that many questions arising out of the foregoing chapter cannot yet be answered specifically and that a joint effort is required to reach solutions that are satisfactory all round. The means of attaining such solutions exist provided we are convinced that the system is necessary for Europe's security and defence and from that conviction proceeds the determination to achieve it, followed by the corresponding political decision.

V. Conclusions

31. In the second part of the fortieth annual report of the Council to the Assembly covering the activities of the second half of 1994, in the section on the work of the Space Group, mention is made of a series of proposals which are to be submitted to the ministers at the meeting of the Council to be held in May 1995.

32. The report states that the Satellite Centre will be able to continue its activities until the end of 1995 without funding in addition to that originally granted for the experimental phase; also that by the beginning of 1995, the Centre's output will already be sufficient to evaluate its operational capabilities.

33. It is to be hoped that the Council will reach a decision rapidly on the Centre becoming permanent, making it possible for it to develop its work under normal conditions, without the difficulties of temporary status. As to the subject-matter of the present report, the annual report notes that the Space Group has been tasked to prepare a proposal accompanied by a draft memorandum of understanding between present WEU member states (i.e. the nine) for a decision by the Council of Ministers in May 1995.

34. Moreover, the Space Group has created two working groups: an Organising Working Group (programme management and organisational aspects) and a Technical Working Group with the task of elaborating "the system requirements and the choice of system options, taking account of the final report by the Study Management Team".

35. These working groups might recommend that the Space Group carry out further studies if they consider it necessary.

36. There is every reason to think that no decision will be reached in May, first, because there is a wish to know beforehand the result of the negotiations between France and Germany on the latter's participation in Helios II and to be informed of the possibility of general agreement between the two countries on optical and radar space observation programmes; second, because other countries have not yet clearly identified their needs in relation to the system and last, because one country, without entirely closing the door on the creation of a system of observation by satellite, is opening it so little as virtually to prevent its establishment.

37. The three options available in connection with the European space-based observation system are as follows:

- (i) an independent WEU system;
- (ii) a system which would take advantage of existing efforts (mainly Helios);

(iii) continuation of the activities of the Satellite Centre as pursued to date, in other words image acquisition and processing.

38. The first of these options, and the most ambitious, at present seems the least realistic, mainly on account of cost; financial aspects are in fact the prime consideration put forward by all countries when it comes to deciding whether to go ahead with a satellite system.

39. The third option would continue to leave Europe without the independent information capability it needs for its security and defence and hence its sovereignty. This option would provide no satisfactory answer to the various arguments we have put forward so far to demonstrate Europe's need for an independent space-based observation capability.

40. These various considerations have led your Rapporteurs to conclude that the second option seems the most realistic, the most easily achievable and hence the most desirable.

41. Indeed, the Helios I programme would offer substantial experience of pooling operational requirements. In a few months the system will be operational and will begin to supply images to the Torrejón Satellite Centre under agreements reached between WEU and the three countries that have participated in developing and producing the system: France, Italy and Spain. The practical details of this agreement of principle are now being studied and the results will also constitute valuable experience which will be useful if the decision finally adopted by the ministers allows advantage to be taken of work already completed or in progress.

42. The Helios II programme will combine infra-red and optical technology: Osiris, another French programme, covers radar satellites capable of twenty-four hour, all-weather operations. France has invited Germany to take part in these projects in conditions which are the subject of present and future discussions and negotiations. Italy and Spain, for their part, have let it be known that a commitment by Germany to these programmes might lead them to reconsider their present position, namely their refusal to participate in Helios II, mainly for financial reasons.

43. Estimates for options (i) (WEU's own system) and (ii) (use of programmes in the process of completion or development) as illustrated in Table V appended to the present report show lower costs for option (ii). Agreement between France and Germany (whose radar satellite technology is very advanced) would be a decisive factor in obtaining backing for the proposal of your Rapporteurs.

44. There are many questions that a decision of the kind we are proposing here might raise in terms of financial participation, system users (WEU or WEU and individual countries?), industrial involvement (which should combine efficiency and national industrial interests while taking account of the fact that fair return has a more political than industrial dimension and is a very effective means of achieving European integration) and the most desirable course to be followed (an international executive agency, a WEU space agency?) etc.

45. Apart from the problems outlined above, a major hurdle has to be overcome: the Helios system is not a development that can be publicly unveiled. The difficulties raised by its integration into WEU structures will be greater than those encountered over the supply of Helios images to the Torrejón Satellite Centre: while an image is a finished product, a system is a far more complex whole which needs to be brought out into the open so that it can be sold to third parties.

46. Your Rapporteurs have no intention of supplying answers to all the problems raised; these answers should proceed from rigorous analysis and negotiations in the framework of the WEU Council. In our view, the aim of this report should, first and foremost, be to promote the establishment of a space-based observation system and then to ensure that a decision is taken in favour of the option we feel is most in conformity with the interests of Europe and the most realistic from a technological and financial point of view. We also hope that the chosen solution will obtain the necessary consensus and allow participation by all WEU member countries.

47. Europe must acquire an independent space-based observation system, but clearly, at the same time, it must establish close co-operation in this area with the United States and Russia, for we feel it is necessary for the various systems to be complementary and, in short, as the General Rapporteur of the San Agustin colloquy, Mr. Rabault (Director of Missiles and Space, DGA) put it, to marry autonomy and interdependence.

48. Moreover, our Assembly has on other occasions spoken out strongly in favour of intensive co-operation with our American allies on early warning and anti-missile defence systems. Collaboration with our transatlantic allies, and possibly with Russia, should, in our opinion, therefore be undertaken under the conditions referred to earlier.

49. On 6th February 1995, at the meeting between the Presidential Committee of our Assembly and the Secretary-General of WEU, Mr. Cutileiro, answering a question put to him by

the Chairman of the Technological and Aerospace Committee, Mr. López Henares, stressed that the establishment of a European space-based observation capability was still a very long way off.

50. The French Prime Minister, Mr. Balladur, addressing the Assembly on 30th November 1994, stated for his part:

“ This is an operational, technological and industrial project which will emancipate Europe in some measure in the matter of space reconnaissance. I say emancipate deliberately. I discussed the subject yesterday evening and as late as this morning with Chancellor Kohl at the Franco-German summit just held in Bonn. I have every hope that here too the determination of our two countries will enable Europe to take a further step towards equipping itself with the operational resources that it lacks. ”

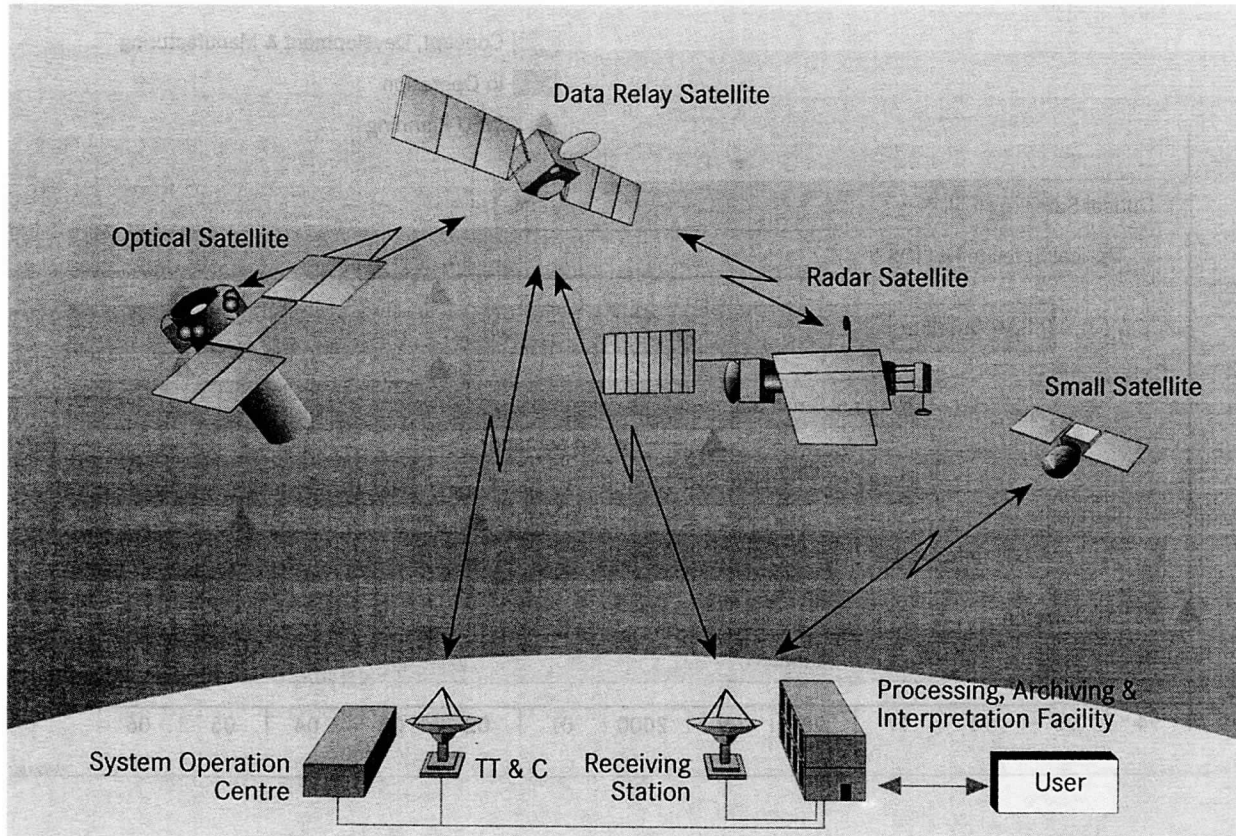
51. Finally one might recall the remarks of the German Minister for Foreign Affairs, Mr. Kinkel, at the Koenigswinter conference which periodically brings together senior German and United Kingdom officials. At the conference held last March, Mr. Kinkel, recalling the particular interest the Franco-German partnership holds for his country, for historical reasons, invited the United Kingdom, together with France and Germany, to build a Europe close to its citizens, competitive and ready for action. Referring to the CFSP, Mr. Kinkel felt that majority decisions should not be taboo in the areas that relate to it.

52. In conclusion, your Rapporteurs would first state their wish to see all WEU member countries participate in establishing a European space-based observation system based on the option they consider most appropriate and to which they have just referred. Second, they wish to emphasise that it does not seem reasonable to perpetuate the present situation where the rhythm of the decision-making process is imposed by those who wish to progress the most slowly or who want purely and simply to call a halt. Third, in the absence of a joint decision, it would be necessary initially to foresee launching a project involving the four countries that envisage co-operating in Helios, followed by participation by all member countries in the next generation of the system, around 2005. Meanwhile, the meeting point for all concerned would be the Torrejón Satellite Centre.

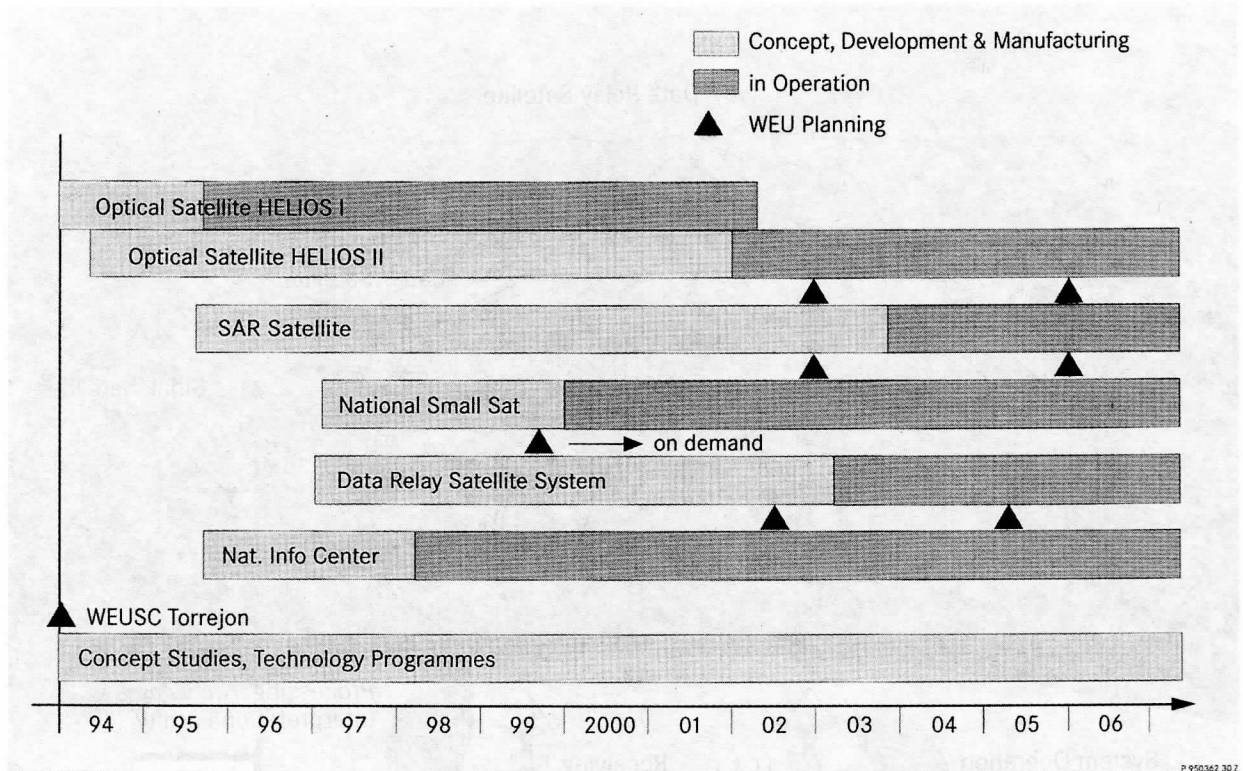
53. Political will has already been shown by the creation of the Satellite Centre, but this work has to be completed. All that is still lacking is the political will that must be expressed without further delay, since all other difficulties can be resolved, as we feel we have shown in our various reports on this subject.

APPENDIX I

Potential European earth observation system



APPENDIX II

System architecture

Elements	Capabilities	Performance
1 Optical Satellite <ul style="list-style-type: none"> <input type="checkbox"/> Panchromatic <ul style="list-style-type: none"> - Close look - Survey mode <input type="checkbox"/> Ancillary options <ul style="list-style-type: none"> - IR/TIR - Stereo 	<ul style="list-style-type: none"> <input type="checkbox"/> Global reference information <input type="checkbox"/> Crisis indicators (change detection) <input type="checkbox"/> Mapping for out of region/out of area interventions <input type="checkbox"/> Signatures, terrain profiles 	Spatial resolution < 1 m close look mode < 10 m survey mode < 2 m height resolution (stereo)
2 SAR Satellite <ul style="list-style-type: none"> <input type="checkbox"/> S-/X-band <ul style="list-style-type: none"> - Close look - Survey mode 	All-weather capability, day & night, additional (SAR-) signatures	< 3 m close look < 10 m survey mode
3 DRS/SATCOM	DRS for real-time capability combination with MILSATCOM to be clarified	Data transmission > 500 Mb/sec
4 Ground station(s)	Operation of satellites, mission-planning and near real-time processing and interpretation	Access time (data availability) < 2.5 hrs
5 Supplementary Small Satellites	Complementary element in times of crisis and/or for specific tasks	Spatial resolution ≤ 3 m

APPENDIX III

*Basis for cost calculation in rough order of magnitude
(MECU)***WEU system proposal**

2 optical satellites in orbit
2 SAR satellites in orbit
2 DRS in orbit
Small satellites on demand
TT & C
1 system operation centre
1 mission control centre
1 central PAIF

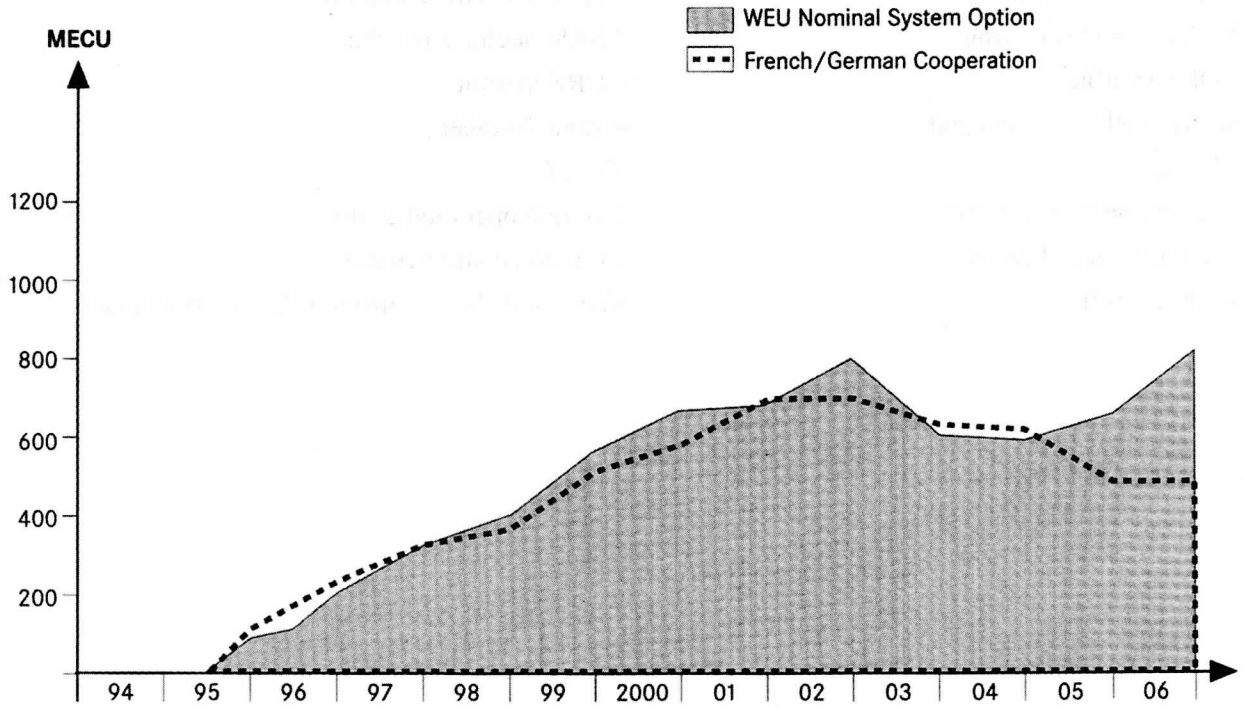
French/German co-operation

2 optical satellites in orbit
2 SAR satellites in orbit
1 DRS in orbit
– none foreseen
TT & C
2 system operation centres
1 mission control centres
National PAIF (not included in the cost figure)

APPENDIX IV

Programme cost profile

Economic conditions 1993



Towards a European space-based observation system

AMENDMENTS 1 and 2¹

tabled by Mr. López Henares

1. At the end of the preamble to the draft recommendation, add a new paragraph as follows:
“ Considering the interest of making public opinion in WEU member countries aware of the existence of this centre and of its contribution to building a European defence identity, ”
2. At the end of the draft recommendation proper, add a new paragraph as follows:
“ Organise one, or, preferably, several visits to present the activities of the Torrejón Satellite Centre to representatives of the European and international press. ”

Signed: López Henares

1. See 15th sitting, 20th June 1995 (amendments agreed to).

WEU Council of Ministers
Lisbon, 15th May 1995

Lisbon declaration

1. Ministers of Foreign Affairs and Defence of the WEU nations gathered in Lisbon on 15th May 1995. They warmly welcomed the accession of Greece to WEU as a full member and the consequent entry into force of the Associate Members' status and the Associate Partners' status, as well as the fact that Austria, Finland and Sweden became Observers following their accession to the European Union.
2. Ministers recalled that the construction of an integrated Europe will remain incomplete as long as it does not include security and defence. They also recalled the rôle of WEU as defence component of the EU and as a means to strengthen the European pillar of the Atlantic Alliance and the priority which they therefore attached to the development of its operational capabilities. They recalled that, in the Petersberg declaration, preparedness was expressed to deploy WEU military units for humanitarian and rescue tasks, peace-keeping tasks, and tasks of combat forces in crisis-management. They reaffirmed their resolve to work, on the basis of the preliminary conclusions adopted in Noordwijk on the formulation of a common European defence policy, to ensure that this policy can effectively take shape in the years ahead. Ministers expressed their appreciation of the significant progress made by WEU since their last meeting and discussed in particular the following issues:

1. WEU development

(a) Operational development

3. Ministers examined the implementation of their previous decisions, in particular those taken at their Petersberg, Kirchberg and Noordwijk meetings, regarding the development of WEU operational capabilities. They approved a decision which, inter alia:
 - provides WEU with new decision-making mechanisms and structures, in particular the establishment of a new politico-military group in support of the Council, a Situation Centre, and an Intelligence Section in the Planning Cell;
 - refines procedures and objectives for the identification of Forces Answerable to WEU;
 - provides WEU with preliminary conclusions and transitional arrangements for the financing of WEU operations.

Ministers underlined the need to gain practical experience of the provisions contained in this decision through appropriate exercises. In this context they welcomed the intentions expressed by Portugal to organise an exercise. They also welcomed the agreement reached by the member states of the Eurocorps to carry out the exercise WEU crisis 95-96, within the framework of the Petersberg declaration, and took note of the decision to propose this exercise to the Council in order to verify the procedures established in the relevant operational documents of the organisation.

Ministers welcomed the progress made in WEU in identifying those assets and capabilities that WEU will need in its future operations, as well as in defining its views on the mechanisms and procedures for the use of such assets and capabilities which the alliance could make available to WEU.

4. Ministers welcomed the presentation of a report of the Secretary-General on the reinforcement of the Secretariat in the politico-military field, which will constitute the basis for decisions to be taken by the Permanent Council before the next Ministerial Council, allowing for the reinforcement to begin by January 1996.

5. Ministers welcomed the decision of France, Italy and Spain to organise a land force (EUROFOR) and a maritime force (EUROMARFOR). They noted that these forces will be open to WEU member states. In this context, they welcomed the agreements reached on the participation of Portugal in EUROFOR and EUROMARFOR since their establishment. They also noted that these forces would be declared "forces answerable to WEU", that they would be employed as a priority in this framework, that they could likewise be employed in the framework of NATO, so as to strengthen the European pillar of the alliance, and that the fulfilment of their missions will not prejudice the participation of their units in the common defence missions provided for by Article V of the modified Brussels Treaty, and Article 5 of the

Washington Treaty. Ministers believe that these initiatives will contribute to the development of the European security and defence identity and strengthen Europe's own military capabilities for operations conducted pursuant to the Petersberg declaration.

Ministers tasked the Permanent Council, on the initiative of the participating states, to detail the relations between WEU and these forces, together with the conditions for their use in the WEU framework.

6. As a follow-up to the decision taken at their last meeting in Noordwijk, Ministers endorsed a document on "emergency responses to humanitarian crises: a rôle for a WEU humanitarian task force". The document, based on an Italian/United Kingdom proposal on the principles and modalities for establishing a WEU humanitarian task force and on the use of military assets in humanitarian crises, is fully consistent with the above decision in paragraph 3. They tasked the Permanent Council to complete the work on this subject as a matter of priority and requested the Planning Cell to take forward as a matter of urgency its generic planning in this area.

7. Ministers also marked their interest in the initiative by France and the United Kingdom on peace-keeping and conflict-prevention in Africa. In this connection, they welcomed the preliminary reflections taking place in WEU in parallel with the discussions within the European Union and against the background of the debate in progress at the United Nations; they instructed the Permanent Council to take forward its reflections on this subject.

8. Ministers also examined progress made in the field of WEU space activities. They approved a decision on the establishment of the Satellite Centre as a permanent WEU body. They also approved a decision tasking the Space Group to continue its activities, concentrating on the study of the three proposed approaches to developing WEU's capability to use satellite imagery for security purposes, namely the establishment of a WEU satellite system, participation in a developing multinational programme or procurement of imagery with the aim of presenting a proposal to their autumn 1995 ministerial meeting.

9. Ministers took note of the report by the presidency on the Chiefs of Defence Staff meeting held on 20th April 1995 in Lisbon.

10. Ministers took note of documents on WEU's rôle in evacuation operations, generic planning, and intelligence support to the Planning Cell: short-term measures. They considered these documents as a significant contribution to the implementation of their decisions on the development of WEU operational capabilities.

11. They looked forward to the conclusion of the work on other operational aspects identified in the preliminary conclusions on the formulation of a common European defence policy, approved in Noordwijk.

12. Ministers took note with appreciation of the reports on the Portuguese Presidency's missions to Mostar and the Danube and welcomed the recent visit to Mostar of the presidency's Foreign Minister, Mr. Durao Barroso. They also noted with great interest the information provided to the Council by the EU Administrator for Mostar, Mr. Koschnick.

13. Ministers reiterated the importance they attach to the WEU contribution to the EU Mostar administration, and to the Danube and Sharp Guard operations, which are visible expressions of WEU's commitment to European security. They expressed their appreciation and gratitude to all those participating in these operations and thus contributing to their success.

14. Ministers welcomed the agreement between the parties concerned on the implementation of the first phase of the establishment of a unified police force of Mostar (UPFM) and regarding the structure of the future UPFM. They believe that these important steps should lead to the implementation of the UPFM. Ministers agreed to continue to encourage the parties, in particular via the presidency, to secure agreement to the subsequent implementation phases and the establishment of the UPFM. Ministers welcomed the forthcoming participation of Austria, Finland and Sweden in the WEU police element, in addition to the contributions provided by the member states.

15. Ministers welcomed the successful results accomplished by the WEU police and customs mission on the Danube, which contribute to the full implementation of the relevant United Nations Security Council resolutions.

16. They also expressed their satisfaction at the continued positive results achieved in the joint WEU-NATO Operation Sharp Guard in the Adriatic.

(b) Common reflection on new European security conditions

17. Ministers welcomed progress achieved on the common reflection on the new European security conditions. They emphasised the importance of the fact that, for the first time, such an exercise is taking place among the 27 WEU nations. They approved a document which identifies their common interests, as well as potential risks to European security. This analysis will be further reviewed in the light of the second phase of the exercise.

18. Ministers noted that, in the second phase, WEU countries will examine how to enhance and strengthen their common security through possible responses to the potential risks already identified. They asked the Permanent Council to submit at their next meeting the final results of the exercise along the lines of paragraph 6 of the Noordwijk declaration with a view to a decision on the publication of a white paper on European security.

19. Ministers welcomed the French initiative concerning the organisation in autumn 1995 of a European session to reflect on a European security policy, which will bring together representatives of the 27 WEU nations.

(c) Other questions

20. Ministers welcomed the Permanent Council decision on the implementation of the Associate Partners' status which will allow for the extension of their participation in WEU working groups, for the conclusion of liaison arrangements between them and the Planning Cell, as well as for the identification of their forces which may be made available for WEU operations. They welcomed the progress already achieved on the identification of forces and looked forward to the full and rapid implementation of the abovementioned measures.

21. Ministers underlined the importance they attach to the rôle played by the Assembly in the debate on security and defence in Europe and its substantive contribution to the wider consideration of these issues. They welcomed the regular and constructive dialogue between the Council and the Assembly.

22. Ministers welcomed the Permanent Council decision on the gradual transformation of the Institute for Security Studies into an Academy.

23. Ministers welcomed the signature of the WEU security agreement on 28th March 1995.

2. Relations with the European Union

24. Ministers had an exchange of views on the relations between WEU and the European Union. They stressed the importance of developing further this relationship for the future of the two organisations and for European security as a whole.

25. Ministers recalled their decision in Noordwijk last November that WEU should make a timely contribution to the work of the 1996 EU intergovernmental conference (IGC). Ministers held a first exchange of views on this contribution, which will re-examine and further develop the rôle of WEU and the provisions agreed at Maastricht, taking account of the progress made and experience acquired since the WEU Maastricht declaration of December 1991 and the entry into force of the Treaty on European Union.

26. Ministers tasked the Permanent Council to present a report at their next meeting in November in Madrid. In this respect, they welcomed the intention of the incoming Spanish Presidency to present a reflection document on the WEU contribution to the IGC to serve as the basis of the Permanent Council's report. They noted that the possibility of holding a meeting at summit level to finalise the WEU contribution to the IGC continues to be considered.

27. In this context, Ministers welcomed as significant contributions to the forthcoming debate the presentation of the proposals made by the British Prime Minister, of the Netherlands Government memorandum and of other national positions. These, together with the ongoing work in the European Union started under the French Presidency, would be important inputs to this debate.

28. Ministers welcomed the initiative of the Portuguese Presidency to organise a seminar in Sintra on 3rd and 4th June on the WEU contribution to the future European security and defence architecture.

29. Ministers noted with satisfaction that measures to develop a close working relationship between WEU and EU, foreseen in the Treaty on European Union, were now being given practical effect. They particularly welcomed the close co-operation between the EU and WEU Presidencies regarding the EU administration in Mostar including the WEU police deployment, the first occasion when WEU, in carrying out

an operation, is implementing a decision of the Union. In this context they also welcomed the fact that, for the first time, the WEU and EU Presidencies had carried out a joint démarche which contributed to the successful agreement to the first phase of the unified police force Mostar (UPFM).

30. Ministers noted with appreciation co-operation between WEU and EU in the framework of the informal group of government experts of WEU/WEAG and EU member states to study options for a European armaments policy. They noted that all items of the agreed programme of work have already been covered. They looked forward to the report being finalised shortly.

31. Ministers welcomed the first meeting of the WEU Presidency, the Secretariat and the Planning Cell with the EU Troika of Consular Affairs' experts on WEU's rôle in evacuation operations. They tasked the Permanent Council to ensure that the work on this subject is continued in close co-ordination with the relevant EU bodies.

3. Relations with NATO

32. Ministers welcomed the decisions taken recently by both the WEU Council and the North Atlantic Council, regarding the co-operation between both organisations and noted with appreciation that they are already under implementation. These decisions represented a further step in the development of working links between WEU and the alliance, including joint councils and co-operation between secretariats.

33. Ministers stressed the importance, for future co-operation between WEU and NATO, of the progress made in WEU in identifying those assets and capabilities that WEU will need in its future operations, as well as in defining its views on the mechanisms and procedures for the use of assets and capabilities which the alliance could make available to WEU. They stressed the importance of NATO comments for pursuing joint work in this field. They also invite NATO to work with WEU to develop a list of assets and capabilities that could be made available. Ministers recalled the importance they attach to WEU having an effective intelligence handling facility and to the conclusion of the discussions in this field with NATO.

34. Ministers welcomed the continuing co-operation and the institutional dialogue between WEU and NATO to develop further the CJTF concept, including joint meetings of the WEU Politico-Military Working Group and NATO's Provisional Policy Co-ordination Group and attendance of the Planning Cell and cross-representation of secretariats in the meetings of those groups.

35. These are all significant developments which illustrate the new level of mutually reinforcing co-operation reached in WEU-NATO relations.

4. Transatlantic publicity activities

36. Ministers took note of the report on transatlantic publicity activities and approved the recommendations on measures to increase the effectiveness of TPA activities and on the message that TPA events should seek to convey. They looked forward to the forthcoming Washington Conference under the United Kingdom chairmanship of the TPA.

5. Relations with third countries

37. Ministers reiterated the particular importance of appropriate relationships with Russia and Ukraine. They welcomed the Permanent Council decision on the framing of the dialogue with these two countries. Contacts with Russia and Ukraine, in the framework of this decision, while not duplicating dialogue in other fora, will allow for the development of the existing dialogue with WEU and for exchanges of information on issues of common interest.

38. Ministers took note with appreciation of the report by the Mediterranean Group on its activities, following a new round of consultations in April with Algeria, Egypt, Mauritania, Morocco and Tunisia. They endorsed its recommendations for the future and in particular the review of its mandate. They expressed the wish that the subjects identified by the Permanent Council for the continuation of this dialogue will allow its further enhancement.

39. Ministers welcomed the Permanent Council's decision to enter into a dialogue with Cyprus¹ and Malta, which would evolve in line with the development of links between Cyprus and Malta and the European Union.

6. Relations with the OSCE and the Pact on Stability in Europe

40. Ministers stressed the importance they attach to the place of the OSCE in the European security architecture and noted in particular its potential as a primary instrument for early warning, conflict-prevention and crisis-management, as well as in promoting the rule of law, democracy and respect for human rights. Ministers welcomed the progress achieved at the Budapest summit in strengthening the OSCE as a comprehensive security structure based on shared values and reiterated their support in particular for the intensification of OSCE action in relation to the Nagorno-Karabakh conflict decided by the Budapest summit.

41. Ministers welcomed the conclusion in Paris, on 20th April 1995, of the Pact on Stability in Europe and stressed its potential for peace and stability in Europe.

7. Situation in former Yugoslavia

42. Ministers discussed the situation in former Yugoslavia and approved the declaration at Annex.

8. Other questions

43. Ministers welcomed the decision, taken in New York on 11th May 1995, to extend the Nuclear Non-Proliferation Treaty for an indefinite period. This decision undoubtedly reinforces international security and therefore represents a success for the international community as a whole. Not only does it assure the permanence of the treaty, but it also strengthens the international standard for non-proliferation. It creates a better chance of securing the accession of those states that have not yet joined, so that the NPT can become universal. Ministers stressed that the European Union and its member states as well as the other WEU nations, for which the extension of the NPT was a priority objective, have, together with many other states, greatly contributed to this success.

44. Ministers underlined the importance of an early deposit of all the instruments of ratification of the Open Skies Treaty, which will allow for the entry into force of the treaty. In this context, Ministers noted the démarches carried out by the Presidency and expressed the hope that the remaining difficulties experienced by Russia, Ukraine and Belarus will be overcome in the near future.

45. They expressed their appreciation for the achievements of the Institute under the authority of its Director, Mr. John Roper. They welcomed the appointment of Mr. Guido Lenzi, as the new Director of the Institute. Ministers paid tribute to the achievements of the Planning Cell under the authority of its Director, Lt. Gen. Marcello Caltabiano, and welcomed the appointment of Vice-Admiral Rafael De Morales, as his successor.

1. Turkey dissociates itself from this decision.

ANNEX

Declaration on former Yugoslavia

1. Ministers expressed their deep concern at the recent developments with respect to former Yugoslavia, which present growing risks to the region.
2. Ministers expressed profound concern over the escalation of hostilities in Bosnia and Herzegovina. They also condemned attacks on United Nations safe areas and on United Nations personnel, which cannot be tolerated. They expressed their full support for the efforts pursued by the United Nations in order to renew the agreement on cessation of hostilities in Bosnia and Herzegovina reached on 1st January 1995, and appealed to the parties to accept such a renewal without any further delay.
3. Ministers expressed their undivided support for the continued international efforts by the EU, the United States and the Russian Federation, namely for those of the contact group, including its peace plan, aiming at a political solution to the conflict. They reiterated deep concerns at the continued refusal of the Bosnian Serbs to accept that initiative. They deplored the continuing hostilities resulting from this situation. They underlined the need for renewed urgent efforts towards a lasting peace settlement.
4. Ministers addressed the issue of mutual recognition between all states of former Yugoslavia within their internationally recognised borders, and consider that such a move would constitute a very positive step towards a global political solution. They recalled the important decision taken by Belgrade to support the peace plan and to close the border with Bosnia, and reaffirmed the need for further effective pressure on the Bosnian Serbs.
5. Ministers reiterated that lifting the arms embargo would entail a further escalation of the conflict, increase the sufferings of the civilian population, pose grave risks to international organisations in the field, and could lead to the withdrawal of United Nations forces².
6. Ministers considered that full implementation of the Washington Agreements establishing the Federation of Bosnia and Herzegovina, and other commitments entered into by the parties, is an essential factor in an overall political settlement based on the principle of balanced treatment for all the peoples of Bosnia and Herzegovina. In this context, Ministers re-emphasised the crucial importance of the efforts to arrive at a single administration of Mostar, including a unified police force. They appealed to the parties for their active co-operation to reach the objectives laid out in the memorandum of understanding concerning the European Union administration of the city.
7. Ministers discussed the situation in Croatia and expressed their profound preoccupation at the renewal of hostilities, and in particular the actions affecting civilian populations. They condemned the action taken by Croatia in violation of the cease-fire agreement of 29th March 1994, which endangers the efforts being pursued under the aegis of the international community to promote a peaceful solution for the Krajinas, and which took place at the time when the new United Nations confidence restoration operation in Croatia is being deployed. They fully supported the presidential statement of the United Nations Security Council demanding that the Croatian forces withdraw immediately from the zone of separation in sectors North and South and that both the Croatian and the Serbian sides should withdraw from sector East and they demanded the immediate restoration of United Nations authority in the zones concerned. Ministers condemned Serb retaliation against urban centres in Croatia, particularly Zagreb, and the detention of United Nations personnel. They reiterated their commitment to promoting a political solution that preserves Croatian sovereignty over its entire territory, within its internationally recognised borders, and fully respecting the rights of the Serb community in conformity with internationally recognised standards.
8. Ministers called on the parties to show the utmost restraint and to avoid any initiative which would entail a new escalation of the conflict. They expressed their support for the efforts of UNCRO and ECMM aimed at facilitating the implementation of the cease-fire agreement and assisting the re-establishment of normal life in the Western Sector and called on the parties to allow for freedom of movement of the United Nations forces in performing their mission. Ministers invited the parties to enter, without any further delay, into political negotiations under the aegis of the International Conference on Former Yugoslavia.
9. Ministers expressed their appreciation for the activities carried out by NATO in former Yugoslavia pursuant to the United Nations Security Council resolutions, including in support of United Nations forces.

2. Turkey dissociates itself from this paragraph.

*Europe and the establishment of a new world
order for peace and security*

REPORT¹

*submitted on behalf of the Political Committee²
by Mr. Marshall, Rapporteur*

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DRAFT RECOMMENDATION

on Europe and the establishment of a new world order for peace and security

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1. Adopted in committee by 20 votes to 1 with 1 abstention.

2. *Members of the committee: Mr. de Puig (Chairman); Lord Finsberg, Mr. Roseta (Vice-Chairmen); MM. Alegre, (Alternate: Mrs. Aguiar), Antretter, Sir Andrew Bowden, MM. Bühler, Caballero, Capis (Alternate: Pavlides), Cioni, Ehrmann, Fassino (Alternate: Benvenuti), Irmer, Sir Russell Johnston, Kaspereit (Alternate: Baumel), Lord Kirkhill (Alternate: Marshall), MM. Koschyk, Liapis, van der Linden, de Lipkowski, Maass, Mrs. Papandreou, MM. Pécriaux, Pozzo (Alternate: Arata), Mrs. Prestigiacomo (Alternate: Bianchi), MM. Puche Rodriguez, Recoder, Rodeghiero, Rodrigues, Seeuws, Seitlinger, Sir Keith Speed (Alternate: Sir Peter Fry), MM; Vinçon, Wintgens (Alternate: Kelchtermans), Woltjer, Zijlstra, N...*

Associate members: MM. Bjørnstad, Godal.

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

Draft Recommendation

***on Europe and the establishment of a new world
order for peace and security***

The Assembly,

- (i) Disturbed by the fact that the year of the fiftieth anniversary of the creation of the United Nations is also the year in which the highest number of armed regional conflicts has been recorded throughout the world, although the United Nations is involved by means of preventive diplomacy, peace-keeping and peace-making operations with a view to re-establishing peace and security in the areas concerned;
- (ii) Considering that most of today's armed conflicts causing the worst destruction and human casualties are not taking place between but within member states of the United Nations;
- (iii) Condemning Russia's military operations against the civilian population of Chechnya where basic human rights, as recognised in the Charter of the United Nations and the fundamental principles of the OSCE, continue to be violated;
- (iv) Stressing that in combating terrorist activities such as those pursued by the Kurdish PKK it is necessary to respect the appropriate proportion of means and the fundamental principles of internationally recognised human rights;
- (v) Firmly convinced that a continuous political dialogue with the religious movements, of increasing importance particularly in the Islamic world, in a spirit of tolerance and mutual understanding is still crucial in order to avoid mutual misunderstanding and growing discontent turning religious movements into political and even terrorist violence;
- (vi) Convinced that the United Nations can come to grips with the new challenges stemming from the changing nature of armed conflicts only if its member countries are prepared:
 - (a) to give the United Nations their full support as the only existing universal organisation devoted to the maintenance of international peace and security;
 - (b) to agree to substantial changes in the United Nations Charter in order to provide the organisation with the necessary means, organisational effectiveness and authority;
 - (c) to work out practical concepts for the division of labour between the United Nations and regional organisations in peace-keeping and crisis-management;
- (vii) Concerned, however, that the growing difficulties of the United Nations to carry out its steadily-increasing duties while lacking the necessary means and organisational professionalism might prompt certain leading member countries, particularly the United States, to question the usefulness of the United Nations as an instrument for maintaining peace;
- (viii) Convinced therefore that all the member countries of Western European Union, together with associate members, associate partners and observers, have an important responsibility in overcoming these dangerous trends and, in close co-operation with the United States, jointly taking the necessary steps to reform the United Nations in every possible way;
- (ix) Consequently deploring that the European Union has so far failed to agree on joint action for reforming the United Nations in questions of peace-keeping and crisis-management, nor has it asked WEU, on the basis of Article J.4, paragraph 2, of the Maastricht Treaty, to elaborate a comprehensive European contribution in this matter;
- (x) Deploring also that neither the WEU Noordwijk declaration nor the preliminary conclusions on the formulation of a common European defence policy published by the WEU Council on 14th November 1994 contain a chapter on relations between WEU and the United Nations;
- (xi) Expressing firmly the wish that WEU's new tasks set out in the Petersberg declaration should extend beyond the planning stage in a foreseeable future;
- (xii) Welcoming in this context the Italian proposal for the creation of a WEU multinational task force for emergency humanitarian intervention;
- (xiii) Recalling the persisting dangers for international peace and security stemming from:
 - (a) international terrorism;

- (b) problems of mass migration;
- (c) uncontrolled proliferation of weapons of mass destruction and long-range ballistic missile technology;
- (xiv) Wishing the positive effect of the unlimited extension of the nuclear non-proliferation treaty to be completed by the early conclusion of a comprehensive test ban treaty and the further agreed reduction of the nuclear arsenals which still exist to be pursued;
- (xv) Recalling the importance of the convention on the prevention and punishment of the crime of genocide approved by the General Assembly of the United Nations and in force since 1951;
- (xvi) Recalling the importance of an early ratification of the chemical weapons convention and of the 1972 biological weapons convention;
- (xvii) Anxious that increasing differences between NATO member countries and Russia in important issues regarding European security might jeopardise the effectiveness of the CFE Treaty;
- (xviii) Stressing the importance of making a clearer definition of the rôle of the OSCE as a regional organisation in the sense of chapter VIII of the United Nations Charter,

RECOMMENDS THAT THE COUNCIL

1. Establish, possibly in the framework of the elaboration of a white paper on European security, a comprehensive European contribution to reforming the United Nations Charter in peace-keeping and crisis-management with the aim of allowing the Security Council to authorise action in certain situations within countries if the human rights of people in the relevant country are so severely violated as to require an international response on humanitarian grounds and introduce such an initiative in the United Nations;
2. Request the Secretary-General of the United Nations to strengthen the efficiency and operability of United Nations forces, increase their means of action and ensure better conduct of their humanitarian and peace-keeping missions;
3. Take steps in the United Nations to examine the possible need to strengthen the application of the convention on the prevention and punishment of the crime of genocide approved by the General Assembly of the United Nations;
4. Propose a comprehensive concept on the tasks WEU should assume in regard to operations under the mandate of the United Nations and the OSCE;
5. Seek agreement with the OSCE and NATO on a division of labour between the OSCE, NATO and WEU in peace-keeping, crisis-management and crisis-prevention;
6. For this purpose, accelerate its efforts to make WEU fully operational so as to be able to carry out at least the missions envisaged in the Petersberg declaration including those of a WEU multilateral task force for emergency humanitarian interventions as proposed by Italy;
7. Inform the Assembly of the tasks of combat forces in crisis-management elaborated by the Planning Cell and the plans for setting up operational WEU structures for international observer missions;
8. Urge all member countries, associate members, associate partners and observer countries which have not yet ratified the chemical weapons convention and the 1972 biological weapons convention, to accelerate the ratification process;
9. Ask France and the United Kingdom to take an initiative among nuclear weapon states to agree on the early conclusion of a comprehensive nuclear test ban treaty and to consider, together with all nuclear weapon states, further substantial reductions of nuclear arsenals, priority being given to those countries which possess the largest nuclear arsenals, and further ensure that, in the export of nuclear technology, care is taken not to allow the emergence of new nuclear weapon states;
10. Agree on a joint initiative in regard to the September 1995 review conference of the 1980 United Nations Conference on excessively dangerous conventional weapons in order to adopt rules limiting the development of certain such weapons including non-lethal and anti-personnel laser weapons;
11. Maintain a dialogue with the Maghreb countries, Egypt and other countries of the Islamic world in order to promote the widest possible co-operation with these countries;
12. Ensure that WEU is regularly represented, together with the European Union, in consultations in the ASEAN regional security forum.

Explanatory Memorandum

(submitted by Mr. Marshall, Rapporteur)

I. Introduction

1. As the subject of the present report is extremely vast, your Rapporteur is aware, as he stressed at the committee meeting on 27th March 1995, of the difficulty of concentrating on the essential problems in which European countries in particular have to assume responsibility. It is true that today any development of a conflict situation, in whatever area of the world it should arise, cannot be without possible repercussions on European security interests. It will therefore be necessary to analyse regularly the situation on a world scale. Of course, it cannot be the purpose of this report to advocate that WEU should assume the leading rôle in settling all possible conflicts throughout the world. But it should shoulder its appropriate share of responsibility in helping to promote peace, stability and security in accordance with its means and treaty obligations.

2. Even if it is only a repetition of longstanding facts, it is useful to remember that the modified Brussels Treaty imposes on its signatory countries certain fundamental and far-reaching obligations for the preservation of an international peace and security order based on their resolution expressed in the preamble:

“ to reaffirm their faith in fundamental human rights, in the dignity of the human person and in the other ideals proclaimed by the Charter of the United Nations;

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 afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression ... ”

3. The Council of Western European Union was created “ for the purpose of strengthening peace and security ” ... and at the request of any of the member countries “ shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise ... ” Moreover, as they are all full members of the European Union, WEU member countries, when signing and ratifying the Maastricht Treaty, undertook to further the objectives of the Union’s

common foreign and security policy (CFSP), among them:

- to preserve peace and strengthen international security, in accordance with the principles of the Charter of the United Nations as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international co-operation, and;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms (Article J.1, of the Maastricht Treaty).

4. A provision of special importance is Article J.5, paragraph 4, of the Maastricht Treaty providing that:

“ Member states which are also members of the United Nations Security Council, will concert and keep the other member states fully informed. Member states, which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union ” but “ without prejudice to their responsibilities under the provisions of the Charter of the United Nations.”

5. However, six years after the dismantling of the Berlin wall and the end of the east-west confrontation, and on the eve of the celebration of the fiftieth anniversary of the signature and the entering in force of the Charter of the United Nations, the only existing universal organisation in the world aimed at preserving international peace and security, we have to realise that the great hopes that all the ideals proclaimed in its charter could now be implemented in a true world order of peace, security and liberty, are far from having been translated into reality. On the contrary, increasing parts of the world are faced with the danger of growing disorder amidst increasing number of regional conflicts or tensions, from which only a few continents and world areas are spared.

II. The new challenges for international peace and security

6. Only a few hours away from major European capitals a terrible war has been raging on the territory of former Yugoslavia for almost five

years and the international community is able neither to find the proper means to terminate it nor even to agree on the nature of that conflict, nor can it decide whether it is a civil war or a conflict between foreign countries in which aggressors and victims can clearly be distinguished.

7. The political situation on the territory of the Commonwealth of Independent States is still uncertain bearing in mind the many regional conflicts as yet unresolved, particularly in the Caucasus and in the Russian Federation itself; the international community has no choice but to witness a violent so-called "intrastate" conflict in Chechnya, officially regarded as an internal matter for Russia in which the international community has no right to intervene. However, Russia and all the other participants of the Organisation for Security and Co-operation in Europe (OSCE) have just agreed at a summit meeting in Budapest on a code of conduct according to which:

"Each participating state will ensure that any decision to assign its armed forces to internal security missions is arrived at in conformity with constitutional procedures. Such decisions will prescribe the armed forces' missions, ensuring that they will be performed under the effective control of constitutionally established authorities and subject to the rule of law. If recourse to force cannot be avoided in performing internal security missions, each participating state will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property.

The participating states will not use armed forces to limit the peaceful and lawful exercise of their human and civil rights by persons as individuals or as representatives of groups nor to deprive them of their national, religious, cultural, linguistic or ethnic identity."

8. The majority of observers agree that this code of conduct has not been respected by the Russian authorities in re-establishing state control over the region of Chechnya which is seeking to gain its independence from Russia. The weakness of the code of conduct is clearly revealed by the agreement reached in Budapest that it is only politically binding and not even eligible for legislation under Article 102 of the Charter of the United Nations.

9. Finally, it was possible to install an OSCE observer mission in Chechnya which, however, has enormous difficulties in fulfilling its tasks while the fighting continues. But this conflict and growing differences between Russia and member countries of the Atlantic Alliance might also have repercussions on the CFE Treaty if Russia decides

to deploy in the northern Caucasus a new army which would constitute a breach of the above-mentioned treaty obligations subscribed to by the former Soviet Union, since these obligations commit Russia as successor country of the Soviet Union.

10. At the same time, a growing number of regional tensions and conflicts are to be observed in other world regions, as in Africa, Asia, South America, the Middle East and in particular in the southern region of the Mediterranean area where religious fundamentalism is turning towards growing political aggression and violence thus destabilising a number of countries in those areas.

11. It is therefore of tremendous importance for the WEU Council, with the help of its Mediterranean working group, but also with that of the WEU Institute for Security Studies, to continue to maintain regular contacts and exchanges of views with the Maghreb countries, Egypt and, in particular, Algeria. The organisation by the Dutch presidency of a seminar on "North Africa Challenge and Response", held in The Hague on 5th December 1994, was in fact a good opportunity for further reflection but it should be ensured that such events allow a real dialogue with experts and representatives of the relevant southern Mediterranean countries.

12. Because of the importance of this dialogue which can contribute significantly to improving understanding of the problems these countries are facing, the WEU Council should not be over-anxious to limit this dialogue to politico-military and defence questions so as not duplicate work with the authorities of the European Union or the OSCE. If these countries seek a broader dialogue, no channel should be neglected and the modified Brussels Treaty offers WEU representatives a particularly wide spectrum of competences. The Council of WEU should also examine very carefully the debates and results of the Islamic conference held in Khartoum at the beginning of April and the consequences to be drawn for developing a wider dialogue.

13. In several trouble spots, notably in Somalia, Rwanda and Bosnia, inability to settle regional conflicts with the ways and means so far practised by the United Nations has multiplied calls for fundamental reform of the working methods of the United Nations in crisis-management and peace-keeping including the reform of its charter and the working of its Security Council. Focal points in Asia are Afghanistan and Cambodia; in Africa (apart from Somalia) trouble spots have to be settled in Angola, Liberia, Mozambique and Rwanda; in South America, El Salvador, Guatemala and Haiti are on the problem list of the United Nations and recently even, a violent border conflict almost led to warfare in the traditional sense between Peru and Ecuador. The reasons for

the many internal conflicts cannot always be reduced to one and the same common denominator. Sometimes they are caused by radical ethnic tensions, sometimes by ideological differences, sometimes by fanatical exploitation of the population (for instance in Haiti) or sometimes simply by power struggles between hostile clan groups (as in Somalia). Only the consequences of the different conflicts have something in common: the populations are affected by these conflicts and deprived of their fundamental living conditions mainly through the destruction of the infrastructure of the relevant countries¹. The release of mass flows of refugees is only one of the consequences of these conflicts.

14. Problems of international mass migration caused by the rapid increase of the world population and the rising number of regions of political instability and famine are demonstrated by the fact that the global number of refugees has climbed from 2.5 million in 1970 to over 23 million today. The number of displaced persons within countries is even larger: approximately 26 million in 1994 and still rising. No fewer than 71 countries are currently producing or hosting significant numbers of refugees².

15. Returning to the problems in Africa, one should note the fact that many countries south of the Sahara have an average defence expenditure of about 4.5 % of their gross national product; for Angola the figure is more than 32 %, for Mozambique it is more than 9.8 % and for Ethiopia it is more than 7.4 %. The danger of this continent remaining a conflict centre will remain as long as fighting continues between the various guerrilla movements and the established régimes in so many countries.

16. In the East, the long-standing conflict between India and Pakistan over Kashmir is still a source of dangerous tension in the region even though both sides have affirmed their commitment to respect a ceasefire and to seek a peaceful resolution of the conflict. The matter is dangerous because both countries have nuclear technology and plentiful arms supplies.

17. Regarding the Asian-Pacific region, the establishment of a new government in Cambodia, where the United Nations mandate was completed successfully, has changed the security situation in the Asian region in a positive manner. In July 1994, a regional forum for consultations in security matters was created between the ASEAN member countries (Association of South-East Asian Nations) of which Australia, China, Japan,

Canada, South Korea, Laos, New Zealand, Papua-New Guinea, Russia, the United States and the European Union are members. One of the objectives of this consultative forum is to remove any remaining conflict potential in Southern Asia – in particular territorial disputes on the Spratly Islands in the South China Sea or the question of Taiwan and Hong-Kong. It might also be an appropriate forum to make a contribution to a just, comprehensive and internationally-acceptable solution to the question of East Timor, a question in which the United Nations has been involved for a long time.

18. In this context, Japan's policy of defending its interests in the Asia-Pacific area continues to be based firmly on its close relationship with the United States despite outstanding economic disputes and difficulties between the two countries. With the election of the democrat, Bill Clinton, as President of the United States, American policy has shown increasing interest in developing its relationship with Asia. Consultations have therefore been strengthened in the framework of APEC (Asia Pacific Economic Cooperation) the membership of which includes six ASEAN countries such as Thailand, Malaysia, Singapore, Indonesia, the Philippines and Brunei, as well as Australia, Japan, Canada, South Korea, New Zealand, the United States of America, the People's Republic of China, Taiwan, Hong-Kong, Mexico and Papua-New Guinea. In order to enhance the importance of this forum which seeks to liberalise the multinational economic system in the region, several meetings at the level of heads of state and of government have been organised.

19. Furthermore, the creation of the North American Free Trade Agreement (NAFTA) between the United States, Canada and Mexico started on 1st January 1994 has established the second largest free trade area after that created by the European Union. It is to be hoped that the functioning of the abovementioned regional forums and organisations, in which countries with sometimes very opposite interests are represented, might also contribute to stability and security in those areas, thus avoiding the need to introduce peace-keeping and crisis-management means under the authority of the United Nations.

20. A great open question however remains: what kind of rôle will North Korea play in the future? This question concerns notably the future attitude of this country regarding the control of its nuclear programme, as well as whether North Korea, a signatory of the nuclear non-proliferation treaty, will continue to be a party to this treaty. After the joint statement by North Korea and the United States on 13th August 1994, one may hope that North Korea's indication that it was pre-

1. c.f. Christian Tomuschat, *Europa Archiv*, No. 24, 24th December 1994, page 678.

2. Study of the International Crisis Group, February 1995, Carnegie Endowment for International Peace, Washington.

pared to remain a party to the nuclear non-proliferation treaty and would allow implementation of the safeguards agreement under the treaty, will foster the normalisation of the country with other countries in the region.

21. In the area of worldwide arms control, disarmament and non-proliferation of conventional and non-conventional armaments, the problems of smuggling and clandestine arms transfer, especially of ABC weapons is becoming increasingly threatening. Of course, it is most welcome that the worldwide conference held in New York from 17th April to 12th May 1995 led to the decision reached by consensus among the more than 175 participating countries to extend the nuclear non-proliferation treaty for an indefinite period. However, a few days earlier, North Korea announced that it would leave the conference. There is also uncertainty about the prospects of the conclusion of a comprehensive test ban treaty and a global ban on the production of fissile material for building nuclear weapons. The process of ratification of the chemical weapons convention is also progressing quite slowly. By the end of March 1995, only 27 of 159 signatory countries have ratified the convention³. An increasing number of countries which refuse to participate in the international missile technology control régime (MTCR) are developing ballistic and cruise missile technology, thus increasing the risk of uncontrolled proliferation of weapons of mass destruction. Furthermore, the Open Skies Treaty has still not come into force.

22. During the Political Committee's recent visit to Canada and the United States, it was particularly interesting to hear Canadian governmental representatives and also members of parliament presenting a definition of "security" which goes beyond the basic military or politico/military area. International population growth, mass immigration (already mentioned above), international crime, narcotic trafficking and also environmental dangers resulting from changes in climate are considered as security threats in a very broad sense in Canada.

23. Another area of increasing danger stems from the individual terrorist groups and also so-called "renegade" countries in using terrorism as part of their political activities to make use of the knowledge of international scientists (for instance from the former Soviet Union who have lost their jobs) to build up weaponry of mass destruction. This was one of the reasons for establishing the International Science and Technology centre in Moscow to help those scientists find new fields of application for their talents and abilities.

3. Information given by the French Ministry for Foreign Affairs.

III. Necessity and limits of reforming the international system of crisis-prevention and crisis-management

(i) The United Nations

24. It is not your Rapporteur's intention to renew the debate on the still controversial question of whether the idea of creating a universal order of peace and security is based on an illusion. Of course, the time has not yet come for a world government, but the development of a global order not as an end in itself, but as a means of protection against universal dangers and as a possibility for reaching common goals, must be recognised as a necessity. The first step in this direction was the creation of the United Nations which of course has no power of its own but which has proved its usefulness. Its efficiency can be considerably improved if all member states show the political will to use it still more as the main instrument for ensuring international peace and security as proposed in Article I of the United Nations Charter.

25. However, any thought of reforming the United Nations as principal guarantor of international peace and security has to take account of the fact that the United Nations as it was 50 years ago is not at all the same today. When it was created, there were 51 founder-members who all had the impression that they had just experienced the most disastrous world war in history. Today, the United Nations has 184 member countries. Only a small minority, which could be described as those belonging to the OECD, constitute a group of highly industrialised countries in which the economy is prosperous, human rights and social welfare are generally respected and politics are based on democratic structures and principles. The security of most North West hemisphere countries is guaranteed by military alliances such as NATO and by increasing political integration of the European Union type. The creation of a stronger OSCE helps to bring the various parts of the former Soviet empire closer to a pan-European and transatlantic collective security system.

26. The great majority of today's United Nations member countries however are not among this privileged group of states. Only a very small percentage of the world population lives in member countries of the OECD. A great majority of United Nations member countries, in particular in Africa and Asia, still have an anarchical system based on a security perception which is based mainly on their own military power as the only instrument for guaranteeing peace and order in the country and the security of territorial borders. For them, national sovereignty is a cornerstone of their existence.

27. It is one of the difficult tasks of the United Nations to reduce the system of anarchy by an

international order of peace and security based on co-operative security and economic and social welfare. Other means might be to increase efforts to introduce democracy among less privileged countries without imposing on them systems which do not correspond to their respective traditions and sometimes different ways of life and thinking. The idea of establishing a world order can be convincing for the majority of less privileged countries only if there is no risk of them being given the impression that this enterprise might lead to a hegemonial system led by a small club of highly developed countries creating a sort of neo-colonialism. On the other hand, the United Nations must not be allowed to develop into an assembly where an overwhelming majority of so-called third world countries can block any substantial progress with the result that more and more great powers – which are also the largest financial contributors to the organisation – lose interest in the United Nations.

28. There is no lack of ideas and proposals regarding the necessary reform of the United Nations in order to adapt its charter and its capabilities to the new challenges. One of the principles on which the Charter of the United Nations is legally based is that of “the sovereign equality of all its members” (Article 2, paragraph 1 of the Charter). Paragraph 7 of the same article states:

“Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter.”

The only exception is that “this principle shall not prejudice the application of enforcement measures under Chapter VII.” This chapter gives the Security Council the right to determine whether there exists “any threat to peace, break of the peace, or act of aggression” and gives it the authority to decide on measures to handle the matter without involving the use of armed forces or to take such action by military force as may be necessary to maintain or restore international peace and security. (Article 42 of the Charter).

29. But according to a report issued by the United Nations Secretary-General on 3rd January 1995 on the occasion of the fiftieth anniversary of the United Nations⁴, of twenty-one peace-keeping operations established since 1988, only eight have related to inter-state wars, whereas thirteen (62 %) have related to intra-state conflicts. Of the eleven operations established since January 1992 all but two (82 %) relate to intra-state conflicts.

30. In reality, it has so far been rarely possible to reach agreement in the Security Council about whether an “internal conflict” in whatever world region is to be considered a threat to international peace or an act of aggression, allowing the United Nations to intervene in the domestic jurisdiction of a member state. There are therefore growing calls to amend the Charter to this effect. This is not the only area where amendments have been proposed however. At the end of September 1994⁵ Gerard Fuchs, Secretary of the French Socialist Party launched the following five proposals:

“First, it is necessary to introduce into the charter the notion of democratic and humanitarian intervention... famine and genocide, non-respect of the rights of minorities, for example, seem to be widely accepted as unquestionable grounds for intervention.”

Similar considerations have been introduced in other frameworks, for instance in the progress report by the Political-Military steering committee/ad hoc group on co-operation in peace-keeping of the NACC on 2nd December 1994⁶, announcing the examination for spring 1995 of the legal basis for presence and action under Chapters VI and VII of the Charter of the United Nations, *limitations on national sovereignty*...

“Moreover, in a report of the ‘Commission on Global Governance’, established in 1992 at the instigation of former German Chancellor Willy Brandt, presented in Davos by Mr. Ingmar Carlsson at the end of February 1995⁷, an amendment of the Charter of the United Nations was proposed permitting international action in cases which, in the judgment of the Security Council, constitute such a gross violation of the security of people that an international response is required on humanitarian grounds.”

Of course it will be most difficult to agree on such an amendment calling into question one of the foundations of the Charter, which will be defended by various countries and not only these belonging to the so-called third world. But it is worth taking an appropriate initiative in order to transfer at least part of state sovereignty to the United Nations without lapsing into a sort of neo-colonialism. The second proposal suggests that:

“the United Nations must devolve certain responsibilities to regional organisations that exist or are to be created. Fire-fighting is all right, fire-prevention is better and neighbours are the best placed for that.”

5. Le Monde, 28th September 1994.

6. Atlantic News, No. 2677 (Annex), 6th December 1994.

7. International Herald Tribune, 25th January 1995.

4. Document A/50/60 S/1995/1.

31. This last argument which was also put forward by a representative of the Canadian foreign affairs ministry during the committee's recent visit to this country merits more careful examination to which your rapporteur will revert subsequently.

“ Third, it is necessary to strengthen the effectiveness and legitimacy of the Security Council for its decisions to be better applied and less suspect. Germany and Japan have a place as new permanent members. Other states should be added: a Latin-American, an African, an Asian and an Arab. ”

32. It is obvious that in opening the question of enlarging the United Nations Security Council one enters into such difficult problems that it will be unrealistic to expect early agreements or solutions. The so-called “ Open-ended working group on the question of equitable representation on the increase of the membership of the Security Council ” has not yet been able to submit a recommendation to harmonise proposals emanating from almost a hundred different United Nations member countries. It might therefore be more meaningful to concentrate on the problem of how to improve the efficiency of the Security Council even though this question cannot be totally separated from that of its composition. The possible representation of the European Union as an organisation in the Security Council (project which has apparently been abandoned in the meantime) again demonstrates the importance of the question of whether the charter should continue to rely exclusively on the sovereignty of nation states.

33. In this context it was very interesting to hear the position defended by a representative of the Canadian foreign office during the Political Committee's recent visit to Ottawa. Canada has opted for more transparency and openness in the deliberations of the Security Council, so that countries which might be asked to send peace-keeping troops in a given world region as a result of a decision taken by the Security Council could have the opportunity to be consulted before decisions are made.

“ Fourth, the United Nations should be given permanent or semi-permanent military means: just as within a state there is no justice without police, resolutions of the United Nations must be backed by forces to ensure, if necessary, that they are respected. Several thousand of its own forces and, in the member states, several thousand available forces should be created without delay. ”

34. This subject is also one of the most difficult and controversial chapters of international crisis-management. The possibilities offered by the

Charter to establish proper United Nations forces under a proper United Nations command structure have never been implemented. The experience in Somalia has led to a situation where the United States is now less prepared to participate in United Nations peace-keeping operations unless conducted under United States command. Congress is even making major efforts to reduce the powers of the United States President to engage United States troops abroad without consulting it in accordance with the draft peace power act which has not yet become legislation however. Moreover, the text of the national security revitalisation act adopted by the House of Representatives but not yet by the United States Senate provides that, with the exception of very limited situations, the President may not place any element of the armed forces under United Nations command or control.

35. Nevertheless, State Department representatives demonstrated some optimism during the Political Committee's visit to Washington in affirming that the United States would never withdraw from participating in peace-keeping but that it was the policy of President Clinton to review the whole procedure in order to reduce costs and enhance efficiency. Nevertheless, there are grounds for concern: the United States administration has drawn up firm criteria, one of which being that any operation has to be in the national interest of the United States.

36. In a more general context, there are increasing problems among member countries in making troops and equipment available. As the recent supplementary report of the United Nations Secretary-General on the occasion of the fiftieth anniversary of the United Nations of 3rd January 1995 clearly points out⁸, the availability has considerably declined as measured against the United Nations' requirements.

“ A considerable effort has been made to expand and refine stand-by arrangements, but these provide no guarantee that troops will be provided for a specific operation. For example, when in May 1994 the Security Council decided to expand the United Nations Assistance Mission for Rwanda (UNAMIR), not one of the 19 governments that at that time had undertaken to have troops on stand-by agreed to contribute. ”

37. The United Nations Secretary-General concludes therefore that the United Nations does need to give serious thought to the idea of a rapid reaction force:

“ such a force would be the Security Council's strategic reserve for deployment when

8. Document A/50/60/S/1995/1.

there was an emergency need for peace-keeping troops. It might comprise battalion-sized units from a number of countries. These units would be trained to the same standards, use the same operating procedures, be equipped with integrated communications equipment and take part in joint exercises at regular intervals. They would be stationed in their home countries but maintained at a high state of readiness. The value of this arrangement would of course depend on how far the Security Council could be sure that the force would actually be available in an emergency. This will be a complicated and expensive arrangement, but I believe that the time has come to undertake it."

38. However, the declaration by the Chairman of the Security Council made on 22nd February 1995 did not follow this proposal but asked that the first priority be given to improving the rapid deployment capability by strengthening existing stand-by agreements with member states.

39. In view of additional differences between the United States and other United Nations member countries involved in efforts to settle the conflict in former Yugoslavia, and in particular on the respective rôles of peace-keeping units and NATO forces in that conflict, there are poor chances that member countries will follow the recommendations of the United Nations Secretary-General. As has been said by several leading defence politicians, there is on the contrary a tendency to request that military operations authorised by the Security Council should be executed under the exclusive responsibility of relevant military organisations such as NATO (or perhaps WEU);

"Fifth, money is necessary if the Secretary-General is not to be perpetually at the mercy of bad payers... too often the United States. Why not feed the United Nations budget from that low-rate tax on movements of capitals proposed by serious economists...?"

The future of the United Nations' financial problems depends in large part on the attitude of the United States, its largest financial contributor. Here we find a marked tendency both in Congress and in the United States Government, to define the United States' commitment to United Nations peace-keeping operations according to very strict conditions and to reduce considerably the United States' financial contributions:

"Republican proposals for sharp reductions in the United States funding of the United Nations have generated uncertainty here about the future of the traditional United States dominance in the world organisation. Many countries express concern about

possible American cutbacks because they know that when the largest United Nations donor gives less, the whole organisation does less. Some fear that an abrupt retreat by Washington would relegate the United Nations once again to the marginal rôle it played during the cold war."⁹

40. The United States Ambassador to the United Nations, Mrs. Albright, has therefore started a campaign to protect the United Nations from attacks by the Republicans, putting forward the argument that peace-keeping operations cost only \$4 a year for each citizen¹⁰. Moreover, a study conducted by the Council of Foreign Relations in New York¹¹ says that the approach of Congress is based on:

"a palpably false factual assumption that the United States is contributing disproportionately to the United Nations in voluntary contributions. In fact, other countries, including America's major allies and friends, also voluntarily underwrite unreimbursable expenses far in excess of their formal United Nations assessment for peace-keeping."

41. In a further attempt to foster continued United States support for the United Nations, the United States permanent representative to the United Nations in Geneva affirmed in a speech on 6th February 1995¹², that:

"Money is only a part of the problem. The erosion of United Nations effectiveness in many sectors has come about because the institution has largely escaped the reform movement of the past twenty years which all major institutions in industrial societies have experienced. The lack of major reform in the United Nations is beginning to take its toll, much like corrosion attacks the structure of a large vessel.

The reform of which I speak is not merely an issue of moving boxes around in an organisational diagram. Rather, it is creating fundamental change in basic areas like the personnel system, the process of financial control and budgeting, the complex governance structures of specialised agencies and the obvious presence of functional redundancy and overlap.

Far more is involved, however, than badly needed structural reform.

The United Nations needs to re-examine its operational techniques in many areas.

.....

9. International Herald Tribune, 17th March 1995.

10. Le Monde, 12th February 1995.

11. International Herald Tribune, 14th February 1995.

12. USIS, 21st February 1995.

The time has come for all the member states and the United Nations secretariats to recognise that reform must be a high priority to be pursued in both of their interests. A United Nations whose performance erodes steadily from lack of reform will never obtain the resources it needs to carry out its functions on behalf of all nations.

.....

Donors are demanding far greater accountability, transparency and effectiveness in the United Nations and our adamantness is fast overcoming the reticence of the past.

The developing countries need to join in the fight for United Nations reform. They need to understand that they could be the principal beneficiaries of a vastly more efficient United Nations. Reform of the United Nations is not an effort of the industrialised world to somehow deprive developing nations of benefits which they receive as a result of the organisation's work.

.....

The ground rules for peace-keeping need to be re-examined, but peace-keeping must be maintained.

.....

Peace-keeping operations within states as opposed to those between states make different and greater demands on peace-keepers involving considerable risk for their security as well as for mission success. In these situations we should consider delaying introducing forces until the parties accept and observe for a trial period military and political steps toward a negotiated settlement.

.....

We also need to look beyond traditional peace-keeping operations to the ability of regional organisations or to individual member states or ad hoc coalitions for peace-keeping functions authorised by the Security Council.

.....

We must broaden and deepen the dialogue between rich and poor nations."

42. In a further effort, the United States Ambassador to the United Nations, Mrs. Albright, underlined in a testimony to the United States Senate's Appropriations Committee on Foreign Operations on 8th March 1995¹³, that United Nations peace-keeping is a "cost-effective means

13. USIS, 29th March 1995, International Affairs No. 9.

of containing regional conflicts, promoting democracy and human rights, stemming refugees flows, and bringing stability to regions of strategic and economic importance to the United States".

43. The attitude of the United States towards future support of the United Nations as the only universal organisation devoted to maintaining international peace and security will be an important matter in the future Euro-American dialogue. Part of this dialogue will be a better definition and distinction between the various means and instruments to be used in matters such as:

- preventive diplomacy;
- peace-making;
- peace-keeping;
- post-conflict peace-building;
- sanctions;
- peace-enforcement, etc.

44. It is obvious that neither in all member countries nor in all relevant international organisations will all the abovementioned notions be used with the same meaning and significance. Harmonisation is necessary because it has an important impact on the efficiency of co-operation between the United Nations, regional organisations and member countries when conducting a specific mission in a given situation. In this connection it seems that the United States and the United Kingdom have already reached some agreement on the use of certain definitions. According to the former United States view, peace-keeping and peace-enforcement were distinguished only by different levels of violence. The British view, however, is that peace-keeping, which depends on the consent of the people of the country concerned, is different from "peace-enforcement" which involves taking sides and using considerable fire power¹⁴. In Somalia, the United States changed the aim from peace-keeping to trying to destroy the warlord Mohammed Farah Aideed and this did not work. The new United States manual determines now that "United States policy distinguishes between peace-keeping and peace-enforcement. Both are peace operations. However, they are not part of a continuum allowing a unit to move freely from one objective to the other."

45. It seems that there is still much work to be done to elaborate a comprehensive approach for using the different instruments thus mentioned and this holds true not only between member states but also between the interested organisations. As revealed in the report of the United Nations Secretary-General published in Septem-

14. The Independent, 29th March 1995.

ber 1994 on the work of the organisation¹⁵ a meeting was held in New York on 1st August 1994 between the United Nations Secretary-General and heads of regional organisations. The purpose of this meeting was to assess co-operation between the United Nations and regional arrangements and organisations with a view to further enhancing it in the area of peace-keeping and crisis-management. Western European Union was represented at the meeting but the second part of the fortieth annual report of the Council provided no information in this respect. According to the United Nations Secretary-General's report, participants were in broad agreement that primary responsibility for the maintenance of international peace and security remains with the Security Council.

46. At the same time, participants acknowledged the desirability of decentralising certain tasks under a United Nations mandate. It would be important to know if another such meeting is envisaged, when it will take place and what will be on its agenda. One item which Western European Union should ask to be discussed at a further meeting should be the detailed description and definition of all the instruments of peace-keeping and crisis-management enumerated in paragraph 40. Furthermore, the division of labour between the United Nations and regional organisations in the sense of Chapter VIII of the United Nations Charter and between the United Nations and groups of states in the sense of Chapter VII of the United Nations Charter should be worked out. This second aspect concerns mainly relations between the United Nations and NATO and WEU. So far certain difficulties of division of labour became obvious only between the United Nations and NATO, i.e. in the case of the military operations of UNPROFOR in Bosnia and Herzegovina.

(ii) The rôle of regional organisations

47. The necessary reform of the United Nations in its rôle of global crisis-prevention and crisis-management must necessarily include the question of co-ordination with regional organisations in the sense of Chapter VIII of the Charter of the United Nations. In this connection, the future rôle of the OSCE is of a major interest. At the last CSCE summit meeting in Budapest on 5th and 6th December 1994, the conference was renamed "OSCE". It was decided that it will be "a primary instrument for early warning, conflict-prevention and crisis-management" in the region covered by its member states.

48. A closer link was agreed between the United Nations and the OSCE so that "the participa-

ting states may, in exceptional circumstances, jointly decide that a dispute will be referred to the United Nations Security Council on behalf of the OSCE". But a joint Dutch-German initiative, an "OSCE first" whereby states would attempt to exhaust the OSCE's dispute resolution possibilities before turning to the United Nations Security Council and whereby the OSCE could give assistance to participating states in carrying out measures subsequently adopted by the United Nations Security Council, was not adopted. As a result of a number of other differences on ways and means of co-operation between the OSCE and the United Nations, the entire chapter which called also for an additional and regular flow of information between the two organisations was jettisoned¹⁶.

49. In this context, it was particularly interesting to hear the assessment made by Mr. Ralph Lysyshyn, Director-General of the International Security Bureau of the Canadian Ministry for Foreign Affairs during the Political Committee's visit to Ottawa. He strongly recommended that regional organisations should play a major rôle in conflict-prevention and crisis-management because they are closer to and more familiar with the problems on the spot. This is an important argument, but one could also question the impartiality of regional organisations in that neighbouring countries might be more involved in a conflict.

50. One could also examine more closely how useful the Organisation of American States (OAS) was in settling the most recent border dispute between Peru and Ecuador. Mr. Lysyshyn introduced a new element into the discussion in affirming that established and structured international organisations were not always able to settle a dispute. He believed therefore in the usefulness of creating ad hoc groups such as the contact group regarding former Yugoslavia. These groups had major advantages even if smaller countries were not very enthusiastic about this kind of conflict-settlement, but contact groups could have variable membership. Mr. Lysyshyn also advocated a contact group approach for settling the dispute between Peru and Ecuador.

51. These ideas must necessarily be of interest to European institutions such as the European Union and Western European Union whose efforts are concentrated on elaborating a joint foreign, security and defence policy on a more structured basis. Regarding the OSCE, Mr. Lysyshyn sees its usefulness mainly in two respects: first in its conflict-prevention function and observer mission, in particular the OSCE's action in relation to the Nagorno-Karabakh conflict through the mediation of the OSCE Minsk group,

15. Document A/49/1, 2nd September 1994.

16. North Atlantic Assembly Staff Report on the CSCE Budapest summit meeting, 1994, Document AL282 PC (94) 9.

in Georgia and Moldova; second, in the fact that Russia has a full voice in the OSCE process, thus avoiding being excluded from participating in an important way in the process of establishing a stable European security architecture.

52. But one should not conceal that the OSCE mission finally authorised in Chechnya was to no avail. The code of conduct on politico-military aspects of security adopted in Budapest was not respected by Russia in Chechnya, the Budapest summit meeting was unable to agree on any statement about the conflict in former Yugoslavia and co-operation between the OSCE and the United Nations remained unclear, as was that with other organisations, in particular the European Union, Western European Union and NATO.

53. The latter's Secretary-General, at a meeting with the United Nations and regional and other organisations at the occasion of the OSCE summit meeting in Budapest, recalled that "the alliance remains ready to support peace-keeping and other operations, based on United Nations or OSCE mandate, but effectiveness requires efficient interaction and co-ordination both at the political-strategic level and at the tactical level". Moreover, co-ordination between the OSCE function in conflict-prevention and the activities of the alliance to enhance its rôle in the same area through the NACC and PFP process has still to be elaborated more clearly.

54. Unfortunately, the chapter devoted to relations between WEU and the CSCE in the preliminary conclusions on the formulation of a common defence policy published by the WEU Council is very short, reaffirming WEU's resolution to support the CSCE with its own resources and to continue working with the CSCE (now OSCE), but there is no concrete information regarding ways and means. The Assembly has only second-hand information about the fact that the Secretary-General of WEU made a written contribution to the Budapest summit meeting of the CSCE held on 5th and 6th December 1994, according to which points of contact have been established between the Secretariat and the Planning Cell and OSCE bodies. It is most regrettable that the text of this contribution was never transmitted to the Assembly.

IV. The rôle of Europe

(i) The European Union

55. According to Article J.3 of the Maastricht Treaty, the European Union has the possibility to define a specific area for a joint action in the framework of its common foreign and security policy. Within the so far defined six areas for which joint actions have been decided, the question of

reforming the efficiency of the United Nations, including its Security Council, has not been included. Whereas the presidency conclusion of the European Council's summit meeting dated 11th December 1994 makes no particular reference to this question, the Union addressed a lengthy memorandum to the 49th General Assembly of the United Nations, in which it stresses the need for appropriate co-ordination between the United Nations and regional organisations within the framework of the Charter of the United Nations. With reference to the fiftieth anniversary of the United Nations, no mention is made of eventually reforming this organisation and in which way, but the European Union:

"is conscious that the severe financial crisis facing the United Nations has profound implications for the organisation as a whole and especially for the effective execution of its peace-keeping task, since some two thirds of the substantial contributions due to the United Nations are owed in this respect. As the financial crisis is due to a lack of payment discipline on the part of a large number of United Nations member states, the European Union calls upon those member states to duly fulfil their financial obligations to the United Nations."

56. Conversely, the European Union made an important contribution to the General Assembly of the United Nations on all questions of disarmament, arms control and non-proliferation, in the framework of which it considers the non-proliferation treaty (NPT) as the cornerstone of the global nuclear non-proliferation system. The European Union has therefore, in the framework of its common foreign and security policy (CFSP), adopted joint action on the preparation of the NPT review conference held in New York from 17th April to 12th May 1995.

"The Union is convinced that the strengthening of the global nuclear non-proliferation régime can only be achieved through indefinite and unconditional extension of, as well as universal accession to, the treaty. Furthermore, this extension is the basis for the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

The European Union therefore welcomes the accessions to the NPT which have recently taken place and we appeal to those states still outside the NPT to accede to it as non-nuclear weapon states and to conclude safeguards agreements with the International Atomic Energy Agency (IAEA).

As important supplier countries of nuclear technology and members of the Nuclear

Suppliers Group (NSG), the European Union calls on the other supplier countries to apply the IAEA full scale safeguards requirements as a condition for supply and urges all countries concerned to implement such full scale safeguard agreements.

The European Union is in favour of a complete, universal and internationally verifiable test ban treaty. In this respect, it welcomes the substantial progress made in the Geneva negotiations on a comprehensive nuclear test ban treaty (CTBT).

The European Union would also welcome the initiation of negotiations on a universal, non-discriminatory and effectively verifiable treaty banning the production of fissile material for nuclear explosive devices (cut-off) in accordance with the General Assembly Resolution 48/75 L. ”

On the other hand, the member countries of the European Union which are nuclear powers seem not to be very keen on initiating reductions in their own nuclear arsenals and the Union's above-mentioned memorandum refers merely to the importance of implementing existing nuclear disarmament agreements.

57. Conversely, according to the Union, the convention on the prohibition of chemical weapons (CWC) is one of the most significant and innovative agreements on disarmament and arms control.

“ The European Union calls upon all states which have not yet done so to accede to the 1972 convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction, known as BTWC. The Union supports the strengthening of the BTWC by the addition of an effective verification régime. The European Union notes the work of the special conference of states parties to the 1972 convention on the prohibition of the (biological) and toxin weapons and on their destruction, currently meeting in Geneva. The European Union hopes the special conference will establish a drafting group with a mandate to develop a legally binding verification protocol. The Union attaches great importance to the effective verification of the convention. The European Union also calls upon all states which have not yet done so to accede to the convention. ”

In fact, by the end of March 1995, only 27 countries had ratified the treaty. 65 ratifications are necessary before the organisation responsible for the prohibition of chemical weapons can start work. In Europe so far Bulgaria, Finland, France, Germany, Greece, Norway, Romania, Spain and

Sweden have ratified the treaty. It is of course of particular importance that all WEU member countries accelerate their ratification process.

58. Whereas nothing can be found in the memorandum on the question of counter-proliferation measures regarding the spread of ballistic and cruise missile capabilities in several world regions, there is an important paragraph on the question of dealing with dual-use goods, an area in which the European Union expects soon to develop uniform legislation for the export control of dual-use items.

“ An essential component of an effective monitoring system will be common lists of dual-use goods, intended destinations and guidelines for authorisation decisions. ”

The Union even made an announcement that decisions on the content of these lists will be the subject of further joint action within the meaning of Article J.3 of the Treaty on European Union. It would be interesting to know how these initiatives will fit in with present thoughts in the United States about creating a replacement for the Cocom régime which was abandoned at the end of the cold war. According to information gathered during the committee's visit to Washington, a new régime should be based on consensus between the parties and should include Russia as a founder member.

(ii) Western European Union

59. Reading the memorandum transmitted by the European Union to the 49th General Assembly of the United Nations, one should ask whether and to what extent WEU has made a contribution to this paper which tackles a number of questions for which WEU has special responsibility. However, apart from some minor references to WEU in the context of the description of WEU's monitoring activities regarding the implementation of the Danube and Adriatic sanctions and regarding WEU police forces as part of the European Union administration of the town of Mostar, only a general remark about closer links between the European Union and WEU is to be found in this document.

60. Three observations are called for in this context: first, all questions of nuclear non-proliferation and all questions regarding global disarmament and arms control seem to be treated exclusively by the European Union although their implications for European defence are more than evident. It is therefore logical that, according to the Noordwijk conclusions on a common European defence policy, it is within the responsibility of WEU governments to deal with questions of proliferation, disarmament and the destruction of nuclear and chemical weapons.

61. One may therefore wonder why the European Union has so far failed to ask Western European Union, in application of Article J.4, paragraph 2, of the Maastricht Treaty, to elaborate and implement actions of the Union with regard to weapons proliferation and disarmament. Second, one may also wonder why the Union has not yet made any request for a Western European Union contribution for reforming the existing United Nations system of peace-keeping and crisis-management. Third, one has to wonder why the Council of Western European Union has not taken such an initiative of its own accord on the basis of its obligation stemming from the modified Brussels Treaty, in approaching both the United Nations and the OSCE.

62. However, the Assembly had recommended establishing direct co-ordination with the United Nations and the CSCE with a view to permanent WEU representation in these two organisations (Recommendation 559). In its reply to Recommendation 559, the Council specified that the mission to the United Nations and to the CSCE of the country holding the WEU presidency acts as a contact point for these organisations, and is responsible for presenting WEU's contribution to the competent United Nations or CSCE bodies. The Assembly had also recommended making "its views known in a more convincing and visible manner in the United Nations and arrange for WEU to speak with one voice in the Security Council of that organisation" (Recommendation 565 on a European security policy). But the reply of the Council referred simply to the text of Articles J.1 and J.5 of the Treaty on European Union, without mentioning any of the commitments the WEU Council has entered into vis-à-vis the United Nations and/or the CSCE following its Petersberg declaration.

63. It therefore seems necessary to recall these new commitments. In the Petersberg declaration¹⁷, WEU ministers agreed:

"As WEU develops its operational capabilities in accordance with the Maastricht declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peace-keeping activities of the CSCE or the United Nations Security Council. This will be done without prejudice to possible contributions by other CSCE countries and other organisations to these activities.

.....

WEU member states declare that they are prepared to make available military units from the whole spectrum of their conven-

tional armed forces for military tasks conducted under the authority of WEU.

Decisions to use military units answerable to WEU will be taken by the WEU Council in accordance with the provisions of the Charter of the United Nations. Participation in specific operations will remain a sovereign decision of member states in accordance with national constitutions.

Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU member states, acting under the authority of WEU, could be employed for:

- humanitarian and rescue tasks;
- peace-keeping tasks;
- tasks of combat forces in crisis-management, including peace-making."

64. In the first part of the fortieth annual report of the Council to the Assembly¹⁸, the Council informs the Assembly that "as regards the new operational missions defined in the Petersberg declaration, a basic document on peace-keeping operations has been presented to ministers, who have taken note". No further information is given on the content or the conclusions to be drawn from this document which has not been transmitted to the Assembly. However, in its preliminary conclusions on the formulation of a common European defence policy the Council affirms that:

"Some important results have already been achieved on the organisation and functioning of WEU in times of crisis, on WEU humanitarian missions and on WEU's rôle in peace-keeping. The preliminary list of forces answerable to WEU (FAWEU) provides an indication of units available for WEU operations."

65. But the Noordwijk declaration contains no specific chapter on relations between WEU and the United Nations. Nevertheless it recognises that:

"Recent events have underlined the importance of WEU to be able to play a more significant and effective rôle in facing humanitarian emergencies caused by international crises or natural catastrophes. Taking account of the leading rôle of the European Union as a major body for co-ordination of European humanitarian assistance, ministers stress that it is one of the rôle of WEU to provide for a European instrument of reaction in cases where, due to the urgency of a humanitarian crisis or the

17. Document 1322, 29th June 1992.

18. Document 1433, 9th November 1994.

need for military protection, military means must be employed. Consequently, WEU has to be able to count on immediately available capabilities and arrangements which allow a rapid response to such emergencies. Ministers endorse the report regarding the setting-up of the arrangements and the provision of the means for a humanitarian task force and mandate the Permanent Council speedily to implement this initiative.

Ministers took note of the initial report, approved by the Permanent Council, on WEU's rôle in evacuation operations. Ministers request the Permanent Council to continue work on this subject in close co-ordination with the relevant European Union bodies. "

Moreover,

" WEU governments are ready to take on their share of the responsibility for the promotion of security, stability and the values of democracy in the wider world, including through the execution of peace-keeping and other crisis-management measures under the authority of the United Nations Security Council or the CSCE, acting either independently or through WEU or NATO. They are also ready to address new security challenges such as humanitarian emergencies; proliferation; terrorism; international crime and environmental risks, including those related to disarmament and the destruction of nuclear and chemical weapons. "

66. In the Noordwijk declaration, ministers reaffirmed their will to set up an independent European satellite system and recognised the need to complement WEU capacities in the area of intelligence and crisis-management in order to fulfil the tasks mandated by the Petersberg declaration: for instance a situation centre and an intelligence section; moreover, combined civilian and military activities in the framework of Petersberg missions are under consideration. Nothing regarding these activities has yet been made known to the United Nations either directly or through European Union channels with the result that WEU still plays only a marginalised rôle in contributing to strengthening worldwide stability and security.

67. The activities initiated by the Planning Cell such as studies on the possible deployment of WEU maritime forces in response to requirements in order to accomplish specific Petersberg missions, studies on WEU's strategic mobility, WEU involvement in peace-keeping missions, WEU humanitarian missions, WEU generic evacuation planning etc. have not yet reached a stage at which firm proposals can be made for WEU contributions to worldwide crisis-management.

68. It is now time, however, to accelerate the decision-making process so that WEU finally becomes operational in crisis-management. According to the second part of the fortieth annual report of the Council, " events in 1994 and difficulties faced by the United Nations system and non-governmental organisations prompted public opinion to demand concrete action ". But when will WEU be ready to offer this kind of action? When will it be possible to implement the Italian proposal to create a multinational task force for humanitarian operations?

69. When will the studies defining the missions of WEU combat forces in crisis-management including peace-keeping be carried into effect and when will the studies for the formation of WEU observers be completed and what will their task be? As long as WEU remains at the stage of theoretical study it will continue to be marginalised in the world where policy is carried into practice.

70. A particular example of the marginalisation of WEU's rôle is the case of Rwanda. The above-mentioned memorandum of the European Union to the United Nations General Assembly contains an important chapter on Rwanda in which WEU is not mentioned at all. The first part of the fortieth annual report however affirms that:

" A number of member states confirmed their readiness to contribute to the initiative to alleviate the terrible sufferings in Rwanda, subject to a new decision from the United Nations Security Council, taking into account the time needed to gather the necessary resources for the effective deployment of the expanded UNAMIR II.

In this context, the Council has decided to give WEU's support to the efforts of its member states by co-ordinating their contributions.

To this end, the Council confirmed the mandate given at its first meeting to the Planning Cell and instructed it to act as a contact and co-ordination point between contributing states and the headquarters commanding the operation.

.....

The Council continued to monitor the situation in Rwanda in the light of the decisions of the United Nations Security Council. "

But in reality, internal institutional differences within the Council have prevented WEU from making a joint contribution to alleviating suffering in that country, and have thus again demonstrated that it is not yet ready to become a serious player in enhancing stability, peace and security in the world.

V. Conclusions

71. In a period in which the consequences of the radical changes in the political landscape throughout the world make it more and more difficult to find appropriate common strategies for redefining and achieving a reliable world order of stability, peace and security commensurate with the new challenges, it is particularly embarrassing that the United Nations, the only universal organisation with a legitimate vocation attaining this goal, finds itself in the throes of a serious crisis of credibility. Fifty years after its foundation, the United Nations certainly needs substantial reform, but the overall aim of this reform should be to do the utmost to save this organisation as the only global organisation we have for managing conflicts on a worldwide scale.

72. Trying to overburden the necessary reform work by unduly ambitious projects could easily lead to a failure. It is crucial to enhance and not diminish the confidence of the United Nations countries which do not belong to the small club of the privileged industrial and highly-developed "first world" that the United Nations is a framework in which they are heard and in which they have a say.

73. At the same time it is essential for the West not to lose interest in the future of the United Nations. The necessary reform of this organisation can be achieved only if North America and Europe agree on a joint approach to this question. This topic should figure prominently in the transatlantic dialogue. Europe must convince the Americans that the actual trend in the United States Congress and in the administration to restrict the commitments of the United States to the United Nations according to criteria of purely internal policy considerations, would have disastrous consequences in setting precedents which other western countries might be tempted to follow. Furthermore, the consequences of the attitude of Russia, China and Japan, some of the most important non-western powers in the framework of the United Nations, would be unpredictable.

74. Regarding the future rôle of Europe, meaning first and foremost the European Union and Western European Union as an integral part of the process of the development of this union, its contribution for establishing a new world order for peace and security is still characterised by a gap between ambition and reality. Many European countries have a good record of contribu-

tions for international peace-keeping with large military contingents in several hotspots, mainly in former Yugoslavia. However, Europeans still have difficulties in speaking with one voice in international crisis-prevention and crisis-management. It would therefore be highly appreciated if the European Union would request WEU, on the basis of Article J.4, paragraph 2, of the Maastricht Treaty, to elaborate a concept of crisis-management in the context of a necessary reform of the United Nations Charter, or if WEU were to make relevant proposals of its own.

75. Several subjects should be included in the agenda of a common European policy in this context: first the question of the rôle of regional United Nations organisations in the framework of international crisis-management, in particular the division of responsibilities between the OSCE and the United Nations, a subject which could not be settled at the Budapest summit meeting of the CSCE. Second, the question of whether the United Nations should create its own rapid reaction force as its Secretary-General has again requested, or whether a better solution is to ask organisations with sophisticated military structures such as NATO or WEU which is about to become operational for "Petersberg missions" to conduct the necessary operations on a mandate from the United Nations or the OSCE. Your Rapporteur has a clear preference for the latter alternative.

76. This will require an early solution to the question of whether NATO should be developed so as to become more involved in international crisis-management or whether this should become a major future task for WEU. In any case, the European and transatlantic institutions must prove that they are able to make valuable contributions to the solution of conflicts threatening international peace and security. Otherwise there is a real danger that international policy may revert to the practice of using ad hoc alliances with regularly-changing participants, the consequence being a renationalisation of foreign and security policy. Turning back to the year of 1905 and trying a kind of "neo-realpolitik" should not be the future remedy for international crisis-management. Regarding the rôle of WEU, the organisation has still not yet reached a suitable level in the development of its operational capabilities to be able to exercise major duties in the framework of international peace-keeping, further to the goals set in its Petersberg declaration. In order to fulfil these commitments much work remains to be done.

New trends in North American countries' foreign policy and their implications for transatlantic co-operation in security and defence matters, with particular reference to the United States

REPORT¹

*submitted on behalf of the Political Committee²
by Lord Finsberg, Rapporteur*

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. de Puig (Chairman); Lord Finsberg, Mr. Roseta (Vice-Chairmen); MM. Alegre (Alternate: *Mrs. Aguiar*), Antretter, Sir Andrew Bowden, MM. Bühler, Caballero, Capsis (Alternate: *Pavrides*), Cioni, Ehrmann, Fassino (Alternate: *Benvenuti*), Irmer, Sir Russell Johnston, MM. Kaspereit (Alternate: *Baumel*), Lord Kirkhill (Alternate: *Marshall*), MM. Koschyk, Liapis, van der Linden, de Lipkowski, Maass, Mrs. Papandreou, MM. Pécriaux, Pozzo (Alternate: *Arata*), Mrs. Prestigiacomo (Alternate: *Bianchi*), MM. Puche Rodriguez, Recoder, Rodeghiero, *Rodrigues*, *Seeuws*, Seitlinger, Sir Keith Speed (Alternate: *Sir Peter Fry*), MM. Vinçon, Wintgens (Alternate: *Kelchtermans*), Woltjer, Zijlstra, N...

Associate members: MM. Bjørnstad, Godal.

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

Draft Recommendation

on new trends in North American countries' foreign policy and their implications for transatlantic co-operation in security and defence matters, with particular reference to the United States

The Assembly,

- (i) Recalling that the collapse of the Soviet Union and the dissolution of the Warsaw Pact left the United States the primary superpower in the world;
- (ii) Considering that the Democratic President of the United States, President Clinton, has proclaimed his first priority in his political objectives to be the settling of America's urgent internal problems in the field of necessary reforms in the social health, educational and budgetary system as well as in the fight against criminality and terrorism;
- (iii) Recalling also that the new United States priorities in foreign and security policy are concentrated on the creation of a new kind of Asian-Pacific community, containing nuclear proliferation in countries such as North Korea, China and Russia and reducing the American anti-missile defence programme following a strict interpretation of the ABM Treaty;
- (iv) Observing however that the freedom of action of the United States President has been considerably curtailed by the sweeping victory of the Republican Party in the congressional elections on 8th November 1994 which appeared to weaken the policy of a bipartisan approach;
- (v) Noting that the new Congress, which is still working out its policy direction, has started trying to impose restrictions on the American executive regarding, in particular, its foreign, security and defence policy, by drafting new legislation such as the "Peace Power Act" and the "National Security Revitalisation Act";
- (vi) Noting with satisfaction that United States foreign policy has been successful in finalising the North American Free Trade Agreement (NAFTA) with the support of the Canadian Parliament, revitalising Asia-Pacific Economic Co-operation (APEC) and co-operating in the ASEAN Regional Security Forum, thus contributing to enhancing economic stability and security in the regions concerned;
- (vii) Noting uneasily, however, that the various signals emanating from the United States Government and Congress and the steps they are taking regarding relations with Europe, the future of the Atlantic Alliance and its enlargement to Central and Eastern European countries, relations with Russia and the rôle of the United Nations are not always consistent, nor does the United States consult on these questions sufficiently with its European allies and partners;
- (viii) Worried about the serious differences between the United States and most of its European allies over the ways of settling the conflict in former Yugoslavia;
- (ix) Further angered that the decisions reached at the NATO summit meeting in January 1994 to make collective assets of the alliance available for WEU operations are still not being carried into effect, because of remaining Euro-American differences over the procedure to follow;
- (x) Having a strong impression that the question of whether and how Euro-American relations should be renewed and founded on a new and enlarged contractual basis are being discussed far more by European than by American politicians;
- (xi) Deploring the incredible difficulties in establishing a regular parliamentary dialogue between the Assembly of Western European Union and the Congress of the United States;
- (xii) Reiterating the importance of making full use of Article IV of the modified Brussels Treaty for establishing closer links with the United States Government through WEU's co-operation with NATO,

RECOMMENDS THAT THE COUNCIL

1. Translate into active policy its intention voiced in its Noordwijk declaration "to continue to work together in close association with the North American allies. The security of the alliance and of Europe as a whole is indivisible. The transatlantic partnership rests on a shared foundation of values and interests. Just as the commitment of the North American democracies is vital to Europe's security, a free, independent and increasingly more united Europe will contribute to the security of North America";

2. Devote a special chapter to the future rôle of the United States in regard to European security and the question of reforming transatlantic relations in the white paper now being prepared on European security;
3. Transform the working group on Transatlantic Publicity Activities into a true political forum with which ministers of WEU member countries can establish an enhanced dialogue with United States politicians in order to strengthen their interest in and knowledge of WEU's work in the European and transatlantic framework and ensure that members of the Assembly can participate in this dialogue or in a new North American/European Parliamentary Assembly based on the WEU and North Atlantic Assemblies.

Explanatory Memorandum

(submitted by Lord Finsberg, Rapporteur)

I. Introduction

1. In the period between the Political Committee's visit to the United States and Canada in February 1992 which led to Recommendation 522 on new Euro-American relations¹ and the committee's visit to the two countries between 1st and 8th March 1995, the internal political landscape of the United States has changed fundamentally: since 20th January 1993, the only remaining world superpower has been governed by one of the youngest Presidents so far, the Democrat Bill Clinton, whose first priority – as he had promised during the electoral campaign – was, from the very start of his presidency, to concentrate on settling America's urgent internal problems such as budget consolidation, reform of the social health and educational system and also the fight against criminality.

2. The first outline of Clinton's foreign policy seemed to be focused on efforts to create a sort of new Pacific Community on the basis of a CSCE-like organisation in the Asian area called the "Asia Regional Security Forum" in which China and Russia should also participate. Regarding Europe and in particular the conflict in the Balkans, the lack of a clear concept in the American administration led to early difficulties and differences in the Euro-Atlantic partnership which also affected the North Atlantic Alliance.

3. The result of the congressional elections on 8th November 1994, providing a clear Republican majority in both chambers of the Congress (230 to 204 in the House and 53 to 47 in the Senate), led to a situation in which the new majority in Congress, which started work on 4th January 1995, tried to impose on the Clinton administration a new policy direction which had not however been clearly defined. The first draft bill drawn up by Congress, the so-called "National Security Revitalisation Act", passed in February 1995 by the House but not yet by the Senate, embodies the defence priorities outlined in the Republican "Contract with America", thus restricting United States participation in United Nations peace-keeping operations and, conversely, advocating strengthening anti-missile defence and including specific Central European countries, such as Poland, Hungary, the Czech Republic and Slovakia in NATO.

4. Regarding United States' policy towards NATO, the bill affirms among other things:

"(4) Although new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

(5) Western interests must be protected on a co-operative basis without an undue burden falling upon the United States.

(6) NATO is the only multilateral organisation that is capable of conducting effective military operations to protect western interests.

(7) The valuable experience gained from on-going military co-operation within NATO was critical to the success of joint military operations in the 1991 liberation of Kuwait.

(8) NATO is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes.

.....

It should be the policy of the United States:

(1) to continue the nation's commitment to an active leadership rôle in NATO;

(2) to join with the nation's NATO allies to redefine the rôle of the alliance in the post-cold war world, taking into account:

(a) the fundamentally changed security environment of Central and Eastern Europe;

(b) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work co-operatively with all former adversaries;

(c) the emerging security threats posed by the proliferation of nuclear, chemical and biological weapons of mass destruction and the means to deliver them;

(d) the continuing challenges to the interests of all NATO member countries posed by unstable and undemocratic régimes harbouring hostile intentions; and

¹ Document 1310, 2nd June 1992.

(e) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to affirm that NATO military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

(4) to expeditiously pursue joint co-operation agreements for the acquisition of essential systems to significantly increase the crisis-management capability of NATO. ”

5. Apart from specific items such as anti-missile defence, command of United States forces and limiting the outlay of United States funds for American forces placed under United Nations control, conditions required by Congress regarding United States contributions for United Nations peace-keeping activities and expansion of NATO, the bill does not discuss the problems of future Euro-Atlantic relations. In a joint article published in February 1995 in *The New York Times*², both the United States Foreign Secretary, Warren Christopher, and Defence Secretary, William J. Perry, said the draft bill was “deeply flawed”:

“The bill’s first flaw is that it would return the United States to a crash-schedule deployment of a national missile defence designed to protect the country from missile attacks. That deployment is not justified by any existing threat to our nation’s security.

.....

Second, the bill unilaterally and permanently designates certain European states for NATO membership...

Third, the bill would effectively abrogate our treaty obligations to pay our share of the cost of the United Nations peace-keeping operations that we have supported in the Security Council... Under current circumstances, it would end United Nations peace-keeping overnight. ”

6. The abovementioned example of differences between Congress and government in the United States demonstrates the start of a power struggle between these two main political bodies and hence the question of who in the United States directs foreign policy. The answer to this question is crucial for a future European approach to redefining United States/European relations.

7. This problem has been further aggravated by the drafting in the United States Senate of a new bill devoted to clarifying the war powers of

Congress and the President in the post-cold war period under the title “Peace Powers Act of 1995”. According to this draft, the President “shall consult with Congress before introducing United States armed forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated”. Furthermore, the draft bill envisages strong limitations on the freedom of action of the President regarding the placing of United States armed forces under foreign command for United Nations peace-keeping activities.

8. But also within the administration itself it is not easy to identify valid concepts regarding United States priorities in foreign and security policy which take into account the radical changes in the international political landscape since the end of the East-West confrontation. It was therefore the main purpose of the Political Committee’s visit to the United States and Canada to learn more about future United States foreign policy and its implications for transatlantic co-operation in security and defence matters and, in particular, for the future development of WEU as defence component of the European Union and European pillar of the Atlantic Alliance.

II. Evolution of United States foreign, security and defence policy since the NATO summit meeting in January 1994

9. When the committee started its visit to the United States, its knowledge depended on formal decisions reached or official speeches published by leading American politicians since the democratic administration assumed responsibility for United States foreign and security policy. One of the major decisions endorsed by the United States President was the readiness proclaimed at the NATO summit meeting, on 10th and 11th January 1994 in Brussels “to make collective assets of the alliance available, on the basis of consultations in the North Atlantic Council, for WEU operations undertaken by the European allies in pursuit of their common foreign and security policy”.

10. According to information provided by the United Kingdom Government to the House of Lords in January 1995, NATO collective assets include communications, command and control, as well as airborne early-warning and other facilities, but not intelligence unilaterally obtained by the United States from space. On the question of whether non-European members of NATO would be in a position to veto the use of the “collective assets”, the United Kingdom government recalled that “all decisions taken by the North Atlantic Council are by consensus³”.

11. During the committee’s visit to Washington Mr. Peter Tarnoff, Under-Secretary for Political

2. *International Herald Tribune*, 14th February 1995.

3. Hansard, House of Lords, Volume 560, No. 19 WAJ, 9th January 1995.

Affairs at the State Department, categorically denied the question about the United States blocking the outcome of the current discussion between WEU and NATO on the ways and means of making NATO's assets available to WEU, underlining that there was now more encouragement in the United States for a European defence identity. However, he added that the idea of totally independent action by WEU was undesirable because this would undermine the close co-operation between NATO and WEU. At the Pentagon, Mr. Walter Slocombe, Under-Secretary of Defence for Policy, said, in the context of the question of combined joint task forces (CJTF), that according to the American concept, providing WEU with NATO assets should be conducted under NATO command, even if the relevant NATO staff in such cases had to follow instructions from the WEU Council.

12. On the basis of the work of the new politico-military working group created by the WEU Council in June 1994, WEU presented to NATO a proposal on "Criteria and modalities for effective use by WEU of the combined joint task forces (CJTF). It is still waiting for an answer. In the second part of its fortieth annual report to the Assembly, the Council states that the strengthening of WEU's operational rôle depends on NATO's elaboration of the CJTF concept and that the results will be a test case both for WEU/NATO relations and for the operational potential of WEU. Unfortunately, the Council did not use this question to examine how it fits into the framework of the broader problem of future Euro-American co-operation in security and defence matters.

13. Even after the numerous talks the committee was able to hold with the relevant governmental, parliamentary and research institutions during its visit to Washington, it remains difficult to fit NATO's decision of January 1994 into a broader concept of a new United States foreign and security policy. Was this decision an indication that the United States would more and more renounce its leadership rôle in transatlantic relations by giving Europe more responsibilities in matters where the Americans would not take a prominent rôle?

14. The answer is difficult to find. However even if President Clinton, in his State of the Union address to the new Congress on 25th January 1995, did not mention Europe in a single sentence, he emphasised that

"our security depends upon our continued world leadership for peace, freedom and democracy. We cannot be strong at home without being strong abroad.

.....

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared

fighting force on earth. We have – and they are. They have managed the dramatic down-sizing of our forces since the cold war with remarkable skill and spirit. To make sure our military is ready for action – and to provide the pay and quality of life that the military and their families deserve – I am asking this Congress to add 25 000 million more in defence spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways – and we must give them and their families what the time demands and they deserve."

15. But where are the priorities of United States foreign policy needing such highly qualified armed forces as requested by the United States President? According to his Foreign Secretary, Warren Christopher, developing key principles for a United States foreign policy in a speech on 26th January 1995 at the John F. Kennedy School of Government⁴:

"first, America must continue to engage and lead. Second, we must seek to maintain and strengthen co-operative relationships with the world's most powerful nations. Third, it is essential that we adapt and build institutions that will promote economic and security co-operation. Fourth, we support democracy and human rights because it serves our ideals and our interests."

16. Explaining in a more detailed way the question of leadership, the United States Foreign Secretary underlined that:

"American leadership requires that we be ready to back diplomacy with the credible threat of force. Towards this end, President Clinton is determined that the United States military will remain the most powerful and effective fighting force in the world.

When our vital interests are at stake, we must be prepared to act alone. Our willingness to do so is often the key to effective joint action. But the recent debate between the proponents of unilateral and multilateral action assumes a false choice. Multilateralism is a means, not an end. Sometimes, by mobilising the support of other nations, by leveraging our power and leading through alliances and institutions, we will achieve better results at lower cost in human life and national treasure. That is a sensible bargain I know the American people support."

17. The remarks are interesting in two respects. Firstly in the context that the draft budget for the Pentagon for 1996 is reduced by 6.6% in comparison with the fiscal year 1995 and the number of

4. USIS, Foreign Policy, Brussels, 23rd January 1995.

military forces should consequently be reduced to 1.6 million troops (1987: 2.2 million). Secondly, the Foreign Secretary gives a reply on the question discussed in several circles about whether the United States is moving towards some sort of neo-isolationism.

18. In an article by William Safire⁵ to which Ambassador Kornblum made reference during his briefing of the Political Committee in Washington, it was stated that:

“ the essential conflict taking place in United States foreign policy today is not between isolationists and interventionists (who prefer to be called internationalists). Global heavy thinkers are not arguing about withdrawing from America’s duty to help keep the world in order. The real battle is about the way to go about it.

One school says America should pick its spots and assert its leadership, inspiring and pressuring and expecting allies to follow. These unilateralists, as the foreign policy élite likes to call them, are opposed by multilateralists, who believe the United States should act mainly in concert with international organisations like the United Nations and NATO.

Mr. Clinton is an unabashed multilateralist. ‘The new isolationists both on the left and the right’, he charged, would ‘eliminate any meaningful rôle for the United Nations’ and ‘deny resources to our peace-keepers’.

The opposite unilateralist policy was expressed by Mr. Nixon long ago to the cadets: ‘I say that America has a vital national interest in world stability, and no other nation can uphold that interest for us.’

19. Regarding the second principle, Mr. Warren Christopher underlined that:

“ our strategy is the central importance of constructive relations with the world’s most powerful nations: our Western European allies, Japan, China and Russia. These nations possess the political, economic or military capability to affect the well-being of every American. The relatively co-operative relations that these countries now have with each other are unprecedented in this century, but not irreversible.

Our strategy toward the great powers begins with Western Europe and Japan. We must revitalise our alliances with this democratic core. We must also seize the opportunities that now exist to build constructive relations with China and Russia, countries that once

were our fiercest adversaries. Both are undergoing momentous, though very different, transformations that will directly affect American interests. ”

20. It becomes very clear from this approach that relations with Europe are described in a global context together with relations with Japan, China and Russia, then demonstrating that, for America, as Mr. Kornblum said, “ Europe is not the world ”. Whereas problems of relations with Europe are not further developed, Mr. Christopher elaborates in more depth the importance of relationships with Japan, China and Russia.

21. The United States’ relationship with Russia also played an important rôle in the Political Committee’s discussions in both Washington and Ottawa. Whereas Canadian foreign ministry representatives recognised that Russia remains a major concern for the security preoccupations of other countries, while Canada’s relations with it are in general without major problems, Washington spokesmen gave various interpretations regarding the present state of United States-Russian relations and United States policy followed in this respect.

22. In Mr. Christopher’s words, the United States’ relationship with Russia is central to America’s security.

“ The United States has an enormous stake in the outcome of Russia’s continuing transformation ... that is why the Clinton administration has been unwavering in our support for Russian reform. ”

However, members of the Carnegie Endowment for International Peace in Washington expressed major doubts as to whether there existed a coherent United States policy towards Russia, since there was always a contradiction between a strong pro-Yeltsin approach and efforts to enlarge NATO. The United States had also overestimated its ability to influence the political situation in Russia. All questions regarding NATO enlargement were considered in Russia in a very emotional, not rational way. Summing up, there is now a major crisis in United States-Russian relations and it would be easy for Congress to blackmail the administration in this area.

23. The assessment by representatives of the State Department focused on uncertainties in Russia’s future internal evolution. Whereas Yeltsin is making major efforts to strengthen state power, a new kind of power struggle between pressure groups such as the banking, oil and gas lobbies can be seen. Moscow’s central power seems to be growing weaker and local authorities are strengthening ties with local military authorities. United States policy tries to convince Russia that enlargement by NATO is not meant to isolate it but to contribute to stabilising the situation. Moscow’s

5. International Herald Tribune, 7th March 1995.

difficulties in Central Asia would strengthen its desire to improve relations with the West.

24. Regarding Russia's handling of the Chechnya conflict, the official United States position expressed by its Foreign Secretary is that:

“ the way in which Russia has used military force has been excessive and threatens to have a corrosive effect on the future of Russian democracy. As I told Foreign Minister Kosyrev, the war must end and a process of reconciliation must begin. What we do not want to see is a Russia in a military quagmire that erodes reform and tends to isolate it in the international community. ”

25. In the State Department, it was affirmed that the United States had made known to the Russians that their action in Chechnya was not consistent with recognised international norms. But vigorous criticism was expressed, particularly in the Heritage Foundation regarding the reluctance of the United States Government to protest more vigorously against Russian warfare in Chechnya and that there was no United States support for European politicians when they tried to call for a more rigorous attitude vis-à-vis Russia. There was also strong criticism from leading republicans when President Clinton recently decided to accept President Yeltsin's invitation to participate in the celebration in Moscow of the fiftieth anniversary of the end of the second world war.

26. In the framework of the preparation of the summit meeting between President Clinton and President Yeltsin in Moscow, there were signs of new irritation between the United States and some of the European allies in NATO over the way the United States President intended to present to the Russian Government the question of NATO's enlargement. According to rumours appearing in the German press particularly, the American President, in a letter addressed to President Yeltsin, had even not excluded a full membership of NATO for Russia, but this was categorically denied by the American authorities. In any case, all questions relating to NATO enlargement are controversial between the allies and Russia and there are also important differences between the United States and its European allies on this question which is of great significance for the enlargement of Western European Union. Furthermore, leading Republicans have severely criticised the results of the American-Russian summit meeting in Moscow, in particular with respect to the war in Chechnya and Mr. Clinton's unsuccessful efforts to dissuade Russia from concluding a nuclear deal with Iran, thus threatening to stop any congressional support for further financial aid to Russia.

27. Regarding the American concept of its future relations with Europe, it could be consid-

ered as some confirmation of the relevant approach in the abovementioned speech by Mr Warren Christopher, when a member of the Carnegie Endowment for International Peace stated that Europe was not a major issue in the United States; otherwise (according to this expert) there would be calls in the United States for it to withdraw its remaining troops from Europe. American interest in European affairs was far more concerned with economic issues.

28. The fact that there are several subjects over which fundamental differences exist between Americans and Europeans, or where important problems of elaborating a joint transatlantic strategy are to be solved, seems to bother Americans to a lesser extent than Europeans. The first example is the problem of the conflict in former Yugoslavia. The official version published by Mr. Warren Christopher on 20th January 1995 underlines:

“ The tragic war in Bosnia underscores the importance of building an effective new architecture for conflict-prevention and resolution. Together with our partners in the contact group, we are seeking a negotiated solution because only a negotiated solution has any chance of lasting and preventing a wider war. What we must not do is to make the situation worse by unilaterally lifting the arms embargo. We have always believed that the embargo is unfair. But going it alone would lead to the withdrawal of UNPROFOR and an escalation of violence. It would americanise the conflict and lead others to abandon the sanctions on Serbia. It would undermine the authority of all United Nations Security Council resolutions including sanctions on Iraq and Libya. ”

29. Nevertheless, the United States decided not to participate any more in the enforcement of the arms embargo in the Adriatic. This American decision was an unusual step and, for the first time since the creation of the Atlantic Alliance the WEU Council, in its Noordwijk declaration, criticised in public a decision of its most powerful and important ally. Whereas the North Atlantic Council's final communiqué published on 3rd December 1994 avoided open criticism of the United States, Frederick Bonnart, editor of NATO's Sixteen Nations, made a very sharp comment in the press on 14th November 1994⁶, when he said that the American order shows complete disregard for the aims and constraints of friends and allies, as well as those of Russia “ the impression of a United States Congress determined to bulldoze through its decisions regardless of America's allies was reinforced by the way the information reached NATO. A leaked newspaper story arrived before any official notification... The danger is

6. International Herald Tribune, 14th November 1994.

great... A leaked report from one of the NATO ambassadors stated that 'cracks are appearing in the alliance' ”.

30. It is obvious that the United States position regarding the conflict in former Yugoslavia was one of the major subjects of discussion during the committee's recent visit to Washington. There were no signs from the American side that the United States was considering deploying peace-keeping troops in the area, like other United Nations member countries and, in particular, France and Britain. In the State Department, Mr. Kornblum said that even if, according to the Helsinki Charter, borders were not to be changed other than by peaceful agreement, there was no internationally agreed border guarantee, obliging United States troops to intervene in every given case. Affirming that the United States was present with about 16 000 people in the area, he stated that the United Nations approach employed so far in Bosnia and Croatia had led to a situation in which UNPROFOR had not contributed to a solution but had become part of the problem. But he admitted that, if the embargo on Bosnia was lifted, there would be an increased danger of a new violent war in the area. Mr. Alexander Vershbaw, Special Assistant to the President and Senior Director for European Affairs in the United States National Security Council, said that the United States ground forces would not be engaged in the area except to protect a possible withdrawal of the United Nations forces.

31. In the event of a United Nations withdrawal, the United States was still inclined to support Bosnia with arms, because Bosnians were the victims. But the United States would not act unilaterally. Mr. Vershbaw categorically denied press reports according to which Americans were already supplying Bosnia with arms. It was very important to strengthen the Federation between Bosnia and Croatia, which still had problems to deal with. On the question of imposing possible economic sanctions on Croatia in order to force Mr. Tudjman to renounce his request for a withdrawal of United Nations troops from Croatia, Mr. Vershbaw said that during Mr. Holbrook's last visit to Croatia, the United States side had adopted a very firm attitude towards Croatia. But one had to be careful in order to avoid Croatia eventually entering into an unholy alliance with Mr. Milosevic.

32. During the talks in the House of Representatives, one of the Congressmen acknowledged that, in his opinion, it would be a mistake to lift the embargo unilaterally and any measures should be decided in close consultation with the European allies. There was general frustration regarding the impossibility of ending hostilities in the Balkans, but Congress had insufficient knowledge of the historical grounds of the conflict.

33. During the committee's visit to Washington it was regrettably not possible to meet the relevant

committees of the United States Senate, which had cancelled the planned meeting at short notice. Nevertheless, your Rapporteur did have the opportunity of meeting Admiral Nance, Chief-of-Staff to Senator Helms, the Foreign Relations Chairman. He confirmed that NATO would be supported more strongly by the new Congress and said that if the United States lifted the Bosnian arms embargo, he was sure that United States military would be available to cover any withdrawal of United Nations troops. He thought that NATO enlargement might proceed in stages, the first being attendance and participation in all meetings. When these countries had got their forces to a stage compatible with NATO and had also the financial resources to sustain full membership, then full membership would follow, with all that it entailed. Of course the final policy decisions are taken by the Senate and Congress but it was most reassuring to know the tenor of advice being offered to members.

34. The second example is the question of the enlargement of NATO. The American approach seems to have in mind, first and foremost, the interests of Russia, second the future character of NATO but not to any great extent the interests of the European Union and Western European Union. As already mentioned in Mrs. Aguiar's report, the Americans made very clear what had already been said by Mr. Slocombe during the last North Atlantic Assembly session:

“ The question about WEU and NATO, let me only say that I think the United States Government would view with considerable concern a situation in which countries were full members of WEU and were not also members of the alliance, if only for the formal reason that the WEU security guarantee is, if anything, firmer and more automatic than the NATO guarantee, and it would create for the United States and for any other non-member of WEU that is in the alliance the awkward situation in which some members of the alliance were absolutely obligated to the security of countries which were not in the alliance ... while I take the point entirely about the fact that we must not forget in our consideration of expansion the issue of the states which were neutral during the cold war and are now in the process of joining the European Union, there are problems about seeing WEU as some kind of a way station in this sense. ”

35. Reverting to the third principle of United States strategy described by Mr. Warren Christopher, he observed that the United States “ must adapt and revitalise the institution of global and regional co-operation... Our challenge now is to revitalise those institutions – NATO, the United Nations, the International Monetary Fund and the

World Bank, the OECD, among others". Several very different problems are thus summarised in one phrase.

36. Regarding NATO and relations with Europe, it was said simply that "NATO remains the author of American engagement in Europe and the linchpin of transatlantic security. NATO has always been far more than a transitory guarantor of European democracy and a force for European stability". There is no indication whether and in what way the American Government deems it necessary to reform the Atlantic Alliance or to adapt the whole range of transatlantic relationships on a new and broader basis.

37. The question of continuity of United States foreign policy was addressed by Mr. Christopher as follows:

"The recent elections changed the balance of power between the parties. But they did not change, indeed they enhanced, our responsibility to co-operate on a bipartisan basis in foreign affairs. The election was not a licence to lose sight of our nation's global interests or to walk away from our commitments in the world. Leaders of both parties understand that well.

Bipartisan co-operation has always been grounded in the conviction that our nation's enduring interests do not vary with the times. President Harry Truman had it right 40 years ago: 'Circumstances change', he said, 'but the great issues remain the same - prosperity, welfare, human rights, effective democracy, and above all peace.'

With the cold war behind us, the United States has a chance to build a more secure and integrated world of open societies and open markets. We are the world's largest military and economic power. Our nation's founding principles still inspire people all over the world. We are blessed with great resources and resolve. We still continue to use them with wisdom, with strength, and with the backing of the American people".

38. The Political Committee obviously used its stay in Washington and Ottawa to discuss also the position of the two countries regarding worldwide crisis-management, peace-keeping, reform of the Charter and the Security Council of the United Nations, the rôle of regional organisations and in particular that of the OSCE, and questions of worldwide arms control, disarmament and non-proliferation. As these matters are dealt with principally in the framework of the report to be presented by Mr. Marshall, your Rapporteur will concentrate here mainly on the consequences of United States policy on transatlantic relations.

III. American and European perceptions of transatlantic relations

39. In this context it is interesting to note an article on the findings of a recent survey of American public opinion in the area of foreign affairs, published recently in the German press⁷ under the headline "America not contaminated by neo-isolationist virus".

"Two thirds of Americans and 98% of the 'ruling' elite expressly state they are in favour of the United States being actively involved in foreign policy. They think America has a more important part to play today than ten years ago. This stance in favour of a world rôle for the United States became clear from the most recent survey of the Chicago Council on Foreign Relations which every four years 'takes the temperature' of American public opinion on foreign affairs and compares it with the position of leading figures in the world of politics, the economy and science.

The spectacular changes which have occurred over the last five years have, it is true, led to a sharp focus of attention on national interests. The study highlights the 'pragmatic internationalism' of the American people.

.....

Even the defence of America's traditional allies is no longer regarded as important in the eyes of the American public, whose interests are now concentrated exclusively on their own well-being: the fight against drug addiction, protecting American jobs, controlling illegal immigration, guaranteeing energy supplies and reducing America's external deficit. The only universal subjects of interest constituting major foreign policy objectives are prevention of nuclear armaments proliferation and environmental protection.

Despite being inward-looking, public opinion surprisingly comes out in favour of strengthening the United Nations and contributing to multilateral peace-keeping operations. Opinion is divided on whether United States troops can be subordinated to United Nations command, while leaders accept this idea.

.....

Public opinion and leaders have very different opinions on whether United States foreign policy should in future give priority to Europe or Asia. Public opinion is in

7. Frankfurter Allgemeine Zeitung, 16th March 1995.

favour of Europe by an overwhelming majority, while economists tend to favour both equally, the government has a clear preference for Asia and Congress is split down the middle between Asia and Europe. Public opinion and the élite are, however, in agreement on one point: unification of Europe is a good thing for the United States ... ”

40. Regarding the future of transatlantic ties, it seems that in general Europeans are more concerned than Americans about the need to give serious thought to ways and means of reorganising Euro-American relations and co-operation to take into account the changing international political landscape. In an article published in the *International Herald Tribune* on 30th March 1995, Mr. Kinkel, German Minister for Foreign Affairs, advocated an enlarged transatlantic partnership including not only the security, but also the economic, cultural, scientific and human relation dimensions. A similar approach was suggested by the German Defence Minister, Volker Rühle, whereas the out-going French Prime Minister, Edouard Balladur, preferred to limit the reform of transatlantic ties to security issues alone. Both the German Foreign and Defence Ministers had already stressed at the Munich Conference in February 1995 that NATO was no longer sufficient as the only basis for transatlantic relations.

41. Mr. van Mierlo, Minister for Foreign Affairs of the Netherlands raised similar questions in an article published in the March 1995 edition of the *NATO Review* in which he asked whether a new contract should be limited to transatlantic security relations only. His point of view is very close to the German position. Last but not least, Mr. Malcolm Rifkind, Secretary of State for Defence of the United Kingdom, also in the March 1995 edition of the *NATO Review*, stressed the need to build a new Atlantic Community on four pillars: “ The first pillar is our shared belief in the rule of law and parliamentary democracy. The second is liberal capitalism and free trade which has given all our people unprecedented prosperity. The third is the shared European cultural heritage emanating from classical Greece and Rome through the Renaissance to the shared values, beliefs and civilisations of our own century. The fourth pillar must be defence and security as represented by the NATO alliance. ”

42. But the Euro-American discussions on these issues are not a one-way European street. Important American voices are also heard. The former United States Minister Henry A. Kissinger has proposed that the Atlantic Community be set in the context of a new global world order⁸. Furthermore, the American Secretary of State for

Defence, Mr. William J. Perry, made an important contribution at the Munich Conference on Security Policy on 5th February 1995, in which he underlined that times have changed, that the basis for NATO has changed and “ as we adapt Europe (NATO) for the next century, we must deal with the tough questions and issues raised by our new relationship ”. But this intervention was founded on a strong belief in the validity of the key grounds of the Atlantic Alliance as the main bedrock of Euro-American co-operation.

43. A much more pessimistic view was expressed by Stephen Cambone, member of the Center for Strategic and International Studies, when he addressed the Political Committee on 8th March 1995. He stressed that both NATO and the European Union are at the moment in turmoil caused by domestic difficulties and procedural problems. Both organisations were also under external pressure. Since NATO and the European Union were different and not complementary, the notion of “ pillars ” was not appropriate any more. Both sides had to start again in order to define where their common interests lay. Otherwise it would not be possible to allocate the different tasks between NATO and WEU. If the intergovernmental conference on the revision of the Maastricht Treaty did not lead to success the United States could lose hope in a United Europe. Account of the fact should also be taken that substantial economic and trade problems between the United States and Europe had to be settled. Europe should develop a clear and open concept from which the United States should not be excluded. The United States should be regarded as a European power. NATO should continue to play the main rôle in defence whereas WEU’s rôle should be more political, focusing on creating a system of collective security. On this basis one might begin talking about expansion.

44. Finally, a report by the Transatlantic Policy Network, a group of political leaders and multinational companies, recommends three steps to strengthen links between the United States and Europe⁹:

- The transformation of the present Transatlantic Declaration into an economic and political treaty between the European Union and the United States aimed at creating a ‘North Atlantic free trade area’ which would cover regulatory co-operation, mutual recognition of product approvals, standardisation and certification, and treatment of foreign investment.
- Reforming NATO around a partnership between the United States and a European defence pillar. Though the authors

8. *Internationale Politik*, January 1995, No. 1.

9. *Financial Times*, 17th November 1995.

suggest further integrating defence and military procurement in Europe, they found 'no firm foundation' for a coherent European approach on security matters.

- A new process for transatlantic summits which would bring together the annual NATO summit and the biennial United States-European Union meetings. The aim is to exploit the Clinton administration's shift toward strengthening the European defence pillar within NATO and its support for greater European political integration built around the Union.

With one eye on the 1996 intergovernmental conference to review the Maastricht Treaty, the report says there is a 'window of opportunity' for real power-sharing between the United States and European Union. The onus is on member states, including Britain, to take further steps to integrate political, economic and security policies within the European Union in 1996.

45. It is obvious that any thoughts in this direction, which has substantial support in several European countries, have reached only a preliminary stage. It will not only be interesting to know how the United States envisages transforming Atlantic relations into a community of real equal partners, but also Canada's position in this context. The Canadians have stressed that they still consider NATO the bedrock of joint transatlantic security in which they are prepared to participate even though their practical contribution has diminished. However, unofficially, fears were expressed that Canada risked being totally marginalised if the United States and a United Europe developed into a community of truly equal partners.

IV. Lessons for WEU

46. It was perhaps typical that one of the last questions put by Mr. Gilman, Chairman of the Foreign Affairs Committee of the House of Representatives during the meeting with the Political Committee in March 1995 should have been the following: why do we need WEU? This shows that notwithstanding the decision reached at the NATO summit meeting in January 1994 when the United States recognised Western European Union as the nucleus of the emerging European defence identity, the rôle and function of WEU remain largely unknown even among American politicians.

47. It is therefore necessary to repeat again that WEU must do far more to explain its functions to relevant American authorities and also the press. The rôle of WEU in the framework of the future shaping of transatlantic relations should be one of the main items on the agenda of the WEU Council. It is therefore regrettable that, whereas the

Noordwijk declaration includes a declaration of intention on this problem, the second part of the fortieth annual report says nothing about future Euro-American relations.

48. The Council has various means for strengthening its relationship with the American authorities in Brussels in the framework of its co-operation with NATO and by establishing direct contacts with representatives of the United States.

49. Furthermore, the preparation of a white paper on European security should be taken as an opportunity to include an important chapter on future transatlantic relations and the rôle of WEU in this context. Finally, the new working group on Transatlantic Publicity Activities should be strongly activated and transformed into a high-level political forum to allow an enhanced dialogue with North American politicians in Canada, the United States and in Europe.

V. Conclusions

50. Considering that the United States is the only remaining global power, that its borders and security are protected by two oceans and that it is no longer directly threatened by any other opposing superpower, it is difficult to foresee which direction its foreign policy will take. The United States can afford to follow a policy which it considers to be in its interest and consequently also to change its policy in specific matters without taking too much account of other countries, or even its allies. American policy regarding the conflict in former Yugoslavia has for instance changed radically since 1992.

51. Perhaps one of the committee members was right, when he stated during the talks at the Heritage Foundation in Washington, that the United States was the only country still able to follow a "Realpolitik" which would never be totally coherent. But regardless of whether the American presidency is weak or strong, one can count on one permanent and constant factor: the will for leadership is in no way lessened even if it appears in somewhat different forms.

52. As to Europe, it is essential that European preoccupations, and the reasons why a stronger European political and security identity is also in the American interest, become better known. On the other hand, the more the United States is tempted to follow its political interests in dealing directly with leading powers in various regions of the world and especially Russia, without paying much attention to consultations with its European allies, the more it is necessary for Europe to pursue its efforts to shape a true security and defence identity, the status and attitude of which cannot be neglected.

*The future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

REPORT¹

*submitted on behalf of the Political Committee²
by Mrs. Aguiar, Rapporteur*

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APPENDIX

Article XII of the modified Brussels Treaty and Article 13 of the North Atlantic Treaty

1. Adopted in committee by 18 votes to 4 with 0 abstentions.

2. *Members of the committee:* Mr. de Puig (Chairman); Lord Finsberg, Mr. Roseta (Vice-Chairmen); MM. Alegre, (Alternate: Mrs. Aguiar), Antretter, Sir Andrew Bowden, MM. Bühler, Caballero, Copsis (Alternate: Pavlides), Cioni (Alternate: Mrs. Gaiotti de Biase), Ehrmann, Fassino (Alternate: Benvenuti), Irmer (Alternate: Feldmann), Sir Russell Johnston, MM. Kaspereit (Alternate: Baumel), Lord Kirkhill (Alternate: Marshall), MM. Koschyk, Liapis, van der Linden, de Lipkowski, Maass, Mrs. Papan-dreou, MM. Péciaux, Pozzo (Alternate: Bianchi), Mrs. Prestigiacomo (Alternate: Arata), MM. Puche Rodriguez, Recoder, Rodeghiero (Alternate: Latronico), Rodrigues, Seeuws, Seitlinger, Sir Keith Speed (Alternate: Sir Peter Fry), MM. Vinçon, Wintgens (Alternate: Kelchtermans), Woltjer, Zijlstra, N...

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

Draft Recommendation

*on the future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

The Assembly,

I

- (i) Emphasising the crucial importance of WEU's contribution which must give the 1996 intergovernmental conference clear and coherent guidelines on the place of security and defence questions in European and transatlantic relations;
- (ii) Convinced therefore that the Council's contribution cannot be limited to a re-examination of the declaration on Western European Union annexed to the Maastricht Treaty but must include an in-depth assessment of its experience regarding the application of Article J.4, paragraphs 2 and 5, of the Maastricht Treaty and its repercussions on the application of the modified Brussels Treaty and conclusions to be drawn from this;
- (iii) Taking into account the persistence of major differences over the political goals of an enlarged Europe and the place it should occupy in international relations;
- (iv) Consequently believing that the main goal of WEU's contribution to the 1996 intergovernmental conference must be to strengthen and improve the European structures involved in the area of defence policy in order to enable them to guarantee security more effectively, more democratically and with greater transparency;
- (v) Affirming furthermore that the Assembly remains attached to the effective implementation of the commitment entered into in the modified Brussels Treaty by all WEU member countries which agree to "promote the unity and to encourage the progressive integration of Europe";
- (vi) Stressing nevertheless that there are several ways of advancing European integration, of which merely merging WEU and the European Union is not necessarily the best for increasing security in Europe;
- (vii) Noting in particular that the preparation of the 1996 intergovernmental conference is being pursued in a context of growing divergence between the West and Russia on a large number of questions that concern European security;
- (viii) Believing moreover that the deterioration of the conflict in the Balkans and the problems raised by maintaining peace, stability and security in the Mediterranean region will continue to preoccupy American and European allies;
- (ix) Judging therefore that it would be dangerous to use the 1996 intergovernmental conference to test the functioning of WEU as an instrument of European defence and thus risk jeopardising its political and operational effectiveness and its function as the European pillar of NATO;
- (x) Convinced that given its specific character and its complexity, the implementation of a common defence policy makes it necessary, for a transitional period at least, to maintain an intergovernmental decision-making process based on consensus between member states, without the intervention of the Commission or the European Parliament;
- (xi) Convinced in this connection that parliamentary supervision of European defence policy, which is based on decisions taken by the member states, must be guaranteed exclusively by a parliamentary Assembly composed of delegations of the national parliaments of the member states;
- (xii) Recalling that closer co-operation between the Assembly of WEU and the European Parliament, as encouraged by the Council, has proved impossible because of the European Parliament's refusal to base such co-operation on the principle of reciprocity, respect of the responsibilities of both and recognition of the WEU Assembly as an integral part of the development of the European Union;
- (xiii) Believing that the aim of possible co-operation between the Assembly of WEU and the European Parliament cannot be some form of merger between the two institutions, but should lead to a precise definition and recognition of their respective powers and responsibilities which, far from being in conflict with one another, are complementary, so that democratic supervision in Europe may be exercised by bodies that are truly representative and efficient;

- (xiv) Believing furthermore that for as long as the member countries of WEU and the European Union and the European members of the Atlantic Alliance are not identical and WEU is not fully operational, no merger of any kind between WEU and the European Union will be desirable or feasible;
- (xv) Believing also that all attempts so far in the framework of the Maastricht Treaty to amalgamate the responsibilities of community and intergovernmental institutions in the area of the CFSP have not proved successful, hence the more reason for avoiding them in defence matters;
- (xvi) Convinced, on the other hand, that everything must be done to facilitate consensus between member states in defence matters instead of disturbing them with the prospect of their possibly being put in a minority position;
- (xvii) Wishing therefore that the drafting of the white paper on European security will serve mainly to bring closer together the points of view and interests of the member countries and achieve fuller European integration in these areas;
- (xviii) Regretting the “ wait and see ” attitude prevailing generally in WEU arising from the provisions of the Maastricht Treaty stipulating that any initiative in foreign policy and security matters with defence implications must emanate from the European Union, an institution which includes five non-member countries of WEU and which has less experience than WEU in this area;
- (xix) Recalling, however, that the variable configuration of the Council of WEU allows the points of view of all associate members, associate partners and observers to be taken into account, without the latter being able to block any consensus that may have been reached by the ten full members;
- (xx) Wishing therefore – as the United Kingdom Government memorandum of 1st March 1995 proposes – “ that future European defence arrangements should be based on ... WEU ” and for the latter thus to become capable of providing the necessary political impetus to the European Union and the Atlantic Alliance;
- (xxi) Furthermore supporting unreservedly the United Kingdom proposal that the heads of state and of government meet regularly in the framework of WEU to establish general guidelines concerning collective military action envisaged by Europeans;
- (xxii) Believing that the Chairmanship-in-Office should not be the sole authority for giving impetus to the work of the Council and recalling in this connection its various recommendations for strengthening the functions and power of the Secretary-General of WEU and the participation of the Assembly;

II

- (i) Welcoming the conclusion of a stability pact in Europe with the aim of facilitating the progressive rapprochement between the Central European countries on the one hand and the European Union and WEU on the other;
- (ii) Welcoming also the fact that the European Union is preparing to conclude Europe agreements with the three Baltic countries and with Slovenia;
- (iii) Wishing WEU to strengthen the working relationship it has established with the associate partner countries as a whole and to create the same kind of relationship with Slovenia;
- (iv) Expressing astonishment at the terms of paragraph 6 of the Council’s reply to Recommendation 565 which states that “ The question of granting Slovenia associate partner status will be kept under review as Slovenia’s relationship with the European Union develops ”, whereas the Council fixed no similar condition for granting this status to the nine countries mentioned previously;

III

- (i) Noting with interest the content of the two parts of the fortieth annual report of the Council to the Assembly, especially the detailed information it gives on the activities of the various working groups of the Council;
- (ii) Regretting nonetheless the lack of political direction of this report which is the essential basis for the dialogue between the Council and the Assembly;
- (iii) Noting furthermore that the annual report provides no information on the Council’s experience regarding the implementation of a working relationship between the subsidiary organs of the Council on the one hand and, on the other hand, the CFSP institutions and the European Commission or on procedures adopted in this connection;

- (iv) Wishing, in the face of the new risks threatening European security and the problems raised by the preparation of the 1996 intergovernmental conference, for a considerable improvement in co-operation, co-ordination and reciprocal exchange of information between the Council and the Assembly;
- (v) Deeply regretting therefore that the Council has decided to organise an important conference in Washington in June in the context of its transatlantic publicity relations activities, with a wide participation of WEU ministers, at exactly the same time as the Assembly is holding the third part of its fortieth ordinary session and expressing surprise that the Council of Ministers, at its meeting in Lisbon, did not take this opportunity to express its regret regarding this clash of events;
- (vi) Finding it intolerable that certain documents produced by the WEU ministerial organs are not transmitted to the Assembly, whereas they are published by the services of the European Parliament;
- (vii) Astonished that the Western European Armaments Group (WEAG) is not included in the organogram of the ministerial organs as this was transmitted to the Assembly in 1994, and that the annual report makes no reference to the tasks and activities of the Verification Group referred to in that organogram,

RECOMMENDS THAT THE COUNCIL

I

1. Between now and the end of 1995, make:
 - (a) an assessment of its experience regarding the implementation of the provisions of the Maastricht Treaty concerning WEU and its repercussions on the application of the modified Brussels Treaty;
 - (b) an assessment of its experience concerning relations between WEU and NATO;
2. Prepare from these assessments a concept for developing its relations with the European Union and NATO, paying particular attention to its future relations with the European member countries of the Atlantic Alliance which have now become associate members of WEU and transmit such assessment to the Assembly for early comment;
3. Take into account the memorandum on the United Kingdom Government's approach to the treatment of European defence issues at the 1996 intergovernmental conference, dated 1st March 1995, as well as that of the Netherlands Government on the CFSP, dated 30th March 1995, or proposals of other member governments to develop a common position of WEU countries in the framework of the preparation of this conference;
4. Arrange to be represented on the group of experts established by the European Council and ensure that all questions relating to the application of the modified Brussels Treaty are dealt with exclusively by the signatory countries of that treaty and its protocols;
5. Ensure that the 1996 intergovernmental conference results in WEU being recognised as an organisation authorised to act on behalf of the European Union in security and defence matters and that member countries of the European Union which are not members of WEU cannot block consensus achieved within WEU in this area;
6. On the basis of the white paper on European security, develop a medium-term concept of the criteria, procedures and even the stages that should be adopted for placing the common defence policy on a new legal and institutional basis subsequently enabling defence questions to be set in the framework of the European Union;
7. Agree that such an undertaking should be achieved within approximately ten years and use this period to examine how far the modified Brussels Treaty should be revised and adapted to the new situation with a view to presenting proposals to another intergovernmental conference which might be convened at the end of the period mentioned above;
8. Include in this medium-term concept provisions providing for more representative parliamentary supervision at European level, in particular by transforming the existing WEU Assembly into a second chamber, alongside the European Parliament thus confirming the rôle of delegations from national parliaments, with responsibilities that are different from and complementary to those of the European Parliament;

9. Not compromise, as matters now stand, the close co-operation between WEU and NATO by opening hastily WEU's doors to organs of the European Union but maintain the procedure for reciprocal exchange of information on the respective activities of these organs and WEU;
10. Manifest more clearly its will to meet its obligations under Article IX of the modified Brussels Treaty and leave no doubt, in its relations with other European and Atlantic authorities, about the fact that the WEU Assembly is the sole Assembly with responsibility in security and defence matters in accordance with an international treaty;
11. Take the necessary steps to give the Secretary-General of WEU the right of initiative, in particular the right to convene the Council of Ministers and the right to participate in meetings of the Council of the European Union and the European Council, when the latter examine questions connected with the CFSP;
12. Hold more frequent meetings, particularly before the meetings of ministers responsible for the CFSP, in order to give them the necessary impetus;
13. Take up the United Kingdom proposal to organise WEU summit meetings on the occasion of meetings of the European Council;
14. Accelerate efforts to make WEU fully operational;

II

1. Offer Slovenia the same status as that enjoyed by WEU associate partner countries;
2. Strengthen relations both with the associate partner countries as a whole and with Slovenia by taking the measures that are required to enable them to participate fully in developing a European security system;
3. Take the measures necessary to ensure that the 1996 intergovernmental conference results in a revision of the articles of the Maastricht Treaty so as to allow WEU to invite European countries which are members of NATO but not members of the European Union to accede to the modified Brussels Treaty;

III

1. Ensure that henceforth the annual reports of the Council contain more political substance and also set out the nature of the difficulties that the Council is having in achieving its objectives, with a view to stimulating fruitful dialogue with the Assembly;
2. Fulfil the undertaking it gave in its reply to Recommendation 565 to ensure that it keeps the Assembly informed as a matter of priority through its annual report on the areas and substance of its co-operation with the European Union and NATO;
3. Explain upon which provision of the modified Brussels Treaty is based the decision of the Mediterranean Group, as set out in the second part of the fortieth annual report, to "continue to make clear to its Maghreb and Egyptian interlocutors that in the dialogue between these countries and WEU, WEU was competent to address only politico-military and defence questions, the other issues coming within the purview of institutions such as the CSCE (now OSCE) and the European Union";
4. Inform the Assembly of the content of the document prepared by the European Union authorities on the implications of the situation in the Mediterranean for European security, to which the Permanent Council of WEU contributed, as it emerges from the reply of the Council to Recommendation 565;
5. Ensure in future that the organs mentioned in the organogram of the ministerial organs transmitted to the Assembly correspond to those on which the Council informs the Assembly in its annual report;
6. Inform the Assembly of the tasks and activities of:
 - (a) the Verification Group;
 - (b) the Military Delegates Group;
7. Take the appropriate measures to improve co-ordination of its activities with those of the Assembly and transmit to the Assembly its documents which are unclassified.

Explanatory Memorandum

(submitted by Mrs. Aguiar, Rapporteur)

I. Introduction

1. As 1996 approaches, at the start of which the intergovernmental conference is to be opened on the revision of the Maastricht Treaty, the question being raised ever more frequently is what strategy the WEU Council is to adopt, in the framework of its contribution to this conference, on the outcome of which will depend the future of WEU as a whole, and in particular that of the modified Brussels Treaty.

2. The programme of the Portuguese presidency of the Council of WEU, communicated to the Assembly on 30th January 1995¹ identifies two major issues in this context: "the common evaluation of European security, including the French proposal for a white paper, and the institutional implications for WEU for a European security and defence identity". It goes on to state in this connection:

"In our reflection on European security we should identify common objectives, risks and threats, as well as the means we have at our disposal to face them. Our attention could then be directed towards answering the questions raised during this first phase of our work. This will include the need to address highly sensitive and complex institutional matters.

After consultation with all delegations, Portugal has come to the conclusion that it would be better to concentrate on the first of the elements I have just mentioned, leaving the discussion on institutional matters to the seminar of senior officials which is due to take place in Portugal in early June."

3. It is precisely at the beginning of June that the group of experts established by the European Union will begin its work on the institutional aspects of a revision of the parts of the Maastricht Treaty which are to be renegotiated at the intergovernmental conference on the basis of reports to be submitted to it between now and June by the principal institutions of the Union, namely, the European Commission, the Council of the European Union and the European Parliament. As to the possible revision of Article J.4 of Title V of the Maastricht Treaty on the common foreign and

security policy (CFSP) which will deal primarily with the future rôle of WEU, it should be recalled that this is to be undertaken on the basis of a report on this matter which only the Council (of the European Union) will submit to the European Council (see paragraph 6 of Article J.4). Consequently neither the Commission nor the European Parliament are supposed to be involved in preparing a revision of Article J.4. Nevertheless this has not prevented the European Parliament from making the question of the future rôle of WEU one of its main preoccupations². The same holds true for the contributions of the European Commission which has asked a group of experts to prepare an assessment of Title V of the Maastricht Treaty, dealing specifically with relations between the CFSP and WEU³.

4. Conversely, in all probability, there will be no contribution from the WEU Council by the time the European Union's group of experts starts its work. It should be noted in this connection that one of the idiosyncrasies of the Maastricht Treaty is that no preparatory rôle has been assigned to the WEU Council in the framework of a revision of the provisions of Article J.4 which specifically concern WEU, although in the declaration annexed to the Treaty of Maastricht the WEU member countries admittedly stated that in 1996 WEU would make its own re-examination of the present provisions. But Article J.4, paragraph 6, of the Maastricht Treaty makes no reference to this declaration.

5. It is therefore crucial for the WEU Assembly to present its ideas in broad outline between now and June, following the direction already marked out in the report by Mr. Soell on a European security policy⁴, further to which the Council, in its reply to Recommendation 565: "fully subscribes to the view expressed by the Rapporteur that 'this report can be regarded as an initial contribution to the preparation of the intergovernmental conference...' and has taken note of the report with great interest."

2. See for example the reports by MM. de Gucht, Bourlanges, Martin (Committee on Institutional Affairs) and MM. Poettering, Crespo and Matutes (Committee on Foreign Affairs, Security and Defence Policy).

3. See the initial report on European security policy towards 2000: ways and means to establish genuine credibility, 19th December 1994.

4. Document 1439.

1. Document A/WEU/DG (95) 2.

6. The Council states in the second part of its fortieth annual report to the Assembly⁵ that the Assembly's contribution to the institutional debate "which will be at the heart of the review of the WEU Maastricht declaration, a debate in which the Assembly's contribution is both welcome and most necessary". The Assembly is quite prepared to contribute to this debate but in return expects not only to be heard by the Council and its member governments but also to obtain their backing. In this connection the Assembly noted with satisfaction the content of paragraph 15 of the Noordwijk declaration, which states that "Ministers acknowledge the constructive contributions from the Assembly to the further strengthening of European security". It welcomes the fact that, in the Lisbon declaration of 15th May 1995, the Ministers of the WEU Council underlined the importance they attached to the rôle played by the Assembly in the debate on security and defence in Europe and its substantive contribution to the wider consideration of these issues. If this acknowledgement is not to be just an empty shell, it is essential for the governments of WEU member countries to ensure that the 1996 intergovernmental conference achieves a result enabling the Assembly of WEU to continue its constructive work, even beyond 1998.

II. What is at stake?

7. It is no accident that the European governments chose 1996 to convene a conference for reviewing the provisions of the Maastricht Treaty on the common foreign and security policy. According to the interpretation being given to the modified Brussels Treaty by the governments concerned (which has been challenged by the Assembly of WEU), fifty years after the entry into force in August 1948 of the treaty of economic, social and cultural collaboration and legitimate collective self-defence, each WEU member country will be entitled to submit a declaration to Belgium, the depository power of the modified Brussels Treaty, notifying its intention to cease to be a party to the treaty provided it has previously given one year's notice (Article X of the 1948 Brussels Treaty).

8. It should nevertheless be recalled that WEU was not created by the abovementioned treaty, but by the protocol modifying and completing the Brussels Treaty, signed in Paris, on 23rd October 1954, which came into force on 6th May 1955. It should also be recalled that this protocol fundamentally changed the spirit and objective of the 1948 treaty by creating, for the first time, a defensive European alliance bringing together countries which had been on opposing sides

during two world wars, and that the aim of this new treaty was, moreover, to promote the unity and to encourage the progressive integration of Europe many years before the Treaty of Rome, creating the European Communities, saw the light of day. WEU was in fact the first to start implementing these aims. There is therefore no justification for claiming that it was only "with the merging of the Treaties of the European Communities and then with the creation of the European Union, which has brought WEU inside the process of European integration"⁶, as stated in the study by the European Strategy Group and the Institute for Security Studies of Western European Union, published in March 1995.

9. In placing the emphasis on a "1998 deadline" as the main reason for revising the Maastricht Treaty, the signatory countries are subjecting themselves to an artificial pressure of time, since in reality there is no dead-line. Indeed, the governments were fully aware that the modified Brussels Treaty would not be terminated automatically after expiry of the fifty-year period and that there is no valid reason for denouncing this treaty, which has only begun to secure advantages and yield concrete benefits since the signatory countries have at last decided to make use of it. On the contrary, denunciation of the modified Brussels Treaty would be as dangerous an undertaking as the termination of the Treaty of Washington in 1969, twenty years after it came into force⁷.

10. However, voices are increasingly being raised to say that it is impossible to achieve such complicated institutional reforms under pressure of an artificial deadline and that it is unproductive to allow oneself to be hypnotised by the arbitrary determination of that deadline. It will come as no surprise therefore that in his report submitted on 30th March 1995 on behalf of the consultative committee responsible for European questions in the House of Representatives of Belgium, Mr. Eyskens, who is a partisan of "communitarisation" of Europe's defence dimension, doubts whether WEU can be integrated into the European Union so early as 1998.

11. Several authors of a study by the European Strategy Group of the WEU Institute for Security Studies, published in March 1995 under the title "Towards a common defence policy" go further, envisaging the possible intermeshing of WEU in the European Union ten years hence, a suggested date being 2005. Such a time-lag might indeed facilitate agreement on the political objectives of building Europe and preparation of equitable and realistic solutions to the institutional problems linked to the implementation of these objectives.

6. Towards a common defence policy, page 57.

7. See the texts of Article XII of the modified Brussels Treaty and Article 13 of the Washington Treaty appended to this report.

5. Document 1453, 30th March 1995.

To the extent that there is agreement on the political objectives, it would be possible to adopt a step-by-step approach, starting from certain criteria to be met, as in the case for monetary union. In this connection, the drafting of a white paper on European security might make a useful contribution.

12. The intergovernmental conference must deal besides with many other areas in addition to the revision of Title V of the Maastricht Treaty, namely:

- the question of bringing into the community a third pillar of the Union (internal affairs and justice);
- possibility of enlarging the field of application of the European Parliament's procedure known as co-decision in the area of community legislation;
- the question of establishing a hierarchy of community laws;
- the possibility of extending the responsibilities of the European Union to energy, civil defence, tourism, and
- further to the European Council's decision at Corfu, review of the institutional operation of the Union with a view to its enlargement,

placing difficult and complicated tasks on countries participating in this conference, the most difficult one with potentially the most serious consequences being the revision of Title V of the Maastricht Treaty.

13. The preparation of the conference on the revision of the provisions of the CFSP, which includes the future rôle of WEU, involves, on the European Union side, participation by all its fifteen member countries, five of which: Austria, Denmark, Finland, Ireland and Sweden are not members of WEU. On the other hand, it appears that the WEU Council, for its part, envisages preparing all the questions relating to the future of the modified Brussels Treaty within the restricted framework of the countries that are party to it, which might give rise to dissatisfaction, not only on the part of the five countries referred to above, but also of associate member and associate partner countries.

14. Moreover, it must be recalled that the review of the provisions of the declaration of the WEU member countries annexed to the Maastricht Treaty will extend to relations between WEU and the Atlantic Alliance, which are of particular interest to associate members, such as Iceland, Norway and Turkey. In any event, the Council should insist on the principle that any debate on the future application of the modified Brussels Treaty be confined exclusively to the signatories

of that treaty. The consequence of this will be that the group of experts called upon to discuss the matter within the framework of the European Union, in its composition as decided in Corfu, can have no powers of decision in the case of the modified Brussels Treaty⁸.

15. Regarding the substance of the problems to be resolved, the aims to be pursued in the framework of a revision of the present provisions must first be determined. One of the deficiencies of the Maastricht Treaty lies in the fact that its signatories agreed in principle to create full monetary union within a specific time-frame without, at the same time, reaching a countervailing agreement on a true common policy on foreign affairs, security and defence. Many political leaders and experts, notably in Germany, but also in other European countries, are convinced that European monetary union will not be viable without a true common European policy in the other areas mentioned.

16. Furthermore, the need to implement a common security and defence policy cannot be based on this argument alone. What matters is finding a consensus on the purpose of building the European Union as a whole, otherwise the discussion on institutional questions becomes divorced from reality. If we wish to define the aims that WEU and its Assembly should pursue in this context several of them will have to be reconciled. Undeniably the strengthening of the security of member states and of their citizens and the protection of their fundamental rights as recognised by the modified Brussels Treaty and the Charter of the United Nations must remain a prime objective of the Council and Assembly of WEU.

17. In receiving associate members, associate partners and observer countries into the organisation, WEU has, in addition, undertaken to extend security to the whole of Europe. Strengthening security is therefore central to the fundamental work done by WEU, an example of which is the preparation of a white paper on security, and also to its efforts to become truly operational. However this aim must also be the recurrent theme of its strategy when it comes to settling the institutional questions on the agenda of the 1996 intergovernmental conference.

18. Secondly, strengthening the principle of democracy in a Europe which is organising its security and defence can be defined as another prime objective of the same value as that referred to in the foregoing paragraphs. Conversely, when the European Union sets itself the goal in Article B of the Maastricht Treaty of asserting its identity

8. Similarly Nicole Gnesotto observes (in *Politique étrangère* No.1/95, page 138) that "it is clearly unacceptable for a non-member country of a military organisation to be able, by indirect means, to determine the fate of that organisation".

on the international scene, one might wonder whether such an end is defined clearly enough to be the sole justification for the need to create a common foreign and security policy eventually including a common defence policy and, in time, a common defence.

19. For much remains to be done to reach agreement on the purpose the European Union should have in the world. Should it become a new world power, alongside the United States and Russia? What is the final aim of greater European integration? Or is integration an end in itself? Clearly all member countries cannot be expected to provide the same answer to these questions.

20. If integration is regarded not as an end in itself but rather as a means of strengthening security and democracy in Europe, one may then wonder what solutions are best adapted to these two aims. The question is also raised regarding the most suitable institutional instrument for strengthening the effectiveness and transparency of the European institutions in accordance with the wishes of the vast majority of those concerned.

21. More specifically, in relation to the future organisation of the external security and defence of the Union, many feel that the existing system is too complicated, that it involves too many institutions and that, consequently, it is necessary to rationalise and regroup powers within a single organisation. The problem in carrying out such an undertaking is to ensure that it does not weaken security in view of the increasing number of applicant countries wishing to participate in a new European security architecture but whose respective political positions and military situations are not homogenous.

22. Another aim often put forward is that of remedying the alleged democratic deficit in relation to control over decision-making processes within the framework of the European Union, but also in WEU, the Assembly of which has only a consultative function and is composed of delegations from national parliaments, while the European Parliament, composed of parliamentarians elected by direct universal suffrage, hopes to exercise rights of co-decision in security and defence matters or even to replace the WEU Assembly entirely for these questions.

23. Finally, there are two difficult problems to resolve if one wishes to improve the structures ensuring European security: one is that of future transatlantic relations and the rôle of the United States in Europe, and the other, closely linked to the first, is the question of enlargement to the east, including the place Russia might occupy in that system to satisfy its legitimate security interests.

III. Different concepts for linking the defence dimension with the European Union

(a) The community concept

24. The concept of bringing European foreign policy, security and defence (and also internal affairs and justice) into the community corresponds to the idea of building Europe, which would no longer be based on different pillars (community and intergovernmental), but according to which the European Commission would evolve towards a truly European government, possessing all the powers that are characteristic of national governments.

25. In this version of Europe, the rôle of the governments brought together in the Council would be reduced to that of a second chamber along the lines of the German Bundesrat, while parliamentary supervision would be entrusted to the European Parliament alone, elected by direct universal suffrage, the rôle of the national parliaments alongside the European institutions not being clearly defined. The concept of straightforward incorporation in the community is upheld primarily by the European Parliament and also enjoys widespread support in German political circles, as testified in a paper on thoughts about European policy, published by the CDU/CSU parliamentary group of the German Bundestag in September 1994.

26. This document does not however set out very clearly the need to bring the CFSP and the defence dimension into the Community. It states that now is in fact the time to introduce a common defence and it therefore advocates that the 1996 conference "reorganise" relations between WEU and the European Union, but without stating how. The communitarisation of the CFSP has moreover supporters amongst the governments of the Netherlands and Belgium, which are nevertheless cautious about the real possibility of its being implemented during the 1996 intergovernmental conference. In a report submitted on 30th March 1995 on behalf of the consultative committee responsible for European questions of the House of Representatives of Belgium, Mr. Eyskens considers it desirable in principle for WEU to be integrated into the European Union. However, he doubts that this transformation will come into effect in 1998.

27. Other more concrete proposals have been made in this connection. Mr. Jean-Marie Guehenno, representative of France to WEU, observes in a recent article on European security: The impossible status quo', "Some even imagine that the Secretary-General of WEU is also the European Commissioner responsible for the CFSP"; as had

9. *Politique étrangère*, January 1995, page 29.

already been suggested by Mr. Bourlanges, rapporteur of the Committee on Institutional Affairs of the European Parliament¹⁰, to the effect that WEU's "Secretary-General should be the Commission Vice-President responsible for international action..."

28. Such an approach does not of course pre-empt the Council's ultimate powers of decision-making in an intergovernmental context and consequently safeguards the principle of member states having responsibility for decisions to be taken in security and defence matters. Nevertheless, this approach, in granting the Commission not only the right to initiate but also executive responsibility in this area, regarded by many member states as going to the heart of national sovereignty, tends towards attainment of a political aim, namely communitarisation of defence by an ad hoc institutional measure; it in no way resolves the fundamental divergences on whether defence Europe should be organised in a community or intergovernmental fashion.

29. Hence the implementation of such a proposal, far from strengthening effectiveness, would cause greater confusion regarding the areas of responsibility of the various institutions of the Union. Causes of this confusion are moreover to be found in the wording of Title V of the Maastricht Treaty which shows clearly that it was impossible to overcome fundamental disagreements. To increase the confusion over the respective areas of responsibility of the Community and intergovernmental institutions might paralyse the decision-making process. This also holds good for the proposal made by the Netherlands Government on 30th March 1995 concerning increased participation by the Commission in the work of a strengthened CFSP unit in the framework of the Secretariat of the Council or of a new CFSP body.

30. So far, no member government of the European Union or of WEU has proposed a sophisticated concept for bringing Europe's defence dimension into the Community, but it is clear that certain states categorically reject this idea. The report published on 6th April 1995 by the Council of the European Union on the functioning of the Treaty on European Union therefore limits itself to advocating: "As regards preparation for decision-making [in the CFSP area], it is necessary for the bodies and structures of the old EPC [European political co-operation] to be properly integrated into the single institutional framework provided for by the TEU [Treaty on European Union]". The European Commission itself on 10th May 1995 published a report on the operation of the Treaty on European Union, the aim of

which was to make an assessment rather than put forward proposals. Regarding the operation of the CFSP, this report concludes that:

"The very fact that two different working methods – the Community approach and the intergovernmental approach – coexist in the same treaty is a source of incoherence. Experience has confirmed the fears previously expressed on this subject. The single institutional framework which was supposed to ensure harmony between the various 'pillars' of the treaty has not functioned satisfactorily. The proper lessons have to be drawn."

The European Commission considers that: "The Union must develop a genuine common foreign policy commensurate with its economic influence and equipped with effective decision-making machinery". The European Commission therefore gives a highly critical assessment of the division of the Union's areas of action into different "pillars". It also considers that the link with WEU has not worked satisfactorily.

31. The study undertaken by the European Strategy Group and the WEU Institute for Security Studies entitled "Towards a common defence policy" analyses the possibility of merging the Treaty on European Union and the WEU Treaty. The authors feel that "the strictest institutional coherence would require that all policies (the CFSP, the CDP and the CD included) should be *communitarised*". But they rightly acknowledge that "this option, however, seems difficult to achieve, both because not all the EU members are prepared to accept the commitments deriving from Article V of the modified Brussels Treaty and because it would require a major transfer of national sovereignty to the EU to guarantee the effectiveness of a CD."

32. Even Mr. van den Broek, the European Commissioner for foreign affairs and security, stated before a committee of the European Parliament in early January 1995 that the introduction of the defence component might be facilitated by retaining WEU as a separate structure¹¹. Moreover, it appears that a study prepared at the request of this same commissioner by the high level group of experts on the CFSP concluded in December 1994 that foreign policy, security and defence issues were special cases, to which it was impossible to apply the "community" formulas which had proved their worth in the economic sphere, but were not to be imitated in the area which concerns us here.

33. Your Rapporteur, who does not endorse extending the community process to European defence, feels it necessary nevertheless to add the

10. See the draft report of the Committee on Institutional Affairs of the European Parliament on the operation of the Treaty on European Union with a view to the 1996 intergovernmental conference - implementation, 10th April 1995.

11. Europe, No. 6392, 6th January 1995.

following considerations: in order to understand why German policy is particularly favourable to the "community" concept of European defence, it must not be overlooked that herein lies the expression of the firm intention of a united and consequently much more influential Germany, vis-à-vis its European partners, to be integrated wholeheartedly into Europe so as to avoid its increased influence leading to a renationalisation of defence policy and/or a possible return to a policy of ad hoc alliances in Europe the consequences of which that continent suffered up to the end of the second world war. Paradoxically, Germany's determination to be integrated into Europe and even to be subject to decisions taken by qualified majority in cases where Germany was in a minority is often used by opponents of the community system as an argument against the Germans, to the effect that such a system would automatically lead to Germany dominating Europe. Advocates of a community system on the other hand at times criticise the intergovernmental system, arguing that the latter would also facilitate German domination in another manner ...

34. It is to be hoped that the British Foreign Secretary, Mr. Hurd, was right when he stated in a speech in Berlin on 28th February 1995 that one should not fear being driven to a choice between two extremes: far-reaching integration on the one hand and competition between nation states on the nineteenth century model on the other. In his view, a balance must be found between the system introduced with the single market and community institutions on the one hand and the survival of the nation states on the other. This approach seems more reasonable than the endeavours of another British minister who attempted, in an article in the German press, to convince public opinion in that country that nationalism as such was not such a bad thing¹². Almost simultaneously, Mr. Mitterrand, the outgoing President of the French Republic, stated in his last speech to the European Parliament that nationalism was war¹³.

35. In any event, it now seems that it will prove impossible at the 1996 conference to overcome the differences between those in favour of making all the Union's areas of activity a Community matter and those who prefer the intergovernmental system in certain matters and particularly defence. However, according to Mr. Guehenno "the present ambiguity, which holds out the possibility of future European integration, without truly implementing it, cannot be maintained for any length of time"¹⁴. However this does not mean that the intergovernmental conference is

condemned to failure. It is possible to make considerable progress while retaining an intergovernmental approach.

36. For, as matters now stand, it is essential to bring the views of states together, not to deprive them of their ability to assess the situation and decide on action. It is a matter of facilitating their decision by assuring them that they will have the necessary means to act. To subordinate all action to bodies which accept only collective action would leave Europe completely powerless.

(b) Intergovernmental concepts

37. A gradation of such concepts is to be noted. First, let us consider those closest to the Community system and subsequently those which opt more in favour of maintaining the autonomy of existing institutions, practically without change.

(i) Merger of WEU and the CFSP (second pillar of the European Union)

38. On 8th March 1995, the German Minister for Foreign Affairs, Mr. Klaus Kinkel, stated he was in favour of a merger between the European Union and WEU. He advocates that Germany and France co-operate closely in this connection and convince their partners of the necessity of this measure which would constitute further progress towards European integration¹⁵. Although the German minister does not enter into the detail of the practical arrangements for this merger, his proposal makes clear that it falls within the framework of the development of the CFSP and therefore within the existing intergovernmental domain. However, it does not rule out the fact that decisions might be taken by qualified majority, which has not hitherto been the case in defence matters.

39. In emphasising that the development of the Eurocorps, the fledgling European army, was a model for co-operation in defence matters, of great interest to many European Union member states, the German minister opened the door to multifarious conjecture as to the authority under which this body should be placed after any merger between the European Union and WEU. This statement might therefore be interpreted as a proposal for incorporating WEU into the second pillar of the European Union, namely the CFSP, as it introduces the possibility of decision-making in defence matters by qualified majority.

40. In an interview with *Le Figaro* on 16th March 1995, and at the end of March, in the framework of the Königswinter conference, the traditional meeting-place of British and German officials, Mr. Kinkel repeated his proposal for

12. David Davis, *Frankfurter Allgemeine Zeitung*, 17th January 1995.

13. *Le Figaro*, 18th January 1995; *Le Monde*, 19th January 1995.

14. *Politique étrangère*, January 1995, page 27.

15. *Die Zeit*, 10th March 1995.

merging WEU and the European Union¹⁶. He stressed that the European Union should develop its ability to act in this area of the CFSP and rapidly adopt clear positions. "This is why majority decisions in foreign policy should no longer be taboo". He added that "those demanding this new procedure should, in all honesty, state that they will accept majority decisions even when they are contrary to their own preference!" Mr. Kinkel also replied affirmatively when asked whether it was necessary to create a European foreign affairs ministry.

41. In this context, it should be recalled that the report of the Council of the European Union on the operation of the Treaty on European Union states that, since the entry into force of this treaty, unanimity is the rule and that qualified majority voting, the use of which is made possible by Article J.3, paragraph 2 of the Treaty on European Union, has not been used.

42. According to information appearing in the American and French press¹⁷, the German Government is currently preparing to take a position along the lines referred to in paragraph 40; it will reach its decision towards mid-June 1995. According to the press articles mentioned, the German Government would appear to be considering providing the Secretary-General of the Council of the European Union with a "working unit" similar to a forecasting and analysis centre. The Secretariat-General would act as a transmission link between the European Council and the Commission in Brussels and might eventually in the longer term be brought together with the WEU Secretariat-General, having itself been merged with the European Union.

43. According to a report by the Netherlands Government on the CFSP of the European Union, transmitted on 30th March 1995 to the Netherlands Parliament, Germany's idea of introducing, when possible, majority decision-making for adopting a common action deserves serious consideration. The Netherlands Government states in this respect that this would be "majority decision-making within an *intergovernmental* context. This must be distinguished from majority decision-making within the *Community* framework, which is a process based on the Commission's exclusive right of initiative..." It feels however that "communitarisation of the CFSP along these lines may be an option for the longer term."

44. On the basis of these considerations, the Netherlands Government is examining the different approaches to absorption of WEU in the European Union, for which it expresses its preference in principle. While giving greater weight to

the Community approach, the Netherlands Government is endeavouring to draw closer to Germany on this point. It thinks however that in view of the tension resulting from differences between the Community and intergovernmental points of view, it will be necessary to seek solutions where elements of a Community approach are combined with the needs of member states that wish to retain an intergovernmental concept of the CFSP. All these considerations are leading the Netherlands Government to opt for WEU's integration into the second pillar of the Union (the CFSP) which has "the advantage of smoothing the transition from CFSP to a common defence policy..."

45. The Netherlands Government nevertheless feels that "given the complexity of the problems mentioned above, it does not seem possible to achieve full integration of WEU in the EU in the short term. While the former will therefore continue to exist as a separate organisation for some time to come, the IGC ought nevertheless to take the first steps towards full integration." Your Rapporteur has developed in paragraphs 28 and 29 above the reasons why she believes that the attempt to mix Community and intergovernmental responsibilities in this way over a transitional period can only lead to increased confusion and growing difficulties in the decision-making process and can in no way improve its effectiveness and transparency.

46. The same holds true for the proposal made by the Prime Minister of Belgium, Mr. Dehaene, in an address given to the Collège d'Europe in Bruges¹⁸. He suggested WEU being associated with the European Union through the establishment of a common budget, the merging of the Secretariat with the CFSP and the presidencies being held by one and the same country.

47. The creation, on NATO lines, of a high-level secretariat for the CFSP, which would also be responsible for WEU affairs, was proposed as far back as October 1994 by the Italian Minister for Foreign Affairs, Mr. Antonio Martino. The appointment of a Secretary-General for the CFSP has also been suggested by Mr. Lamassoure, French Minister for European Affairs and by Mr. Aznar, Chairman of the Spanish People's Party. However the latter two do not specify whether the Secretary-General in question should have responsibilities for WEU. Nor do the three proposals settle to what extent this secretary-general should or should not have duties separate from those of the Secretary-General of the Council of the European Union, already in office.

48. Certain considerations put forward by the European Strategy Group and the WEU Institute for Security Studies on bringing WEU in as a true

16. See AFP, 30th March 1995.

17. Wall Street Journal Europe, 9th May 1995 and Le Monde, 18th May 1995.

18. La Libre Belgique, 24th March 1995.

component of the European Union¹⁹ also fall within the scope of the merging of WEU with the CFSP. According to this thinking:

“The modified Brussels Treaty (WEU) could be formally included in an amended Maastricht Treaty, establishing EU recognition of its application to all members of WEU. Those members of the EU that are not members of WEU would therefore recognise the WEU rôle in the CFSP and CDP, and commit themselves to avoiding any action that might impede or run counter to it. Such a decision by itself would not modify considerably what is already established by the Maastricht Treaty, except for one significant point: it would make WEU a formal part of the EU. Thus, the present mechanism, according to which the EU Council of Ministers can only *request* WEU to act, would become obsolete and the EU Council of Ministers would simply tell WEU to act.

However, such a change would only be acceptable if the EU simultaneously adopted other measures making *variable unity* a working reality and guaranteeing the effectiveness of the CDP/CD decision-making process.

The decision to include the text of the modified Brussels Treaty in the Maastricht Treaty is different from the decision to *fuse* the two treaties. However, it would probably initiate a gradual process of *communitarisation* of the CDP/CD and WEU that could lead to some important modification of the modified Brussels Treaty itself. A significant change would be that the Commission of the EU could also itself propose to the WEU Council that a *joint action* be initiated. If the *communitarisation* of WEU and of the CDP developed further, it could mean that if a *joint action* were proposed by the Commission, the WEU Council would decide by majority vote.

Also, the problem of revising the rôles and powers of the Secretary-General of WEU could arise. Such a revision could be required if the Secretary-General of the CFSP were also the Secretary-General of WEU. In particular, it should be made clear whether this new “double-hatted” Secretary-General would hold powers of initiative or not and his relationship with the Commission, the EU Council and the European Parliament would need to be defined.”

49. The high-level group of experts on the CFSP set up by Mr. van den Broek, European

Commissioner responsible for European common security policy, proposed at the end of December 1994 creating “permanent central analysis and evaluation capability in Brussels, ... endowed with the necessary study and information capacity ... directed by a political personality designated along the same lines as that for the President of the Commission (European Council and European Parliament) and thus benefitting from sufficient authority, independence and duration in office.” The group proposes, inter alia, that such a person should bring together, within a common framework, the tripartite expertise of the Council of the Union, the European Commission and of WEU.

50. A like idea was taken up in an address by Mr. Jacques Poos, Deputy Prime Minister, Minister for Foreign Affairs of Luxembourg, on 3rd April 1995, to the Royal Institute of International Relations in Brussels in which he stressed that the Commission should be associated with this unit of analysis and take on a more active rôle, if only because of the global nature that security policy is likely to have in future. The Netherlands Government is calling for a strengthening of the CFSP unit by proposing that the body within which the CFSP is prepared should be detached from the Council Secretariat which has responsibility for preparing all Councils of Ministers. Such a body, possibly under the authority of a Secretary-General, might be exclusively dedicated to the CFSP. According to the Netherlands Government, the Commission should participate in the work of such a strengthened CFSP unit.

51. Conversely, a report submitted by Mr. Eyskens on 30th March 1995, on behalf of the consultative committee responsible for European questions of the House of Representatives of Belgium, takes the view that “one must avoid stronger institutionalisation of the CFSP leading to the creation of a sort of ‘high authority’ responsible for the CFSP, in parallel with the Commission and to the latter’s detriment”.

52. Summarising all the known initiatives so far for merging WEU with the CFSP, it has to be admitted that none of them offers viable solutions for overcoming the various dilemmas facing the intergovernmental conference:

- no state will accept that its soldiers should sacrifice their lives on the basis of a qualified majority vote²⁰;
- the problem arising from the fact that five states of the European Union are not prepared to become full members of WEU has not been resolved;
- the question of the participation of associate member countries such as Iceland,

19. Towards a common defence policy, March 1995.

20. Nicole Gnesotto in *Politique étrangère*, January 1995.

Norway and Turkey in WEU once the latter has merged with the CFSP, has not been decided;

- the difficulty of achieving coincidence between the WEU and European Union presidencies still remains;
- the confusion between the respective areas of responsibility of the Community and intergovernmental institutions would increase, at the expense of the effectiveness and transparency of the decision-making process;
- the different aspects of merging the treaties or of incorporating the modified Brussels Treaty in a new treaty of the Union have not been developed;
- the question of democratic control over WEU when merged with the CFSP will necessarily aggravate the problem of the respective areas of responsibility of the WEU Assembly and of the European Parliament.

53. Under such conditions, it is difficult to imagine that a merger of WEU and the CFSP based on the introduction of a qualified majority vote for defence matters, in connection with the second pillar of the European Union might lead to a strengthening of security, democracy, effectiveness and transparency within the Union.

(ii) *The creation of a fourth pillar of the European Union*

54. Conversely, study of the merger between WEU and the European Union within the framework of intergovernmental structures might lead to the idea of creating a fourth pillar of the European Union: to the second pillar – common foreign and security policy, and third pillar – internal affairs and justice, would be added a “defence pillar”. In this connection, the United Kingdom press initially gave to understand (in autumn 1994²¹) that the government of that country would be prepared to accept a fourth pillar, but the United Kingdom Prime Minister announced at the beginning of March 1995 that his government rejected this model in favour of pursuing the development of WEU in a structure separate from that of the European Union²². For different reasons, the Netherlands Government is of the opinion that the creation of a fourth pillar within the Treaty of European Union seems to have few advantages²³.

21. The Guardian, 27th October 1994.

22. Memorandum on the United Kingdom Government's approach to the treatment of European defence issues at the 1996 intergovernmental conference, 1st March 1995.

23. See report on the CFSP, transmitted by the Netherlands Parliament on 30th March 1995.

55. Notwithstanding the United Kingdom and Netherlands positions, it might be assumed that WEU's incorporation into a new pillar of the European Union will be an issue in one way or another in the 1996 negotiations. It is necessary therefore to examine the problems and implications of such a model. According to the study of the European Strategy Group of the WEU Institute for Security Studies referred to previously, the 1996 conference “could follow the Maastricht path, choosing to strengthen a *single Union with multiple pillars*, and making WEU a formal pillar of the EU like the monetary union and maintaining distinct decision-making rules inside it. This approach might gain the support of several member countries but would require a significant rewriting of both treaties.” According to this study, “it is unlikely, and it would be imprudent for the next IGC to make such an effort without a careful appraisal of further experience and of various possible decision-making procedures.” If WEU were to become one of the pillars of the European Union, the first question to be raised would be the fate of the modified Brussels Treaty. One might envisage, as the European Parliament has proposed, incorporating the “fundamental elements” of the modified Brussels Treaty into the new Treaty on European Union²⁴.

56. But what are the fundamental elements of the modified Brussels Treaty that should be preserved? The only thing which is clear in this respect is that the European Parliament wishes to see a change to Article IX so that the powers granted under this provision to the WEU Assembly are transferred to it. Several other questions are also raised: account must be taken of the fact that five members of the European Union are not ready to commit themselves fully to co-operation in WEU. While the European Parliament considers that a different (unspecified) solution must be found for member countries of the Union which are not full members of WEU, certain groups of experts of the European Commission feel it necessary to foresee a new institutional mechanism according to which WEU would retain only its collective defence function under the terms of Article V of the modified Brussels Treaty. Such a concept is, however, contrary to the recently publicised United Kingdom position, according to which the collective defence of Europe should remain the principal task of NATO, while WEU should concentrate on the “Petersberg” missions, namely humanitarian, peace-keeping and peace-enforcement missions²⁵.

57. Although technically it is not difficult to incorporate all or part of the modified Brussels

24. See the Poettering report, European Parliament document A3-0109/94, adopted 24th March 1994.

25. Memorandum on the United Kingdom Government approach to the treatment of European defence issues at the 1996 intergovernmental conference, 1st March 1995.

Treaty in a new title of the Treaty on European Union (in the same way as all the treaties setting up the European Community, the Coal and Steel Community and the European Atomic Energy Agency have been incorporated in it), the aforementioned example shows that a complex discussion of the use or need of each of these provisions is likely.

58. In order to avoid this type of discussion, whose result cannot be foreseen, at the 1996 conference, one might be tempted simply to follow the United Kingdom suggestion²⁶ of 1st March 1995, which would allow WEU to pursue its development independently of the structures of the European Union, but in close cooperation with them. However, this solution would not exempt WEU from the obligation of re-examining the provisions of its own treaty and of the Maastricht Treaty, a review which should extend to relations between WEU and the Atlantic Alliance. WEU is, in point of fact, the only European institution with a contractual link with the Atlantic Alliance from which the whole of the European Union might benefit, the more so, the closer WEU draws to that organisation at institutional level.

59. Furthermore, as mentioned above, the pressure that will be exerted by certain countries and interested institutions of the European Union to bring about the "absorption" of WEU by the Union will continue to be very strong on account of a perspective that is very widespread, particularly in Germany, that any stagnation in European integration has to be regarded as a reversal of that process.

60. If we wish to advance – in the root meaning of the word – European Union, an initial pitfall must be avoided: the 1996 intergovernmental conference must not degenerate into a competition between interested institutions where each is endeavouring to ensure its survival or increase its powers and areas of responsibility according to Montesquieu's sociological law. Hence, "large organisations", which are powerful and structured, tend to seek to stifle any activity by another organisation automatically perceived as a "competitor" even when it is of negligible weight and its field of action is different²⁷. It is therefore necessary first to agree the main aims of a revision of the provisions of the Maastricht Treaty relating to security and defence matters and the criteria to be followed to achieve such aims.

61. Any review tending towards WEU's possible transformation into one of the pillars of the

European Union must be motivated by the primary intention of guaranteeing and strengthening the security of European citizens and not of reducing or weakening it. There can therefore be no question of in any way lessening the scope of Article V of the modified Brussels Treaty. Above all, it would be unacceptable to use possible weakening of the scope of this article to facilitate the entry into WEU of five countries, Austria, Denmark, Finland, Ireland and Sweden, or to make it easier to enlarge WEU to include the countries of Central Europe. It would be equally dangerous to opt to follow a policy the aim of which was to make NATO the only organisation responsible for the defence of Europe on the sole basis of Article 5 of the Treaty of Washington, which imposes less stringent obligations than Article V of the modified Brussels Treaty, while WEU's main task became no more than implementing Petersberg-type missions. Now if NATO military structures are the only guarantee of the allies' collective commitment, any withdrawal of American forces, if confirmed, would put an end to that structure. If the intergovernmental conference were to decide to include the mandate provided for under Article V of the modified Brussels Treaty in the Treaty of Maastricht, legitimate collective defence would then be the responsibility of the European Union and WEU would become its defence pillar²⁸. According to the Netherlands Government report referred to earlier on the foreign, security and defence policy of the European Union, most member states, including the Netherlands, will consider that there can be no common defence policy without mutual obligations, even if that does nothing to change the fact that the implementation of such a policy continues to be the responsibility of NATO.

62. Conversely, there are still many underlying uncertainties and misunderstandings about establishing the conditions necessary for decision-making on crisis-management, peace-making or peace-enforcement outside the area of application of compulsory mutual assistance. Admittedly there is no treaty that obliges European nations to take joint decisions in the areas just mentioned. The Netherlands Government therefore rightly emphasises the need for stronger external action on the part of the European Union "primarily... because contemporary problems exceed, to an increasing extent, the capacity of individual countries to make an appropriate response." But it is debatable to present matters as if the tasks referred to above did not derive explicitly from the modified Brussels Treaty. It is therefore necessary to reiterate the terms and emphasise the scope of Article VIII, paragraph 3, of the

26. Memorandum on the United Kingdom Government approach to the treatment of European defence issues at the 1996 intergovernmental conference, 1st March 1995.

27. *De Defensa*, 10th April 1995, Volume 10, No. 14, page 14.

28. See "Towards a common defence policy", a study by the European Strategy Group and the WEU Institute for Security Studies, March 1995.

modified Brussels Treaty²⁹, which should be preserved in its entirety and applied in the event of WEU being incorporated into a fourth pillar of the Union.

63. The major advantage of this provision lies in the fact that the WEU member states and (in the event of its incorporation into a new treaty on the Union) those of the Union are free to commit themselves or not in joint action out-of-area and situations covered by mutual assistance obligations. Consultations on the basis of Article VIII, paragraph 3, of the modified Brussels Treaty can therefore lead to a decision on joint action without obligation to participate therein, but also without the possibility of blocking it by a veto. This procedure enables certain countries to abstain but also to delegate to others the power of acting on behalf of WEU, as was the case in the Gulf and in Bosnia.

64. Moreover, it is necessary to maintain and strengthen suitable means for ensuring transatlantic co-operation within the framework of NATO, as expressly provided for in Article IV, paragraph 1, of the modified Brussels Treaty. The contractual link must not be affected by efforts to extend the range of transatlantic co-operation to other areas on the basis of future provisions. Closer co-operation with NATO should become obvious in particular when it is a question of harmonising points of view on the enlargement of European and transatlantic institutions, in particular towards the East. This subject will be examined further in a subsequent chapter. In any event, Article XI, governing the conditions under which other states might be invited to accede to the modified Brussels Treaty, must be retained.

65. Inter alia, the fate of Protocols II and III and Protocol IV on the Agency for the Control of Armaments, based on Article VIII, paragraph 2, of the modified Brussels Treaty must be determined. In this connection, your Rapporteur supports the proposal for the elimination of the Agency for the Control of Armaments presented by the Assembly in June 1991 in its Recommendation 504 on the revision of the modified Brussels Treaty on a report by Mr. Goerens³⁰.

66. In the event of the main parts of the modified Brussels Treaty being transferred to a new revised treaty on European Union, it will be absolutely essential to study the consequences of this at institutional level and at the level of the decision-making process. Similarly, in the event of a merger of WEU with the second pillar of the

29. Article VIII, paragraph 3 states " At the request of any of the high contracting parties, the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability. "

30. Document 1261.

European Union (the CFSP), the specific problem will need to be resolved of the five countries which are no more prepared to take on more binding commitments in defence matters within the framework of a revised treaty on European Union than they are at present to accede to the modified Brussels Treaty. Furthermore, a solution must be found for WEU associate members, namely Iceland, Norway and Turkey, which, through the " defence " pillar should be enabled to obtain the same status as member countries, without necessarily participating in the CFSP pillar in its present configuration.

67. According to the opinion which the Netherlands Government submitted to the Netherlands Parliament on 30th March 1995, a form of association of these countries with the European Union might be envisaged. " This may involve no more than a new fourth pillar but, given the fact that common defence policy and the CFSP are closely interlinked, it may extend to the second pillar, especially if the common defence policy ultimately takes shape within it. This question is especially relevant in view of the special position of Turkey, and it therefore merits particular attention during the preparations for the IGC. " Indeed, this question will become crucial if the eventual full integration of the " defence dimension " into the Union is envisaged.

Implications for the executive

68. Among the various models considered, the one developed in the study of the European Strategy Group and the WEU Institute for Security Studies, published in March 1995, deserves particular attention. According to this model:

" Since all members of the EU are represented within WEU, a Defence Policy Council could meet in the same configuration as the EU Council of Ministers does for the CFSP, adding defence ministers; only member countries of the modified Brussels Treaty would have the right to vote, whereas the others would not be obliged to adopt the Council's decisions, yet have the possibility of associating themselves with the policies decided on. Participation in meetings of the Council would be in accordance with the agenda: discussions related to Article V or concerning relations with NATO would not be open to WEU non-member countries, in line with current WEU practice. Similar rules would apply in meetings of subsidiary bodies of the Defence Policy Council, including those of high-ranking officials from capitals dealing with the CFSP and defence (the EU's Security Group and WEU's Special Working Group could then be combined). As there are already permanent representatives to

WEU, a second Committee of Permanent Representatives dealing with defence policy would have to be set up in the EU; this would not necessarily imply the creation of two delegations from each EU member state, as the second ambassador could be a member of the national representation to the EU."

69. The authors of this study rightly wonder: "What will happen concerning the associate members or associate partners that already participate in the working of WEU but will not all become full members of the EU in the near future?" Without being able to give definite answers – which is not surprising given the complexity of the problems to be handled – the authors take the view that:

"Arrangements will have to be made for these countries, which of course cannot be deprived of their present rights in WEU. The answer will not be easy to the extent that the EU, for reasons of homogeneity, does not have a comparable associate status. It might be useful to devote some thought to the introduction of such a status for non-member countries so that they can participate in the intergovernmental pillars of the EU. Another problem, closely related to the former, is worth considering if it is decided to incorporate WEU into the EU: can the EU become a European pillar of the Atlantic Alliance if its members are not all members of the alliance and if some European NATO allies are not members of the EU?"

70. Again, according to the abovementioned study:

"The WEU Secretariat... could become a subdivision of the EU Council Secretariat as a specialised directorate for defence policy. The Planning Cell, which would only respond to the Defence Policy Council, could be collocated with the EU Council Secretariat."

71. As paragraphs 46 to 50 above have already shown, there are other proposals for creating a high-level secretariat for the CFSP, separate from that of the Council of the Union, but at the same time responsible for WEU affairs. Conversely, Mr. Guéna, in his report on behalf of the delegation of the French Senate to the European Union on the anticipated reform in 1996 of the European Union institutions³¹ suggests the creation of a secretariat-general for each pillar of the Union, whereas the group of experts formed by Mr. van den Broek has proposed the creation of a central analysis capability bringing together the tripartite

expertise of the Council of the Union, WEU and the Commission. The involvement of the latter in defence matters nevertheless raises very wide controversy.

72. The authors of the study by the European Strategy Group of the WEU Institute for Security Studies already referred to are very aware that certain member countries are most reluctant to see the responsibilities of the European Commission extended to defence policy matters. They recognise therefore that it might prove difficult to reach agreement on a mechanism that is differentiated from the existing CFSP procedures (where the Commission has a non-exclusive right of initiative). In their opinion, "a right to put forward proposals would, as an alternative, be given to the EU Council Secretariat, specifically to its specialised Defence Directorate. This would not be exclusive, as the member states would themselves have the right to put forward proposals." Indeed, the question as to whether the European Commission should acquire a responsibility in the event of WEU being incorporated into a fourth pillar of the Union, which would remain purely intergovernmental and would take decisions on a unanimous basis, will be crucial in assessing the acceptability of such a model.

Parliamentary supervision

73. Parliamentary supervision is the issue which will raise the most acute controversy in the event of WEU being incorporated into the European Union, even if it is to be integrated into a purely intergovernmental "defence" pillar and separate from the CFSP in its present form. There are many and various proposals for improving democratic supervision of defence and security policy.

74. Before examining them, it is necessary to stress that the Assembly of WEU considers strengthening democratic supervision to be a crucial factor in building the European Union as a whole, which, ten years hence, will perhaps include some 25 member countries, the population of which, in excess of 450 million inhabitants, will be far greater than that of the United States, Russia or the Community of Independent States. The problem of effective and representative democratic supervision of such a vast area, with increasingly powerful executive bodies, therefore goes beyond the simple choice between a Europe, in particular a defence Europe, organised on a "community" model or one on intergovernmental lines.

75. Apart from this question, the following point must be examined: if one truly wishes to work for democracy in a unified Europe, must one really limit oneself to asking repeatedly for the powers and rights of the European Parliament alone to be strengthened? Indeed, the majority of

31. The 1996 reform of the institutions of the European Union, Volume I, No. 224, 1994-95, pages 32 and 37.

the large democracies of Europe and North America, some of which have very old traditions, have preferred to ensure democratic supervision of the executive through a bicameral parliamentary system. Is it even thinkable therefore that the European Parliament should be the only parliamentary body of the European Union responsible for supervision of the European executive?

76. It must be realised that the direction the intergovernmental conference will take when settling the question of parliamentary supervision of the future defence Europe will have decisive consequences for the subsequent development of the parliamentary dimension of the entire European Union.

77. The approach chosen up to now by the Maastricht Treaty in drafting Article J.7 of Title V was to have the European Parliament intervene progressively in the area of common foreign and security policy, in other words, not only in a fundamentally intergovernmental arrangement, but also in an area which includes the eventual definition of a common defence policy, WEU being responsible for working out and implementing decisions and actions of the Union which have implications in that area. Yet according to Article IX of the modified Brussels Treaty, it is to the WEU Assembly alone that the Council of that organisation is obliged to submit a report on its activities. Further to Article J.11, the European Parliament has also obtained a right of budgetary co-decision over CFSP matters. Hence Mr. Guéna rightly observes in a report published on 15th February 1995 on behalf of the delegation of the French Senate to the European Union³² notes that the association of the European Parliament "with a fundamentally intergovernmental policy leads to a blurring of responsibility and institutional confusion, an ongoing source of procedural difficulty ... the Maastricht Treaty has initiated a mixing of the species which has proved to be a source of confusion and has aroused paralysing procedural controversies."

78. Several proposals seek to overcome present ambiguities. The European Parliament initially favoured a solution providing for the latter to replace the WEU Assembly completely, both at the level of plenary sessions and at committee level, the powers and voting conditions of the European Parliament being defined by the intergovernmental conference³³. This concept is supported, *inter alia*, by Mr. Eyskens, who wonders in the report already referred to whether the parliamentary Assembly of WEU should not be composed of members of the European Parliament.

32. The 1996 reform of the European Union institutions, Volume I, Senate Report No. 224.

33. See the de Gucht report adopted on 24th February 1994.

79. None of these considerations provides an answer to the question of how members of the European Parliament elected by direct universal suffrage and remote from national electorates can claim to exercise supervision over decisions which are taken exclusively in a national and intergovernmental framework. The only answer is perhaps to be found in the hypothesis voiced by advocates of this solution, to the effect that security and defence will ultimately be integrated in supranational, indeed "communitarised" executive bodies.

80. However, other problems are raised in this context: the first is linked to the existence of a variable geometry Europe and the other to the fact that national parliaments are claiming increased supervision over the development of decisions at European level, even in the purely "community" domain. In an attempt to resolve the first problem, Mr. Bourlanges, Rapporteur of the Committee on Institutional Affairs of the European Parliament³⁴ observes that:

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

81. It must first be noted that this proposal in no way resolves the problems due to the existence of associate member and associate partner countries which have parliamentary representation in the WEU Assembly, but not in the European Parliament since they are not part of it. Second, it does not provide for any participation by national parliaments in the "ad hoc assemblies".

82. In a report submitted in the context of the French National Assembly, two deputies, MM. Catala and Ameline³⁵ envisage the creation of an

34. See the draft report of the Committee on Institutional Affairs of the European Parliament on the operation of the Treaty on European Union with a view to the 1996 intergovernmental conference - implementation, 10th April 1995.

35. What reforms for tomorrow's Europe?, French National Assembly, delegation to the European Union, Information Report No. 1389, 8th February 1995.

interparliamentary committee with the participation of the national parliaments in the decision-making process of the Union and composed of an equal and small number of representatives per member state. "This committee would also constitute the appropriate parliamentary supervisory authority for the restricted circles set up in currency and defence matters". In these areas the function of such committee would be consultative, whereas it would have a decision-making power as regards treaty revision, the application of Article 235 of the treaty establishing the European Community³⁶, international agreements and the enlargement of the Union, the budget, income and internal and judicial matters.

83. This idea is undoubtedly interesting, but it should be recalled in this connection that in the matters in which this committee would have consultative responsibilities, the WEU Assembly with its present structures could be used perfectly well, whereas the second area of responsibilities envisaged for this committee would raise – as the authors themselves recognise – awkward problems in connection with determining the conditions under which the national parliaments make their views known in this committee and the need to avoid the European Parliament and the committee mutually paralysing each other.

84. If it is wished to maintain democratic and representative supervision in the framework of a European Union which is to be enlarged considerably in a foreseeable future, it is necessary to create a bicameral system which facilitates such supervision and does not lead to a stalemate. It is therefore necessary to establish clearly the responsibilities of the parliamentary institutions in question. Conversely, one must reject any proposal tending to create mixed parliamentary institutions such as the one which envisages representatives of national parliaments sitting in the European Parliament alongside members elected by direct universal suffrage.

85. This solution would not only have the disadvantage of creating a two-speed Assembly, but, far from improving efficiency, would contribute also to a blurring of responsibilities. The same holds true for the proposal developed in Chapter V of the study by the European Strategy Group and the WEU Institute for Security Studies which envisages replacing the WEU Assembly by a newly-created joint parliamentary committee on European defence, composed of representatives of the European Parliament and members of the

security and defence committees of the various national parliaments. Conversely, this study rightly points out that the present composition of the WEU Assembly, being dependent on that of the Parliamentary Assembly of the Council of Europe, does not have any obvious link with the committees of the national parliaments dealing with defence and security policy. In this connection, the Assembly has already adopted recommendations with a view to separating its delegations from those of the Parliamentary Assembly of the Council of Europe; your Rapporteur will return to these recommendations later.

86. Consideration should also be given to the ideas developed in the foregoing study on a reform of the present functions of the WEU Assembly tending to give it more substantial powers in budget and supervisory matters. One should be aware, in any thinking on the need and possibility of creating a bicameral system of democratic supervision of the executive at the European level, that the problem concerns both the "community" and the intergovernmental spheres. Even if this question is examined on the assumption of the fourth (intergovernmental) pillar being created, it must not be forgotten that coherence should be maintained with the questions which will perhaps be raised in similar manner in regard to the Community pillars.

87. One must therefore repeat that the various proposals for the creation of a bicameral parliamentary system at European level relate primarily to the Community area. Such is the case for the proposal made by Mr. Balladur³⁷ for associating national parliaments more closely in the drafting of Community rules by the creation of a second chamber of representatives. Mr. Philippe Séguin, President of the French National Assembly, follows the same direction when he suggests creating a bicameral parliamentary system at European level where national parliaments would, collectively, have the rôle of a lower chamber, and the European Parliament that of a higher chamber³⁸.

88. If account is to be taken of the position of politicians responsible for European affairs, such as the European Commissioner, Sir Leon Brittan (in favour of creating a "committee of parliaments"), Mr. Alain Lamassoure, French Minister responsible for European affairs (who is asking that in areas where the Union Council acts as legislator, each member state should be authorised to be represented no longer by a minister but by a member of the national parliament³⁹ and Mr. Valéry Giscard d'Estaing (who wishes to set up a

36. Article 235 reads as follows: "If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures."

37. *Le Monde*, 30th November 1994.

38. For a French memorandum on Europe, *Le Figaro*, 7th December 1994.

39. *Le Figaro*, 29th November 1994.

committee of national parliamentarians responsible for supervising the policy of the European Central Bank⁴⁰), one is led to insist on the prerogatives of the national parliaments to supervise areas in which institutions take decisions in an intergovernmental framework being preserved at all cost and even strengthened.

89. As revealed in a draft report on progress achieved in implementing the common foreign and security policy, presented by Mr. Matutes on behalf of the Foreign Affairs and Security Committee of the European Parliament on 20th April 1995, it is beginning to be acknowledged within that very institution that to be effective, democratic supervision must be exercised at the same level as the source of power⁴¹. Again in this report, bicameralism is referred to as one of the solutions which would enable institutional questions to be settled at parliamentary level⁴².

90. As to democratic supervision of the intergovernmental pillars of the Union, Mr. Yves Guéna, Rapporteur of the French Senate on the 1996 reform of the institutions of the European Union⁴³, adopts the clearest possible position in advocating:

“the creation of a European senate representing national parliaments and with a mandate to exercise control ... over the various forms of intergovernmental co-operation among all or some of the member states ...

The members of this Assembly would sit in national delegations, which naturally does not exclude pluralism of views or of voting; in this way, its composition might be adjusted in accordance with the participation of states in the various aspects of the intergovernmental pillars or in related forms of co-operation between member states. Thus the WEU Assembly might become one of the formations of the European senate, the one made up of parliamentary delegates of the WEU member states; similarly, when discussing the Schengen agreements, the European senate would be composed of the parliamentary delegations of the states participating in that agreement.”

It should be noted that the WEU Assembly is already identified as this body and it is left open to states and national parliaments to decide on possible adaptations to be made to it for it to carry out wider functions.

91. Again, according to the French Senate report:

40. *Le Figaro*, 11th January 1995.

41. Paragraph 29 of the explanatory memorandum.

42. Paragraph 35 of the explanatory memorandum.

43. See footnote 32 above.

“It should be emphasised that a European senate thus conceived would not complicate the decision-making process of the Union. Its rôle would be entirely separate from that of the European Parliament. In reality, the Council of the European Union would have as its essential parliamentary interlocutor the European Parliament in the case of the community pillar and the European senate in the case of the two intergovernmental pillars. There would be no “shuttle” between these two assemblies exercising different and complementary functions. One could even go so far as to state that the proposed system would be a simplification as compared with the present situation as it would be based on a clear definition of the rôles of each one, while today’s institutional grey area between the second and third pillars is a source of confusion of responsibilities and procedural conflicts.”

92. These proposals are to all intents and purposes very interesting even if the French Senate has not formulated them with a view to the incorporation of WEU as a fourth pillar of the Union, because it considers it necessary for WEU to remain as an organisation, admittedly closely linked to the European Union, but independent of the latter. The French Senate’s proposals deserve to be examined the more carefully, given that they are directed towards granting a consultative rôle to the WEU Assembly without seeking to go further. Conversely, the report in question puts forward clear ideas on the composition of such a European senate which “should, for reasons of consistency, be determined in relation to the weighting of voting within the Council.” ... In this view, “one might, for example, envisage that the number of members of the parliamentary delegation of a state should be equal to double the number of votes that state has in the Council.”

93. The method of weighting will certainly not be the only question that will have to be settled, assuming that agreement is reached on the principle of creating a second European chamber composed of delegations from national parliaments, which would sit alongside the European Parliament. The problem will also arise as to whether the delegations to this chamber should be different from those of the Parliamentary Assembly of the Council of Europe.

94. It should be recalled in this connection that the WEU Assembly had suggested a more flexible solution in Recommendation 504 on the revision of the modified Brussels Treaty⁴⁴, by drafting the relevant article as follows:

“The Council of Western European Union shall make an annual report on its activities

44. Adopted on 6th June 1991 on a report presented by Mr. Goerens on behalf of the Political Committee (Document 1261).

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.”

States	Number of votes Council	Number of votes European senate
Belgium	5	10
Denmark	3	6
Germany	10	20
Greece	5	10
Spain	8	16
France	10	20
Ireland	3	6
Italy	10	20
Luxembourg	2	4
Netherlands	5	10
Portugal	5	10
United Kingdom	10	20
Austria	4	8
Finland	3	6
Sweden	4	8
Hungary	5	10
Poland	8	16
Slovakia	3	6
Czech Republic	5	10
Bulgaria	5	10
Romania	7	14
Slovenia	2	4
Estonia	2	4
Latvia	2	4
Lithuania	3	6

95. It will be noted at the outset that the French Senate's concept does not follow the same criteria and certainly other models of bicameral systems can be found based on the experience of the various member states which have such a system. In any event, it is virtually unthinkable that, in a Europe that will soon consist of 25 member countries or more with a total population of more than 450 million inhabitants, parliamentary supervision should be entrusted to the European Parliament alone, without national parliaments being represented at European level and able to exercise supervision over decisions taken in the intergovernmental framework.

96. Some opposition must nevertheless be expected to the introduction of a bicameral system based, on the one hand, on a European Parliament elected by direct universal suffrage and, on the other, on a second chamber composed of representatives of national parliaments. Thus, Mr.

Martin, Rapporteur of the Committee on Institutional Affairs of the European Parliament on the development of the European Union, feels that this initiative would amount to creating a third chamber alongside the (Union) Council which represents national governments and the European Parliament which represents the people. In his view, if it had any power at all, it would only make the decision-making process more cumbersome ... If it were to have no powers at all, this institution would be nothing more than an expensive platform.

97. Your Rapporteur is convinced that none of these arguments is valid. First, the Council of the Union cannot be considered as a second chamber, even if, in the Community framework, it also acts as legislator. For, as legislative functions are gradually transferred to the European parliamentary institutions, the Council will be called upon to legislate with increasingly less frequency. In this connection, Mr. Lamassoure's suggestion must be recalled, which advocated replacing governments by parliamentarians in these areas. The creation of a second chamber composed of representatives of national parliaments would not make the decision-making process more cumbersome because its powers would be different to those of the European Parliament. Even in a purely consultative function, this chamber might exercise essential political influence over the decisions of the executive.

98. On the other hand, Mr. Eyskens, author of a report in the House of Representatives of Belgium⁴⁵ on the preparation of the 1996 intergovernmental conference, considers the idea of creating a European senate to be dangerous because its introduction would institutionalise nationalist reflexes, hinder the operation of the European Parliament ... and devalue the rôle of the latter. As the work of the WEU Assembly (composed of national parliamentarians and therefore comparable to a European senate) shows, this Assembly has always been poles apart from nationalist reflexes. Indeed, since it came into existence, it has steadfastly promoted the creation of a European spirit, not merely among its representatives but also in the national parliaments of the member countries. Through the way it operates, the Assembly, where all political tendencies are represented, has always been able to develop constructive joint positions with a view to transmitting useful recommendations to the Council and giving the necessary political impetus to the governments the latter brings together. It thus contributes to developing joint solutions, often enabling stalemates in the Council to be overcome. The introduction of a European senate or chamber of representatives at European level on the model of the WEU Assembly there-

45. See paragraph 26 above.

fore in no way constitutes a danger; it would rather be an institution complementary to the European Parliament, which would be an indispensable strengthening of the principle of representative democracy in Europe.

99. In this context, the debates held on this question at the 12th Conference of European Affairs Committees (CEAC) held in Paris on 27th and 28th February 1995 must certainly be taken into consideration. These debates were very varied and dealt with subjects of interest to national parliaments in the framework of the 1996 institutional reform. The reactions of the participants at this conference to the proposal to establish a new European chamber composed of representatives of national parliaments differed widely. Most national parliaments had not yet had the opportunity to examine this question in depth and the conference did not reach a common position on it. The European Commission, in its report of 10th May 1995 on the operation of the Treaty on European Union, was therefore wrong in stating that CEAC had merely brushed aside this proposal.

100. In short, your Rapporteur is inclined to draw the following conclusions: for the Assembly to argue in favour of WEU being integrated into a (fourth) pillar of the European Union, it must be assured of keeping all its present responsibilities. It must also have a guarantee that any problems raised by incorporating the provisions of the modified Brussels Treaty into the Treaty on the Union, due to differences in composition (variable geometry) of WEU, the European Union and NATO, can be resolved without dilution of security and that the effectiveness of this new pillar will not undergo any possible blurring of responsibilities, in particular due to the involvement of the Commission and the European Parliament.

101. Taking account of all the abovementioned problems which would have to be resolved if one opts for the creation of a fourth pillar of the European Union, it is difficult to foresee whether the 1996 intergovernmental conference will be in a position to find solutions which are acceptable for all the interested parties without diluting the legal bases of security now in force. No doubt sharp disagreement can be expected not only on the content of the fourth pillar "defence" and working methods at executive level, but also the parliamentary dimension, on which it will be difficult to reach agreement, although the idea of a second parliamentary chamber at European level seems to be making headway. Your Rapporteur shares the opinion expressed in the study by the European Strategy Group and the WEU Institute for Security Studies, namely that it is unlikely that the intergovernmental conference will be able to agree on the need to redraft the two treaties and

assess all the effects of the different possible procedures in relation to the decision-making process. Wise counsel might therefore suggest that, in order to avoid a possible failure of the conference in this area, one should opt for a system that enables WEU as a whole to develop as an institution separate from the Union, but in close co-operation with it.

(c) The development of WEU in an autonomous institutional framework (United Kingdom proposal)

102. This approach has recently been put forward officially by the United Kingdom Government⁴⁶, but it is also gaining increasing support among other member countries⁴⁷ and even in the European Commission. Having recalled that, among Western European countries, the United Kingdom and France both have specific interests and responsibilities overseas, the United Kingdom Prime Minister states that:

"The government believes that the nation state should be the basic building block in constructing the kind of international order we wish to see; and that the nation state remains in particular the fundamental entity for co-operation in the field of defence. The defence of its citizens remains the first and most fundamental duty of any government. We may choose to exercise our responsibilities through coalition action with our partners, but it is a national government's duty to answer to national parliaments when troops are sent into action. So the unshakeable conviction on which our approach to the development of a European defence policy will be based will be that the basis for European action in the defence and security field should be intergovernmental, based on co-operation between nation states.

.....

Future arrangements should in particular reflect the varying memberships of the European Union and WEU. WEU has nine (soon to be ten) full members, those states who are members both of the European Union and of NATO and are thus covered by NATO's defence guarantee, except for Denmark which has opted for observer status. It has three associate members – European members of NATO who are not members of the European Union (Turkey

46. Memorandum setting out the position of the United Kingdom Government on how questions relating to European defence are to be dealt with at the 1996 intergovernmental conference, 1st March 1995.

47. See, for example, the article by Mr. Balladur in *Le Monde*, 30th November 1995.

Norway, Iceland) – who are covered by NATO's defence guarantee in the Washington Treaty but not by that of WEU. It has five observers – Denmark, plus members of the European Union who are not members of NATO (Ireland, Sweden, Finland, Austria). Denmark is covered by NATO's defence guarantee. The others are not covered by any defence guarantee; indeed, their defence and security policies have traditionally been neutral in orientation. Finally, WEU has developed an associate partnership with nine states – Poland, Hungary, the Czech Republic, Slovakia, Bulgaria, Romania, Latvia, Lithuania and Estonia. Congruence between the membership of the European Union and of WEU is thus not complete. In contrast to the position within the European Union, there is a wide spread of rights and responsibilities in WEU.

.....

Future structures should take account of the circumstances in which our armed forces are likely to be operating. Because the missions they undertake will not be concerned in the main with territorial defence, the coalitions of those involved will vary from mission to mission. Individual nations will decide on a case by case basis whether they wish to contribute forces to particular operations, taking account of military factors – for example, the existing spread of operations to which they are committed – and political – for example, regional considerations. Future structures must be able to accommodate this 'variable geometry' in future. Designing arrangements that can do so will strengthen rather than weaken the flexibility with which we will be able to respond to the challenges we face. For all of these reasons, the government has rejected the option of simply folding WEU into the European Union as an intergovernmental pillar."

103. The United Kingdom Government emphasises that: "The essential intergovernmental nature of decision-making on defence would be preserved, with none of the involvement of the European Commission or the European Parliament which is provided for elsewhere in the European Union's structure; WEU already has its own secretariat and its own parliamentary Assembly." It proposes moreover to create a new WEU authority of heads of state and of government including those of full member countries, associate member countries and observer countries. According to the United Kingdom memorandum:

"This new body would provide a reinforced decision-making process for matters

relating to European defence and for mobilising effective European military capabilities. It would thus provide the necessary underpinning to the European Union's common foreign and security policy whilst preserving and indeed reinforcing the transatlantic defence and security link. It would be built on the WEU Treaty base, and the rights and responsibilities of its members would thus mirror those already in force in the WEU Council. It would also preserve the opportunity for others to 'opt in' to WEU operations without changing their status, an issue which is likely to be of particular importance to those members of the European Union who are not members of NATO. ... The new body would have responsibility for taking forward the definition of a European defence policy, as envisaged in the Treaty on European Union. In order to improve links between WEU and the European Union, it could meet back-to-back with heads of state and government meeting in the European Council. The European Council, to which the WEU Secretary-General might be invited when it discusses issues affecting the European Union's common foreign and security policy, could make proposals to the new WEU body, which as the defence component of the European Union would have responsibility for formulating general guidelines on collective European military action."

104. When examining this initiative, one should also first welcome the fact that the United Kingdom Government has taken up proposals which the Assembly had already made on several occasions, particularly in Recommendations 556, 565 and 566. In relation to organising WEU summits, the British proposal goes further than the declaration adopted by the WEU Council at Noordwijk, under the terms of which ministers were merely invited to "consider the possibility of holding a WEU meeting at summit level before the IGC in order to finalise its political input to the conference."

105. The idea of holding WEU summit meetings on a more regular basis seems fully justified in that it would give WEU activities the political impetus which until now has always been lacking. However, if this objective is to be attained, several questions must be raised: first, whether it is not more logical for the heads of state and of government of WEU to meet before the European Council rather than after and, second, whether it should not rather be envisaged that the WEU summit meeting should be the one to transmit proposals to the European Council. Indeed, the more homogeneous framework of WEU would enable agreement to be reached more easily on an initiative in defence policy matters than in a European Coun-

cil which includes five countries which do not participate in co-operation in defence matters in WEU. It is also necessary to ensure that the WEU observer countries cannot block within the framework of the European Council any initiative put forward by WEU.

106. If we insist on continuing in the present direction followed by the Maastricht Treaty, according to which WEU must act primarily at the request of the Union, we cannot hope to develop the political initiative in WEU that we also need. Moreover it would be more difficult to reach agreement in the European Council on proposals to be transmitted to WEU. Hence the report of the Council of the European Union on the functioning of the Treaty on European Union has to admit that the new possibility offered by Article J.4, paragraph 2, has not as such been used. One of the aims of the revision of Title V of the Maastricht Treaty should therefore be to amend the text of paragraph 2 of Article J.4 by giving WEU a general mandate from the Union. The article should therefore read as follows:

“ Western European Union (WEU), which is an integral part of the development of the Union, elaborates and implements decisions and actions of the Union which have defence implications. The Council shall, in agreement with the institutions of WEU, adopt the necessary practical arrangements. ”

107. The United Kingdom proposal envisages inviting the WEU Secretary-General to attend meetings of the European Council when the latter discusses questions dealing the common foreign and security policy. One can but endorse this proposal which is in line with the recommendations which the Assembly has already addressed to the Council in this connection. The government apparently does not envisage the participation of associate partner countries in WEU meetings at the level of heads of state and of government although observer countries will be represented there. One might therefore question the reasons for such differentiation which can be explained only by the desire to avoid making decision-making too difficult through the participation of too many countries. However it would be desirable to define the criteria which would enable associate partners to participate in these meetings under certain conditions.

108. Finally, it should be noted that, in point of fact, the United Kingdom proposal does not really seek to create a new authority since Article VIII, paragraph 2, of the modified Brussels Treaty stipulates that the WEU Council can be “ so organised as to be able to exercise its functions continuously ”. The flexibility of this wording enables the member countries to be represented there at the level and in the way they see fit; in other words, it would already have been possible, in the

past, to organise meetings at the level of heads of state and of government, if the interested parties had demonstrated the will to do so.

109. In summary, it might be concluded that there are several advantages to the British approach in that it permits progress to be made in a pragmatic and flexible way towards increasing cohesion between WEU and the European Union by deepening the experience of practical co-operation between the two institutions and their respective bodies – an experience which is still fairly limited. The two parts of the fortieth annual report of the Council to the Assembly moreover say nothing about the implementation of this co-operation. In the Noordwijk declaration, the WEU Ministers nevertheless stressed that it was important to develop relations with the European Union. The report of the Council of the European Union on the working of the Treaty on European Union states merely that thinking will continue on the relations between the Secretariats-General of the Council of the European Union and WEU.

110. It would be particularly useful to obtain information on WEU's participation in the work of the Security Group of the CFSP and to know to what extent co-operation and responsibility-sharing between this group and the WEU authorities are organised. On the basis of experience gained in specific areas, among which one might quote, for example, co-operation between WEU and the European Union in the administration of Mostar, or the creation of a group of experts of the member states of WEU, WEAG and the European Union with the brief of studying the options for a European armaments policy, one might begin to reflect on improvements to be made to institutional and practical co-operation; avoiding the difficult problems that would result from any form of institutional merger. At the same time, WEU might resume the revision process of its own treaty which was already envisaged at the time of the accession of Spain and Portugal and which will be essential given the radical changes the security environment has undergone since 1989. This revision might constitute another means for WEU to draw closer to the European Union and to develop its co-operative links with its North American allies in the framework of the Atlantic Alliance.

111. The United Kingdom memorandum seems therefore to be a basis for discussion and negotiation between WEU member countries and the other partners of the European Union in the framework of the preparation of the intergovernmental conference. This document was favourably received by several governments at the meeting of the Fifteen in Carcassonne, among others, by the Portuguese Government which currently holds the presidency of the Council.

**IV. The implications of the 1996
intergovernmental conference
on Euro-Atlantic relations**

112. The preliminary conclusions on the definition of a common European defence policy which the WEU Council transmitted to the Assembly on 18th November 1994⁴⁸ contain the following sentence: "Whatever the outcome of the IGC will be, the intrinsic link between a common European defence policy and NATO will remain." However, at the present time, none of the information concerning the evolution of relations between WEU and NATO issued by the WEU Council would appear to confirm such optimism. Apparently, the implementation of the decisions reached at the NATO summit meeting concerning the conditions for making the collective assets of NATO available for WEU operations is marking time and the application of the agreements on arrangements for the deployment of combined joint task forces by WEU is still awaited. The second part of the fortieth annual report of the Council to the Assembly⁴⁹ admits that "the strengthening of WEU's operational rôle depends ... on NATO's elaboration of the combined joint task forces (CJTF) concept. The results will be a test case both for WEU/NATO relations and for the operational potential of WEU". Bearing in mind the persistent difficulties Europeans are having in reaching agreement with the Americans, one might wonder why the WEU Council, in its Lisbon declaration, welcomed with such optimism "the continuing co-operation and the institutional dialogue between WEU and NATO to develop further the CJTF concept".

113. The WEU ministers meeting in Noordwijk agreed it was necessary, in a spirit of transparency and complementarity, to intensify working relationships between the two organisations. It is even more important however for WEU to lose no time in communicating to the authorities of the European Union, in accordance with the WEU declaration appended to the Maastricht Treaty, its conclusions regarding experience gained in its relations with the Atlantic Alliance. It is most important to present to the intergovernmental conference a WEU concept explaining how the European Union, once it has a defence dimension, can become the European pillar of the Atlantic Alliance (a rôle reserved so far for WEU), if its members do not all belong to the alliance and if the European allies are not all members of the European Union⁵⁰. In an article published in the International Herald

Tribune on 30th March 1995, Mr. Kinkel, German Minister for Foreign Affairs, set out the problem as follows:

"The transatlantic partners in NATO will have to adapt to the European identity that is emerging in security and defence policy within the framework of Western European Union.

In the context of the European Union intergovernmental conference next year, the European pillar of the Atlantic Alliance will be strengthened. A key issue on the transatlantic agenda will be the future merging of NATO security and defence structures with those of European integration. NATO must not be weakened, yet Europe must be given a wider scope for action on security matters."

114. It remains to be seen how this aim is to be achieved. This contribution is decisive in the preparation of the intergovernmental conference and one cannot wait until 1996 to undertake this examination as it would then be far too late. WEU has particular responsibility in this connection since it is the only European organisation with a contractual link with NATO, based on Article IV of the modified Brussels Treaty.

115. Conversely, despite the transatlantic declaration of November 1990 and the organisation of summit meetings between the European Union, the United States and Canada, the transatlantic relations of the European Union are characterised more by a spirit of competition than by co-operation. Latterly, all sorts of proposals and ideas have emerged from the European Union authorities, and also on the other side of the Atlantic, advocating the establishment of transatlantic relations on new and wider bases, encompassing not only security matters, but also economic, scientific, cultural and other questions, over which Europe and North America are tending increasingly to find themselves in conflict.

116. Discussions on the possibility of developing a new Euro-Atlantic treaty, which are not always very coherent, should not call into question the bases of solidarity or the experience of co-operation in security and defence matters which have proved their worth in the framework of the Atlantic Alliance for forty-five years. The contribution WEU will make, thanks to the experience acquired in its relations with NATO, will therefore be crucial when it comes to determining the way in which questions linked to future relations with our North American allies should be discussed and settled during the 1996 conference. For the time being, it is difficult to determine the course the Council will follow in this matter. Its preliminary conclusions on the definition of a common European defence policy reveal only one

48. Document 1443.

49. Document 1453, 30th March 1995.

50. See Chapter VII of the study of the European Strategy Group and the WEU Institute for Security Studies "Towards a common defence policy".

or two indications of its intentions, such as, for example:

“ WEU should examine developments in the transatlantic partnership which represent an important common interest with the aim of introducing joint positions agreed in WEU into the process of consultation in the alliance.

Another aspect that could merit consideration, while taking into account the particular situation of some member states, is the relationship between the development of the FAWEU planning process and the NATO force planning process. Equally, it is necessary to consider possible relations in times of crisis between, on the one hand, forces and headquarters answerable to WEU and, on the other hand, NATO. ”

This question is raised in even more concrete terms since the decision by France, Italy and Spain to organise a land force (EUROFOR) and a maritime force (EUROMARFOR) open to all WEU member countries, the Council having stated moreover in its Lisbon declaration of 15th May 1995 that these forces would be “ declared forces answerable to WEU ” (FAWEU) and would be employed as a priority in this framework but might likewise be employed in the framework of NATO.

117. The preliminary conclusions on the definition of a common European defence policy also stress that:

“ In taking up these questions, further thought may also be needed on the procedural aspects such as the introduction of WEU views into the alliance, joint meetings of the respective Councils, and other working relationships such as enhanced co-operation between civilian and military institutions (secretariats, HQs, staffs). These questions have become even more topical in the light of the new tasks of NATO in the field of crisis-management, including peace-keeping. ”

118. However, it is not only a matter of procedural questions. One essential issue which must be examined is that of consistency between the security guarantee offered by Article 5 of the Washington Treaty, involving the nuclear umbrella and the full power of the United States, and that offered by Article V of the modified Brussels Treaty, which is legally more binding than that of the Washington Treaty. Not only is this question of decisive importance in the context of the sharing of responsibilities and costs between the two organisations (the United Kingdom, for example, considers that NATO should concentrate on the defence of Europe and WEU on the “ Petersberg ” missions, while others feel that WEU’s responsi-

bilities cannot be reduced solely to the tasks deriving from Article V), it also plays a vital rôle when it comes to tackling the problems of the enlargement of WEU, NATO and the European Union.

119. The question of sharing responsibilities between Europeans and Americans in the conduct of international affairs was again aired when, during their meeting in Carcassonne, the ministers of the Fifteen suggested that the Atlantic Alliance offer Russia a special co-operation agreement in security matters, the content of which has not been clearly defined – reference has been made to a charter or a treaty which includes a reciprocal non-aggression undertaking. This initiative is situated primarily in the context of the enlargement of NATO to the East and closely linked to that of the European Union and WEU. In an initial reaction to this initiative the Secretary-General of NATO made clear that he could not imagine a member of the European Union becoming a full member of WEU without being a member of NATO⁵¹.

V. The problems of enlargement

120. At a colloquy held in Prague on 20th and 21st February 1995 at the invitation of the Parliament of the Czech Republic, the definition of WEU’s future policy towards associate partner countries with a view to preparing the 1996 inter-governmental conference was the central subject of interest to participants. On this occasion, the permanent representative of Portugal to the Council of WEU – Portugal currently holds the presidency of the Council – set out the problems that will be raised in this context as follows:

“ ... As to the future development of relations between WEU and associate partners, I can only speak for my own country. For the time being, the Permanent Council does not envisage any strengthening of the present status. This does not mean the position of the associate partners will not change in the future. However, as you know, there are two aspects to the process of European integration – widening and deepening – and as 1996 approaches, the time has come to give priority to this matter. The final stage of their convergence with WEU is, naturally, accession to the modified Brussels Treaty, once they have completed the process of joining NATO and the European Union. They might also become observers if they do not wish to have full member status. This is the choice the Maastricht declaration offers European Union members.

51. Le Soir, 5th April 1995.

However, it is also possible that, before acquiring full member status, associate partners might become associate members of WEU. This possibility will depend on the timing on the expansion of NATO to include the countries of Central Europe. Indeed, WEU's Maastricht declaration also provides that the European members of the Atlantic Alliance may become associate members of WEU if they so wish.

.....

Enlargement should contribute to stability and peace in Europe and should not, under any circumstances, create new, artificial borders on our continent. This means that enlargement must be accompanied by mechanisms for increased co-operation with the CIS countries, particularly with Russia and Ukraine.

Enlargement should not weaken the stabilising rôle of the European and Euro-Atlantic institutions in international politics in general and European affairs in particular.

.....

Finally, the enlargement of NATO and WEU, for which the rationale is, in each case, different, must maintain the consistency of the defence guarantee provided under Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty. The best solution would be no doubt concomitant of the two alliances. But if this solution is not possible, the two organisations should agree, prior to their respective enlargement, on mechanisms to safeguard the effectiveness of the two defensive alliances and coherence between the Atlantic Alliance and its European pillar, WEU. I have no answers or certainties in this connection, but I believe we are all in agreement on the need to avoid, at all cost, the present interlocking institutions becoming interlocking institutions."

121. It is obvious that the associate partner countries are seeking, first and foremost, a security guarantee – and this is the heart of the problem. At the colloquy, the Director of the WEU Institute for Security Studies, Mr. John Roper, made the following observation regarding the present situation of associate partners:

"It is of course still to be seen what is the nature of the assurance of a non-contractual nature which can be provided to countries prior to them becoming full members of the alliance and/or WEU. This may be a political rather than contractual guarantee but to some extent, the assurance that an attack on the integrity of a country will seriously

affect the future of political relations between any aggressor and the group of allies formerly linked within WEU or the Atlantic Alliance may have a significant deterrent effect. While of course it is not as strong as the military guarantee provided by membership of an integrated defence organisation it has significant value."

122. For as long as the Atlantic Alliance, governed by a policy of giving "priority to Russia", desisted from any concrete initiative leading to NATO membership for the Central European countries, the problem of enlargement essentially boiled down to establishing parallelism between WEU's expansion and that of the European Union. In this parallel process, WEU had in fact moved ahead of the European Union in its policy towards the East by drawing the Baltic countries into the circle of associate partners, without waiting for the European Union to negotiate Europe agreements with them⁵².

123. Regarding the ways and means of establishing such parallelism between WEU and the European Union, your Rapporteur shares the opinion expressed by Mr. Soell at the colloquy held on 17th October 1994 when he stated:

"Certainly it is essential to establish a close link, particularly with the European Union, the more so that under the terms of the Maastricht Treaty, WEU shall be an integral part of the development of that Union. Let us not forget either that the modified Brussels Treaty itself invites the contracting parties to encourage the progressive integration of Europe. An important question therefore now arises about the criteria according to which this parallel progression is to be achieved. On this point, I take the view that the pursuit of more extensive relations between WEU and its associate partners cannot depend exclusively on their degree of integration in the European Union. This would mean in effect that the security concerns of these states and our own security interests would be subordinated to other considerations which prevail in the framework of the European Union. This can at times go as far as making security matters the pretext for holding back on progress in other areas. This we cannot tolerate ..."

Your Rapporteur therefore believes that establishing parallelism between the enlargement of WEU and that of the European Union should not become a means of preventing WEU members from deciding, if they so wish, to invite one or more Central European countries to accede to the

52. See the report by Mr. Soell on a European security policy, Document 1439, 10th November 1994.

modified Brussels Treaty in accordance with the criteria embodied in the latter.

124. However, it is necessary from now on to harmonise WEU's approach to enlargement with both the European Union and NATO, since the latter – under a new American political impetus – has accelerated the process of enlarging NATO. During the Political Committee's visit to Washington from 6th to 8th March 1995, Pentagon representatives clearly intimated that the United States wished that any country becoming a full member of WEU should also be a member of NATO. Otherwise, a dangerous situation might arise where a country admitted only to WEU might, by a circuitous route, benefit from a NATO guarantee.

125. This attitude of the Pentagon runs counter to the declaration of the WEU member countries annexed to the Maastricht Treaty which links accession to WEU to membership of the European Union, not of NATO⁵³. This issue is therefore of interest not only to the Central European countries but also to Austria, Finland and Sweden, which have just joined the European Union. These three countries have chosen to become observers in WEU but doubts remain as to whether the WEU Council had really given them a choice between full membership and observer status. For that reason, Mr. de Puig, the Chairman of the Political Committee, put Written Question 329 to the Council in order to determine the manner in which the latter had invited the three countries to consolidate their relations with WEU.

126. In its answer, transmitted to the Assembly on 24th February 1995, the Council stated that:

“The Chairman-in-Office of the WEU Council of Ministers, recalling the offers made in the WEU declaration of Maastricht of 10th December 1991, invited the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, in the light of their ratification of the Treaty of Accession to the European Union, to state their intentions with respect to their relations with WEU.

The Ministers for Foreign Affairs of Austria, Finland and Sweden replied to the Chairman-in-Office of the WEU Council of Ministers by confirming their desire to become observers.

The first meeting of the WEU Council in 1995 took place on 10th January and was

53. A WEU member state has stated its opposition to accession by a country which has not at the same time applied to join the Atlantic Alliance, in order to maintain identity between WEU and the European pillar of the alliance. (See the study by the European Strategy Group and the WEU Institute for Security Studies, Chapter V).

marked by the attendance of the new members of the European Union – Austria, Finland and Sweden.

Austria and Sweden were formally welcomed as observers. Finland, which has yet to finalise its internal procedures regarding its observer status, attended the Council on an informal basis.”

127. In the meantime, the Finnish Government has informed WEU that the parliamentary procedure has been completed and “the invitation to Finland to become an observer in Western European Union” has been accepted. This sentence might again raise doubts over the content of WEU's invitation, but the Council's answer to the question put by Mr. de Puig refers to the WEU declaration of 10th December 1991, clarifying that the content of that declaration is still valid. Consequently, Austria, Finland and Sweden can still be asked to become party to the Brussels Treaty without being members of NATO or be invited to do so by the WEU Council itself.

128. Matters seem more complicated in relation to the Central European countries and calls for the accession of these countries to WEU and to NATO to be synchronised⁵⁴ are being heard with increasing frequency, while opinion in other quarters is against a rapid enlargement of NATO⁵⁵. Moreover, there is no common approach in the United States on the criteria for admitting these countries to NATO. Whereas the Pentagon appears to be advocating a case by case approach, rather than by groups of states, the American Congress is preparing, in its draft bill HR7, entitled “National security revitalisation act” – which has been adopted by the House of Representatives but not yet by the Senate – to identify priority groups of states such as the four Visegrad states, at the same time fixing a series of criteria and conditions for the admission of these countries, which must specifically:

- “(a) meet appropriate standards, including:
 - (i) shared values and interests;
 - (ii) democratic governments;
 - (iii) free market economies;
 - (iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organisations do not pose a threat to democratic institutions, neigh-

54. See, for example, Mr. Rühle in *Frankfurter Allgemeine Zeitung*, 31st January 1995, Mr. Rifkind in *Süddeutsche Zeitung*, 6th February 1995 and the analysis of the group of experts of the European Commission, 19th December 1994.

55. See Klaus Kinkel in *Die Welt*, 6th February 1995.

bouring countries, or the security of NATO or the United States;

- (v) adherence to the rule of law and to the values, principles and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organisation for Security and Co-operation in Europe;
 - (vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;
 - (vii) commitment and ability to accept the obligations, responsibilities and costs of NATO membership; and
 - (viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and
- (b) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbours.”

129. It should be noted in this connection that the stage of development that the countries concerned have reached in their relations with the European Union and with WEU does not feature among the criteria listed in this bill, nor does their membership of the Council of Europe, which must be considered as the principal guardian of the principles of democracy and human rights in Europe. At the American Department of State, on the contrary, an integral concept seems to be advocated, envisaging synchronised incorporation of the Central European countries into the overall range of international security organisations in the widest sense, with a view to creating a kind of network of relations. Moreover, in a recent⁵⁶ contribution, Mr. Richard Holbrooke, Secretary of State for European Affairs at the American State Department, listed the following criteria:

- “ – NATO expansion must strengthen security in the entire region, including nations that are not members.
- The rationale and process for NATO’s expansion will be transparent, not secret.
- There is no timetable or list of nations that will be invited to join NATO.

56. International Herald Tribune, 15th March 1995.

These will emerge as the process moves forward.

- Each nation will be considered individually, not as part of some grouping:
- No outside nation will exercise a veto.
- As was the case in the original Washington Treaty, new members must be democratic, have market economies, be committed to responsible security policies and be able to contribute to the alliance. As President Clinton has stated, ‘countries with repressive political systems, countries with designs on their neighbours, countries with militaries unchecked by civilian control or with closed economic systems need not apply.’
- Each new NATO member constitutes for the United States the most solemn of commitments: a bilateral defence treaty that extends the United States security umbrella to a new nation. This requires ratification by two-thirds of the United States Senate, a point that is often overlooked.”

Conversely, Mr. William Perry, United States Defence Secretary, recently stated⁵⁷ that he was against setting out explicit criteria for joining NATO:

“Establishing rigid and detailed criteria could lead to misunderstandings and recriminations between NATO and disappointed candidates when NATO does admit new members. It could place the alliance in the difficult position of rendering explicit, public judgments on the fitness of other nations in such sensitive areas as their commitment to democracy and to a free market.”

In Europe too, a diversity of concepts can be noted, among which are to be found, for example, that of dividing the Central European countries into three circles, the first encompassing Poland and the Baltic countries, the second the Visegrad countries and the third the Balkan states⁵⁸.

130. Moreover, account must be taken of the fact that any enlargement of NATO to the East will require an equitable arrangement with Russia, even though it is constantly repeated that this country will have neither a right of regard nor of veto in this context. The West’s hesitancy, since the creation of the partnership for peace, in clearly defining its concepts in this area and its lack of

57. NATO enlargement, USIS, 23rd March 1995.

58. See Thierry de Montbrial in *Le Figaro*, 7th February 1995.

cohesion over the choice of criteria to be followed would appear to indicate that this process will be extremely lengthy. There will also be, in the line of argument suggesting that this process should be synchronised with that of the European Union and WEU, the danger referred to by the representative of the Chairmanship-in-Office in Prague that the present interlocking institutions might become interlocking institutions.

131. It will be necessary for the WEU Council to consider the implications of this situation. In its declaration annexed to the Maastricht Treaty, WEU fixed precise criteria for defining the conditions under which applicant countries might accede to the modified Brussels Treaty or become associate members. The success of the stability pact will considerably reinforce homogeneity among the Central European countries, once the problems with their neighbours that still exist between a number of them have been settled. It would not be in the security interest of Western Europe to impose unduly demanding conditions and to place obstacles that are difficult to overcome before applicant countries can join WEU. It is therefore necessary, starting from the criteria laid down in the modified Brussels Treaty, to find the right balance between the interests of the present member countries, for which any great increase in the number of participants should not run counter to the aims of the treaty and hinder their implementation, and the legitimate interests of the newly democratic countries in not being excluded from a security system from which to date only Western European countries benefit. For the security of the latter would also be affected if an area of lesser security were to be established east of their borders for any length of time.

132. However, it seems that for some time the WEU Council has definitely been back-peddalling in regard to the future development of its relations with the countries that have become associate partners. The first part of the fortieth annual report of the Council⁵⁹ still claims that by the creation of the status of associate partner, "WEU is ... in the forefront of the process of preparing for the accession of these states to the Union and, as a consequence, to WEU". However now that the status of associate partner has been established, there is a clear impression that the enlargement of WEU towards Central Europe has no longer the same urgency for the Council of this organisation as for the European Union and for NATO. The synchronisation of the rapprochement between the countries of Western Europe and western institutions increasingly depends on considerations voiced in NATO; the number of political leaders advocating that no country should join WEU without at the same time joining NATO or already being a

member is increasing. It can therefore be noted that WEU is moving further and further away from the declaration annexed to the Maastricht Treaty according to which "states which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish". If membership of NATO by the countries concerned became the essential factor of the "conditions to be agreed", one would therefore be implicitly giving the United States a right of veto over any enlargement of WEU towards Central Europe.

133. This was not the initial intention of the WEU member governments for in that case it would have been more honest to state in the above mentioned declaration that the member states of the European Union *and of the Atlantic Alliance* were invited to join WEU. If any enlargement of WEU must depend on the extent to which NATO is expanded, a matter to which the United States appears to be giving priority, is there not then a contradiction in American policy, which is seeking, on the one hand, to extend NATO's security guarantees to an as yet ill-defined number of Central European countries and tending, on the other hand, towards a progressive withdrawal from European security and defence matters?

134. It is clear that the extension of NATO to the east will raise various difficult problems as long as the new purpose of NATO and its relations with Russia are not clearly defined. In the absence of such definition, extension might indeed cause a further split which everyone is anxious to avoid. However, NATO's problems should not be an obstacle to the rapprochement of the countries of Central Europe with Western Europe since the integration of these countries in the European Union and WEU does not create a split or any kind of threat to Russia. Conversely, it should not be forgotten that, while Article V of the modified Brussels Treaty imposes a very binding obligation on all its signatories to help any one of them that might be the object of an armed attack, WEU is not designed to carry out large scale defensive action by itself, which obliges it to take maximum account of NATO requirements and in particular those of the Americans who do not wish at any price to find themselves engaged in a major conflict by a decision of their allies in which they have not been involved.

135. It is therefore understandable that WEU should hesitate to consider extending the guarantee offered under Article V to countries that are not members of the alliance. It would nevertheless be possible for it to proceed by stages. From declarations made by certain representatives of associate partner countries during meetings of the Political Committee, it appears that their main

59. Document 1433, 9th November 1995.

objective is not to obtain a security guarantee from WEU but above all to be considered as responsible partners, capable of making their contribution to a wider Europe with a view to being full members. It is therefore time for the Council to consider seriously whether it is not possible to envisage granting associate partner countries *the status of associate member* here and now. If it is possible to give this status to European NATO countries that are not members of the European Union, why should it not be possible to give a similar status to countries whose accession to NATO is not yet guaranteed but whose membership of the European Union is already agreed in principle? A step such as this, apart from the substantial encouragement it would give to the countries in question, would also strengthen cohesion between Western European countries and Central Europe in security and defence matters.

VI. A strategy for the way forward

136. It will be necessary to determine clearly and coherently WEU's aims in terms of its future rôle in the system of international organisations before the group of experts established by the European Union begins its work. This step is essential not only in the interests of European security but also because public expression of WEU's ideas is a question of its survival. As the smallest organisation with the most modest resources, particularly in operational terms, there is a risk of it being crushed between the European Union and the Atlantic Alliance, both of which have powerful structures and means. Although the *raison d'être* of the European and Atlantic organisations may not be an end in itself, it is the existence of WEU alone that is constantly called into question, because neither public opinion nor even political leaders have a clear idea of its rôle and functions.

137. It should however suffice to repeat that the modified Brussels Treaty has defined its aims and tasks in a clear and precise manner. After having transferred the implementation of certain tasks covered by the treaty to other organisations, it will be necessary for the Council to draw up a list of the provisions of the treaty whose execution must remain within its area of responsibility, at least in the foreseeable future, explaining publicly the reasons why these tasks cannot be carried out by the European Union or by the Atlantic Alliance.

138. In the preliminary conclusions on the formulation of a common European defence policy published in Noordwijk last November, the Council did useful work in defining the main areas of responsibility and interest common to WEU member countries. WEU might perfectly well base its contribution to the 1996 intergovernmental conference on these factors. Given their significance, it is appropriate to include them here:

- “ – WEU governments have a direct responsibility for the security and defence of their own peoples and territories;
- WEU governments have a responsibility to project the security and stability presently enjoyed in the West throughout the whole of Europe;
- WEU governments have an interest, in order to reinforce European security, in fostering stability in the southern Mediterranean countries;
- WEU governments are ready to take on their share of the responsibility for the promotion of security, stability and the values of democracy in the wider world, including through the execution of peace-keeping and other crisis-management measures under the authority of the United Nations Security Council or the CSCE, acting either independently or through WEU or NATO. They are also ready to address new security challenges such as humanitarian emergencies; proliferation; terrorism; international crime and environmental risks, including those related to disarmament and the destruction of nuclear and chemical weapons;
- Europeans have a major responsibility with regard to defence in both the conventional and nuclear field. In addition to their rôle of national deterrent, the British and French nuclear weapons contribute to global deterrence in accordance with ... The Hague platform of WEU of 1987. ”

More specifically, as far as the WEU Assembly is concerned, this must remain the primary element for strengthening representative democratic supervision in security and defence matters. As your Rapporteur has explained in the section devoted to this question, it is essential that the Council endorse this concept of parliamentary supervision and support it in its contacts with other European authorities.

139. There are certainly good reasons why the analysis of the risks and threats to Europe undertaken in the context of the first part of the white paper on European security should be conducted in a Council with 27 countries present. However, this analysis should produce practical responses and a coherent concept of the organisation of collective European security and defence; such a concept would give a decisive impetus and direction for both the European Union and the Atlantic Alliance. This being so, should not the decisions to be taken in the second phase of the work on this white paper be reserved for a Council limited to full members, which would however take into

account associate members' points of view? This undertaking should indeed serve as an example and show that it is from a homogenous and determined group such as WEU that political impetus should emanate. The WEU member countries will thus be able to prove that they are the European hard core in security and defence matters and are capable of showing the way to countries belonging to the wider circle of the European Union. To this end, the WEU Assembly is fully prepared to co-operate with the Council in a kind of joint venture.

140. However, to ensure the success of this enterprise, member governments of WEU and all its executive bodies will need to bring about a fundamental change of direction in their political will. The concept of the Maastricht Treaty whereby political impetus must be given by the wider and less homogenous circle (the European Union) to the smaller, more homogenous circle (WEU) is not realistic, as experience has shown before and after this treaty came into effect.

141. While the Union, by its nature and its methods of operation, is incapable of intervening or giving a valid mandate to WEU in defence matters, the Maastricht Treaty limits WEU's possibilities in these matters through Article J.4, paragraph 5, which stipulates that co-operation in the framework of WEU (on the basis of the modified Brussels Treaty) must not run counter to or hinder that provided for in the Maastricht Treaty. This intolerable situation has promoted a very widespread "wait and see" mentality in the ministerial departments responsible for WEU matters which is putting a brake on a substantial number of WEU's political initiatives.

142. This is one of the reasons why certain initiatives with a bearing on what is properly WEU's area of responsibility do not proceed from the latter but from the European Union, as illustrated by the approach undertaken by the 15 at Carcassonne, who, after doubtless hasty consideration, invited NATO to propose a special arrangement to Russia. Relations with NATO are in effect primarily the responsibility of WEU.

143. Therefore let us repeat once again: it is first of all necessary to generate the necessary political will in WEU for that organisation to become the political driving force in those areas for which it has responsibility. It is then necessary to draw the consequences at institutional level by putting an end to the ambiguities of paragraphs 2 and 5 of Article J.4 which restrict WEU's activities in an intolerable and unrealistic way. In this connection, the United Kingdom memorandum might provide an interesting working basis since it recognises the needs of WEU in terms of political impetus.

144. The intergovernmental conference should lead to WEU being recognised as the hard core of

the Union in security and defence matters in which it acts on behalf of the Union for a transitory period, with all members of the Union that are not members of WEU having the possibility of being associated with WEU actions without being able to block consensus reached in this framework.

145. Furthermore, WEU must endeavour to develop a unity which operates as a true political driving force and at the same time guarantees the continuity of its action. In this connection, consideration should specifically be given to the proposal of the high-level group of experts set up by Mr. van den Broek with the aim of creating a central analysis and evaluation capability with the necessary study and information means ... led by a political personality and having sufficient authority, independence and duration. This proposal concerns, of course, the whole range of responsibilities of the CFSP. Now, given that the membership of the CFSP and of WEU is not identical, it will be difficult to work out how to create one and the same analysis unit for both. Consequently, as the WEU Assembly has already recommended several times, the political powers of the WEU Secretary-General should first be considerably strengthened.

146. As to the harmonisation of the presidencies of the European Union and WEU, the matter is not urgent as long as "variable geometry" continues to be a characteristic of all the European institutions. It is much more important for WEU to speed up its efforts to become truly operational, for as long as it is not operational, it will be practically unable to take any specific action towards shouldering its responsibilities and achieving its aims, as summarised at Noordwijk. Moreover, at operational level, WEU is in a position to prove that the principles of consensus and intergovernmental co-operation which govern it can lead perfectly well to considerable progress being made in developing a common policy. Indeed it would be mistaken to believe that the determination of the member states to harmonise their interests and contribute to consensus in defence matters can be strengthened by their fear of finding themselves, under certain circumstances, in the minority or even totally deprived of decision-making powers.

147. Monetary union has been achieved by stages and according to specific criteria which had to be met in order to participate. Following this model, WEU member countries might agree to establish a common defence in successive stages, but such an undertaking should be pursued so as to avoid increasing the number of variable geometry circles that exist in Europe.

148. As to relations between the Council and the Assembly, the Council should affirm more clearly that the WEU Assembly is the only parliamentary assembly to which it is responsible, in accordance

with the treaties in force. In face of the European Parliament's efforts to establish direct contact with the WEU Council and its Secretary-General, it is essential for the Council to take a clear, publicly visible stance, showing that its parliamentary interlocutor is the WEU Assembly. The clarity of its position should also be evident in the manner in which it fulfils the obligation placed on it by Article IX of the modified Brussels Treaty to keep the Assembly informed of its activities. The Assembly assesses all the detailed information it regularly receives in the annual reports of the Council on the activities of its different working groups. However, it must be recalled that the dialogue between the Assembly and the Council is of a political nature and that it is therefore essential for the annual report to give more information on political guidelines in order to stimulate a fruitful exchange.

149. Furthermore, the information given by the Council is not always consistent and complete. Hence one must wonder why the Western European Armaments Group (WEAG), whose activities are reported by the Council in its fortieth annual report, does not appear on the organogram of the ministerial organs transmitted to the Assembly by the Secretary-General in November 1994. Conversely, the same organogram shows a verification group whose existence is not mentioned in this annual report. Nor does it mention the creation, the aims or the activities of a group of military delegates set up by the Council.

150. Conversely, the Assembly noted with interest the transfer to WEU of certain Eurogroup functions, particularly public relations activities and the existence of a Council working group on transatlantic public relations currently chaired by the United Kingdom. The Assembly itself attaches particular importance to making information concerning WEU more widely available on the other side of the Atlantic and wishes to be associated with this. It therefore deeply regrets that the Council should have decided to organise an important conference in Washington in June in the framework of its transatlantic public relations activities, with a major participation of WEU ministers, while the Assembly's plenary session is to be held on exactly those same dates. Moreover, no invitation to this event has been issued to any member of the Assembly. This is hardly the way for the Council to demonstrate its willingness to respect the Assembly's work and improve relations with it.

151. What is more, from time to time it is noticeable that the ministerial organs are not keeping the Assembly informed of some of their activities or of those of their subsidiary bodies. Hence the Assembly has never been informed of the content of a speech by the WEU Secretary-General at the last CSCE (now OSCE) summit meeting in Buda-

pest, whereas this speech has been published by the services of the European Parliament.

152. Most surprising of all, the Council at no time informed the Assembly that the Government of Greece, when it transmitted the instrument of ratification of the protocol of accession of the Hellenic Republic to the modified Brussels Treaty, made a declaration to the effect that the Hellenic Government excluded from the competence of the International Court of Justice any dispute over the Hellenic Republic taking defensive military measures for reasons of national defence. For this reason, on 26th April 1995, Mr. Cuco put Written Question 330 to the Council as follows:

“ Does the Council consider that it is lawful, when ratifying an international agreement, for a reservation to be made which should normally have been included in the protocol of accession itself, since such reservation, unilaterally modifying Article X of the modified Brussels Treaty, cannot acquire validity without the signature and ratification of all the other contracting parties? ”

153. At the present juncture, it is of prime importance for WEU as a whole to assert itself in the face of the new risks threatening European security and the problems raised by harmonising positions and interests of European countries and institutions with a view to the 1996 intergovernmental conference and it is essential for the Council and the Assembly to follow the same course. The risk of disagreement between the Assembly and the Council will be the less if the Council provides the Assembly with more information on its activities and its political guidelines and also on the problems it is encountering in achieving its aims.

VII. Conclusions

154. While the various institutions of the European Union and also member governments, parliaments, political groups and research institutes are in the process of drafting their studies and contributions to the preparation of the work of the group of experts on the revision of the Maastricht Treaty, it is perhaps too soon to draw final conclusions.

155. Faced with the prevailing uncertainty on the periphery of Europe, in particular regarding the evolution of the internal situation in Russia and also the development of crisis flashpoints on the territory of the Commonwealth of Independent States, the disturbing inability of the international community to bring under control the bloody conflict raging in the Balkans only hours away from the main European capitals, and the fearful violence of religious extremism which is occur-

ring with increasing frequency on Europe's southern perimeter, there is a growing conviction that it is of the utmost importance to maintain and consolidate the smooth running of the European and transatlantic institutions, regarded as anchors of stability and security.

156. In the search for a new security order in Europe, all organisations concerned, and foremost among them the European Union, WEU and the Atlantic Alliance, must adapt in order to meet the challenges arising from the radical upheavals in the international situation since 1989, and in particular the heavy pressure exerted upon them by the applicant countries that are knocking at their door. Under such circumstances, one has to wonder what the aim of the 1996 intergovernmental conference will be. It seems more important to move towards consolidating and improving the present mechanisms for guaranteeing the security of our citizens than to seek at all costs to overcome differences in ideological vision as to the purpose of a United Europe, or to bridge the gap between those in favour of a community Europe with a federal structure and advocates of the primacy of the nation state in deciding major political questions.

157. More specifically, as far as security and defence questions are concerned, any attempt radically to change the method of operation of the defence system and put it on an entirely new contractual basis is likely to lead to the failure of the conference. WEU still needs time to become

truly operational and develop its capabilities. It should therefore be able to operate autonomously. In parallel, it must develop more practical procedures for improving co-operation with a CFSP that will perhaps develop more rapidly in a community direction, without abandoning the principle that it must continue to be directed by an intergovernmental decision-making body and not by the European Commission.

158. Regarding democratic supervision of the European executive, a clearer distinction should be made between questions within the community purview and those that are an intergovernmental responsibility. A cut and dried solution, according to which all community matters would be the responsibility of the European Parliament, and all intergovernmental matters would be entrusted to a second chamber composed of representatives of national parliaments would probably be inapplicable. On the one hand, the national parliaments are already demanding increased participation in matters falling within the community process and are asking, for example, to ensure supervision of the principle of subsidiarity, while, on the other hand, the European Parliament is seeking to exercise a greater influence on questions relating to the CFSP as the latter develops in a community direction. In any event, however, during the 1996 conference, it will be essential to seek recognition of the need for a second chamber in order to complete the European parliamentary dimension.

APPENDIX

*Treaty of economic, social and cultural collaboration
and collective self-defence,**signed at Brussels on 17th March 1948,
as amended by the Protocol modifying and
completing the Brussels Treaty**signed at Paris on 23rd October 1954**Article XII*

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

It 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.

After the expiry of the period of fifty years, each of the high contracting parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

.....

*The North Atlantic Treaty**Washington, D.C., 4th April 1949**Article 13*

After the Treaty has been in force for twenty years, any party may cease to be a party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the governments of the other parties of the deposit of each notice of denunciation.

*The future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

AMENDMENTS 1 to 13¹

tabled by Mr. Coviello and Mr. Fronzuti

1. Leave out paragraph I (vi) of the preamble to the draft recommendation and insert:
“ Stressing nevertheless that there are several ways of advancing European integration, progressive integration of WEU into the European Union being one that must be considered; ”
2. Leave out paragraph I (ix) of the preamble to the draft recommendation and insert:
“ Believing that it would be feasible to use the 1996 intergovernmental conference to assess the functioning of WEU as an instrument of European defence and the European pillar of NATO; ”
3. In paragraph I (xi) of the preamble to the draft recommendation, leave out “ exclusively ”.
4. After paragraph I (xi) of the preamble to the draft recommendation, add a new paragraph as follows:
“ Wishing, in the context of any revision of the modified Brussels Treaty, that it may be possible to arrive at a different wording of Article IX allowing parliaments of member countries to appoint parliamentarians to the Assembly of WEU who are also members of their respective specialist bodies on Community affairs; ”
5. In paragraph I (xiii) of the preamble to the draft recommendation, leave out “ cannot be some form of merger between the two institutions, but ”.
6. Leave out paragraph I (xiv) of the preamble to the draft recommendation and insert:
“ Wishing gradual evolution towards an identical membership of WEU and the European Union to lead to progressive integration of the two organisations, and for WEU's rôle as the European pillar of the Atlantic Alliance at the same time to be preserved as the essential foundation of our collective defence and transatlantic ties; ”
7. In paragraph I (xv) of the preamble to the draft recommendation, leave out “ hence the more reason for avoiding them in defence matters ” and insert “ and hence should be the more determinedly pursued ”.
8. Leave out paragraph I (xviii) of the preamble to the draft recommendation.
9. In paragraph I (xix) of the preamble to the draft recommendation, leave out “ however ”.
10. Leave out paragraph I.3 of the draft recommendation proper.
11. After paragraph I.8 of the draft recommendation proper, add a new paragraph as follows:
“ Study, with a view to the revision of the modified Brussels Treaty, a different wording of Article IX allowing parliaments of member countries to appoint parliamentarians to the Assembly of WEU other than those appointed to the Parliamentary Assembly of the Council of Europe; ”
12. In paragraph I.9 of the draft recommendation proper, leave out: “ by opening hastily WEU's doors to organs of the European Union ”.
13. Leave out paragraph II.3 of the draft recommendation proper and insert:
“ Invite the European members of NATO that are not members of the European Union and the European Union to re-examine carefully the obstacles preventing the accession of their respective countries to the European Union, confirming that full membership of the European Union and the Atlantic Alliance remains an essential condition of accession to the modified Brussels Treaty; ”

Signed: Coviello, Fronzuti

1. See 15th sitting, 20th June 1995 (amendments 1, 4, 6, 7, 8, 10, 11 and 13 not moved; 2, 3, 5 and 9 agreed to; 12 withdrawn).

*The future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

AMENDMENTS 14 to 27¹

tabled by Mr. Benvenuti

14. In paragraph I (*iii*) of the preamble to the draft recommendation, leave out “ Taking into account the persistence ” and insert “ Wishing for settlement ”.
15. In paragraph I (*iv*) of the preamble to the draft recommendation, leave out “ the main goal of WEU’s contribution to the 1996 intergovernmental conference must be ” and insert “ among the main goals of WEU’s contribution to the 1996 intergovernmental conference must be progressive integration of the two organisations and ”.
16. In paragraph I (*vi*) of the preamble to the draft recommendation, leave out from “ of which ” to the end of the paragraph and insert: “ but that all should lead to strengthening the process of progressive convergence and integration of the various European organisations; ”.
17. At the end of paragraph I (*vii*) of the preamble to the draft recommendation, add “ but nevertheless welcoming the signature by the Russian Federation of agreements with NATO in the framework of the partnership for peace; ”.
18. Leave out paragraph I (*ix*) of the preamble to the draft recommendation and insert:
“ Judging that the 1996 intergovernmental conference might be used to test the functioning of WEU as an instrument of European defence, while retaining its function as the European pillar of NATO; ”
19. In paragraph I (*xiii*) of the preamble to the draft recommendation, leave out “ cannot be some form of merger between the two institutions but, ”.
20. In paragraph I (*xiv*) of the preamble to the draft recommendation, leave out “ desirable or feasible ” and insert “ feasible, but that does not, however, prevent a start being made on a process of progressive convergence and integration of WEU and the European Union, for the time being acknowledging their respective powers ”.
21. In paragraph I (*xvi*) of the preamble to the draft recommendation, leave out “ instead of disturbing them with the prospect of their possibly being put in a minority position ”.
22. In paragraph I (*xix*) of the preamble to the draft recommendation, leave out “ however ”.
23. In paragraph I.4 of the draft recommendation proper, leave out “ exclusively by the signatory countries of that treaty and its protocols ” and insert “ taking account of WEU positions ”.
24. Leave out paragraph I.9 of the draft recommendation proper and insert:
“ Not compromise, as matters now stand, the close co-operation between WEU and NATO and the European Union but maintain the procedure for reciprocal exchange of information on their respective activities; ”
25. In paragraph I.10 of the draft recommendation proper, leave out “ is the sole ” and insert: “ was the first ”.
26. At the end of paragraph I.11 of the draft recommendation proper, add: “ with a view to progressive functional integration of the CFSP and WEU secretariats ”.
27. Leave out paragraph II.3 of the draft recommendation proper and insert:
“ Undertake all appropriate diplomatic measures so that the member countries of WEU, the European Union and the European countries, members of NATO, gradually, over time, become one and the same; ”

1. See 15th sitting, 20th June 1995 (amendments 14, 15, 17 and 21 agreed to; 16 and 20 amended and agreed to; 18, 19, 22, 23, 24 and 25 not moved; 26 and 27 withdrawn).

*The future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

AMENDMENTS 28 to 42¹

tabled by Mr. Latronico

28. Leave out paragraph I (x) of the preamble to the draft recommendation and insert:
“ Convinced that, given its specific character and its complexity, the implementation of a common defence policy involves a lengthy process of integration and that it seems useful, for a transitional period, to maintain an intergovernmental decision-making process; ”
29. In paragraph I (xi) of the preamble to the draft recommendation, after “ Convinced in this connection ” insert “ until such time as the desired integration can be achieved, ”.
30. In paragraph I (xii) of the preamble to the draft recommendation, leave out “ impossible ” and insert “ difficult ”.
31. In paragraph I (xiii) of the preamble to the draft recommendation, leave out “ so that democratic supervision in Europe may be exercised by bodies that are truly representative and efficient ”.
32. In paragraph I (xiv) of the preamble to the draft recommendation, leave out “ fully operational ” and insert “ viable ”.
33. In paragraph I (xv) of the preamble to the draft recommendation, leave out from “ have not proved successful ” to the end of the paragraph and insert “ have proved difficult and careful note should be taken of this fact in relation to defence matters; ”.
34. Leave out paragraph I (xviii) of the preamble to the draft recommendation.
35. In paragraph I (xx) of the preamble to the draft recommendation, leave out “ – as the United Kingdom Government memorandum of 1st March 1995 proposes – ”.
36. In paragraph I (xxi) of the preamble to the draft recommendation, leave out “ unreservedly the United Kingdom ” and insert “ the ”.
37. In paragraph II (ii) of the preamble to the draft recommendation, leave out “ preparing to conclude ” and insert “ taking note of ”.
38. Leave out paragraph I.3 of the draft recommendation proper.
39. Leave out paragraph I.7 of the draft recommendation proper.
40. In paragraph I.8 of the draft recommendation proper, leave out all the words after “ European level ”.
41. In paragraph I.11 of the draft recommendation proper, after “ in particular ” leave out “ the right to convene the Council of Ministers and ”.
42. In paragraph II.1 of the draft recommendation proper, after “ Slovenia ” insert “ , when the time is ripe, ”.

Signed: Latronico

1. See 15th sitting, 20th June 1995 (amendments 28, 29 and 30 amended and agreed to; 31, 32, 35, 36, 37, 38, 39, 41 and 42 not moved; 33 agreed to; 34 negatived; 40 withdrawn).

*The future of European security and the preparation of Maastricht II –
reply to the fortieth annual report of the Council*

AMENDMENTS 43 to 46¹

tabled by Mrs. Aguiar

43. Leave out paragraph I.9 of the draft recommendation proper and insert:
“ Ensure that no measure leading to the convergence of WEU and the European Union shall compromise the close co-operation between WEU and NATO;
44. Leave out paragraph II.3 of the draft recommendation proper and insert:
“ Take the measures necessary to ensure that the 1996 intergovernmental conference leads to a deepening of the articles of the Maastricht Treaty so as to enable the member countries of WEU, the European Union and the European countries members of NATO gradually, over time, to become one and the same; ”
45. At the end of paragraph I.11 of the draft recommendation proper, add: “ with a view to progressive co-operation leading to future integration between the CFSP and WEU secretariats ”.
46. In paragraph I.3 of the draft recommendation proper, after “ 30th March 1995 ” insert “ the communication of the Italian Government to parliament, dated 24th May 1995, ”.

Signed: Aguiar

1. See 15th sitting, 20th June 1995 (amendments agreed to).

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

REPORT ¹

*submitted on behalf of the Committee for Parliamentary and Public Relations²
by Sir John Hunt, Rapporteur*

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

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1. Adopted unanimously by the committee.

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

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

Draft Resolution

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

The Assembly,

- (i) Stressing the importance of the success of the 1996 intergovernmental conference for implementing a true European security and defence policy, built around WEU;
- (ii) Convinced of the need to associate national parliaments closely with the development of a European security and defence policy in the framework of the preparation of the 1996 intergovernmental conference;
- (iii) Considering that the intergovernmental conference must result in a clear division of responsibilities in security matters between the European Union and WEU and, in defence matters, between WEU and the member states;
- (iv) Noting with concern the weakness of Europe's means of intervention and particularly the fact that the CFSP can take only economic or diplomatic measures, whereas there are numerous sources of crisis and conflict in the centre of Europe, the Caucasus, the Mediterranean and Africa;
- (v) Wishing to strengthen its links with the national parliaments and to co-operate on a basis of equality and reciprocity with the European Parliament in order to achieve better parliamentary supervision of WEU in joint security and defence questions and of the European Union in CFSP questions;
- (vi) Believing that any steps towards bringing defence matters within the competence of the European Commission and European Parliament might endanger the effective scrutiny of defence and security matters by national parliaments and the WEU Assembly,

INVITES THE PARLIAMENTS OF MEMBER COUNTRIES

1. To intensify parliamentary co-operation with a view to implementing an effective system of parliamentary supervision of the CFSP and European defence;
2. To promote exchanges between their respective foreign affairs, defence and European affairs committees and their co-operation with the corresponding committees of the WEU Assembly with a view to preparing the 1996 intergovernmental conference and subsequently the satisfactory implementation of the decisions the conference will be called upon to take;
3. To encourage greater transparency on the part of governments regarding their European policies so as to enable parliaments to exercise more effective supervision, keep public opinion informed and make it aware of the issues at stake in the European process.

Explanatory Memorandum

(submitted by Sir John Hunt, Rapporteur)

I. Introduction

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

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

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

4. The responsibility of national parliaments in this area has increased, for such issues extend beyond the boundaries of the fifteen European Union member states, since they concern the Union's rôle and place in the world and determine, in part, the behaviour towards it of other international players: states, regional groupings, international organisations. The implementation of the CFSP transcends purely national frames of refer-

ence, making joint thinking about its implications imperative, and equally so the emergence of a European parliamentary consciousness which has its roots in the national parliaments, themselves the guardians of the sovereignty of the nations that make up the European Union.

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

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

7. The WEU Assembly has no intention of relinquishing its powers which are based on Article IX¹ of the modified Brussels Treaty. Through its recommendations to the Council of Ministers and other initiatives, including a colloquy in Paris in October 1994, which brought together the chairmen of parliamentary defence and foreign affairs committees of all countries linked

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

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

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

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

II. European security and defence: towards a common policy

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

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

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

(a) European Union and the CFSP

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

(i) Title V of the Maastricht Treaty

14. The CFSP is the subject of Title V of the Maastricht Treaty, which comprises Articles J to J.11. Although in practice, its application seems very remote from the text, the latter nevertheless includes a series of provisions binding on states which have subscribed unreservedly to that part of the treaty².

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

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

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

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

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

politically, and, by a time yet to be defined, militarily. It is in this perspective that one must consider Article J.4 which refers to "the eventual framing of a common defence policy which might in time lead to a common defence" (Article J.4.1). This article, which also concerns WEU, refers to the 1996 intergovernmental conference "and having in view the date of 1998 in the context of Article XII³ of the Brussels Treaty", to the discussion on the rôle that WEU will be called upon to play in its relations with the Union.

(ii) *The 1996 intergovernmental conference*

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

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

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

20. In fact, the intergovernmental conference is also to decide on the new European architecture best fitted to meet the challenges of the future, be they political, economic, military, social, ecologi-

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

cal, etc. The debate on institutional questions will be central to the discussions since only when an optimal framework for decision-making has been defined, avoiding extremes of national or pro-European sentiment, will the Union be able to give a coherent content to its decisions in essential areas like the CFSP and implement them effectively.

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

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

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

(i) *The Maastricht declarations*

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

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

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

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

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

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

“ States which are members of the European Union are invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wish ... ”.

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

28. Nevertheless, application of the text is not easy, despite its apparent simplicity. In practice, since the decisions taken by the Council in Petersberg in June 1992, only one member state of the European Union, Greece, has become a full member of WEU. Denmark has requested observer status, as has Ireland. When Austria, Finland and Sweden joined the Union it was thought that two of these countries, if not all three, might qualify to join as full members but in fact, for the time being, they only have observer status, placing them, in theory, in a position similar to associate partners⁴ in WEU, although they are entitled to

take part in the discussions at the 1996 inter-governmental conference that will deal with the CFSP and consequently with WEU's future.

(ii) *The Noordwijk declaration*

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

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

- WEU governments have a direct responsibility for the security and defence of their own peoples and territories;
- [they] have a responsibility to project the security and stability presently enjoyed in the West throughout the whole of Europe;
- [they] have an interest, in order to reinforce European security, in fostering stability in the southern Mediterranean countries;
- [they] are ready to take on their share of the responsibility for the promotion of security, stability and the values of democracy in the wider world, including through the execution of peace-keeping and other crisis-management measures under the authority of the United Nations Security Council or the CSCE⁵, acting either independently or through WEU or NATO. They are also ready to address new security challenges such as humanitarian emergencies, proliferation, terrorism, international crime and environmental risks, including those related to disarmament and the destruction of nuclear and chemical weapons.

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

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

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

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

32. At the same time, it should be borne in mind that these preliminary conclusions represent but a first step for WEU towards preparation of the intergovernmental conference; this explains their generalised tone, which is also linked to the need for member states to reach consensus on the definition of European defence and its objectives. In this connection it is noteworthy that the list as it stands does not include the defence of Europe's economic interests, although this important aspect of contemporary international relations falls within WEU's sphere of responsibility⁶ and the United States has integrated this aspect fully into its concept of national security⁷. Since 1st April 1995, France has also established a committee on competitiveness and economic security for which a secretariat is provided by the National Defence Secretariat-General under the supervision of the Prime Minister⁸. A report to the President of the Republic on the powers of this committee notes that control over the flow of information governs economic performance and hence job protection. It underpins international power relations which may be confrontational or tend towards partnership⁹.

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

6. Article VIII.3 of the modified Brussels Treaty provides that "At the request of any of the high contracting parties the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability."

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

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

9. *Idem*, page 5375.

(iii) *The memorandum of the United Kingdom Government*¹⁰

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43. The Senate has published two reports¹¹ on the preparation of the intergovernmental conference which present the idea of creating, alongside the European Parliament, a second European parliamentary chamber which would allow national parliaments closer participation in the European decision-making process. This "chamber of national parliaments whose powers would be different to those of the European Parliament ... would supplement the control exercised by the latter with a control rooted in national political life".

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

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

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

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

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

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

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

14. *Idem*, page 40.

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

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

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

50. In the United Kingdom, the preparation of the intergovernmental conference and the policy on an enlarged and reformed European Union have been a source of extremely lively debate. An important place is given to the question of parliamentary supervision of decisions taken in the Union, a question which the Prime-Minister, Mr. John Major, has undertaken to present to the conference¹⁶.

51. A consensus is emerging within the main parliamentary groups in favour of a more active presence by national parliaments in the European process; there are divergences only as regards the means, with most Conservatives in favour of better definition and a reduction of the powers of the European Parliament in favour of national parliaments, while Labour and the Liberal Democrats generally advocate strengthening the powers of the European Parliament within the limits imposed by community legislation and closer co-operation between the latter and national par-

liaments¹⁷. The idea of a European second chamber, representing national parliaments has also met with a degree of support within the United Kingdom Parliament¹⁸.

52. Parliamentary supervision was not developed in the United Kingdom Government's memorandum on "the treatment of European defence issues", which confined itself to noting the existence of the Assembly of WEU as the parliamentary component of European defence¹⁹. But the government is paying close attention to it as is evident from a confidential information note by the Foreign Secretary on the preparation of the intergovernmental conference, extracts from which have been published in the press²⁰.

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

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

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

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

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

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

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

18. *Idem*, col 293.

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

20. The Times, 9th March 1995.

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

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

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

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

58. This structure, intended in principle to make the Union function more efficiently, nevertheless leaves national parliaments out of the European process, as their power of supervision would apply only indirectly through the Chamber of States (the present Council of the Union), being exercised, a priori, uniquely over the national government, while decisions are taken in a community or intergovernmental framework and are

binding on governments in respect of their partners. That is one of the weaknesses of this document, which will have to be revised, as it leads to marginalisation of the only political representation available to the peoples of the member countries of the Union, the source of each state's sovereignty, including that of Germany, even if the authors attribute "in parallel, not as a priority ... prime importance to the participation of national parliaments in creating political will in Europe"²².

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

60. A draft resolution of the Bundesrat on the preparation of the 1996 conference follows similar lines by proposing better definition of the areas of responsibility of the Union, its institutions and the member states and bringing the second (CFSP) and third (Justice) pillars of intergovernmental co-operation into the community. According to this text, the European Parliament should have greater powers of co-decision alongside the Council and the number of topics requiring a qualified majority or unanimous vote in the Council should be reduced. The document furthermore specifies that national parliaments and the European Parliament should co-operate closely in preparing the Conference and implementing the results²³.

(iv) Belgium and the 1996 intergovernmental conference

61. The committee for opinion responsible for European questions in Belgium's House of Representatives has published an interim report on the issue²⁴ according to which the conference should have a two-fold objective: "develop a medium-

22. *Idem*, page 5.

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

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

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

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

63. The CFSP should be the sole responsibility of the community institutions and decisions in this area would be taken by qualified majority. Proposals regarding WEU are more tentative since the Rapporteurs admit that "it is in principle desirable for WEU to be integrated into the European Union". At the same time they advocate WEU's organic involvement in NATO. It is necessary too for European Union members also to join WEU and to be members of NATO Consequently any form of detachment is to be avoided and the European Union should defend Atlantic solidarity in a convincing manner. Moreover the Rapporteurs consider it desirable for COREPER²⁵ to be associated with the working of WEU: states might replace their ambassadors to WEU by their permanent representative to the European Union. As to the WEU Assembly, the Rapporteurs wonder whether it should not be composed of members of the European Parliament, an idea which concords with the resolutions adopted by the latter in this connection.

64. With regard to parliamentary supervision, the idea of a European senate composed of delegations of national parliaments is rejected in favour of establishing a body for contacts and consultation between national parliaments. This converges with the proposal of the French Senate

25. Committee of permanent representatives of member states.

Delegation to the European Parliament which advocates the creation of an interparliamentary committee or strengthening the responsibilities of the CEAC. The number of European parliamentarians would be reduced but the European Parliament's powers of co-decision would be extended. This interim report opts firmly in favour of strengthening community structures and the European Parliament as opposed to attempts to renationalise European policy and resorting too much to inter-governmental procedures.

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

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

(b) European interparliamentary co-operation

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

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

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

(i) *CEAC – Conference of European Affairs Committees*

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

70. From the time the Maastricht Treaty took effect and since the initial development of the CFSP, CEAC has been used to clarify the rôle of national parliaments in this area, as noted in the conclusions adopted at the VIIIth conference²⁶ held in Copenhagen on 4th and 5th May 1993. According to these conclusions, participants agreed that parliamentary supervision of intergovernmental co-operation was most important, despite the fact that such co-operation did not fall within the sphere of the Community.

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

72. It was in part this question that the Xth conference sought to answer at its meeting in Athens on 9th and 10th May 1994 which dealt mainly with the democratic deficit and transparency in the decision-making process²⁷. The discussions provided an opportunity to emphasise that if there was a perceived democratic deficit this was largely because governments were not sufficiently answerable to their national parliaments²⁸. This facet of the problem is sometimes neglected when discussing the powers of national parliaments in European policy matters.

73. In the area of the CFSP, this weakness might become even more acute because of the growing trend for the executive to treat such ques-

tions as confidential, indeed, to shroud them in official secrecy. The contradiction here between official speeches to national parliaments calling for further commitment to the European process and the unwillingness of the Council of Ministers of the European Union to authorise publication of documents drafted by the Council and its committees during the preparation of Council decisions on European Union²⁹ legislation is all too evident. CEAC, aware of the need to resolve these issues, included an item on the rôle of national parliaments in the institutional development of the European Union³⁰ in the agenda of its XIIth meeting on 27th and 28th February 1995.

74. At the XIIth conference and in the debate on the rôle of national parliaments in the European Union and their participation in the preparatory work for the intergovernmental conference, the French proposal for the creation of a second European chamber and associating national parliaments more closely with the group of experts preparing the intergovernmental conference met with little response³¹. The Luxembourg representation opted for maintaining the half-yearly conferences and making them more effective³², partly concurring with the French National Assembly delegation proposal for creating an interparliamentary committee³³.

75. The Danish Delegation adopted a position in favour of clear demarcation between European, national and regional areas of responsibility. Spain and Belgium stated they were in favour of strengthening the supervision exercised by their parliaments over national European policies³⁴ – a sensitive issue as it is closely linked to the functioning of the institutions and political tradition of individual countries, which does not encourage a harmonisation of procedures in this area between parliaments. These institutional differences also explain in part the informal rôle of the Conference of Speakers of National Parliaments of the European Union. The participants agreed to pursue the debate on the preparation of the intergo-

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

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

28. *Idem*, page 13.

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

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

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

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

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

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

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

(ii) *The Conference of Speakers of National Parliaments*

76. A more informal body, the Conference of Speakers of National Parliaments (which also includes the European Parliament) has met on average once every two years, since 1975. It groups speakers with different statuses, some having a more political than procedural rôle, and allows exchanges of views on such questions as parliamentary supervision, links between parliaments and electors, the media and power and other related questions³⁵.

77. The participation of national parliaments in the reform of European institutions as envisaged after 1996 was a central issue in the discussions during an informal meeting of speakers in Bonn on 12th September 1994, when members set themselves two major goals: to participate to the greatest extent possible in discussions on the reform of the European institutions before decisions were reached at the 1996 intergovernmental conference and to work together to ensure national parliaments took a leading rôle. At that meeting it was proposed to set up a small working group to prepare a conference of national parliaments for the second half of 1995, in order to assert their views before decisions are taken in 1996³⁶.

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

(c) *The rôle of European parliamentary institutions*

79. European security and defence remain essentially within the area of intergovernmental co-operation, despite mention here and there of a European army or a European defence policy. In point of fact, leaving aside the speeches and

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

36. *Le Monde*, 13th September 1994.

declarations of principle, there is a European defence which, although not integrated, is ensured in an intergovernmental framework by WEU, and a Euro-Atlantic defence which, through NATO, has an integrated command structure, but which is not supranational.

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

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

(i) *The European Parliament*

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

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

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

84. Additionally, the European Parliament is sending two representatives to participate in the preparation of the intergovernmental conference, whereas national parliaments and the WEU Assembly, which wish to make a contribution and be present at the negotiating table, are having difficulty in this respect, although they will be called upon subsequently to ratify the results³⁷.

85. The European Parliament lost no time in seizing the opportunity to affirm its prerogatives and, since 1993, has worked on the CFSP at the expense in particular of those who might be partners and help to strengthen parliamentary supervision of intergovernmental initiatives in these questions, namely the national parliaments and the WEU Assembly. One of the aims of the European Parliament is to acquire prerogatives in supervising the CFSP budget, which it does not at present possess. Its ability to take action is nevertheless real, as Turkey discovered in discussions held in February 1995 on its proposed customs union with the European Union which in no way detracted from the difficulties encountered in what were already sensitive negotiations³⁸.

86. In security and defence matters, the European Parliament is proposing the gradual replacement of intergovernmental by community procedures, the absorption of WEU by the European Union, the submission of military operations decided by WEU to authorisation from the European Parliament and the intensification of co-operation with the WEU Assembly, the latter eventually being replaced by the European Parliament³⁹. At the same time it is calling for more systematic democratic control of the decisions of the European Union, in association with the national parliaments. To this end, it is proposed, in a document by the Institutional Committee on the Development of the Union, to include directly in the Treaty on European Union a revised version of Declaration 13 annexed to the Maastricht Treaty on the rôle of national parliaments, urging governments to allow sufficient time to enable them to decide on the new European Union legislation without unduly delaying the decision-making process⁴⁰.

87. The text also proposes that national parliaments be more closely associated with the annual

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

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

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

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

legislative programme and, with the intergovernmental conference in view, asks for a consultative conference of parliaments to be convened, which might be held at the start and end of the conference⁴¹. These approaches to national parliaments are nevertheless set in the context of a prospective increase in the European Parliament's powers, making it the mainspring of parliamentary supervision in Europe.

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

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

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

(ii) *The Western European Union Assembly*

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

41. Idem, page 13.

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

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

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

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

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

94. This situation has implications for relations with the European Parliament, as proposals have been made for the latter to absorb the Assembly, although the modified Brussels Treaty is still in force and will very likely remain so after 1998⁴³, as the President of the Assembly, Sir Dudley Smith, stated at the opening of the Paris colloquy. It is logical and desirable for the Assembly, as an integral part of WEU, to be asked to be involved in revising the declaration adopted by the ministers at Maastricht. At the same time it is necessary to consider the reforms that will be necessary to enable it to play its full part as the parliamentary

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

component of the sole European defence organisation.

95. This is no easy matter given the uncertainty over the future of WEU, whose existence is not threatened, but whose future nature and relations with the European Union are as yet unknown. In this area, the intentions of governments differ and only the United Kingdom Government has openly taken a position on the question in its memorandum, by asserting its preference for inter-governmental co-operation in relation to the CFSP and the European defence policy and stating that WEU should remain separate from the European Union. The Minister for Foreign Affairs of Germany, Mr. Klaus Kinkel⁴⁴, and the Netherlands Government⁴⁵ have for their part stated they are in favour of the integration of WEU in the European Union. The 1998 deadline also holds uncertainty as it is not known whether the modified Brussels Treaty will be maintained in its present form or possibly revised.

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

97. Nor is the present consultative rôle of the Assembly entirely adequate to ensure parliamentary supervision with the participation of national parliaments in decisions concerning European security and defence. The possibility of giving consultative opinions on decisions already taken or to be taken in future by the WEU Council would be a political factor of greater impact than the present procedure of recommendations to the Council. In the event of a military operation, of the Petersberg type for example⁴⁶, requiring

44. *Die Zeit*, 9th March 1995.

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

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

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

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

99. Proposals in this direction have moreover been presented in a study carried out jointly by the WEU Institute for Security Studies and the European Strategy Group, which might be considered as a contribution to the 1996 conference. In this collective work the authors suggest establishing a joint parliamentary defence committee formed by representatives of the European Parliament together with members of the defence committees of national parliaments. According to the authors, such a committee might gain more budgetary and control powers than the present Assembly of WEU, which might be reformed to that end⁴⁷. This will clearly be a matter of continuing debate.

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

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

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

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

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

The Baltic Assembly

REPORT ¹

*submitted on behalf of the
Committee for Parliamentary and Public Relations ²
by Mr. Masseret, Chairman and Rapporteur*

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1. Adopted unanimously by the committee.

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

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

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Draft Order
on the Baltic Assembly

The Assembly,

- (i) Noting with interest the progress achieved by Estonia, Latvia and Lithuania in inter-state and inter-parliamentary co-operation with a view to joining European and transatlantic co-operative structures;
- (ii) Welcoming the driving rôle played by the Baltic Assembly in this area in fostering a rapprochement between the three states and between their peoples and their full participation in establishing a system of security and stability in Europe;
- (iii) Emphasising the progress made in pursuing the process of reforming their economic and security structures with a view to their rapprochement with the European Union, NATO and WEU;
- (iv) Welcoming the signing of association agreements between the three Baltic states and the European Union as an important step towards their integration in the Union;
- (v) Noting the fears expressed by Estonia, Latvia and Lithuania regarding their security;
- (vi) Welcoming initiatives taken by the three countries in co-operation in security and defence matters and the formation of a Baltic states joint battalion for United Nations operations;
- (vii) Stressing the importance of aid from NATO and WEU countries for developing such co-operation and strengthening the joint security of the three states and of Europe as a whole;
- (viii) Recalling Order 90 affirming that “ more intensive co-operation between the WEU Assembly and the Central European parliaments constitutes an important element in the process of integration of these countries in the structures of European political and defence co-operation ”,

I. INSTRUCTS ITS PRESIDENTIAL COMMITTEE

- 1. To ensure development of close co-operation between the WEU Assembly and the Baltic Assembly in security and defence matters;
- 2. To promote contacts between like committees of the two Assemblies;
- 3. To envisage the possibility of receiving officials of the Baltic Assembly in the Office of the Clerk of the Assembly for a period and according to arrangements to be defined between the two institutions, with a view to training them in the procedures and working methods of the WEU Assembly;

II. REQUESTS ITS COMMITTEE ON BUDGETARY AFFAIRS AND ADMINISTRATION

To include in the Assembly's budget for the 1996 financial year, in accordance with Order 90, a provision for setting up an Assembly support fund for parliamentary co-operation with the parliaments of associate partner countries.

Explanatory Memorandum

(submitted by Mr. Masseret, Chairman and Rapporteur)

I. Introduction

1. Estonia, Latvia and Lithuania, associate partners of WEU since the Council of Ministers created this status of association with the Central European countries at the Kirchberg meeting on 9th May 1994¹, occupy a special place in Europe. Their specific character is due not to geographic location but to their common history, for, unlike the other countries of the region, they existed as sovereign independent states for twenty-two years before an interruption which lasted almost fifty, during which time they formed part of the Soviet Union.

2. Nevertheless, neither mass deportations nor their relative isolation succeeded in weakening their hopes of rejoining the international community of states and regaining their place in Europe as sovereign nations. Progress since 1991 in the political and economic spheres, achieved through major national effort, demonstrates their will to integrate into European co-operation structures.

3. Since Latvia became a member of the Council of Europe, in January 1995, the three countries now have a presence in European organisations although their possible accession to the European Union, with which they will sign association agreements in June 1995, and membership of NATO, with which they have links through the partnership for peace programme, seem unlikely before next century.

4. At the same time, significantly, Estonia, Latvia and Lithuania, anxious that there should be no recurrence of the conditions leading to their earlier annexation by the USSR, have instituted three-way co-operation between themselves and on an inter-regional basis. They thus gave new impetus to the Baltic Council, created on 12th May 1990, in co-ordinating the process leading to the independence of the three countries. On 6th March 1992, they joined the Council of Baltic Sea States, established on the initiative of Germany and Denmark, comprising states bordering on the Baltic sea².

1. Document 1442: Kirchberg declaration, II. Document on a status of association with WEU for the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland, Romania and the Slovak Republic, 24th May 1994.

2. Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russian Federation and Sweden.

5. The Baltic Council has, in addition to the Council of Ministers and its secretariat, a parliamentary arm, the Baltic Assembly. To a greater extent even than intergovernmental co-operation, this institution is called upon to play a major rôle in the development of co-operation between the three states. Through discussions held in this forum and the resolutions it adopts directed to the Council of Ministers, and by virtue of the important rôle parliament plays in the national political life of these states, the Assembly exercises considerable influence on the actions of national governments.

6. The Baltic Assembly also intends to develop its external relations by intensifying contacts with other regional and European interparliamentary institutions. Through such relations, the Assembly promotes a better understanding of the special characteristics of the three countries and of the unit they form within the region. At the same time, it draws upon the experience of older institutions, for example in procedural matters and in relation to the organisation of work.

II. Estonia, Latvia and Lithuania: from political to parliamentary co-operation

7. The three states do not form a homogenous whole despite a rather superficial tendency to present them as such. Their economies, cultures and languages differ and, apart from their geographic position, all they seem to share is a common history under Soviet occupation. Moreover, these differences proved a major handicap in the 1920s and 1930s by creating an obstacle to closer co-operation between them³ and partly contributing to the circumstances of their annexation by the Soviet Union – virtually without a blow being struck.

8. In 1991, having regained their independence, they found themselves back where they started, but with an economic, environmental, social and political heritage that was harder to manage. Their respective situations are once again different. While Lithuania has succeeded in reaching satisfactory settlement of the problems of the Russian military presence and the question

3. A treaty on concord and co-operation was signed by the three states in Geneva in 1934, but never applied because of disagreement between them. Six years later, in 1940, they were annexed by the Soviet Union.

of the status of its Russian-speaking and other minorities, Latvia and Estonia had to engage in a long-drawn out process of negotiation with the Russian Federation over these matters, a process they recently concluded, not without difficulty⁴.

(a) *Inter-state co-operation*

9. The awareness of the need for co-operation between the three states came fairly shortly after independence. Faced with the same difficulties and resolved to create, internally, the conditions required for joining European and transatlantic political, economic and defence institutions, Estonia, Latvia and Lithuania decided to co-ordinate their policies with a view to preparing for entry on the most favourable terms and, at the same time, strengthening their negotiating position with the Russian Federation over the withdrawal of Russian troops and the status of Russian-speaking minorities.

(i) *The Baltic Council*

10. The Baltic Council was created in 1990, by reference to the 1934 treaty on concord and co-operation between the Baltic states, with the aim of co-ordinating the efforts of the three countries to regain their independence from the Soviet Union and thus re-establish continuity of their statehood, broken in 1940. In 1991, after the failed Moscow coup of 19th-21st August, Estonia, Latvia and Lithuania once again became sovereign states.

11. However, real co-operation between the three countries began to develop only in 1994 with the signature of several important political, economic and defence agreements. This can in part be explained by the will, paramount at the outset, to assert their national identity, at times at the expense of their neighbours. Once the economic and political situation stabilised, however, inter-state co-operation began in earnest.

12. A free trade agreement was signed between the three countries in Tallinn on 13th September 1993 for developing inter-state trade and harmonising customs policies and visa requirements for the transport of goods and free movement of nationals of each country. This is an important step that augurs well for signature of association agreements with the European Union.

13. There have been major developments in political and military co-operation in 1994 since the withdrawal of the remaining Russian troops stationed in Estonia. The heads of government of the three countries, meeting in Tallinn on 13th June 1994, adopted the statutes of the Baltic

Council governing its operation at ministerial level. On 13th September 1994, the Baltic Council of Ministers adopted a resolution calling for the development of a common foreign and security policy. This policy, coupled with economic co-operation, aims to strengthen regional co-operation and foster integration into European and transatlantic economic, political and security structures.

(ii) *Prospects for inter-state co-operation*

14. Progress achieved in 1994 in co-operation between the three countries and development of their economic and political relations with European and transatlantic institutions represents a major contribution to the region's stability, the effects of which will undoubtedly be beneficial to integration and in their relations with the Russian Federation.

15. Differences are, nevertheless, still observable between them, although it is normal and desirable that a degree of competition should exist, especially in the economic sphere. In foreign policy, particularly in their relations with the Russian Federation, differences of approach are apparent, for example with regard to the status of Russian-speaking minorities, or settling the question of the departure from their respective territories of Soviet, then Russian, troops, withdrawal having been relatively rapid in Lithuania's case, more protracted in that of Latvia and Estonia.

16. Sensitive areas concerning, for example, harmonisation of border control procedures between the three states are not yet entirely resolved in spite of a declared willingness to do so and requests to this effect from the Baltic Assembly. There is little attempt to play down these differences which are tackled more or less openly by those with responsibility whether in official meetings or before parliamentarians or media. This encourages the search for solutions and greater transparency in relations between countries. Thus, the Baltic Assembly adopted a resolution at its 6th plenary session, held in Riga on 21st and 22nd April 1995, on the harmonisation of border control procedures and calling for the establishment of a joint computerised information system in this area, mirroring the action taken in the context of the Schengen agreements and European procedures for the free movement of goods and persons.

17. Inter-state co-operation is still restricted which partly explains any hesitancy and also continuing differences of assessment of certain areas of common interest. Apart from bringing the three states closer together, development and institutionalisation of the links between them affords them greater room for manoeuvre within their regional environment than if they acted alone. This is an essential advantage to them in their

4. Latvia's late entry to the Council of Europe is largely due to the delay in resolving the question of the status of the resident Russian-speaking minority in Latvia.

approach to the European and transatlantic organisations of which they ultimately hope to become full members.

(b) Inter-regional co-operation

18. The development of inter-state co-operation has facilitated the reintegration of Estonia, Latvia and Lithuania into their natural geopolitical environment: the Baltic Sea area. Two regional organisations with which the three countries co-operate, both for economic purposes and in the interests of the stability and security of that part of Europe are the Nordic Council and the Council of Baltic Sea States. At the same time, they are actively seeking to join European and transatlantic organisations for co-operation and security.

(i) Nordic and Baltic co-operation

19. The Nordic Council, established in 1952, is composed of Denmark, Finland, Iceland, Norway and Sweden. It has a parliamentary Council, the seat of which is in Stockholm, and a Council of Ministers with a secretariat in Copenhagen. The aim of the Nordic Council is to promote political co-operation between the Nordic countries and it plays an important rôle vis-à-vis the three Baltic countries.

20. The Council has established a number of economic, cultural and environmental programmes directed towards Estonia, Latvia and Lithuania, within the framework of political, economic and parliamentary co-operation. Hence, a parliamentary co-operation agreement was signed in Palanga, Lithuania, on 30th May 1992 between the Baltic Assembly and the Nordic Council, covering a number of fields ranging from culture to security and including the environment, the economy, communications and energy. Since the entry of Finland and Sweden into the European Union on 1st January 1995, the Nordic Council also serves as a point of contact between the three Baltic countries and the Union.

21. The Council of Baltic Sea States, established in 1992 on the initiative of Germany and Denmark, aims to assist the process of economic and political reform currently underway in the three Baltic countries, Poland and the Russian Federation. The intention is also, through this approach, to promote regional stability and security. Furthermore, the presence of Poland and the Russian Federation facilitates discussion with the three countries, for example on border issues.

22. In security matters, inter-regional co-operation lay at the root of the agreement signed by Denmark, Estonia, Finland, Latvia, Lithuania, Norway, Sweden and the United Kingdom on 11th September 1994, on the formation and training of a battalion to participate in United Nations

peace-keeping operations. The heads of government of the three Baltic countries signed a trilateral agreement in Riga, on 14th September 1994 on participation in this joint battalion, known as BALTBAT, which was formed in February 1995⁵.

(ii) European and transatlantic co-operation

23. Accession to the European Union, WEU and NATO is the major foreign policy objective of the three states and the expression of a common aspiration, although their approach may not always be co-ordinated. An important stage along the way is the signing of Europe agreements with the Union, which was one of the objectives of the French presidency of the Union for the first half of 1995. Application of these agreements places the three countries on an equal footing with other Central European countries that already benefit from them⁶.

24. In security matters, WEU and NATO, the first through its associate partner status, the second via the partnership for peace programme, have associated the three countries in their work without, however, offering them security guarantees. Although this may fall short of expectations, it would nevertheless be dangerous and misleading to give further commitments in this area, while the political will and necessary means are not forthcoming.

25. Incidentally, it should be noted that associate partner status affords substantial participation in WEU's activities, unlike the observer status Austria, Finland and Sweden now have. Nevertheless, the latter are full members of the European Union and are thus called upon to take a position at the 1996 intergovernmental conference on the common foreign and security policy and consequently on WEU, confirmed, since Maastricht, in its rôle as the defence component of the Union.

III. The Baltic Assembly: rôle and prospects

26. The Baltic Assembly held its first plenary session in January 1992. Since then it has met regularly, twice a year, and adopts resolutions addressed to the Baltic Council of Ministers. These resolutions are not binding, but, due to the influence of the parliaments in the national political life of each state, their impact is considerable and ministers must take account of them.

27. Its rôle of interparliamentary legislator has further expanded since the meeting of the Praesidium of the Assembly in Riga on 25th and 26th September 1993, when it was decided to address

5. Jane's Defence Weekly, Vol. 23 No. 9, 4th March 1995.

6. Bulgaria, the Czech Republic, Hungary, Poland, Romania and the Slovak Republic.

resolutions to the parliaments with a view to their being incorporated in national legislation. This is an innovatory and interesting aspect and one which illustrates the close links between the Assembly and the parliaments of each country.

28. The Assembly also attributes great importance to external relations and is seeking to develop contacts with other interparliamentary institutions in Europe so as to enable it to present the three Baltic countries' views on topical issues concerning Europe and also to demonstrate their wish for integration in European organisations for co-operation in political, economic and defence matters.

(a) The political rôle of Baltic interparliamentary co-operation

29. The creation of the Baltic Council in 1990, drawing on the 1934 agreements, aimed to co-ordinate the movement for a return to independence in the then Soviet Republics of Estonia, Latvia and Lithuania. Once the project had been successfully completed, it was necessary to give the Council a new rôle. The newly-gained independence was precarious and deterioration in relations with the Russian Federation led to increased co-operation between the three states that might not otherwise have occurred, given the differing situations of each from an economic, political and cultural point of view.

30. Nevertheless, true co-operation has gradually been established, with creditable results in view of the short time involved and the difficulties the three countries have had to deal with at home and abroad. By introducing a parliamentary dimension in the framework of inter-state co-operation, the three states have contributed to intensifying their relations, with the Assembly in turn taking initiatives inviting governments to act, leading to practical results.

(i) Co-operation between the Baltic Council and the Baltic Assembly

31. In Riga, on 13th September 1994, the heads of government of Estonia, Latvia and Lithuania signed an agreement between the three countries on parliamentary co-operation and co-operation between governments. This agreement defines the areas and modalities of such co-operation, and also the respective rôles of the Council and of the Assembly.

32. The Baltic Assembly is defined as the instrument of co-operation between the national parliaments (Article 3). The Council and Assembly meet in joint session at least once a year within the framework of the Baltic Council (Article 6) and the ministers must then submit a report on co-operation implemented during the past year and on proposed future activities and initiatives

(Article 6). There is a perceptible similarity here with Article IX of the modified Brussels Treaty⁷.

33. The Assembly submits proposals and recommendations to the Council and its members may put questions to the Baltic Council of Ministers on inter-state co-operation during plenary sessions. The two institutions transmit information to one another through their respective secretariats (Article 7). The Assembly is entitled to make its views known on questions relating to co-operation between plenary sessions (Article 8).

34. On regional co-operation, the agreement provides that the Council and the Assembly must endeavour to develop their relations with the Nordic Council, the Council of Baltic Sea States and other institutions in pursuit of the ultimate goal of integration into European structures (Article 9).

(ii) The way the Assembly operates

35. The Praesidium of the Assembly, meeting in Tallinn on 31st October 1993, adopted rules for the latter, better adapted to the new conditions created by the development of political co-operation. These rules define the Assembly as a consultative and co-ordinating institution which expresses its views by submitting proposals and recommendations to the governments and parliaments of the three states and to international and regional organisations.

36. It consists of 60 parliamentarians, 20 from each country, appointed according to the procedures in force in each parliament. Meeting in plenary session, the Assembly appoints the Praesidium, its Chairman, the committees and members thereof and the secretariat. The Chairman nominates the Secretary of the Assembly who is elected by the latter.

37. The Praesidium is the most important body of the Assembly. Comprising two members from each delegation, the Chairman and Vice-Chairman of the latter, it co-ordinates the work of the Assembly between sessions, prepares the sessions and monitors implementation of the resolutions it adopts. The Praesidium also has responsibility for external contacts and relations between the parliaments and governments of the three countries. It submits a report on its activity for consideration by the Assembly.

38. There are six committees for: legislation; economic and social affairs; environment and energy; communications; education, science and culture; foreign and security policy.

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

39. Additionally, ad hoc or standing committees may be established such as the Assembly's budget and audit committees.

40. The secretariat, consisting of the Secretary of the Assembly in Riga and the Secretaries of the national delegations, ensures the smooth running of the regular business of the Assembly. The Clerk of the Assembly is elected for a three-year term of office, renewable for one further term. Members of the Assembly may also form political groups (with a minimum of four members from two countries).

41. The Assembly also places great emphasis on cultural activities in the three countries, awarding prizes in art, literature and the sciences. These awards were instituted at the October 1993 session and consist of a medal, a diploma and a sum worth approximately 5 000 ecus. The names of the prize-winners and their works are published in the official journal and distributed in the three countries. Under present economic conditions, this represents a not inconsiderable contribution to making the literary, artistic and scientific creative works of each country accessible to the wider public, enables the prize-winners to pursue their activity and encourages the emergence of new talent.

(b) The Baltic Assembly: regional and European political perspectives

42. The link between the Baltic Assembly and the national parliaments provides the former with substantial scope for political action. Resolutions adopted, once submitted to the parliaments, are the subject of debate and lead to positions being taken that bring additional pressure to bear on governments to act in the areas concerned. One of the advantages of Baltic interparliamentary co-operation is its effect both internally and on the regional and European scale.

(i) Inter-state security and defence co-operation

43. Through its statutes and by reference to the agreement on parliamentary and governmental co-operation of 13th September 1994, the Baltic Assembly has wide powers in the framework of political co-operation between the three Baltic countries. It has thus adopted positions at a fairly early stage on subjects with implications beyond the framework of the state, at times eliciting reactions from or calling for positions to be taken by other countries and international parliamentary, political and security organisations.

44. In inter-state relations, the Assembly is paying increasing attention to military co-operation between the three countries and to resolving the question of harmonising their respective policies on visas and border controls. This last item

has several times been the subject of declarations by the Baltic Council of Ministers and progress has been made recently in this connection. The question is a crucial one, as the situation which prevailed until now acted as a brake on the free movement of goods and had repercussions on the development of trade between the three states and the outside world.

45. Security and defence are two priority issues for the three states. Although they have limited economic and human resources, they must try to re-establish national armies to act as a deterrent to a possible aggressor. It was clear that without increased co-operation in this area, the armed forces of the three countries would be reduced to inadequately equipped and poorly-trained paramilitary units, with the possible exception of one or two élite units. An initial important measure in this connection which has received support from several NATO and Nordic countries, was the initiative taken in 1994 to create a joint Baltic battalion, BALTBAT⁸. The Assembly in its turn requested, in a resolution adopted in Vilnius on 13th November 1994, that the three countries should prepare a mutual defence agreement, an initiative which, if it leads to firm results, will have a positive effect on the stability of the states concerned and the region to which they belong.

(ii) Regional and European policy

Relations with the Russian Federation

46. If the major objective of the foreign policy of Estonia, Latvia and Lithuania is integration into the European Union, WEU and NATO, this is not merely on economic and domestic policy grounds or for reasons of international prestige; it is also because they feel themselves under threat from the Russian Federation, with which they have disputes of various kinds to resolve. The Chechen crisis, to name but the most recent example⁹, has obviously done much to confirm them in this attitude.

47. Estonia is in conflict with the Russian Federation over border questions dating back to the implementation of the 1920 Treaty of Tartu under which Soviet Russia recognised Estonia's independence. Latvia is concerned about the presence on its territory of a Russian-speaking population without Latvian nationality, regarded by Latvians as illegal immigrants who came to the country during the years of Soviet occupation. Lithuania is concerned with the Kaliningrad question and the Russian Government's claim to a

8. Jane's Defence Weekly, Vol. 23, No. 9, 4th March 1995.

9. The Russian Federation's interventions in Tajikistan, Georgia and Moldova (Trans-Dniestr), and statements referring to the defence of Russian interests in the "near abroad" are a constant source of concern to the three Baltic states.

right of passage for its military forces between its own territory and Kaliningrad.

48. This issue was the subject of a resolution of the Assembly on 13th November 1994, asking for the Kaliningrad question to be dealt with in a multilateral framework and for a multinational conference to be convened on the issue. Furthermore, the Assembly decided in favour of reinstating the old names in the former Koenigsberg region. Russia was quick to react. On 15th November the Minister for Foreign Affairs of the Russian Federation, Mr. Andrei Kozyrev, issued a declaration denouncing what he considered to be blatant intervention in the internal affairs of the Federation of Russia and reaffirming that Kaliningrad was an integral and inalienable part of Russian territory.

49. The conflict in Chechnya only complicated further the relations between the three Baltic countries and the Russian Federation. On 7th November 1994, the Chechen presidency launched an appeal to the Baltic Assembly asking it to transmit Chechnya's call for independence to the United Nations, a call which was discussed at the Assembly's November 1994 session without a definite position being taken on how to respond. The intervention of the armed forces of the Russian Federation, to which close attention was paid by the three Baltic states, led, on 9th January 1995, to a position being taken by the Praesidium of the Assembly directed to the OSCE¹⁰, asking it to establish a mission to enquire into human rights violations and criticising the actions of the Russian armed forces. At the 6th session, held in Riga on 21st and 22nd April 1995, the Assembly adopted a resolution inviting the OSCE to raise the question of the right of self-determination of the Chechen people in the United Nations and accusing the Russian Federation of genocide.

50. The declarations of the Minister for Foreign Affairs of Russia, Mr. Andrei Kozyrev, on the possibility of having recourse to force to defend Russian-speaking communities that might be under threat within states that were formerly part of the USSR¹¹, were also a source of major concern to the three Baltic countries and the Assembly, at its 6th session, adopted a declaration in this connection calling upon "all democratic states and international organisations to give an open, clear and unambiguous evaluation of those Russian Federation actions and expressed intentions that violate human rights and pose a threat to the security of other states"¹².

51. The instability of the political situation in Russia, the return to a more national foreign policy,

10. Organisation for Security and Co-operation in Europe.

11. The Times, 19th April 1995; Le Figaro, 20th April 1995.

12. Baltic Assembly; Riga, 22nd April 1995.

the affirmation of divergencies in relations with the United States and the states of the European Union over the Bosnian and Chechen conflicts or the enlargement of NATO help to increase the feeling that it is urgent to bring about a rapprochement between the three Baltic states and the institutions for European and transatlantic co-operation. In this perspective, the Baltic Assembly has increased its contacts with other parliamentary institutions in Europe, in parallel with action by the governments directed towards the European Union, NATO and WEU.

European co-operation

52. Co-operation with the states of the Nordic region is an important aspect of the Assembly's work and the latter has called for a deepening of relations between the Baltic Council and the Nordic Council with a view to strengthening joint security and preparing for integration into European structures¹³. Integration in the European Union is at the heart of the foreign policy of the three countries and at its November 1994 session, the Assembly adopted a resolution urging governments to co-operate further in order to accelerate the negotiation process leading to the signing of Europe agreements with the European Union.

53. With a view to rapprochement with the European institutions, the Assembly and the Benelux Interparliamentary Consultative Council¹⁴ signed a joint declaration on parliamentary co-operation in The Hague, on 18th November 1994. In conformity with this document, the two Assemblies gave a mutual undertaking to co-operate in the following areas¹⁵:

- the development of democratic institutions;
- exchange of experiences, information and training programmes in parliamentary matters;
- co-operation in legislative matters;
- co-operation in foreign policy matters;
- communications;
- energy, economy and environmental protection;
- culture, education and science;
- cross-border co-operation.

13. Three of the five members of the Council are members of the European Union: Denmark, Finland and Sweden. Iceland and Norway are members of NATO and associate members of WEU.

14. The Council is composed of parliamentarians of Belgium, Luxembourg and the Netherlands.

15. Benelux Interparliamentary Consultative Council; report on activities 1994, 13th January 1995, page 12.

The declaration also lays the foundations for close co-operation between the Praesidium of the Assembly and the Bureau of the Council, and between their committees and secretariats. The development of this type of relations with the parliamentary institutions of Western Europe is an important stage on the road to integration into the European Union and other co-operative structures. To this end the Assembly adopted a resolution on 22nd April, recommending that the Baltic Council of Ministers proceed to bring the legislation of the Baltic states into line with European legislation and co-ordinate their actions in relation to the European Union.

54. On 15th May 1994, the Baltic Assembly appealed to the WEU Assembly to develop co-operation between the two institutions following the decision taken by the WEU Council of Ministers at Kirchberg on 9th May 1994 to grant Central European countries associate partner status. In this document, the Baltic Assembly asked to be considered as a collective partner in co-operation with the WEU Assembly. The latter, for its part, is prepared to establish a close relationship with its Baltic counterpart, while retaining its own specific character as a European parliamentary institution drawn from national parliaments and specialising in security and defence matters.

55. This co-operation may be pursued in different ways such as exchanges of contacts and information between committees of the two assemblies, or regular attendance by delegations in their plenary sessions; at secretariat level, the WEU Assembly might envisage receiving officials of the Baltic Assembly for a period of training, the duration and arrangements for which would be defined by the two institutions. Implementation of this co-operation is set in the wider framework of contacts between the WEU Assembly and the parliaments of associate partner coun-

tries. The Committee for Parliamentary and Public Relations, in view of the nature of its activities, has an important rôle to develop in this direction.

56. The attention the committee paid to these problems led to two reports on the subject¹⁶ and, on a proposal from the committee, the Assembly adopted an order at the June 1994 session requesting that a provision be included in the Assembly's budget for the 1995 financial year "for setting up an Assembly support fund for parliamentary co-operation work" with the associate partners¹⁷. These activities, undertaken jointly with national parliaments, would thus be extended to include interparliamentary co-operation structures in Central Europe. This co-operation must be encouraged with a view to better preparing these countries for integration into European and transatlantic political, economic and security structures.

57. From this point of view the Baltic Assembly is an encouraging example of parliamentary co-operation, owing to its aims and taking into account the practical results obtained in a short time. The development of co-operation between the three Baltic states in economic, political and security matters is in large part due to the work undertaken by the Assembly through its resolutions and their practical follow-up. It contributes to the rapprochement of the three countries and to strengthening their awareness of their common destiny, an essential factor for their successful integration into European and transatlantic organisations. In this perspective, one can but wish for close co-operation to be established with the WEU Assembly, the parliamentary component of European defence, with the common aim of strengthening security and stability in Central Europe and throughout the entire continent, given the extent to which interests in this area are now shared by all.

16. Document 1365 on the development of relations between the WEU Assembly and the parliaments of Central European Countries, Rapporteur; Mr. Kempinaire, 17th May 1993. Document 1414 on parliamentary co-operation with the countries of the WEU Forum of Consultation, Rapporteur: Sir Russell Johnston, 4th May 1994.

17. Order 90, June 1994.

APPENDIX I

Co-operation between Baltic countries – the Baltic Assembly

The Baltic Assembly was born in Tallinn, the capital of Estonia, on 8th November 1991 as an instrument of co-operation between the parliaments of the three Baltic states – Estonia, Latvia and Lithuania.

It has a consultative as well as a co-ordination function in respect of issues and matters which are of mutual interest to all three states. The Assembly's activities are equally financed by all three states and Assembly sessions are convened twice each year on a rotation basis.

Structurally the Assembly is formed by the delegations from Estonia's, Latvia's and Lithuania's parliaments with 20 deputies from each. Each of the parliamentary delegation members work in one of six working committees – Legal; Socio-economic; Ecology and Energy; Communications; Education, Culture and Technology, and Foreign Relations and Security committees.

The Praesidium of the Assembly with the assistance of the Secretariat co-ordinates the work of the Assembly's institutions and committees between Assembly sessions and organises the preparatory work for the Assembly sessions themselves. Each delegation nominates two delegation members to the Assembly Praesidium.

The President of the Baltic Assembly is elected on a rotation basis for a six month period, that is, from one session of the Assembly to the next.

To date the Assembly has held six sessions following its establishment in Tallinn, November 8th, 1991:

- 1st session in Riga, 24th-26th January 1992;
- 2nd session in Palanga, 31st May 1992;
- 3rd session in Tallinn, 31st October 1993;
- 4th session in Jürmala, 13th-15th May 1994;
- 5th session in Vilnius, 11th-13th November 1994;
- 6th session in Riga, 21st-22nd April 1995.

The first two sessions, which occurred when the Baltic states had only recently regained their inde-

pendence from the USSR, were mainly concerned with issues relating to the removal of Russian troops from the Baltic states. It was only at the third session (again in Tallinn) that the Assembly came of age in the sense that:

1. all members of the delegations were from parliaments which had been elected after the restoration of independence, and
2. the session addressed itself in large measure to issues other than those of foreign relations and security.

The fourth and the fifth sessions continued this direction and approved documents reflecting both external and internal issues and problems, the most important of these being the document concerning the establishment of the Baltic Council of Ministers which, together with the Baltic Assembly, will form the Baltic Council. Another important document was the establishment of the Baltic Assembly prizes for literature, art and science.

Between sessions the work of the committees and the Secretariat goes on. The Praesidium and the committees meet on average at least twice in the inter-sessional period. These meetings are arranged and co-ordinated through the Baltic Assembly Secretariat in co-operation with the national delegation secretariats.

The Baltic Assembly as an international organisation has established formal relations with similar organisations in Europe. In 1992, the Assembly signed a formal agreement of co-operation with the Nordic Council. This was an important agreement not only in political terms but also in terms of practical assistance and advice in the formative stages of the Assembly's work.

A formal agreement with the Benelux Interparliamentary Assembly was signed on 18th November 1994.

To conclude this brief overview of the activities of the Baltic Assembly, it should be emphasised that the work of the Assembly is important not only in the sense of furthering co-operation between the Baltic states but also in presenting a united Baltic viewpoint to Europe and the world.

APPENDIX II

*Regulations of the Baltic Assembly of the Republic of Lithuania,
Republic of Estonia and Republic of Latvia**Main provisions*

The Baltic Assembly shall be a body for co-operation among the parliaments of the Republic of Lithuania, the Republic of Estonia and the Republic of Latvia.

The Baltic Assembly shall be a consultative and co-ordinating institution set up to discuss common issues and joint projects.

The Baltic Assembly may express its policy in the form of addresses, proposals or recommendations to the parliaments and governments of the Republic of Lithuania, the Republic of Estonia and the Republic of Latvia, as well as to international and regional organisations

The working bodies of the Assembly shall be its sessions, the Praesidium and the Secretariat of the Baltic Assembly.

The official languages of the Assembly shall be Lithuanian, Estonian and Latvian. The working language of the Baltic Assembly shall be agreed on by consensus among the delegations.

The sessions of the Baltic Assembly

The Baltic Assembly shall be made up of sixty parliamentarians of the Baltic states: twenty delegates each from the Republic of Lithuania, the Republic of Estonia and the Republic of Latvia.

The parliaments represented in the Baltic Assembly shall each establish their procedure for making up the delegations. The Baltic Assembly shall be deemed legitimate when no less than two-thirds of each of the delegations to the Baltic Assembly take part in its work.

The sessions of the Baltic Assembly shall be convened twice a year. Special sessions may be convened at the request of one of the states, in which case the time and the venue of the session shall be established by the Praesidium of the Baltic Assembly. Members of the governments of Lithuania, Estonia and Latvia dealing with the issues of Baltic co-operation and, upon necessity, other members of the governments shall be invited to attend the sessions of the Baltic Assembly.

Representatives of the parliaments and administrative units of other states may be invited to the sessions of the Baltic Assembly with the status of guests and observers.

The session of the Baltic Assembly shall appoint the Praesidium, the Chairman of the Praesidium of the Baltic Assembly, the committees of the Baltic Assembly, their members and the Secretariat upon their nomination by the Baltic Assembly. Upon the nomination by the Praesidium of the Baltic Assembly the session shall elect the Secretary of the Baltic Assembly.

Records shall be made of the Assembly sessions. The records of the session shall be signed by the Chairman of the Praesidium and his (her) deputies. The records shall be in the working languages of the Assembly.

Initiation and resolution of issues

The right to submit draft documents for discussion during the sessions of the Baltic Assembly shall be vested in the committees, party groups, and the delegations of the Baltic Assembly. Drafts may also be submitted by the presidents of Lithuania, Estonia and Latvia, and by their respective governments; the latter shall submit their drafts via the members of respective governments who deal with issues of Baltic co-operation.

The policies of the Baltic Assembly and its working bodies shall be adopted by voting. Members of the Baltic Assembly shall vote individually; however, upon request by one of the delegations, all issues, with the exception of procedural questions, shall be resolved by consensus among the delegations. Decisions which do not require consensus shall be deemed adopted by a majority vote.

Co-operation agreements with other international and regional organisations shall be adopted only by consensus of the members of the Baltic Assembly.

The Praesidium

Assisted by the Secretary, the Praesidium of the Baltic Assembly shall co-ordinate the work of all the Baltic Assembly bodies in between the sessions, shall prepare sessions of the Baltic Assembly, and shall supervise the implementation of resolutions adopted by the Baltic Assembly. The Praesidium of the Baltic Assembly shall maintain ties with international organisations, as well as the parliaments and governments of Lithuania, Estonia, Latvia and other states.

The Praesidium of the Baltic Assembly shall be made up of two members from each national delegation: the chairman and the deputy chairman of the delegation, appointed by the national parliaments.

During the sessions of the Baltic Assembly the Praesidium shall appoint from its members a chairman and two deputy chairmen. The Chairman of the Praesidium shall be a member of the delegation whose country is to host the next session of the Baltic Assembly. The deputy chairmen shall be from each of the other states.

The Praesidium shall meet no less than four times a year.

The Praesidium of the Baltic Assembly shall submit a report on its activities to each session of the Baltic Assembly for the evaluation thereby.

Records shall be made of the meetings of the Praesidium of the Baltic Assembly and distributed to all members of the Baltic Assembly during all sessions. The records shall be signed by the Chairman of the Praesidium and his (her) deputies during the same or the next meeting of the Praesidium. The records shall be prepared by the secretariat of the country that hosted the Praesidium meeting.

The committees of the Baltic Assembly

The Baltic Assembly shall set up the following standing committees:

- (i) Legal;
- (ii) Social and Economic Affairs;
- (iii) Environment and Energy;
- (iv) Communications;
- (v) Education, Science and Culture;
- (vi) Security and Foreign Affairs.

The Baltic Assembly may decide to set up other standing and ad hoc committees, including a budget and audit committee to control the expenditures of the Baltic Assembly.

The Baltic Assembly shall set the main guidelines for the work of the committees.

The committees of the Baltic Assembly shall meet no less than four times a year.

At the end of the session, each committee shall elect its chairman and inform the session thereof. A committee shall be usually chaired by a member of the committee from the country that will host the next session of the Baltic Assembly. The chairman of a committee shall co-ordinate the work of the committee. Documents adopted by a committee take the shape of addresses which may be directly passed on to the Baltic Assembly, as well as to the parliaments of the member states of the Baltic Assembly.

Each delegation shall nominate its members to the committees. Other members of the Baltic Assembly, representatives of the governments and experts may be invited to the meetings of a committee.

The Secretariat

The Secretariat shall ensure the regular activities of the Baltic Assembly.

The Secretariat of the Baltic Assembly shall consist of the Secretary of the Baltic Assembly based in Riga and secretaries of the Baltic Assembly delegations from the parliaments of the Republic of Lithuania, the Republic of Estonia and the Republic of Latvia. The candidacy of the Secretary of the Baltic Assembly shall be nominated by the Praesidium of the Baltic Assembly and submitted for approval by the session of the Baltic Assembly. The Secretary of the Baltic Assembly shall be elected for a term of three years with the right to be re-elected for a second term. The activities of the Secretary of the Baltic Assembly shall be equally financed by the three parliaments. The working premises of the Secretary of the Baltic Assembly shall be provided by the Saeima of the Republic of Latvia. The sessions of the Baltic Assembly alone shall decide the issues of increasing the Baltic Assembly expenditures, divided into three equal parts, as well as issues of establishing additional staff positions.

The Secretary shall draw up annual expenditures estimates which are subject to approval by the Baltic Assembly.

Co-operation among party groups

Members of the Baltic Assembly may united into regular or ad hoc groups which will be treated on equal terms with the committees during the discussion of drafts submitted to the Baltic Assembly. A party group may consist of no less than four members from two states.

Party groups shall be registered by the Secretariat of the Baltic Assembly.

Co-operation between the Baltic Assembly and the Baltic Council of Ministers

Co-operation between the Baltic Assembly and the Baltic Council of Ministers shall be implemented through the Praesidium of the Baltic Assembly and its standing committees and be co-ordinated through the Secretariats of the Baltic Assembly and the Baltic Council of Ministers.

The Baltic Assembly and the Baltic Council of Ministers, together called the "Baltic Council", shall hold annual joint sessions. The time

and place of the joint session together with its agenda shall be co-ordinated through the respective Secretariats based upon agreements reached between the Praesidium of the Baltic Assembly and the presiding Baltic state of the Baltic Council of Ministers.

The Baltic Council of Ministers shall, at each annual joint session, submit a report on Baltic co-operation concerning the past year's co-operation and plans for further co-operation.

At the annual joint sessions as well as between them, the Baltic Assembly members, individually or in the name of either the state delegation, the individual standing committee or registered Baltic Assembly political faction or bloc, may submit questions, either verbally or in writing, to the Baltic Council of Ministers on matters concerning Baltic co-operation.

The Baltic Assembly may make appeals, proposals and recommendations to the Baltic Council of Ministers.

The exchange of current information between the Baltic Assembly and the Baltic Council of Ministers shall occur via their respective Secretariats.

Final provisions

The regulations of the Baltic Assembly may be altered at a session of the Baltic Assembly only.

The activities of the Baltic Assembly shall be terminated only upon a respective decision by the parliaments of the Republic of Lithuania, the Republic of Estonia and the Republic of Latvia.

Baltic Assembly
Praesidium Chairman

Egidijus BICKAUSKAS
Republic of Lithuania

Baltic Assembly
Deputy Praesidium
Chairman

Maris BUDOVSKIS
Republic of Latvia

Baltic Assembly
Deputy Praesidium
Chairman

Ülo NUGIS
Republic of Estonia

Tallinn, 31st October 1993

With additions adopted at Vilnius, 13th November 1994.

APPENDIX III

*Statutes on the Baltic Assembly prizes for literature, the arts and science**1. General provisions*

1.1. The Baltic Assembly prizes for literature, the arts and science (henceforth the prizes) were established upon the suggestion of the Baltic Assembly session of 31st October 1993, in order to facilitate the development of literature, the arts and science in the Baltic states, to assess the most distinguished achievements in these fields and to disseminate these achievements in the three Baltic states.

The prizes have been established in order to:

- demonstrate the mutual interests of the countries in this region for the upholding of their national identity and self-esteem by supporting outstanding achievements in literature, the arts and science;
- maintain a continuous interest among the people in Estonia, Latvia and Lithuania and about developments in their neighbouring countries by creating the possibility to learn about their neighbours' achievements;
- strengthen co-operation among the Baltic states in the fields of literature, the arts and science;
- create an interest among a growing number of people for the acquisition of the intellectual values and languages of the Baltic nations;
- raise the general level of literature, the arts and science in the Baltic countries.

1.2. The prizes are to be awarded within the framework of the mutual international co-operation programme of Estonia, Latvia and Lithuania, upon the basis of the resolution passed by the joint judging committee (experts) approved by the Baltic Assembly.

1.3. Financial resources are allocated by the Council of Ministers of the Baltic states and are recommended not to be less than 5 000 ecus for each prize.

The nominal value of the prizes shall be set annually in accordance with the resources allocated in the budget. The monetary prize to be presented to the winners shall be tax exempt.

2. Procedure for awarding the prizes

2.1. The Baltic Assembly prize for literature shall be awarded annually at the session of the Baltic Assembly for a novel, a play, a collection of poems, short stories or essays, or any similar written composition in one of the Baltic state languages. The work must have been published for the first time in the original language within the past two years but no later than six months before the date the prize is to be awarded.

Requirements for the work to be submitted and the list of documents to be attached shall be set out in the rules of the competition which shall be drafted by the joint judging committee (experts) and shall be approved by the Baltic Assembly Secretariat.

2.2. The Baltic Assembly prize for the arts shall be awarded annually at the session of the Baltic Assembly for an original work of art or a series of works created within the past two years in fine arts, applied arts, in music, architecture or cinema. It also may be awarded to a group of performers, to soloists, actors or other performing artists for an outstanding artistic achievement accomplished within the past two years.

2.3. The Baltic Assembly prize for science shall be awarded annually at the session of the Baltic Assembly for a significant original work or a research series in the humanities, social or natural sciences and which is considered to be a contribution to the research of the Baltic region or is of international importance and has been published within the past three years. Nomination for the prize for science may include large fundamental scientific works (monographs) which, although not published within the last three years, are considered to advance human knowledge in that particular field.

3. The joint judging committee (experts)

3.1. The joint judging committee (experts) of the Baltic Assembly prize (henceforth the Joint Judging Committee) shall consist of nine people. The applicants for each prize (in literature, the arts and science) shall be assessed by the respective experts. Each country shall independently determine the three persons to be delegated to the committee and the procedure for their selection.

3.2. The members of the Joint Judging Committee shall be outstanding specialists in the fields of literature, the arts and science.

3.3. The experts and alternate experts shall be changed every three years.

After the first three years, counting from the date of the establishment of the Joint Judging Committee, every year, until the proper rotation of judges is attained, one Joint Judging Committee member from each country shall be released, by lot.

One and the same person may be nominated for the Joint Judging Committee for no more than two consecutive terms.

3.4. The Joint Judging Committee shall elect a chairperson and two vice-chairpersons from their midst who shall change each year in accordance with the procedure for their rotation (among the countries).

3.5. The Joint Judging Committee meetings shall be convened at least once a year and shall be recorded in writing in the languages of all three countries and translated into English. The Joint Judging Committee decides its own internal working procedures.

The Joint Judging Committee meetings shall take place alternately in Tallinn, Riga and Vilnius.

3.6. The Joint Judging Committee meetings shall have full powers if at least two representatives from each country participate.

In addition to the regular meetings for awarding prizes, the Joint Judging Committee may convene other meetings if the necessity arises. The committee meetings may be convened upon the suggestion of the Baltic Assembly, the Joint Judging Committee chairperson or the jury representatives from any of the respective countries. Every year members of the Joint Judging Committee shall be entitled to discuss the rules of the competition and the procedure for awarding prizes, and to propose amendments to the statutes.

The Joint Judging Committee shall be entitled to make a decision not to award any one of the prizes. The prize shall also not be awarded in the year concerned if the Joint Judging Committee has not been able to reach an agreement, that is, to make a concrete decision by a simple majority vote. The unused resources shall be transferred to the following year's budget.

In any case, the Joint Judging Committee shall make its decisions and the substantiation for them known to the public.

3.7. The prize nominees from each country shall be assessed by National Judging Commit-

tees. Only the National Judging Committee shall be entitled to select works for submission to the joint Baltic competition and the works shall be submitted together with all the necessary information (the biography of the nominee, reviews, and other related documents).

3.8. Works and their authors shall be nominated for the prize by the Joint Judging Committee. The Joint Judging Committee shall assess the works nominated by the respective National Judging Committee of each country.

4. *Nominating the work and awarding the prize*

4.1. Works shall be submitted to the National Judging Committee in accordance with the rules of the competition before 15th March of that year. In one month's time, the National Judging Committee shall assess these works and no more than the best two works from each field shall be nominated for review by the Joint Judging Committee.

In order to assess a musical work, fine art and theatrical productions, concerts, exhibitions and performances may be organised.

4.2. The decision on awarding the prize shall be submitted by the Joint Judging Committee to the Baltic Assembly Secretariat no later than two weeks before the spring session of the Baltic Assembly.

The prizes may also be awarded at the Baltic Assembly autumn session in October. In this case, the works must be submitted to the National Judging Committee before 15th August of that year.

4.3. The same person may not receive the prize more than once.

5. *Presenting the prize*

5.1. The prize – a special medal, diploma and monetary prize – shall be presented by the Chairman of the Praesidium of the Baltic Assembly at a Baltic Assembly ceremony, and the names of the prize winners and information on their achievements shall be published in the official press of all three Baltic states.

5.2. The literary work, the author of which has been awarded the Baltic Assembly prize, shall be published (communicated to the public) within two years from the reception of the prize in the languages of both neighbouring countries.

The country in which the literary work has been created shall render financial assistance in publishing the work, thus recognising the international importance of the Baltic Assembly prize. The award-winning works in the arts and science shall be given publicity in the same manner with the support of the respective country.

6. *The administration and Secretariat of the Joint Judging Committee*

6.1. The Joint Judging Committee shall be coordinated by the Baltic Assembly Secretariat, which also provides assistance to the National Judging Committee.

6.2. Each year, the Joint Judging Committee shall request from the Council of Ministers of the Baltic States the resources necessary for the prizes, for ensuring the necessary work of the experts, organising exhibitions and concerts and for similar needs.

6.3. The administration of the Joint Judging Committee shall be conducted and the accounts of the financial resources shall be kept in accordance

with the laws of the respective countries and the regulations of the Council of Ministers of the Baltic States.

7. *Duties of the Joint Judging Committee*

7.1. The Joint Judging Committee, in conjunction with the Baltic Assembly Secretariat, shall be responsible for the proper utilisation of allocated funds.

7.2. The Joint Judging Committee shall provide the Baltic Assembly with a report on its activity.

The statutes on the Baltic Assembly prize for literature, the arts and science shall be adopted, amended and, if necessary, suspended by the Baltic Assembly.

Chairman of the
Praesidium of the
Baltic Assembly

Maris BUDOVSKIS
Republic of Latvia

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Ülo NUGIS
Republic of Estonia

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Egidijus BICKAUSKAS
Republic of Lithuania

Jurmala (Kemeris), 15th May 1994

Includes amendments, adopted in Vilnius, 13th November 1994.

APPENDIX IV

*Texts adopted by the Baltic Assembly**Appeal by the Baltic Assembly
to Western European Union*

The Baltic Assembly, meeting in Jurmala (Kemer) from 13th-15th May 1994, welcomes the efforts of Western European Union to co-operate with the Baltic states – Estonia, Latvia and

Lithuania – in the sphere of European security, especially 9th May 1994 agreements which granted the Baltic states associate partnership in Western European Union, and appeals to the Assembly of Western European Union to consider the Baltic Assembly as its collective partner in such co-operation.

Chairman of the
Praesidium of the
Baltic Assembly

Maris BUDOVSKIS
Republic of Latvia

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Ülo NUGIS
Republic of Estonia

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Egidijus BICKAUSKAS
Republic of Lithuania

Jurmala (Kemer), 15th May 1994

**1. Resolution
concerning the demilitarisation of the Kaliningrad region
and its future development**

The Baltic Assembly is of the opinion that the future of the Kaliningrad region is of concern to all of Europe and it requires joint actions.

Proceeding from this, the Baltic Assembly:

1. Suggests that the demilitarisation of the Kaliningrad region should be treated as an essential element for the security process in Central Europe and the entire continent.
2. Supports the motion for a resolution concerning respect for placenames as the cultural heritage of Europe, and the restoration of old placenames in the Kaliningrad region, which is under discussion at the Parliamentary Assembly of the Council of Europe.

Therefore, the Baltic Assembly appeals to the Baltic Council of Ministers and urges it to convene an international round-table conference on the issue of the demilitarisation of the Kaliningrad region and its future development.

Chairman of
the Praesidium
of the Baltic Assembly

Egidijus BICKAUSKAS
Republic of Lithuania

Deputy Chairman
of the Praesidium
of the Baltic Assembly

Maris BUDOVSKIS
Republic of Latvia

Deputy Chairman
of the Praesidium
of the Baltic Assembly

Ülo NUGIS
Republic of Estonia

Vilnius, 13th November 1994

2. Statement

The Baltic Assembly expresses its deep concern about the threats to use Russian Federation military forces in neighbouring countries under the guise of an alleged necessity to protect the human rights of the Russian minorities and Russian-speakers living there, expressed by the Russian Federation's Foreign Minister, Mr. A. Kozyrev on 18th April 1995.

Drawing the attention of the states of the world and international organisations to the fact that:

- the Russian Federation often demonstrates through its actions and statements its aggressiveness in the international arena;
- in many of its statements concerning other, especially neighbouring, states the Russian Federation is not complying with universally-recognised norms of international law;
- human rights are being violated in the Russian Federation on an extreme scale – its troops are killing civilians; and
- the abovementioned actions of the Russian Federation have not been restrained by the negative reactions of the majority of states and international organisations,

the Baltic Assembly urges all democratic states and international organisations to give an open, clear and unambiguous evaluation of those Russian Federation actions and expressed intentions that violate human rights and pose a threat to the security of other states.

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Arnold RÜÜTEL
Republic of Estonia

Chairman of the
Praesidium of the
Baltic Assembly

Maris BUDOVSKIS
Republic of Latvia

Deputy Chairman of
the Praesidium of the
Baltic Assembly

Egidijus BICKAUSKAS
Republic of Lithuania

Riga, 22nd April 1995

3. Resolution on Chechnya

The Baltic Assembly,

Realising that the Russian Federation has ignored all international calls for putting a stop to the murderous war and genocide in Chechnya by its forces and is in effect trying to use international organisations to cover up its actions in Chechnya and to organise mock elections there;

Resolutely condemns aggression in Chechnya which – no matter under what guise it takes place – may end with the physical extermination of a small nation;

Appeals to the OSCE and other international organisations to consider it their moral duty to make every effort to stop the war and genocide in Chechnya immediately.

Furthermore, the Baltic Assembly calls on the Russian Federation to halt the genocide of the people of Chechnya and to withdraw its army and militarised police forces from the territory of Chechnya and appeals to the OSCE to raise the issue in the United Nations of the right of the Chechen nation to self-determination and to freedom from colonialism.

Deputy Chairman of the
Praesidium of the
Baltic Assembly

Arnold RÜÜTEL
Republic of Estonia

Chairman of the
Praesidium of the
Baltic Assembly

Maris BUDOVSKIS
Republic of Latvia

Deputy Chairman of the
Praesidium of the
Baltic Assembly

Egidijus BICKAUSKAS
Republic of Lithuania

Riga, 22nd April 1995

APPENDIX V

*Appeal to the Organisation for
Security and Co-operation in Europe*

The Praesidium of the Baltic Assembly is watching with great alarm the deepening of the Chechnya conflict, the increase in the number of casualties among the civilian population there and the increasing violations of human rights.

In connection with these events, the Praesidium of the Baltic Assembly:

1. Appeals to the leadership of the OSCE member countries and proposes that the OSCE examine the possibility of setting up a mission of the OSCE, as provided by the document of the OSCE Moscow conference on the human dimension of 3rd October 1991, with the aim of investigating the facts of mass violation of human

rights in Chechnya and working out recommendations on the prevention of such violations.

2. Draws attention to the incompatibility of the actions of the armed forces of the RF in performing internal missions with the code of conduct signed by all the OSCE member countries at the Budapest meeting which obliges them strictly to adhere to the provisions of international conventions not to violate human and civil rights and also to take due care to avoid injury to civilians and their property in performing internal missions.

On behalf of the Praesidium of the Baltic Assembly,

Maris BUDOVSKIS
President of the Baltic Assembly

Riga, 9th January 1995.

APPENDIX VI

*Agreement on parliamentary co-operation between
the Baltic Assembly and the Nordic Council*

This agreement on parliamentary co-operation is to determine the priority areas of co-operation of mutual interest to both parties. Priority areas may be revised on a yearly basis. Amendments to this agreement of parliamentary co-operation are to be approved by the Praesidia of the Baltic Assembly and the Nordic Council.

The Praesidia have agreed to co-operate within the following priority areas:

(a) Development of democratic institutions

Parliamentary democracy:

- parliamentary scholarship programme

Legislative co-operation:

- assistance in the establishment of Baltic legislative co-operation,
- exchange of legal experts,
- exchange of law literature,
- protection of human rights.

(b) Co-operation in specialised areas

Environmental protection:

- action programme for cleaning the Baltic Sea,
- development of modern purification technology.

Security policy:

- withdrawal of foreign military forces,
- nuclear safety in the Baltic Sea area.

Culture and education:

- scholarship programme for students.

Trade and market economy:

- exchange of experts on economic co-operation.

Agriculture:

- restructuring of agriculture.

Communications:

- construction of Via Baltica

Energy:

- renationalisation of energy consumption.

Organisational forms of parliamentary co-operation:

- Representatives are to be invited to participate at parliamentary sessions, seminars and other international events arranged by the Baltic Assembly or the Nordic Council whenever topics of mutual interest are to be discussed;
- The Praesidia of the Baltic Assembly and the Nordic Council meet whenever needed to discuss and settle general principles for their co-operation;
- The joint working committee, chaired by the presidents, will meet whenever needed;
- Committee level contracts, meetings and co-operation should take place whenever needed;
- Secretariat level contacts to take place on a regular basis;
 - Training and technical assistance to the national secretariats of the Baltic Assembly.
- Information exchange on a regular basis:
 - by the national secretariats to the Baltic Assembly;
 - by the Nordic Information Offices as local points.

Technical realisation

- Joint meetings will be chaired by host organisation;
- Number of participants should be limited and not exceed the number of invited delegates;
- The national administration will be in charge of travel costs (in the Nordic area: only flights to the Nordic capitals);

- Hotel accommodation and meals are paid by the host organisation;
- All other arrangements will be specified by separate agreement.

Palanga, 30th May 1992

On behalf of
The Praesidium of the
Baltic Assembly

Aurimas TAURANTAS
President

This agreement on parliamentary co-operation between the Baltic Assembly and the Nordic Council has been written in two identical and equally valid copies in English and Russian signed in

Helsinki,

On behalf of
The Praesidium of the
Nordic Council

Iikka SUOMINEN
President

APPENDIX VII

***Common declaration of parliamentary co-operation between
the Baltic Assembly and the Benelux Consultative Interparliamentary Council***

This declaration expresses the will of the Baltic Assembly and the Benelux Consultative Interparliamentary Council to establish parliamentary co-operation and sets the directions, the priorities and the common interests of this co-operation.

All amendments to this declaration will be discussed and decided by the Baltic Assembly and the Benelux Consultative Interparliamentary Council.

The Baltic Assembly and the Benelux Consultative Interparliamentary Council declare to promote co-operation between the national assemblies *represented at the Baltic Council and the Benelux Consultative Interparliamentary Council* in the fields mentioned under A and B. Therefore they will, in concertation, propose initiatives to their national assemblies, their national governments and for what concerns the Benelux, the general-secretariat of the Economic Union.

A. The development of democratic institutions

1. Exchange of experience concerning parliamentary activities, information and training programmes.
2. Legislation:
 - co-operation in the co-ordination of the legislation of the Baltic and Benelux countries;
 - foster exchange programmes for legal experts;
 - exchange of documentation concerning legislation and legal reference materials;
 - protection of human rights.

B. Co-operation in special areas

1. Foreign policy: stimulation of the measures promoting the rapprochement between the Baltic states and Europe.
2. Communications:
 - stimulation of co-operation between the ports of the Baltic states and Benelux;

- reactivation of the co-operation between the cities and the municipalities of the Baltic states and Benelux;
- visa procedures among the countries.

3. Energy, market economy and environmental protection.
4. Culture, education and science.
5. Transfrontier co-operation.

The Baltic Assembly and the Benelux Consultative Interparliamentary Council declare to co-operate as follows:

C. On the level of co-operation forms

1. The Praesidium of the Baltic Assembly or the Bureau of the Benelux Consultative Interparliamentary Council can invite representatives of the Baltic Assembly or the Benelux Consultative Interparliamentary Council to the parliamentary sessions organised by both parties.
2. The Praesidium of the Baltic Assembly and the Bureau of the Benelux Consultative Interparliamentary Council shall meet whenever necessary to discuss common issues.
3. With the agreement of the Praesidium of the Baltic Assembly and the Bureau of the Benelux Consultative Interparliamentary Council joint committee meetings can be organised.
4. The meetings of the Secretariats of both assemblies shall be approved by the Praesidium of the Baltic Assembly and the Bureau of the Benelux Consultative Interparliamentary Council.

D. On the level of the procedures

1. In cases of exchange of delegations, the host Assembly makes beforehand, in concertation with the other Assembly, a detailed programme of activities. The programme provides for joint meetings organised by the host Assembly which are the object of preparatory notes distributed in advance by both Assemblies.

A written report is made afterwards on every exchange of delegations.

2. The number of participants for exchanges as is meant under C of this declaration is determined in concertation and on a reciprocal basis.

The composition of the delegations is determined by representativeness and expertise.

The Hague, 18th November 1994

In the name of the Baltic Assembly

M. BUDOVSKIS
President

3. Travel expenses to the meetings shall be covered by the participants. Hotel expenses (bed and breakfast) of the official guests are covered by the host Assembly.

This declaration has been written in Dutch, English, Estonian, French, Latvian and Lithuanian. The six texts are authentic and of equal value.

The Hague, 18th November 1994

In the name of the Benelux Consultative
Interparliamentary Council

Drs. D.J.D. DEES
President

APPENDIX VIII

The Baltic states and Kaliningrad



*Changes to the Charter and Rules of Procedure of the Assembly
with a view to accommodating associate members and
associate partners of WEU*

REPORT¹

*submitted on behalf of the Committee on Rules of Procedure and Privileges²
by Lord Finsberg, Rapporteur*

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APPENDIX

Voting rights of associate members in the WEU Assembly

1. Adopted in committee by 9 votes to 3 with 2 abstentions.

2. *Members of the committee:* Mr. Thompson (*Chairman*); Mr. Amaral (*Vice-Chairman*); Mrs. Aguiar, MM. Berendt, Bolinana, Mrs. Brasseur, MM. Carcarino (*Alternate: Benvenuti*), Couveinhas, Cuco, Deniau, Lord Finsberg, MM. Haack, Hughes (*Alternate: Wray*), Junghanns (*Alternate: Lummer*), Liapis, Lejeune, van der Maelen, Mignon, Mrs. van Nieuwenhoven, Sir Irvine Patnick (*Alternate: Baroness Gould of Potternewton*), MM. Sainz Garcia, von Schmude, Mrs. Scopelliti, MM. Soldani, Sofoulis (*Alternate: Korahais*), Speroni, Weyts, Zijlstra.

Associate member: Mr. Mimaroglu.

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

Draft Decision

on changes to the Charter and Rules of Procedure of the Assembly with a view to accommodating associate members and associate partners of WEU

The Assembly,

- (i) Having taken note of the arrangements agreed between the WEU Council and associate members of this organisation on the one hand and between the Council and associate partners on the other;
- (ii) Anxious to receive in appropriate conditions representatives of associate member and associate partners of WEU and to take account of the wishes expressed in this respect by the Council on 9th May 1994;
- (iii) Recalling that Article IX of the modified Brussels Treaty empowers the Assembly, composed of representatives of the Brussels Treaty powers to the (Parliamentary) Assembly of the Council of Europe to examine the annual report on the WEU Council's activities;
- (iv) Considering that the representatives of the member countries of the Atlantic Alliance must have a more favourable status than that of countries which are not members of that alliance,

DECIDES

- I. To amend its Charter as follows:
 - In Article II (c) of the Charter of the Assembly, delete " without voting rights in plenary sessions ";
- II. To amend its Rules of Procedure as follows:
 - 1. In Rule 15.3, delete " without voting rights " and insert " and deliberate ";
 - 2. In Rule 17, add a new paragraph (h) to read as follows:

" Rules 50 and 51 on budgetary questions shall not apply to representatives of associate member countries. "

Former paragraph (h) becomes paragraph (i).
 - 3. In Rule 41, paragraph 2, delete " fourth ". After " the United Kingdom (5) " add a new sentence to read as follows: " The fourth permanent committee shall be composed of 28 members divided as follows: Belgium (2), France (4), Germany (4), Greece (2), Italy (4), Luxembourg (1), the Netherlands (2), Portugal (2), Spain (3), United Kingdom (4). "
 - 4. In Rule 18 on observers, number the existing paragraph (a) and add two new paragraphs as follows:

" (b) Representatives of parliaments of WEU observer and associate partner countries to the Assembly shall have permanent observer status.

(c) Permanent observers of associate partner countries shall sit in committees without voting rights. The Presidential Committee shall fix the number of their representatives in sessions and in committees and the way they shall participate in the activities of the Assembly. "

Explanatory Memorandum

(submitted by Lord Finsberg, Rapporteur)

1. The Committee on Rules of Procedure and Privileges has had the task of making proposals to the Assembly so as to set out the voting rights of associate members. In spite of three attempts, it has not been possible to reach finality, and since work began as long ago as 1993, a category of associate partner has been created.
2. It is a matter of regret that these new forms of membership, associate member, observer and partner, were created by the Council of Ministers without any form of prior consultation with the Assembly. Common courtesy – and common sense – would surely have dictated this course of action so that the Assembly, which is an integral part of WEU, could have given some preliminary thought to the subject. The fact that the associate partner status followed on merely compounded – and confused – the situation and prior consultations with the Presidential Committee should have been held.
3. Too much time has already been wasted in fruitless discussion on issues which have no direct bearing upon the duty given to the Committee on Rules of Procedure and Privileges, and unless the Assembly is to look incompetent and incapable of resolving these issues swiftly, decisions must now be taken.
4. It may be argued that we start from a decision taken earlier and which has, to some extent, been overtaken by events, but the Assembly is master of its own procedure and cannot continue pursuing fruitless points any longer.
5. It seems pointless to rehearse at length the history of what has happened to earlier recommendations of the Committee on Rules of Procedure and Privileges as many events have been overtaken.
6. Logic and common sense dictate the following:
 1. Full members have all rights accorded to them in the charter, statute and rules.
 2. Associate members must, therefore, have less rights than full members.
 3. Associate partners have, therefore, to be given less rights than associate members.
7. Thus, I suggest that associate members should possess full rights in committees and plenary sessions including voting, except upon budgetary matters and on the reply to the annual report of the Council.
8. Associate partners shall be entitled to attend and speak at committees and in plenary but without voting rights.

APPENDIX

Voting rights of associate members in the WEU Assembly¹

*prepared at the request of the Clerk of the Assembly
distributed at the request of Lord Finsberg, Rapporteur*

1. Should representatives of associate members in the WEU Assembly have voting rights there? Does their status, as defined by the various acts of the WEU Council of Ministers, grant them the right to speak and vote?

It is proposed to examine this question from a strictly legal standpoint; a political assessment of such matters falls outside the aims and scope of this study.

2. In order to be able to answer this question, it must first be established which rules of law are applicable and their sources. These sources are:

- (a) The 1954 modified Brussels Treaty;
- (b) The 1991 Maastricht declaration of the Brussels Treaty powers on the invitation to European members of NATO to become associate members of WEU;
- (c) The Petersberg declaration of 19th June 1992 on relations between WEU and the other European member states of the European Union or the Atlantic Alliance;
- (d) The document on associate membership approved at the WEU Ministerial Council on 20th November 1992 and given substance on the same date by the adoption of a text called the document on associate membership of WEU concerning the Republic of Iceland, the Kingdom of Norway and the Republic of Turkey, by the ministers for foreign affairs of the latter three countries and the countries known as the Brussels Treaty powers. The content of this document was supplemented by an addendum inserted in the minutes of the above meeting of the WEU Ministerial Council on 20th November 1992 in connection with the document on associate membership;

(e) The Kirchberg declaration of 9th May 1994 of the countries known as the Brussels Treaty powers "following on from the document on associate membership of 20th November 1992".

3. The Brussels Treaty obviously does not contain rules governing associate member status. Moreover, the document adopted in Rome stipulated (in paragraph 3) that it would not involve any modification of the Brussels Treaty. Furthermore, the Council of Ministers, in its answer to the Assembly's Written Question 300, recalled the terms of the Petersberg declaration according to which associate members had not become contracting parties to the Brussels Treaty. However, it cannot be adduced from the foregoing that the modified Brussels Treaty has no application whatsoever in relations between the aforementioned powers and associate members, once the former have acted and agreed relations with members styled as associate, in accordance with and by application of the said treaty.

Furthermore, given that the "document" expressed a reservation as to the application of Article VIII of the treaty, is any interpretation possible other than that the remaining provisions are exempted from the reservation?

4. It should also be noted that the Brussels Treaty of 17th March 1948, following its revision on 23rd October 1954, became the founding document, the charter, of an international organisation (Articles VIII and IX). The high contracting Parties became members of WEU, with a system, an ordering of relations which ceased to be contractual and instead became organisational or institutional, at least as far as relations stemming from certain provisions of the aforementioned treaty were concerned. Thus when referring to the status of associate member we should not lose sight of this change, brought about, in part at least, in the relations between the signatories of the Brussels Treaty. It might be appropriate to place the status of associate member in this new context of the Brussels Treaty, in accordance with Article 31.2.a of the United Nations Convention on the Law of Treaties.

5. It would be legally erroneous to claim that associate members are and should remain apart

1. Legal opinion by Professor Henri Adam, former legal specialist with the Council of Europe and the United Nations (UNCTAD).

from the Brussels Treaty, the charter of an international organisation, of which they are now members – albeit associate members – but members nevertheless. It would be difficult to argue that associate members have no relational rights with the contracting parties to the Brussels Treaty, when there is no legal basis for the organisation known as WEU other than the abovementioned treaty. How could they have been invited to become associate members of an organisation, in other words to become part of it, while not being, in principle at least, parties to the founding legal documents by means of which it is governed (*inter alios acta*)?

6. Such an interpretation might encounter several difficulties: first, the principle of good faith in interpreting international agreements (Article 31.1 of the convention referred to above); second, the link established between the Brussels Treaty and the invitation to become an associate member of WEU and acceptance thereof. This link was expressly underlined by the WEU Council of Ministers in its answer to the Assembly's Written Question 300 (end paragraph 4). Indeed, according to the aforementioned answer the invitation to become an associate member was based on the principle laid down in the preamble of the Brussels Treaty to the effect that the contracting parties were resolved to promote the unity and encourage the progressive integration of Europe. Because of this reference to the Brussels Treaty, it becomes very difficult to sustain the thesis of the absence of any connection between associate members and the Brussels Treaty.

7. Lastly, the links between associate members and the Brussels Treaty follow from the concept, expressed by an image, of WEU as the European pillar of the Atlantic Alliance. The idea of the "European pillar" has been taken up and repeated, starting with The Hague platform (27th October 1987), in the Maastricht declaration (10th December 1991), the Petersberg declaration (19th June 1992), the Rome declaration (20th November 1992) and in the document of the same date adopted in Rome and finally in the Kirchberg declaration of 9th May 1994. This concept dominates relations with associate members, who are all necessarily members of the Atlantic Alliance, and members of WEU. From this established link the latter has deduced two legal consequences: first the inapplicability of Article V of the Brussels Treaty in relations between members of WEU and members of NATO that have become associate members (Petersberg declaration); and second the reciprocal strengthening of the security guarantees and defence commitments under Article V of the Brussels Treaty and Article 5 of the Treaty of Washington as stated in the Kirchberg declaration of 9th May 1994.

8. It is clear that, in rejecting any formalist approach, any literal method of interpreting the

Brussels Treaty, the contracting parties have expressed their intention of allowing associate members to benefit from military and other assistance under Article V, on the basis of their assistance obligations under Article 5 of the Treaty of Washington. It is by the technical procedure of referring back to the latter that the Brussels Treaty is to be interpreted and applied. Hence associate members might be defended and assisted, in the event of their being the victims of aggression, in the same conditions as WEU member states². Such is the plausible legal interpretation of the concept expressed by the image of WEU as the European pillar of the Atlantic Alliance.

9. Thus one notes the successive contradictory interpretations of the Brussels Treaty within the space of two years, between Peterberg and Kirchberg, doubtless corresponding to the evolution of the concept of European defence, governed by a notion that the latter should be restricted solely to the Community that seems to have developed from one declaration to the next. All these changes are occurring because Article VIII of the modified Brussels Treaty of 1954 had made two alterations to the legal régime of the treaty:

First, it had transformed contractual relations into institutional and organisational relations, and this modification allowed expressly for a power of implementation, on the basis of interpretations of the Brussels Treaty, which could not otherwise have existed, at least as an attribute of an organisation or a function of an institution.

10. Then the progressive integration of Europe, initially a ground for the Brussels Treaty powers, became a power, an area of responsibility of WEU – enshrined not only in the preamble but also in the substantive text of the treaty. Therefore, through the exercise of a responsibility conferred on WEU under Article IV of the protocol signed in Paris on 23rd October 1954, and again referred to under Article VIII of the modified Brussels Treaty, it has been possible to define the legal position of the European states not parties to the Brussels Treaty and create an associate member status, entirely outside any procedure for revising the Brussels Treaty.

11. It should be noted that the Brussels Treaty did not provide for any procedure for its revision except in the case of new members acceding to the treaty. A revision was brought about in the protocol of accession of Greece, signed in Rome on 20th November 1992 following insertion of a reference in Part III, A, of the Petersberg declara-

2. There is an expressed intention to apply the procedures laid down in Article V of the Brussels Treaty in implementing Article 5 of the Treaty of Washington. The associate members having noted this expressed intention, an international agreement was thereby concluded. It remains to be seen whether reciprocity applies in the absence of a declaration on the part of the associate members.

tion to prevent that state having the benefit of Article V in its differences with NATO member states³. Thus, in the absence of any provision for revision of the Brussels Treaty, the latter operated implicitly in the three cases mentioned (taking account of those referred to in the footnote below). The contracting parties therefore applied Article 39 of the United Nations Convention on the Law of Treaties, adopted in Vienna on 22nd May 1969.

12. It is also noteworthy that the Brussels Treaty was also modified, not only implicitly or by an ad hoc revision procedure, but also by way of interpretation contrary to law (*contra legem*) in its application. This precedent is that of the transfer of the exercise of WEU's responsibilities in social and cultural matters to the Council of Europe in 1959.

13. In a communication to the Assembly of WEU dated 24th April 1959 (Document 987), the Ministerial Council notified it of the transfer decision as follows: "The exercise of the powers of WEU in the social and cultural fields will be transferred to the Council of Europe ..." (Assembly Document 149, paragraph 13). The Assembly protested against this decision, which was not merely a violation but also a revision of the Brussels Treaty, specifically of Article II, from the moment WEU relinquished, in favour of another organisation, the exercise of responsibilities assigned to it under its Charter, its founding document (Document 149, paragraph 33). This reduction in WEU's statutory activities was therefore denounced on grounds of respect for the treaty.

However, the Council of Ministers challenged the Assembly's competence in this matter. It informed the Assembly that it considered the transfer decision wholly valid and as falling within the scope of Article VIII.1 which provides that the Council may consider matters concerning the execution of the treaty and of its protocols and annexes (Document 149, paragraph 50).

14. This constitutes an application of the rules provided for under the Vienna Convention referred to above. In point of fact, according to Article 31.3 of the latter, the content of a treaty is not limited to its text. It also includes "any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions" [sub-paragraph (a)]. Similarly, any subsequent practice in the application of the

treaty may be considered as supplementing the content of the latter modifying the very text of the agreement (see Article 31.3 sub-paragraph (b) of the above United Nations Convention). Thus the 1959 precedent of relinquishing the exercise of WEU's social and cultural activities illustrates the extent of the Council of Ministers' powers of interpretation and revision.

15. To the power generated by the dynamics of the contractual relationship, well described in Article 31 of the United Nations Convention, must be added the implicit powers inherent in international institutions which make it necessary to resort to a functional rather than a textual interpretation of the treaty.

Indeed, by taking up, in the 1954 revision, in the substantive text of the Brussels Treaty the function provided for in its preamble, namely the adoption of the necessary measures to promote the unity and encourage the progressive integration of Europe (new Article VIII) the Council was provided with the necessary implicit and functional powers to encourage such unity and promote integration of Europe extending beyond the frontiers of the Brussels Treaty powers. The procedure to be followed to this end involves, not signature and ratification of protocols, but a Council decision taken in conformity with the provisions of the treaty wherein lies its substance (Article VIII).

16. There is no need whatsoever for the Brussels Treaty to have instituted an associate member status for European allied states that are not Brussels Treaty powers to join WEU, by unanimous decision of the Council of Ministers, as associate members, under a status defined also by the Council of Ministers, from the moment it is a measure adopted for the purpose of "encouraging the progressive integration of Europe" whose limits extend far beyond Western Europe.

It is precisely the Europe that stretches to the East and North of the most westerly point of the continent to which the status of associate member is directed as an instrument of unity and progressive integration.

Associate members or partners may therefore be admitted to WEU without revision of the Brussels Treaty by virtue of the powers expressly and implicitly acknowledged as belonging to the Council of Ministers.

17. However, these powers are limited, first by the purposes attributed to their exercise and then by the unanimity required in each case for the adoption of the measures envisaged. Furthermore let us add, for the record, without insisting overly upon it, that since the treaty provides for a revision procedure only with regard to the accession of members, it follows that the treaty does not require signature or ratification of an international

3. It should be noted that the protocols of accession of Greece, Portugal and Spain had revised Article XII of the Brussels Treaty, which provided that any state invited to accede to the treaty became party to it by depositing an instrument of accession with the Belgian Government. However, the aforementioned protocols dated accession from the date of receipt of the last ratification, acceptance or approval, notified to the Belgian Government.

agreement, the theory of the contrary act⁴ apart, for the creation of a WEU associate member status, the Council of Ministers having to this end the necessary powers and competences at its disposal.

18. Associate member status was defined by the declarations adopted by the Council of Ministers (Petersberg, Kirchberg and Maastricht) and given substance, and its content enriched, in the various "documents" adopted in Rome. It should be noted that these declarations and documents are in no way what are termed political documents, with no binding effects or consequences for conferring status or developing subjective legal positions [in this respect, see the judgment of the International Court of Justice of 1st July 1994 in a case between Qatar and Bahrein, paragraph 25 (2)].

19. This is the case despite the idiosyncratic form of these instruments. The document on associate membership was not in the conventional form of a bilateral or multilateral instrument between contracting parties. The document was subject first to an approval procedure by the WEU Council of Ministers, meeting in Rome on 22nd November 1992. The same document was then adopted at the joint meeting, also held in Rome on the same day, of the ministers for foreign affairs of WEU member states (acting individually) with the ministers for foreign affairs of the three states which had accepted the invitation in the Maastricht declaration to become associate members of WEU.

20. Admittedly, there was also to be a second approval by the WEU Council of Ministers, which met after the joint meeting of the twelve ministers referred to (9 + 3), according to minutes summarising the discussions between the twelve ministers and providing a material record of the agreements reached during these discussions. These oral agreements became written ones by being referred to in the abovementioned minutes of the Council of Ministers and through their physical link with the document by the publication of the latter as an addendum, as an instrument (minutes), approved in connection with the document on associate members.

21. To this document, in turn approved, adopted and supplemented by approved minutes, was added a declaration by the WEU Council of Ministers, meeting at Kirchberg on 9th May 1994, entitled: Declaration following on from the docu-

4. The applicability of the contrary act theory is debatable in the present case where an international organisation is involved. The law on international organisations makes provision for admissions and accessions without revision of the founding treaty. Article XI of the Brussels Treaty, which constitutes a departure from this, may be explained by the idea of various forms of accession to a system which has remained essentially contractual.

ment on associate membership of 20th November 1992. The statutory implications of this new declaration of the Council of Ministers cannot be challenged, nor can its juridical value, its binding commitment be denied. Third states, beneficiaries of these declarations having accepted and acted in conformity with the provisions of the declaration, international agreement is thus established between the authors and beneficiaries of these declarations without further joint adoption procedure as there had been at Rome, at a meeting which, moreover, will not be held.

22. If there is the slightest doubt about the contractual nature of the process followed, one only has to refer to the above minutes signed in Rome which state: "The document on associate members cannot be modified without the assent of the associate members" (Addendum, final sentence).

Similarly, the Kirchberg declaration, which can be likened to a second addendum, contained not in the minutes but in a declaration, includes a provision which reads as follows: "Ministers confirm that the arrangements contained in the present declaration cannot be modified without the consent of the associate members" (penultimate paragraph of the declaration).

An agreement undeniably exists between the members of WEU (not WEU as such) and its associate members that are not full members, in other words contracting parties to the Brussels Treaty (in the strict sense of the latter) defining the legal status of these associate members. This agreement is inviolable and cannot be amended unilaterally. It is an instrument containing international commitments within the meaning of Article 1 of the abovementioned convention. Thus, the International Court of Justice, in its decision of 1st July 1994 in the case between Qatar and Bahrein, gave relative value to the importance of form in bearing out an international agreement by referring to the Vienna Convention (see paragraph 23 of the abovementioned decision).

23. The absence of a signature at the bottom of the document or of its subsequent ratification, in other words the procedure normally followed for concluding international agreements, does not detract in any way from the binding juridical nature of the untitled instrument that has been called the "document". This is the case in as much as the states concerned had agreed that the process used should express their consent to be bound by the status thus defined (See Article 11 of the aforementioned Convention on the Law of Treaties).

24. We have here an international agreement governed by the principle of *pacta sunt servanda*. It must be executed in good faith by all the states concerned or involved (Article 29 of the same convention). The procedure employed, the forms

of expression used, the names given to the instruments drawn up have little influence on the content of the agreement and the consent given. A particular diplomatic context which, as we have noted, has evolved with the progression from one declaration to the next, Petersberg to Kirchberg, and certain reservations in national opinions over contracting new alliance obligations and offering new military assistance guarantees, seemingly explain the peculiarities of the procedures, names and definitions used to describe the relations between WEU and NATO and the status of associate members of the European members of the latter organisation vis-à-vis WEU. However, legal analyses enable one to see clearly that the "documents" adopted are definitely international agreements or treaties. Similarly it is possible to build up an entire régime of legal relations for the states known as associate members of WEU, without revising the Brussels Treaty, from the moment the institutional competences acquired by the Brussels Treaty powers can be exercised for the purposes of creating an associate member status in WEU.

25. The first question raised by such a status concerns its content. What are the rights of associate members in WEU? These rights obviously do not derive from the Brussels Treaty which did not provide for such a status, nor furthermore for member status, since the establishment of WEU as an international organisation was based on the new Article VIII of the treaty and as a result of decisions taken by each of the two bodies that were created, namely the Council of Ministers and the parliamentary Assembly.

26. The 1948 Brussels Treaty did not provide for full member status, much less therefore for that of associate member. Member status as an institutional status is the outcome of a succession of decisions taken by the Council of Ministers since its creation by the protocol signed in Paris on 23rd October 1954. This member status, which is of a "jurisprudential" nature reflects the conditions under which the international organisation, WEU, was created. At the outset this had, properly speaking, no founding document or charter. It found legal support in a new provision inserted in a treaty which had provided only for contractual, but certainly not institutional, relations between the parties. The entire organisational and institutional framework, including the status of (needless to say full) member is the product of a series of decisions adopted by the Council of Ministers, established as the principal and indeed to a certain extent the constituent body of WEU in accordance with the (new) article of the Brussels Treaty.

27. Obligations of members of WEU are not identical to those of the contracting parties of the Brussels Treaty. The latter obligations derive from the text of the treaty itself while the former

include, additionally, what is known as a derived right, arising from the exercise of the powers of the organisation under its statutes⁵. The standing of member is not completely merged with that of contracting party. The same applies to joining WEU as compared with accession to the treaty. It should be noted furthermore that an important part of the organisation, namely its budget – the contributions which members are bound to make and which are necessarily voted by national parliaments – has its legal origin in the competences and powers granted to the Council of Ministers.

28. By keeping exclusively to the text of the treaty whose ratification they had authorised, could national parliaments refuse to approve the necessary sums to pay the contributions to WEU's budget? They could not. For with the changes and the transformations that have occurred between the Brussels Treaty powers from the fact of the creation of an organisation (WEU), this seems hardly possible. One might even wonder how Article V might be applied given the transformation of relations from contractual to organisational and institutional. In-depth consideration should certainly be given to this issue.

29. What can be the content of associate member status? Any answer to this question must start from full member status. Reference in this connection must be twofold: first, the source of that status and then its content.

30. First, the source. Full member status has been largely defined by decisions of the Council of Ministers. The Brussels Treaty applies *mutatis mutandis* in this definition, which for the rest derives from the decisions and jurisprudence of the Council of Ministers. It goes without saying that the same must necessarily apply to the definition of associate member status. This is, moreover, what happened with the successive declarations adopted by the Council, at Maastricht, Petersberg, Rome and finally at Kirchberg. The source of the status is identical⁶ in both cases too: the Council of Ministers as the WEU's principal organ has the necessary powers to define the content of WEU member and associate member status; but with one difference, however: full member status is fixed and modified by the exercise of a "regulatory" power of the Council of Ministers within the organisation as a whole, whereas for associate members there is a further contractual element in addition to this regulatory dimension. The same process is employed at least in part in respect of associate members as that

5. The Council's competence to consider matters relating to the application and not just the application of the treaty. (Article VIII, paragraph 1 of the Brussels Treaty.)

6. The establishment of an organisational system obviously has not had the effect of making obsolete the purely contractual provisions of the treaty.

used for members that have acceded to the treaty, whose status is determined contractually, in full, between them and the Council of Ministers by institutionalised application of Article XI of the modified Brussels Treaty.

31. Second, the reference also applies in defining the content of the status of associate member. Indeed the very notion of associate member requires differentiation of the respective content of member and associate member status. The rights and duties implied by the latter will be of lesser scope than the rights and duties implied by the former.

This differentiation is dependent on the decisions adopted by the Council of Ministers and does not in any sense derive from the fact that associate members would not be party to the Brussels Treaty since everything, or almost everything, is conducted at organisational level, at the level of the organisation of the alliance and not at the level of the Brussels Treaty as the legal basis of WEU.

32. The principle on which the status of associate member is based was set out at Maastricht and Petersberg and given substance in the Rome document: namely full participation in WEU's activities. It follows that non participation is the exception and as such must result specifically from a special decision of the Council of Ministers. All this is the logical consequence of a fundamental rule according to which a European defence identity must be compatible with the Atlantic Alliance. Thus any departure from the principle of full participation conflicts with this requirement for compatibility. It represents the trade-off offered to the European allies of the Atlantic Alliance, not members of the European Union, for the development of WEU as the defence component of the latter without weakening the said alliance. The principle is therefore the commitment by associate members to participate fully in WEU's activities.

33. In the "document" the Council of Ministers introduced certain limitations to this participation, although not to the commitment which is the basic component of associate member status. There was first the limitation on participation in WEU's main organ, the Council of Ministers. In the first place the latter might meet without the participation of associate members, if a majority of member states, possibly determined by the casting vote of the Chairman, decides to hold a meeting among themselves without the associate members. They will have the right to speak *ex officio*. They will also have voting rights but these will be of limited effect. Their votes will be of no significance if, from the outset, there is unanimity or a consensus among the full members. They therefore have the right to vote but no right of veto, while full members can each, individually,

block a unanimous decision, a consensus reached among the other members, unless the decision concerns a matter to which another (majority) voting procedure applies or for which one has been agreed. In such cases, by virtue of their status the votes of associate members would automatically be taken into account. In general they could participate in implementing the decisions adopted unless a majority of full members, or half their number with the casting vote of the President, objected.

34. An ambiguity should be noted in the rules on the voting rights of associate members. The "document" (par. 3) refers to their association in decisions taken by member states. Does this mean in all decisions of the Council or those taken when they are excluded from voting or when they are manifestly opposed by a consensus? It would indeed appear that the cases when it would be possible for them to be associated in a decision are those when decisions are adopted in their absence (when they have been excluded from the meeting) or adopted in their presence but without their supporting vote but, having subsequently changed their minds, they then had reason to support the majority or consensus position previously reached by the full members.

35. This was the decision-making process the principle of which the WEU Council of Ministers had sanctioned when transferring the exercise of its social and cultural activities to the Council of Europe in 1959 (see paragraph 14) – the so-called partial agreement procedure established in Resolution (51) 62 of the Committee of Ministers of the Council of Europe. This process enables unity and cohesion to be maintained among the members of the Council of Europe when there is no unanimity and there are divisions among members, some wishing to go ahead and others opposed to such a course. In such event, the resolution enables the decision on which members are not unanimous to be adopted, but only by those who are in favour, all its implications, including those relating to expenditure, being assumed by them. However, those who were opposed continue to be informed of the progress of work undertaken on behalf of the Council of Europe under the so-called partial agreement arrangement. The latter are also able to be associated subsequently with the action taken in accordance with the partial agreement system and also with the agreements themselves. Hence the Council of Europe's re-establishment fund for refugees and surplus populations was created with a limited number of member states and subsequently extended to other member states who changed their position on this fund. They were associated with the decision creating the fund.

36. This association of associate members in certain decisions or in their implementation, as

provided in the "document", is clearly based on the idea of partial agreements. It meets the same need for unity in the organisation and acts as a corrective to the same consequences of excluding those in the minority. It is an institutional remedy in the voting system. There is no other obvious explanation for the "document's" ambiguity.

37. Other restrictions on full participation by associate members in decisions and actions of WEU have been provided for expressly and are set out in the "document".

They concern the Planning Cell, communications (WEUCOM) and budget contributions. However matters regarding space and the activities in which associate members participate already, the latter have been placed on an equal footing with new members (at least until the end of the experimental period) or full members. This is for reasons of institutional continuity. In any event their participation in military operations with commitment of forces is on the same basis as full members, including forces' security, planning and associated exercises.

And, emphasising the evolving nature of this status, the Council had no hesitation in deciding at Kirchberg to withdraw the restrictions on participation in the Planning Cell. Associate members henceforth participate not from the outside, through liaison officers, but from the inside through their own officers within the Cell.

38. Moreover, in order to allow associate partners the fullest possible participation permitted by their status, the Council went as far at Kirchberg as to grant associate members the same guarantees of aid and assistance as to the member states. However, faced with the difficulty of extending the application of Article V of the Brussels Treaty to associate members, the Council resorted to a stratagem. The difficulties were due to the fact that granting military assistance to an associate member might, under the constitutional system of certain members, require the intervention of their respective parliaments, which might not perceive the international obligations of the state concerned in the same way as the Council, in the absence of an act of ratification of the status of associate member of WEU⁷. Thus provision was made for any associate member subject to aggression to be assisted by WEU members on the basis of Article 5 of the Washington Treaty, although the obligation to assist in the event of aggression is not iden-

7. Yet, following the International Court of Justice, internal constitutional considerations have relative importance. Challenges to the compulsory value of an international commitment based on its unconstitutionality are rejected. For the Court, the intention expressed by a party to commit itself prevails over provisions in force in its constitution (see the abovementioned judgment in the case between Qatar and Bahrein dated 1st July 1994, paragraph 24).

tical in both cases, but the obligation to provide assistance in face of aggression being identical, the final source still being Article 51 of the United Nations Charter. This is an example of the technique of referral which, by the use of an inclusive reference, allows a text other than the one which should be applied to be used in determining the applicable rule⁸.

39. This represents a major effort at convergence, not to mention unification of full and associate member statuses in a highly sensitive area – that of security guarantees. Thus, by operating, not at a formal level, which, under certain constitutions, would have required signature of a diplomatic instrument subject to ratification, but at a practical one, that of providing assistance, the desired result is achieved.

Moreover the Council was fully empowered, through the referral procedure, to extend the provisions of Article V of the Brussels Treaty to the WEU associate members, from the moment it had acquired powers to "consider matters concerning the execution of the treaty". Under this provision of Article VIII of the treaty, it is not a matter of purely and simply applying the treaty, but of questions concerning such application, which goes far beyond the text itself.

40. Taking the process of assimilation of the two statuses still further on a practical level, at Kirchberg the Council also re-affirmed its will fully to take into consideration the security interests of associate members. This decision affects the preventive phase should associate members be victims of aggression. It recognises, implicitly but clearly, the ability to convene the Council to consult with regard to any threat to peace (Article VIII.3 of the Brussels Treaty).

41. Clearly this provision is directed only towards consultation between the contracting parties to the Brussels Treaty which should not involve the associate members. However such a literal interpretation need not necessarily apply once relations between the said parties have become organisational and cease to be exclusively contractual. WEU associate members are part of these organisational relations. The combination of the Rome decisions (the document plus the minutes providing in particular for the possibility of making proposals in accordance with the principle of full participation in Council meetings) and the Kirchberg decisions on including the security interests of the associate members in the

8. Although at Kirchberg the ministers obviously did not expressly and formally state that Article 5 of the Treaty of Washington was applicable to associate members as a component of their status, they nevertheless gave a clear hint in stating that the security guarantees of the Treaty of Washington and of the Brussels Treaty were mutually *and fully* reinforcing not only in relations between members themselves but also between the latter and associate members.

objectives pursued in the Council's action, in accordance with Article VIII.1 of the treaty, should enable associate members to exercise the ability provided for in Article VIII.3 to convene the Council to consult with regard to any threat to peace. Any other interpretation seeking to reserve this ability to the contracting parties alone (the full members) might, moreover, prove unrealistic and of no practical value. Indeed, in the event of such a threat, it would always be possible for an associate member to approach a fairly understanding full member to convene the Council and, at the ensuing meeting, submit its proposals.

42. The above developments on the participation of associate members in the Council's work are presented in order to provide a certain reference for the definition of associate member status in the Assembly. However, the Assembly's work on the status of associate members there, as set out in the report dated 3rd November 1993 (Document 1390) clearly led the Council of Ministers to suggest, at its Kirchberg meeting, a reappraisal of the direction taken, the more so since, as the Assembly is itself aware (see Document 1416 dated 10th May 1994), this had raised extreme displeasure among certain associate members (paragraph 9). It is to be noted that at Kirchberg, the ministers, out of consideration for the Assembly, did not wish to request it to undertake such a reappraisal. The governments preferred to invite the Assembly to do so "through its national delegations". This raises the question of the parliamentary Assembly's room for manoeuvre in this respect.

43. Several points of law need to be taken into account in defining the status of representatives of associate members in the Assembly: first the rights deriving from the parliamentary functions exercised by the Assembly which have enabled it to give itself a charter. The aforementioned functions are not those of a national parliament nor of a "supranational" parliament such as the European parliament. Suffice it to say in this connection that the WEU Assembly is the equivalent of the parliamentary assembly of an intergovernmental organisation, for example that of the Council of Europe. This likeness is the more valid as the WEU parliamentarians are the same persons as those of the Council of Europe. The Assembly is an "organ of Western European Union" (second paragraph of the Preamble to the Charter). It is undoubtedly the organisation's parliamentary body. As in any organisation described as intergovernmental, there is a principal organ with responsibility for the execution⁹ of the founding treaty, the budget and what may be termed the organisation's external relations, each of the other organs retaining the autonomy inherent in their functions (parliamentary, juridical, technical etc.).

9. Also the interpretation, application and revision of the founding documents of the organisation.

44. The Council of Ministers has responsibility for settling questions relating to associate member status in the light of the changes brought about in the relations between the Brussels Treaty powers. In the absence of provisions for an associate member status in the organisation's founding instrument, such status is governed by a form of "praetorian" law, through decisions of the Council of Ministers. However these decisions are limited to the status of representatives of associate members in the Council and its subsidiary organs and the Council has refrained from interfering in the operation of the Assembly out of respect for the latter's autonomy, as it has formally acknowledged.

45. There are rules for the guidance of the Assembly which constitute the point of departure for defining the status of associate parliamentarians. They stem from the "praetorian" law of the association régime and are of general application and not specifically to any given organ of WEU. There are texts which have been adopted by the Council of Ministers as WEU's principal organ. They, or at least some of them, are intended for the organisation as a whole. They are well known: those adopted at Maastricht, Petersberg, Rome and Kirchberg in as much as they are not specifically concerned with any particular WEU organ. Among these texts, the subject of ministerial declarations in the four cities mentioned, there are certain provisions for WEU as a whole which apply to the Assembly, even in its definition of the status of the parliamentarians appointed to sit in the Assembly by the associate members of the Assembly of the Council of Europe (or to other parliamentary representatives); and this despite Article IX of the Brussels Treaty which limits the composition of the WEU Assembly to parliamentary representatives of the Brussels Treaty Powers to the Assembly of the Council of Europe. By ministerial declarations, such as Maastricht and Kirchberg, WEU's principal organ has adopted measures and concluded agreements with the member states described as "associate". The Assembly cannot just ignore these by not admitting their parliamentarians to its deliberations, the more so since the Council has, for its part, admitted to its fold ministers from associate member countries. By virtue of their presence they have the right to speak and vote. The Assembly cannot therefore create a status which would result in the parliamentarians of associate members being excluded from its deliberations. Their participation might be different, and differentiated, from that of full members. However, in the main, the Assembly has to follow, although exceptions may be made which do not call the principle into question.

46. The ministerial declarations also cannot be ignored because they are central to the aims of WEU. Through this association, it is intended to pursue the progressive integration of Europe and to strengthen the European pillar of the Atlantic

Alliance. To the extent that the status of associate member in the Assembly for allied European states fails to serve this purpose, it cannot be considered as in conformity with the law of the organisation.

47. To exclude parliamentarians from the associate members of the WEU Assembly would be to fail to acknowledge the Council of Ministers' powers under Article VIII of the modified Brussels Treaty. One could not proceed to interpret Article IX literally while failing to take account of the powers contained in new Article VIII. It is in application of the same Article VIII that the ministerial decisions contained in the aforementioned declarations have been taken and they are valid for all WEU bodies.

48. According to the Maastricht declaration, associate member status must be such as to allow full participation in WEU activities. Such full participation has been achieved in the Council of Ministers, in accordance with the forms and procedures set out in the Rome document. Hence this full participation must also find expression in the associate member status the Assembly is called upon to establish.

To refuse the parliamentarians of associate members the right to vote, i.e. to speak and vote, would be tantamount to refusing the full participation of parliamentarians of associate members in its proceedings. To what extent does the status worked out by its Committee on Rules of Procedure and Privileges in 1993 and 1994 reflect this requirement for fullness? Put another way, what are the statutory restrictions placed on the régime of parliamentarians of associate members that would accurately reflect the difference between member and associate member, given the requirement for voting rights in a parliamentary body?

49. The Council of Ministers had foreseen certain restrictions on participation of Ministers of associate countries in its work. The Assembly might therefore draw on this example while taking account of the fact that in the Council the unanimity rule applies, whereas in the Assembly there is no right of veto or requirement for unanimity, all decisions being on the basis of a majority, absolute or relative. A dominant rôle, incompatible with the associate status of members termed associate in the Council of Ministers, as a result of their right of veto, was considered as excessive, and excluded. In the Assembly there is no veto to exclude. The Council had the more reason to be restrictive given that it is a principal body of the organisation with responsibility for questions that are vital to its members, with powers that are both executive and "legislative" exercised on behalf of the organisation as a whole.

The Assembly having no such powers, the proposed restrictions on the rights of associate members therefore seem difficult to justify.

50. Indeed, the Assembly is not a principal body and its powers are consultative, despite its political importance. Reference to the régime in the Council of Ministers would therefore seem to be necessary, given the respective powers of the two WEU bodies.

51. Another reference by way of information for the Assembly in defining the status of parliamentarians of associate members is provided by that of the parliamentarians of states associated with the Assembly of the Council of Europe. Reference to this latter is instructive. Indeed, the parliamentarians of associate members are part of the composition of the Assembly and have the same rights as the parliamentarians of full members (see Article 5.b of the statute of the Council of Europe). Associate members do not participate and are not represented in the Committee of Ministers¹⁰ but in the Assembly they are represented on an equal footing with full members. This precedent of the Council of Europe, although not legally binding on the WEU Assembly, cannot not be taken into consideration as a reference by the WEU Assembly in its political assessments. It is of course for the Assembly to assess whether it is politically timely to allow associate members voting rights, but it must also take account of the requirement of the rule of full participation for them.

52. An initial interpretation of this made in Document 1390 was not approved by the ministers who wished the matter to be examined further. A second interpretation, given in Document 1416, could not be adopted for lack of the necessary quorum. Moreover the parliamentary debates took place concomitantly with those of the ministers and therefore in ignorance of the latter. Can the request for re-examination although not addressed directly to the Assembly but communicated to it (Assembly Document 1422) remain outside its discussions, bearing in mind its autonomy? The implications of that autonomy and the political importance of the parliamentary functions of its members do not allow the legal analyst to offer strictly legal conclusions on the basis of which the Assembly would have to reach a decision on the question raised, while the latter also acts in accordance with a policy conceived within the context of its political autonomy vis-à-vis the ministers.

53. However this may be, a new factor has to be taken into account in any legal and political analysis, namely the exercise by the ministers of the powers conferred on them by Article VIII of

10. Associate member status is provided for international bodies with limited sovereignty.

the Brussels Treaty in new fields and to an extent unequalled in the past. The Maastricht, Petersberg, Rome and Kirchberg declarations undoubtedly demonstrate in the clearest possible way the will of the Council of Ministers to build a new European architecture, taking account both of the evolution of the European Union and its identity requirements and that of the Atlantic Alliance and the over-riding concern to preserve it. The Council has therefore been able to exercise all the responsibilities and competencies belonging to it as an authority empowered to consider not only the application of the treaty but also matters concerning its application and obviously its interpretation, in accordance with well established juridical practice.

54. Strengthening the security of the Brussels Treaty powers would certainly be among the aims to which the exercise of these responsibilities newly attributed to it by the 1954 protocol might be directed. The 1948 treaty had provided the Council with the powers of a diplomatic conference, enabling it to consult on all matters dealt with under that treaty. Moreover, the 1954 Council acquired the power to consider "the progressive integration of Europe". Its powers were thus widened to the whole of Europe. Under these conditions, all action taken by it to offer a status, not foreseen by the treaty, to states that are not signatories of the Brussels Treaty, is entirely in accordance with its wider territorial and functional powers.

55. To this enlargement must also be added the change in the legal nature of the Council, which first became ministerial and subsequently ceased to be "consultative" as it had been in the text of Article VII of the 1948 Brussels Treaty. The Council, created by the 1954 protocol is empowered to take binding decisions on behalf of the contracting parties, without having to resort to the procedure of drafting and ratifying a new international agreement, supplementing and modifying the previous one, i.e. the Brussels Treaty. These new powers were discharged for the first time in 1959, when WEU ceased to exercise its functions in social and cultural matters in favour of the Council of Europe.

56. A further change in the nature of the Council occurred with the creation of an international organisation, called WEU, of which the Council became the principal organ. This status of principal organ is expressed, in particular, by the fact that it became the supervisory body of the Armaments Agency which it was mandated to create and was required to present an annual report to an Assembly which had no right to censure it but could only adopt opinions and recommendations. Thus, in accordance with the law of intergovernmental organisations, it obtained the competence attributed to the principal organ of the organisa-

tion. As such, the Council recognised the autonomy of the parliamentary Assembly of WEU, deriving from the nature of its functions.

57. The Council, as principal organ, acquired the necessary powers to create (or generate) subsidiary or non subsidiary bodies (Agency for the Control of Armaments) whose legal nature is worthy of overall consideration. Therefore, with its wider territorial powers, extending to states not signatories of the Brussels Treaty, its power to take obligatory, binding decisions which are both executive and "legislative" and its status as principal organ of WEU, it was possible for it to establish an associate member status, with rights and duties, in the legal order both internal and external to WEU.

58. Consequently it would seem questionable to maintain that the "document" and "declarations" are political texts not enforceable in regard to the Assembly. The Brussels Treaty has doubtless not been revised in accordance with a revision procedure which, furthermore, was not provided for, but which could possibly be followed by applying the theory of the contrary act.

It was possible for the Council to create an associate member status in full conformity with the Brussels Treaty. This status is binding on all the governments and all the national parliaments of the Brussels Treaty powers. It is what might be termed a right derived from the 1954 modified Brussels Treaty and, as such, subject always to certain peculiarities linked with the derived nature of this right, it produces the same legal effects as the Brussels Treaty. These effects are enforceable in the states known as the Brussels Treaty powers and their parliaments and in other WEU bodies, from the moment they are grounded in the powers granted to the Council of Ministers in the protocol signed in Paris in 1954 and these powers have been exercised in accordance with the ends for the purpose of which they were granted, namely to strengthen the security (of the Brussels Treaty powers), promote the unity and encourage the progressive integration of Europe (see Article VIII.1 of the 1954 modified Brussels Treaty).

59. Associate member status undeniably fulfils the purposes assigned to the exercise of the powers granted to the Council of Ministers following the revision of the Brussels Treaty.

Indeed, it strengthens the security of the Brussels Treaty powers; it promotes the unity of Europe and encourages its progressive integration, in other words that of all the allied European states that are not signatories of the Brussels Treaty. Furthermore, a progressive process could not be achieved through rules fixed (*ne variatur*) by the treaty but through successive decisions adopted by an authority or institution of the organisation, empowered to act thus. This is achieved since the associate members reaffirmed at the

same time as the WEU member states (in the declaration made in Rome and included in the preamble of the document signed there on 20th November 1992) the commitments which bind their countries in order to ensure peace and security in Europe. There is no better way of repeating the first paragraph of Article VIII.1 of the Brussels Treaty.

Conclusions

60. a. The various decisions of the Council of Ministers incorporated in the Maastricht, Petersberg, Rome and Kirchberg declarations and partly given substance in the "document" signed in Rome, provide an adequate legal foundation for any possible decision by the Assembly to allow the participation of parliamentary representatives of the associate members of WEU. To this end the Assembly has no need to implement any formal revision procedure of the 1954 modified Brussels Treaty.

b. The Assembly may base any decision it reaches not on a literal interpretation of Article IX of the aforementioned treaty but rather on the successive decisions of the Council referred to above, adopted in accordance with Article VIII of the treaty. The explanatory interpretation of Article IX which seems to prevail among certain members is clearly in contradiction with present-day international law as handed down by the International Court of Justice. According to that body, charters of international organisations must be interpreted dynamically and teleologically, taking account of the powers inherent in the organs of the latter (see Case: Certain expenditure, 1962, paragraph 157).

c. Voting rights granted to parliamentary representatives of associate members are based on the principle of full participation by associate members in the actions and work of WEU. This principle governs associate member status in the various WEU organs, subject to possible exceptions and differentiations. The right to speak and vote of representatives of associate members may not be counted among permissible derogations, as the report adopted by the Committee on Rules of Procedure and Privileges moreover recognised (Document 1390). Indeed, there are two fundamental parts to a presence in a deliberative body¹¹: debate plus vote. There is no participation in the deliberation of such a body without intervention in debates and in voting, two operations which mark a presence inside and not outside the Assembly. The

11. Article IX of the Brussels Treaty is quite brief regarding the mission of the Assembly. As an indication in this respect, one might refer to Article 22 of the statute of the Council of Europe which defines its Parliamentary Assembly as a deliberative organ of the Council. The identity of representatives from one Assembly to the other authorises this reference as guidance for analysing the status of the Assembly of WEU.

latter is the case of observers, whereas the former is that of members of the Assembly. If the status of a parliamentary representative of an associate member of the organisation allows him to sit in the Assembly, this presence does not need to be identical to that of the representatives of full members. The difference is *de jure*. The extent of differences or derogations is determined in accordance with political and parliamentary considerations. Such considerations are at the discretion of the WEU Assembly. It is an autonomous but not separate body. In international organisations, the parliamentary body is not a separate power in face of the principal organ. Yet compared with the other organs in face of the principal organ, it is an organ that has autonomy that the others do not have. This autonomy stems from its composition and its function. Because of its parliamentary composition, the Assembly can only operate as a supervisory body and one of moral censure. Its task is to translate the opinion of the national parliaments as a whole on the question under discussion as expressed through their delegations.

The autonomy of the Assembly allows it to determine, discretionarily and independently of the decisions of the Council of Ministers, the régime of the parliamentarians of associate members in its forum with differences that may not be those retained by the Council for the participation of ministers of associate members in its own work. Thus a certain number of differentiations retained in the draft decision of the Committee on Rules of Procedure of the Assembly (Document 1390), those set out in section II (paragraph 3, sub-paragraph 3.6) for defining the principle for the participation of associate members in the activities of the Assembly may be based on the autonomy of the Assembly. This is so as long as the essential aspect of participation in the deliberative power has not been challenged. Likewise, the Assembly cannot insist on the status of representatives in the Assembly of the Council of Europe among the representatives of associate members who sit in that body. If the identity of representation in the two Assemblies risks not being observed, the identical number of representatives of associate members may also be set aside. However, this numerical differentiation could not be deemed to be discrimination between associate members or between the latter and full members. This might be the case in the event of significant differences in relation to the representations in the Assembly of the Council of Europe.

Conversely, no juridical basis can be seen for refusing the participation of parliamentarians of associate members in voting on opinions and recommendations of the Assembly.

Henri ADAM

23rd January 1995.

*Changes to the Charter and Rules of Procedure of the Assembly with a view to
accommodating associate members and associate partners of WEU*

AMENDMENTS 1 to 5¹

tabled by Mr. Speroni

1. In the draft decision proper, leave out paragraph I.
2. In the draft decision proper, leave out paragraph II.1.
3. In the draft decision proper, after paragraph II.1, add:
“ In Rule 17, leave out paragraph (d). ”
4. In the draft decision proper, after paragraph II.1, add:
“ In Rule 17, leave out paragraph (e) and insert:
(e) Rules 31 on motions, 32 on amendments, 33 on the right to speak, 34 on procedural motions, 35 on the organisation of debates, 37 on majorities and 43 on procedure in committees – with the exception of provisions concerning the election of the bureaux of committees and voting rights in committee – and 44 on reports of committees shall apply to representatives of associate member states, unless the Presidential Committee shall decide otherwise. ”
5. In the draft decision proper, after paragraph II.1 add:
“ In Rule 17, leave out paragraph (f) and insert:
Rule 36 on methods of voting shall not apply to the representatives of associate member states. The Presidential Committee may decide not to apply this paragraph to discussion of texts concerning operations, activities or functions of WEU in which associate members participate on the same basis as full members under the terms of the document on associate membership of WEU, signed in Rome on 20th November 1992. ”

Signed: Speroni

1. See 15th sitting, 20th June 1995 (amendments withdrawn).

*Draft budget of the administrative expenditure
of the Assembly for the financial year 1995*

Opinion of the Council

REPORT ¹

*submitted on behalf of the Committee on Budgetary Affairs and Administration ²
by Mr. Rathbone, Chairman and Rapporteur*

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submitted by Mr. Rathbone, Chairman and Rapporteur

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- I. Letter from Mr. Schoysman, Head of the Finance Section, to Mr. Burgelin, Clerk of the WEU Assembly
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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Rathbone (Chairman); Mr. Redmond (Vice-Chairman); MM. Alvarez, Anomeritis, Mrs. Baarveld-Schlaman, MM. Biefnot, Branger, Brugger, Curto, Daniel, Mrs. Durrieu, Dame Peggy Fenner (Alternate: *Cummings*) Mrs. Gaiotti de Biase, MM. Guia Marques (Alternate: *Robles Orozco*), Mrs. Hoffmann, Mr. Horn, Sir Ralph Howell, MM. Kriedner, Lauricella, Leers, Magginas, Masson, Michels, Pinto, Recoder, Scaglioso (Alternate: *Benvenuti*), Thissen (Alternate: *Weyts*), N... (Alternate: Mrs. *Lentz-Cornette*).

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

Explanatory Memorandum

(submitted by Mr. Rathbone, Chairman and Rapporteur)

1. The draft budgets (ordinary and supplementary) of the Assembly for 1995 were examined by the WEU Budget and Organisation Committee at its meetings on 2nd September, 10th October, 31st October, 24th November, 9th December 1994 and 13th January 1995.
2. At its meeting on 14th February 1995, the Council confirmed the recommendations of the Budget and Organisation Committee proposing a growth rate in the operating budget of the Assembly for 1995 of 6.2% (see Appendix I). In taking this decision, the committee specified what within these limits the Assembly should include in particular the credits proposed in a supplementary budget to take into account the expenditure resulting from the accession of Greece (Part I of the supplementary budget).
3. To bring the draft ordinary budget (including the appropriations requested for the accession of Greece) for 1995 to this growth rate, it will be necessary to make a certain number of adjustments which will take several factors into account: the posts requested but not granted, lower adjustments, statutory remunerations (with their implications for permanent and temporary staff – Heads I and II), experience in the light of actual expenditure in 1994, and the need to direct the budget insofar as possible towards a better correspondence between the budget adopted and expenditure.
4. The following adjustments in the appropriations requested can therefore be made (see tables herewith):
 - (a) reduction in the appropriations under Head I (permanent staff) by F 916 900 to take into account the statutory adjustments of remunerations, the regrading of two grade C4 posts to grade B3 and the non-creation of the two grade L2 and B5 posts requested;
 - (b) reduction in the appropriations under Head II (temporary staff) of F 211 000 to take into account the statutory adjustments of remunerations of temporary staff indexed on those of permanent staff and the result of actual expenditure in 1994;
 - (c) increase in the appropriations under Head III (expenditure on premises and equipment) of F 119 000 to take into account the latest data available in regard to equipping the Chamber and the need to modernise and renew equipment to respond more effectively to the needs stemming from the enlargement of the WEU Assembly;
 - (d) reduction in the appropriations in Head IV (general administrative costs) of F 64 600 to take into account most recent experience;
 - (e) reduction in the appropriations in Head V (other expenditure) of F 125 000 to take into account the level of actual expenditure in 1994, certain specific requests to make reductions by the Budget and Organisation Committee (sub-heads 25 and 27) and the maintenance of the increase originally requested in sub-head 24 (travelling and subsistence allowances and insurance for the President of the Assembly, Chairmen of committees and Rapporteurs) in view of the sharp increase in per diem allowances payable to parliamentarians travelling for the Assembly.
5. The detailed changes to the draft ordinary and supplementary budgets (with regard to the appropriations requested to meet the expenditure resulting from the accession of Greece) are shown in the table at Appendix II. All in all, as can be seen in Appendix III, the draft budget thus revised, compared with the financial year 1994, shows an increase of 6.2% or F 2 040 482.
6. No change has been made in the pensions budget except for receipts which have been reduced by the amount of contributions to the pensions system corresponding to the new posts withdrawn from the draft budget.
7. No decision has yet been taken regarding Part II of the supplementary budget proposed for 1995 for fitting out the Chamber.

APPENDIX I

*Letter from Mr. Schoysman, Head of the Finance Section,
to Mr. Burgelin, Clerk of the WEU Assembly*

8th March 1995

...

Subject: 1995 budget

At its meeting on 14th February 1995, the Permanent Council of WEU agreed to all the budgets for 1995 presented by the Secretariat-General, including the budget of the Assembly.

It was specified that the budget of the Assembly is increased by 6.2% (i.e. F 34 951 482) for the operating budget and including part of the supplementary budget relating to the accession of Greece.

A supplementary budget for the Assembly is still to be presented.

The budgets were set out in Document C (95) 10 and the approval of the Council is taken up in CR (95) 7 of 15th February 1995.

The two documents are enclosed herewith.

...

APPENDIX II

**Recapitulatory table of amendments to the draft budget of the Assembly
on the basis of the opinion of the Council**

Heads and sub-heads	Draft budget for 1995	Amendments resulting from the opinion of the Council	Revised budget
HEAD I – PERMANENT STAFF			
Sub-Head:			
1 – Basic salaries	13 768 500	– 668 500	13 100 000
2 – Allowances	3 224 500	– 119 500	3 105 000
3 – Social charges	2 665 500	– 17 500	2 648 000
4 – Expenses relating to the recruitment and departure of permanent officials	238 500	– 111 400	127 100
5 – Medical examination	14 000	0	14 000
TOTAL HEAD I.....	19 911 000	– 916 900	18 994 100
HEAD II – TEMPORARY STAFF			
Sub-Head:			
6 – Staff recruited for sessions of the Assembly	3 470 500	– 79 500	3 391 000
7 – Interpretation staff required for Assembly work between sessions	944 000	– 97 000	847 000
8 – Temporary staff for the Office of the Clerk	75 000	– 50 000	25 000
9 – Social charges	218 000	15 500	233 500
TOTAL HEAD II.....	4 707 500	– 211 000	4 496 500
HEAD III – EXPENDITURE ON PREMISES AND EQUIPMENT			
Sub-Head:			
10 – Share of joint expenditure on the Paris premises	599 000	0	599 000
11 – Hire of committee rooms	10 000	15 000	25 000
12 – Technical and other installations for Assembly sessions	889 000	5 000	894 000
13 – Various services for the organisation of sessions	60 000	5 000	65 000
14 – Maintenance of the premises of the Office of the Clerk	20 000	5 000	25 000
15 – Purchase or repair of office furniture	60 000	– 25 000	35 000
16 – Purchase of reproduction and other office equipment	39 000	75 000	114 000
17 – Hire and maintenance of reproduction and other equipment	600 000	39 000	639 000
TOTAL HEAD III.....	2 277 000	119 000	2 396 000

Heads and sub-heads	Draft budget for 1995	Amendments resulting from the opinion of the Council	Revised budget
HEAD IV – GENERAL ADMINISTRATIVE COSTS			
Sub-Head:			
18 – Postage, telephone, telefax and transport of documents	853 000	– 75 500	777 500
19 – Duplication paper, headed writing paper and other office supplies.....	237 000	– 35 000	202 000
20 – Printing and publication of documents.....	1 100 000	23 900	1 123 900
21 – Purchase of documents.....	75 000	22 000	97 000
22 – Official car.....	85 000	0	85 000
23 – Bank charges	500	0	500
TOTAL HEAD IV	2 350 500	– 64 600	2 285 900
HEAD V – OTHER EXPENDITURE			
Sub-Head:			
24 – Travelling and subsistence allowances and insurance for the President of the Assembly, chairmen of committees and rapporteurs	346 000		346 000
25 – Expenses for representation	404 000	– 21 000	383 000
26 – Committee study missions	5 000	0	5 000
27 – Official journeys of members of the Office of the Clerk.....	830 000	– 14 000	816 000
28 – Expenses of experts and the auditor.....	60 000	– 30 000	30 000
29 – Expenditure on information	510 000	– 60 000	450 000
30 – Expenses for political groups	571 500	0	571 500
31 – Contingencies and other expenditure not elsewhere provided for.....	3 000	0	3 000
32 – Non-recoverable taxes.....	28 000	0	28 000
TOTAL HEAD V	2 757 500	– 125 000	2 632 500
Operating budget.....	32 003 500	– 1 198 500	30 805 000
Receipts.....	95 000	35 018	130 018
Net total operating budget.....	31 908 500	– 1 233 518	30 674 982
Pensions expenditure	5 258 000	500	5 258 500
Receipts.....	1 037 500	– 55 500	982 000
Net total pensions budget.....	4 220 500	56 000	4 276 500
NET GRAND TOTAL.....	36 129 000	– 1 177 518	34 951 482

APPENDIX III

Trend of Assembly budgets from 1994 to 1995

	1995 a	1994 b	% $\frac{a-b}{b}$
A. Operating budget			
Head I. Permanent staff.....	18 994 100	18 369 000	3.40
Head II. Temporary staff.....	4 496 500	3 952 500	13.76
Head III. Expenditure on premises and equipment	2 396 000	2 074 000	15.53
Head IV. General administrative costs	2 285 900	2 238 500	2.12
Head V. Other expenditure.....	2 632 500	2 503 000	5.17
Total expenditure	30 805 000	29 137 000	5.72
Receipts	130 018	95 000	36.86
NET TOTAL A.....	30 674 982	29 042 000	5.62
B. Pensions budget			
Pensions and leaving allowances.....	5 258 500	4 756 000	10.57
Receipts	982 000	887 000	10.71
NET TOTAL B.....	4 276 500	3 869 000	10.53
GENERAL NET TOTAL (A + B)	34 951 482	32 911 000	6.20

TOTAL OF HEADS II TO V OF OPERATING BUDGET	1 1 810 900	10 768 000	9.69
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APPENDIX IV

Implications of the various heads on the operating budgets for 1994 and 1995

	1994			1995		
	Amount	% on		Amount	% on	
		A	B		A	B
<i>Operating budget</i>						
Expenditure						
Head I – Permanent staff	18 369 000	63.04	63.25	18 994 100	61.66	61.92
Head II – Temporary staff	3 952 500	13.57	13.61	4 496 500	14.60	14.66
Head III – Premises and equipment	2 074 000	7.12	7.14	2 396 000	7.78	7.81
Head IV – General administrative costs	2 238 500	7.68	7.71	2 285 900	7.42	7.45
Head V – Other expenditure	2 503 000	8.59	8.62	2 632 500	8.55	8.58
A. TOTAL	29 137 000	100.00	100.33	30 805 000	100.00	100.42
Receipts	95 000		0.33	130 018		0.42
B. NET TOTAL	29 042 000		100.00	30 674 982		100.00

Column A = Total of expenditure.

Column B = Net total (expenditure less receipts).

***Opinion on the budgets
of the ministerial organs of Western European Union
for the financial year 1995***

REPORT¹

***submitted on behalf of the
Committee on Budgetary Affairs and Administration²
by Mr. Rathbone, Chairman and Rapporteur***

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Rathbone (Chairman); Mr. Redmond (Vice-Chairman); MM. Alvarez, Anomeritis, Mrs. Baarveld-Schlaman, MM. Biefnot, Branger, Brugger, Curto, Daniel, Mrs. Durrieu, Dame Peggy Fenner (Alternate: *Cummings*), Mrs. Gaiotti de Biase, MM. Guia Marques (Alternate: *Robles Orozco*), Mrs. Hoffmann, Mr. Horn, Sir Ralph Howell, MM. Kriedner, Lauricella, Leers, Magginas, Masson, Michels, Pinto, Recoder, Scaglioso (Alternate: *Benvenuti*), Thissen (Alternate: *Weyts*), N... (Alternate: Mrs. *Lentz-Cornette*).

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

Draft Recommendation

*on the budgets of the ministerial organs of Western European Union
for the financial year 1995*

The Assembly,

Considering:

- (a) that the Council has communicated to the Assembly the budgets of the ministerial organs for the financial year 1995;
- (b) that the budget of the Secretariat-General comprises five sections, of which section D relates to medium- and long-term studies on space and has seemingly been left in suspense;
- (c) that the budget documents do not contain full information on the various cost-sharing formulae for calculating contributions by states;
- (d) that on 15th May 1995 the Council of Ministers took decisions on the future of the Torrejón Satellite Centre, giving it permanent status as an organ of the Council;
- (e) that the Council of Ministers agreed on the creation of a situation centre and an intelligence section within the Planning Cell;
- (f) that the Council intends to allocate WEAG an operating budget for the financial year 1995 in accordance with the normal procedure and that this budget should be financed by thirteen countries;
- (g) that the Council has approved an operating budget for transatlantic publicity activities (TPA) and that this budget should be financed by thirteen countries;
- (h) that the Council has approved the budget for the financial year 1995 for WEU's police operation in Mostar;
- (i) that examination of the question of the budget for operation Sharp Guard is being continued;
- (j) that the Council has frozen a sum of BF 2 500 000 for financing the start of possible unforeseen operations;
- (k) that the Council has still not started the study for introducing a private health insurance scheme instead of the French social security scheme, as recommended by the Assembly in Recommendations 550 and 563 and envisaged by the Council in its reply to the latter recommendation,

RECOMMENDS THAT THE COUNCIL

1. Inform it just as soon as possible of the result of the discussions on all the cost-sharing formulae for financing the various WEU budgets;
2. Communicate to it swiftly the decisions that are taken regarding the Torrejón Satellite Centre now that the Ministers have agreed to give it permanent status;
3. Communicate to it all measures, especially budgetary measures, directed towards rapid implementation of the decision taken by the Ministers to create a situation centre and an intelligence section within the Planning Cell;
4. Communicate to it the result of the medium- and long-term studies on space and the decisions taken on the 1995 budget concerning section D;
5. Communicate to it the decisions that are taken concerning the WEAG and operation Sharp Guard budgets;
6. Inform it of any criteria for the use, financing and subsequent developments concerning the use of the frozen credit of BF 2 500 000 earmarked for financing the start of possible unforeseen operations;

7. Urgently take the measures necessary for implementing its own intentions as stated in its reply to Recommendation 563 to enable WEU personnel in Paris to be affiliated to a private health insurance scheme after cancellation of the convention now in force with the health insurance branch of the French social security scheme;

8. Maintain the closest relationship and communication with the Assembly so that Ministers, secretariat and Assembly appreciate better, and can meet, the budgetary requirements of WEU's expanding, higher profile rôle, and so that each can make their own most positive and constructive contribution to those future developments.

Explanatory Memorandum

(submitted by Mr. Rathbone, Chairman and Rapporteur)

I. Introduction

1. The most recent meeting of WEU Ministers and Section I of the Lisbon declaration adopted by the WEU Ministers on 15th May 1995 dealt very largely with WEU development. Two aspects in particular should be noted with regard to budgetary means: the development of WEU's operational means and relations with the EU, NATO and third countries.

2. Concerning operational means, the Council of Ministers decided to provide the organisation with new decision-making mechanisms and structures, particularly in politico-military matters, and welcomed the report by the Secretary-General on strengthening the secretariat in this area. This will lead directly to increased costs in the future as new posts are created, both in the secretariat and, inevitably, in the staff of the Assembly.

3. Ministers agreed the creation of a situation centre and an intelligence section within the Planning Cell. Implementation of these decisions, though expected, is likely to be delayed by the absence, at this stage, of appropriate budgetary means for 1995.

4. Finally, Ministers agreed to give the Torrejón Satellite Centre the status of a permanent WEU body. This decision should enable the Space Group of the Permanent Council to introduce the new proposals for adapting the centre to the requirements of a permanent body, the rôle of which is crucial for the development of the intelligence section and the situation centre and, more generally, of the operational capabilities of the organisation. Costs are certainly involved.

5. Regarding the enlargement of WEU and its developing relations with the EU, NATO and third countries, and taking account of decisions aiming to involve a further seventeen countries in the new conditions of European security, there must be realistic funding to meet additional costs for both secretariat and Assembly. The Assembly will be able to fulfil its rôle effectively, particularly vis-à-vis the Council, only if it is given the means to obtain first hand information on the spot from the authorities of the countries concerned and to explain to those authorities and to political decision-makers the logical evolution of WEU's defence strategy. That will require additional budget allocations to meet increasing meeting and conference costs.

6. The Council of Ministers, moreover, stressed the importance it attaches to the rôle played by the Assembly in the debate on European security and defence and to its valuable contribution to consideration of future developments and strategy. This is likely to lead to increased committee work – and costs.

7. If governments are anxious to develop WEU and expand its membership, its abilities and its activities, they must match those aspirations with realistic funding in all its parts.

II. General

8. According to Article VIII (c) of the Charter of the Assembly:

“The Assembly shall express its views in the form of an opinion or recommendation on the annual budget of Western European Union as soon as it has been communicated.”

9. The present report, prepared in application of this provision, relates to the four sections of the budget of the Secretariat-General for 1995 and the other budgets for 1995 for WEAG, TPA and WEU operations and also to the budgets of the subsidiary organs which have administrative autonomy, namely the Institute for Security Studies and the Satellite Centre.

10. Analysis of these budgets is complicated by the fact that WEU is still passing through a period of dynamic adaptation to the new facts of the international political situation created by the evolution of the situation in Central and Eastern Europe and its implications for the European Union and the Atlantic Alliance, in the Mediterranean and also the enlargement of the European Union and the accession of Greece.

11. In this highly fluid political context, your Rapporteur, as in the past two years, will confine himself to an analysis of these budgets that might provide a basis of reflection for the political bodies.

12. In his overall presentation of the budget of the Secretariat-General, the Secretary-General set his requests, from the very start, in the threefold context of the up-grading of WEU security standards, now that the organisation operates from Brussels, to comply with those of NATO, improvements in technical facilities necessary to cope

with enlargement and the overall strengthening of its activities:

“ It is for this reason that the 1995 Secretariat-General budget shows substantial growth in:

- related security requirements, including work on the WEU building;
- postage and WEU communications, and in the yearly cost of participation in the TARE/IVSN secure network;
- the need for reproduction equipment to support meeting rooms and for more stationery;
- the need to replace obsolete PCs and to buy new software programmes.

The increase is also due to the:

- high (non-recurring) costs for travel and interpreters for the ministerial meetings in Madrid and Lisbon;
- salaries for new staff authorised in the 1994 budget which relate for the first time to the whole year and not just a few months only as in the previous financial year.”

III. Global budgetary prospects

13. The budget of the Secretariat-General for the financial year 1995 has five sections:

Section A: Secretariat-General.

Section B: Pensions budget of the former ministerial organs in Paris.

Section C: Agency for the Control of Armaments.

Section D: Space studies in the medium and longer term.

Section E: Planning Cell, Institute for Security Studies, Satellite Centre.

Other 1995 budgets for WEAG, Transatlantic Publicity Activities, Mostar, Sharp Guard, Unforeseen Operations.

14. Taken together, WEU's total budget (including the Assembly) for the financial year 1995 stands at BF 1 261 280 292, down by 1.3% as compared with the same amount for 1994. In terms of calls for contributions (bearing in mind the sharp reduction in 1993 surpluses as compared with those for 1992) the increase will be 13.9%.

15. If, however, the less traditional aspects of WEU's activities such as the Mostar, Sharp Guard, TPA or WEAG operations are not taken into account, the overall WEU budget (including the Assembly) for the financial year 1995 will be BF 1 197 892 625, a reduction of 4.6% as compared with 1994. 1995 calls for contribution will therefore (and for the same reasons as above) show an increase of 9.6% in 1995 as compared with 1994.

IV. The budget of the Secretariat-General for 1995 – Section A

16. As the recapitulatory table in Appendix I shows, the total net operating budget of the Secretariat-General for the financial year 1995 (Section A, Appendix II) stands at BF 284 456 932, an increase of 17.47% as compared with the 1994 budget.

17. In terms of calls for contributions and despite a surplus of BF 13 000 000 in 1993 the increase to member states will in fact be 19.8%.

18. It can be observed that the administrative support provided by the Secretariat-General to the Planning Cell and WEAG amounts to BF 58 400 750 for the financial year 1995. This sum represents approximately 20% of Section A budget.

19. Lastly it can be observed that the contribution of the national delegations occupying offices in the WEU building will contribute a total amount of BF 723 000 to the organisation's budget.

20. Examination of the various Heads of Section A of the budget for the financial year 1995 shows a net increase in staff. To the 71 posts identified in this report for the 1994 budget should be added 3 further posts in respect of WEAG and 11 new creations bringing the total to 85 posts for 1995, plus 7 further posts for the EUCLID research cell. In terms of grade this net increase of 11 posts breaks down as follows: 4 Grade A posts (one in the Political Affairs Division and WEAG and two translators) and 7 Grade B or C posts (including one security guard).

21. Of the seven posts created under the EUCLID programme, five are Grade A and two Grade B.

22. The budget for personnel costs (see Chapter A.1) for the financial year 1995 thus stands at BF 298 505 519, an increase of 21.63% as compared to 1994.

23. The budget for travel for the financial year 1995 (Chapter A.II) has also increased very markedly to BF 7 253 470, i.e. an increase of 70.11% as compared with 1994. The Secretary-General has stressed that the sum requested is exceptionally high due to the fact that the ministerial meetings are to be held in Spain and Portugal.

24. There is an increase in the budget covering other operating costs for the 1995 financial year (see Chapter A.III) of 15.51%. In particular it can be noted that the budgets for the London building (BF 2 435 000) increase by 118.66% and communications (BF 11 234 000, specifically TARE) by 93.16%. The purchases budget (see Chapter A.IV - BF 2 289 100, specifically informatics) increases by 311.9%.

25. It can be noted finally that the budget approved does not make provision for the creation of a possible intelligence cell.

26. The budget of the Secretariat-General for the financial year 1995 is completed by estimates for pensions for 27 retired employees and for severance pay, payment of which is anticipated in 1995. Taking account of the amount budgeted for allowances (BF 5 100 000) and officials' contributions to the co-ordinated organisations' pension scheme (8% of basic salary) the net appropriation for the pensions budget stands at BF 39 336 000.

V. The budget of the Secretariat-General for 1995

Sections B and C – Pensions budget of the former ministerial organs in Paris and of the Agency for the Control of Armaments

27. Sections B (Appendix III) and C of the budget of the Secretariat-General call for no particular comment. Section B sets out the consequences of the assumption by the Secretariat-General of the costs of pensions paid to 74 retired staff of the former Paris-based ministerial organs: these pensions are entered in the budget in the sum of BF 12 275 180, i.e. an increase of 2.50% as compared with 1994. It can be observed that this budget also includes the contributions of officials of the Secretariat-General and the Planning Cell and the contributions of the sole ACA official. The secretariat notes that the draft budget does not take into account the possible payment of a pension to the ACA agent in 1995. If this were to occur the necessary amounts would be transferred in due course from the ACA (salaries) budget to the PMO pensions budget.

28. Section C shows amounts relating to the operation of the Agency for the Control of Armaments (ACA) whose seat has remained in Paris. Appropriations of FF 1 184 634 under this head cover the salary of a permanent A Grade official with the duties of controller, the costs relating to his official missions and information costs.

VI. The budget of the Secretariat-General for 1995

Section D – Space studies in the medium and longer term

29. In his budget proposals for 1995, the Secretary-General states that there might be a call for funds (ecus 1 000 000, BF 40 000 000) with the authorisation of the Space Group, for carrying out further studies. The 1994 surplus of BF 11 500 000 would then be deducted from that amount.

30. In the general recapitulatory table of budget decisions submitted to the Council, the line corresponding to Section D shows no budget appropriations for 1995.

31. The Council might keep the Assembly informed of the developments of work in this area.

VII. The budget of the Secretariat-General for 1995 ***Section E – Planning Cell***

32. Section E covers, for the third consecutive year, the budget estimate for the Planning Cell for the 1995 financial year.

33. This budget, totalling BF 69 628 500 (see Appendix VI) shows an increase from one year to the next of 12.08%, with staffing levels unchanged. This increase is explained by the enlargement of WEU, namely the fact that associate member and associate partner countries currently participate in co-ordination activities. Of the total budget, BF 56 747 000 (or 81.5%) was repaid to the budget of the Secretariat-General in 1995 in respect of its contribution to administrative support.

34. Finally, it may be observed that the budget, as approved, makes no provision for the creation of a situation centre.

VIII. The budget of the Institute for Security Studies for 1995

35. As the work of the Institute for Security Studies is progressing normally, the budget for the financial year 1995 overall (Appendix VII), with staffing unchanged, has been updated in line with general economic circumstances.

36. It should be noted that this budget does not include any provision in terms of the budget appropriations necessary for studying changes to the health insurance scheme for Paris-based staff (for example the cost of studies) contrary to the reply of the Council to the Assembly's Recommendation 563 (see Appendix XI).

37. A summary of the budget estimates for the Institute is set out in Appendix VII.

IX. The budget for the WEU Satellite Centre for 1995

38. At the beginning of 1994 the Centre started the second phase of its experimental period. Discussions at ministerial level concerning the future of the Centre, initially foreseen for November 1994, were deferred and should now be held at the meeting in May 1995. This delay has clearly led

to repercussions on and difficulties for the management of the Centre.

39. The 1995 budget (see Appendix VIII), pending a decision on the future of the Centre and with staffing levels unchanged, is merely an adjustment to general economic circumstances. The agreed sum compared with a sum of Ptas 1 891 210 000 for 1995, shows an increase of 2%.

40. It provides however for the possibility of creating nine additional posts subject to a two-fold condition of agreement at the Council of Ministers in May on the future of the Centre and agreement in the Space Group on reorganising the Centre's structures.

X. Other 1995 budgets: WEAG, TPA, WEU operations – in progress and unforeseen

41. To the more traditional WEU budgets financed by the contributions of nine (now ten) countries must now be added those of WEAG, TPA and WEU operations: Mostar and Sharp Guard and unforeseen operations, which are financed according to variable methods. It must be noted that the cost-sharing formulae for the contributions of participant countries have not all been worked out or are not known to the Assembly.

42. It may be observed that these budgets represent a rapidly-increasing share of the overall budget of WEU since from one year to the next their share has increased from 1.83% to 5.03%. It should however be noted that the comparison cannot be pursued further on account of the fact that the 1994 budgets for the Mostar and Sharp Guard operations are not known. In spite of this absence of information it can be observed that the increase in "other budgets" does not seem to be the result of a rapid growth in WEU's operational commitments, since WEAG's budget alone accounts for more than 73.5% of the other budgets.

A. WEAG and research

43. This budget of BF 46 752 275 for 1995 has virtually tripled from one year to the next.

44. The estimate is for financing by thirteen countries (Appendix IX).

B. Transatlantic publicity activities

45. This budget stands at BF 8 054 272 for 1995. The 2.4% increase represents an adjustment to general economic circumstances.

46. The estimate is for financing by thirteen countries (Appendix IX).

C. Current operations (Mostar and Sharp Guard)

47. The budget estimates for 1995 for these two operations remain fairly modest, totalling BF

6 081 120, of which over 85.5% is attributable to the police force operations in Mostar. These forecasts appear for the first time in the total WEU budget. It is therefore impossible to make comparisons over time.

48. It should also be noted that although the 1995 Mostar budget was approved by the Council in September 1994, discussions are currently being pursued on the 1995 Sharp Guard budget.

D. Unforeseen operations

49. The Council has also approved a budget forecast of BF 2 500 000 for financing unforeseen operations. This amount will be frozen until such time as the Council decides an operation is to be implemented and authorises the use of the appropriation, pending a decision on a specific budget.

XI. Action taken on Assembly Recommendation 563

50. In approving Recommendation 563 (See Appendix XI), the Assembly recommended that the Council:

- “ 1. Communicate to it any decisions that are taken on the operation of the Torrejón Satellite Centre after completion of the experimental phase at the end of 1994;
2. Communicate to it the final arrangements for the preparation and management of WEAG's budget;
3. Take the necessary measures for WEU staff in Paris to be affiliated to a private health insurance scheme upon termination of the current agreement with the health insurance branch of the French national social security scheme.”

51. The reply to this recommendation was given in October 1994 (see Appendix XI).

52. The Assembly can but note the fact that the Council will keep it duly informed of the decisions it will take on the operation of the WEU Satellite Centre after the completion of the experimental phase.

53. The Assembly can but note that provisions have been made for the preparation of the 1994 WEAG budget.

54. Regarding paragraph 3, the reply of the Council coming after others such as that to Recommendation 550, cannot be considered satisfactory as this question is of major interest to staff and to member states. Indeed the savings, for the same contributions from those insured, would be very substantial for staff and for member states since staff and employer contributions would be

halved. Contributions to the French social security system at present account for approximately F 2 000 000 of the Assembly's annual budget.

55. Moreover it is difficult to understand the Council's reasoning, namely that such measures "should be considered in the general context of relations with the host country". Although admittedly a change of health insurance scheme implies a change in the administrative convention that at present binds WEU to the host country, the formulation and implementation of a staffing policy is the organisation's responsibility and hence exclusively that of the Council. Other intergovernmental organisations, located in France, such as the OECD or the Council of Europe, bound by similar conventions, have in fact adopted a private insurance system or are on the point of doing so.

56. Furthermore, it is difficult to understand why a change of affiliation for staff in Paris rela-

ting to only one aspect of the national social security system, sickness insurance (since they are affiliated neither to the state pension nor to the unemployment insurance scheme and only indirectly to the family allowance system) should present particular difficulties.

57. The Assembly therefore continues to ask the Council to request the Head of Administration of the Institute for Security Studies to carry out studies and negotiations with the French authorities with the aim of allowing Paris-based staff of WEU to change their affiliation as soon as possible, following the example of the situation for the remainder of the staff of the organisation.

58. Furthermore, it must also be noted that the Council has not hitherto acted upon its own suggestion to request the Head of Administration of the Institute for Security Studies to carry out more detailed studies.

APPENDIX I

Recapitulatory table of Secretariat-General funds

	1994 budgets BEF	1995 budget credits BEF	1995 credits to call BEF	(2):(1)	(3) 1994
WEU Secretariat	(1)	(2)	(3)	(4)	(5)
A. S.G.	242 157 469	284 456 932	271 456 932	17.5	19.8
A.I.A. Pensions	34 104 710	29 252 200	25 152 200	- 14.2	0.2
E. Planning Cell	62 260 100	69 628 500	68 318 940	11.8	10.9
Institute	96 877 989	105 476 532	105 476 532	8.9	16.5
Satellite Centre	404 955 000	404 560 000	223 353 653	- 0.1	9.2
TOTALS	1 255 085 237*	1 197 892 625*	994 698 955*	- 4.6	9.6

* Including PMO pensions, ACA and Studies on Space.

APPENDIX II

Recapitulatory table of the budget of the Secretariat-General, Section A

	Outturn 1993 (2)	Approved budget 1994 (3)	Committed 30.09.1994 (5)	Expected outturn 31.12.1994 (5)	1995 budget estimates 1995 (6)	+/- BEF (6)-(3) (7)	+/- % (6)/(3) (8)
Chapter A.I: Personnel costs	194 514 734	245 423 733	174 863 845	239 198 418	298 505 252	53 081 519	21.63
Chapter A.II: Travel	4 698 025	4 731 470	3 364 144	4 731 470	7 731 470	3 000 000	63.41
Chapter A.III: Other operating costs	94 597 185	122 521 918	101 810 916	118 761 654	14 522 960	19 001 042	15.51
Chapter A.IV: Purchases	1 076 724	733 900	1 061 442	1 430 000	3 023 000	2 289 100	311.91
Chapter A.V: Security	59 920	1 533 000	1 076 699	2 600 000	3 202 000	1 669 000	108.87
Income							
Chapter A.VI: WEU tax	67 265 179	80 200 552	59 886 963	80 165 000	104 092 000	23 891 448	29.79
Chapter A.VII: Other receipts	1 256 324	52 576 000	575 198	52 742 290	65 435 750	12 859 750	
NET TOTAL	226 425 085	242 167 469	221 714 885	233 814 252	157 456 932	42 289 463	17.46

APPENDIX III

Recapitulatory table of the budget of the Secretariat-General, Section B, ex-PMO pensions (FF)

Expenditure	Expenditure/income 1993	Approved budget 1994	Budget proposals 1995	%
1. Pensions	10 951 782.02	10 913 500	11 187 000	2.51
2. Allowances	659 613.00	705 000	723 000	2.55
3. Leaving allowance	0.00	0.00		
4. Supplementary insurance paid by WEU	367 517.96	390 000	400 000	2.56
5. Bank charges	4 979.33	5 000	5 000	0.00
TOTAL EXPENDITURE	11 983 892.69	12 013 500	12 315 000	2.50
INCOME				
1. ACA Staff Contributions 8%	39 161.64	38 850	39 820	2.50
TOTAL RECEIPTS	39 161.64	38 850	39 820	2,50
NET TOTAL	11 944 731.05	11 974 650	12 275 180	2.50

The provision for pensions in 1995 is based upon the 74 existing pensions, and a provision is made for 31st December pension adjustments and inflation. The budget proposal does not take account of the possibility that a pension might have to be paid to the ACA staff member in 1995. If this were the case, the necessary credits would in due time be transferred from the ACA budget (salaries) to the PMO pensions budget.

APPENDIX IV

Establishment table of the Secretariat-General

Post no.	Title	Grade of post
1.	Secretary-General	HG
2.	Deputy Secretary-General	HG
	Special Adviser to the SG	
3.	Personal Assistant to the SG	B.4
4.	Personal Assistant to the DSG	B.4
5.	<i>Personal Assistant to the SG</i>	B.2/3
I.	<i>Political Affairs Division</i>	
10.	Director for Political Affairs	A.6
11.	Secretary to the Director	B.3/4
9.	<i>Assistant</i>	A.2/3
A.	<i>Security Policy Section</i>	
15.	Head of Section	A.3/4
16.	Assistant	A.2/3
B.	<i>Defence Policy Section</i>	
19.	Head of Section	A.3/4
20.	Assistant	A.2/3
C.	<i>Policy and Planning Section</i>	
23.	Head of Section	A.3/4
24.	Research Assistant	A.2/3
	<i>Secretaries</i>	
12.	Divisional Assistant	B.4
21.	Secretary/shorthand typist	B.3/4
25.	Secretary/shorthand typist	B.3/4
26.	Secretary/shorthand typist	B.3/4
27.	<i>Secretary/shorthand typist</i>	B.2/3
	Military Expert	
D.	<i>WEAG</i>	
150.	Head of Section	A.3/4
154.	<i>Assistant</i>	A.2/3
151.	Assistant	A.2/3
152.	Secretary	B.2/3
153.	<i>Secretary</i>	B.2/3
	<i>Research Cell (EUCLID)</i>	
160.	<i>Director</i>	A.4/5
161.	<i>Deputy Director</i>	A.3/4
162.	<i>Administrator</i>	A.2/3
163.	<i>Administrator</i>	A.2/3
164.	<i>Administrator</i>	A.2/3
165.	<i>Secretary</i>	B.3/4
166.	<i>Secretary</i>	B.2/3
II.	<i>Council Secretariat</i>	
30.	Head	A.4/5
31.	Deputy Head	A.3/4
32.	Assistant	A.2/3

Establishment table of the Secretariat-General (continued)

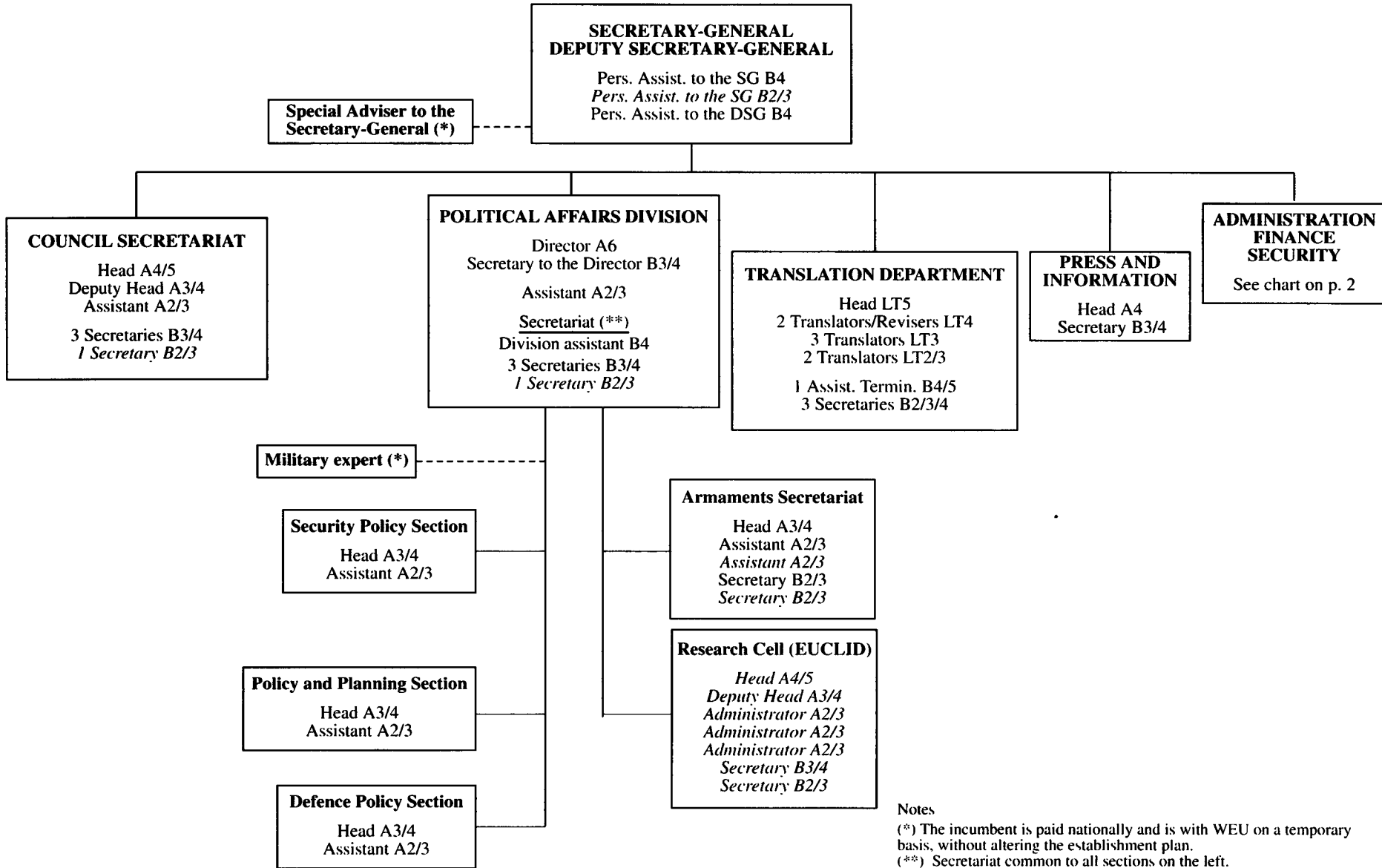
Post no.	Title	Grade of post
	<i>Secretaries:</i>	
33.	Secretary/shorthand typist	B.3/4
34.	Secretary/shorthand typist	B.3/4
35.	Secretary/shorthand typist	B.3/4
36.	Secretary/shorthand typist	B.2/3
III.	<i>Press and Information</i>	
40.	Head	A.4
41.	Secretary	B.3/4
IV.	<i>Translation Department</i>	
50.	Head (Reviser)	LT.5
51.	Translator/Reviser	LT.4
52.	Translator/Reviser	LT.3/4
53.	Translator	LT.3
54.	Translator	LT.3
59.	Translator	LT.2/3
60.	Translator	LT.3
61.	Translator	LT.2/3
55.	Assistant-terminologist	B.4/5
56.	Secretary	B.2/3/4
57.	Secretary	B.2/3/4
58.	Secretary	B.2/3/4
V.	<i>Administration Division</i>	
70.	Head of Division/Legal Adviser	A.5
71.	Assistant for Personnel	B.4/5
72.	Secretary	B.2/3/4
84.	Telephonist/shorthand typist	B.2/3
76.	Storekeeper	B.4/5
80.	Maintenance Officer	A.2/3
90.	General Handyman (Maintenance)	C.3/4/5
91.	General Handyman (Maintenance)	C.3/4
81.	Head of Registry	B.4/5
92.	Archivist	B.3/4
82.	Duplicating Clerk	B.2/3
83.	Duplicating Clerk	B.2/3
	<i>Registry Clerk</i>	B.2/3
85.	Telephonist/registry clerk	B.2/3
86.	Messenger	C.2/3
87.	Messenger	C.2/3
88.	Driver	C.2/3
89.	Driver	C.2/3
VI.	<i>Finance and Budget Section</i>	
120.	Head of Section	A.3/4
121.	Deputy Head of Section	A.2/3
122.	Chief Accountant	A.2/3
123.	Finance Assistant	B.4
	<i>Finance Assistant</i>	B.3/4
124.	Secretary	B.2/3/4

Establishment table of the Secretariat-General (continued)

Post no.	Title	Grade of post
VII.	<i>Security Bureau</i>	
130.	Head of Bureau	A.3/4
131.	Deputy Head/Head of Communications	A.2/3
132.	Communications Officer	B.3/4
133.	Head of Security Guards	C.2/3/4 (*)
134.	Security Guard	C.2/3/4 (*)
135.	Security Guard	C.2/3/4 (*)
136.	Security Guard	C.2/3/4 (*)
137.	Security Guard	C.2/3/4 (*)
138.	Security Guard	C.2/3/4 (*)
139.	Security Guard	C.2/3/4 (*)
140.	Security Guard	C.2/3/4 (*)
141.	Security Guard	C.2/3/4 (*)
142.	Security Guard	C.2/3/4 (*)
143.	Security Guard	C.2/3/4 (*)
144.	Security Guard	C.2/3/4 (*)
145.	<i>Security Guard</i>	C.2/3/4 (*)

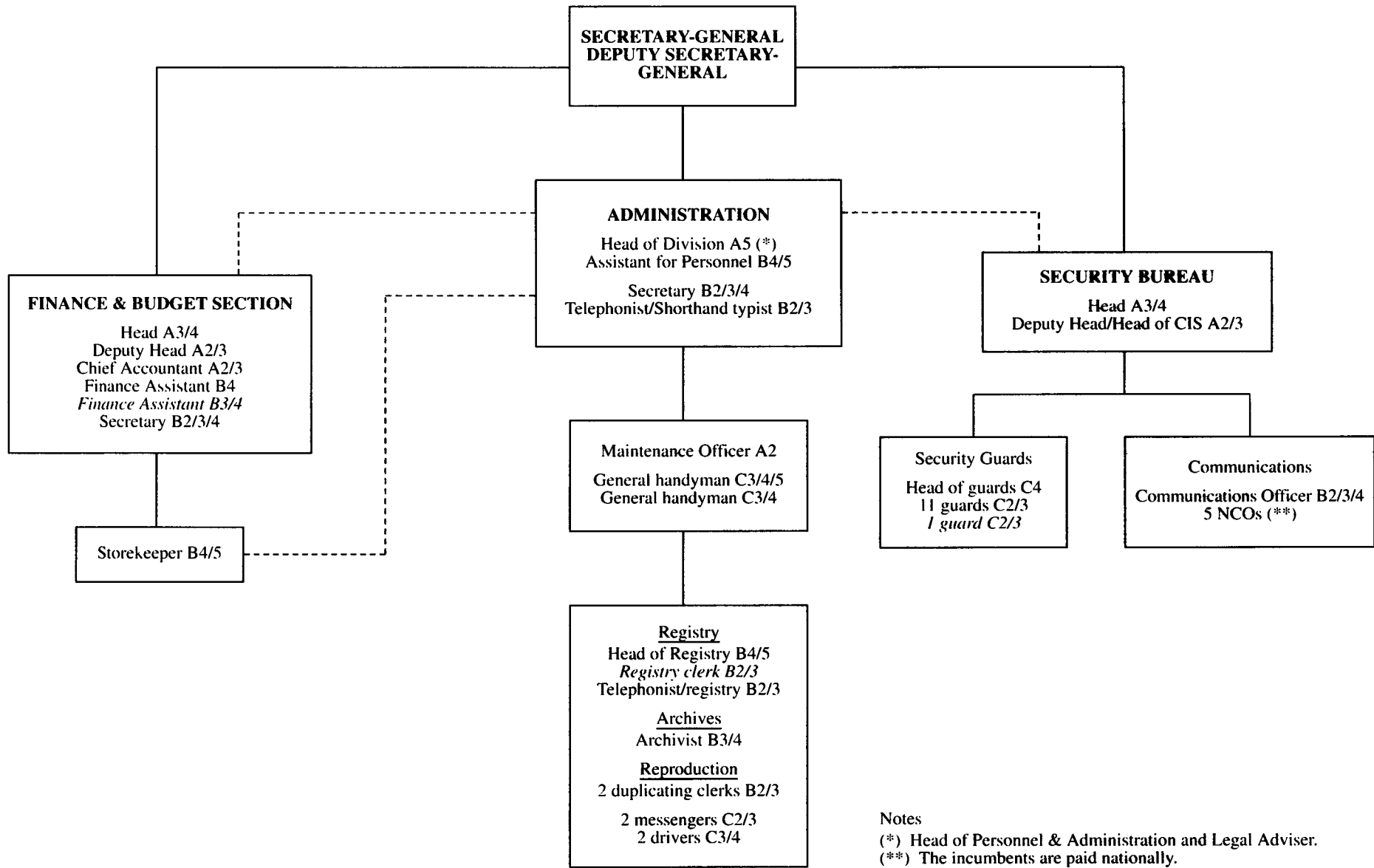
(*) Only one post may be promoted to C.4 (Head of Security Guards).

Organogram of the Secretariat-General (page 1 – 26th January 1995)



Notes
 (*) The incumbent is paid nationally and is with WEU on a temporary basis, without altering the establishment plan.
 (**) Secretariat common to all sections on the left.

Organogram of the Secretariat-General (page 2 – 26th January 1995)



APPENDIX VI

Recapitulatory table of the budget of the Secretariat-General, Section E, Planning Cell (BEF)

	Outturn 1993 (2)	Approved budget 1994 (3)	Committed 30.09.1994 (5)	Expected outturn 31.12.1994 (5)	1995 budget estimates 1995 (6)	+/- BEF (6)-(3) (7)	+/- % (6)/(3) (8)
Chapter E.I: Personnel costs	6 672 200	6 304 100	4 515 940	6 092 950	6 631 900	327 800	5.20
Chapter E.II: Travel	2 000 000	2 750 000	1 452 894	2 500 000	2 980 000	230 000	8.36
Chapter E.III: Other operating costs	19 796 250	55 205 000	2 094 886	54 978 314	61 636 600	6 431 600	11.65
Chapter E.IV: Purchases	285 000	300 000	196 230	805 320	1 006 000	706 000	235.33
Income							
Chapter E.VI: WEU tax	2 236 000	2 290 000	1 711 827	2 293 627	2 481 000	191 000	8.34
Chapter E.VII: Other receipts	174 000	145 000	52 292	90 000	145 000	0	0
NET TOTAL	26 343 450	62 124 100	6 495 831	61 992 957	69 628 500	7 504 400	12.08

APPENDIX VII

Recapitulatory table of the budget of the WEU Institute for Security Studies

	Budget 1995
Chapter I – Personnel costs	17 737 200
Chapter II – Travel	400 000
Chapter III – Functional expenditure	2 900 000
Chapter IV – Operating costs specific to the Institute	854 000
Chapter V – Purchases	100 000
Chapter VI – Contribution by the Institute to the joint charges for the building	1 321 100
TOTAL EXPENDITURE (Chapters I to VI)	23 312 300
Chapter VII – WEU tax	6 134 900
Chapter VIII – Other receipts	110 000
TOTAL RECEIPTS (Chapters I to VI)	6 244 900
Net Operating	17 067 400
Pensions Chapter P.I – Expenditure	1 231 300
Chapter P.II – Receipts	637 000

APPENDIX VIII

*Recapitulatory table of the budget of the WEU Satellite Centre**Revised according to recommendations made by the Budget and Organisation Committee**Summary of estimated expenditure and income*

Millions of pesetas	Final accounts 1993	Corresponding credits for 1994	Exp/inc until 1st Oct. 1994	Estimated exp/inc for 1994	Credits proposed for 1995	Difference 1995 & 1994	% Difference 1995 & 1994
ESTIMATED EXPENDITURE							
I. Personnel costs	344.00	645.51	395.75	555.79	736.13	90.62	+ 14
II. Travel	17.21	30.00	12.17	24.00	29.40	- 0.60	- 2
III. General operating costs	70.59	84.96	47.24	93.67	80.47	- 4.49	- 5
IV. Mission operating costs	48.09	347.10	32.34	195.40	384.21	37.11	+ 11
V. Capital expenditure	1 000.91	744.00	52.25	698.00	661.00	- 83.00	- 11
Contingencies	0.00	0.00	0.00	0.00	0.00	0.00	0
Total current costs	1 480.80	1 851.57	539.75	1.566.86	1 891.21	39.64	+ 2
INCOME							
VI. WEU tax	113.62	206.00	143.49	196.47	238.79	32.79	+ 16
VII. Other receipts	90.20	25.75	51.55	45.60	34.18	8.43	+ 33
OPERATING INCOME	203.82	231.75	195.04	242.07	272.97	41.22	+ 18
NET OPERATING COSTS	1 276.98	1 619.82	344.71	1 324.79	1 618.24	- 1.58	≈ 0
PENSIONS							
P. I Income	11.13	17.31	13.57	6.07	23.39	6.08	+ 35
P. II Expenditure	0.22	1.05	3.21	18.46	35.57	34.52	+ 3 288
NET PENSION INCOME/DEFICIT	10.91	16.26	10.36	12.39	- 12.18	- 28.44	- 175
NET EXPENDITURE	1 266.07	1 603.56	334.35	1 312.40	1 630.42	26.86	+ 2

APPENDIX IX

Cost-sharing formulae for WEU budget contributions

Country	Revised formula	Current formula
France	16.75	(17.00)
Germany	16.75	(17.00)
Italy	16.75	(17.00)
United Kingdom	16.75	(17.00)
Spain	12.75	(13.00)
Netherlands	6.15	(8.35)
Belgium	5.90	(8.35)
Greece	2.00	(-)
Portugal	2.00	(2.00)
Luxembourg	0.30	(0.30)
Iceland	0.10	(-)
Norway	1.90	(-)
Turkey	1.90	(-)

APPENDIX XI

*Assembly Recommendation 563 and reply of the Council***RECOMMENDATION 563¹*****on the budgets of the ministerial organs of Western European Union
for the financial year 1994²***

The Assembly,

(i) Considering that:

- (a) the Council has communicated to the Assembly the budgets of the ministerial organs for the financial year 1994;
- (b) the budget of the Secretariat-General comprises five sections, of which section D relates to the study on medium- and long-term studies on space and section E to the Planning Cell;
- (c) the Torrejón Satellite Centre has entered its second experimental phase and the Ministerial Council is proposing to discuss the future of the Centre towards the end of 1994;
- (d) the Council has allocated WEAG an operating budget for the financial year 1994 under a special procedure and that this budget is financed by thirteen countries;
- (e) the Council still has not undertaken the study recommended earlier by the Assembly leading to possible approval of a private health insurance scheme instead of the French social security system,

RECOMMENDS THAT THE COUNCIL

1. Communicate to it any decisions that are taken on the operation of the Torrejón Satellite Centre after completion of the experimental phase at the end of 1994;
2. Communicate to it the final arrangements for the preparation and management of WEAG's budget;
3. Take the necessary measures for WEU staff in Paris to be affiliated to a private health insurance scheme upon termination of the current agreement with the health insurance branch of the French national social security scheme.

1. Adopted by the Assembly on 15th June 1994 during the first part of the fortieth ordinary session (5th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Covi on behalf of the Committee on Budgetary Affairs and Administration (Document 1425).

REPLY OF THE COUNCIL¹***to Recommendation 563***

1. The Council will keep the Assembly duly informed by means of regular reports on the decisions it will take on the operation of the WEU Satellite Centre after the completion of the experimental phase.

2. The Council informs the Assembly that the 1994 WEAG budget has already been approved by the National Armaments Directors (NADs), the Budget and Organisation Committee and the Council. Calls for contributions were also issued after the approval.

As for the remaining budget-balance of the Permanent Secretariat of WEAG in Lisbon, this has been transferred to WEU Brussels and will be reimbursed in 1994 (or carried over to 1995 if member states prefer).

The WEAG budget is in preparation.

3. The Council considers that the necessary measures to be taken for WEU staff in Paris to be affiliated to a private health insurance scheme should be considered in the general context of relations with the host country; the Council could ask the Head of Administration of the WEU Institute for Security Studies to consider this question in greater detail.

1. Communicated to the Assembly on 13th October 1994.

Ukraine and European security

REPORT¹

*submitted on behalf of the Defence Committee²
by Sir Russell Johnston, Rapporteur*

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PREFACE

DRAFT RECOMMENDATION

on Ukraine and European security

EXPLANATORY MEMORANDUM

submitted by Sir Russell Johnston, Rapporteur

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- IV. Ukraine's foreign policy
- V. Defence spending and the restructuring of the armed forces
- VI. The division of the Black Sea fleet
- VII. Implementation of the trilateral statement on nuclear weapons
- VIII. CFE implementation
- IX. Ukraine's defence industry
- X. The Crimean peninsula
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- XII. Energy situation and the problem of Chernobyl
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- XV. Relations between Ukraine and WEU
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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Baumel (Chairman); Mr. De Decker, Mrs. Baarveld-Schlaman (Vice-Chairmen); Mr. Alloncle, Mrs. Beer, MM. Bianchi, Briane (Alternate: *Galley*), Brito, Cox, Dees, Dumont, Fernandes Marques, Mrs. Fernandez Ramiro (Alternate: *Cuco*), MM. Hardy, Horn, Jacquat, Kastanidis, Kelchtermans, La Russa, Mrs. Lentz-Cornette, MM. Lopez Valdivielso, Marten, Lord Newall (Alternate: *Sir Russell Johnston*), MM. Parisi, Pavlidis (Alternate: *Liapis*), Pécriaux, Petruccioli, Schloten, Reis Leite, Sir Dudley Smith, Mr. Sole Tura (Alternate: *de Puig*), Mrs. Soutendijk van Appeldoorn (Alternate: *Sir Keith Speed*), MM. Vasquez, Vrettos, Zierer, N...

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

Preface

In preparing the present report, the Defence Committee of the WEU Assembly visited Kiev, Ukraine, on 4th-6th April 1995. During this visit, the committee and your Rapporteur were extremely fortunate to receive much kind help and assistance from all the authorities with whom they had discussions and would like to take this opportunity publicly to thank all concerned for their kindness and co-operation.

The programme of the committee's visit included the following meetings and visits:

- 4th April 1995 Meeting with the Chairman of the Supreme Rada of Ukraine, Mr. O. MOROZ
Meeting with the Head of the Defence and State Security Committee, Mr. V. MOUKHIN, and members of the committee and representatives from the Foreign Affairs Ministry
- 5th April 1995 Meeting with the First Deputy Minister of Defence, Commander of the General Headquarters of the Armed Forces of Ukraine, General A. LOPATA
Visit to a housing complex for the military staff of Ukraine's armed forces, built with financial support from the German Government
Visit to a military unit
- 6th April 1995 Meeting with the Minister for Foreign Affairs, Mr. G. OUDOVENKO
Meeting with the Deputy Minister of the military-industrial complex, Mr. Valery P. KAZAKOV
Meeting with representatives of the Committee on Foreign Affairs of the Supreme Rada of Ukraine
Visit to the Antonov aircraft works

Draft Recommendation
on Ukraine and European security

The Assembly,

- (i) Aware of Ukraine's positive contribution to security and stability in Europe through the implementation of the trilateral declaration of January 1994 to dispose of all nuclear weapons on its territory and through its decision to accede to the non-proliferation treaty as a non-nuclear state;
- (ii) Noting that the continued existence of Ukraine as an independent state and its ability to make further progress in transforming its economy and society depends greatly on international support and co-operation;
- (iii) Aware that the conclusion of a comprehensive treaty of friendship and co-operation between Russia and Ukraine is of vital importance for the independence and security of Ukraine as well as for the stability of the region;
- (iv) Noting that in recent months Russia has apparently not been forthcoming in the negotiations preparing the abovementioned treaty;
- (v) Aware that Ukraine will not be able to restructure and reorganise its armed forces and the defence of its territory until a final agreement on the division of the Black Sea fleet and its infrastructure has been concluded with Russia;
- (vi) Deploring Russia's unilateral decision to extend its armed forces in northern Caucasus with the newly-created 58th army in violation of the CFE Treaty;
- (vii) Noting that any suggestions to modify the CFE Treaty should be discussed exclusively in the framework of the 1996 review conference;
- (viii) Regretting the continued presence of the Russian 14th army in the Trans-Dniestr region, far beyond the borders of Russian territory;
- (ix) Noting that an early enlargement of NATO would not be conducive to stability in Europe and could transform Ukraine into a buffer state between a newly-opposed East and West;
- (x) Noting that in view of WEU's status as part of the process of European integration, closer links between Ukraine and WEU cannot be considered as threatening any third country in Europe;
- (xi) Aware that the WEU Council of Ministers attaches particular importance to appropriate relationships with Russia and Ukraine;
- (xii) Welcoming the decision of the Permanent Council of WEU on the organisation of the dialogue with Russia and Ukraine, which will allow for exchanges of information on issues of common interest;
- (xiii) Stressing, however, that, compared with Russia, Ukraine since its independence has shown a far more positive attitude in its active policy towards building security in Europe,

RECOMMENDS THAT THE COUNCIL

1. Continue to intensify the security dialogue with Ukraine, paying attention in particular to its specific rôle in the European security architecture;
2. Make clear in its security dialogue with Russia that the early conclusion of a treaty of friendship and co-operation between Russia and Ukraine is of vital importance for security in Europe.

Explanatory Memorandum

(submitted by Sir Russell Johnston, Rapporteur)

I. Introduction

1. Since its existence as an independent state in 1991, Ukraine has clearly demonstrated that its overall policy is dedicated to the promotion of peace and stability in Europe. The signing of the trilateral statement on 14th January 1994 and accession to the non-proliferation treaty as a non-nuclear state have been the most obvious manifestations of this policy, but Ukraine has also made efforts to find a peaceful solution to the problem of Crimean separatism. Minorities are enjoying respect.

2. Nevertheless, in Western Europe, there are still doubts over Ukraine's position in the European framework. Addressing the Assembly of WEU in December 1993, the former Foreign Minister of Ukraine stated that Ukraine considered itself to be an organic and inseparable part of the Central and Eastern European region. He also said that "a single all-European security space can be created only by securing regional stability in Central and Eastern Europe and by providing this region's organic linkage with Western European security structures".

3. More than a year ago, in the Kirchberg declaration of May 1994, the WEU Council of Ministers agreed that the policy conducted by Ukraine widened the base for the development of dialogue and exchange of information with Ukraine on issues of common concern. Since then, this dialogue with Ukraine has indeed been developed further.

4. In this framework, the Defence Committee of the WEU Assembly considered it useful to pay a visit to Ukraine in order to discuss a number of issues with the political and military authorities in Kiev. The results of this visit held in April 1995 are presented in the present report.

II. Reform of the economy

5. After his election in July 1994, President Kuchma made it clear that the reform of Ukraine's economy is one of his main objectives. The Supreme Rada's approval of a tough 1995 state budget with a 7.3% fiscal deficit, as had been agreed between President Kuchma and the International Monetary Fund, paved the way for more financial support. On 9th April 1995, the IMF approved credits for Ukraine up to a total amount

of \$1.96 billion to support the government's economic programme for 1995. Of this total amount, \$1.57 billion is being made available as a one-year stand-by credit, while another \$392 million is to be disbursed in a support programme for the transition to a market economy.

6. Shortly before approving the 1995 budget, the Supreme Rada passed a motion of no confidence in protest against the government's radical economic policy. Observers noted that it provided President Kuchma with an opportunity to replace cabinet ministers opposed to economic reform. The President is seeking to reduce the parliament's leverage in economic policy and to increase his own executive power.

7. Under former President Kravchuk, the Ukrainian Government has been reluctant to take radical measures to restore the national economy. Recent figures confirmed, however, that the efforts of succeeding governments have met with some success.

8. Inflation went down from 4 735% in 1993 to 842% in 1994 and Ukraine has a commitment to the IMF to bring it down further to 210% in 1995. GDP diminished by 14% in 1993, 23% in 1994 and a 5% reduction is expected for 1995. The budget deficit went from 30.4% of GDP in 1992 to 10.1% in 1993 and 9.6% in 1994. The government has promised the IMF to keep it between 3 and 4% in 1995.

9. Efforts are now being made to accelerate privatisation, which had started only very reluctantly under President Kravchuk. In fact, the 2 000 companies which were privatised during 1992 and 1993 could not be acquired by external investors.

10. The government now intends to privatise 8 000 large and medium-sized companies in the next two years. Under the new system, personalised vouchers will be distributed to the population which can be swapped for shares at regional privatisation centres responsible for co-ordination.

11. The new privatisation programme is supported by the European Union via its TACIS programme (Technical Assistance for the Commonwealth of Independent States), and by USAID (United States Agency for International Development) and the World Bank.

12. As far as the agricultural sector is concerned, agricultural products have now been privati-

sed, which means that kolkhozes are responsible for selling their products. They will receive the full price, but state subsidies have been stopped. A first start is being made with limited privatisation of farmland, but the government is acting carefully here because it wishes to avoid a complete disintegration.

13. On 11th April 1995, the World Bank approved a \$114 million loan to support a programme envisaging to dismantle Ukraine's eight vertically-integrated electric power monopolies and replace them with four independent competing electricity generators. Earlier, President Kuchma had published a decree to set up a national electricity pool authorising denationalisation of four plants and creating 27 local electricity distribution companies¹.

14. As is the case in other former Soviet republics, foreign investors have been reluctant to invest money in the Ukrainian market because of shortcomings in legislation and unpredictable overnight changes to trading rules and tax laws.

III. Debt and financial assistance

15. On 20th March, Ukraine and Russia signed an agreement on the repayment of Ukraine's debt of \$4.2 billion to Russia. According to this agreement, \$2.7 billion will be paid off during a twelve-year period. A debt of \$1.5 billion for deliveries of natural gas by Russia's Gazprom company has been converted into government bonds. Ukraine has also promised to pay its energy bills for 1995.

16. Ukraine's financing gap for 1995 is estimated at \$5.5 billion. This will be covered by a \$600 million loan from the World Bank, a debt settlement with Russia and bilateral contributions amounting to \$800 million, of which the European Union should contribute \$400 million. The European Union contribution has not yet been agreed, since some member states, in particular France, have insisted on linking financial support to the dismantlement of the Chernobyl nuclear power station. On 13th April 1995, a basic agreement on the closure and dismantlement of Chernobyl's nuclear power station was reached, but the financial consequences of the agreement remain to be negotiated.

17. During recent months, there has been a protracted debate among European Union members over financial assistance to Ukraine. From the beginning, Germany, supported by the European Commission, has pleaded for early and generous financial aid in order to prevent Ukraine's economic collapse and to preserve the country's independence.

Loans received by Ukraine from international financial institutions (1993-95)

EBRD

1. Project of reconstruction of the international airport Boryspil (22nd December 1993) – \$5.1 million.
2. Project of development of small- and medium-sized businesses (16th December 1994) – 100 million ecus.
3. Project of reconstruction of Kiev's marketplace (19th January 1994) – \$14.8 million.
4. Loan for reorganisation of financial and administration structures (25th June 1993) – \$27 million.
5. Loan for regulation of payment crisis (22nd December 1994) – \$500 million.

IMF

1. The support of Ukrainian payment balance (24th October 1994) – \$742 million.
2. "Stand-by" (7th April 1995) – \$1.4 billion.

18. Of an 85 million ecu aid package promised by the European Union and a \$1.9 billion aid package promised by the G-7, nothing has yet been received because of continuing negotiations over the financial consequences of the closure and dismantlement of Chernobyl.

IV. Ukraine's foreign policy

19. In October 1994, outlining his economic reform programme to the Supreme Rada, President Kuchma called for a "strategic partnership" with Russia and Ukraine's fully-fledged participation in the strengthening and development of the economic community within the bounds of the CIS, arguing that the continuation of the "previous policy of self-isolation is economic and political suicide"². At the same time, he stressed that enhanced co-operation with Russia and the CIS should not be at the expense of relations with the West nor allow any threat to Ukraine's territorial integrity or independence.

20. The Ukrainian Government is perfectly well aware that its concerns over Russia's attitude and influence cannot be neutralised by alliances with the West. The objective is therefore to make Ukraine a non-nuclear, non-bloc, regional power with diversified interests, capable of co-operating with all partners to the detriment of none.

1. Financial Times, 11th April 1995.

2. Jane's Intelligence Review, December 1994, page 568.

21. The "Main Directions of Ukrainian Foreign Policy" adopted by the Supreme Rada on 2nd July 1993, established the following four priorities:

- cultivate good bilateral relations which can help to renew old ties and as a result facilitate Ukraine's integration into the wider global and European order;
- intensify regional co-operation with such organisations as the OSCE, the North Atlantic Alliance and the European Union. The partnership and co-operation agreement with the European Union is considered a first step towards full membership;
- participation in the CIS, while rejecting any CIS supranational competences;
- full co-operation with the United Nations and its specialised agencies.

22. On different occasions, Ukraine has stressed its neutrality and non-bloc status and the policy of non-alignment adopted by the Supreme Rada in the abovementioned document is still valid. It is also argued, however, that non-alignment in a Europe no longer divided into two blocs does not exclude co-operation with regional organisations. In Ukraine, this policy is called "active neutrality".

23. National security is a main concern for the government which takes the view that any form of co-operation with, and integration in, existing European institutions and organisations will enhance Ukraine's security and contribute to its survival as a state. Participation in NATO's partnership for peace initiative is now firmly under way, and the partnership and co-operation agreement with the European Union, signed on 14th June 1994, awaits ratification in the European Union member states. A structured dialogue has been established with WEU and Ukraine hopes to be admitted as a member of the Council of Europe in the near future.

24. A good working relationship has been established with the OSCE and Mr. Max van der Stoep, the OSCE High Commissioner on National Minorities, has recently accomplished a mission in Ukraine dealing with the situation in the Crimean peninsula.

25. The policy of non-alignment does, however, prevent Ukraine from signing a collective security agreement providing for a collective response to aggression against any of its signatories, as was signed by six CIS member states in Tashkent in May 1992. Likewise, it cannot be a member of NATO. Ukraine is not in favour of the enlargement of NATO to include certain Central European states because it might transform Ukraine into a buffer state and lead to Russian

pressure to sign a collective security agreement similar to the Tashkent agreement.

26. Ukraine takes the view that enlargement of NATO should be evolutionary rather than revolutionary, adding that enlargement may be less desirable in a few years' time, when Ukraine hopes to have better consolidated its own position as an independent state.

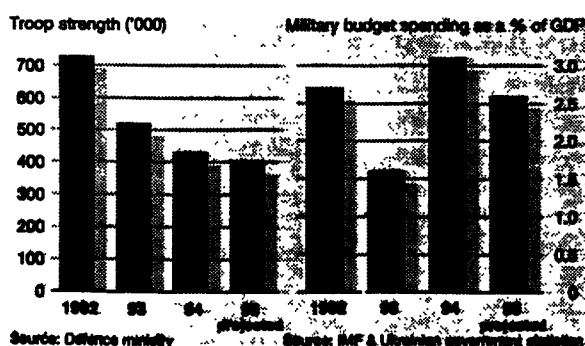
V. Defence spending and the restructuring of the armed forces

27. Ukraine is considerably reducing its defence budget because of a chronic shortage of financial resources, which has understandably a serious impact on the restructuring of its armed forces.

28. In 1994, 14 741 billion karbovantsy were allocated to defence spending, while the military had asked for 63 700 billion.

29. On 22nd March 1995, the Supreme Rada adopted a defence budget envisaging substantial new cuts in funding and troop levels. In 1995, defence spending will again fall below the requests of the defence establishment to 2.6% of GDP, or 120.000 billion karbovantsy (around \$800 million). According to the Defence Ministry, this would meet only 17% of expected costs, down from 34% in 1992. With this budget, it will hardly be possible to cover pensions, salaries and basic supplies while housing is still lacking for 70 000 military personnel. It will also be extremely difficult to pay for equipment maintenance, modernisation or disarmament which, as a consequence, will be postponed to a later date³.

Ukraine's shrinking military⁴



3. This does not refer to CFE Treaty arms reductions which Ukraine is implementing as required by the treaty. Recently it indicated that it may need western financial aid for full implementation by November 1995.

4. Source: Financial Times, 24th March 1995.

30. All these factors may slow down Ukraine's objective to reduce its armed forces to 250 000 troops by 1997. These stood at 726 000 troops when the country became independent and strengths are planned to be reduced to 400 000 by the end of 1995.

31. The government is also aware of the fact that releasing large numbers of officers and soldiers on a contracting labour market without providing them with adequate social protection may create another element of social instability.

32. In July 1994, legislation was introduced to clarify the rôle of the Defence Ministry and distinguish it from that of the General Staff. The Defence Ministry now has responsibility for identification of threats to Ukraine, management of the military industrial complex and the conversion process, and defining criteria for co-operation with other ministries. Shortly afterwards, President Kuchma appointed Valery Shmarov as Ukraine's first civilian Defence Minister.

33. With ethnic Russians forming a majority in many units in the early stage of transformation of the armed forces, a Social-Psychological Service was established with responsibility for the patriotic education of military personnel or the "rebuilding of morale with a Ukrainian spirit". Predictably, a number of zealots overstepped the limits of their task, which made the service rather unpopular among certain sections of the armed forces. It has now been renamed the Main Administration for Educational and Social-Psychological Work and is taking a more pragmatic approach.

34. In the reorganisation of the armed forces, the Carpathian and Odessa military districts were replaced by two operational commands, Western and Southern, each with three corps. The headquarters of the Kiev military district has become both the Ukrainian General Staff and the National Ministry of Defence.

35. The airforce and the air defence branch of the army have been combined in practically the only major reallocation of rôles and resources to have taken place outside the navy. The allocation of troops between the former Soviet military districts on Ukrainian territory has remained practically unchanged since independence.

36. It is also noted that the organisation of a command and control structure, subject to the central authorities in Kiev, in accordance with a concept of defence which shapes the armed forces into a cohesive force reflecting the needs of the state, will still take some time to be completed.

37. In fact, the armed forces as inherited from the former Soviet Union are still more suited to their traditional rôle of first strike offensive in a western direction than to defensive operations in all directions, as required by the new military doctrine.

38. When it emerged at an early stage that the division of the Black Sea fleet would be a complicated matter, taking years to resolve⁵, Ukraine decided to start creating its own navy based on an April 1992 presidential decree. A naval command was appointed, crews for Ukrainian naval ships were formed and shipyards were commissioned to build new ships. The navy headquarters, a naval academy and some units were located in Sebastopol. At the moment, the Ukrainian navy has about ten large or medium-sized ships, more than forty smaller patrol craft and several other surface ships. Among the large and medium-sized ships are a command and reconnaissance ship, a guided missile cruiser, two frigates, and four destroyers. A new frigate was launched in 1994. Last year, Ukraine took over the Black Sea fleet's 318th division which is planned to provide Ukraine's first coastguard unit⁶.

39. High inflation and a continuing shortage of funds and energy are some of the problems which the new Ukrainian navy is facing. There is a shortage of housing and the navy has problems in paying wages.

40. In October 1993, the Supreme Rada adopted a national military doctrine with a political, technical and economic section. This document argues against the stationing of foreign troops on its territory, or that of other states, without agreement and states that "Ukraine will consider its potential adversary to be any state whose consistent policy constitutes a military danger to Ukraine"⁷.

41. The armed forces have a rôle in defending Ukraine's independence and territorial integrity, in protecting Ukraine's borders, its ports and shipping in the Black Sea area and in maintaining internal order. They must also be able to respond to the need for peace-keeping in the region and to integrate with allies and partners⁸.

42. The guiding principles of the military doctrine's economic section are: the preservation of the country's military-industrial base for maximum benefit to the armed forces in line with financial aid and material constraints; the attainment of an advanced system of armament; an ecologically safe and economically feasible system of arming forces and dismantling weapons; and a rational conversion programme.

43. Ukraine's intention of becoming a non-nuclear state was carefully worded as follows:

"Having become the owner of nuclear weapons through historical circumstances,

5. See Chapter VI of the present report.

6. RFE/RL Research report, 6th May 1994.

7. RFE/RL Research report, 28th January 1994.

8. Vyacheslav Pikovshek and Christopher Pett: Transformation of the Ukrainian armed forces, NATO Review No. 5, October 1994.

Ukraine will never sanction their use and excludes the threat to use nuclear weapons from its foreign policy arsenal. In the future, Ukraine intends to become a non-nuclear state and links the reduction and destruction of nuclear weapons with appropriate actions by other nuclear states and the granting by them and by the world community of reliable security guarantees.”

Meanwhile, Ukraine acceded to the NPT as a non-nuclear state in December 1994⁹.

VI. The division of the Black Sea fleet

44. Immediately after the establishment of Ukraine's independence in December 1991, President Leonid Kravchuk issued a decree on the Ukrainian armed forces outlining the structure of the armed forces. Ukraine claimed all former Soviet military hardware and forces on its territory, with the exception of the strategic forces. As a consequence, Ukraine claimed the ownership of almost the entire Black Sea fleet, a claim disputed by Russia, which argued that the fleet was a strategic force. When measures were taken and conflicting decrees were issued by both sides leading to a chaotic situation, the Presidents of both countries suspended their decrees in April 1992 and agreed to holding negotiations on the issue.

45. The Black Sea fleet is said to consist of some 440 ships, including about forty major surface ships, eighteen submarines and 250 smaller ships, but the total number of ships to be divided is 833, taking account of a large number of non-combat and other small vessels. It also has some 300 naval aircraft and helicopters and 70 000 personnel. The majority of officers are Russian, but 60% of the conscripts are local recruits from Crimea. It should be noted that, at present, a large part of the fleet is not operational because of disrepair or lack of maintenance. The average age of ships in the fleet is between fifteen and twenty years and, with a continued lack of maintenance, the fleet would be completely ineffective by the year 2000. The negotiations over the Black Sea fleet have now been dragging on for more than three years. Of the many issues involved, mention could be made of loyalty oaths to the two respective states, the fleet's infrastructure, which is worth more than the fleet's ships, the status of the Crimean peninsula where most of the infrastructure is located and the financing of the fleet.

46. On different occasions, in particular June 1992, June 1993, September 1993 (Massandra) and April 1994, an agreement was announced which later fell apart or did not materialise.

47. The main bone of contention is access to the attendant bases and, in particular, to Sebastopol which has 82% of the fleet's infrastructure and which is of historical and national significance to both Russia and Ukraine. Russia has insisted that Sebastopol will remain as the main base of the Russian Black Sea fleet, not to be shared with Ukraine. Access to the Crimean naval bases is an issue of strategic importance. For Russia, it would facilitate the exercise of influence in the Black Sea region, including the Balkans.

VII. Implementation of the trilateral statement on nuclear weapons

48. Ukraine inherited 176 intercontinental ballistic missiles with nuclear warheads and 41 strategic bombers from the Soviet Union. Although Russia was in full control of the launch codes and Ukraine had neither the technology nor the financial means to store these weapons properly or to gain control over them, it was generally thought to be an undesirable situation. Ukraine used the presence of these strategic nuclear weapons as leverage both to assert its newly-acquired position as an independent state and to be granted financial aid in case it decided to give them up.

49. In January 1994, after complicated negotiations, Ukraine signed a trilateral statement with Russia and the United States to give up its strategic nuclear arsenal in exchange for about \$1 billion in nuclear fuel supplies and financial assistance for disarmament. In the trilateral statement, Ukraine undertook to transfer to Russia at least 200 nuclear warheads for dismantling within ten months. Ukraine also promised to eliminate, within seven years, all nuclear weapons, including strategic offensive arms, on its territory. Russia, with Ukraine's co-operation, was to ensure the servicing and safety of nuclear warheads pending their transfer to Russia for destruction. Russia and the United States would work to place all Ukraine's nuclear activities under the safeguard of the International Atomic Energy Agency (IAEA) in order to legalise the unimpeded export of Russian fuel assemblies to Ukraine.

50. Shortly afterwards, on 3rd February 1994, the Supreme Rada ratified the START I Treaty and the Lisbon Protocol, which associated the Soviet successor states with the START I Treaty. Following ratification by the Supreme Rada on 16th November 1994, Ukraine acceded to the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear weapons state on 5th December 1995. In the context of Ukraine's accession to the NPT, China, France, Russia, the United Kingdom and the United States have extended written security assurances. These assurances concern the commitment of these states to seek immediate Security Council action in certain circumstances

9. See also Chapter VII of the present report.

involving the use, or threat of the use, of nuclear weapons against Ukraine as a non-nuclear weapons state party to the NPT.

51. At the same time, these states undertook to recognise Ukraine's territorial inviolability and not to infringe its sovereignty through economic force. Ukraine's accession to the NPT also enabled the START I Treaty to enter into force between Russia and the United States on 5th December 1994 and opened the way for ratification of START II. The entry into force of START II may be delayed because of the negative impact of Russia's violent military intervention in Chechnya on relations between Russia and the United States. At the Russian-United States summit meeting in Moscow on 10th May 1995, both Presidents promised to push for ratification by their respective parliaments before the end of 1995, but with Russian parliamentary elections scheduled for December, ratification is unlikely to take place quite so soon. There is also strong hesitation in the United States Congress.

52. Ukraine is now fully implementing the statement and is transferring its nuclear warheads to Russia for destruction. According to Colonel-General A. Lopata, all intercontinental ballistic missiles on Ukraine's territory have been deactivated. On the other hand, Ukraine has noted, regretfully, that of a total amount of \$500 million promised by the United States for the dismantling of nuclear weapons, it has so far only received \$100 million.

53. Ukraine is trying to negotiate the sale of its twenty Tu-160 (Blackjack) and twenty-three Tu-95H (Bear 2) strategic bombers to Russia in exchange for spare parts for its Russian-supplied weapons and maintenance for its Russian-made aircraft.

VIII. CFE implementation

54. The Treaty on Conventional Forces in Europe (CFE), signed in Paris in November 1990, was drawn up for the deployment of conventional armaments in Europe from the Atlantic to the Urals. In the area defined in the treaty, the combined member states of NATO and the combined former Warsaw Pact states are each entitled to have a maximum of 20 000 tanks, 20 000 artillery units, 30 000 infantry fighting vehicles, 6 800 fighter aircraft and 2 000 attack helicopters. The treaty also includes regional and flank limitations in order to prevent threatening concentrations of armed forces in specific areas.

55. The arms reductions envisaged in the treaty were to be implemented in three phases: 20% by September 1993, 60% by September 1994 and 100% by November 1995. The flank limitations, which exclusively concern Russia's military dis-

tricts of Leningrad (now St. Petersburg) and north Caucasus and the south-eastern part of Ukraine's territory, will come into force in November 1995.

56. At their Tashkent summit meeting in May 1992, the successor states of the Soviet Union participating in the CIS divided among themselves the CFE treaty-limited equipment (TLE) of the former Soviet Union. According to this division, Ukraine is entitled to a maximum of 4 080 tanks, 5 050 infantry fighting vehicles, 4 040 artillery units, 1 090 aircraft and 330 attack helicopters.

57. Under the terms of the CFE Treaty, Ukraine is committed to remove from service almost 2 000 tanks, more than 1 000 armoured vehicles and around 300 military aircraft. In general, Ukraine has been complying with the disarmament schedule until now, but the serious financial problems of the armed forces may lead to requests for western financial assistance to complete the dismantling of the remaining surplus of CFE Treaty-limited equipment.

58. Within the framework of the armed forces' restructuring, the Kiev, Carpathian and Odessa military districts were reorganised in 1992, but, since then, the CFE Treaty-limited equipment quotas set for these districts have remained in force, which has resulted in an unbalanced and rather illogical deployment of arms and equipment across the country. For example, the treaty allows for 680 tanks in the Odessa district, covering the southern part of Ukraine and 3 400 tanks in the Carpathian and Kiev district, covering the western part.

59. In September 1993, Ukraine was the first state to re-open the subject of flank limitations. It asked for a revision of the CFE Treaty, arguing that CFE limits on the deployment of its armaments inside its own borders are based on flank limitations which have become irrelevant with the dissolution of the two-bloc opposition in Europe. Implementation of the treaty, it was argued, would force Ukraine to defend one quarter of its territory with 17% of its tanks, 7% of its infantry fighting vehicles and 22% of its artillery units.

60. Later, Russia also insisted on a revision of the CFE Treaty which, according to Defence Minister, Pavel Grachev, interferes with Russia's strategic interests. Russia argues that the treaty does not provide sufficient forces and equipment for the defence and protection of its south-western border. As a consequence of flank limitations, Russia is allowed to deploy only 15% of its armed forces in the military districts of Leningrad and north Caucasus, which together cover more than half of its European territory. According to the CFE Treaty, Russia is allowed to deploy not more than 700 tanks, 580 armoured vehicles and 1 280 artillery units at its south-western border in the

north Caucasus district. At present, Russia considers the North Caucasus military district as its most important line of defence.

61. A revision of CFE flank limitations could therefore also lead to redeployment of Russian forces in the north Caucasus military district bordering on Ukraine, a consequence which would certainly not contribute to an enhanced feeling of security in Ukraine. Until now, NATO has rejected all requests to change flank limitations, referring any discussion on the implementation of the CFE Treaty to the 1996 review conference.

62. On 26th April 1995, Russia announced its decision to extend its armed forces in the north Caucasus through the creation of a new force, the 58th Russian army, by June 1995. The 58th army will be created on the basis of an existing army corps in Vladikavkaz, north Ossetia, to which new units will be added. Implementation of this decision would constitute a violation of the CFE Treaty.

63. Ukraine has implemented its CFE Treaty obligations and does not intend taking any unilateral decision which would go against the treaty. It insists, however, that there are anomalies in the treaty which should be renegotiated. Potential adjustments should take into account the positions of all the European states and security organisations concerned.

64. In a statement after his summit meeting with President Yeltsin on 11th May 1995, President Clinton stated that he supported the Russian request for modifications in the CFE Treaty. He added that he wanted to "figure out a way to preserve the integrity of the treaty, and compliance with it, but in the end respond to the legitimate security requests of Russia"¹⁰.

IX. Ukraine's defence industry

65. In the former Soviet Union, Ukraine had the second largest military industrial complex with 18% of the entire complex on its territory. A total of more than 1 800 enterprises employed 2.7 million workers, out of which around 700 facilities employed 1.3 million, exclusively producing military items. It is estimated that this sector of the industry contributed one-third of Ukraine's GNP. Among the most important industries were the southern machine building plant, building strategic missiles such as the SS-18, SS-20, SS-23 and SS-24, space shuttles and satellites and the Black Sea shipyard in Mikolayev, where most Soviet ships were built according to Russian designs. The Malyshev plant and design bureau in Kharkov produced T-64, T-72 and T-80 tanks with

armour and guns from Russia. The Antonov scientific-technical research complex in Kiev built Antonov aircraft, including the largest transport aircraft in the world.

66. Moreover, Ukraine had a large capacity for producing ammunition, optical equipment, military lasers and electronics. Ukraine's defence industry received little to no orders in 1991 and 1992 and, as a result, its output declined three-fold with many factories working only two or three days a week. Continuing government subsidies saved them from bankruptcy, but, at the same time, these subsidies were creating hyper-inflation.

67. The disintegration of the Soviet Union into different independent republics has caused problems in the supply of specific products which are needed for the production of weapons systems, while the rapid decline of the value of the Ukrainian karbovaty against the Russian rouble is causing problems for payment. Facing the possible social and economic consequences of a collapse of this important branch of Ukraine's industry, the government had no choice but to act.

68. A presidential decree of January 1992 provided a number of measures to help companies achieve conversion. Conversion efforts were directed mainly at enterprises which exclusively produced military items. Activities for civilian production should concentrate on agricultural machinery, medical and environmental equipment, food packaging and processing and consumer goods. The government also thought that conversion could be successful in the production of missiles and other items for the civilian aerospace markets. A state fund for conversion was established. In mid-1992, the Ukrainian Government proposed a five-year conversion plan consisting of 540 programmes. Estimates of the cost of the conversion programme have varied from \$5 billion for five years to \$2 billion plus 650 billion coupons over ten years. It should be noted, however, that in 1992 the defence industry only obtained one quarter of what it had requested for conversion.

69. In June 1994, the Ministry of Defence disclosed a preliminary programme which aims at a dual rôle for the defence industry: to satisfy the equipment needs of the Ukrainian armed forces in practically all fields in order to reduce its dependency on Russia and at the same time produce for the export markets.

70. At present, the ministry for the military industrial complex has responsibility over the remaining total of 1 700 production units and research establishments. Its priority tasks are conversion and privatisation. In this framework, the ministry is trying to establish relations with Western European countries and the North American continent.

10. Financial Times, 11th May 1995.

71. After the trilateral agreement on nuclear weapons of January 1994, a joint Ukrainian-United States committee was established to discuss military conversion and nuclear weapon issues. Ukraine also established a control régime for nuclear exports in full accordance with international standards, which was a condition for the development of relations with western partners. Co-operation projects have now been concluded with France, Germany, Italy, the Netherlands, the United Kingdom, the United States and others.

72. Many conversion activities have been undertaken and there are the by now well-known examples of missile factories having converted part of their activities to the production of trolley buses and watches, and a nuclear submarine equipment factory turned over to the production of antennas, burglar alarms, car radios, food mixers and microwave ovens.

73. As a specific example, mention is made here of a joint venture announced in January 1995 between a company from the United Kingdom, a company from the United States and the Ukrainian Defence Ministry. In the new company, Alliant Kiev, the foreign partners provide technology, capital and know-how, while Ukraine's army provides arms and labour to dismantle conventional munitions and reclaim the metals and explosives for profit. Over the next five years, Alliant Kiev plans to destroy 220 000 tons of munitions¹¹.

74. An important part of Ukraine's military industrial complex is its well-developed space industry, building launch vehicles, space shuttles and satellites which, understandably, it does not want to give up. Therefore, in 1992, President Kravchuk published a decree to establish the Ukrainian National Cosmic Agency (UNCA) to ensure that the existing human and technical resources in this field would not be lost.

75. The UNCA developed a national space programme envisaging co-operation with Russia and Kazakhstan, manufacture of space products such as launch vehicles and satellites for the world market and co-operation with western countries in space technology and joint programmes. A positive step towards possible co-operation with western companies and space programmes was taken when, on 17th May 1994, Ukraine adhered to the missile technology control régime which pledged it to prevent missile technology proliferation. A co-operation programme has been signed with Aérospatiale to improve the performance of the Ariane launch vehicle's rocket motors and other co-operation agreements have been concluded with NASA. Meanwhile, there is intensive co-operation in space programmes with Russia and Kazakhstan.

76. Given the fact that 80% of its defence industry was dependent on Russian parts, Ukraine is aware that its defence industry can only survive, even partially, if it co-operates with the Russian defence industry. In January 1993, therefore, both countries signed an agreement on joint co-operation in a number of activities such as aircraft production, rocket and space technology, electronics and aircraft engines. One of the most interesting co-operation programmes between Ukraine and Russia in this framework is the development of the AN-70 transport aircraft. A second prototype is being built at the Antonov scientific-technical research complex in Kiev. The AN-70, equipped with four turbo-fan engines, can carry 30-35 tons over a distance of 4 000 to 5 000 kilometres, at a speed of 750 kilometres per hour. With a weight of 130 tons, it is capable of landing on short runways and transporting troops and equipment into the heart of potential combat zones. Assembly-line production was planned to start in 1996-97, but the programme may be delayed after the recent crash of the first prototype. On the world market for military transport aircraft, the AN-70 will be a competitor for the future large aircraft (FLA), now being developed by a European consortium.

77. Other branches of Ukraine's defence industry have been less fortunate.

78. The Sebastopol marine plant, a naval shipyard for repair and upgrading, is now working at one-third or one-fourth of its capacity. The Chernomorskye shipyard in Nikolayev on the Black Sea has stopped building aircraft carriers and cruisers and is now focusing on the construction of smaller vessels.

79. The problems with the aircraft-carrier Varyag are illustrative of problems in the Ukrainian military industrial complex. The Varyag was under construction at the Chernomorskye shipyard when the Soviet Union collapsed. Arms and electronic equipment for the carrier were to be provided by Russia. It was 60% completed in January 1992, but since then little progress has been made, in particular, because of a shortage of money. Russia has offered the carrier to Ukraine, but Ukraine prefers to sell it to a foreign customer. If no customer can be found – China has been suggested as a potential buyer but this could not be confirmed during the Defence Committee's visit to Kiev – Ukraine will sell the carrier for scrap.

80. In an effort to sell its defence industry products on the export market, Ukraine has now developed a 3 000 ton patrol vessel which was on show at the International Defence Exhibition in the United Arab Emirates in March 1995. Other smaller vessels have also been developed for export, such as a fast and manoeuvrable hydrofoil. The Malyshev plant in Kharkov has now developed the T-84 tank, an improved version of the

11. Financial Times, 20th January 1995.

well-known Soviet T-80 tank, which is available for export.

81. With these and other equipment, Ukraine is planning to increase its arms exports from \$100 million in 1993 to \$10 billion by the year 2000.

82. It cannot be denied that the Ukrainian Government has taken strides to tackle the problems of its huge military industrial complex with quite elaborate programmes for conversion, co-operation and export, but the objectives of this ambitious restructuring will be attained only if the reform of the country's economy, including privatisation, takes root and if the government is able to indicate clearly what kind of defence industry it needs for its national security policy and to provide the financial means to implement it.

X. The Crimean peninsula

83. As is known, Crimea lost its autonomous status in the Soviet Union in 1945. In 1954, Crimea was transferred from the Russian Federation to Ukraine in a symbolic gesture to mark three centuries of union between both neighbours. After Ukraine's independence in September 1991, the Crimean Supreme Soviet declared Crimea to be a constituent part of Ukraine.

84. When, after Ukraine's independence, the economic situation deteriorated even more rapidly than before, the separatist Republican Movement of Crimea (RDK), led by Yuri Meshkov, had an easy job in mobilising support from large parts of the population for a more separatist policy. It should be noted that 65-70% of Crimea's 2.7 million population is Russian and that many of them thought they would be better off in a Crimean peninsula with closer relations, or even reunified, with Russia.

85. On 9th July 1993, the Russian Supreme Soviet declared Russian sovereignty over the Ukrainian port of Sebastopol, the main base of the Black Sea fleet, but this parliamentary declaration, welcomed by many Russians living in the Crimea, was criticised by the Russian Government which stated that it deviated from its official policy.

86. In January 1994, Yuri Meshkov, leader of the Republican Party of Crimea, was elected President of the Ukrainian Republic of Crimea. Mr. Meshkov immediately called for the establishment of an independent Crimea in union with other CIS states. The Supreme Rada of Ukraine, however, voted on 24th February 1994 that the Ukrainian Republic of Crimea should not have the right to conduct its own foreign, defence and monetary policies and that it was "not a bearer of state sovereignty". In March 1994, President Meshkov held a referendum – declared illegal by

Ukraine – with about 80% of the Crimean population voting in favour of secession.

87. In May, the Crimean parliament restored the controversial Crimean Constitution, which was approved by referendum in 1992. At that moment, the Russian President Yeltsin backed this move, stating that Crimea was a sovereign republic. Later, Crimean and Ukrainian officials started negotiations with the aim of reducing tension between the two sides.

88. Apparently, the Russian attitude towards Crimean separatists changed after the election in July of President Kuchma, who was determined to improve relations with Russia in all possible fields while maintaining Ukraine's independence.

89. When in August 1994 the town council of Sebastopol declared that the city had "Russian legal status" and was "de jure part of the Russian Federation", this declaration was rebuffed by the Russian Government. Ukraine's President Kuchma reacted pragmatically by saying that certain issues had to be resolved at state level.

90. In September, the Crimean Parliament, dominated by Russians, came into a lasting conflict with President Meshkov over executive power. The Ukrainian Supreme Rada amended the Ukrainian constitution which would enable it to cancel any Crimean legislation which would conflict with the Ukrainian constitution. In November, legislation was adopted which would automatically invalidate Crimean legislation deemed to conflict with Ukrainian law.

91. All these decisions, however, did not result in a more forthcoming and co-operative attitude from Crimea's political authorities and Crimea continued to refuse to bring its laws into line with those of Ukraine. Finally, on 17th March 1995, the Ukrainian Supreme Rada abolished Crimea's constitution and sacked President Meshkov, saying that he should be charged with abuse of office.

92. It should be noted that both President Meshkov and the Crimean Parliament have lost much of their popular support in recent months because they failed to improve the regional economy.

93. Russia, still in the process of asserting its authority over the breakaway republic of Chechnya in a bloody military operation, could do little else but leave Ukraine to settle its own affairs. The deputy Chairman of the Russian Duma interpreted perfectly the Russian authorities' feeling when he said that Crimea was an internal Ukrainian matter and that Russia would continue to respect Ukraine's territorial integrity and existing borders.

94. Russia's first deputy Prime Minister, Oleg Soskovets, who visited Kiev on 20th March des-

pite calls from the Crimean parliament to cancel his visit, declared that "internal political events in Ukraine are Ukraine's business"¹².

95. On 2nd April, President Kuchma put the Crimean regional government under his direct control. He further reinstated Anatoli Franchuk, who had lost a vote of no confidence in the Crimean parliament the week before, as Prime Minister of the Crimean Government.

96. The Crimean Parliament was given until 15th May to present a new constitution in order to replace the abolished 1992 constitution which established Crimea's autonomy.

97. On 15th April 1995, however, President Yeltsin indefinitely postponed the signing of the Ukrainian-Russian co-operation treaty planned for the end of April. President Yeltsin said that he would sign only after he was convinced "that the relations between Simferopol and Kiev do not infringe the interests of the Crimeans"¹³.

98. Later, on 18th April, the Russian Foreign Minister, Andrei V. Kozyrev, stated that Russia could use a range of diplomatic, political and economic means to protect Russians abroad and he added that "There may be cases when the use of direct military force may be needed to protect our compatriots abroad"¹⁴.

XI. The Trans-Dniestr region of Moldova

99. A thorny problem at Ukraine's western border is the Trans-Dniestr region, where ethnic Russians and Ukrainians had been the main supporters of proclamations of independence in 1990 and 1991. This region had the status of autonomous republic within Ukraine until 1940, when it was united with Bessarabia, a part of Romania annexed by the Soviet Union which then became the Soviet Republic of Moldova.

100. Moldova proclaimed sovereignty in 1990 and declared independence in August 1991. The perspective of a possible future reunification of Moldova and Romania was one reason for proclaiming Trans-Dniestr's independence, first in 1990, then in December 1991. A military campaign by Dniestr leaders to take control of the territory of the self-proclaimed republic on the Dniestr's left-bank led to violent armed clashes in the first half of 1992. The rôle of the Russian 14th Army during this period has never clearly been asserted.

101. On 21st July, an agreement brokered by Russia and the CSCE was signed. Moldovan, Russian and Trans-Dniestr peace-making forces were deployed, but, despite many negotiations, a

solution acceptable to all parties involved has not yet been found. The new Moldovan constitution, which came into force in August 1994, established a special autonomous status for the Trans-Dniestr region based on the principle of territorial integrity, but Trans-Dniestr insists on recognition of independence, confederate links to Moldova and the right to create its own armed forces.

102. On 10th August 1994, an agreement was reached in negotiations between Russia and Moldova providing for the Russian 14th Army to be withdrawn from Moldova and the Trans-Dniestr region within three years. The agreement was signed by the Prime Ministers of both countries at a ceremony in Moscow on 21st October 1994 and, in November last, the Russian Defence Ministry announced that the 14th Army's troop strength had been reduced by half, from four battalions to two. On the other hand, it is said that the three-year period for withdrawal has not started yet because of a dispute between Moldova and Russia over the agreement's interpretation.

103. In a 26th March 1995 referendum, a large majority of the Trans-Dniestr population (94% of the votes cast) voted in favour of a permanent presence of Russia's 14th Army on its territory, considering it to be the best protection against Moldova.

104. Although a reunification of Moldova with Romania, provoking a full secession of Trans-Dniestr, is now generally considered to be an increasingly remote possibility, Ukraine is still concerned with the volatile situation in this region. It is concerned about the position of Ukrainians in the Trans-Dniestr region, but also it is aware that Russians in the Trans-Dniestr area have supported Russian separatists in Crimea. If the Russian 14th Army is indeed withdrawn from the Trans-Dniestr area, an agreement will have to be concluded between Russia and Ukraine for the transfer of Russian troops through Ukrainian territory. Preliminary discussions on such a potential agreement have already started.

XII. Energy situation and the problem of Chernobyl

105. Since Ukraine's independence, the country's coal- or gas-fired power stations (accounting for 59% of energy production) are functioning only partially because of reduced coal and natural gas supply. Hydroelectric power stations produce only 5% of the country's electricity. Nuclear power stations provide 33% of Ukraine's energy requirements, but Ukraine is facing considerable difficulties in this area.

106. The two reactors still operating in Chernobyl – number 1, the oldest of the four and number 3 which is next to the sarcophagus covering the remains of reactor number 4 – still provide 7% of

12. Financial Times, 23rd March 1995.

13. International Herald Tribune, 16th April 1995.

14. International Herald Tribune, 19th April 1995.

Ukraine's energy. On the other hand, the European Union has made the closure of Chernobyl a condition for releasing the \$100 million loan which it granted to Ukraine in 1994 and for providing further loans in 1995.

107. New nuclear power stations are under construction at Zaporozhye, Rovno and Khmel' nitskiy. Zaporozhye, financed by Ukraine itself, should be completed by the end of 1995, but the two others will not be operational before the end of 1998 at the earliest. Rovno will be completed with the assistance of the European Union and the Group of Seven supports the completion of Khmel' nitskiy.

108. When the full Chernobyl power station is closed down, reactor waste and contaminated machinery will have to be disposed of safely. Western estimates for the cleaning operation vary between \$2 and \$3 billion, but Ukrainian officials have put forward figures between \$4.5 and \$5 billion.

109. On 13th April 1994, a delegation representing the European Union and the Group of Seven met in Kiev with representatives of the Ukrainian Government to discuss the closure of Chernobyl. Ukraine agreed to close the Chernobyl nuclear power station by the year 2000 in exchange for western agreement to help build a gas-fired power station to replace the nuclear one and to build a new tomb around reactor number 4 which exploded in 1986 in order to supplement the current protective cover which is decaying. The details of the agreement reached are not known at present, but it should open the way for further financial aid from the European Union.

110. It is thought, however, that complicated negotiations over financial aid will still take quite some time. The United States seems to be reluctant to provide more money beyond what was promised at the G-7 meeting in Naples in July 1994. The European Union and the EBRD may be more forthcoming, but the amounts mentioned have not in any way been in the range of the \$4.5 billion mentioned by the Chairman of Ukraine's nuclear power agency.

111. Natural gas supply from Russia has caused numerous problems for Ukraine since it became an independent state and the issue is still of great importance for Ukraine's economic development and its relations with Russia. In March 1995, it was agreed that part of Ukraine's debt to Gazprom, Russia's natural gas export company, would be converted into government bonds. Gazprom is a key instrument in Russia's policy to obtain economic control over former Soviet territories which are no longer under Moscow's political and military control. Gazprom would like to convert these bonds into stakes of between 35 and 50% in key Ukrainian enterprises, including the enterprise which owns the 33 000 kilometres of

crucial gas pipelines running through Ukraine and two gas reservoirs. Ukrainian officials have made it clear that Gazprom may participate in privatisation, but that it will not be allowed to acquire interests in the pipeline company. President Kuchma has stated publicly that "the issue of debt cannot be used to undercut our independence"¹⁵.

112. It is true that, even in present circumstances, Russia can cut off natural gas supplies to Ukraine at any moment, which is indeed a formidable instrument of power. On the other hand, it is noted that 95% of Russian natural gas exports to the west run through Ukrainian pipelines, giving Ukraine sufficient possibilities for counter-measures in the event of interruption in gas supply.

113. At present, Ukraine has an annual requirement of 40 million tons of crude oil, now largely supplied by Russia. In an effort to diversify its energy sources, Ukraine has now decided to build a new oil terminal at Odessa which will handle 12 to 20 million tons of crude oil per year once construction is completed at the end of 1996. The oil would initially come to Odessa via the Bosphorus.

114. Expansion of the terminal's capacity to 40 million tons per year is planned, but this hinges on construction of a possible pipeline through Turkey which should transport Iraqi and Iranian oil to Turkey's Black Sea port Samsun.

115. Ukraine wants to raise its domestic oil output from 4 million tons in 1994 to 7 million tons in 2000 and increase its natural gas production above the 17 billion cubic metres of 1994 while it hopes to expand its domestic coal and nuclear energy sectors.

116. In January 1995, Ukraine reached an agreement with Turkmenistan for delivery of 11 billion cubic metres of natural gas in 1995. The remainder of its needs for 100 billion cubic metres of natural gas will be covered by Russian imports and domestic production.

XIII. Ukraine-Russian relations

(a) Commonwealth of Independent States (CIS)

117. Together with Russia and Belarus, Ukraine was a founder member of the Commonwealth of Independent States (CIS) when it was proclaimed in Minsk on 8th December 1991. Ukraine considered the CIS an instrument for managing the problems associated with the collapse of the Soviet Union and facilitating the transition of the new republics towards complete independence.

118. Ukraine has been suspicious of proposals for closer integration within the CIS, fearing that

¹⁵ Financial Times, 8th-9th April 1995.

they might lead to federal or confederal structures enabling Russia to regain hegemony in the region. Ukraine did not therefore sign the Minsk agreement on the status of general purpose forces of February 1992, declaring that its intention was to establish completely independent national armed forces. It also did not sign the CIS collective security agreement of Tashkent in May 1992. It has always refused to join any CIS collective security body or to participate in CIS joint peace-keeping.

119. On the other hand, it is aware that its industry and economy cannot survive without close links with other republics of the former Soviet Union. As a consequence, it is interested in the development of trading and economic links within the CIS, but only if its sovereign equality and partnership are respected.

120. However, at the moment it is only an associate member of the CIS economic union. When, in September 1994, the CIS agreed to establish a payments union and an interstate economic committee, Ukraine made it clear that it could only become an associate member of the interstate economic committee, taking part only in selected discussions and that the time was not ripe for participating in the payments union¹⁶.

121. At the last CIS summit meeting held in Alma Ata on 10th February, an informal memorandum was adopted and only three of the thirteen proposals for closer security were passed. A hard core of Belarus, Kazakhstan and Russia is determined to develop close relations, formalised in bilateral and trilateral agreements on security and economic issues, which Ukraine so far has not wished to follow.

122. A pact for peace and stability within the CIS, which should have been the main achievement of the Alma-Ata summit meeting, was diluted considerably into a non-binding memorandum. In bilateral agreements, Russia and Kazakhstan have promised to remove internal borders and allow free movement of their citizens across each other's borders. The Russian army will also conduct joint operations and border patrols with Kazakh forces and have access to four testing ranges within Kazakhstan. Such agreements are anathema for Ukraine.

123. At present, it is difficult to predict what rôle the CIS is going to play. It is noted that if Russia chooses to shape it into the main vehicle for its political, military and economic relations with the other republics of the former Soviet Union, Ukraine may have to accept closer political and military links within the CIS framework to obtain the economic co-operation and access to its traditional markets that it needs for the recovery and further development of its very depressed national econ-

omy. Such political and military commitments could limit its freedom in seeking closer links with western European and Atlantic institutions.

(b) Relations with Russia

124. Large parts of what is now Ukraine have been affiliated with and dependent on Russia and later the Soviet Union. Only at the time of the Russian revolution in 1917 did it have a brief period of independence before being involved in a civil war from 1918 to 1921 which ended in a communist victory and Ukraine becoming part of the USSR.

125. During Soviet rule, Ukraine's territory was enlarged with eastern Galicia and Volhynia from Poland, northern Bukovina and Bessarabia from Romania and finally with the Crimean peninsula from Russia in 1954.

126. A minority of 11.5 million Russians, representing 22% of Ukraine's total population, lives mainly in the eastern part of the country. In the Crimean peninsula Russians constitute a 70% majority of the population. As a result of its historic links with Russia which have also determined its present state frontiers, political traditions, armed forces and the structure of its industry, agriculture, trade relations and economy, Ukraine has an ambiguous relationship with Russia.

127. Notwithstanding almost general agreement among the population on the need to maintain and protect Ukraine's independence, it is also observed that the western part of the country identifies with Central and Western Europe, while the eastern and southern parts are more interested in links with Russia and the CIS.

128. For Ukraine, there have been, and still are, many reasons to feel uneasy with regard to Russia. Russia's policy shows a clear tendency towards re-establishing its former influence in the region. Russia's policy towards other former Soviet republics is often assertive, if not condescending, sometimes with a strong flavour of neo-imperialism. Repeated Russian statements regarding its claims for peace-keeping and the protection of Russians, if need be by the use of military force, have not been particularly reassuring.

129. The political and economic situation in Russia is still volatile and unstable. There is no clear view of what may happen in the near or more distant future. Developments resulting in political upheaval and economic chaos would have an important influence on Ukraine.

130. Ukraine is aware that Russia has a direct influence on issues related to the existence of Ukraine as an independent state, such as energy supply, the situation in the Crimean peninsula and the division of the Black Sea fleet. The sheer size

16. Financial Times, 10th-11th September 1994.

of Russia's economy and its important rôle as a supplier and a market leave Ukraine with no choice other than close co-operation. Moreover, it is noted that Russia plays a leading part in the restructuring of Europe's security environment.

131. In the first years of Ukraine's existence as a separate state, there was an outspoken policy to emphasise independence and to avoid anything beyond the most necessary contacts with Russia. Later, influential voices in the industrial and military establishment and the Russian-speaking part of the population argued in favour of intensifying relations with Russia, building on the undeniably close historic, political, economic and cultural links which had always existed, without insisting on reintegration.

132. In July 1994, President Kuchma was elected on a programme including the establishment of closer special partnership relations with Russia. Since then, he has implemented this policy with a pragmatic approach of closer economic relations, in particular in areas of trade, conversion, technology development and industrial co-operation, while strongly maintaining state sovereignty and independence. Priority was given to negotiations with Russia on a comprehensive treaty of friendship and co-operation.

133. On 6th February 1995, Russia and Ukraine agreed on a preliminary draft for this treaty which should be signed by the Presidents of both countries on the occasion of President Yeltsin's long-awaited state visit to Kiev. The treaty, which is considered a most important step towards the normalisation of relations between Ukraine and Russia, has been negotiated since July 1994.

134. The issues covered include recognition of the territorial integrity of Ukraine, the non-violability of its frontiers and a number of economic agreements which should improve trade contacts and secure Russian energy supplies and Ukrainian payments. A solution is also said to have been found for the dual citizenship rights of the Russian minority in Ukraine when Russia gave up its insistence on a formula which Ukraine categorically refused to accept.

135. Negotiations on the division and location of the former Soviet Black Sea fleet and on the presence of Russian military forces in the Crimean peninsula are still continuing. Russia wants Sebastopol to be the main base for the Russian Black Sea fleet, but this solution is opposed by Ukraine.

136. During the Defence Committee's visit to Ukraine in early April 1995, the Ukrainian Minister for Foreign Affairs emphasised that the negotiations were being held in a positive atmosphere and that the Russian Government, with the personal commitment of President Yeltsin, wished to reach agreement.

137. Since then, however, the situation may have changed as a result of remarks made by the Russian Foreign Minister, Andrei Kozyrev, to the effect that Russia could not rule out the use of force to defend ethnic Russians living in other republics on the territory of the former Soviet Union. Ukrainian politicians have described Mr. Kozyrev's statement as provocative and anticipate a deterioration in relations with Russia. In Kiev, it is believed that the subdued western reaction to Russia's military intervention in Chechnya has emboldened Russia to adopt a harsher policy towards other former Soviet republics¹⁷.

138. Apparently, negotiations between Russia and Ukraine are at such a difficult stage, if not stalled, that recently Ukraine asked the United States for mediation¹⁸. Russia is unlikely to agree to such mediation.

XIV. Partnership agreement with the European Union

139. On 14th June 1994, the then President of Ukraine, Leonid Kravchuk, signed a co-operation and partnership agreement with the European Union. It is no secret, however, that substantive European Union aid in the future is linked to closing unsafe nuclear reactors, in particular the two RBMK reactors which are still operating in Chernobyl.

140. The agreement grants Ukraine most-favoured nation treatment. A review conference will be held in 1998 in order to examine progress made in Ukraine towards a market economy and mention has been made of the possibility of establishing a free-trade zone between the European Union and Ukraine in the future.

141. In the immediate future, the agreement governs Ukraine's exports to the European Union of sensitive materials such as coal, steel, nuclear fuel and textiles. It also contains articles seeking to liberalise conditions for establishing companies from European Union member states in Ukraine. An interim agreement signed on the same day ensures the coming-into-force of commercial clauses, but the formal co-operation and partnership agreement will come into force only after ratification by all European Union member states, Ukraine itself having ratified it already.

142. The Ukrainian Foreign Minister and members of the Supreme Rada asked the delegation from the WEU Assembly to do everything possible to speed up the ratification process in the European Union's member states because the partnership agreement is a crucial instrument in improving Ukraine's economic situation.

17. Financial Times, 22nd-23rd April 1995.

18. Financial Times, 8th May 1995.

XV. Relations between Ukraine and WEU

143. From the outset of Ukraine's existence as an independent state, WEU has followed developments closely, knowing that due to its geographical situation and its position as the second-ranking of the former Soviet republics, Ukraine would have a rôle to play in Europe's new security architecture.

144. The signature of the trilateral statement on 14th January 1994 on the elimination of nuclear arms from Ukraine was considered to be an important contribution to security and stability in Europe. In its Kirchberg declaration of 9th May 1994, the WEU Council of Ministers agreed that the fulfilment of these commitments widened the basis for the development of dialogue and exchange of information with Ukraine on issues of common concern. They instructed the Permanent Council to "examine appropriate ways in order to achieve this objective".

145. In the following months, the Ukrainian Government presented a document with its views on future relations with WEU, including practical proposals intended to facilitate the attainment of Ukraine's ultimate objective of fully-fledged participation in WEU activities as an associate partner. Ukraine regretted that in the Kirchberg declaration, the Council had limited associate partnership to the six Central European countries, plus the Baltic states. It argued that this decision artificially separated Ukraine from the rest of Europe, thus destabilising the situation in Europe as a whole. Aware that associate partnership was granted to those countries which had concluded, or would conclude, a Europe agreement with the European Union, it further argued that this formula no longer corresponded to the political changes which had since taken place. Ukraine argued that the chosen line of conduct on associate partnership should be modified when applied to political co-operation in order to include Ukraine. Finally, it noted that Ukraine's participation in the CIS should not be regarded as an obstacle.

146. Although the Council of Ministers did not react immediately, its Noordwijk declaration of 14th November 1994 stated: "In order to increase transparency and promote stability throughout Europe, Ministers underline the particular importance of establishing appropriate relationships with Russia and Ukraine."

147. On 7th March 1995, the Council decided that contacts with both Russia and Ukraine, while not duplicating dialogue in other forums, should allow for the development of existing dialogue with WEU and for exchanges of information on issues of common interest. Consultations are to be held between the Permanent Representative of the Presidency, the Secretary-General and the Russian and Ukrainian Ambassadors respectively, taking into account the calendar of principal WEU meetings.

148. Other meetings, visits and contacts at different official and diplomatic levels might be held to contribute to the abovementioned dialogue. The WEU Institute for Security Studies has been asked to give greater priority in its future work to contacts with Russia and Ukraine and the Council welcomed "efforts by the Assembly aimed at further developing contacts at the parliamentary level".

XVI. Conclusions

149. Although Ukraine could have ranked among the most important states in Europe due to its population, size and history, it has only just started its existence as an independent state, trying to carve out its rôle in the concert of European nations.

150. The process of asserting its own position is particularly difficult and painful because of the fact that for centuries it had been an integral part of the Russian and, later, Soviet empire. The partition of joint political, economic and military property between Russia and Ukraine is not finished and this process will probably take several more years. In particular, Ukraine's economy is so narrowly connected with the Russian economy that, at present, it has little chance of surviving without continued close co-operation. The division of the Black Sea fleet and its infrastructure is another issue for seemingly endless negotiations.

151. On the other hand, it can be noted that Ukraine has made remarkable progress in the little more than three years of its independence.

152. The implementation of the trilateral statement on nuclear weapons of January 1994 is providing the world with a positive example of nuclear disarmament. Within a year, it was followed by Ukraine's accession to the nuclear non-proliferation treaty as a non-nuclear state, which opened the way for implementation of the START I Treaty and for ratification of START II.

153. Ukraine also continued to implement its obligations as regards the CFE Treaty, notwithstanding its economic problems and serious hesitations over the viability of flank limitations for its own security and defence.

154. As regards its security policy, Ukraine has stated firmly that it is against the re-establishment of two different blocs in Europe and it has stressed its neutrality and non-bloc status. Therefore, it did not sign the 1992 Tashkent agreement on collective security, nor does it insist on membership of NATO. In what it is calling a policy of active neutrality, Ukraine is conducting a number of activities which designate it as an active participant in the process of building security in Europe. Ukraine is participating in the United Nations

peace-keeping efforts in the Balkan region. It was the first CIS member state to join NATO's partnership for peace and it also signed a co-operation and partnership agreement with the European Union, while striving for some form of close co-operation with WEU. Ukraine is also giving active support to OSCE activities.

155. Ukraine's policy towards minorities has been rated positively by both the Council of Europe, of which it hopes to become a member soon, and the OSCE.

156. At present, Ukraine is facing two huge problems which receive priority attention: energy supplies and recovery of the national economy. They are closely linked with President Kuchma's other priority issue: normalisation of relations with Russia.

157. Ukraine's monetary and budgetary policy is now in compliance with International Monetary Fund guidelines and a new, ambitious privatisation programme is about to start. For its energy supply in oil and natural gas, Ukraine is heavily dependent on Russia and Turkmenistan, also because they extend credits which are not available on the world market. Ukraine has started to seek additional and alternative suppliers in the Middle East and elsewhere, but has not yet been able to tackle the serious energy waste which is one of the unpleasant legacies of the Soviet economic system. Chernobyl continues to be a major stumbling-block for the provision of credits and aid from the West, which are urgently needed for economic recovery.

158. The establishment of good relations with Russia would provide the key to solving many of Ukraine's problems. There is no certainty as to whether Russia is really prepared to provide Ukraine with satisfaction on many economic issues, which are vital for the country's survival as an independent state, without imposing its own political and military conditions. History has shown that Russia has always needed Ukraine to assert itself as an empire and superpower in the region and the world. Will it be prepared to abandon this rôle while it is clearly re-establishing its influence beyond its southern borders?

159. The issues being discussed with Russia include economic co-operation, energy supply, the Russian minority in Ukraine, and the division of the Black Sea fleet and its infrastructure. With nationalism and the influence of the military in the ascendance, Chechnya still burning and elections approaching, Russia is not likely to be a forthcoming negotiator. Despite the strenuous efforts of the present Ukrainian Government and the signing on 6th February 1995 of a preliminary draft for a treaty of friendship and co-operation, it may still take some time before all disputed issues have been solved. Ukraine's recent request for

United States mediation is a clear indication of Russia's intransigence in the negotiations.

160. What should be Europe's and, in particular WEU's, attitude in relations with Ukraine?

161. In the past year, the West has become increasingly aware that an independent, democratic and prosperous Ukraine can play a positive rôle in enhancing Europe's security. The United States Secretary of State, Warren Christopher, even called Ukraine "the linchpin of European security".

162. The European Union has signed a co-operation and partnership agreement with Ukraine which has not yet been ratified by any of its member states. A final agreement on the closure of Chernobyl is now considered the acid test for Ukraine's determination to reform and break with the past. But Chernobyl also provides energy which is a rare commodity in Ukraine. If Europe wants Chernobyl to be closed down, it will unfortunately have to pay for it: Ukraine does not have the money. Acceleration of reforms in Ukraine is greatly dependent on international support and co-operation. The European Union has the capabilities and resources to do so, and to go ahead with Ukraine would enhance stability and security in Europe.

163. The other field where Europe can extend its help is security, in particular through WEU. It is noted, however, that in its Kirchberg declaration, WEU drew a line through Europe. Only the nine Central and Eastern European states which had concluded, or were to conclude, Europe agreements, preparing them for their integration and eventual accession to the European Union, were offered an associate partnership with WEU. Ukraine regretted this decision not only because it thought that it was artificially separated from the rest of Europe, but also because it did not want to become a buffer state between Russia and the rest of Europe.

164. WEU has now decided to establish an institutionalised regular dialogue with Ukraine. It would seem that, at the moment, WEU cannot go beyond this dialogue which should be an intensive one.

165. Ukraine has clearly stated that it wishes to be neutral and non-aligned. One could argue that Ukraine's desire to forge closer links with WEU is fully justified. On the other hand, it is clear that Ukraine will first have to sort out its relations with Russia and the CIS. At the moment, WEU is not an organisation of neutral states and a member or associate partner of WEU cannot possibly be part of the CIS at the same time. Moreover, WEU is not only the defence component of the European Union, but also the European pillar of the Atlantic Alliance. To choose WEU means giving up neutrality. The question is whether Ukraine is free to make its own choice.

Ukraine and European security

AMENDMENT 1¹

tabled by Sir Russell Johnston and Mr. Eörsi

1. Leave out paragraph *(ix)* of the preamble to the draft recommendation and insert:
“Noting that enlargement of NATO should be accompanied by a special arrangement between NATO and Russia in order to provide stability in Europe and to avoid transforming Ukraine into a buffer state between East and West;”

Signed: Johnston, Eörsi

1. See 18th sitting, 22nd June 1995 (amendment agreed to).

The Eastern Mediterranean

REPORT ¹

*submitted on behalf of the Defence Committee ²
by Mr. Cucó, Rapporteur*

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on the Eastern Mediterranean

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1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr. Baumel (Chairman); Mr. De Decker, Mrs. Baarveld-Schlaman (Vice-Chairmen); Mr. Alloncle, Mrs. Beer, MM. Bianchi, Briane (Alternate: *Galley*), Brito, Cox, Dees, Dumont, Fernandes Marques, Mrs. Fernandez Ramiro (Alternate: *Cucó*), MM. Hardy, Horn, Jacquat, Kastanidis, Kelchtermans, La Russa, Mrs. Lentz-Cornette, MM. Lopez Valdivielso, Marten, Lord Newall (Alternate: *Sir Russell Johnston*), MM. Parisi, Pavlidis (Alternate: *Liapis*), Pécriaux, Petruccioli, Schloten, Reis Leite, *Sir Dudley Smith*, Mr. Sole Tura (Alternate: *de Puig*), Mrs. Soutendijk van Appeldoorn (Alternate: *Sir Keith Speed*) MM. Vasquez, Vrettos, Zierer, N...

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

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- I. Defence expenditures in Greece and Turkey
- II. The Balkans and the Middle East
- III. Tigris and Euphrates basin
- IV. Present-day Cyprus

Preface

In preparing the present report, your Rapporteur was extremely fortunate to receive much kind help and assistance from all the authorities consulted and would like to take this opportunity publicly to thank all concerned for their co-operation.

The Rapporteur met or received evidence from the following:

1st-2nd March 1995 – Ankara

Mr. Baki TUG, Chairman of the National Defence Committee of the Turkish Grand National Assembly, and members of the committee

Major General Oktar ATAMAN, Head of Strategy and Force Planning Department, Ministry of Defence

H.E. Mr. Yalim ERALP, Ambassador, Director-General Defence and Security, Ministry for Foreign Affairs, and members of his staff

Professor Sükrü GÜREL, Professor of International Relations, University of Ankara

28th March 1995 – Athens

Mr. Karolos PAPOULIAS, Minister for Foreign Affairs

Mr. Gerasimos ARSENIS, Minister of Defence

Mr. Nikolaos KOURIS, Deputy Minister of Defence

Lieutenant-General Nikolaos STAMBOULIS, Deputy Chief HNDGS

Mr. THEODORAKIS, Secretary-General, Community Affairs, Ministry for Foreign Affairs

Mrs. Vasso PAPANDREOU, Chairman of the Greek Parliamentary Delegation to the WEU Assembly, and members of the delegation

Mr. P. KRITIKOS, Deputy Speaker of the Hellenic Chamber of Deputies

Mr. E. VERYVAKIS, Chairman of the Defence and Foreign Affairs Committee of the Hellenic Chamber of Deputies, and members of the committee

Draft Recommendation
on the Eastern Mediterranean

The Assembly,

- (i) Welcoming the accession of Greece to WEU as a full member and the concomitant entry into force of Turkey's associate membership of WEU on 6th March 1995;
- (ii) Concerned, however, that the many unsolved disputes between Greece and Turkey constitute a permanent threat to peace and stability in the Eastern Mediterranean and stand in the way of an effective European security and defence policy in the region;
- (iii) Stressing that the only realistic means of achieving a global settlement of all disputes between Greece and Turkey would be to stop revanchist ideas once and for all in respect of past history and to follow the example of France and Germany in acknowledging that there is no longer any question of looking back, but of preparing for the future;
- (iv) Noting that a breakthrough in negotiations between the Greek and Turkish communities of Cyprus could be the key to a much-needed improvement in relations between Greece and Turkey;
- (v) Approving the course set by the United Nations, whose initiatives to solve the Cyprus question provide first for the introduction of confidence-building measures and subsequently for a global agreement on the basis of ideas leading to the creation of a two-zone federal state, founded on equality between the Greek and Turkish communities;
- (vi) Stressing that confidence-building measures can only be implemented in parallel with a progressive withdrawal of Turkish armed forces from northern Cyprus and their replacement by United Nations peace-keeping forces with a view to a future demilitarisation of the whole island;
- (vii) Noting that negotiations should be accompanied by a full census of the population of the island of Cyprus by the European Population Committee (CDPO), as proposed by the Parliamentary Assembly of the Council of Europe, in order to solve the problem of settlers;
- (viii) Welcoming the decision of the Permanent Council of WEU to engage in a dialogue with Cyprus that will evolve with the development of links between Cyprus and the European Union, but regretting that Turkey has dissociated itself from that decision;
- (ix) Stressing that a continued massive presence of Turkish armed forces is one of the important issues standing in the way of a solution of the Cyprus question;
- (x) Noting with concern that the FYROM is still not a member of the OSCE, an organisation to which the WEU Council attaches great importance in its Lisbon declaration, particularly on account of its potential as a primary instrument for early warning, conflict-prevention and crisis-management, as well as in promoting the rule of law, democracy and respect for human rights;
- (xi) Noting that the FYROM has already amended its constitution in order to satisfy European Union conditions for its recognition as a state and that Greece acknowledges that the FYROM does not constitute a military threat;
- (xii) Concerned that the continuation of Greece's trade embargo against the FYROM is jeopardising the much-needed development of the FYROM's economy which could easily result in further destabilisation of the situation in that country and, subsequently, in the region;
- (xiii) Welcoming existing good relations between Greece and Bulgaria and the recent improvement in relations between Greece and Albania;
- (xiv) Convinced that Turkey has long ago made the basic choice to be a secular state respecting human rights and the rules of democracy, but, at the same time, noting that it still has problems carrying these principles into effect;
- (xv) Condemning all forms of terrorism, even if used as a means of attaining political objectives;
- (xvi) Stressing that a clear distinction should be drawn between the intolerable terrorism practised by the PKK on the one hand and the legitimate aspiration of the Kurdish people freely to express its cultural identity within the Turkish state on the other;

(xvii) Welcoming the withdrawal of all Turkish troops from Iraqi territory in accordance with Turkey's engagements towards the European Union's troika on 23rd March 1995, but concerned by statements by the Turkish President, Suleyman Demirel, who, if need be, does not rule out the possibility of further military operations on Iraqi territory;

(xviii) Stressing the importance of respecting the territorial integrity of all states in the region;

(xix) Noting that a satisfactory global solution can be found to the claims of Kurdish nationalists in the region only if all the states concerned accept a more pluralist and more decentralised system of government allowing their citizens free enjoyment of a cultural identity that is rightfully theirs;

(xx) Noting that the continued existence of a so-called " security zone " in northern Iraq has resulted in legal uncertainty and political chaos which is seriously threatening stability and security in the region;

(xxi) Aware that an early reintegration of Iraq as a normally functioning state in the region, providing full implementation of United Nations Security Council Resolution 688, together with an evolution of state institutions towards a more democratic system, would greatly contribute to stability in the border area between Turkey and Iraq;

(xxii) Stressing that the Kurdish question, if not solved properly by granting the Kurds some rights of cultural self-expression and a form of political and administrative autonomy that does not impinge upon the territorial integrity of the Turkish state, will continue to threaten security and stability in Turkey, limiting the government's possibilities of conducting a balanced security and defence policy and being integrated into Europe's intergovernmental and supranational structures;

(xxiii) Noting the importance of all European allies having a co-ordinated policy in the present conflict in Bosnia-Herzegovina;

(xxiv) Concerned by the violation of the CFE Treaty represented by Russia's announcement of the creation and build-up of the 58th Russian Army in the northern Caucasus and the threat it thus brings to bear on stability in the region,

RECOMMENDS THAT THE COUNCIL

1. Place the promotion of a settlement of existing disputes between Greece and Turkey high on its agenda, knowing that the continuation of these disputes will prevent the establishment of an effective European security and defence policy in the Balkans and the eastern Mediterranean;
2. Remind both Greece and Turkey that, according to the Petersberg declaration, their mutual relations should be based on the fundamental principles of settlement of their differences by peaceful means and refraining from resorting to the threat or use of force;
3. Remind Greece of the importance the WEU Council attaches to the place of the OSCE in the European security architecture and urge this WEU member state to stop vetoing the FYROM's accession to the OSCE;
4. Use the dialogue now started with Cyprus to promote, as a matter of urgency, a solution of the Cyprus question following the course set by the United Nations;
5. In the dialogue with Russia, state clearly that no decision which might lead to a violation of the CFE Treaty can be tolerated and that possible modifications to this treaty can be discussed only at the 1996 CFE Treaty review conference;
6. Remind Turkey that a progressive withdrawal of the Turkish military occupation forces from the northern part of Cyprus – which is to start negotiations on accession to the European Union six months after the 1996 intergovernmental conference, logically to be followed by accession to WEU – will be inevitable in view of the obligations under Part III of the Petersberg declaration to refrain from resorting to the threat or use of force in relations between member states and associate member states; the above withdrawal being followed by a reduction in forces and equipment throughout Cyprus leading to a demilitarised island.

Explanatory Memorandum

(submitted by Mr. Cucó, Rapporteur)

Introduction

1. With Greece having acceded to full membership of WEU on 6th March 1995, and Turkey having become an associate member on the same date, WEU has taken on a new dimension which will force it to pay increasing attention to problems in the Eastern Mediterranean. First and foremost, it will be faced with differences between Greece and Turkey on a wide range of subjects. But it will also have to deal with many other issues.

2. One of these is Greece's foreign and security policy which has not always obtained the full understanding of its European partners.

3. The case of Turkey may be even more complicated. Turkey is a member of NATO and has concluded an agreement with the European Union on the establishment of a customs union, but full membership does not seem to be imminent. In the Council of Europe, in particular, Turkey is strongly criticised for its human rights record and shortcomings in its constitution regarding democratic rights. The European Union has also asked Turkey to make progress in this field.

4. Being a security and defence organisation, WEU, while sharing the views of the Council of Europe and the European Union as regards human rights and democracy in Turkey, has the obligation to consider Turkey's rôle in the region from a slightly different angle. In this report, the chapters on Turkey will therefore focus on the security and defence aspects of Turkey's policy in a wider sense. The present report also again stresses that Turkey occupies a strategic geographical position which makes it a vital ally for Europe in its security and defence policy.

5. Cyprus, finally, is still a divided island which has been a subject of discord between Turkey and Greece throughout the more than thirty years of its existence as an independent state. Obviously, the status of this island is still a key issue in relations between both states. If Cyprus becomes a full member of the European Union, it will have to choose between becoming an observer or a full member of WEU.

6. The objective of the present report is to provide an account of the position of Cyprus, Greece and Turkey in the region and their possible rôle in Europe's defence and security policy, leaving other issues to be discussed by the various bodies concerned.

PART ONE: TURKEY

I. Political parties and the rise of Islamic fundamentalism

7. At the moment, Turkey's political life is passing through a period of turbulence in which the relative strength of the main political parties is undergoing important changes.

8. The True Path Party, which won 27% of votes in the 1991 general elections, further diminished to 22.5% in the 1994 municipal elections. The Social Democratic Populist Party, hit by corruption scandals and by its failure to have its economic and human rights policy adopted by the government, has been losing supporters. It had already decreased from 20% of the votes in 1991 to 13.2% in 1994. In January 1995, an effort to merge with the Republican People's Party failed, but a new effort succeeded. In March of this year, the two merged parties agreed on a renewed coalition with Prime Minister Tansu Ciller's True Path Party, with Mr. Hikmet Cetin having become Deputy Prime Minister and for the time being, it seems that the existing coalition government has a good chance to complete its full term in autumn 1996.

9. Support is growing for the extreme right National Action Party under the leadership of Alparslan Turkes, with an ultra-nationalist programme including an outspoken policy against Kurdish nationalists. It is also respectful of the values of Islam and appeals to many non-fundamentalist Muslims. It has only 16 seats in parliament, but obtained 8.4% of votes in the municipal elections of 1994 and might become the major right-of-centre party in the next general elections. Bulent Ecevit's Democratic Left Party is another party with growing support.

10. The Motherland Party, now under the leadership of Mesut Yilmaz, which obtained almost 40% of the votes in the general elections of 1987, fell to 24% in the general elections of 1991 and 21.2% in the municipal elections of 1994.

11. In fact, the Islamic Refah Party, headed by Necmeddin Erbakan, is the only big party whose support has been steadily growing in recent years, up from 17% in 1991 to 19% in 1994.

12. In an opinion poll taken at the beginning of 1995 published by the newspaper Milliyet, the

Islamic Refah Party obtained 22.4%, followed by the Democratic Left Party.

13. Voter support for the Islamic Refah Party has been steadily growing since the 1987 general elections and, in fact, it is the fastest growing political party in Turkey. After municipal elections in 1994, it has taken control of many local governments, including those of Istanbul and Ankara. As is the case in other Islamic countries around the Mediterranean, the Islamic fundamentalist party in Turkey offers subsidised bread, health clinics, hostels for students and other services where government institutions are deficient. One of its main attractions has also been its anti-corruption platform. The Refah Party has the objective of establishing an Islamic republic, which will resist closer links between Turkey and the European Union, wants to pull Turkey out of NATO and forge closer ties with other Muslim states.

14. The growing importance of the Islamic Refah Party as a political factor is partly caused by the country's economic situation and the inability of both national and local government to cope with the problems of a rapidly-growing urban proletariat with little prospect of employment and often appalling living conditions. The Refah Party is also trying to win Kurdish votes, distancing itself from Turkish nationalism by implying that an Islamic republic would satisfy the demands for Kurdish identity through "Islamic brotherhood".

15. One should guard against the simplification frequently suggested in the mass media which presents Islamic fundamentalism as a well-lubricated, violent and merciless organisation orchestrated by Iran with the help of other radical régimes. Most, if not all experts, agree that there is no pan-Islamic fundamentalism and there is little evidence of strategic co-ordination. Throughout history and still today, the Islamic world has distinguished itself through internal strife and lack of unity.

16. Certainly, as any political party, the Refah Party's objective is control of power, but it has chosen to participate in the democratic process. Turkey's greatest assets in building a modern and prosperous nation have always been its secular society and democratic institutions, started under Kemal Atatürk's leadership. Through their participation in the democratic process, Turkish Islamic fundamentalists are obtaining responsibilities and opportunities to show whether their ideology has practical value. They will be held accountable by voters and, at the same time, they are becoming used to pluralistic politics.

17. On the other hand, any Turkish Government has an urgent duty to fight against corruption, dislocation, unemployment and inequity, factors creating an ideological vacuum which is a fertile breeding ground for Islamic fundamenta-

lism. It will have to fight against uncontrolled migration from rural areas to urban centres and against a population growth which cannot be absorbed by the economy¹.

18. Recently, there have been serious clashes involving the Alawites, who account for 10 to 15 million of Turkey's population of over 60 million, a Shiite community practising a less strict form of Islam and in favour of the secular state. They are disliked by the fundamentalist minority among the mainly Sunni population. Sunni Muslims killed 37 Alawites during a riot in the city of Sivas in 1993, and between 20 and 30 were killed in incidents in Istanbul on 13th March 1995 and the following days which are believed to have started with attacks by a fundamentalist Sunni group. Such clashes are certainly connected with religious fanaticism but they cannot reasonably be seen as part of a political scheme to destabilise the Turkish state, as some observers have tried to make believe.

(a) *Human rights*

19. Although far from being the main subject of this report, it has to be mentioned that the human rights situation in Turkey remains an issue of concern to its closest western allies. Reference is made in particular to recent reports of the Parliamentary Assembly of the Council of Europe, such as those of the Legal Affairs and Human Rights Committee on the consequences of the dissolution of the Party for Democracy (DEP) in Turkey, by Mr. Jurgens (Document 7112) and the report on the visit to Ankara of the ad hoc committee on Resolution 1041 submitted by Mr. Martínez, President of the Assembly (Document 7159, Addendum I).

20. Recently, three reports were published confirming a situation which leaves room for considerable improvement.

21. In March 1995, Turkey's independent Human Rights Association published a report which documented some 1 000 cases of torture and nearly 300 summary executions committed during 1994².

22. In February 1995, the United Nations special investigator into torture, Nigel Rodley, reported that torture appeared to be widespread in Turkey with electric shocks, sexual assault, food deprivation and death threats among the most common forms. Still, the Turkish Government denies widespread torture, stating that it pursues a legitimate fight against terrorism.

1. According to the 1990 census, the urban population increased by 43.1% in the period 1985-90 and the annual average population growth rate is 2.2%

2. Turkey's Daily News, 2nd March 1995.

23. Amnesty International stated in a report released on 8th February 1995 that torture, "disappearances" and extra-judicial killings in Turkey are increasing sharply. It has blamed the security forces for perpetrating such crimes "with impunity throughout the country". It also stated that PKK guerrillas carry out summary executions and kill civilians despite their promise in December 1994 to observe the Geneva Conventions³.

24. Other European institutions, in particular the Council of Europe and the European Union, have repeatedly insisted during recent months that Turkey should respect its commitments to make significant progress in constitutional and legislative reforms.

25. There is little use in adding much more to those earlier requests than to say that, according to prevailing opinion and experience in Western Europe, full respect of democratic and human rights by the state and its institutions is one of the best guarantees against internal destabilisation and insecurity in a country.

26. On 2nd May last, Turkey's Minister for Foreign Affairs stated in the Grand National Assembly of Turkey:

"Turkey is resolved to move forward in democracy and human rights in accordance with the expectations of the Turkish people. Indeed, the process of democratisation started is being pursued irrevocably in the Grand National Assembly of Turkey."

This is a very welcome declaration and it is only to be hoped that the results of this process will soon be apparent.

(b) The Kurdish problem

27. Since 1984, the Kurdistan Workers' Party (PKK) has been fighting violent guerrilla warfare combined with terrorist operations, concentrated mainly in the south-eastern part of Turkey. Its objective is to establish a separate Kurdish state. Over the years, Turkey's fight against the PKK has developed into a massive operation in which an estimated 315 000 soldiers, special forces and state sponsored village guards are involved at a yearly cost of \$8.2 billion or one-fifth of the Turkish state budget. An estimated 15 000 people have been killed in guerrilla operations and counter-offensives. In the past three years, both sides in the conflict have stepped up operations into all out war.

28. In October 1992, the PKK for the first time made an almost battalion-sized massive attack against Turkish border posts which resulted in the death of 257 PKK supporters and 60 security force members.

29. Turkey's Government forces responded with a large scale cross-border offensive against PKK camps in Iraq, co-operating with Iraqi-based Kurdish guerrillas of the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Although these operations were not completely successful, on 20th March 1993, the PKK leader, Abdullah Ocalan, called for a temporary ceasefire and negotiations. Fighting activities were reduced, but were resumed full scale after thirty-eight soldiers were killed in a deadly ambush staged by the PKK on 24th May 1993. In its following campaign, the PKK expanded its activities to cover the whole eastern part of Turkey from the north, near the Armenian border, to the south, near the border with Iraq. In spring 1994, the Turkish Government forces intensified their counter-insurgency programme with new operations employing a total of 240 000 troops from the 2nd and 3rd armies and from western units. Operations included air raids and hot pursuit of terrorists across the border.

30. Another tactic still in use is to remove the population from mountain villages and hamlets and destroy their dwellings, which denies the PKK information, food and shelter. The objective, as announced by Prime Minister Tansu Ciller, is to move this mountain population to collective villages for which the European Resettlement Fund has offered Turkey \$227 million.

31. On 20th March 1995, Turkey embarked upon its largest military operation against the PKK on Iraqi territory when 35 000 Turkish troops, backed by heavy equipment and fighter-bomber aircraft launched an attack across the northern Iraqi border against PKK bases⁴. According to the Turkish Government, the objective was to eliminate PKK terrorist bases across the Turkish border. Prime Minister, Tansu Ciller, said: "We are determined that, in this final operation, the job will definitely be done." It is said that, at the same time, the Turkish Government wanted to give a warning to the Kurdish factions in Northern Iraq to do their job and control the PKK on their territory in exchange for Turkish support. Turkey also wishes the Iraqi Kurds to start negotiations with the Iraqi Government.

32. The operation came under criticism from Turkey's European allies and later also from the United States. The French Foreign Minister, Alain Juppé, speaking on behalf of the European Union, said that the European Union was "worried by the massive character of the intervention" and concerned about the "damage done to the civilian population". Germany, which since 1964 has provided Turkey, at no cost, with military equipment

3. Financial Times, 8th February 1995.

4. A little later, an additional 25 000 troops were sent to the Tunceli province in eastern Turkey in order to fight other groups of PKK rebels.

worth a total value of \$4.2 million, has stopped any further deliveries and suspended financial aid for the construction of two MEKO frigates for Turkey⁵.

33. On 6th April 1995, the European Parliament adopted a resolution with 411 votes in favour, none against and six abstentions, which said that it: "strongly condemns Turkey's military intervention in northern Iraq and the resulting violations of international law and human rights." The resolution further stated: "The state of human rights in Turkey is too grave to allow for the formation of the proposed customs union at present."

34. The Parliamentary Assembly of the Council of Europe on 26th April 1995, adopted a Recommendation condemning Turkey's military intervention which it regarded as "contrary to international law" and expressed "its anxiety for the safety of the civilian population". The Assembly considered that Turkey "should immediately withdraw its forces and commit itself to seeking a peaceful solution to the Kurdish problem".

35. Without pushing too hard, the United States Government made it understood that it wanted an exit date. It left no doubt that it viewed the PKK rebels as terrorists and understood why Turkey would want to act against them, but it was "extremely concerned" lest this operation would harm Ankara's further integration with Europe⁶.

36. The United States Deputy Secretary of State, Strobe Talbott, provided his view of the situation when he addressed an audience in Ankara on 11th April 1995. According to Mr. Talbott, this massive Turkish operation would not be the end of PKK's separatist fight. A long-term solution to the rebel threat along Turkey's south-east border lay with a new order in Baghdad. In the meantime, only Iraqi Kurds could control the border and prevent the PKK from infiltrating terrorists into Turkey. Kurdish factions in northern Iraq should stop their internal violence.

37. The United States was opposed to the establishment of an independent state for ethnic Kurds, but autonomy or another system of self-government might eventually be negotiated in states where Kurdish communities live. He added: "All citizens of a state, whatever their nationality, religion or language should feel themselves to be full citizens. If a state can meet that standard, then it is much less likely to have a problem with secessionist terrorists⁷."

38. Turkey's Deputy Prime Minister, Hikmet Cetin, set a completely different tone when he

addressed a London audience on 8th April 1995. Mr. Cetin rejected claims that the Turkish operation in northern Iraq violated international law, saying that there was a legal vacuum in that part, caused by the creation of a Kurdish "safe haven" north of the 36th parallel. The solution was for the Iraqi Government to comply with all United Nations resolutions and so regain its legal authority over the whole of its territory. Mr. Cetin further refused to accept that in Turkey there existed a conflict between the government and the Turkish minority in the south-east. He ruled out any change in government policy, such as permitting education in the Kurdish language⁸.

39. On 4th May 1995, Turkey's Defence Minister, Mehmet Golan, announced that all Turkish troops had withdrawn from Iraqi territory, six weeks after the beginning of the operation in which the army claims to have killed at least 555 PKK fighters, destroyed their bases and training camps in the area and seized sophisticated weapons. It was reported that on 3rd and 4th May, a high-ranking Iraqi-Kurdish delegation met Turkish officials in Ankara to discuss control of the Iraqi side of the border after a full Turkish withdrawal.

40. Later, on 9th May 1995, the European Union issued the following declaration:

"The European Union, which regards the stability and territorial integrity of the states of the region as a matter of importance, has noted with satisfaction the announcement of the total withdrawal of Turkish troops from northern Iraq, in accordance with the undertakings given by Turkey to the troika on 23rd March. It hopes that Ankara will deal similarly with the other concerns voiced by the European Union in recent months concerning democracy and human rights, thus creating more favourable conditions for the bringing about of the desired rapprochement between the European Union and Turkey, with a view in particular to the implementation of the agreement on Customs Union."

41. The European Union's reference to the territorial integrity of the states in the region may have been meant to remind Turkey of the standing policy that borders in the region should not be changed. On 2nd May last, President Suleyman Demirel declared that Turkey would like to correct its frontier with Iraq in order to ensure its impermeability⁹. At the moment, it is not known whether this was an indication of a change in Turkey's foreign policy or a declaration made

5. Le Figaro, 30th March 1995.

6. International Herald Tribune, 11th April 1995.

7. International Herald Tribune, 12th April 1995.

8. The Independent, 7th April 1995.

9. Le Monde, 11th May 1995.

with considerations of internal political strife in mind.

42. It is observed that even if Turkey succeeded in eliminating the PKK in northern Iraq, its war on Turkey's own territory will not end soon. The campaign against the separatist Kurds in south-eastern Turkey is often accompanied by discrimination and violence against the civilian population. Complete villages are being destroyed and their inhabitants resettled. Human rights organisations and also the Council of Europe have reported murder, torture and other human rights violations. Such behaviour is driving people into the hands of separatist movements and even the PKK, which has a steady supply of guerrilla recruits. Nobody can deny that the PKK is responsible for objectionable violent terrorist attacks, summary executions, hostage-taking and destruction of civilian property.

43. The Turkish Government has the right and the obligation to protect its population against terrorism, but it should also accept that the problem of Kurdish nationalism cannot be solved by military operations. Turkey might have prevented the Kurdish nationalist problem from growing out of proportion into a state security problem if it had granted the Kurds greater rights of cultural self-expression including the indiscriminate use of the Kurdish language. Succeeding Turkish governments, however, have stressed the ethnic Turkish character of the state, which left no room for any institutional expression of other ethnic identities.

44. It has been pointed out that in many western European states ethnic minorities have obtained cultural rights of self-expression without this resulting in the dissolution of the state. The Spanish constitution granted nationalities and regions of the state a wide measure of autonomy within a decentralised Spain, but still solidly united as a state, and as a consequence the popularity of radical Basque nationalism resorting to violence has diminished considerably.

45. The establishment of a separate Kurdish state in south-eastern Turkey is very hard to imagine, also because of strong resistance from Iran, Iraq and Syria, each with important Kurdish minorities on their territory. Moreover, it is known that many of Turkey's 15 million Kurds are living in parts of Turkey other than the south-eastern region. It seems inevitable, however, for some form of local and regional autonomy, including cultural rights, to be granted to Kurds living in the south-east of the country in order to meet the requirements of a democratic state in which the rights of religious minorities, as stipulated in the Treaty of Lausanne, and of ethnic minorities are recognised.

II. Defence spending and the Turkish armed forces

46. Turkey feels that, taking into consideration the many changes which took place in the Black Sea area and at its eastern and southern frontiers after the end of the cold war, its traditional rôle of flank country has been transformed into one of a front nation.

47. In the early 1990s, Turkey decided to start a major modernisation and restructuring of its armed forces. Defence expenditures were increased and the national defence industrial base was enlarged.

48. The Turkish army is now implementing a reorganisation in which the division command level is being replaced, with a few exceptions, by more flexible brigades. Manpower has been reduced to a peacetime strength of 500 000, but the operations against the PKK have caused an increase of the length of conscript service by five months. Figures regarding defence spending in Turkey are given in Appendix I of the present report.

49. Turkey is closely observing negotiations between Russia and Ukraine on the division of the Black Sea fleet and the use of bases and shipyards in Ukraine. A satisfactory solution for both parties is considered to be an important factor for stabilisation in the region. Relations between the Turkish and Russian naval forces have improved and both countries have signed an agreement on the prevention of incidents on and over the high seas with both Russia and Ukraine. Turkey has noted Russia's declaration that it considers the Black Sea and the Caucasus as first priority strategic areas.

50. The cascading of CFE surplus equipment from other NATO countries has considerably increased the equipment numbers of the Turkish armed forces. Turkey received M-60 tanks, Leopard-I tanks, M-110 203 mm self-propelled guns, UR-416 armoured personnel carriers, AH-1 Cobra attack helicopters and UH-60 Black Hawk utility helicopters. Orders were placed for Russian Mi-17 and French SA-365 Cougar helicopters. The navy commissioned eight United States Knox-class destroyers. In the airforce, all the F-104 Starfighters have now been retired from service. Deliveries of new F-16s continued and more F-4s were received from Germany.

51. The restructuring and modernisation of Turkey's armed forces is explained in more detail in the following paragraphs.

(a) Army

52. The army's objective is to create forces with high mobility, fire power, shock reaction and endurance. They should be capable of long-range target detection, identification and recognition.

The restructured forces should be flexible, easy to control and multi-purpose, capable of effective and rapid mobilisation. It is envisaged to employ professional personnel for critical missions.

53. While no changes were made in the number of armies and corps, the infantry-heavy organisation of regiments and divisions has been abandoned and new self-sufficient armoured and mechanised battalions and brigades have been created.

54. The Turkish army is being re-equipped with the help of funds from various national sources, United States credits, United States southern region aid, German military assistance programmes and through CFE Treaty transfers from other NATO member states.

55. Important modernisation projects being implemented are:

- the purchase and co-production of the Sikorsky Black Hawk and the Eurocopter Cougar, both utility helicopters, and procurement of the Cobra and Super Cobra for protection/escort missions and anti-tank defence;
- updating of existing M-48 tanks and overhaul and delivery of 822 M-60 tanks from the United States and Leopard tanks provided by Germany;
- domestic manufacture of armoured combat vehicles and improved armoured personnel carriers;
- procurement of tank trailers, needed for inter-region flexibility of armoured and mechanised units;
- modernisation of existing 155 mm self-propelled howitzers and conversion of 105 mm howitzers to 155 mm self-propelled howitzers;
- procurement of multiple launch rocket systems, capable of launching both rockets and tactical missiles.

56. Other equipment programmes are being planned or implemented in army aviation, target acquisition, identification and recognition, C³I and air defence.

(b) Air force

57. At present, the 1st and 2nd Tactical Air Force Command constitute the primary strike power of the Turkish air force. They comprise a total of nineteen NATO-assigned combat squadrons, made up of six F-4, seven F-16, three F-104 and three F-5 squadrons, armed with Sidewinder and Sparrow air-to-air missiles, and Maverick, Rockeye, Durandal, CBU, LGB and conventional bomb ammunition. Additionally,

two of the present F-16 squadrons have Lantirn capability.

58. Moreover, there is a training command, consisting of six squadrons with different types of aircraft, an air logistics command and four air transportation squadrons, equipped with C-130 and C-160 medium transport aircraft and CN-135 light transport aircraft and UH-1H helicopters for special tasks.

59. A modernisation programme envisages a number of important update and procurement activities. F-104 and F-5 aircraft which have completed their economic life will be phased out when the number of F-16 aircraft – procurement of which began in 1986 under joint Turkish-United States production – reaches the desired level. Furthermore, efforts to equip F-16 aircraft in service with state-of-the-art electronic warfare equipment have reached the final phase. A total of 240 F-16s have now been ordered. Modernisation efforts to upgrade F-4 and F-5 aircraft still in use are underway.

60. The acquisition of A-10 aircraft scheduled to enter into service for effective support for the land forces has also reached its final phase. The acquisition of CN-135 light transport aircraft has begun under joint Turkish-Spanish production. In addition, air force participation in the joint European future large aircraft (FLA) project will replace C-130/C-160 aircraft which will complete their economic life in the year 2000.

(c) Navy

61. Turkey expects the future extended exploitation of oil and gas reserves in the Caspian region and the development of the Black Sea economic co-operation area which seeks to integrate the economic and commercial interests of the Black Sea region with those in the Mediterranean basin to have far-reaching consequences.

62. The protection and security of the sea lanes of communication in the Black Sea will continue to be one of the Turkish navy's essential tasks. The addition of new international oil terminals in Turkish seaports located in the eastern Mediterranean in the future will further increase the importance of protecting the sea lanes of communication in the region and widen the tasks carried out by the Turkish navy in co-operation with other allied naval forces.

63. With the preceding considerations in mind, the Turkish navy is now undertaking an important modernisation programme with the following main procurement projects:

- construction of a fifth, sixth, seventh and eighth Meko 200 class frigate, to enter into service between 1995 and 1998;

- construction of four 1 400 ton submarines, to be equipped with harpoon guided missiles and Tigerfish torpedoes, bringing the total number of submarines to ten. The 10th submarine is to be commissioned in 1998;
- construction of five more Dogan class fast patrol boats, equipped with guided missiles, bringing the total number to thirteen, of which the last is to be commissioned in 1999;
- construction of a second auxiliary oil replenishment ship, to be commissioned in 1995.

64. For the longer term, the procurement of additional frigates, new anti-submarine warfare helicopters, six mine-hunter ships and the replacement of maritime patrol aircraft is being planned.

III. Relations with other countries in the region

(a) The Transcaucasian region

(i) Georgia

65. Turkey maintains relations of co-operation and good neighbourliness with Georgia, respecting the principles of territorial integrity, protection of human rights and the solution of conflicts by peaceful means also in the recent inter-ethnic conflicts which have plagued this newly-independent state.

66. In the Abkhazian conflict, Turkey supports the efforts of the United Nations Secretary-General's special representative to find a peaceful solution and to settle the political status of Abkhazia. It also supports the efforts of the OSCE mission to find a political solution for South Ossetia.

67. Since Georgia's independence, Turkey has provided humanitarian aid totalling around \$18 million. In February 1993, the Turkish Exim bank opened a credit line of \$50 million and it stands ready to open a credit line for a similar amount. In order to help Georgia overcome its shortage of energy supply, Turkey has provided electric energy to a total value of \$80 million.

68. Moreover, Turkey is setting up long-term co-operation programmes which should be the basis of further economic links between the two neighbours and other states in the region. Mention should be made of co-operation in the fields of energy, transport, telecommunications, trade and the opening of new border crossings.

(ii) Azerbaijan

69. On 9th November 1991, Azerbaijan was the first newly-independent republic on the territory of the former Soviet Union to receive

Turkish recognition. With the signing of a protocol on 13th January 1992, Baku was the first of the new capitals to receive a Turkish embassy. As early as November 1991, a Turkish-Azeri business council was established in order to develop commercial relations between the two countries.

70. There can be no doubt that of all the countries in that region, Turkey has the closest relations with Azerbaijan. This is partly due to the existence of an important Azeri community within Turkey which acts as an efficient lobby. At the same time, however, the Turkish business community has a strong preference for trading with Azerbaijan which has a vigorous small business culture, is geographically close to Turkey and speaks a Turkish language very similar to Anatolian Turkish.

71. In Azerbaijan, digital telephone systems and communications via the Türksat satellite were established with Turkish assistance. The Turkish Eximbank in 1992 granted an export credit of \$100 million and a project credit of \$150 million, while a \$100 million credit was granted to the autonomous republic of Nakhitchevan.

72. It should be mentioned that Turkey is concerned over the internal political situation in Azerbaijan¹⁰.

73. In October 1994, there was a series of violent incidents which had all the appearance of a coup attempt in which the Interior Ministry's OMON special purpose militia, led by Ravshan Javadov, played an important rôle. President Geidar Aliyev imposed a state of emergency and a curfew in Baku and later dismissed Prime Minister Surat Guseinov because of his involvement in the alleged coup attempt.

74. After these incidents in October 1994, President Geidar Aliyev claimed, on 5th October, that Russia was deliberately destabilising Azerbaijan by covert means in order to force the country to permit the deployment of Russian troops on the Iranian border and to gain a larger stake in the Caspian oil deal.

75. In March 1995, there was a new outburst of street fighting caused by the Interior Ministry's militia under Ravshan Javadov because of a dispute with the government over plans for the militia's disbandment. The militia called for President Aliyev's government to be replaced by a coalition government. Interior Minister Ramil Usubov stated that the militia, which allegedly has been smuggling strategic materials out of the country, had "joined up with criminal gangs". Meanwhile, the situation has calmed down again, but when President Aliyev on the occasion of his visit to the

10. The conflict with Armenia over Nagorno-Karabakh is dealt with in chapter III of this report.

European Union on 18th April 1995 pressed for closer political ties, the President of the European Commission reiterated that the European Union would not make agreements with any Transcaucasian state as long as the region remained unstable¹¹.

(iii) *Armenia*

76. The conflict between Azeris and Armenians, and similarly between Armenians and Turks, have ancient and well-known historical roots. The present dispute between Azerbaijan and Armenia over Nagorno-Karabakh has clearly affected Turkey's relations with Armenia. They deteriorated in particular when in spring 1993 during the fighting over Kelbajar, Armenian forces opened a second land corridor between Armenia and Nagorno-Karabakh. Turkey closed the air corridor to Armenia. It also stopped the free passage of trains and aircraft for humanitarian aid when Armenia occupied Kelbajar in April 1994.

77. Turkey recently stated that it is ready to take steps aimed at building confidence in its relations with Armenia, but only on condition that Armenia is willing to do the same. Officials of both countries have met to discuss the issue. Turkey has declared that it will establish diplomatic relations with Armenia only after the withdrawal of Armenian forces from occupied Azeri territory. It says that Armenia should also lift its objection against Turkish participation in a planned multinational peace-keeping force for Nagorno-Karabakh.

78. Turkey started preparing to ease its embargo on Armenia by reopening an air corridor allowing delivery of United States humanitarian aid. This development is said to be connected with the Turkish bid, strongly supported by the United States, for an oil pipeline which should link the oil fields of Azerbaijan with Turkey's Mediterranean port of Ceyhan, crossing Armenian territory¹².

(iv) *The conflict in Nagorno-Karabakh*

79. Nagorno-Karabakh, a region inhabited by Armenians, was attached to Azerbaijan following a decision taken by the Caucasian desk of the communist party in 1921. Later, in 1923, Nagorno-Karabakh obtained the status of autonomous region of the Socialist Soviet Republic of Azerbaijan. For many years, there has been a policy of Azerification. As a consequence, the share of Armenians in its population diminished from 95% in 1921 to 75% in the early 1980s.

80. Stimulated by the perestroika movement in the Soviet Union, a resolution was adopted by the Council of Nagorno-Karabakh in February 1988 asking to be attached to Armenia. There were

several anti-Armenian pogroms in Azerbaijan in 1988 and 1990 and many Azeris left Armenia to go to Azerbaijan. Altogether, an estimated 200 000 persons were forced into exile.

81. The Azerbaijan Supreme Soviet suspended Nagorno-Karabakh's autonomy in November 1991, but in December 1991, the republic of Nagorno-Karabakh declared its independence following a referendum with 99% of the votes in favour. In 1992 fighting intensified into a full scale war and the Azeri troops were soon forced into retreat and defence. Violence and hostilities since 1988 are said to have resulted in the deaths of an estimated 25 000 soldiers and civilians and the displacement of one million others¹³. It is thought that at present ethnic Armenian forces occupy 10 000 square kilometres of Azerbaijan territory, including a strip of Azeri land dividing the enclave from Armenia on top of the 4 400 square kilometres of Nagorno-Karabakh's territory. Although Armenia has denied involvement in the conflict, both Turkey and Iran, but also increasingly Russia, have held Armenia responsible.

82. On 27th July 1994, the Defence Ministers of Armenia and Azerbaijan and the military leader of Nagorno-Karabakh signed an agreement giving legal status to, and indefinitely extending, a cease-fire agreement reached in Moscow on 9th-11th May 1994.

83. A meeting of the OSCE Minsk group¹⁴ in Moscow on 9th-11th February 1995, did not manage to smooth over the differences between the parties concerned over the political statute of Armenians in Nagorno-Karabakh. The emphasis of Armenia on granting a political statute to Armenians in Nagorno-Karabakh, and its direct participation in the negotiations seems to be a major obstacle to reaching a comprehensive agreement.

84. At the OSCE summit meeting in Budapest on 6th December 1994, it was decided to send a 3 000 strong OSCE multinational peace-keeping force to Nagorno-Karabakh. No agreement has been reached yet over the composition of the force, but it seems to be agreed that no one state could contribute more than 30% of the troops. Russia had earlier insisted that it should provide most of the troops. The deployment of the peace-keeping force will only take place if the cease-fire will have been changed into a permanent truce and after United Nations Security Council approval.

85. In fact, Turkey has its doubts about Russia's rôle in the conflict, being aware of Russia's

11. International Herald Tribune, 19th April 1995.

12. Financial Times, 24th April 1995.

13. Human Rights Watch, Seven years of conflict in Nagorno-Karabakh, New York 1995.

14. The OSCE Minsk group consisting of a number of OSCE member states, including Russia and Turkey and the "interested" parties in Nagorno-Karabakh, started its peace initiative in 1992.

strategic interests in the region, combined with its desire to deploy troops in Azerbaijan. Russia has made no secret of its intention to protect the southern frontiers of the former Soviet Union's territory against rising Islamism and to have an important stake in the exploitation of Azerbaijan's oil and its transport to the world markets.

86. Russia had made mediation efforts in the conflict as early as September 1991, but these were considerably stepped up at the expense of the mediation activities of the Minsk group after President Aliyev came to power in a military coup in June 1993.

87. At the beginning of March 1995, however, there were violent clashes between Armenia and Azeri forces in the north of Azerbaijan – the first important violation of the cease-fire in force since May 1994. In May 1995, however, on the occasion of the one-year existence of the cease-fire agreement, both parties exchanged prisoners of war.

(v) Conclusions

88. The Transcaucasian region, where Europe and Asia meet, has always been considered of great strategic importance by its direct neighbours Russia, Turkey and Iran.

89. For Russia and later for the Soviet Union, it was a buffer zone against the Muslim world in the south, a concept which seems to be continued by the new post-communist Russia. It considers Transcaucasia as situated within its zone of influence. Russia's objective is to have the CIS recognised as a regional organisation in the framework of chapter VIII of the United Nations Charter, which could be given a mandate to intervene in the CIS by the Security Council, the intervention being financed by the United Nations.

90. Although Azerbaijan has declared repeatedly that it does not want any foreign troops on its soil, Russia, with President Aliyev's agreement, is still using the huge early warning station in Gubeli in north Azerbaijan which it certainly would not like to give up, given the six years of construction and \$2 or \$3 billion investment needed to reconstruct it elsewhere on Russian territory. At the same time, on 11th June 1994, Azerbaijan agreed with the Russian Defence Minister to participate in a unified air defence system for Trans-Caucasia.

91. Because of their involvement in armed conflicts, both Georgia and Armenia have had no choice other than to give in to Russian pressure to be allowed to deploy Russian troops on their territory. As a consequence, Russia has now deployed divisions on Georgian and Armenian territory. With the announcement in Moscow of the creation of the 58th army of northern Caucasus, there will be even more Russian troops in the region. Azerbaijan has not yet ceded to Russian pressure,

but it remains to be seen how long it will be able to resist.

92. Turkey, which has narrow cultural and economic relations with Azerbaijan, wishes before anything else to prevent a resurgence of Russian influence in Transcaucasia and in particular in Azerbaijan. Both Turkey and Armenia are trying to normalise their mutual relations, but Turkey has made it clear that this would be possible only if Armenians were to withdraw from occupied Azeri territory because Turkish public opinion would not allow any weakening of support for Azerbaijan. On the other hand, the Armenian minority in Turkey will insist on Turkey recognising the 1915 genocide as a condition for reconciliation.

93. Iran knows that it has to act cautiously in order not to create unrest among the 20 million Azeris living in Northern Iran. While it is moderately in favour of the Armenians, it is providing humanitarian aid to the Azeri refugees of the Nagorno-Karabakh conflict.

(b) The Central Asian republics

94. After the collapse of the Soviet Union in 1991, Turkey had hoped that the Central Asian Turkic republics¹⁵ and the Transcaucasian republic of Azerbaijan, with which it shares cultural, linguistic and religious ties, would form a sub-regional bloc under Turkish leadership. Turkey has now realised that expectations on both sides were raised too high, acknowledging that it is financially and technically unable to meet many of the republic's needs. The state of the Turkish economy does not allow for extensive aid programmes and the internal situation in the country, with high inflation, growing Islamic fundamentalism and the fight against Kurdish separatists, demands prior attention.

95. Two "Turkish summits" have now been held, the first in Ankara in October 1992 and the second in Istanbul on 18th-19th October 1994. A third summit is planned to be held in Bishkek in August 1995.

(c) The south-eastern neighbours

(i) Iran

Rivalries in Central Asia and the Caucasus

96. Turkey and Iran are both close to the new independent republics of the Caucasus and Central Asia, on account of the existence of cultural, historic and religious ties.

15. These republics are: Kazakhstan, Kirgizstan, Turkmenistan and Uzbekistan.

97. Rivalry undeniably exists between Turkey and Iran, particularly in Central Asia which for long has been the place of encounters and conflict between the Turkish and Persian worlds. Russia's hegemony has therefore been contested in what was formerly its own exclusive sphere of influence over which Turkey and Iran are now competing.

98. There is an awareness among the Turkish-speaking peoples of Central Asia that they belong to the same cultural community. In the area, there is, however, also a Farsi-speaking culture which enjoys cultural prestige but is politically in the minority.

99. Different trends are evident from one former Soviet Republic to another. Generally speaking however Turkey wishes to see the republics become market economies and adopt a pro-western political line. The message disseminated by Ankara advocates a moderate Islamic view in order counter the risk of a slide into radical Islam. Iran, for its part, intends to promulgate the message of Islam and export an ideology that is independent of the West.

100. From the early 1990s, Turkey has adopted an approach that aims to increase commercial and cultural exchanges with central Asia. Indeed Turkish products dominate virtually all of the area's markets.

101. Moreover Turkey is presenting the creation of the Black Sea economic co-operation area¹⁶ as the means of creating an area of regional political stability facilitating its anchorage to the West through economic and commercial integration.

102. From the early nineties onwards, Iran, for its part, has strengthened the regional dimension of its economic diplomacy guided by the "pragmatic wing" of the régime. The Iranian strategy therefore gives priority to winning back markets, particularly in Central Asia and the Caucasus. The break-up of the Soviet Union gave new impetus to the Organisation for Economic Co-operation (OEC) which the Muslim republics of the former Soviet Union joined at Tehran's suggestion. In this way, Iran is in point of fact trying to create a huge common Islamic market in the region.

103. Although Turkey is associated with the OEC, it wants at the same time to play its own hand. It made this clear by organising the first summit meeting of Turkish speaking countries in Istanbul in October 1992¹⁷.

104. These considerations show the stake represented by the region in the policy of influence of two important countries harbouring the same

regional ambitions and pursuing competing courses of action.

105. Although many in the West are concerned over Iranian influence in Central Asia, including in particular the export of militant Islamism, it should be noted that Iran has acted cautiously and has concentrated on trade agreements and quite successfully. It has signed a co-operation agreement with Turkmenistan to lay a pipeline for the transport of Turkmen gas through Iran to Europe. It is also discussing an oil pipeline project with Kazakhstan. Weekly flights between Central Asian capitals and Tehran have been established, new border crossings opened, roads repaired and new roads, railways and bridges are being prepared. The main objective of Iran's policy in this region is to prevent Turkey, and through it the West, from gaining a foothold in the Central Asian republics strong enough to pose a security threat.

106. Notwithstanding the efforts made by both states, competition between Iran and Turkey for influence in Central Asia and the Transcaucasus has been limited because both states lack the resources to invest in the region in order to win influence. Iran has not emphasised its ideological or religious interests in Azerbaijan and Turkmenistan. It has concentrated mainly on cultural and economic links and transit agreements.

Azerbaijan

107. The most obvious of their rivalries sets Turkey and Iran on opposing sides as regards Azerbaijan, which has a certain continuity in its links both with Turkey and Iran and with central Asia. A large part of Turkey's attention is in fact monopolised by Azerbaijan in relation to which Turkey is able to claim ties of blood and a community of language¹⁸. Iran for its part emphasises shared religion and the fact that 18% of Iran's population is Azeri.

108. Although 70% of the Azeri population are Shiites, thus providing a certain link with Iran, suspicion of religious fundamentalism is real and the Iranian model is generally rejected. This fact does not prevent Iran from making repeated attempts to impose its presence in cultural, political, economic, social and religious matters.

109. Indeed, it is the development model of the Turkish non-secular state that has been adopted by the Azerbaijan Government and the majority of the Azeri population. This statement, however, must be qualified insofar as the Islamic activism coming from Turkey is far more clear-sighted than that promoted by Iran¹⁹.

16. See Chapter VII of the present report.

17. The agreements concluded, however, were modest and cautious.

18. The Azeris are Turkish-speaking.

19. Cahiers de l'Orient, No. 30, 1993.

110. As regards the conflict over Nagorno-Karabakh, it should be noted that Iran is strongly in favour of a peaceful solution because of concern lest it spill over into its own territory and create interest in its own large Azeri community.

111. Recently the signing in Bakou, of an agreement between Turkey and Azerbaijan has strengthened Ankara's participation, to Iran's disadvantage in an oil consortium dominated by American and British companies for exploiting the rich deposits of the Caspian sea²⁰.

112. The substantial progress Turkey has made in the Caucasus relies heavily on firm American diplomatic support, one of the most prominent concerns of which is to stem the spread of Islam. It is a matter of avoiding destabilisation at local levels that might draw in the whole of Central Asia and creating a centre of stability through the emergence of a regional power, Turkey, as a counterweight to Iran's ascendancy.

The Kurdish problem

113. The Kurdish question contributes to bringing Iran and Turkey closer together. The flow of Kurdish refugees to the Iranian frontier in December 1991 obliged Turks and Iranians to co-operate to find a solution to this thorny problem.

114. Although Turkish military intervention against PKK camps is intended to crush the source of what Turkey considers to be dangerous destabilisation, Iran's publicly-stated objective is rather to eliminate the risk of contamination.

115. The two countries are generally in step regarding the Kurdish question. The Islamic Republic seems to have assumed a permanent right of pursuit of Kurdish guerrillas into Iraqi territory.

116. Like Turkey, Iraq rejects the idea of an autonomous Kurdistan that might one day become an independent entity and, according to Iran, threaten the internal situation in the country.

117. The country's artillery and airforce consequently inflict numerous raids at regular intervals against the areas which, according to the authorities in Tehran, are harbouring Kurdish rebels, an allegation which the Iraqi Kurds have always denied. It seems that, like Turkey, Iran remains determined to arouse fear among its opponents.

118. While a matter of shared concern, the Kurdish question also constitutes a factor of tension and hostility between Turkey and Iran. Turkish policy and initiatives towards the Middle East remained relatively low-key in 1993 and 1994, except in relation to questions having a more or less direct influence on the Kurdish problem. Tur-

key, Iran and Syria have been meeting regularly since their summit meeting of 14th November 1992 in order to review the position of those referred to by Turkey as the PKK terrorists. The Turkish authorities strongly suspect Syria and Iran of using them to weaken Turkey. At the same time, the repeated tripartite summit meetings confirm that the views of the three countries converge on this point, fearing that the process of administrative autonomy in Iraqi Kurdistan might lead to a contagious dismemberment.

119. Lastly, Iran's reaction to the Turkish military intervention in March 1995 has been muted and cautious. Tehran has in fact asked for the "withdrawal" of Turkish forces from Iraq. Iranian radio also announced that the presence of Turkish troops in Iraq was likely to complicate further the situation in the region. This position is supported by the Minister for Foreign Affairs of Iran, Ali Akbar Velayati. The Iranian President for his part has merely stated the importance Iran attaches to Iraq's territorial integrity.

Interior developments and the restructuring and modernisation of Iran's armed forces

120. Under President Rafsanjani, the Iranian Government is concentrating its efforts on revitalising the shattered economy by introducing measures of liberalisation and openings to western markets. Consolidation of the Islamic republic at home is the government's priority. The aggressive and radical foreign policy, combined with strenuous efforts to export the revolution by intrigue and force, have been toned down considerably. The failure of the government's policy to improve the country's economic situation and the population's living standards has increased the influence of radical Islamists and the conservative religious faction, but President Rafsanjani is still firmly in power and has only had to make limited concessions to the conservatives.

121. The United States continues its efforts to isolate Iran because of its alleged support of terrorist groups, opposition to Middle East peace talks and search for a nuclear capability. On the other hand, it should be noted that American oil companies, buying an estimated 800 000 barrels a day of Iranian crude oil (roughly a quarter of Iran's total output), are the largest purchasers of Iranian oil and American companies are the sixth largest trading partner for Iran.

122. Feeling uncomfortable with many of its neighbours and having learned the lessons of the Iraq-Iran war and of the coalition victory over Iraq, Iran is now implementing a programme to modernise and professionalise its armed forces. Forced by economic and financial problems, the programme envisages the creation of smaller and more professional armed forces. A re-equipment programme is under way with Russia, China and

20. See Chapter VI (b).

North Korea as the main suppliers. Priorities are the upgrading of armoured warfare capabilities, the building of a modern airforce, enhanced ability to deny access to the Gulf to hostile shipping and the expansion of its surface-to-surface missile arsenal.

123. It is said that the Iranian Government considers effective armed forces a vital instrument to protect the country while the social and economic reconstruction of the country is taking place.

124. In particular, the United States has strongly criticised the procurement of three "kilo" class diesel-electric submarines from Russia. It should be noted, however, that these submarines will be of only limited value, their crews being trained only for limited sub-surface deployments, while they are vulnerable to modern anti-submarine warfare forces. They may, however, play an important rôle in a strategy of denial and naval guerrilla warfare in the Gulf. Iran has stationed troops equipped with surface-to-surface and surface-to-air missiles on islands located near the Strait of Hormuz which could, in combination with other military activities, threaten the free flow of oil from the Gulf to the western world.

125. Following its experience in the Iran-Iraq war, where its troops suffered from chemical attacks, Iran has now developed a full offensive and defensive warfare capability with various delivery systems, including artillery shells, aircraft spray tanks and missile warheads. Biological weapons production is under way.

126. There has been no proof of an imminent Iranian military nuclear capability, but there can be little doubt that the country has an interest in researching the possibility of such a capability. Recent experience has shown that Iraq and North Korea have also been able to hide their military programmes from IAEA inspections.

127. Russia, China and Pakistan have signed peaceful nuclear co-operation agreements with Iran. The resulting programmes, however, may help it to produce plutonium, a key component for nuclear warheads. Nuclear technology has also been acquired from some European companies and from former Soviet republics such as Ukraine, Kazakhstan, Turkmenistan and Azerbaijan. On the other hand, Iran has yet to build a nuclear reactor that can be used to develop the main components for nuclear weapons and it is still lacking essential missile technology.

128. Russia has signed a contract to help Iran with the completion of a nuclear reactor at Bushelvi on the Gulf coast and it intends to build at least two more nuclear reactors in Iran in the near future. Recent efforts by the United States to put pressure on Russia to stop selling nuclear technology to Iran have failed. While the United

States has accused Iran of being engaged in a "crash programme" to acquire nuclear weapons, Russia argues that the United States is protecting its own trade and nuclear industry and is trying to prevent competitors to do business on Iran's capacious market²¹.

129. At the recent United States-Russian summit meeting in Moscow on 10th May 1995, President Yeltsin has declared that Russia would separate the "military aspects of its nuclear contract with Iran from the 'peaceful ones'". As a consequence, Russia will abandon plans to sell Iran a gas centrifuge, but it remains committed to the sale of at least two light-water nuclear reactors.

130. The United States is also trying to persuade China to renounce from negotiations on a contract to provide Iran with two 300 megawatt nuclear reactors. China has rejected the United States' arguments, declaring that it acts in accordance with international practice and that there is no law forbidding such co-operation²².

131. On 30th April 1995, the United States President, Bill Clinton, announced a total ban on all United States trade and investment links with Iran, accusing Iran of heavily sponsoring terrorism and having embarked upon a crash programme to develop nuclear weapons. In 1994, United States exports to Iran amounted to a total of \$326 million, and its oil companies purchased Iranian oil for a total of \$4 billion. Secretary of State Warren Christopher called on other nations to "end all of their concessionary credits, which allow Iran to divert scarce resources to military programmes and to sponsoring terrorism"²³.

132. Governments of European Union member states have not reacted favourably to the United States call for a trade embargo. They have committed themselves to a "critical dialogue" while maintaining trade relations, taking the view that isolation will not help to make Iran change its behaviour. In general, Turkey agrees with the European Union member states' view and it is not planning to follow the United States example. At the very moment the United States decided on its trade embargo, Turkey announced its agreement with Iran according to which Iran will supply 2 billion cubic metres of natural gas per year from 1998, 8 billion from 2001 and 10 billion from 2002. The agreement was concluded for 23 years and includes the construction of a gas pipeline.

133. It is noted here that the restructuring of Iran's armed forces and the implementation of the re-equipment programme will take some time and

21. International Herald Tribune, 18th March and 10th April 1995.

22. Le Monde, 19th April 1995, International Herald Tribune, 30th March 1995.

23. International Herald Tribune, 2nd May 1995.

the country does not constitute an immediate military threat to its neighbours. Moreover, the whole programme is mainly directed at creating a deterrent against a possible new Iraqi aggression while it is also making an effort to balance the massive arms procurement programmes of many Gulf states after the war against Iraq.

Conclusion

134. There can be no doubt that with its geographical location, natural resources and large population, Iran is an important power in the region and an important neighbour of Turkey.

135. In spite of differences in political systems, relations between the two countries strengthened after the end of the cold war. Turkey is the most important channel for Iranian imports from the West. After a fall in bilateral trading in 1986-87, trade recovered from the early 1990s.

136. Turkey's policy is to maintain good relations with Iran on the basis of non-interference in internal affairs and mutual respect. It believes that this will serve the bilateral interests of the two countries and contribute to peace and stability in this volatile region. The Turkish Government wishes to engage in bilateral and regional co-operation with Iran which could be a positive contribution to improving the climate in the region. With this understanding, Turkey wishes to enhance its co-operation with Iran within the Economic Co-operation Organisation which it considers as a purely economic institution²⁴.

137. As with Syria, Turkey has established with Iran a mechanism to maintain a continuous dialogue on border security issues and on the question of terrorism. This mechanism has been institutionalised through a joint committee between the Ministries of the Interior of the two countries and a high security commission. It has resulted in an improvement in co-operation between the two countries on border security issues.

138. The frequent tripartite meetings held over the last two years between Iran, Syria and Turkey also include an economic dimension concerning the development of trade between the two countries in the framework of an attempt to normalise their relations.

139. Since the strengthening of President Rafsandjani's powers, Iranian propaganda has become rather more muted than in the past. Turkey nevertheless continues to regard Iran as a rival regional power, capable, when in its own interest, of intensifying its policy of intervention in the internal affairs of Turkey.

24. Turkey is associated with the Economic Co-operation Organisation, which was reactivated by Iran in 1991-1992, Pakistan being the other participant and the Central Asian republics having been invited to participate.

(ii) Iraq

Persistence of the Kurdish problem and the Turkish intervention of March 1995

140. In the 1970s and far into the 1980s, Turkey and Iraq have practised some form of tacit, and even sometimes overt, military co-operation in their struggle against Kurdish nationalism. In October 1984, both countries concluded a "hot pursuit" agreement which allowed each side to "pursue subversive groups in the territory of the other up to five kilometres".

141. After having been excluded from the Turkish Syrian economic agreement in 1987, which also included a guarantee on the Euphrates water flow to Syria, Iraq changed its co-operative attitude and from 1988 the PKK operated at will from Northern Iraqi territory. In the aftermath of the Gulf war, more than 400 000 Kurds who were living in Iraq fled into Turkey. Since 1992, Turkey has made frequent incursions into Iraqi territory in order to destroy the PKK facilities in northern Iraq.

142. Ever since April 1991, the United States, France and the United Kingdom, operating from Turkish territory, have imposed an air exclusion zone on the forces of Baghdad, thus denying the Iraqi army overflight of the Kurdish zone situated north of the 36th parallel. Finally united, the Iraqi opposition ratified the existence of a "federate" Kurdish state at the Salaheddin congress in October 1992. Neighbouring states, Turkey, Iran and Syria, warned the Kurds at that time against any desire for independence, but the existence of a Kurdish enclave where the Iraqi Government could not exert its authority obliged the protecting forces to allow for the setting up of a political process leading to the creation of a central administration for this region.

143. After a May 1992 general election for the legislative council of the Kurdistan autonomous region in Iraq, the Kurdistan Democratic Party (KDP) of Masud Barzani and the Patriotic Union of Kurdistan (PUK) of Jalal Talabani, setting aside rivalries, formed a coalition government. In the spring of 1994, this coalition fell apart when the KDP was accused of pocketing customs duties levied on truck transports from Iraq to Turkey and the PUK in revenge fleeing with the Central Bank's deposits. Since then, the two factions have been openly fighting each other with an interruption between August and December and a formal cease-fire agreement in November 1994 which also resulted in a new coalition cabinet. In December 1994, hostilities started again and Irbil, the capital of Iraq's Kurdish enclave was occupied by the PUK. In mid-February 1995, the KDP started an unsuccessful offensive to expel the rival PUK from Irbil. Negotiation offers from President Saddam Hussein were rejected by both sides.

144. It should be recalled that since the end of 1992, the Turkish army, with the collaboration of the Kurdish Peshmergas of Iraq, has undertaken military operations on Iraqi territory in order to flush out the PKK militants from their Iraqi bases. These offensives did not prevent the militants of that party from returning to occupy the mountains along the border between Turkey and Iraq.

145. From then on, close co-operation has been established between Turkey and the Iraqi Kurds, especially with the Kurdish democratic party (KDP) to prevent PKK attacks against Turkey from Iranian territory.

146. In March 1994, the Iraqi authorities devised a plan for forcing a passage between Nossoul and the Turkish border so as at one and the same time to isolate Kurdish resistance and to break the international embargo. Contingents from the Republican Guard were massed at the edge of the "security zone", ready for action with the probable connivance of the Iranian and Turkish armies. The rise in tension increased Turkey's embarrassment which, although a country on which the plan hinges, nevertheless intends to manage the Kurdish problem according to its own strategic interests.

147. Several times since February 1994, the Turkish Government has stated that Turkey would not tolerate the instability caused by the fighting between the KDP and PUK, fearing that the PKK might take advantage of it to reorganise in the mountain area on the Turkish-Iranian border.

148. The Turkish authorities stated that this option did not threaten Iraq's territorial integrity. Turkey feared that generalised warfare between the different Kurdish factions in Iraq might lead to a massive new exodus of Iraqi Kurds into its territory.

149. It also suspected the PUK of allowing the PKK, which has several camps in Iraqi Kurdistan, a degree of liberty. The Turkish authorities have long been concerned over the possibility of PKK fighters infiltrating Turkey and use this as a justification for the need to "neutralise them before they try to cross the border"²⁵.

150. On 20th March, the Turkish authorities decided on a massive intervention by their army into Iraqi territory and launched a huge military operation in pursuit of the PKK insurgent forces. The area of intervention of the 35 000 men and the Turkish airforce was located inside the exclusion zone defined in 1991.

151. Immediately after the beginning of the Turkish military intervention, the entire range of political parties, from the nationalist far right (NHP) to the opposite extreme (Democratic Party of the

Left, DSP), stated that it is in favour of maintaining Turkish troops in northern Iraq. The Turkish Prime Minister, Mrs. Ciller, for her part maintained her initial message stating that the aim is to "bring this operation to an end (...) once the region is rid of the terrorists and the camps have been destroyed".

152. The legal and political instability that the allies maintain in Iraq has always disturbed Turkey which has often stated its preference for the territorial integrity of Iraq to be maintained as a bulwark against the development of a Kurdish administration that might lead to the emergence of an independent Kurdistan.

153. The Turkish authorities consequently want a reconciliation between the Iraqi Kurds and the Baghdad government²⁶. Turkey considers that it is necessary to pacify conflict between Iraqi Kurds so that Turkey can establish new forms of co-operation with them. According to the former Turkish Minister for Foreign Affairs, Mr. Karayalçin, discussions are in progress between Baghdad and the Iraqi Kurds. Battling with the problem of instability in the North of Iraq, Turkey is turning to the Iraqi Kurds with a view to reviving the agreement signed with them in 1992 after the joint offensive against the PKK²⁷. Moreover, a senior Turkish official of the Ministry for Foreign Affairs stated in early April that his government intended to give responsibility for Turkish/Iraqi border security to the group led by Massoud Barzani, Head of the KDP, after the withdrawal of his own troops²⁸. Renewed contacts between Turkey and the Iraqi Kurds is not to Baghdad's liking and the latter has severely criticised Turkey for entering into discussion with "traitorous and illegal Kurdish gangs".

154. The Iraqi reaction in the face of the Turkish military operation boiled down to condemnation by Baghdad of the invasion of the Iraqi zone by its neighbour's army. Iraq regarded the operation as "a violation of its sovereignty" and "an attack on its territorial integrity"²⁹. The Baghdad authorities therefore demanded the withdrawal of the Turkish army, in parallel with the cessation of American interference. For Baghdad, Turkey belongs, moreover, to the pro-western circle. Iraq maintains that it feels hemmed in "by an unequal confrontation to the North and East with two non-Arab powers, Turkey and Iran"³⁰.

26. Turkey wants the autonomy agreement Saddam Hussein signed with the Kurds in 1970 and 1974 to be implemented.

27. *Le Monde*, 13th April 1995.

28. In 1992 a decision was taken to create joint border control posts but it was never followed up.

29. Statement issued by the Ministry for Foreign Affairs of Iraq, 22nd March 1995.

30. *Perceptions de sécurité et stratégies nationales au Moyen-Orient*, edited by B. Kodmani Darnish, IFRI.

25. Mr. Suleyman Demirel, President of the Republic of Turkey, *Le Monde*, 23rd November 1992.

155. At the end of April 1995, Turkey withdrew 20 000 troops from Iraqi territory, declaring that the army had succeeded in its mission to wipe out PKK camps, arms depots and supply routes. On 4th May, it was announced that the remaining troops across the far eastern part of the border were also withdrawn. Turkey recognised, however, that it would not be an easy task to keep control of the mountainous border area. This subject was discussed with a high-ranking Iraqi-Kurdish delegation visiting Ankara on 3rd and 4th May 1995.

156. Although Turkey has always maintained that the territorial integrity of Iraq was not in doubt, President Suleyman Demirel surprised many when, on 2nd May 1995, he declared that Turkey would like to correct its frontier line with Iraq in order to ensure its impermeability. He added that the new frontier should follow the foot of the mountains on Iraqi territory and include the province of Mosul, which Turkey had given up in 1926, but which according to the President, "still belongs to Turkey"³¹.

157. Iraq immediately reacted by saying that it had no intention whatsoever to discuss frontier changes with Turkey and that it would oppose any possible unilateral Turkish decision on this subject "with all legitimate means".

158. The Arab League strongly deplored President Demirel's declaration which "might worsen tension in the region" and it reaffirmed its attachment to the territorial integrity of Iraq³².

Economic relations and the United Nations trade embargo

159. Economic relations between Turkey and Iraq thrived during the 1980s when Turkey became the principal conduit for Iraqi oil exports while receiving 60% of its oil supplies from Iraq. The Iran-Iraq war was also a tremendous stimulus for the growth of trade between the two countries. Iraq was Turkey's principal trade partner in the region until the outbreak of the Gulf war.

160. The United Nations embargo against Iraq following the Iraqi invasion of Kuwait therefore had serious consequences for the Turkish economy. The Iraq-Turkey pipeline from Kirkuk to Ceyhan was shut down and has since remained closed. At the moment, Iraqi-Turkish negotiations are being held on the possible repair and eventual re-opening of the pipeline.

161. Turkey has fully observed the United Nations trade embargo against Iraq since it came into force in August 1990 following Iraq's invasion of Kuwait. According to government statements, because of lost trade with Iraq, Turkey

has missed business opportunities amounting to \$20 billion. The economic aid promised by the West "is reaching it only in dribs and drabs"³³. Turkey, like Russia, France and China, has stated that it would like to see a graduated response to Iraq's graduated compliance with United Nations resolutions which are aimed at ridding Iraq of its weapons of mass destruction and of its ability to build such weapons.

162. It recently became known that, although near to full compliance with the United Nations resolutions on nuclear and chemical weapons, Iraq has acquired enough growth or diagnostic media to cultivate up to 3.3 tons of bacteria which could be used for biological weapons. Moreover, the United States has been able to demonstrate that Iraq has rebuilt factories capable of producing chemical weapons or missiles.

163. On 13th March 1995, the United Nations Security Council decided to maintain economic sanctions against Iraq because it had not yet complied with United Nations resolutions.

164. The United Kingdom and the United States argue that a broader judgment should be made of Iraq's overall record of compliance with United Nations resolutions, including Resolution 688 which demanded an end to the repression of the Iraqi civilian population and even of Iraq's likely behaviour if sanctions are lifted.

165. On 12th April 1995, the commission whose task is to verify Iraqi compliance with United Nations resolutions presented a report to the Security Council in which among other things it said:

"The only conclusion that can be drawn is that there is a high risk that they [items and materials required to produce in Iraq biological warfare agents] had been purchased and in part used for proscribed purposes – the production of agents for biological weapons."

166. Two days later, the United Nations Security Council voted unanimously to offer Iraq easier terms under which to sell oil to meet its urgent need for medicine, food and other relief goods. Part of the revenue of the oil sale was to be earmarked for the establishment of a compensation fund for victims of the invasion of Kuwait and for paying the costs of United Nations monitors watching Iraq's compliance with United Nations Security Council resolutions. Another part of the revenue was to be used for cleaning and maintenance of the oil pipeline from Iraq to Turkey's Mediterranean coast port Yumurtalik.

167. Iraq promptly rejected the oil sale proposal, reportedly because president Saddam Hussein

31. *Le Monde*, 11th May 1995.

32. *Le Monde*, 11th May 1995.

33. *Le rôle géostratégique de la Turquie*, edited by D. Bilion, IRIS, 1995.

feared that limited oil sales would undermine his campaign for the full removal of sanctions³⁴. On 12th May 1995, the United Nations Security Council again confirmed the maintenance of the embargo.

168. A continuation of the sanctions will most probably not help to improve stability in the region. Although President Saddam Hussein's régime may still hold power for some time with the backing of its security services, loyalists in the Ba'ath party and its Tihriti power base, the economic crisis will certainly undermine its authority. At present, however, there seems to be no viable alternative régime. A collapse of Saddam Hussein's régime could therefore easily lead to a dissolution of Iraq into its Sunni, Shi'a and Kurd component parts. This would cause both Turkey and Iran, in turn, to intervene. Neither of these countries could tolerate the existence of an independent Kurdish entity. Turkey would no doubt seek to control the Kurds in northern Iraq. Iran would try to dominate the Shi'a south where a power struggle might develop between the Iraqi National Congress seeking a broad-based coalition involving secular and Sunni groups and the Supreme Assembly of the Islamic Revolution in Iraq (SAIRI) which is ultimately committed to creating an Islamic republic in southern Iraq. The remaining Sunni part of Iraq with the still considerable national armed forces in its hands, would no doubt try to reassert control over both northern and southern parts of the country.

169. In conclusion, it should be noted that in the case of continued sanctions against Iraq, prospects for stability are grim. Turkey's position in favour of lifting the sanctions at least partly is understandable.

(iii) Syria

170. Although there are no longer any major disputes between Turkey and Syria, a number of disagreements and tensions still exist preventing true normalisation of the relations between the two countries from being achieved. These consist specifically of the territorial dispute over the Sandjak of Alexandretta, the water issue, dealt with in Chapter VI of the present report and support for the PKK.

The territorial dispute

171. The most trivial question and that of least concern relates to the Sandjak of Alexandretta. Syria has not forgotten the loss of this territory, today largely Arab-speaking, over which it still maintains a claim.

172. Part of the Ottoman province of Syria under French mandate, the territory was ceded to Turkey in 1939 in the framework of the policy granting guarantees against Germany. Syria has never recognised this annexation. However, although the Sandjak of Alexandretta still appears on military maps as part of national territory, it no longer seems to represent a serious source of disagreement and is ultimately only one factor contributing to hostility in Turkish/Syrian relations.

The Kurdish question

173. Since the start of the conflict with the PKK, the Turkish authorities have subscribed to the theory that the source of the problem in question is external. In their view, it should be possible to crush the Kurdish rebellion rapidly if the latter were cut off from its bases in the Lebanese Bekaa valley, Syria and Iraq.

174. It is true that for many years Syrian leaders have provided real support to the PKK which had originally formed close links with the PLO and the first PKK fighters were trained in Lebanon. After the expulsion of the Palestinians from Lebanon in 1982, "the inheritance passed to Syria"³⁵ in particular because with the territorial dispute with Turkey.

175. After the signing in 1987 of a protocol of agreement on security matters between Turkey and Syria, the Syrian authorities exhibited a degree of caution before renewing their support to the PKK. Five years later, hoping to reach an agreement more easily and isolated by the dislocation of the Soviet Empire, Turkey renewed its diplomatic initiatives, stating again that "the licence given by Syria to the PKK terrorists was not acceptable"³⁶.

176. According to one point of view widely held in Turkey, Syria is specifically motivated by territorial claims on certain parts of South-East Turkey and in particular the Hatay region.

177. Turkey sought a negotiated solution with Damascus. The two countries decided to strengthen their good-neighbourly relations according to principles of mutual respect and non-intervention in domestic affairs. This took the form of an agreement, signed in April 1992, comprising permanent exchange of information in various fields, with a view to the fight against terrorism, including mutual security, particularly as regards a military settlement of the Kurdish question. This policy also tends towards the closer rapprochement that Turkey wants to pursue with the Muslim world.

178. It was furthermore decided, following the visit by Turkish Government authorities to

34. International Herald Tribune, 17th April 1995.

35. M. Vassier, Cahiers de l'Orient, No. 30.

36. Suleyman Demirel.

Damascus in April 1992, that the Bekaa camps would be outlawed. Nevertheless, although the Mahsum Karkmoz military Academy has definitely been closed, other camps have been opened elsewhere.

179. Furthermore, despite the signing in April 1994 of a protocol according to which it agrees to halt its aid to the PKK, Syria appears to have begun once again to support this organisation in more discreet manner. Of all the countries suspected of supporting the PKK, Syria is the one which has provided the most frequent and regular support to terrorist groups operating in Turkey, while keeping the risks of a serious deterioration in relations between the two states under control.

Conclusions

180. In summary, apart from the conflict over water exacerbated by Syria's support for the PKK, Turkey, owing to its economic and military weight, its water resources, its status as an ally of the United States, its interest in the future of Iraq and in the development of its relations with Israel, is perceived by Syria as a major player in relation to which it will need to reorganise its strategy. However this may be, as matters now stand, recent normalisation of Turkish-Syrian relations is still superficial, indeed has little credibility.

181. Probably Syria will maintain this indirect pressure on Turkey until the balance of forces shifts in its favour, enabling it to exact a number of claims, including those in connection with water, and even territory. It should therefore be emphasised that a great deal more will be required to defuse the deep-seated suspicion arising from seventy years of open hostility between Turkey and Syria.

182. The Kurdish question is likely to remain a major factor in the conflict that still persists in spite of exchanges of visits by ministers. It is highly unlikely that President Hafez El Assad will let go of such a trump card. The PKK is too valuable an asset for Syria to dispose of it lightly, even more so given that many Syrian Kurds are fighting in the ranks of the PKK³⁷. The Syrian President has found an outlet for the Syrian Kurds and at the same time has a means of pressurising its Turkish neighbour which is more powerful and has better backing than Syria.

(d) The Balkans

183. The present conflict in former Yugoslavia has clearly brought to the fore Turkey's interest in the Balkans. The extension of the Ottoman empi-

37. Of the 1 500-2 000 PKK activists that were forced to leave their bases on the Turkish/Iraqi border in November 1992, one third were Syrian.

re over a large part of the Balkans for many centuries has left traces of a long common history in many aspects of Balkan life, culture, population and religion.

184. Turkey estimates that in the entire Balkans, there are almost two million persons of Turkish origin, not all of them Muslims, and that, of its total population, about nine million are Muslims.

185. It is extremely difficult to make a reliable estimate, given the fact that many demographic data are not up to date, while mass migrations caused by ethnic cleansing have contributed to much confusion. The following figures nevertheless provide an approximate picture of the distribution of Muslims and ethnic Turks in different Balkan states.

*Albania*³⁸

population: 3 182 417 (census 1989)

3.3 million
(government estimate 1991)

Muslims: During communist rule, there was a ban on worship. According to 1945 data, 72.8% of the population was Muslim.

*Bosnia-Herzegovina*³⁹

population: 4 364 572 (1991 census)

Muslims: 43.7% (1991 census) = 1 907 318 (this includes a small number of ethnic Albanian and Turkish Muslims). Most of these Muslims are Bosniaks, a Serbo-Croat-speaking people who adopted Islam during the Ottoman occupation.

*Bulgaria*⁴⁰

population: 8 989 165 (1990 data)

Turks: 8.5% (1981 data) = 764 079, if applied to 1990 population

Muslims: 13% (1981 estimate) = 1 168 591, if applied to 1990 population

*FYROM*⁴¹

population: 1 936 877 (census 1994)

Turks: 77 500

Muslims: 582 200

38. *Source:* Eastern Europe and the Commonwealth of Independent States 1994, Europe Publications Ltd., London 1994.

39. *Source:* See footnote 38.

40. *Source:* see footnote 38.

41. *Source:* Government of FYROM.

Romania

Turks: 55 000
(official government data)

*Federal Republic of Yugoslavia*⁴²

population: 10 406 742 (1991 census)

Muslims: +/- 20%
(1991 census) = 2 081 348
Of these Muslims, 17% were ethnic Albanians and 3% Slav Muslims.

(i) The conflict in former Yugoslavia

186. When the crisis in former Yugoslavia was still at an early stage in 1991, Turkey insisted on the maintenance of the Federal Republic of Yugoslavia within its then existing borders. After it had become clear that a continuation of the former status quo was no longer possible, Turkey recognised the four new independent republics without making any distinction.

187. In the present conflict, Turkey has always strongly criticised the Serbs, arguing that their violent and aggressive methods for incorporating territory by force and creating new artificial fault lines between different ethnic communities in Bosnia-Herzegovina could easily lead to further destabilisation and new conflicts. Turkey takes the view that the multi-ethnic and multi-religious society which has always been a characteristic of the Balkan society, should be preserved. It is a strong supporter of the federation between Croats and Muslims in Bosnia-Herzegovina and a confederation between Croatia and Bosnia-Herzegovina. The contact group's peace plan is considered the best possible basis for peace in Bosnia-Herzegovina and, in that framework, Turkey has played an active rôle as a go-between for the Islamic conference, of which it is a member, and the contact group. Turkey has repeated time and again that the Serbs should not be rewarded with territory taken by force.

188. When, in September 1992, it was decided to send a United Nations humanitarian protection force (UNPROFOR) to Bosnia-Herzegovina, Turkey immediately offered to send troops, but due to hesitations on the part of United Nations Security Council members, their deployment was authorised only two years later, in summer 1994. Altogether, the Turkish contribution to UNPROFOR is about 1 500 troops. At present, a Turkish battalion of 500 troops is deployed in Zenica. One of the battalion's first activities of great symbolic value was the restoration of the local Christian church. In the framework of operation Deny Flight, Turkey placed eighteen aircraft at the disposal of NATO.

189. The arms embargo against Bosnia-Herzegovina, which is part of the arms embargo against all republics of former Yugoslavia, imposed by the United Nations Security Council's Resolution 713 of 25th September 1991, has been the subject of a protracted dispute between the allies.

190. Turkey has been in favour of earlier proposals to lift the arms embargo against Bosnia-Herzegovina and at the same time use the possibility of air strikes against Serbian positions. In June 1993, a draft resolution to lift the embargo, which was presented to the Security Council by non-aligned and Muslim countries, was defeated. New United States initiatives to that end in summer 1994 were opposed by European Union member states and Russia. Although it was admitted that the embargo included an element of injustice for the Bosnians, whose equipment is inferior to the Serb's equipment in quality and numbers, it was argued that lifting the embargo would cause more problems than advantages for the Bosnians. Lifting the embargo, it was argued, would cause the withdrawal of three quarters, if not all, of the UNPROFOR troops, reunite all the Serbs in the different republics of former Yugoslavia, ruin the cohesion of the five states participating in the contact group and further destabilise the situation in that region.

191. After proposing, in September 1994, postponing the possible raising of the embargo, the Bosnian President Izetbegovic, has since adopted a "stop-go" attitude. On 11th November, the United States announced that its naval ships in the Adriatic would no longer monitor the embargo against Bosnia. The resumption of hostilities since the beginning of May 1995 caused the United Nations Secretary-General, Boutros Boutros-Ghali, to urge a "fundamental review" of the UNPROFOR mission.

192. It should be noted that recent events have reinforced the existing popular support for raising the arms embargo against Bosnia-Herzegovina, but it seems that at present, the Turkish government, in general, is in line with the opinion of the contact group and there are no major differences with the European Union over policy towards the conflict in former Yugoslavia.

(ii) Bulgaria

193. Following a period of fairly stable relations during the communist era, Turkey's relations with Bulgaria sharply deteriorated with effect from 1984 due to a forced assimilation campaign aimed at the roughly over one million strong Turkish community, which was then carried out by the communist government under Todor Jivkov. Ethnic Turks were forced to give up their Turkish-Islamic identity for a new Bulgarian one. Some resisted and lost their lives, others were detained. Around 300 000 Turks were forced to flee to Turkey.

42. Source: see footnote 38.

194. Later on, in the climate of glasnost and perestroika that began to prevail in Eastern Europe, this much criticised campaign became an important factor in accelerating the downfall of the communist government in November 1989.

195. The new Bulgarian Government under the leadership of President Jelyu Jeleu, admitted that the policy of assimilation was a grave political mistake and declared its will to restore the rights of the Turkish minority and to correct the wrongdoings of the past.

196. As Bulgaria moved towards democracy, Turkish-Bulgarian relations improved rapidly. This positive development was marked by mutual high-level visits. Since the establishment of a democratic government in this country, Turkey and Bulgaria have signed a number of basic agreements and documents, such as the treaty of friendship, good-neighbourly relations, co-operation and security of May 1992, the Sofia and Edirne documents on security and confidence-building measures of December 1991 and November 1992 and a number of economic and technical agreements. The Edirne document deals in particular with the following issues: 1. confidence- and security-building in the areas adjacent to the common border; 2. increased sharing of military information; 3. promotion of military contacts.

197. In the framework of Turkish-Bulgarian military co-operation agreements, the Turkish and Bulgarian navies have conducted joint mine exercises and search and rescue exercises. Moreover, the two countries have made positive progress in new negotiations on their sea border, which had been in stalemate for many years.

198. The socialist government under Prime Minister Jan Videnov, which acceded to power following the general elections on 18th December 1994, has so far signalled no changes of policy towards Turkey.

199. After the downfall of the communists, the Turkish minority gained their democratic rights. Some of its day-to-day problems were solved. The Movement for Rights and Freedoms (MRF), a predominantly Turkish political party, at present occupies 15 seats in the Bulgarian Parliament.

200. Turkey stipulates, however, that the rights of minorities in Bulgaria have not been secured by specific legal means, since the Bulgarian constitution makes no reference to minority rights. It has also noted that despite remarkable improvement, there is still discrimination against minorities in daily life. Ethnic Bulgarians generally receive the supervisory jobs, while the minorities are among the first to be laid off, and provocative references to Turks and Turkey in the media are still common.

201. The MRF has strongly criticised the appointment of the Education Minister in the new

government as he is known to have been among the theoreticians of the assimilation policy during the communist era. This nomination and a number of subsequent events have disturbed the Turkish minority.

202. Notwithstanding the abovementioned criticism, Turkey is satisfied with the present level of its relations with Bulgaria and sincerely wishes to further improve them in every field, based on the principles of friendship and good neighbourliness. It views the Turkish minorities in the Balkans as a bridge of friendship between the countries.

203. At the same time, Turkey feels that, for the time being, the situation of the Turkish minority in Bulgaria should be monitored closely.

(e) *Russia*

204. In May 1992, Russia and Turkey concluded a treaty on bilateral relations which at that time was said to herald the beginning of a new era in relations between the two states. They had reached agreement on the conflict in Nagorno-Karabakh, condemning the seizure of the Lachin corridor by Karabakh Armenian forces, stressing that the conflict could only be resolved by peaceful means. It was also said that Russia acknowledged Turkey's legitimate interest in the Transcaucasus and Central Asia in view of its political, economic, cultural and political ties with both regions.

205. This extraordinary honeymoon atmosphere did not last very long, and indeed it seems that there are too many incompatible interests in both states in the region for their relations to remain completely undisturbed. On the other hand, each one has too much internal trouble even to think of a major bilateral confrontation and it seems, therefore, that in the foreseeable future, they will always try to keep their rivalries under control.

206. The main issues subject to rivalries are conflicts in the Transcaucasus, in particular Nagorno-Karabakh, and the transport and exploitation of oil in the region. Both Turkey and Russia participated in mediation efforts to find a solution for the conflict in Nagorno-Karabakh, but on the other hand, Turkey has openly accused Russia of supplying military aid to Armenia, while Russia has said that Turkey was providing military aid to Azerbaijan, warning it "to keep out of our Azerbaijan"⁴³.

207. Turkey has not appreciated the ousting in June 1993 of Azerbaijan's pro-Turkish President, Abulfaz Elchibey, aware of the widely believed involvement of Russia in his succession by Geidar Aliev.

43. *The Independent*, 1st July 1993.

208. As mentioned in chapter VI of the present report, oil in the region is a continuous bone of contention. Both Russia and Turkey are striving for the largest possible participation in the exploitation in Azerbaijan's oil fields. For the transport of oil and natural gas from the Caspian region to the world market, both countries have competing proposals for pipelines across their own territory. Turkey is using its Bosphorus key to the Black Sea to limit the shipping of oil from Russia's port of Novorossiisk to the Mediterranean under Russian protest and a solution is not yet in sight. It is observed that for its natural gas needs, Turkey, at present, relies mainly on Russia.

209. On the other hand, it should be noted that in March 1994, Turkey and Russia agreed to expand their co-operation on combating terrorism, drug-trafficking and organised crime. Later, on 20th April 1995, a bilateral agreement was signed on military-technological and military-industrial co-operation. Turkey has ordered Russian military equipment such as helicopters and armoured personnel carriers needed in its fight against the PKK, and also in its striving to find alternative equipment sources since it discovered that allied purveyors, such as Germany or Norway, may cut off deliveries in protest against the violence of operations.

210. When, as a result of military co-operation agreements which both Georgia and Armenia had no choice but to sign, Russian troops were again deployed on the territory of these independent republics, Turkey observed that Russia's armed forces were back at its border as if nothing had changed since the end of the cold war.

211. Russia's announcement on 26th April 1995 of the creation of the new 58th army to be deployed in north Caucasus by June 1995 in violation of the CFE (conventional forces in Europe) Treaty's flank limitations was not welcomed by Turkey.

212. Following earlier declarations by Russian Government officials on the need to revise the CFE flank limitations, the Turkish Ministry for Foreign Affairs declared on 19th April last that the non-implementation of CFE Treaty obligations would have a negative influence on the sensitive balance resulting from mutual sacrifices. According to Turkey, it would also do harm to stability in Europe as envisaged by the treaty and have negative consequences for the climate of confidence and security which was the ultimate objective of all the signatory states. Turkey finally noted that the CFE review conference in 1996 could be an occasion to adapt the treaty to new circumstances which have developed since the signing of the treaty in 1990, but only provided such adaptations do not affect its basic structure and provisions.

213. In conclusion, it can be observed that Turkey will remain concerned over a possible resurgence of Russian imperialist policy in the Transcaucasus and Central Asian regions. Russia will certainly remain suspicious over Turkey's efforts to build close relations with the now independent former Soviet republics in that region. Both countries seem to be aware, however, that they have more to gain in co-operation than in trying to exacerbate discrepancies, even more so as long as their internal situation is subject to instability.

IV. Turkey and the European Union

214. Despite having undergone a troubled period since the Turkish military intervention in Kurdistan in March 1995, relations between Turkey and the European Union have nevertheless gained substance, particularly in the following areas.

215. Turkish nationals probably make up the largest foreign community in Europe, with 4 million people and a significant percentage of the population in several countries. This flow of immigrants results in agreements being signed at various times with different countries⁴⁴. Although in general it has slowed down since the years of the oil crises and the increase in unemployment, the number of Turkish nationals nevertheless continues to grow, in particular because they are joined by family members. Experts anticipate a lasting presence and progressive assimilation.

216. As for trade, the European Union has captured an increasing share, now the largest, of trade with Turkey. The Gulf crisis and the break-up of the USSR have accentuated this underlying trend. Trade between the European Union and Turkey more than quadrupled between 1983 and 1993, to reach \$20.2 billion⁴⁵.

217. Of all foreign investment in Turkey, 60% comes from member countries of the European Union⁴⁶, ahead of the United States or Japan⁴⁷.

218. The exceptional situation of Turkey, located at the cross-roads of three major economic units – the European Union, Central Asia and the former Soviet Caucasus and the Middle East – strengthens the sphere of influence of the Turkish state and increases opportunities for trade. This new factor nevertheless obliges Ankara to sort out its strategic priorities in the area of external economic relations. As one expert has said: "It appears that Turkey continues to make the customs union the main goal of its external eco-

44. Since 1991 with Germany, 1965 with France.

45. *Futuribles*, November 1994.

46. \$4.6 billion.

47. 15% and 5% respectively.

conomic policy, using regional stakes as a bargaining counter vis à vis the interests of its European partners⁴⁸.

(a) *The customs union*

(i) *Bases of economic integration*

219. The negotiations between Turkey and the European Community for establishing a customs union have not just been to determine economic criteria in conformity with the principles set out in the Treaty of Rome, the treaty on the single market or for the economic and monetary union. Turkey's European rôle also has a political dimension through the country's now long-standing rôle as an intermediary.

220. In 1963⁴⁹, the EEC and Turkey in fact signed an association agreement (the Ankara Agreement), which by and large originated from the wish of members of the EEC to keep Turkey in the sphere of influence of Western Europe. This agreement was completed in 1970⁵⁰ by the signing in Brussels of an additional protocol opening the prospect of full accession. From the outset the intention was to achieve the customs union within 32 years. After a long period of stagnation due to procrastination by the Twelve and bilateral tension with Greece over the Cyprus question, an official application for accession to the EC was lodged in 1987 by Turgut Ozal, then head of government, but the EC did not consider it timely at that moment. Although it had contributed to raising the stakes for Turkey's participation in a united Europe, the fall of the USSR has in no way lessened the geopolitical interest of this collaboration.

221. The June 1992 Council of Europe summit meeting in Lisbon and the decision announced in 1993 by the Council of the EC-Turkey Association to reactivate the Ankara Agreement confirm the re-evaluation of Turkey's strategic rôle in the framework of the new European structure.

(ii) *Recent developments*

222. On 6th February 1995, the Ministers for Foreign Affairs of the fifteen European Union countries concluded an agreement of principle, smoothing the way towards a customs union with Turkey and accession negotiations with Cyprus. It was thought that this might lead to strengthening relations between Europe and Turkey, which the European Union regards as having a major geostrategic rôle and unblocking the Cyprus dispute which had been bogged down for twenty years.

48. Philippe Béraud, *Cahiers de l'Orient*, No. 30, 2nd quarter 1993.

49. On 12th September.

50. On 23rd November.

223. In order to induce Greece to give up its long-standing veto against a customs union with Turkey, the fifteen agreed to link the Turkish customs union issue with negotiations on the accession of the Republic of Cyprus to the European Union. Having supported this in principle, the Greek Government nevertheless rejected the "package". As "certain Greek demands were felt to be reasonable while others were not"⁵¹, a revised draft compromise was examined on 28th February 1995, which provides, on the basis of work done by the permanent representatives and bilateral talks between the Greek Government and the French presidency of the Council, for:

- the opening of negotiations with Cyprus over its accession, to start six months after the end of the intergovernmental conference on the revision of the Maastricht Treaty;
- a structured dialogue with Cyprus prior to the opening of negotiations;
- financial assistance to Turkey and the establishment of a customs union between the European Union and Turkey by 1st January 1996.

224. As regards textiles, Greece is requesting financial compensation worth 400 million ecus to enable it to cope with the repercussions of the future opening up the community market to Turkish textiles. Several member states have rejected Greece's demand, arguing that the position of their own textile industries is precarious. The solution might lie in a declaration of the European Commission containing a commitment to examine, if necessary, the situation that will result from the opening of the market to Turkish textiles.

225. Finally, on 6th March 1995, the Europeans signed an agreement on a customs union with Ankara, widely acclaimed in Turkey, except in hard-line anti-western Islamic circles, and for which the Prime Minister, Mrs. Ciller, received the credit.

226. Before it can be put into practice, this agreement must, however, be ratified in autumn 1995 by the European Parliament, which has made its support conditional upon substantial progress on human rights and democratisation in Turkey.

(iii) *Practical arrangements*

227. The following must be achieved in practice between now and the end of 1995:

- free movement of goods within the entire area covered by Turkey and the enlarged European Union, which implies the removal of customs duties and other quantitative restrictions;

51. Address by the Chairman of the Council, Alain Juppé, to a committee of the European Parliament, cf. *Europe*, No. 6429, 27th and 28th February 1995.

- harmonisation of customs tariffs with the common external tariff and preferential or defensive policies towards third countries;
- strengthening of co-operation in various fields (energy, protection of the environment, the fight against drugs, banking sectors, etc.);
- convergence of legislation on trade and in areas such as competition, intellectual and industrial property, public tenders, technical regulations, anti-dumping rules and trade marks.

228. Turkey is preparing for this undertaking; in fact each year it has amended its customs duties with the European Union⁵².

(iv) Wider stakes

229. The stakes are in fact far wider, if the then European Commissioner, Mrs. Scrivener, speaking in September 1993, is to be believed when she said that the customs union was not a means of delaying the goal of Turkey's eventual accession to the Community; on the contrary it gave Turkey a greater share now in the future of the Community than was possible by association. The customs union therefore seems to be a decisive step in confirming Turkey's place alongside the European Union and facilitating subsequent developments.

230. Is it possible to regard the process entered into with the customs union as a step towards accession? According to the theory of economic integration, customs union is in fact the second stage of integration, following on from the initial one of establishing a free trade area. This prospective accession nevertheless raises a number of questions: is the Turkish economy in a position to handle the constraints of a customs union bringing together a majority of countries whose level of industrialisation is very high?

231. What difficulties will arise from the next stage, the common market, which necessitates free movement of people and capital? In all probability it will be the pace of development of the Turkish economy, which, by narrowing the gap between Turkey and the members of the European Union and thus weakening the pressure of emigration and at the same time attracting foreign investment, will determine the feasibility of achieving a common market. What, in short, will be Turkey's place in new European developments that envisage simultaneous deepening and enlargement?

52. In 1994 it had achieved close to 80% of the target fixed by the European Union.

232. The political stakes attaching to economic integration seem in some ways of greater significance now than during the cold war. The European Union is banking on Turkey's contribution to stabilising the disturbed regional equilibrium: in the Middle East, where Turkey over the years has maintained traditional ties of proximity with the Arab countries, developments are of interest to the economies of European Union members; in Central Asia and in the Caucasus, where the Turkish state often provides a point of reference, or has even a pivotal rôle in monitoring the course of the economic restructuring process in the newly independent republics; and finally in the Balkans where Turkey could provide a useful complement to the prevailing views in the European Union.

233. In short, economic and financial negotiations between Turkey and the European Union have a marked geopolitical dimension. "Both the Turkish and European sides are faced with a new environment and fundamental challenges for the future, which cannot in any sense be dealt with adequately simply by retaining the old strategic options⁵³." Turkey's rôle would then appear to be that of a pole of stability amidst an environment of uncertainty and a political reference point capable of counteracting fundamentalist extremism.

234. Furthermore, by opening up prospects for the accession of Cyprus, the European Union has made a serious and positive effort in providing an impetus that could be decisive for a subsequent political settlement of the Cypriot question under United Nations sponsorship.

V. Turkey and WEU

235. Although Turkey has made it clear that its objective is to become a full member of WEU, it is conscious of the fact that, as a consequence of decisions taken at the Maastricht summit meeting of December 1991, it can only be an associate member for the time being. In implementation of the document on associate membership of WEU of 20th November 1992, and the declaration following on from the document on associate membership which was issued after the WEU Council's ministerial meeting at Kirchberg, Luxembourg, on 9th May 1994, Turkey is participating fully in WEU activities.

236. Turkey has transmitted a full list of Turkish forces answerable to WEU (FAWEU) to the WEU Planning Cell with the understanding that the actual deployment and employment of these forces will be subject to authorisation by the

53. Georges Delcoigne, CERIS (Centre for Studies in International and Strategic Relations), Free University of Brussels.

Turkish Grand National Assembly under constitutional stipulations.

237. At present, there are in particular two issues where Turkey is trying to improve its position within the WEU framework: one is linked with the implementation of the CJTF concept, the other with the rights of the Turkish associate members of the WEU Assembly.

(a) Turkey, CJTF and WEU

238. Turkey fully supports the combined joint task force (CJTF) concept as proposed at the NATO summit meeting in Brussels in January 1994.

239. It has observed, however, that employment of CJTFs in the framework of WEU could cause problems. According to Article 3 of the document on associate membership of WEU of 20th November 1992, Turkey – as an associate member – can participate fully in activities mentioned in that article. This includes participation in the implementation of decisions taken by WEU member states and participation, on the same basis as full members, in WEU military operations to which they commit forces. Such participation is subject to the provision that a majority of the member states, or half of the member states including the presidency, may decide otherwise.

240. Application of the abovementioned provision of Article 3 could lead to the exclusion of Turkey from a military operation by WEU in which it makes use of CJTFs, including NATO assets, of which Turkey participates as a full member of NATO.

241. In order to prevent the occurrence of such anomalous situations, Turkey refers to Article 4 of the document on associate membership, which is as follows:

“ The Republic of Iceland, the Kingdom of Norway and the Republic of Turkey will have the same rights and responsibilities as the full members for functions transferred to WEU from other fora and institutions to which they already belong. ”

242. Although Turkey recognises that this article refers to functions and not to operations, it is proposing that in the case of operations in which NATO's CJTFs are being used by WEU, associate members would have the same rights and responsibilities as the full members of WEU in application of the spirit of Article 4 of the document on associate membership.

(b) The status of associate members of the WEU Assembly

243. When Turkey signed the document on associate membership, a satisfactory status was to be created for the representatives of associate

member countries of WEU in the Assembly. The internal discussion started with a report on the enlargement of WEU by Mr. Ward, United Kingdom, on behalf of the Political Committee. After the adoption by the Assembly, in June 1993, of Recommendation 536 and Order 85, the Assembly's Committee on Rules of Procedure and Privileges was asked to prepare proposals on the status of representatives of associate members.

244. Without referring to the different proposals since made, it is noted here that the basic idea has always been that, in accordance with the decisions taken by the WEU Council, the Assembly could not grant associate members a status completely equal to the status of full members. Turkey, however, has insisted that its representatives in the Assembly should have full voting rights. Conscious of the prevailing opinion in the Assembly, Turkey has argued that if its representatives cannot be granted full voting rights, they should be granted the right to vote on all issues except those mentioned in Rule 36(a) of the Assembly's Rules of Procedure. Turkey takes the view that this second-best solution would come closest to Turkey's position in the WEU Council, where it cannot block the consensus.

245. On this matter, reference is made here to a report prepared by Lord Finsberg on behalf the Committee on Rules of Procedure and Privileges for the June 1995 session of the Assembly.

VI. Turkey's rôle in water and energy supply

(a) Water supply in the region

246. With its mountainous regions and high plains in the east of the country where both the Euphrates and the Tigris have their origins, Turkey occupies a strategic position in the water supply of the region, in particular of Syria and Iraq.

247. Over 98% of the Euphrates flow and 45% of the flow of the Tigris originate in Turkey and together both rivers account for one third of Turkey's surface water supply.

248. In order to stimulate the agricultural and industrial development of the underdeveloped eastern part of the country, Turkey is now implementing the south-east Anatolia Project (GAP). With a total investment estimated at between \$32 billion and \$40 billion, it consists of thirteen main projects: six in the Tigris and seven in the Euphrates. A total number of twenty-one dams and nineteen hydroelectric power generating stations should provide irrigation and electricity for a vast region. The largest barrage, named after Kemal Atatürk, was put into service in 1992. It is expected that the Euphrates, with the GAP completed and in full service, will provide 30% less water in Syria and 25% less in Iraq.

249. In 1987, a protocol was signed between Turkey and Syria, according to which Turkey guarantees that the waterflow of the Euphrates at the border between the two countries will not be less than an average of 500 cubic metres per second.

250. The GAP will inevitably compete with continuing Syrian and Iraqi plans to increase their irrigated agricultural areas. On the other hand, Syrian irrigation schemes using the Asi (Orontes) river have virtually halted the flow of the river into Turkey's Hatay province, an area which is claimed by Syria. 90% of the average annual discharge of the Asi is used by Syria.

251. It should be noted here that the first terrorist activities of the PKK coincided with the start of building the Atatürk dam. It is generally assumed in Turkey that Syria provides active support to the PKK in order to exert pressure on Turkey in the issue of water supply.

252. Border security and Kurdish nationalism preoccupy the states in the region to a greater extent than concern over the consequences of Turkey's GAP and it can be noted that the states in the Tigris-Euphrates basin have directed their energies into decrying the unreasonable actions of their neighbours rather than into solving the problem of domestic water distribution.

253. Turkey's water projects are largely motivated by a quest for cheaper, domestically-produced energy. The Euphrates and the Tigris account for 40% of Turkey's hydroelectric energy potential and they are expected to supply 25% of electricity in Turkey if the GAP project is fully implemented.

254. The GAP's objective is to develop the relatively impoverished region of south-east Anatolia for agriculture and agro-industrial production and to raise the standard of living of the Kurdish population in the area. While the project was conceived as the economic answer to Kurdish demands for self-determination, Syria and Iraq have to some extent perceived it as a means of international political leverage.

255. Syria and Iraq are also concerned about deterioration in water quality since some irrigation water will flow back into the rivers containing higher levels of pesticides, fertilisers and chlorides.

256. On the other hand, it should be noted that the implementation of the GAP faces a number of constraints. It is financed almost entirely from Turkish sources which has contributed to the country's high inflation rate. Accompanying projects to improve infrastructure and education do not keep pace with the building of dams. Land-ownership is still distributed very unequally and there is a lack of training and credit facilities for

farmers which prevents many from taking advantage of the new opportunities.

257. Syria sees the expansion of irrigation and domestic food production within the Euphrates region as an economic priority. It seems, however, that a realistic assessment of Syria's likely water requirements from the Euphrates does not exceed the water supply of a yearly average of 500 cubic metres per second, agreed upon with Turkey in 1987. In April 1990, a Syrian-Iraqi agreement was concluded according to which Syria would receive 42% and Iraq 58% of annual Euphrates water flows entering Syria at its border with Turkey.

258. Iraq fears that GAP and hydraulic projects in Syria will reduce Euphrates flows by two-thirds to 11 cubic kilometres per year and even as low as 7 cubic kilometres per year, which could irrigate only 36.8% of Iraqi lands watered in 1990.

259. In its relations with Syria, Turkey has been reluctant to make concessions on water issues, feeling that water is a useful tool in negotiations on Syria's support for opponents of Turkish government policy, in particular the PKK, and on Syrian irredentist claims to the province of Hatay, part of the former French mandate of Syria which was ceded to Turkey in 1939.

260. According to the 1923 Treaty of Lausanne, Turkey is obliged to consult Iraq before undertaking any hydraulic works and the Ankara Treaty of Friendship and Good Neighbourliness, signed by Turkey and Iraq in 1946, stipulated that Iraq was to be consulted before Turkey carried out any development projects on the Tigris or Euphrates.

261. When Turkey unilaterally took its decision to go ahead with the GAP, both Syria and Iraq considered this to be an aggressive and insensitive action. Later, in 1982, Turkey and Iraq established a Joint Technical Committee, which Syria joined in 1983, and which has since met at regular intervals for general project discussions and data exchange. Problems of competing claims from the different parties have, however, not been solved and the existing bilateral agreements are limited in scope.

262. While Syria and Iraq are calling for a unilateral agreement, Turkey continues to argue that its 1987 agreement with Syria is adequate for downstream requirements and that Syria and Iraq should use their water supplies more efficiently. Turkey considers the Tigris and Euphrates as sovereign resources which it may exploit as it sees fit. An agreement to share the water from the Euphrates would, in Turkey's opinion, impose Iraqi and Syrian sovereignty on a Turkish asset. In July 1992, when the Atatürk dam was put into service, the Prime Minister, Suleyman Demirel, said that "Turkey and Iraq have no more rights over Turkish water than Turkey over their oil." On the other hand, Turkey is in favour of bilateral joint ven-

tures in water and energy development and cooperation in practical matters such as data management and water-saving studies.

263. Finally, the very ambitious Ozal pipeline for peace project starting with the Ceyhan and Seyhen rivers for irrigating the Adana region will never be carried into effect. Indeed this project involved building two canal systems, one through Syria and the other towards Iraq and the Gulf.

264. At present it is very unlikely that issues connected with the waters of the Tigris and the Euphrates will escalate into a conflict, but Turkey will certainly continue to use water as a negotiating tool as long as the security of its borders and the Kurdish question have not been solved in a satisfactory manner.

(b) Energy sources in the Caspian region

265. The Eurasian region may be expected to become an important source for the energy needs, in particular oil and gas, of Europe and other western countries. The collapse of the Soviet Union and the establishment of independent states in that region has created a new situation which as yet is rather unsettled, if not unstable. Many power struggles are still taking place within and, as is the case in Armenia and Azerbaijan, even between states. At the same time, foreign, mostly western, oil companies are trying to get a stable foothold in the region while, in particular, Russia, Turkey and Iran are involved in a competition for influence.

266. Most of the known oil and gas reserves of the former Soviet Union are located in Russia. Of the recent estimates of 162 billion barrels of proven, probable and possible oil reserves on the territory of the former Soviet Union, Russia has 137 billion, Kazakhstan 15 billion, Azerbaijan 4 billion, Turkmenistan 3.2 billion and the remaining CIS countries 2.8 billion.

267. It is thought, however, that the region around the Caspian Sea, including the Caucasus and the Central Asian republics, where many reserves have not yet been identified nor tested, could develop into an oil and natural gas producing region which could rival some of the nations around the Persian Gulf. Experts estimate, for example, that Kazakhstan may possess the world's third largest concentration of oil after the Persian Gulf and Siberia. Western oil companies, providing capital and modern technology are now moving towards arrangements which will permit the joint development of these reserves. The question of how to get the oil and gas from the Caspian region to the world market still awaits a satisfactory solution. Russia, Turkey and Iran are each particularly interested in having pipelines run through their territory.

268. At present, the European Union has to meet nearly half of its energy requirements with imports. According to projections made by the International Energy Agency (IEA), it is most probable that, in the future, the European Union will become even more dependent on imports. Obviously, it is important to make sure that the sources for energy imports will be sufficiently diversified since many external production regions are prone to political instability.

269. It is estimated for instance, that the European Union's present natural gas demand of 220 billion metres³ per year could increase to 300 or even 450 billion metres³ in the year 2010, with indigenous natural gas production, at present around 135 bcm per year, most probably diminishing to 120 bcm by the year 2010. Presently, more than 20% of Europe's continental gas needs are imported from the former Soviet Union's territory via pipelines across Ukraine and the Czech and Slovak republics, but there have been temporary reductions in supply caused by disputes in these countries over payment and transit tariffs.

270. In the first place, because of its geographical position, Turkey is most probably destined to play an important rôle in the energy trade between suppliers in the Caspian region and their Western European customers and this position will have a profound influence on Turkey's relations with the European Union.

271. Different solutions have been proposed for transporting oil from the Caspian region to the West. Russia obviously prefers pipelines to go to its Black Sea port of Novorossiysk from where tankers could transport the oil through the Black Sea and the Mediterranean to international oil markets. Turkey is not in favour of this solution because of the limited safety regulations for oil tankers sailing through the Bosphorus.

272. Turkmenistan, which is an important exporter of natural gas, is looking for an alternative to the present gas pipeline through Russian territory, not the least because of its frequent disputes with Russia over transport charges.

273. In Azerbaijan, the output of the current producing oil fields is in natural decline, but with the inflow of western technology and capital, there are good prospects for the exploitation of new fields. A barrier to further development of the oil fields in both Azerbaijan and Kazakhstan is the absence of a good pipeline system to transport the oil out of the area.

274. At present, there are three important exploitation deals in the region, the viability of which is wholly or largely dependent on pipeline routes out of the region: a \$20 billion Chevron project at the Tengiz oil fields in Kazakhstan; a \$7.4 billion project of ten foreign oil companies and the Azerbaijan Government, ratified by the

Azeri Parliament on 15th November 1994, to exploit reserves off Baku and a combined British Gas-Agip deal to develop the Kazakhaganah gas field in Kazakhstan.

275. The Russian Energy Minister, Yuri Shafra-nik, has stated publicly that Russia must have a major stake in all energy exploitation projects in that region. Russia's pressure has already resulted in its participation in the Azeri oil deal and in the Kazakhaganah gas deal. Moreover, Russian pressure has been able to block any pipeline deal so far.

276. The composition of the international consortium for the exploitation of the Azeri oil field near Baku is a clear example of the many different interests involved and pressures exerted. It started as a deal between the Azeri state oil company Socar and Anglo-Saxon oil companies, the Norwegian Statoil company and a 1.75% share of Turkey's TPAO. Then Russia, after having put pressure on Azerbaijan, obtained a 10% stake for its Lukoil company. When Iran managed to obtain a 5% stake offered by Azerbaijan, Turkey felt obliged to raise its own share. In March 1995, it was satisfied when Azerbaijan gave it 5% extra, bringing Turkish participation to a total of 6.75%. Meanwhile, the United States opposed the 5% offer to Iran.

277. The different pipeline schemes from Eurasian exploitation fields to western markets now under consideration – each requiring multi-billion dollar financing – are the following:

- Upgrading the existing pipeline which carries Russian and some Chevron oil to Novorossiysk, Russia's main oil exporting port on the Black Sea. This line could carry oil from both Azerbaijan and Kazakhstan.

Turkey is severely opposed to this idea since it would strongly increase tanker traffic through the Bosphorus which, according to Turkey, has already reached its maximum capacity. Both for environmental and safety reasons, Turkey has introduced new regulations on the passage through the Bosphorus which became operational in July 1994, stipulating that tankers with harmful chemical loads, nuclear-powered vessels or ships with nuclear-related material need to request permission to pass through from the Turkish Ministry of the Environment.

- Transporting Eurasian oil and gas through pipelines to Novorossiysk, then by tanker to Samsun or another port on Turkey's Black Sea coast and from there via pipeline to Iskenderun on the Mediterranean.

Russia has proposed a variant to tranship oil from Novorossiysk to the Bulgarian Black Sea port of Burgas and from there by pipeline to the Greek Aegean port of Alexandroupolis.

- A line from Baku via Georgia to its Black Sea port of Batumi, then by ship to Burgas and again to Alexandroupolis. The flaw here is that under present circumstances the Georgian Government is not able to guarantee the security of the pipeline on its territory.
- A project for a pipeline from Azerbaijan through Iran and Nakhichevan to the port of Ceyhan on the southern coast of Turkey. This pipeline would be large enough later to accommodate exports from Kazakhstan.

One problem of this proposal is that it would run through a region in Turkey where Kurdish terrorism is still active. It is also noted that American participants in the pipeline project would not be able to ship oil through Iran or to its own stakes in Iranian pipelines. Hence the concerted efforts to put an end to the war over Nagorno-Karabakh and to bring about the withdrawal of Armenian troops from occupied Azeri territory. This could open the way for the pipeline to go through Armenian territory.

- Turkmenistan, Turkey, Russia, Iran and Kazakhstan have set up an operating company, the Turkmenistan transcontinental pipeline company which is trying to raise finance for a \$6 billion and 2 500 kilometre pipeline through Iranian and Turkish territory to carry natural gas from Turkmenistan to Europe⁵⁴.
- Beginning January 1995, Russia and Kazakhstan announced a plan with Oman participating, to build a new pipeline from the Caspian sea to Russia's Black Sea coast. This clear Russian success also indicated that Kazakhstan realised that without significant Russian participation it would not easily manage to exploit its large oil and gas reserves⁵⁵.

278. The former Soviet Union had constructed an impressive network of oil and natural gas pipelines, but at present an important part of this network is in need of repair, rehabilitation or even replacement. Accidents along these pipelines are frequent, there is no corrosion protection, and energy waste at compressors is a serious problem. Inevitably, the construction of new oil and gas

54. Financial Times, 18th January 1995.

55. Financial Times, 24th January 1995.

pipelines from the Eurasian fields to the western markets seems to be a priority issue.

279. For the time-being, the use of the Russian network may be the only viable way as long as the conflict between Azerbaijan and Armenia and the conflict in former Yugoslavia have not been solved. On the other hand, for environmental and safety reasons, Turkey, as mentioned above, is strongly opposed to increased tanker traffic through the already congested Bosphorus.

280. Russia has proposed a multinational co-ordinating committee to decide on the exploitation of oil and gas reserves in the Caspian Sea⁵⁶. At the initiative of Russia, representatives of all the countries surrounding the Caspian Sea met on 12th October 1994 in an effort to try to hammer out their differences over claims to the region's natural resources.

281. Russia has stressed the unacceptability of unilateral action by any one government bordering the sea and it is strongly supported in this view by Iran. In a complete volte-face, Russia has also expressed its concern for ecological damage to the Caspian Sea as compared to the communist era, when the Soviet Union exploited the Caspian fields near Baku without any regard for ecological consequences.

VII. A Turkish initiative: The Black Sea economic co-operation zone

(a) Historical perspective

282. The move towards the regional integration of countries surrounding the Black Sea was initiated by Turkey in 1990. The project began to materialise after the Soviet Union, Bulgaria and Romania expressed their interest in economic co-operation in the Black Sea region in the wake of economic transformation. The countries interested started negotiations on technical matters, such as potential fields of co-operation, tariff reduction and freedom of movement. They held four meetings between December 1990 and July 1991 and eventually compiled a document outlining the most important contours of the planned multilateral agreement. The disintegration of the Soviet Union increased the number of participating states to nine and, on 25th June 1992, Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine (a total of 11 countries) signed the declaration of Black Sea economic co-operation (BSEC) committing themselves to new multilateral co-operation based on the principles of market economy.

283. This extensive and ambitious programme of economic co-operation covered trade, indus-

trial co-operation, science and technology, environment, transportation, communication and information technologies, exchange of economic and commercial data, standardisation, energy, mining, tourism, agriculture and agro-industries, veterinary and sanitary protection, health care and pharmaceuticals. The main purpose of the BSEC was to improve political stability and economic welfare in the region through economic co-operation. It was regarded as a step towards integration into the world economy. Articles V and VII of the declaration explicitly state that BSEC is not an alternative to existing integration projects but a complementary process to achieve a higher degree of integration into the western economy.

284. Economic co-operation is being promoted gradually given the wide range of economic problems of the member countries which are in transition to market economies. Any state which recognises the provisions of the declaration can become a member of BSEC or can be partially involved in certain projects. The assumption behind this initiative is that the private sector must be the driving force for co-operation among the member states. The rôle of governments is to provide the necessary legal, economic, commercial and fiscal framework to promote the free trade of goods and services in the region by removing any kind of barrier to trade; to facilitate the free movement of (business) people; to provide an appropriate environment for the free flow of capital by taking precautions to prevent double taxation. The governments must also take an active rôle in the implementation of joint projects for the development of infrastructure in the region and the protection of the environment (especially the preservation of the Black Sea).

285. Meanwhile, an institutional and financial framework has been created, including a BSEC permanent international secretariat, a BSEC co-ordination centre for the exchange of statistical data and economic information and a Black Sea trade and development bank. In December 1992, the business communities of the participating states established a BSEC Council which has been granted observer status in the BSEC. The objective of the Council is to develop proposals, programmes and projects in all the different fields of co-operation. In February 1993, the parliamentary assembly of the BSEC was established which may stimulate national parliaments to pass legislation needed for the implementation of BSEC legislation.

(b) Potential gains from economic co-operation

(i) Economic advantages

286. The BSEC zone consists of countries complementing each other. Except for Greece and Turkey, the other members had close trade rela-

56. Financial Times, 27th September 1994.

tions with each other in the past. However, this does not mean that they were natural trading partners: under communist rule, these countries had protected industries and all trade was conducted through state orders. Most of these industries are not competitive by international standards and a lot of the trade in the region is diverted trade. Co-operation as envisaged in the declaration would establish new trade patterns and overcome this trade diversion.

287. The present volume of trade in the region can be increased considerably. Let us focus on the case of Turkey, which in the past had very little trade with the former Soviet Union (FSU) and other former communist countries. Of all its trade with FSU republics, the largest trade volume is with Russia and that only accounts for 3% of Turkey's total exports in 1992 and 4.5% of its imports. Turkey's trade with these republics accounts for only circa 7% of its total trade in 1992. At present, the restrictive trade régime of the FSU could be one reason for such a low trade level. The current economic situation in these countries also places constraints on trade in convertible currency. It will take some time for trade in the region to be revitalised since a solution to the region's financial problems is an inescapable prerequisite to economic co-operation. There is as yet no legal infrastructure to facilitate the transfer of money and capital in the region. This is the reason why the BSEC members gave priority to the establishment of a Black Sea trade and development bank (BSTDB).

288. The BSTDB is designed to finance both intra-regional and external trade and to facilitate the transfer of capital into the region. The share of capital of each country was set at 16.5% for Greece, Russia and Turkey, 13.5% for Bulgaria, Romania and Ukraine, and 2% for Albania, Armenia, Azerbaijan, Georgia and Moldova. Countries are allowed to increase their capital share as they complete their economic transition. The paid-in capital of the bank being initially low, it was decided that it would finance trade rather than investments. In this manner, the bank could play a significant rôle in strengthening trade in the region which is blocked because of a convertible currency shortage. The bank can invest in short- and long-term projects in the region and can also function as a guarantor. This is a key factor considering that the region is seen as a high-risk area by investors.

289. So far, BSEC countries have been exchanging information in various fields of co-operation. With the support of Turkey's State Institute of Statistics in Ankara, participating states have created the BSEC co-ordination centre for the exchange of statistical data and economic information. This initial information on BSEC members is required in order to achieve harmonisation

of foreign trade and to prepare the conditions for the adoption of free trade agreements. Co-operation in infrastructure building has begun with a plan to create a "ring" corridor along the Black Sea coast, as well as a radial network and a programme for the modernisation and construction of new sea ports and the development of port structures. In telecommunications, there are two programmes of fibre-optic submarine cable systems, one connecting Bulgaria, Moldova, Romania and Turkey, and the other connecting Russia, Turkey, Ukraine and Italy due to be completed in 1995.

290. After seven years of Uruguay rounds, regional integration might seem to lose its importance as a provider of free trade. However, the establishment of a free trade area in the BSEC still seems to be a distant prospect. First, the membership of Greece in the European Union and the fact that Turkey might enter the European Union customs union in 1995 limit their trade régimes with third countries. One possibility would be to adopt European Union standards in trade, given the fact that most BSEC members wish eventually to join the European Union. On the other hand, apart from Greece, which has been a member since 1981, none of these countries will become a member of the European Union in the near future. Unilateral liberalisation of trade and multilateral co-operation are thus the only options for now. Some economists argue that unilateral trade liberalisation may dominate any free trade area; however, regional integration may contribute to the welfare of the region through co-operation in fields such as education, infrastructure, research and development, and environment. The BSEC could provide a favourable ground to undertake such projects in the region, a far more important rôle for now than the provision of free trade.

(ii) Political advantages and problems

291. Although the BSEC has an economic orientation, there is also a strong political aspect: the safeguarding of peace and stability in the region. The political aims can be summarised as follows: (i) to take advantage of the new international juncture created by European détente; (ii) to strengthen political understanding and co-operation after building the necessary economic infrastructure; and (iii) to facilitate the active participation of member countries in the European integration process through regional co-operation. The political aspects of co-operation are also stated by the members in the Bosphorus statement issued at the close of the Istanbul meeting in 1992. They noted that their partnership was inspired by the values of democracy, rule of law and respect for human rights. They also realistically acknowledged the existence of serious conflicts and the danger of future new tensions and they emphasised the need for the peaceful settlement of all disputes in accordance with the principles set out in the

OSCE documents to which they all subscribed. Through intensive co-operation and the development of good-neighbourly relations, it is hoped that it will promote peace and friendship. The Bulgarian, Georgian, Romanian, Russian and Turkish sides are also considering close co-operation at diplomatic level. However, it is doubtful whether conflicting parties such as Armenia and Azerbaijan will agree to this. The prerequisite for close co-operation at a political level is the settlement of existing conflicts between member states.

292. The BSEC covers an area larger than the territory of the EU and has a total population of 324 million. About half of this number lives in Russia (Turkey has 56.6 million and Ukraine 52.5 million inhabitants). The BSEC is characterised by national and religious diversity. There are several types of conflict in the region:

- controversies over sovereignty inside the FSU;
- territorial disputes between member states of the BSEC;
- nationality conflicts within individual countries as a result of ethnic intermingling of titular nations and minorities.

293. There are enmities between some states which have their origins in the past such as the conflict between Azerbaijan and Armenia over Nagorno-Karabakh. Armenia has traditionally strained relations with Turkey. There is a Turkish-Greek conflict over the use of the Aegean Sea and over Cyprus and the relationship between Bulgaria and Greece is strained. All these disputes and conflicts, not to mention others, could impede co-operation. Also, perception of the initiative varies with each member. Some feel that Turkey might be using the BSEC to expand economically in the region, others claim that Russia has a historical interest in the Black Sea area and could use the initiative to secure its presence there and to keep its hegemony over former Soviet states. Turkey's and Russia's interests might clash in the area. Obstacles are numerous and extremely difficult to overcome. It might take a very long time for members to begin to grasp the advantages of this important initiative.

PART TWO: GREECE

I. Greece and the Balkans

294. With the armed conflict in former Yugoslavia continuing despite cease-fire agreements and peace proposals, Greece considers the present unstable situation as threatening to its own security. Security experts have suggested different nightmare scenarios, each of which would affect Greece.

295. One possibility is the outbreak of ethnic violence in Kosovo, which could spill over to the Albanian-populated Tetovo region in FYROM. Serbian intervention in Kosovo could extend to the FYROM's territory. Even if there would not be a spill-over of armed operations into the FYROM, armed intervention in Kosovo would trigger massive migration of ethnic Albanians in a southern direction, causing ethnic Greeks in Albania to flee to Greece.

296. An armed conflict between Albania and Serbia, as a consequence of oppression of Albanians in Kosovo, would not only result in massive refugee migration but could also lead to a redefinition of borders and start a very undesirable process of further instability in the region.

297. The possible involvement of Turkish troops in operations to protect or support the Muslim population in Bosnia or other regions in the Balkans could lead Greece to reconsider its policy of non-involvement in the Balkan conflict, in particular, if its border areas would be threatened or violated.

298. Although escalations of the existing conflict in the Balkans cannot be ruled out, it seems that some of the abovementioned scenarios, in particular the intervention of Turkish troops in order to protect Muslim populations in the region, are far-fetched.

299. On the other hand, it should be recognised that the economic malaise, social tension and political fragility in the ex-communist states neighbouring Greece could easily lead to mass migration southward. The desperate economic situation has already caused such migration movements at an earlier stage with up to 400 000 Albanians trying to integrate into the Greek society and economy, resulting in serious social and economic problems for Greece itself.

300. Except for its relations with the FYROM, Greece's policy in the Balkans is at present less outspoken than in the early stages of the war in former Yugoslavia and, in general, Greece appears to have chosen a position which is more or less in line with the attitude taken by the other member states of WEU.

(a) Albania

301. The main causes of tension between Greece and Albania, in particular since 1991 when the latter began to open up its frontiers, have been the large numbers of illegal immigrant workers moving from Albania to Greece and respect for the human rights of the Greek and orthodox minority living in Albania.

302. Since 1991, there have been up to some 400 000 illegal Albanian immigrants in Greece whose earnings represent a substantial contribu-

tion to the economy of Albania. At regular intervals, Greece has organised the expulsion of large numbers of them back to Albania. One round of expulsions took place in the summer of 1993 and another one in August and September 1994, after the Greek Minister of Public Order announced a package of new measures to stem the tide of illegal immigrants from Albania. In justifying this policy, Greece invoked the protection of its frontiers and those of the European Union, and the fight against criminality and illegal work. At the same time, it called upon Albania to discuss the conditions of a bilateral agreement in order to control and normalise the movement of Albanian citizens into Greece.

303. The Greek minority living in the south-eastern part of Albania, also called "North Epirus", is estimated by Albania to be 59 000, but Greece claims 300 000. Independent estimates assert a figure of 100 000 to 120 000⁵⁷. Greece has argued repeatedly that this Greek minority does not enjoy an equal status and that, with regard to it, Albania does not fully respect minority and human rights, including rights to education and to practise one's own religion in accordance with the articles of the CSCE Paris Charter. The Greek minority organisation "Omonia" has alleged that Greeks are being "terrorised". This is denied by the Albanian President, Sali Berisha, who stated that Albanians and Greeks in his country are living in "full harmony".

304. Border incidents have been reported including the exchange of small arms fire and Greece has reinforced its border guards with élite troops and electronic surveillance equipment.

305. Notwithstanding these problems, the Greek Minister for Foreign Affairs, Karolos Papoulias, paid a visit to Tirana on 15th November 1993 to establish a co-operation programme between Greece and Albania in such fields as economy, trade, culture, transport and others. Greece is the second-ranking foreign investor in Albania, after Italy.

306. The worst incident took place on 10th April 1994 when two Albanian soldiers were killed on Albanian territory near the Greek-Albanian border. A meeting between the Albanian and Greek Ministers for Foreign Affairs in Zurich on 3rd May ended without agreement and on 20th May, six ethnic Greeks, members of Omonia, were arrested in Albania and charged with having links with secret Greek irredentist groups, fomenting separation and illegal possession of weapons. Five of them were convicted and imprisoned for terms of between six and eight years.

307. Meanwhile, Greece expelled 70 000 illegal Albanian immigrants during August and September.

308. In December, President Berisha pardoned one of the convicts who was released immediately and ordered that the prison sentences of the others be reduced by between one and two years. Finally, on 6th February 1995, Albania's appeals court freed the remaining four Greeks and this further reduced tension between the two countries.

309. On 13th March 1995, the Greek Foreign Minister, Karolos Papoulias, met with the political authorities in Tirana in order to re-establish good relations with Albania. Discussions concentrated on a better control of the flow of illegal Albanian immigrants to Greece, a clear delineation of the mountainous Greek-Albanian border and improved conditions for the Greek minority living in Albania.

310. Greece and Albania have now taken the first steps towards negotiations on a statute for Albanian migrant workers in Greece. As proof of its positive attitude, Albania recently allowed the Greek Orthodox Archbishop of Albania to travel to Greece for medical treatment. Finally, preparations have started for an official visit by the Greek President, Costis Stefanopoulos.

(b) FYROM (Former Yugoslav Republic of Macedonia)

311. Another more serious dispute is that between Greece and the Former Yugoslav Republic of Macedonia (FYROM). Greece has accused the FYROM of continuing to lay claim to part of Greece's territory and using names and symbols, such as the name "Macedonia" and the star of Vergina, which the Greeks maintain are part of their national heritage. Consequently, in February 1994, Greece imposed a trade embargo at the port of Salonika on goods bound for the FYROM, with the exception of food, pharmaceutical products and humanitarian aid.

312. The European Commission then brought an action before the European Court, alleging that Greece's actions were contrary to the Treaty of Rome. Greece argued that the treaty entitled member states to take unilateral measures in certain circumstances, even though they affected the functioning of the common market.

313. The European Court has now given a preliminary opinion according to which the trade embargo imposed by Greece did not breach the Treaty of Rome. The advocate-general argued that the safeguard clause in the treaty allowed a member state to take unilateral action in the event of war or serious international tension constituting a threat of war.

314. It was also argued that the powers of the court in such cases were extremely limited and

57. Eastern Europe and the Commonwealth of Independent States 1994, Europa Publications Ltd., London 1994, page 106.

that it was only able to decide whether, in light of all the circumstances, Greece could have had some basis for considering, from its own subjective point of view, that the strained relations between itself and the FYROM could degenerate into armed conflict.

315. A final court ruling is not expected before July 1995. Greece has meanwhile recalled that international bodies have taken earlier decisions regarding the name, flag and state symbols of the FYROM, in particular:

1. The decisions of the Council of Ministers of the Community in Brussels on 16th December 1991 imposing three conditions for recognition of the FYROM:
 - (a) that it should make no territorial claims on a neighbouring country, member of the Community;
 - (b) that it should pursue no hostile propaganda activity against a neighbouring country, member of the Community;
 - (c) that it should not use a denomination implying territorial claims.
2. The decision of the European Council in Lisbon, 26th-27th June 1992, stipulating that recognition of the FYROM would be under a name that did not include the term Macedonia.
3. Security Council Resolution 817 of 7th April 1993 authorising the accession of that republic to the United Nations with the provisional name of FYROM, without flag or emblem.

316. Greece argues that these decisions have not since been revoked or amended and that the European Union member states have established diplomatic relations with that country under the name of FYROM.

317. Since Greece imposed its unilateral trade embargo on the FYROM in 1994, the industrial output of the country has dropped 9%. The economic situation in the FYROM had already deteriorated sharply through the United Nations sanctions on Serbia-Montenegro which was its main trading partner.

318. Trade routes through Albania offer only partial relief due to the inadequacy of the Albanian road network, the shallow ports and their limited stevedoring and storage capacity especially for oil and its derivatives. Routing the flow of trade through Bulgaria is so far the most viable available alternative although characterised by several drawbacks such as long supply lines, limited availability of trucks, higher transportation costs (50%) and long

waiting lines at the border crossings in Gjusovo (two to fifteen hours), Zlatarevo (three days), and the Ruse-Giurgiu bridge on the Danube, between Romania and Bulgaria (one week).

319. The FYROM's gross domestic product in 1994 was less than half that of 1990. Registered unemployment is approximately 30%, with another 5% of the workforce being on forced leave.

320. The government estimates that the Greek embargo has cost the country \$600 million, which is approximately half of its yearly export earnings and equal to the country's foreign debt. On the other hand, it is said that Greece itself has lost more than \$100 million in lost exports and port dues at Thessaloniki.

321. Additional negative effects derive from the sanctions imposed against Serbia-Montenegro⁵⁸. The FYROM government estimates that such losses amount to \$1.8 billion for the period May 1992 to May 1993 and \$1.3 billion from June 1993 to June 1994. The disastrous economic effects of the United Nations sanctions against Serbia-Montenegro and the Greek embargo go hand in hand with ruinous social consequences. The government of FYROM argued that a number of factories had to be closed completely or partially and that many more are working at a loss. The unemployment rate is 38.3%, with 185 000 unemployed and 60 000 on extended vacation. A total of 129 000 employed have not received any salary for months.

322. The United Nations-sponsored talks between representatives of the Greek and FYROM Governments but they were frozen in June 1994 because of elections in both countries. Prospects for a compromise have improved with the eclipse of the Internal Macedonia Revolutionary Movement (VMRO), which boycotted the October 1994 parliamentary elections, but no progress has since been made, nor was there any headway at a meeting in Geneva on 7th November 1994 between the Secretary-General of the United Nations, Boutros Boutros-Ghali, Cyrus Vance and President Kiro Gligorov. The FYROM's Prime Minister, Branko Crvenkovski, recently said that his country was willing to compromise on the flag, but that the government was adamant on using the Republic of Macedonia as its name.

323. In a positive development, on the other hand, it should be noted that the FYROM has met the targets of the IMF stabilisation plan, its annual inflation rate having fallen from 250% in 1993 to 58% in 1994 and the budget deficit being cut from 10% to 3.5% of the gross domestic product. An

58. It is known that the United Nations is ignoring large-scale sanction violations by FYROM in order to mitigate the effects of the combined Greek embargo and United Nations sanctions against Serbia-Montenegro.

IMF standby loan of \$50 million should become available in 1995.

324. The FYROM's privatisation programme, having been delayed for almost three years, was started recently in response to pressure from the World Bank and the IMF. The government has now undertaken to dispose of more than 900 state-controlled and "socially owned" enterprises, including tobacco, food processing, hotel and tourism companies and textile manufacturers.

325. The FYROM regrets not having been included in the European Stability Pact, which was concluded in Paris on 20th March 1994. As a consequence of a Greek veto, the FYROM has also been prevented from becoming a member of the OSCE and is concerned that such marginalisation from international institutions and agreements could lead to destabilisation. Several European states have repeatedly expressed their concern at the FYROM's exclusion from the OSCE and urged the Greek Government to lift its veto, but these efforts have so far been to no avail. Greece will maintain this veto as long as the FYROM remains intransigent on the use of its present flag and national emblem.

326. A solution to the bilateral dispute between Greece and the FYROM would enable the European Union to develop its relations with the latter, for example by concluding a trade and co-operation agreement and, through that, also enhance FYROM's security. Meanwhile, some United Nations soldiers are deployed at the FYROM's border with Serbia-Montenegro in order to protect any spill-over of armed operations in other parts of former Yugoslavia into the territory of the FYROM.

327. President Clinton's national security advisor, Anthony Lake, has said that there was "an option" to enlarge the 550-member United States army observation team in the FYROM to a total of 2 000 troops, which could be seen as a symbol of the United States' commitment to contain warfare in the region. He made it clear, however, that the United States would not actually use these troops to contain the conflict, but would continue to rely on sanctions and diplomacy. The United States has not yet established full diplomatic relations with the FYROM, although many observers take the view that a decision to do so would contribute significantly to political stability. So far, Serbia-Montenegro has refused to recognise the FYROM because it considers Macedonia to be part of what remains of former Yugoslavia.

(c) *Bulgaria*

328. After the fall of the Colonels' régime in 1974, the development of a special relationship with Bulgaria became one of the priorities of the new Greek Government's foreign policy.

329. Having a long shared history of Ottoman rule, a period when Greece and Bulgaria were frequently at odds over territorial claims, the two countries shared a common concern over a possible Turkish threat which they also connected with the presence of an increasingly vocal Muslim Turkish minority within their borders. Both countries also considered the existence of a "Republic of Macedonia", created by Tito as one of the constituent republics of the Federal Republic of Yugoslavia, a destabilising factor in the region since, in their view, the name "Macedonia" implied territorial claims against Greece and Bulgaria.

330. In 1989, after the collapse of the communist régime in Bulgaria, the Communist Party (rebaptised Socialist Party), which remained in power, maintained friendly relations with Greece until the victory of the anti-communist opposition in the October 1991 elections. The President who was then elected, Jelyu Jeleu, and his Prime Minister, Filip Dimitrov, re-established the rights of the Turkish minority organised within the Movement for Rights and Freedom (MRF)⁵⁹. Mr. Jeleu advocates inter-ethnic peace as a stabilising factor for the new democracy. The new democratic government, also relying on the predominantly ethnic Turkish Movement for Rights and Freedoms, attached great importance to improving relations with Turkey. It was thought that such policy would reduce the massive Turkish armed threat on Bulgaria's southern border and result in economic assistance from Turkey for Bulgaria's battered economy. Several agreements were signed and good-neighbourly relations between Bulgaria and Turkey have been established⁶⁰.

331. It should be noted, however, that when the Turkish President, Turgut Ozal, visited Sofia in February 1993, President Jeliou Jeleu had recalled that Bulgaria would oppose the passage of Turkish soldiers sent to Bosnia. He also insisted on the Black Sea economic co-operation area not being transformed into a political forum.

332. The easing of tension on its southern border with Turkey enabled Bulgaria to pay more attention to developments on its western border. It stressed that the Balkans would be destabilised if Macedonia was not recognised as independent and, in January 1992, Bulgaria was one of the first to recognise Macedonia as an independent state under that name, stating that Bulgaria had no ter-

59. This group is placed between the Socialist party and the anti-communist opposition grouped in the Union of Democratic Forces (UDF).

60. In December 1991, a military co-operation agreement was signed between Bulgaria and Turkey, followed by a treaty of friendship, good-neighbourly relations, co-operation and security in May 1992 and by another military co-operation agreement in November 1992.

ritorial claims on it. In February, it added that full diplomatic relations would be established only if the republic declared officially that there was no Macedonian minority in Bulgaria and that it had no territorial claims on Bulgaria.

333. Meanwhile, Bulgaria and Greece concluded agreements on military co-operation in November 1991 and January 1992, envisaging exchanges between the two armies, reduction of the parameters of their military activities and provisions for confidence-building measures of a more stringent nature than those required by the Vienna document. Bulgaria also stated at the time that relations with Greece would improve since both countries had no alternative.

334. The considerably-improved relations between Bulgaria and Turkey may have slightly embarrassed Greece and contributed to its feeling of isolation in the Balkans. On the other hand, it is aware that it shares interests with Bulgaria as regards stability in the region. The coming to power of a new government under Prime Minister, Jan Videnov, who did not have to rely on the support of the Movement for Rights and Freedoms, was welcomed by Greece.

335. Both Greece and Bulgaria have declared that they wish to improve the already very good relations between the two states, but no new initiatives have been taken in the past two years. It should be noted, however, that at present Greece is the first-ranking foreign investor in Bulgaria, with Germany in second position.

II. Greece's perception of Turkey as a security threat

336. Since its independence in 1830, Greece has always felt uncomfortable with its new neighbour and former occupying power, the Ottoman empire, later transformed into Turkey. Several armed conflicts opposed the two states, the most savage of which was the Greek-Turkish war of 1920-1922, which ended with the Treaty of Lausanne in 1923, including an agreement for the compulsory exchange of 600 000 muslim Turks and 1.5 million orthodox Greeks.

337. The second world war, followed by a communist rebellion and civil war which ended only in 1949 and the threat posed by the Soviet Union and the Warsaw Pact, concentrated priorities on other issues. Both Greece and Turkey became NATO allies and there were some years of relative calm in bilateral relations.

338. Soon, however, in the mid 1950s, Cyprus became the new disintegrating influence and in 1974 the Turkish invasion and subsequent occupation of the northern part of Cyprus reintroduced Turkey as the most important potential military

threat to Greece. The fact that NATO did not act to protect the Greek Cypriots against the invading Turkish armed forces did not increase NATO's popularity which was already very low because of its close links with the Colonels' régime during the years 1967-74.

339. Greece points out that in the early 1990s Turkey started to implement an ambitious and wide-ranging modernisation and restructuring programme for its armed forces while its national military-industrial base was enlarged and is now able to build fighter and transport aircraft, armoured fighting vehicles, frigates and electronic equipment. Efforts are being made to develop a production capacity for tanks, missiles and helicopters.

340. Greece is also worried about Turkey's IVth army, not assigned to NATO, and equipped with the largest non-ocean-going landing force in the world (110 ships) which is deployed at Turkey's western border, facing the Greek Aegean islands. It does not exclude the possibility of a Turkish seizure of Greek islands in the eastern part of the Aegean. Referring to Article 51 of the United Nations' Charter, Greece has fortified and militarised a number of its Aegean islands as a measure of self-defence and to function as a tripwire in case of a Turkish attack. According to Greece, large units of Turkey's armed forces are also positioned in the coastal area facing Cyprus, ready to move into action if need be. A large proportion of the Turkish armed forces is also deployed in the region facing north-eastern Greece, where the Muslim minority lives.

341. An important new element in the increased Turkish security threat as perceived by Greece is Turkey's effort to play an active rôle in the Balkans, based on the presence of Muslim minorities in Albania, Bosnia-Herzegovina, the FYROM and Kosovo and of minorities of Turkish descent in Bulgaria, the FYROM, Greece and Romania. Greece takes the view that Turkey's objective is to create a "green" or islamic belt from the Adriatic to the Black Sea which would isolate Greece from Christian Europe. Even if this may be an inflated view of reality, it has had an important influence on Greece's Balkan policy and defence posture.

342. At present, only nationalistic extremists in Turkey would mention the possibility of Turkish intervention in north-eastern Greece in order to "liberate" the 120 000-strong Muslim minority living there, consisting of 49.9% Turkish Muslims, 33.5% Pomaks and 16.5% gypsies. Greece nonetheless takes into consideration that Turkish territorial aspirations could emerge and pose a threat to Greek security, the more so since the Muslim minority in Bulgaria is mainly concentrated in a nearby area across the Greek-Bulgarian border.

III. Defence spending and defence policy

(a) Defence spending in Greece

343. Since the return of a democratic government in 1974, there has been a widespread consensus on the need to upgrade Greece's defence capability and the corresponding high-level defence expenditure, justified by suspicions as regards Turkey, which had invaded Cyprus in the summer of 1974. During the last years of the cold war period, Greece ranked first among NATO countries in military expenditure as related to GDP.

344. A national defence industrial base was developed in order to satisfy at least part of the needs of the Greek armed forces and to reduce dependence on foreign suppliers. Additionally, lower arms imports limited the drain on currency reserves while export markets were actively explored to improve Greece's balance of trade.

345. In the late 1980s, the deteriorating national economy and the depreciation of the Greek drachma strongly affected the Defence Ministry's purchasing power. At the same time, it appeared that the development of an all-round modern national defence industry was not succeeding, since it was able to produce only 20% of Greece's armaments.

346. The government decided to restructure the defence industry, including privatisation and mergers. Large cuts in defence expenditure were thought inevitable, but they were postponed as a result of the war in neighbouring former Yugoslavia. Simultaneously, Greece received large quantities of modern equipment as a result of CFE reductions of equipment in other NATO member states.

347. Greece received 80 M-60 tanks from the United States and Germany is transferring 75 Leopard-1 tanks, 200 M-113 armoured personnel carriers, 500 BMP-1 armoured fighting vehicles, 72 M-110 self-propelled guns, 150 RM-70 multiple-rocket launchers and 20 multiple-launch rocket systems. The Netherlands transferred 60 M-106A1 mortar carriers. Moreover, 17 AH-1P Cobra attack helicopters together with 24 AH-64 Apache attack helicopters are to be delivered in 1995.

348. Greece has adopted a system of compulsory military service for all men and voluntary service for men and women. The breakdown of military personnel is as follows⁶¹:

	<i>Peacetime</i>	<i>Wartime</i>
Army	126 000	360 000
Navy	19 500	43 000
Airforce	23 500	45 000
Total	169 000	448 000

61. Source: Greek Ministry of Defence, March 1995.

349. Greece also receives significant military assistance from the United States, which is meant to contribute to a balance of forces between Greece and Turkey on a 7:10 ratio. Foreign military assistance, which includes both foreign military financing and international military education and training, amounted to \$315.3 million in 1993, \$283.6 million in 1994 and \$317 million in 1995.

(b) The rôle of the Greek navy in the Mediterranean

350. Through its geographic position, Greece has an important rôle in the Eastern Mediterranean. It is the strategic link between Italy and Turkey on Europe's southern flank. It controls the sea lines of communication in the Aegean and the movement of naval forces to and from the Black Sea. Moreover, it provides the Atlantic Alliance with important military bases in the area.

351. The areas of immediate interest for the Hellenic naval forces are the Aegean and Ionian Seas with the corresponding accesses or passages and the sea area extending south-south-west of Crete and east-south-east of Rhodes. Greece considers the Aegean Sea as constituting an inseparable unique entity with the Greek mainland, the control of which it considers vital for the survival of Greece and for the security of Europe as a whole. The strategic importance of the island of Crete as a main maritime base for the southern flank of Europe and the alliance was proven once again during the Gulf war while the Ionian Sea is vital for the control of the Adriatic and security in the Balkans.

352. In order to enable the Hellenic navy to implement its many different tasks, Greece has initiated a long-term modernisation and development programme, ranging from the areas of C3, through air defence, anti-submarine, anti-surface and mine warfare to the areas of electronic warfare and logistic support. The new structure should provide the Hellenic navy with maximum flexibility and rapid reaction capability. The navy is to include several types of ships, rather than single-mission ships, which should, insofar as possible, be platforms with multi-mission capabilities.

353. Recently, two Katsonis (United States Guppy-class) submarines and two Themistocles (United States Gearing-class) destroyers have been retired from service. A fifth Elli (Netherlands Kortenaer) frigate has been commissioned, as have two I Votis-class (German Tiger-class) fast patrol craft, armed with Exocet SSM, and two Greek-built Pirpolitiss-class coastal patrol craft.

354. From the United States, it received three United States Knox-class frigates (on lease) and from Germany it received a further three Thetis-class anti-submarine warfare corvettes. The navy recently took delivery of one German-built Meko frigate and another of this class is under construction.

IV. Greece and WEU

355. When the EC member states started to prepare the intergovernmental conference on the political union in 1990, there was almost general agreement across the political spectrum in Greece in favour of joining and further developing a European defence and security system. It was thought that such a system would protect all members against external threats. Greece would as a consequence be protected by this collective defence mechanism against any possible threat from Turkey. In this reasoning, a European defence system, of which Turkey would be a part, would offer the perfect protection which NATO, with Turkey as a member, could not provide.

356. At the Maastricht summit meeting in December 1991, however, it appeared that negotiations had resulted in conclusions which differed from Greece's original expectations. The member states of WEU invited Greece, as a member of the European Union, to accede to WEU "on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty", but at the same time they invited Turkey and other European member states of NATO "to become associate members of WEU in a way which will give them the possibility of participating fully in the activities of WEU".

357. In the accession negotiations with Greece, some member states insisted on a modification of Article V of the modified Brussels Treaty in such a way that it would not apply to external attacks by one NATO country against another.

358. The Petersberg declaration of 19th June 1992 formulated this exception as follows: "They (Ministers) also stressed that the security guarantees and defence commitments in the treaties which bind the member states within Western European Union and which bind them within the Atlantic Alliance are mutually reinforcing and will not be invoked by those subscribing to Part III of the Petersberg declaration in disputes between member states of either of the two organisations."

359. This specific amendment to Article V which made the vital collective defence virtually non-applicable to any form of conflict between Greece and Turkey, combined with the status of associate membership granted to Turkey, which almost amounted to full participation of Turkey in the WEU Council's activities, was quite different from Greece's initial expectations. Although it felt disappointed by the apparent lack of the other European Union member states to provide protection and security guarantees against Turkey, Greece signed its protocol of accession to WEU on 20th November 1992.

360. After ratification by all the signatories, the protocol of accession entered into force on 6th March 1995. Since then, however, it became known that in its notification of ratification as registered at the Belgian Ministry for Foreign Affairs on 10th June 1994, Greece itself has taken exception to Article X of the modified Brussels Treaty, declaring that for a period of five years it "excludes from the competence of the Court any dispute over the Hellenic Republic taking defensive military measures for reasons of national defence".

361. Apparently, this exclusion of the competence of the International Court of Justice in the first place refers to Greece's dispute with Turkey over the militarisation of the Aegean islands. Having understood that its membership of WEU does not provide any security guarantee against potential Turkish aggression, it has preferred also to exclude the possibility of a verdict of the International Court of Justice, forcing it to demilitarise the Aegean islands.

362. Article X allows the High contracting parties to make reservations to the compulsory jurisdiction of the Court, but it would seem that this reservation should have been made at the moment of signing the Protocol of Accession on 20th November 1992 and not, as was done, at the time of notifying ratification on 10th June 1994. Would the other member states of WEU have signed and ratified the protocol if they had been informed of Greece's reservation?

363. The specific amendment to Article V and the reservation to Article X, in connection with Greece's membership and Turkey's associate membership, have weakened the modified Brussels Treaty and the internal coherence of its member states. One may wonder whether this operation has reinforced security in Europe.

364. Greece has repeatedly made it clear that it perceives major potential threats at its northern and eastern borders from the Balkans and Turkey. With the FYROM and Turkey in particular, it is involved in long-standing and serious disputes over a multitude of issues, the solution of which is by no means in sight. There is no decisive answer to the question whether, and to what extent, the other European Union and WEU member states share its views. The establishment of a European common security and defence policy as announced in Article J of the Treaty on European Union, is certainly hampered by the unresolved disputes between Greece and its neighbours.

365. If Greece wishes to play a positive rôle in the Balkans and to make a contribution towards the European Union's policy in the region, it will have to make progress in the direction of a normalised relationship with Turkey.

PART THREE: CYPRUS

I. The political situation

366. The situation in Cyprus, where for many decades the Greek and Turkish communities have been opposed in a bitter dispute, is a key issue in relations between Turkey and Greece. Recent efforts by the United Nations Secretary-General to reconcile the positions of both communities on the island have not led to any breakthrough. A reconciliation now seems to be more urgent than ever in view of the fact that the European Union has fixed a date for the start of negotiations on the application for membership which was deposited by the Republic of Cyprus on 3rd July 1990. The rapid decline in the economy and standard of living in the northern part of the island is another reason for reconciliation.

367. Without going into too much detail, some recent events in the history of Cyprus should be recalled here.⁶²

368. In February 1959, agreements signed in Zurich and London between representatives of Greece, Turkey and the United Kingdom and of the Greek and Turkish communities of Cyprus paved the way for the independence of the Republic of Cyprus which came into being on 16th August 1960.

369. According to the 1960 Constitution, the President should be a Greek Cypriot, while the Vice-President should be a Turkish Cypriot, each elected by their own community. Each had a veto right on vital issues such as foreign affairs and defence.

370. In government and in legislative bodies, Greeks and Turks would share responsibilities on a 70%-30% basis. According to the 1960 census, the Greek community accounted for 77% and the Turkish community 18.3% of the total Cypriot population.

371. In 1963, the Greek Cypriot proposals to change the constitution were rejected by the Turkish Cypriots, while at the same time, Greek Cypriots officially declared their political objective to unite Cyprus with Greece (the so-called Enosis).

372. Following violent clashes between the two communities in 1963 and 1964, the United Nations Security Council decided in March 1964 to dispatch a United Nations peace-keeping force

(UNFICYP) to Cyprus. The peace-keeping force is still present in Cyprus but for financial reasons it has been considerably reduced to the present number of around 1 200 troops.

373. In 1967, the Turkish-Cypriot community established its own provisional administration in those parts of the island where Turkish-Cypriots were in a majority.

374. On 15th July 1974, the Cypriot National Guard committed a successful coup d'état against President Makarios, organised by the Greek military junta. The putsch collapsed when a few days later the Turkish Government intervened militarily. Following the breakdown of the August 1974 negotiations, in which Greece, Turkey, the United Kingdom and the Greek and Turkish communities of Cyprus participated, Turkish troops occupied the northern 37% of the island causing the migration of 200 000 Greek Cypriots to the southern part and the de facto division into two parts, separated by a demarcation line⁶³. Moreover, demographic problems have increased with the policy of colonisation pursued by the so-called Turkish Republic of Northern Cyprus in collaboration with Turkey⁶⁴.

375. In February 1975, the Turkish Cypriots unilaterally and illegally declared their own independent state, which was rebaptised the Turkish Republic of Northern Cyprus (TRNC) in November 1983 and recognised only by Turkey.

376. Since 1975, the United Nations, through its Secretary-General has made many efforts to solve the Cyprus question, including two high-level agreements reached in Vienna in 1977 and 1979, which set out the framework for a solution on a federal basis.

377. In 1992, a new impulse was given to the United Nations initiatives to reconcile the positions of the Greek and Turkish communities. The results of these activities are discussed in detail in the abovementioned reports of the Parliamentary Assembly of the Council of Europe and of the European Parliament.

378. The United Nations Secretary-General has proposed a number of confidence-building measures which, if accepted by both parties, could help to achieve an overall agreement based on a "set of ideas" approved by the United Nations Security Council.

379. An essential part of the confidence-building measures is the rehabilitation of the Varosha

62. A report on the situation in Cyprus, submitted by Lord Finsberg, Rapporteur, on behalf of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe was discussed in that Assembly on 2nd February 1995.

On 11th February 1994, the European Parliament adopted a report submitted by Mr. Jan Willem Bertens, Rapporteur, on the application for membership of the European Union by Cyprus.

63. See the report on national refugees and missing persons in Cyprus, by Messrs. Riesen and Müller, Parliamentary Assembly of the Council of Europe, Document 5716.

64. See the report on the demographic structure of the Cypriot communities by Mr. Cucó, Rapporteur, Parliamentary Assembly of the Council of Europe, Document 6589.

area north of the United Nations administered buffer zone, at present surrounded by territory controlled by the Turkish Cypriot administration, as an area for trade and intercommunity contacts and the re-opening of Nicosia international airport to civilian passenger and cargo traffic.

380. One of the guiding principles of the overall agreement is based on the "set of ideas", the establishment by the Greek-Cypriot and Turkish-Cypriot communities of a bi-communal and bi-zonal federation, comprising one territory composed of two politically equal federated states. This federal republic would have one indivisible sovereignty.

381. Although progress has been made in protracted negotiations between the parties concerned, many questions still remain to be settled. No agreement has been reached on the vital confidence-building measures relating to Varosha and Nicosia International airport. One of the other remaining stumbling-blocks is the question of territorial adjustments. The Turkish part of the population, representing 18% of the total population, now occupies 37% of the island. According to the United Nations Secretary-General, they should reduce their portion of land to 28.02% but the leader of the Turkish Cypriots, Mr. Denktash, considers 29% to be the minimum.

382. Since May 1994, negotiations between the two communities have remained deadlocked. In a report of 30th May 1994 to the Security Council, the United Nations Secretary-General stated that the absence of an agreement was due mainly to a lack of political will by the Turkish Cypriot side.

383. Informal meetings between President Clerides and Mr. Denktash in October 1994 were concluded without any result.

384. In January 1995, Mr. Denktash announced a 14-point proposal to break the deadlock with the Greek Cypriots. The proposal included acceptance of the United Nations proposed confidence-building measures, eventual demilitarisation of the island and the exchange of territory, but Mr. Denktash admitted that it did not signify a change in attitude or policy.

Mr. Denktash also excluded the possibility of Greek Cypriots returning to their former homes in the northern part of the island.

385. On 6th March 1995, when the European Union concluded a customs union agreement with Turkey, it was also agreed that negotiations for accession would start on the basis of proposals by the Commission six months after the conclusion of the 1996 conference and taking into account the results of the latter. Although it was not mentioned in any official document, it is hoped that this promise of future membership could work as a catalyst to end the stalemate in negotiations between the Greek and Turkish Cypriots on an

overall agreement. In its communique of 6th March 1995, the European Council confirms that the European Union intends to continue to uphold, by all the means at its disposal, the efforts of the United Nations with a view to a comprehensive settlement of the Cypriot question.

386. In fact, the first reactions to the agreement were far from promising and Turkish political leaders seem to indulge in muscled declarations, possibly only for domestic consumption. Only hours after having signed the agreement, the Turkish Foreign Minister, Murat Karayalcin, stated that the European Union's decision on Cyprus' membership was an "unfortunate step" which could lead to the permanent division of the island. He said that if accession negotiations were held with the Greek Cypriot side of the island, Turkey "would be left with no option other than to take steps towards achieving a similar integration with the Turkish Republic and Northern Cyprus"⁶⁵.

387. Prime Minister Tansu Ciller, when visiting the United States in April 1995, suggested that a solution to the Cyprus problem would be found after Turkey becomes a member of the European Union⁶⁶.

388. Both Turkey's government officials and Mr. Denktash have declared repeatedly that they consider the request for membership of the European Union by the Republic of Cyprus as an illegal act since, under the terms of the Constitution, the Republic of Cyprus cannot become part of another alliance or union without the consent of both communities. This refers to Article 50(a) of the Constitution of the Republic of Cyprus which reads as follows:

"1. The President and the Vice-President of the Republic, separately or jointly, shall have the right of final veto on any law or decision of the House of Representatives or any part thereof concerning:

(a) foreign affairs, except the participation of the Republic in international organisations and pacts of alliance in which the Kingdom of Greece and the Republic of Turkey both participate."

389. The Republic of Cyprus has dismissed this argument, noting that a decision to join the European Union would be subject to a referendum, in which case the right of final veto does not apply. Moreover, it is argued that the Turkish Cypriots cannot refer to a clause in a constitution which they have otherwise unilaterally and fully rejected, and that Turkey itself applied for membership of the European Union in 1987.

65. Financial Times, 8th March 1995.

66. International Herald Tribune, 19th April 1995.

390. It should be noted that, as a consequence of its complete dependence on Turkey, the economy of the northern part of the island is in a dramatically bad shape with an inflation rate of 215% for 1994 and a decrease of 34% in tourism compared to the preceding year with only 70 000 tourists. Moreover, the export of food products, including citrus fruit, to the European Union has practically come to a standstill as a consequence of a ruling of the European Court of Justice. There have also been increasing interruptions in the supply of electric energy from the south, purportedly of a technical nature. In fact, economic problems may be a reason for the Turkish Cypriots to change their attitude.

391. It seems that a majority of the Turkish Cypriots living in the northern part of the island is ever more anxious for a settlement which would lift the trade embargo. Furthermore, it is thought that future membership of the European Union could bring considerable regional aid to the ruined economy of the north.

392. Meanwhile, the economy of the southern part is in good shape with estimated figures for 1994 of 4.7% economic growth, 2.5% unemployment and 4.7% inflation. In 1994, the Republic of Cyprus registered 2 million tourists in 1994. The present per capita income is higher than that of Portugal and Greece and at the same level as that of Spain.

393. On 23rd April 1995, the presidential elections in northern Cyprus resulted in a victory for Mr. Rauf Denktash with 62.5% of the 91 000 votes cast in a second round of voting, with Mr. Dervis Eroglu taking the remaining 37.5%. In the preceding 1990 elections, Mr. Denktash was elected with 66.7% in the first round.

II. The military situation

394. On numerous occasions, the Security Council has insisted on a reduction in the number of foreign troops and a reduction of defence spending on the island. Recently in Resolution 969, adopted on 21st December 1995, it urged:

“ All concerned to commit themselves to a significant reduction in the number of foreign troops in the Republic of Cyprus and a reduction of defence spending in the Republic of Cyprus to help restore confidence between the parties and as a first step towards the withdrawal of non-Cypriot forces as set out in the Set of Ideas, and (called) upon the Secretary-General to promote efforts in this direction. ”

Unfortunately, no progress has been made on this issue and developments have been rather in the opposite direction.

395. On 17th December 1993, President Clerides made a proposal for demilitarising the island which included: disbanding the National Guard and transferring all of its arms and military equipment to the custody of UNFICYP; maintaining the Cyprus Police at its present strength, equipped with light weapons; defraying the total cost of an enlarged United Nations peace-keeping force that would have rights of inspection; use by that peace-keeping operation of heavy National Guard equipment in its custody; all money saved from disbanding the National Guard and from discontinued arms purchases would be deposited in a United Nations account and, after deducting the cost of a United Nations peace-keeping operation, be used for the benefit of both communities after the solution of the Cyprus problem. President Clerides added the condition that the Turkish forces be withdrawn from Cyprus, the Turkish Cypriot forces disbanded and their weapons and military equipment placed in the custody of the United Nations peace-keeping force.

396. Mr. Denktash reacted by calling President Clerides' proposal impractical and propagandistic and declared: “ Turkish forces, other than those to be retained under the updated Treaties of Guarantee and of Alliance, will withdraw from Cyprus within the framework of a lasting solution, which can only be realised if mutual confidence is established between the two peoples on the island ”. It is noted here that the actual military situation can hardly inspire mutual confidence.

397. In the northern part of the island, Turkey has deployed a number of troops estimated well in excess of 30 000, equipped with more than 300 tanks. The armament of these Turkish forces has recently been upgraded and equipment also includes armoured personnel carriers, considerable firepower in different categories of artillery and helicopters. The active Turkish Cypriot armed forces count 4 000 infantry troops.

398. The National Guard of the Republic of Cyprus has 10 000 personnel in active service. The equipment includes 52 tanks, armoured personnel carriers and a wide variety of artillery, air defence missiles and guns, and anti-tank weaponry. Moreover, there are estimated to be in excess of 2 000 Greek personnel composed of the ELDYK regiment, provided for under the 1960 Treaty of Alliance and individual personnel assigned separately therefrom to Cyprus.

399. Since 1988, successive governments of the Republic of Cyprus have been implementing a programme of armaments acquisition to enhance significantly the equipment operated by the National Guard, which has resulted in a large increase in defence spending by the Republic⁶⁷.

67. Report of the Secretary-General on the United Nations operation in Cyprus, Security Council documents S/1994/680 (7th June 1994) and S/1994/1407 (12th December 1994).

**PART FOUR:
DISPUTES BETWEEN TURKEY AND GREECE**

I. Disputes in the Aegean Sea

(a) The Aegean islands

400. Since the birth of Greece as a state in 1830, most of the islands in the Aegean sea have gradually come under Greek sovereignty.

401. Italy occupied the islands of the Dodecanese, then still under Ottoman rule, and Greece took the northern and central islands in the eastern part of the Aegean Sea during the Balkan war of 1912-13. In February 1914, the six European powers⁶⁸ left the Dodecanese to Italy by tacit agreement and decided to leave Greece in possession of the other islands with the exception of Imroz, Tenedos and Castellorizo, under the condition that all the islands left to Greece would be demilitarised. A final settlement of the legal status of the eastern Aegean island was reached in the Treaties of Lausanne of 24th July 1923, between Turkey, the European allies and Greece.

402. The Dodecanese and Castellorizo came under Greek sovereignty through the Paris Peace Treaty of 10th February 1947.

403. At present, 2 383 islands in the Aegean sea are under Greek sovereignty, while some sixty islands, mostly situated within the three mile zone of the Anatolian coast, are under Turkish sovereignty.

(b) The status of the Greek islands in the Aegean Sea

404. The governments of Greece and Turkey are involved in a long-standing dispute over the status of restrictions imposed upon islands in the Aegean Sea. A distinction is made between three different categories of islands, each of which has a different status.

(i) Lemnos and Samothrace

405. The statute of these islands was initially determined by the Convention on the régime of straits, signed in Lausanne on 24th July 1923, which according to Article 4, had imposed the demilitarisation of the Greek islands Limnos and Samothraki and also of the Turkish islands Gökçeada (Imroz), Bozcaada (Tenedos) and the Rabbit islands (Îles-aux-Lapins). Later, in the Montreux Convention on the régime of straits signed on 20th July 1936, the contracting parties stipulated that they had resolved to substitute the present convention for the one signed in Lausanne on 24th July 1923.

68. Austria-Hungary, France, Germany, Italy, Russia and the United Kingdom.

406. Following the conclusion of the Montreux Convention, both countries gradually started to remilitarise the abovementioned islands and with the increasing problems between Greece and Turkey over Cyprus the status of the islands became one of the disputes to which no solution has yet been found.

407. Turkey argues that the Montreux Convention has not completely replaced the Lausanne Convention and only provides Turkey with the right to remilitarise the islands and territories which have been recognised as being part of the defensive system of the Straits. It also argues that the remilitarisation of Lemnos and Samothrace by Greece has not been authorised in the Montreux Convention.

408. Greece, on the other hand, argues that the Montreux Convention has fully replaced the Lausanne Convention and that any exception as regards the status of any specific island would have been mentioned. Moreover, Greece has pointed out that immediately after the signing of the Montreux Convention, Turkey recognised, in several different official declarations, the right of Greece to remilitarise its islands in the straits.

409. In the framework of NATO, Turkey has used its veto whenever the alliance has proposed to use Lemnos for operational purposes and to include it in its military planning.

(ii) Lesbos, Chios, Sámos and Nikaria

410. The military status of these islands is subject to the Lausanne Peace Treaty, signed on 24th July 1923, which states in Article 13, paragraph 3:

“ The Greek military forces in the said islands will be limited to the normal contingent called up for military service, which can be trained on the spot, as well as to a force of gendarmerie and police in proportion to the force of gendarmerie and police existing in the whole of the Greek territory. ”

The Treaty also stipulates that the two countries' military aircraft are forbidden to fly over these islands and over the Turkish coast and the construction of arsenals and fortifications is prohibited.

411. Since 1974, following the Turkish invasion of Cyprus, the situation has changed drastically and in 1974, 1976 and 1987 there were serious crises in the Aegean Sea over the mere existence and limits of the continental shelf of the Greek islands.

(iii) Dodecanese

412. In Articles 15 and 16 of the Lausanne Peace Treaty of 24th July 1923, Turkey gave up its rights over the islands of the Dodecanese and they were given to Italy. After the second world war,

Italy handed the Dodecanese over to Greece in accordance with Article 14 of Section V of the Peace Treaty signed in Paris on 10th February 1947. This same Peace Treaty put restrictions on the militarisation of these islands which were respected by Greece until 1974, when Turkey invaded Cyprus. After this event, Greece invoked its inalienable right of self-defence as codified in Article 51 of the Charter of the United Nations to remilitarise the Dodecanese.

(c) *The limits of territorial waters*

413. In Article 3 of the 1982 Convention on the Law of the Sea, it is stated that:

“Every state has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.”

414. While Greece now considers the twelve-mile zone as a generally-accepted norm, Turkey does not want to recognise it and remains hostile to any unilateral extension of Greek territorial waters beyond the present six miles. Turkey insists that the limits of the territorial waters between Greece and Turkey should be determined according to the principle of equity⁶⁹. In the Mediterranean, only Turkey and Israel do not recognise an extension of territorial waters beyond 6 miles.

415. Turkey has gone so far as to say that an extension of Greek territorial waters beyond 6 miles would be a *casus belli* and it has put forward a number of arguments to support its position.

416. The first is that Turkey does not recognise the twelve-mile zone as a generally-accepted rule of law. It has noted that even if the twelve-mile zone were international common law its observance depends on the agreement of states and that Turkey has always opposed this common law⁷⁰.

417. Finally, Turkey invokes Article 300 of the 1982 convention, regarding abuse of law, arguing that in closed or semi-closed waters, as those around its coastline, the twelve-mile zone cannot be applied. With the abusive application of the twelve-mile zone in the Aegean Sea, this would simply become a “Greek lake”.

418. Notwithstanding the legal battle, it should be noted that the question of territorial waters between Greece and Turkey is mentioned in the

69. The principle of equity in international law is normally applied to limit a continental shelf or an exclusive economic zone.

70. It should be noted, however, that in the protocol of 17th April 1973 on the limits of territorial waters in the Black Sea, signed between Turkey and the USSR, the border of both countries had been fixed at the twelve-mile zone.

Treaty of Lausanne of 24th July 1923. Maps attached to the British edition of the proceedings of the Lausanne conference provide the specific dividing line of the waters between the two countries, which is the central line between the Anatolian coast and the Greek islands opposite. In fact, ever since then, this has been observed as the borderline. The borderline between the Anatolian coast and the Dodecanese was determined in the agreements of 4th January 1932 and 28th December 1932.

419. As regards the waters at the mouth of the Evros (Maritsa) river, a protocol was signed on 3rd November 1926 which determined the border on the central line of the main navigation canal of the river in a south-western direction for up to three miles. There is no dispute over this matter.

420. In November 1994, there was growing tension between Greece and Turkey when the International Convention on the Law of the Sea came into force on 16th November 1994. The Turkish armed forces held an aeromarine exercise in the Aegean Sea, while simultaneously the Greek armed forces held exercises in the southern part of the Aegean Sea.

421. Tension was lowered, however, when on 17th November the Greek Government made an official declaration that the date of the coming into force of the convention had no specific importance and that its ratification by Greece would not have immediate consequences, although Greece did not renounce the right to extend its territorial waters.

(d) *The continental shelf*

422. At present, the continental shelf is a maritime zone of 200 miles bordering on the coast officially attributed to each coastal state where this state holds sovereign rights concerning exploration, exploitation, conservation and management of natural resources. In recent years, this has become an institution of common international law which is also being called an exclusive economic zone.

423. Since 1961, Greece has awarded exploration permits in the Aegean Sea west of the Greek islands. In 1973 and 1974, however, the Turkish Government awarded exploration permits to the national Turkish oil company which allowed it to search for natural resources in areas which Greece considers to belong to its own jurisdiction.

424. The ensuing dispute over the continental shelf in the Aegean Sea has not yet been settled. Greece unilaterally laid the matter before the International Court of Justice on 10th August 1976, but because of lack of competence due to the fact that Turkey has refused to attend, the Court cannot rule on this matter. Greece considers

this as a legal dispute over the limits of the continental shelf which does not concern the vital strategic or political interests of both countries. Turkey, on the other hand, considers it to be a highly political dispute which concerns the vital interests of both countries and the whole of their territorial and political relations.

(e) Air space and related matters

(i) Air space

425. In the 1982 Convention on the Law of the Sea, it is stipulated that the sovereignty of coastal states also relates to the air space above its territorial waters. Unlike the rules for ships, however, there is no inoffensive right of passage for aircraft.

426. According to the Greek law of 1931 on civil aviation, the state exerts its full sovereignty over the air space above its territory, which also includes its territorial waters. In application of this law, Greece adopted in 1931 a decree extending its territorial waters to ten miles for questions regarding aviation and police.

427. This extension has been contested by Turkey since 1974 with the argument that it is not compatible with the Chicago convention of 7th December 1944. According to Turkey, both the territorial waters and air space of Greece cannot extend beyond six miles from the coastline. Turkish military aircraft quite frequently penetrate Greek air space without notice.

(ii) Flight information region

428. Since 1952, the air space over the Aegean Sea is part of the flight information region of Athens according to an agreement, adopted by the ICAO Council, which divided the FIRs of Athens and Istanbul, mainly on the basis of the maritime borders of Greece and Turkey. This arrangement worked well until 1974 when Turkey unilaterally extended the Istanbul FIR to the West and into the Athens FIR, following the limits of the continental shelf as claimed earlier. Later, in 1980, Turkey lifted the restrictions that it had imposed in 1974. A dispute still remains over the question of whether official aircraft, and also as a consequence military aircraft, have to submit their flight plan. Turkey claims that only civilian aircraft are obliged to do so.

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429. A solution to the abovementioned disputes is not yet in sight. Turkey wants across-the-board negotiations on all the issues. Greece, on the other hand, says that the only issue that needs to be discussed is sea-bed mineral rights, which it wants settled by international arbitration.

II. The Turkish minority in Western Thrace

430. The situation of the Turkish minority in Western Thrace is another area of friction between Greece and Turkey.

431. By the July 1923 Treaty of Lausanne, terminating the war between Greece and Turkey, Turkey undertook to ensure the protection of the 200 000-strong orthodox population of Istanbul and Greece and the 120 000 Muslims in Western Thrace. The Treaty of Lausanne only recognises the existence of religious minorities. The originally 200 000-strong Greek orthodox population of Istanbul, Imroz and Tenedos at present only numbers some 3 000. According to official figures, of the 100 000 to 120 000 Muslims living in Western Thrace, 49.9% are of Turkish origin, 33.5% Pomak and 16.5% gypsies. Neither Greece nor Turkey were to respect their undertakings. According to the provisions of the treaty, the Muslim minority in Western Thrace was to enjoy rights and freedoms in education, management of foundations and worship. The situation today is hardly satisfactory. For virtually 70 years, this minority has been unable to exercise its rights and freedoms and it has been subject to numerous pressures.

432. The Turkish population is stagnating despite a high birth-rate and difficulties caused by the local administration are encouraging fairly large-scale emigration to Turkey or Germany. In the past, several members of this minority have been deprived of their nationality in the context of Article 19 of the Nationality Code.

433. Moreover, the Turks of Western Thrace, the majority of them farmers, are encountering severe difficulties in obtaining licences to drive agricultural vehicles and permits to build and to buy or sell land. Nor are members of this minority able to refer to their Turkish origins since, in accordance with the Lausanne Treaty, only their Muslim religion is recognised.

434. As to freedom of worship, in recent years Greece seems to have adopted an attitude hindering the practice of this freedom. In point of fact Greece recently opposed the visit which the Head of Religious Affairs of Turkey wished to make to Western Thrace on 24th and 25th July 1994 while on a tour of the Balkans. The Greek authorities suggested that such a visit would be detrimental to public order in Greece during a period when the two countries were experiencing difficulties, a reason considered unacceptable by the Turkish authorities.

435. Greece's attitude has served to confirm the feeling of the Thracian Turks that they are being treated as second class citizens. The Turkish minority has therefore hardened its position and withdrawn its confidence in the Greek parties.

436. The parliamentary elections in 1989 had, for the first time, returned an independent Turkish member, Mr. Ahmed Sadik, who was then imprisoned for several months by the Greek authorities.

437. It should be observed that the former Greek government under Prime Minister Constantin Mitsotakis had started making efforts which led to an easing of discrimination against and unfair treatment of the Turkish minority in Western Thrace. In addition, the Greek Ministry of Agriculture, in liaison with the European Community, has launched a programme of modernisation in the region and the government is trying to change ingrained attitudes among local officials in order to remove obstacles to active Muslim participation in the economy. Nevertheless, the situation still needs further improvement.

III. Turkey and Greece in NATO

438. The very low tide in relations between Greece and Turkey is now also having an impact on NATO's activities. NATO has been forced to freeze all capital projects under its military budget and to economise on current expenditure because Greek-Turkish differences are holding up the North Atlantic Council's approval of both NATO's military budget (\$797 million) and its infrastructure budget (\$855 million) for 1995.

439. The implementation of a 1992 decision to activate the 7th NATO Allied Tactical Air Force and Land Forces headquarters at Larissa in central Greece and the establishment of a regional headquarters for NATO's new rapid reaction force in Salonika are being blocked by Turkey which argues that the responsibilities of the two Larissa commands must be defined before they are established.

440. The Turkish Defence Minister, Mehmet Golham, has been quoted as saying that Turkey would approve the Salonika command only if Greece renounced any aspiration to extend its territorial waters from six miles to twelve and if the first commander in Salonika was a Turk, but the formal link between the Salonika headquarters and the problem of territorial waters has later been denied by Turkish officials. Both parties now seem to be prepared to discuss a comprehensive package deal.⁷¹ In this framework, NATO's Secretary-General, Willy Claes, visited both countries on 17th and 18th May 1995.

441. Greece, on the other hand, complains that the regional NATO headquarters at Izmir do not exist legally and that a new decision of the Defence Planning Committee is required to establish a legal status for these headquarters.

Conclusions

442. The region discussed in the present report is of exceptional importance for the security and defence of Europe. Developments after the end of the cold war have demonstrated that the Balkans, Transcaucasus, the Middle East and even Central Asia are theatres of a multitude of wars, crisis situations and potential conflicts which can threaten the security and stability of Europe. Experience has also shown that they cannot or will not be ended, managed or prevented without the active participation of Greece and Turkey, full member and associate member of WEU respectively.

443. Moreover, there is a number of long-standing disputes between Greece and Turkey which need to be solved sooner rather than later.

444. The agreement concluded with the Republic of Cyprus to start negotiations on its accession to the European Union six months after the conclusion of the Intergovernmental conference of 1996, opens the perspective of Cyprus' membership of WEU.

445. In the following paragraphs, the main conclusions from the report will be summarised.

(a) Turkey

446. For a long time, Western Europe's relations with Turkey have been rather ambiguous. It did not want it to be in the European community, but did not want it either to be out of Europe. Turkey has been a member of the Council of Europe from the beginning, but it has always been criticised for its human rights record and deficiencies in its democratic system. If Europe does not yet want Turkey to become a member of the European Union, neither does it wish to lose it, because in an Islamic world where radicalism is in the ascendant, it is the only secular state with a democratic government which is oriented towards the West and wishing to be an integrated part of it.

447. In March 1995, a very important decision was taken when the European Union and Turkey agreed to establish a customs union by 1st January 1996. After a transitional period, the customs union is thought to provide Turkey with a solid political, social and economic anchor in Western Europe that could help it to neutralise further growth of the Islamic movement, which has promised to pull Turkey out of NATO, resist closer links with the European Union and forge closer ties with other Muslim states if it would come to power. Expected economic growth and stabilisation of the government's position could also provide the government with an opportunity to make progress in human rights issues and help it to implement the Prime Minister, Tansu Ciller's promise to bring Turkish law in line with Article 10

71. Financial Times, 10th April 1995.

of the European Convention on Human Rights, which guarantees freedom of expression.

448. Although Turkey is known to be a staunch supporter of NATO, it is also aware that the importance of NATO has diminished since the collapse of communism and the dissolution of the Warsaw Pact. Moreover, if NATO would be enlarged through the accession of the Central European countries, it might be too busy solving its internal problems to manage Turkey's security.

449. Turkey is not fully satisfied with its present status in WEU, but it understands that after the Maastricht Treaty, a link has been created between membership of the European Union and full membership of WEU. Knowing that European membership can only be a long-term objective, it has accepted associate membership of WEU as the best possible position, and it participates actively in the WEU Council's activities.

450. Aware of the many poles of instability around Turkey, Western Europe has clearly decided to confirm its close relationship with Turkey, knowing that it will always have to rely on it to keep guard over the gateway to Europe.

451. Turkey's efforts to establish good relations with the newly-independent republics in the Transcaucasus and Central Asia is often interpreted as an over-ambitious quest for influence in a vast region which has failed to materialise. Here it is noted that through its cultural and linguistic kinship, Turkey can play a positive rôle in the oil- and gas-rich and strategically important Transcaucasus and Central Asia, where it can help to rein in a resurgence of Russian expansionism while propagating the establishment of secular and democratically governed states in an Islamic environment.

452. Apparently, Turkey's most difficult security problem is the Kurdish problem although the Turkish Government asserts that it has no Kurdish problem, but only a problem with the terrorist PKK.

453. For your Rapporteur, the Kurdish problem is twofold: on the one hand, there is the government's legitimate fight against the PKK, which, through violence and terrorism, is threatening the security of Turkish citizens and the stability of Turkish society; on the other hand, there is the legitimate quest of the Kurdish minority for rights of cultural self-expression and some form of autonomy, ideas long forgotten by the Turkish Government which propounds the Kemalist unitarian thesis to the effect that the country has no Kurdish people, only Turkish citizens.

454. As regards the fight against the PKK, it may be best to quote the French Minister for Foreign Affairs, Alain Juppé, when he said " Turkey is a friendly country which is entitled to fight

terrorism. But it must respect the basic rules of democracy, particularly as far as justice is concerned. " ⁷²

455. Closely connected with the PKK's activities in Turkey is the chaotic situation in Iraq, where the central government is denied to exert its authority over the northern and southern parts of the country. The creation of a Kurdish enclave north of the 36th parallel, protected by the coalition forces with the support of Turkey, where different Kurdish factions are fighting each other while blatantly violating human rights, has not improved security and stability in the region.

456. Coalition states responsible for the enclave cannot wait much longer to decide on its future. Continuing the present status makes little sense. The establishment of a separate Kurdish state in northern Iraq is an even less attractive solution because it would put into question the existing borders in the region and provoke further separation. The only possible solution, strongly supported by Turkey, seems to be re-establishment of the pre-Gulf war situation in the region through full implementation of United Nations Security Council Resolution 688 by Iraq and its re-integration as a normally functioning state in the region. It is to be hoped that the countries of the region will one day return to a democratic system allowing the cultural identity of the Kurdish people and even its right to autonomy to be recognised, without jeopardising the territorial integrity of the states of the region.

457. As for the Kurdish minority, if Turkey considers itself a western-oriented democratic state based on values generally accepted in Europe, it has no choice but to find a peaceful solution, in particular by granting the Kurds living on its territory democratic rights of cultural self-expression, including the undiscriminated use of the Kurdish language. Separatist ambitions, understandably, cannot be met, but some form of local, or regional, autonomy may be inevitable in the future for maintaining the stability and territorial integrity of the Turkish state. It is necessary therefore to recall Recommendation 1266 of the Parliamentary Assembly of the Council of Europe in which Turkey is invited " to seek a peaceful solution to the Kurdish problem on the basis of the principles embodied in the Statute and the relevant Conventions of the Council of Europe ".

(b) Greece

458. Greece's security concerns are clearly focused on the Balkans and Turkey. As regards the Balkans, it appears to have given up a rather boisterous policy in exchange for more silent and

72. *Le Figaro*, 10th January 1995.

effective diplomacy. Relations with most other Balkan states are mostly balanced and considerable progress has been made in improving relations with Albania.

459. A remaining source of trouble is Greece's relations with the FYROM, against which it has maintained a trade embargo in order to force it to stop using the name "Macedonia" and using the star of Vergina as its national emblem. The preliminary opinion of the European Court of Justice, according to which the trade embargo did not breach the Treaty of Rome, has certainly comforted Greece's position. It noted, however, that apart from the question whether it is in accordance with the Treaty of Rome, the trade embargo could have negative effects such as inciting a state to persist in its position, or a further destabilisation of the internal situation. The FYROM's exclusion from the OSCE because of a continuing Greek veto is worrying many other European states since it excludes the FYROM from the only security organisation in Europe to which it is eligible.

(c) Disputes between Greece and Turkey

460. Although the Cyprus problem has proven to be a quagmire for more than thirty years now, it is thought that the solution to this problem is the key to a much-needed improvement in relations between Greece and Turkey. The European Union, under France's presidency, has created new conditions which can be considered a leap forward by simultaneously concluding agree-

ments over accession negotiations with Cyprus and a customs union with Turkey. The implementation of these agreements should be used by both Greece and Turkey as an opportunity to help find a solution for the reunification of the northern and southern part of the island into a federal state, based on equality of both the Greek and Turkish communities. Negotiations over such a solution will only have a chance to succeed if the leading politicians involved are prepared to forget, for a moment, the seemingly eternal hair-splitting and, instead, let themselves be inspired by a much-wanted vision of common destiny. The example of the once hereditary enemies, France and Germany, having become the hardcore of Europe's unification process could be enlightening.

461. It seems to make little sense to review the other disputes between Greece and Turkey, trying to propose ingenious solutions. The continuation of almost all of them is based on deep distrust. A solution to the Cyprus problem could be a first step in reversing this attitude into mutual confidence.

(d) Discussion in the committee

462. The Rapporteur notes that while the preliminary draft recommendation as a whole was adopted unanimously, one Greek member of parliament made a reservation concerning paragraph 3 of the operative text, considering it inappropriate to refer to a "veto" by Greece of the FYROM's accession to the OSCE.

APPENDIX I ⁷³*Defence expenditures as % of gross domestic product**Based on current prices*

	1989	1990	1991	1992	1993 *
Greece	5.7	5.8	5.4	5.5	5.4
Turkey	3.1	3.5	3.8	4.0	4.1

Based on constant prices

	1989	1990	1991	1992	1993 *
Greece	5.7	5.8	5.4	5.5	5.4
Turkey	3.7	3.9	4.0	4.0	3.9

Defence expenditures per capita in US dollars

	1970	1975	1980	1985	1989	1990	1991	1992	1993 *
Greece	107	191	184	235	208	208	194	202	200
Turkey	22	43	49	47	55	62	63	64	64

*Defence expenditures annual variation (%)**Based on constant prices*

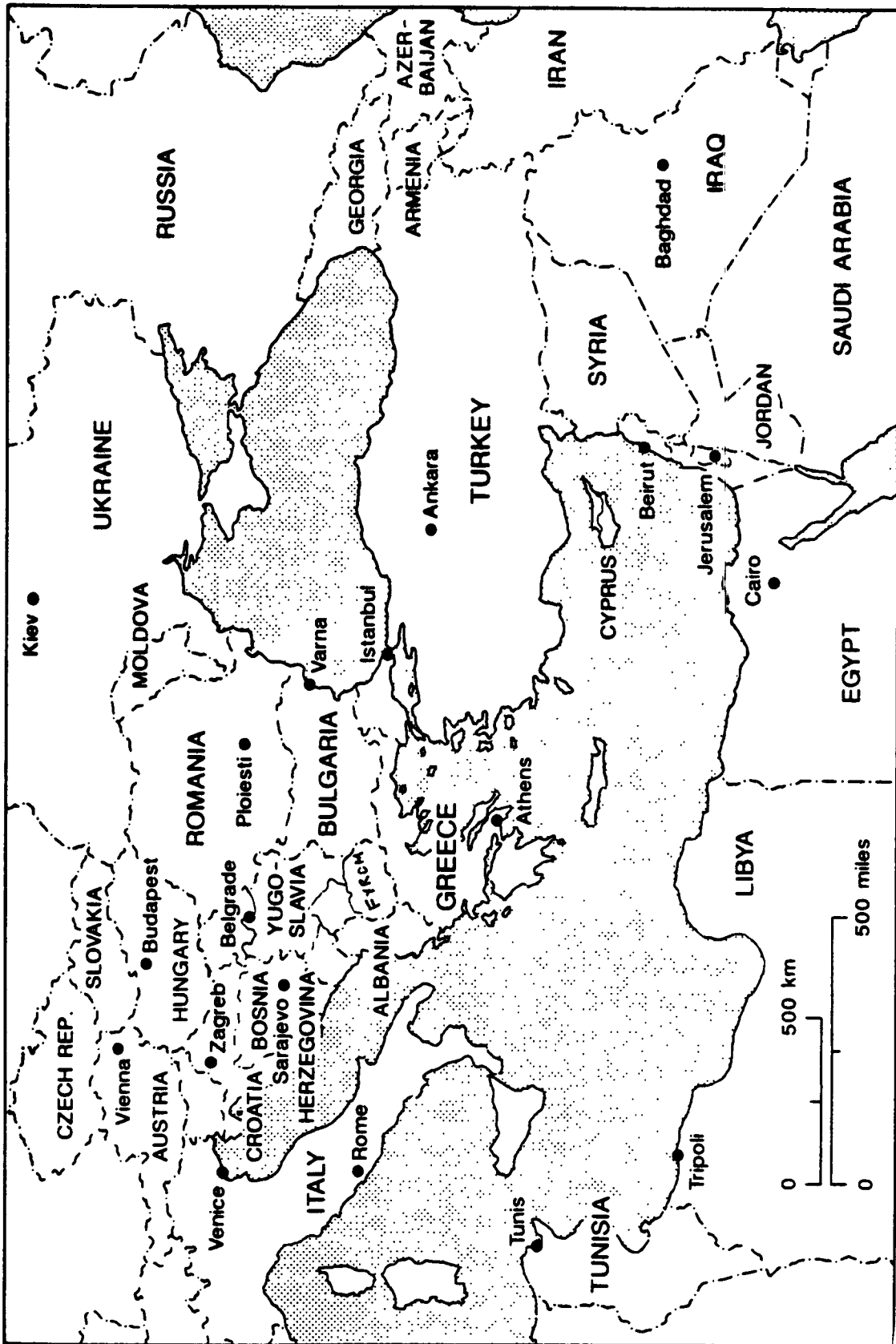
	1989	1990	1991	1992	1993 *
Greece	- 5.4	1.0	- 5.2	4.4	0.1
Turkey	12.0	15.0	2.8	4.9	2.3

(* estimate)

73. Source: NATO review, April 1994.

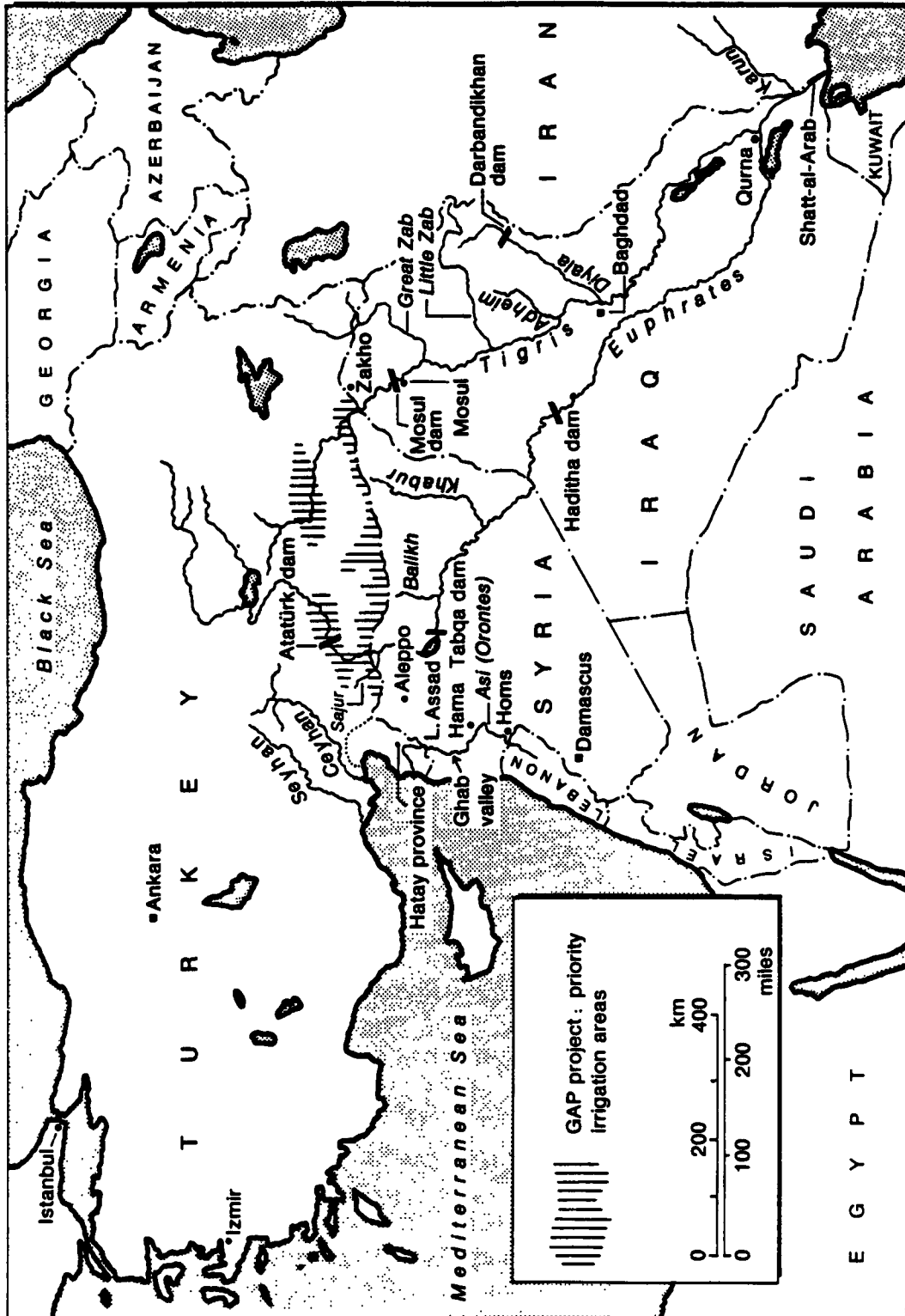
APPENDIX II

The Balkans and the Middle East



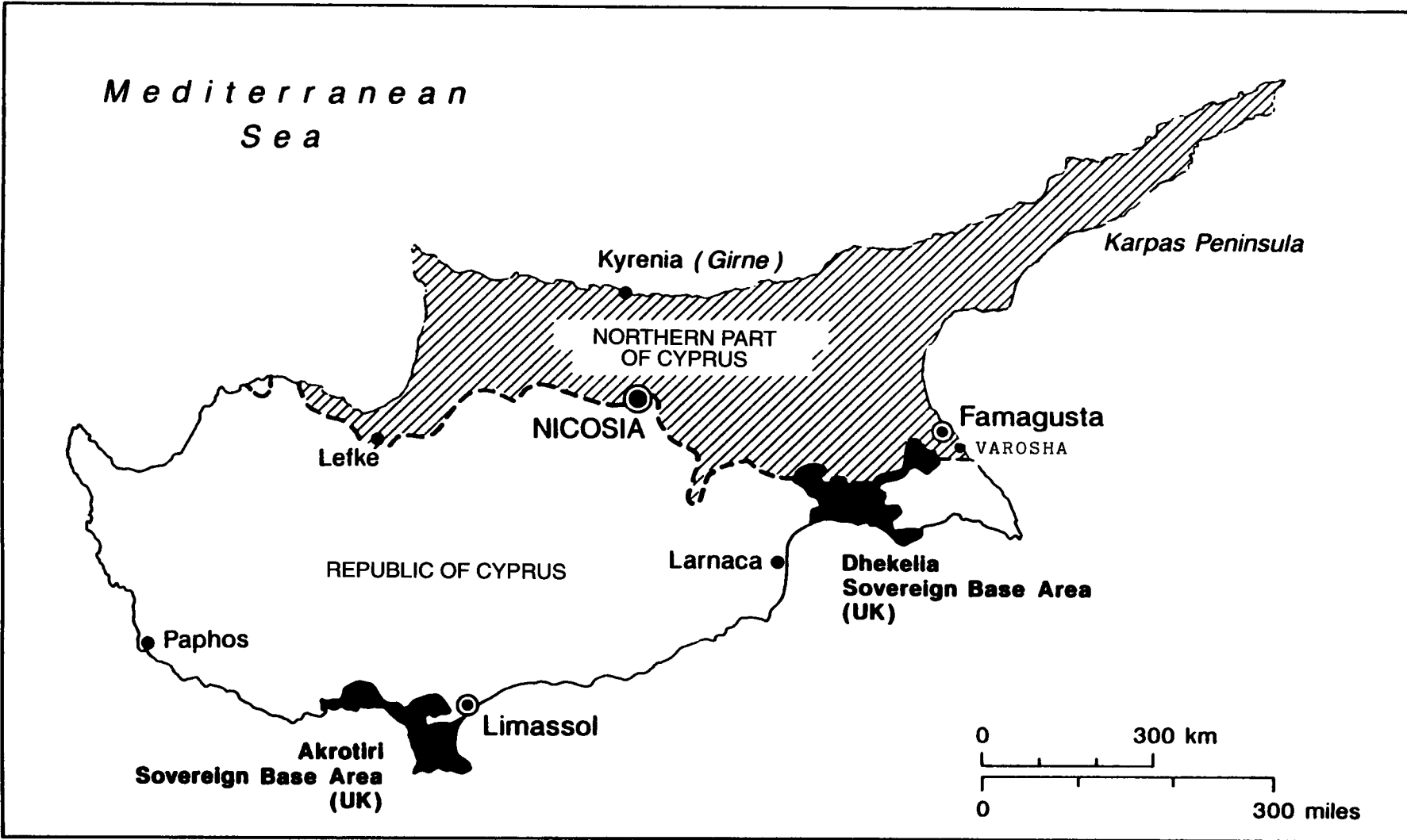
APPENDIX III⁷⁴

Tigris and Euphrates basin



74. Source: Adelphi Paper 273, Water and instability in the Middle East, by Natasha Beschoner, winter 1992/93.

APPENDIX IV
Present-day Cyprus



The Eastern Mediterranean

AMENDMENT 1¹

tabled by Mr. Schloten

1. Leave out paragraph (xx) of the preamble to the draft recommendation and insert:
“ Aware that the absence of political solution in the “ security zone ” in northern Iraq has created a security vacuum in that region which is encouraging external political movements and neighbouring countries to settle their differences; ”

Signed: Schloten

1. See 17th sitting, 21st June 1995 (amendment agreed to).

The Eastern Mediterranean

AMENDMENT 2¹

tabled by MM. Kastanidis and Pavlidis

2. Leave out paragraph (xii) of the preamble to the draft recommendation and insert:
“Concerned that the continuation of the crisis existing between Greece and FYROM does not contribute positively to the development of stability in the region, while hoping the two countries will start immediate negotiations in the framework of the United Nations;”

Signed: Kastanidis, Pavlidis

1. See 17th sitting, 21st June 1995 (amendment negatived).

*Replies of the Council to Recommendations 565 to 574***RECOMMENDATION 565**¹*on a European security policy*²

The Assembly,

- (i) Stressing that the aim of WEU is to achieve the effective strengthening of European security and that institutional concerns must in no case weaken efforts to this end;
- (ii) Recalling that the modified Brussels Treaty is one of the essential bases for ensuring this security;
- (iii) Regretting, therefore, that the Council has failed to take advantage of the opportunity of the fortieth anniversary of the treaty, which also coincided with that of the tenth anniversary of the reactivation of WEU, to draw the attention of the public at large to progress achieved by WEU since 1984;
- (iv) Convinced that the development of a European defence policy by the Council of WEU is conditional upon the achievement of a European security policy based on a common perception of risks and dangers and on a joint concept regarding the means of countering them;
- (v) Deploping the lack of information from the Council regarding its co-operation and contribution in this respect in the framework of the CFSP and NATO;
- (vi) Recalling Recommendations 556, 558 and 559;
- (vii) Rejecting paragraph 3 of the reply of the Council to Recommendation 559, in which the latter refuses to provide the Assembly with information on work undertaken in the framework of the CFSP on questions relating to the modified Brussels Treaty;
- (viii) Voicing its protest that the Council transmitted to the Assembly the first part of the fortieth annual report on its activities only on 9th November 1994 and deploping that the WEU Secretary-General no longer sends the Assembly his information letter;
- (ix) Aware that it is crucial to settle the substantive issues relating to the development of a European security and defence policy and that the Council seems to be giving priority to studying these questions;
- (x) Convinced nevertheless that the Council should not defer discussion of institutional problems in this connection until 1996, leaving the initiative in the interim to other European institutions;
- (xi) Recalling the decision of the European Council to create a study group in preparation for the 1996 intergovernmental conference which is to start work in June 1995 with the participation of two members of the European Parliament;
- (xii) Reaffirming that the supervision of security and defence policy in Europe is a prerogative of the national parliaments;
- (xiii) Insisting therefore that the WEU Assembly should participate fully in the preparations for WEU's planned review of the present provisions of the Maastricht Treaty concerning the common foreign and security policy, in accordance with declaration ID8 of the WEU member countries annexed to the Maastricht Treaty;
- (xiv) Fearing that the refusal of certain countries participating in the CFSP to accede to the modified Brussels Treaty might diminish the effectiveness of co-operation between the CFSP and WEU;
- (xv) Fearing also that the refusal of the WEU Council to admit all the European NATO member countries to full membership of WEU may complicate the implementation of WEU's rôle as the European pillar of NATO;
- (xvi) Wishing WEU to act as a political driving force vis-à-vis the authorities of the European Union and the Atlantic Alliance and not consider that its main task is to carry out decisions taken by these two organisations;

1. Adopted by the Assembly on 29th November 1994 during the second part of the fortieth ordinary session (9th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Soell on behalf of the Political Committee (Document 1439).

(xvii) Recalling nevertheless that since the Council has promised the European Union to provide assistance in policing the town of Mostar, it is of the utmost importance for the latter to honour its commitments in full;

(xviii) Deploring that meetings of the WEU Council are divided into four different categories of participant countries – full members, associate members, associate partners, observers – which raises the problem of multi-speed co-operation within WEU and the attendant risk of its political action being paralysed by institutional infighting, as was the case over the issue of Rwanda;

(xix) Wishing WEU to examine subsequent accession by its associate partners by basing itself essentially on the criteria of the modified Brussels Treaty;

(xx) Stressing that it is WEU's primary responsibility to ensure that, in the framework of harmonising procedures with the European Union and the Atlantic Alliance for linking these countries with Euro-Atlantic structures, security considerations are a means of speeding up this process and not a pretext for holding it back;

(xxi) Recalling that the Assembly cannot grant associate member and associate partner delegations rights which exceed the status the Council has granted them;

(xxii) Stressing that the enlargement of WEU towards the East is intended to reinforce the security and stability of Europe as a whole and not to create new divisions;

(xxiii) Recalling in consequence the importance of strengthening the collective security system in the framework of the CSCE and of establishing a stable partnership with Russia and the other members of the CIS;

(xxiv) Wishing the problems raised by the harmonisation of the presidencies of WEU and the European Union to be settled quickly in order to ensure the continuity of WEU's political action;

(xxv) Recalling the important rôle of its Committee for Parliamentary and Public Relations in reinforcing the impact of the work of the Assembly with parliaments, public opinion and the governments of the member countries,

RECOMMENDS THAT THE COUNCIL

1. In accordance with its declaration ID8 annexed to the Maastricht Treaty, create a special working group tasked with studying institutional questions relating to the preparation of the 1996 intergovernmental conference;
2. Decide that this working group will begin work in early 1995 and that the Assembly will be associated with it;
3. Play the rôle of a political driving force vis-à-vis the authorities of the European Union and the Atlantic Alliance with a view to developing guidelines for linking the Central and Eastern European countries with Euro-Atlantic structures;
4. Open up real prospects of accession to the modified Brussels Treaty for associate partner countries, irrespective of whether or not they belong to other European organisations;
5. In so doing, ensure that any future enlargement of WEU does not weaken the scope of Article V of the modified Brussels Treaty;
6. Make arrangements without further delay for granting Slovenia associate partner status;
7. Include in its present studies the French Prime Minister's proposal for drafting a white paper on European security in connection with the Noordwijk preliminary conclusions on the formulation of a common European defence policy and ensure that the outcome of its examination of the development of a European defence policy provides the main source of inspiration for the thinking process to be conducted in the framework of the CFSP and NATO;
8. Inform the Assembly of the areas and the content of its co-operation with the CFSP and NATO;
9. Contribute actively to a meaningful stability pact in Europe;
10. Work out a joint position with a view to its contribution to the CSCE ministerial conference in Budapest and inform the Assembly of the action taken to follow up its declared intention of 9th May 1994 of strengthening the CSCE "to avoid the emergence of new divisions" and to work for "a reasonable division of labour with the CSCE";
11. Make its views known in a more convincing and visible manner in the United Nations and arrange for WEU members to act in a more co-ordinated fashion in the Security Council of that organisation;

12. Follow closely the problems of security in the Mediterranean and inform the Assembly of the action it has taken on Recommendation 538 as it undertook to do in its reply to that recommendation;
13. Inform the Assembly of the results of studies undertaken by the Council on unresolved questions relating to the harmonisation of the presidencies of WEU and the European Union;
14. Avoid the effectiveness of WEU's action being jeopardised by the development of work conducted with different forms of participation within the organisation and at different speeds in specific areas;
15. Study the conditions in which the WEU Council might meet as a European security and defence council, either as necessary or on the occasion of meetings of the European Council;
16. Organise a regular exchange of senior civil servants between "WEU" departments established in ministries for foreign affairs and defence and in the private offices of the heads of government of member states;
17. Comply immediately with its obligations under Article IX of the modified Brussels Treaty by submitting its annual report to the Assembly so that the latter can reply before the report loses its topicality, account being taken of the fact that this is not the first time that the report has arrived very late;
18. Continue to inform the Assembly of all activities under the modified Brussels Treaty, even if exercised in other European or transatlantic bodies.

REPLY OF THE COUNCIL¹

to Recommendation 565

1. The Permanent Council draws the parliamentary Assembly's attention to paragraph 16 of the Noordwijk declaration which states that:

“ Ministers stress the importance of developing closer relations with the EU. In the light of the review of Article J.4 of the Treaty on European Union that will take place during the intergovernmental conference of 1996, Ministers decide that WEU should make a timely contribution to the work of the conference on the basis of its own review of the provisions of the declaration on the rôle of WEU and its relations with the EU and with the Atlantic Alliance of December 1991. ”

The substance of WEU's contribution to the work of the 1996 intergovernmental conference has been on the agenda of the Permanent Council and the Council Working Group since November 1994. The Council considers the present working arrangement adequate. Should the need arise, it will consider the setting up of a dedicated working group or the transfer to existing working groups of certain aspects of WEU's contribution.

2. As stated in paragraph 1, the Council reconfirms that reflections within the WEU ministerial organs on the organisation's contribution to the preparation of the 1996 intergovernmental conference started in November 1994.

Always welcoming the positive input of the WEU Assembly to the development of the European security and defence identity through its reports, recommendations, written questions and colloquia, the Council will continue to consider with great attention any substantive proposal from the Assembly in this context.

The Council fully subscribes to the view expressed by the rapporteur that “ this report can be regarded as an initial contribution to the preparation of the intergovernmental conference on the review of Title V of the Maastricht Treaty scheduled to begin in 1996 ” and has taken note of the report with great interest.

3. The Permanent Council is fully convinced of the stabilising effect that could result from a gradual linking of the Central and Eastern European countries with the Euro-Atlantic security structures. The Permanent Council recalls to the parliamentary Assembly that the European Agreements with the European Union, the associate partner status of WEU and the partnership for peace programme of NATO are all positive steps in this direction. The Permanent Council will play its political rôle in this respect accordingly, by discussing co-ordinating and harmonising measures with a view to developing a complementarity with initiatives towards Central and Eastern Europe of the EU and NATO.

4. The Permanent Council recalls to the parliamentary Assembly that members of WEU, in their Maastricht declaration of 10th December 1991, proposed that states which are members of the European Union be invited to accede to WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty. The development of WEU's relations with associate partners closely follows their relations with the European Union.

5. The Permanent Council can reassure the parliamentary Assembly that any future enlargement of WEU will not be of a nature to weaken the relevance and scope of Article V of the modified Brussels Treaty.

6. The Permanent Council is currently reviewing its relations with a broad range of countries. The question of granting Slovenia the associate partner status will be kept under review as Slovenia's relationship with the European Union develops. In the meantime, contacts with Slovenia take place according to arrangements on an ad hoc basis via the presidency of the WEU Council and the Secretariat.

7. The Permanent Council draws the parliamentary Assembly's attention to paragraph 6 of the Noordwijk declaration which states that:

“ Ministers considered that WEU member countries, associate members, associate partners and observers should now reflect in common on the new European security conditions, with due regard

1. Communicated to the Assembly on 14th February 1995.

for the work already undertaken, in order to arrive at a common analysis of the problems, including those related to the security and stability in the Mediterranean basin, with which they are faced and to reach agreement as to the appropriate responses. Ministers asked the Permanent Council to initiate reflection in this area, including the proposal put forward by France to draft a white paper on European security.”

The Permanent Council can reassure the parliamentary Assembly, that common positions elaborated within the WEU, in its quality as defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance, will provide a valuable input to the thinking process to be conducted in the framework of the CFSP and NATO.

8. The Council takes due note of the Assembly's legitimate request for information on the areas and the content of its co-operation with the EU and NATO. The Council will treat it as a matter of priority to keep the WEU parliamentary Assembly as fully informed as possible by means of the annual report on the activities of the Permanent Council. Furthermore, meetings between the presidency and the Assembly Presidential Committee before and in the wake of the Ministerial Council will continue in accordance with existing practice.

9. The Permanent Council informs the parliamentary Assembly that WEU and its member countries actively participate in the setting up of the stability pact in Europe. It is indeed a priority of the Permanent Council to ensure WEU's contribution to the enhancement of security and stability throughout Europe.

10. Welcoming the Assembly's ongoing interest for the strengthening of the OSCE, the Permanent Council draws the parliamentary Assembly's attention to paragraph 30 of the Noordwijk declaration which states that:

“ Ministers stress the importance they attach to the place of the CSCE in the European security architecture and its growing rôle, notably in the field of early-warning, conflict-prevention and crisis-management. They undertake to make the ongoing review conference and the forthcoming summit in Budapest a success in terms of critically evaluating the implementation of existing standards and procedures with a view to better preparing the CSCE for its future tasks. They support proposals to enhance the CSCE's rôle as a regional arrangement in the sense of Chapter VIII of the United Nations Charter by giving it greater responsibility for conflict-prevention and resolution and crisis-management, in compliance with Article 53 of the United Nations Charter, in the CSCE area. ”

The Permanent Council is of the opinion that WEU's support for the pact for stability in Europe, which is to be entrusted to the OSCE, is of a nature “ to avoid the emergence of new divisions ” and working towards “ a reasonable division of labour with the OSCE ”.

11. The Permanent Council reminds the parliamentary Assembly of the provisions on a common foreign and security policy of the Treaty on European Union, which state that:

Article J.1

(...)

4. The member states shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council shall ensure that these principles are complied with.

(...)

Article J.5

4. (...) Member states which are also members of the United Nations Security Council will concert and keep the other member states fully informed. Member states which are permanent members of the Security Council will, in the execution of their functions, ensure the defence of the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter. ”

12. The Permanent Council draws the parliamentary Assembly's attention to paragraph 12 of the preliminary conclusions on the formulation of a common European defence policy which states that:

“ It [the CFSP working group on security] has made an analysis of European security interests in the new strategic context and of the risks for European security, which provides a good basis for the development of a common foreign and security policy. Furthermore, the working group has studied the implications for European security of the situation in various neighbouring regions (Central and Eastern Europe, the Mediterranean, the Maghreb and the Middle East). These studies should be complemented with a WEU military analysis, so as to take account of their defence implications for the further elaboration of a common European defence policy. ”

The WEU Council informs the parliamentary Assembly that the European Union's relevant bodies have elaborated a document entitled: "Implications of the Mediterranean Situation for European Security". The Permanent Council endorsed paragraphs 15, 16, 36 and 38 of the analysis of the CFSP Security Working Group, on which comments by the WEU had been requested, and welcomed further reflection on the rôle defence instruments can play vis-à-vis the economic and diplomatic ones.

13. The Permanent Council informs the parliamentary Assembly that the relationships between European Union and WEU will be re-examined in 1996. In the meantime, links between both organisations are being further strengthened. To this effect, the Permanent Council has been invited to complete its examination of the question of harmonisation of presidencies in accordance with the ministerial mandate of November 1993.

14. The Permanent Council is of the opinion that the development of work conducted with different forms of participation within the organisation is not of a nature to jeopardise the effectiveness of WEU. Indeed, this variable geometry in working arrangements takes account of WEU's double finality as defence component of the European Union and as a means to strengthen the European pillar of the alliance.

15. The Permanent Council recalls to the parliamentary Assembly that it will be its responsibility to evaluate in due time the desirability of holding a WEU meeting at summit level.

16. The Permanent Council takes due note of the parliamentary Assembly's recommendation to "organise a regular exchange of senior civil servants between 'WEU' departments established in ministries for foreign affairs and defence and in the private offices of the heads of government of member states". The Permanent Council believes that the exchange of officials of relevant ministries between WEU states is an idea worth pursuing as a contribution to the definition of a European security and defence identity.

17. The Permanent Council is aware of the necessity of timely submitting its annual report to the parliamentary Assembly and will do its utmost to achieve that goal in the future.

18. The Permanent Council recalls to the parliamentary Assembly the terms of the reply it gave to Written Question 326 which remain valid.

RECOMMENDATION 566¹***on a European defence policy***²

The Assembly,

- (i) Welcoming the Council's initiative in starting to formulate a common European defence policy as announced in the declaration on Western European Union attached to the Maastricht Treaty;
- (ii) Having taken note of both the Noordwijk declaration and the preliminary conclusions on the formulation of a common European defence policy of 14th November 1994;
- (iii) Noting that WEU's inability to react quickly to crisis situations as in Bosnia or Rwanda is due not only to a lack of political will, but also to the fact that joint European interests have not yet been identified clearly enough and that mechanisms for making and implementing decisions rapidly have not yet been developed;
- (iv) Stressing that the operational rôle of WEU urgently needs to be strengthened in order to match the ambitions set out in the Maastricht Treaty and repeatedly expressed by the Council, while recognising that the lack of progress in developing WEU's operational rôle is due partly to the lack of political guidance from a common European defence policy on which it should be based;
- (v) Stressing that the transformation of NATO, and especially the implementation of decisions taken at NATO's 1994 Brussels summit meeting, is of vital importance for the reinforcement of WEU;
- (vi) Recognising that WEU's reinforcement must be founded partly in NATO and not replace a failing NATO;
- (vii) Surprised that the reinforcement of the European pillar of NATO is accompanied by a reduction in WEU member states' share of defence expenditures in the Atlantic Alliance;
- (viii) Recalling that the possibility of making NATO's collective assets available to WEU cannot relieve European states of their obligation to make a specific effort in those key defence areas where the alliance has no collective assets while being dependent on the national assets of the United States, specifically in the area of satellite intelligence and logistic capacity;
- (ix) Recalling that the massive airlift capacity now available in the United States armed forces inventory may considerably diminish in size by the turn of this century, making it necessary for European armed forces to assume their own responsibility in this field;
- (x) Noting that European armed forces are increasingly called upon to perform humanitarian and peace-keeping tasks and, however, that defence budgets of countries should consequently provide for a sufficient level of armed forces to carry out these tasks;
- (xi) Insisting that co-operation between European national armed forces must be intensified, also through the formation of multinational forces, in order to make the most effective use of diminishing defence budgets and smaller armed forces;
- (xii) Noting that the status of associate partner has provided significant opportunities for the countries concerned to help shape a future European defence policy and to co-operate closely with WEU in possible future WEU operations of all kinds;
- (xiii) Welcoming the first meetings of WEU's Mediterranean Group with government experts from Algeria, Egypt, Mauritania, Morocco and Tunisia, but at the same time stressing that WEU should pay closer attention to the situation in the southern Mediterranean extending beyond the present diplomatic dialogue;
- (xiv) Recognising that the situation in the former republics of the Soviet Union, in particular Russia, should be continuously followed by WEU, inter alia through regular contacts at both political and military level with the objective of fostering mutual confidence and understanding;
- (xv) Considering that lifting the arms embargo against Bosnia would be an incentive for the parties concerned to escalate the conflict, further endanger the civilian population and cause unacceptable risks for the United Nations forces on the ground;

1. Adopted by the Assembly on 29th November 1994 during the second part of the fortieth ordinary session (9th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Baumel on behalf of the Defence Committee (Document 1445).

(xvi) Regretting the decision of the United States Government, taken unilaterally and without appropriate prior consultation with the other states participating in the combined WEU/NATO operation Sharp Guard in the Adriatic, to stop policing the United Nations arms embargo against Bosnia;

(xvii) Stressing that the October 1994 crisis in Iraq and the decision of the United States to stop policing the arms embargo against Bosnia in the framework of operation Sharp Guard have provided compelling evidence that Europe needs to have its own independent intelligence policy, including a fully-fledged satellite system,

RECOMMENDS THAT THE COUNCIL

1. Strengthen the rôle of the Secretary-General, while at the same time defining clearly WEU's responsibilities compared with those of the European Union and NATO;
2. Reinforce the operational rôle of the Planning Cell, duly enlarging its staff and providing it with the appropriate equipment and technical resources for data processing and communications;
3. Give liaison officers from associate partners a more active rôle in the Planning Cell, in particular by drafting a list of forces of associate partners available to WEU and by including units from these countries in force packages for contingency plans;
4. Actively support the creation of a multinational African peace-keeping force which should be able to act rapidly under a United Nations mandate, by encouraging WEU member states to preposition equipment on the African continent and to take responsibility to train African units for such tasks;
5. Help in creating a readily available multinational European humanitarian intervention force to be included among the forces answerable to WEU;
6. Give further thought as soon as possible to a common security and defence policy, so that a white paper may be drafted forthwith on European security as proposed by the French Prime Minister specifying the rôle, tasks, joint command structures and political/military interface procedures of WEU for approval at a summit meeting of heads of state and of government of WEU member states in 1996 at the latest;
7. Accelerate the creation of a European armaments agency to manage multinational co-operative programmes, drawing on experience gained from the Franco-German armaments agency now being established;
8. Continue to pursue actively the establishment of a European satellite system which will be a vital part of Europe's defence identity;
9. Notwithstanding the United States' unilateral decision to end enforcement of the United Nations arms embargo against Bosnia, maintain its determination to continue to implement fully the enforcement of all existing embargoes against the different parts of former Yugoslavia, including the arms embargo against Bosnia.

REPLY OF THE COUNCIL¹***to Recommendation 566***

1. The Council takes due note of the parliamentary Assembly's recommendation. Being fully satisfied by the rôle of the Secretary-General, the Council does not see a reason to alter the present arrangement. The Council considers that the responsibilities of the WEU, the European Union and NATO are clearly defined in the modified Brussels Treaty, the WEU Maastricht declaration, the Treaty on European Union and the Washington Treaty. A clear definition of WEU's responsibilities compared to those of the European Union and NATO can be found in communiqués and declarations by these organisations, bearing in mind the provisions for transparency and complementarity which govern the relationships between them. The Council considers Title IV and V of the preliminary conclusions on the formulation of a common European defence policy to be a clear illustration.

2. The Council draws the parliamentary Assembly's attention to the terms of the reply it gave to Recommendation 561 on the WEU Planning Cell which remain entirely valid.

3. The Council reminds the parliamentary Assembly that in order to facilitate their participation in humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crises-management, including peace-making, associate partners have been invited to provide details of forces which they consider suitable for such operations. These units, when designated, will be taken into consideration alongside the FAWEU list. Furthermore, if the associate partners participate in any of the abovementioned operations, they will, together with the other participating states in that operation, define the practical modalities for the conduct of such operation.

4. The Council takes due note of the parliamentary Assembly's recommendation. This issue shall be included in due time on the Council's agenda, taking into account other reflections on that subject, namely in the European Union and in the Organisation of African Unity.

5. The Council draws the parliamentary Assembly's attention to paragraph 35 of the Noordwijk declaration which states that:

" (...) Recent events have underlined the importance for WEU to be able to play a more significant rôle in facing humanitarian emergencies caused by international crises or natural catastrophes. Taking account of the leading rôle of the European Union as a major body for co-ordination of European humanitarian assistance, Ministers stress that it is one of the rôles of WEU to provide for a European instrument of reaction in cases where, due to the urgency of a humanitarian crisis or the need for military protection, military means must be employed. Consequently, WEU has to be able to count on immediately available capabilities and arrangements which allow a rapid response to such emergencies. Ministers endorse the report regarding the setting-up of the arrangements and the provision of the means for a Humanitarian Task Force and mandate the Permanent Council speedily to implement this initiative. "

6. The Council draws the parliamentary Assembly's attention to paragraph 6 of the Noordwijk declaration which states that:

" Ministers considered that WEU member countries, associate members, associate partners and observers should now reflect in common on the new European security conditions, with due regard for the work already undertaken, in order to arrive at a common analysis of the problems, including those related to the security and stability in the Mediterranean basin, with which they are faced and to reach agreement as to the appropriate responses. Ministers asked the Permanent Council to initiate reflection in this area, including the proposal put forward by France to draft a white paper on European security. "

7. The Council draws the parliamentary Assembly's attention to Title VIII of the Noordwijk declaration which states that:

" (...) Ministers also took note of further work on a European Armaments Agency and approved the principles for the operation of such an organisation. Ministers agreed that National Armaments Directors would continue their considerations on this subject, recognising that conditions do not

1. Communicated to the Assembly on 27th February 1995.

currently exist for the creation of an agency conducting the full range of procurement activities on behalf of member nations. They agreed to consider favourably the Franco-German initiative to create a new armaments co-operation structure as a subsidiary body under the modified Brussels Treaty, when introduced to the WEU Council.”

8. The Council draws the parliamentary Assembly’s attention to paragraph 26 of the preliminary conclusions on the formulation of a common European defence policy which states that:

“ (...) In the Kirchberg declaration, Ministers reaffirmed their will to set up an independent European satellite system and said that a decision would be taken subject to evaluation of the costs and merits of the proposed system and of other WEU alternatives and affordability. The Space Group is preparing a proposal for such a decision with a view to a 1995 Ministerial meeting.

9. The Council draws the parliamentary Assembly’s attention to paragraph 24 of the Noordwijk declaration which states that:

“ (...) Ministers emphasise that the United States measures will not affect the determination of WEU to continue ensuring compliance with the relevant resolutions of the United Nations Security Council. Ministers reiterated their intention to continue to implement fully the enforcement of all embargoes. ”

RECOMMENDATION 567 ¹

on the future of the WEU Satellite Centre in Torrejón ²

The Assembly,

- (i) Welcoming the fact that the WEU satellite centre has achieved its logistical targets;
- (ii) Congratulating the Spanish authorities responsible for building the centre for having provided it with the means of operating effectively;
- (iii) Recalling that this centre is unique as a result of international co-operation and has been designed to contribute to peace-keeping and international security;
- (iv) Congratulating the Director and the staff of the centre on the very substantial sterling work they have done there;
- (v) Judging very favourably the number and nature of the treaty verification and crisis-monitoring tasks assigned to the centre;
- (vi) Regretting, however, that environmental monitoring tasks assigned to the centre are few and far between;
- (vii) Noting that so far certain member states have not tasked the centre at all and wondering about the reasons for their not doing so;
- (viii) Believing that the period for assessing the work of the centre is not long enough for the assessment to be entirely fair and valid;
- (ix) Considering that there is a risk of the satellite centre's present temporary status being prolonged and that it might not therefore be able to carry out its work in the optimum conditions for achieving its aims;
- (x) Considering moreover that the Centre, although in its infancy, is an important example of measures to be taken for the progressive creation of a European defence identity;
- (xi) Taking account moreover of the fact that the centre will be able to have the benefit of Helios satellite images only after summer 1995 at best;
- (xii) Reaffirming that the Torrejón Satellite Centre must be the cornerstone of a complete European space-based system covering intelligence, early warning and defence;
- (xiii) Believing in any event that the future of the centre should not be indissolubly linked to that of a European space-based observation system;
- (xiv) Insisting on the urgent need for the centre to be as widely supported as possible by public opinion if it wishes to attain its goals of providing Europe with a useful security instrument in the widest possible meaning of the term,

RECOMMENDS THAT THE COUNCIL

1. Take a decision as soon as possible that will guarantee the continuity of the satellite centre by making it permanent, so as to avoid a temporary situation being maintained to the detriment of its work;
2. Establish a method for continuously assessing the work done by the centre so as to optimise its capabilities at all times;
3. Keep the Assembly informed of the practical details for implementing the memorandum of understanding on the Helios satellite signed by WEU and the governments of France, Italy and Spain;
4. Encourage the member states to avail themselves of the services of the centre, especially those which have not yet done so;

1. Adopted by the Assembly on 29th November 1994 during the second part of the fortieth ordinary session (9th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. López Henares on behalf of the Technological and Aerospace Committee (Document 1437).

5. Urge member countries to make use of the services of the centre more regularly, in particular by giving it environmental monitoring tasks (disaster relief, control of water supplies, population movement, hazardous activities, control of nature of terrain, control of illicit movements);
6. Establish relations with the European Space Agency in order to determine possibilities for co-operation between the two organisations in space-based observation;
7. Study the possibilities of technical and commercial space co-operation with the CIS countries in order to allow the technical and human resources of those countries to be used for preventive and peaceful purposes;
8. Inform public opinion in Europe of the tasks and work undertaken by the Torrejón Satellite Centre in order to promote a better understanding of such tasks among the citizens of the European countries and to obtain their support for the aims of the centre.

REPLY OF THE COUNCIL¹

to Recommendation 567

1. Welcoming the Assembly's ongoing interest for the development of the WEU Satellite Centre, the Council draws the parliamentary Assembly's attention to paragraph 26 of the preliminary conclusions on the formulation of a common European defence policy which states to this effect that:

“ The Space Group has also assessed the requirements to ensure the continuity of the operation of the Satellite Centre until the completion of the evaluation of its capabilities. Based on this assessment, the Centre will be able to continue its activities until the end of 1995 without additional funding. At the Spring 1995 Ministerial meeting, an evaluation of the Centre's work should be completed, so as to permit a decision to be taken on the establishment of the Satellite Centre as a permanent body of WEU. ”

2. The Council informs the parliamentary Assembly that since the Satellite Centre is continuously supplying dossiers in response to tasking, member states and ministerial organs are able to provide a continuous assessment of the work done by the Satellite Centre so as to optimise its capabilities at all times.

3. The Council informs the parliamentary Assembly that discussions on implementing the memorandum of understanding on the Helios satellite are actively taking place.

4. The Council is confident that all member states will avail themselves of the services of the Centre so as to permit a decision to be taken on the establishment of the Satellite Centre as a permanent body of WEU.

5. The actual preponderance given to crisis-management and treaty verification over environmental monitoring is in direct relation to the avowed will of member States to exemplify the Satellite Centre's contribution to the strengthening of the operational rôle of WEU.

The Council informs the parliamentary Assembly that member states make use regularly of the services of the Centre. As for environmental monitoring tasks, the Satellite Centre is currently undertaking a number of environmental tasks.

6. The Council recalls to the parliamentary Assembly that in reply to Recommendation 555 it has already stated that:

“ The WEU Satellite Centre has established a working arrangement with ESA and now purchases images from the successful ERS-1 satellite on a commercial basis. ”

This working arrangement remains valid.

7. The Council informs the Assembly that the Space Group is still investigating the possibilities and modalities for the possible supply of imagery from Russia to the WEU Satellite Centre. No decision on technical and commercial space co-operation with the CIS countries has been reached yet.

The Council considers that the purchase on a commercial basis of CIS satellite imagery by the Satellite Centre would enhance the envisaged relationship between WEU, Russia and Ukraine.

8. The Council can reassure the parliamentary Assembly that speeches and articles by officials of the WEU Secretariat-General always include, when appropriate, references to the WEU Satellite Centre. The Director of the Satellite Centre, by means of briefings to visitor groups and participation in colloquia and seminars, also promotes a better understanding of the tasks and works of the Centre among the citizens of the European countries with a view to obtaining their support for the aims of the Centre.

Furthermore, the Council is of the opinion that the parliamentary Assembly and its Technological and Aerospace Committee perform a remarkable job in informing European public opinion on the objectives, functioning and possible futures of European Space co-operation generally and the WEU Satellite Centre specifically, as was exemplified by the discussion of the reports submitted to the second part of the fortieth ordinary session of the WEU parliamentary Assembly.

1. Communicated to the Assembly on 21st February 1995.

RECOMMENDATION 568 ¹

on the evolution of the logistical requirements of the Assembly to take account of enlargement ²

The Assembly,

Considering:

- (i) That present and foreseeable Assembly requirements now necessitate measures to make it possible to accommodate in the chamber of the Economic and Social Council the parliamentarians of the member countries, associate member countries, associate partner countries, observer countries and of other countries invited by the Council to attend Assembly debates, also members of the WEU Council and Secretariat-General and the secretaries of the national delegations and political groups;
- (ii) That for Greek to be adopted as an official language simultaneous interpretation facilities must be supplemented by further interpretation facilities once the ratification process has been completed;
- (iii) That, even after the interpretation facilities for sessions have been transferred to the meeting rooms in the Wilson wing, the limited number of seats in the official gallery makes it necessary to continue to use and improve the television area installed in the lobby of the French Economic and Social Council in order to achieve better television coverage of all Assembly speeches, votes and procedures;
- (iv) That the meeting rooms cannot accommodate more than 40 participants, they will be too small once representatives of all participating countries are present and that it would be necessary to resort to the hire of meeting rooms elsewhere in Paris;
- (v) That offices need to be allocated to all new parliamentary delegations and that this will be possible only if the remaining offices on the second floor and all the offices on the third floor can be made available to the Assembly in the immediate future for use during sessions and committee meetings;
- (vi) That in the foreseeable future the Assembly will no longer be able to operate properly in its present location and it will soon become essential to provide the Assembly with new premises;
- (vii) Welcoming the progress made on reaching agreement on provisional solutions aimed at alleviating pressing immediate needs arising from enlargement,

RECOMMENDS THAT THE COUNCIL

1. Take note of this report including in particular Appendix V;
2. Press ahead with the implementation of the measures referred to in Appendix V, in particular :
 - (a) Take the required action to release the remaining office on the second floor in time to accommodate the new Greek Delegation;
 - (b) Authorise the Institute for Security Studies, in close consultation and agreement with the Assembly, to proceed expeditiously with the proposed refurbishing of Room A, thus enabling the Assembly to use this room for meetings larger than those that can be accommodated in Rooms B and C;
 - (c) Approve the funds required by the Assembly to proceed with the work necessary to accommodate parliamentary delegations in the facilities relinquished finally or temporarily and with the other proposals contained in Appendix V and concerning in particular the "electronic office" intended specifically to make more efficient and flexible use of insufficient seating capacity of the ESC Chamber;
3. Support the Assembly and its President in their efforts to promote a comprehensive plan to meet the future requirements of the Assembly, in particular :
 - (a) Reach agreement with the French Government for the transfer of the Institute for Security Studies to alternative premises nearby, thereby releasing the offices on the third floor for the use of parliamentary delegations, in all categories;

1. Adopted by the Assembly on 30th November 1994 during the second part of the fortieth ordinary session (10th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Rathbone on behalf of the Committee on Budgetary Affairs and Administration (Document 1438).

- (b) Alternatively, reach agreement now with the French Government for the Assembly to be installed in new premises suitable for foreseeable future needs;
- 4. In any case, be prepared to start consultations with the President of the Assembly and the French Government on a relocation plan for execution immediately following the 1996 review of all European institutions, in anticipation of new members in various categories joining in that and subsequent years.

REPLY OF THE COUNCIL¹***to Recommendation 568***

1. The Council informs the parliamentary Assembly that it is well aware of the contents of the report submitted by the Right Honourable Mr. Rathbone, Chairman and Rapporteur of its Committee on Budgetary Affairs and Administration.

Some of the measures referred to in Appendix V have already been implemented.

The office of the Deputy Secretary-General on the second floor of the WEU building in Paris was converted for use by a parliamentary delegation during the second part of the fortieth ordinary session.

Moreover, several other spaces have been made available to the Assembly, such as the telephone exchange, the meeting room and the library of the Institute for Security Studies, which were used by delegations of parliamentary observers.

Finally, Room A is now being refurbished.

In the framework of the overall examination of the 1995 WEU budget, additional funds to accommodate parliamentary delegations have already been considered. Furthermore, the possibility of acquiring an electronic equipment will be reconsidered and consequently a 1995 WEU Assembly's supplementary budget will be submitted separately to the Council in due time.

The question of the new premises for the Assembly, suitable for its foreseeable future needs, is not on the Council's agenda. This issue needs to be raised primarily by the Assembly itself and the host country bearing in mind the participation of the Economic Council.

1. Communicated to the Assembly on 13th March 1995.

RECOMMENDATION 569 ¹

on the situation in Bihac and the need to strengthen WEU ²

The Assembly,

- (i) Anxious for all the security zones in Bosnia-Herzegovina defined by the Security Council to be scrupulously respected;
- (ii) Noting nevertheless that the fact that Bosnian Serb forces have penetrated the safe area around Bihac shows the difficulties encountered by UNPROFOR in implementing Security Council resolutions authorising it inter alia:
 - to deter attacks against the safe areas,
 - and to take the necessary retaliatory measures, including recourse to force, against bombing of the safe areas by either side, armed incursions or any obstacle to free movement by UNPROFOR;
- (iii) Fearing an escalation of the conflict and intensification of the fighting that might endanger the UNPROFOR troops now deployed and which are insufficiently armed.
- (iv) Disturbed that profound differences have emerged between the United States and its European allies regarding the measures to be taken to ensure compliance with Security Council resolutions and to restore peace in the regions concerned;
- (v) Convinced that the lifting of the embargo on Bosnia is not an appropriate means of facilitating the resolution of the conflict in the region in question;
- (vi) Regretting nevertheless that neither the United States nor the countries of Europe have been prepared to send in a buffer force that is large enough and equipped to be able to put an end to hostilities;
- (vii) Noting also that the contact group's efforts to achieve a cease-fire that is complied with and a political solution to the conflict have so far failed;
- (viii) Determined to do everything possible to prevent a further massacre occurring on former Yugoslav territory;
- (ix) Still convinced that, to avoid escalation, efforts to find a political solution to the conflict acceptable to all parties concerned must not be relaxed;
- (x) Recalling nevertheless that, for such a solution not to remain a dead letter, the parties concerned must be convinced that its implementation will be guaranteed by effective measures of enforcement,

URGENTLY RECOMMENDS THAT THE COUNCIL

1. Immediately hold an urgent joint meeting with the North Atlantic Council with a view to:
 - (a) appealing to all governments and all competent international organisations to make a new effort to find a political solution to the conflict, in view of the negotiations in progress on the basis of the proposals of the contact group, and demonstrate the responsible attitude of the international community by opposing with great determination and firmness those responsible for prolonging an unjustifiable and nonsensical war;
 - (b) considering the timeliness of using all appropriate means to prevent further massacres and to end the fighting in Bihac;
 - (c) ensuring that the unilateral decision of the United States Government no longer to participate in monitoring the embargo on Bosnia cannot affect NATO's commitment nor its operational capabilities in the fighting in Bosnia-Herzegovina;
2. Accelerate the process of strengthening Western European Union by providing it with satellite intelligence means and strategic transport and units of combined forces.

1. Adopted by the Assembly on 30th November 1994 during the second part of the fortieth ordinary session (10th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Roseta on behalf of the Political Committee (Document 1450).

REPLY OF THE COUNCIL¹***to Recommendation 569***

1. The Council informs the parliamentary Assembly that a WEU NATO joint Council was held on Tuesday 6th December at the WEU Headquarters. This meeting was an occasion on which an exchange of views on the situation in former Yugoslavia and relevant operations took place.

The Council draws the parliamentary Assembly's attention to paragraph 23 of the Noordwijk declaration, in which:

“ Ministers express their full support for the continued efforts by the EU, the United States and the Russian Federation, including through the contact group, to search for a political solution to the conflict. In this respect, they express their concern at the continued refusal by the Bosnian Serbs to accept the peace plan for Bosnia and Herzegovina, as a result of which hostilities continue. The deterioration of the situation in Bosnia and Herzegovina and particularly the attacks on the United Nations-protected safe areas of Sarajevo and Bihac, as well as on Mostar, should be effectively addressed. Ministers agree on the need for the United Nations Security Council to consider the appropriate measures. ”

The Council draws the parliamentary Assembly's attention to paragraph 24 of the Noordwijk declaration which states that:

“ (...) Ministers take note with regret of the United States measures to modify its participation with respect to the enforcement of the arms embargo in the combined WEU/NATO operation Sharp Guard in the Adriatic. In this context, they particularly stress the importance that the United States in NATO structures will continue to observe fully the mandatory provisions of all relevant United Nations Security resolutions. ”

2. The Council draws the parliamentary Assembly's attention to paragraph 26 of the preliminary conclusions on the formulation of a common European defence policy which states that:

“ (...) In the Kirchberg declaration, Ministers reaffirmed their will to set up an independent European satellite system and said that a decision would be taken subject to evaluation of the costs and merits of the proposed system and of other WEU alternatives and affordability. The Space Group is preparing a proposal for such a decision with a view to a 1995 Ministerial meeting. ”

1. Communicated to the Assembly on 13th March 1995.

RECOMMENDATION 570¹

*on the development of a European space-based observation system – Part III*²

The Assembly,

- (i) Stressing the importance of control over space beyond the earth's atmosphere in the global management of crises;
- (ii) Noting that Europe still does not have operational means of observation and detection by satellite with the military capabilities necessary for strengthening its defence;
- (iii) Stressing the need for the WEU countries to equip themselves with independent space-based means of observation and detection in order to be able to take appropriate measures in the event of crises affecting Europe's interests;
- (iv) Concerned over the future implications for European security of the proliferation of ballistics technology in the Mediterranean region;
- (v) Recalling Recommendations 410, 482, 523, 533 and 555 in which the Assembly requests that the Council:
 - (a) set clear European space policy objectives and priorities;
 - (b) reach decisions on further steps for establishing a full-scale European verification satellite system;
 - (c) design the planned system in such a way as to contribute to the security of WEU member countries and to be useful to other organisations with a European, Atlantic or international vocation;
 - (d) assess without delay the risks to Europe stemming from the proliferation of ballistic and nuclear technology;
 - (e) take appropriate decisions to avoid the slowing-down or paralysis of activities entrusted to the study management team and the industrial consortium commissioned to design WEU's main observation system;
- (vi) Stressing the importance of equipping Europe with early-warning and navigational satellite systems necessary for the efficient operation of a European anti-missile defence system;
- (vii) Aware of the high cost of space-based systems and the need for close co-operation between states, industry and scientific circles for these projects to succeed;
- (viii) Noting with regret the absence of consensus in the Council over the necessary development of the work of the Satellite Centre and starting the programme for the main observation system;
- (ix) Deploing that the Council provides so little and such inadequate information on WEU's space policy,

RECOMMENDS THAT THE COUNCIL

1. Commence examination of a European space defence policy, taking all aspects of the problem into account;
2. Take the decisions necessary for the development of the Satellite Centre and for starting work on the main observation system, on the basis of a strategic analysis of what is at stake in the medium and long term;
3. Instruct its Space Group to begin a study of a European space-based defence system, paying particular attention to the need for communications, early-warning and navigational satellites and their protection;
4. Develop its contacts with the space industries of the member countries and with ESA in order to obtain information on current programmes and technologies that might be useful for implementing a European space-based defence system;

1. Adopted by the Assembly on 30th November 1994 during the second part of the fortieth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Valleix on behalf of the Technological and Aerospace Committee (Document 1436).

5. Foster co-operation in early-warning and navigational satellites with the United States and Russia on a basis of reciprocity and without jeopardising the independence of European systems;
6. Examine the expediency of creating a European space defence agency in WEU with responsibility in this area;
7. Keep the Assembly better informed of its decisions on WEU's space policy.

REPLY OF THE COUNCIL¹

to Recommendation 570

1. The Council informs the parliamentary Assembly that the development of a European space defence policy is an integral part of the development of a common European defence policy. Paragraphs 25 and 26 of the preliminary conclusions on the formulation of a common European defence policy are a clear illustration of this goal.

2. The Council draws the parliamentary Assembly's attention to paragraph 26 of the preliminary conclusions on the formulation of a common European defence policy which states that:

" (...) In the Kirchberg declaration, Ministers reaffirmed their will to set up an independent European satellite system and said that a decision would be taken subject to evaluation of the costs and merits of the proposed system and of other WEU alternatives and affordability. The Space Group is preparing a proposal for such a decision with a view to a 1995 Ministerial meeting.

" The Space Group has also assessed the requirements to ensure the continuity of the operation of the Satellite Centre until the completion of the evaluation of its capabilities. Based on this assessment, the Centre will be able to continue its activities until the end of 1995 without additional funding. At the spring 1995 Ministerial meeting, an evaluation of the Centre's work should be completed, so as to permit a decision to be taken on the establishment of the Satellite Centre as a permanent body of WEU."

3. The Council takes due note of the parliamentary Assembly's recommendation and will consider tasking the Space Group accordingly, once the studies currently under way have been finalised.

4. The Council and its Space Group give their highest priority to the preparation of proposals for decisions concerning the possible setting up of an independent European earth observation satellite system and the establishment of the Satellite Centre as a permanent body of WEU.

The Council informs the parliamentary Assembly that the Technical Working Group of the Space Group has already recognised the necessity to examine in MOE detail the technical feasibility and relevance of some areas of ESA activity.

5. The Council recognises the merits of " fostering co-operation in early warning and navigational satellites with the United States and Russia on a basis of reciprocity ". The Council might consider this possibility when it will assess its overall relations with third countries.

6. The Council takes due note of the Assembly's request for further information on the developments of WEU's space policy. It considers important to keep the WEU parliamentary Assembly as fully informed as possible on future orientations and decisions. Meetings between the presidency and the Assembly Presidential Committee either before and/or in the wake of the Ministerial Councils will continue to offer a constructive opportunity in that respect.

1. Communicated to the Assembly on 13th March 1995.

RECOMMENDATION 571 ¹

on transatlantic co-operation on European anti-missile defence ²

The Assembly,

- (i) Recognising the need for Europe to determine the risks for its security of the proliferation of ballistic technologies in the countries of the third world and in particular in the Mediterranean and the Middle East;
- (ii) Recalling the need for the discussion already started in WEU to be taken further in order to contribute to identifying these risks and their effects on Europe and for giving this discussion real impetus;
- (iii) Taking into consideration the need for European countries to reach a joint position on anti-missile defence, in order to avoid a dangerous delay in relation to the evolution of the threat;
- (iv) Recalling its earlier conclusions on the need to envisage a system of protection which takes account of European needs and also of work done in this area by the United States;
- (v) Considering the many advantages that co-operation in the widest sense and based on equality between the transatlantic partners could obtain for the two sides in the area of anti-missile defence;
- (vi) Considering however that certain programmes launched by the United States, such as THAAD, have reached a very advanced stage, which precludes co-operation from the outset;
- (vii) Recalling moreover that the missile technology control régime provides for the signatory countries to strengthen the principles upheld by that agreement through their respective legislations;
- (viii) Taking into account the differences now separating countries that used to be members of Cocom in identifying the countries which constitute a strategic threat to their security;
- (ix) Considering that the countries which are at present establishing the bases of the new Cocom must reach a consensus, particularly with regard to prohibition of certain transactions with given countries or for a specific purpose;
- (x) Considering that the system which is to succeed Cocom must have as its main objective to prevent the countries constituting a true proliferation risk and a real threat to regional stability from procuring conventional armaments and associated technology;
- (xi) Judging necessary that agreements directed to this end should be concluded as quickly as possible;
- (xii) Emphasising the importance for WEU to define a joint policy for the exportation of armaments;
- (xiii) Taking account of the need to take the necessary steps as soon as possible for preparing a conference on security and co-operation in the Mediterranean (CSCM),

RECOMMENDS THAT THE COUNCIL

1. Give the Assembly precise information about progress made in the study being conducted by the Special Working Group on European anti-missile defence;
2. Let the Assembly know whether a meeting of experts has been held in order to prepare an analysis of risks and, if so, what conclusions were drawn from that meeting;
3. Ask member countries to strengthen in their respective legislations the principles upheld by the MTCR;
4. Encourage the adoption in member countries of a joint position on the definition of the countries that constitute a strategic threat to their security;

1. Adopted by the Assembly on 30th November 1994 during the second part of the fortieth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Alkinson on behalf of the Technological and Aerospace Committee (Document 1435).

5. Seek a consensus among member countries on the bases of the régime to replace Cocom;
6. Promote among member countries the introduction in the very near future of a joint policy towards the exportation of armaments to third countries;
7. Speed up examination of the development of a European space-based observation system and the taking of decisions in that respect;
8. Create a study group on a European early warning system;
9. Discuss the possibilities of co-operation between the United States and Europe on anti-missile defence; such co-operation should be on a basis of equal partnership in development and production and might cover the following areas:
 - (a) programmes on an endo-atmospheric system currently under study in Europe and the United States and which might possibly lead to joint implementation of a single programme;
 - (b) exo-atmospheric systems;
 - (c) airborne systems, adapted in any event, to European Rafale and Eurofighter combat aircraft;
 - (d) study of the possibility for Europe to adopt a joint position on the possible procurement of the American THAAD programme;
10. Reach a joint position on the various possibilities described above in the interests of Europe and our transatlantic allies;
11. Establish contacts between WEU and the BMDO for discussion on the problems already described.

REPLY OF THE COUNCIL ¹

to Recommendation 571

1. The Council informs the parliamentary Assembly that the study on European anti-missile defence entitled "A preliminary analysis of the risks of missile technology proliferation on the southern flanks of Western Europe" which was conducted by the Special Working Group has been temporarily suspended.

The Council draws the parliamentary Assembly's attention to paragraph 25 of the preliminary conclusions on the formulation of a common European defence policy which states that:

" (...) As the defence component of the European Union and as means to strengthen the European pillar of the Atlantic Alliance, WEU should strengthen its operational capabilities, developing the military and operational aspects of security such as: (...)

– the question of anti-missile defences in Europe;

(...)"

Furthermore, Mr. Mallet, European co-Chairman of NATO's Senior Defence Group on Proliferation, briefed the Council on work in this area on 18th October 1994. The Council is therefore confident that work will soon resume.

2. The Council draws the parliamentary Assembly's attention to paragraph 6 of the preliminary conclusions on the formulation of a common European defence policy which states that:

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

The Council will inform the parliamentary Assembly in due course on the chosen method for the implementation of the provisions of this paragraph as well as on the conclusions it will reach in the execution of its mandate.

3. The Council reminds the parliamentary Assembly that the missile technology control régime (MTCR) is neither a treaty nor an international agreement but is a voluntary arrangement among countries which share a common interest in limiting missile proliferation. The régime consists of common export guidelines applied to a common list of controlled items. Each member implements its commitments in the context of its own national export laws. The Council is confident that WEU states have undertaken the necessary steps fully to comply with the MTCR.

4. The Council recalls its reply to paragraph 2 of the present recommendation since in its view, security challenges relate to countries which might constitute a strategic threat.

5. The Permanent Council informs the parliamentary Assembly that the European Union has agreed upon rules for the control of exports of dual-use goods and strives for a harmonisation of national armaments export policies. The Council considers that the results of these European decisions and endeavours will be of a nature to fuel the discussions on the new export arrangement after the end of Cocom.

6. The Council draws the parliamentary Assembly's attention to paragraph 36 of the preliminary conclusions on the formulation of a common European defence policy which states that:

" (...) Issues to be addressed among others in advancing European armaments co-operation and the development of a European armaments policy include:

(...)

– as far as extra-European exports are concerned, within the context of the informal group [composed of governmental experts of WEU/WEAG and EU member states], a study of the possible harmonisation of national practices, taking into account developments under a common European foreign and security policy in the area of arms export controls, and a study of ways to translate the developments of the CFSP into practice in the area of arms export controls. "

¹. Communicated to the Assembly on 13th March 1995.

7. The Council draws the parliamentary Assembly's attention to paragraph 26 of the preliminary conclusions on the formulation of a common European defence policy which states that:

" (...) In the Kirchberg declaration, Ministers reaffirmed their will to set up an independent European satellite system and said that a decision would be taken subject to evaluation of the costs and merits of the proposed system and of other WEU alternatives and affordability. The Space Group is preparing a proposal for such a decision with a view to a 1995 Ministerial meeting. "

8. The Council draws the parliamentary Assembly's attention to paragraph 38 of the Noordwijk declaration, adopted by the WEU Council of Ministers meeting at Noordwijk on 14th November 1994, which states that:

" (...) The Secretariat and the Planning Cell need to be complemented by capacities in the area of intelligence and crisis-management in order to fulfil the tasks mandated by the Petersberg declaration: for instance, a situation centre and an intelligence section, which are already under study. The studies being conducted in this field should be submitted to the Permanent Council so that it can take the appropriate decisions. "

The Council informs the parliamentary Assembly that this study might also address early warning capabilities (including the space component).

9. The Council reminds the parliamentary Assembly of the above quoted paragraph 25 of the preliminary conclusions on the formulation of a common European defence policy.

In this connection the Council sees scope to discuss the possibilities of future co-operation between the United States and Europe.

10. The Council reminds the parliamentary Assembly that " WEU member states will intensify their co-ordination on alliance issues which represent an important common interest with the aim of introducing joint positions agreed in WEU into the process of consultation in the alliance which will remain the essential forum for consultation among its members and the venue for agreement on policies bearing on the security and defence commitments of allies under the North Atlantic Treaty ".

11. The Council will consider establishing contacts between WEU and the Ballistic Missile Defence Organisation (BMDO) once the discussions on the possibilities of co-operation between the United States and Europe on anti-missile defence have been finalised.

RECOMMENDATION 572 ¹

on the readiness and capabilities of airforces in WEU member states ²

The Assembly,

- (i) Considering that WEU member states should review the national capability of their airforces to meet their obligations within the alliance and to provide a proper contribution to the exercise of international authority and humanitarian obligations;
- (ii) Recalling that, for member states, it is not enough to possess appropriate numbers of military aircraft since such numbers are of little use if the aircrews are not capable of current operational activity or if the aircraft themselves are not maintained in serviceable condition;
- (iii) Expressing concern about the quality and relevance of flight training and stressing that low-level flight training is necessary to sustain the possibility of operational survival;
- (iv) Drawing attention to the absence of, or inadequacy of, low-level flight training in a number of member states which fails to provide reasonable assurances that the nature and the scale of flight training in their airforces meets the standards to which they are committed;
- (v) Regretting possible shortcomings in logistic support capacity and the reliance upon civilian transport aircraft for military purposes especially where pursuit of peace in the service of humanitarian causes may require both aircrew and aircraft to be prepared to face a hostile environment, which testifies to the need, in the long term, to build a European military transport aircraft;
- (vi) Considering existing anxieties about the need for adequate air defence, in particular in terms of all-weather capability, air-to-air refuelling and reconnaissance and early warning in airforces of WEU member states;
- (vii) Considering that the aircraft in service in several member states are obsolescent thus extending the considerable range and variety of different types, there being, for instance, some thirteen different types of strike aircraft;
- (viii) Considering that rather more attention should be paid to making provision for adequate air-to-air refuelling in view of the increased capacity this might provide;
- (ix) Noting that the airforce exercise Purple Nova held in November 1994 under WEU auspices is an interesting development and trusting that further similar exercises will be held in order to assist co-operation between airforces of member states to enable them to develop further co-operative capacity in response to crises and international need,

RECOMMENDS THAT THE COUNCIL

1. Remind member states that more attention should be paid to the provision of sufficient military aircraft and aircrews capable of operations in support of international need and to ensuring that sufficient personnel are trained and employed to maintain the numbers of military aircraft which their commitment to the alliance requires;
2. Urge member states to recognise that whilst their services need to be operated efficiently, the defence of their realms and their obligation to both the alliance and the international community require the retention of a sufficient number of uniformed personnel to ensure that support as well as operational requirements can be permanently secured;
3. Pay close attention to the success of the recent airforce exercise Purple Nova with a view to extending such arrangements on a regular basis.

1. Adopted by the Assembly on 30th November 1994 during the second part of the fortieth ordinary session (11th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Hardy on behalf of the Defence Committee (Document 1444).

REPLY OF THE COUNCIL¹

to Recommendation 572

1. The Council reassures the Assembly that WEU member states are fully aware of the need to balance the requirements of their commitment to the alliance against the requirements for participation in operations in support of international need.
2. The Council takes due note of the Assembly's recommendation that WEU member states "recognise that whilst their services need to be operated efficiently, the defence of their realms and their obligation to both the alliance and the international community require the retention of a sufficient number of uniformed personnel to ensure that support as well as operational requirements can be permanently secured".
3. The Council welcomes the parliamentary Assembly's interest and appreciation for exercise Purple Nova.

Admiral Sir Hugo White, CINCFLEET, and members of his staff briefed the Council on Exercise Purple Nova which had taken place at Northwood, United Kingdom, from 1st-6th November 1994 with the participation of France, the Netherlands, Portugal and the United Kingdom. Exercise Purple Nova, a command post exercise, had placed particular emphasis on command and control issues and had demonstrated a high degree of multinational integration.

The Council considers that exercises are very valuable for identifying the key issues related to the operational development of WEU, as Purple Nova and Tramontana have clearly shown recently. They enhance solidarity among partners as well as the credibility and visibility of WEU. Joint exercises have been taking place since 1992: Faradet, Ardente (Italy, 1993), Purple Nova (United Kingdom, 1994), Tramontana (Spain, 1994), to be followed by Mistral in France in 1995.

1. Communicated to the Assembly on 27th March 1995.

RECOMMENDATION 573 ¹

on the WEU Institute for Security Studies ²

The Assembly,

- (i) Noting with satisfaction that the WEU Institute for Security Studies has successfully accomplished the tasks assigned to it since its creation;
- (ii) Stressing the importance of the activities of the Institute for the emergence of a European awareness of security and defence questions;
- (iii) Welcoming the vital rôle played by the Institute in the development of relations with the Central and Eastern European countries, associate partners of WEU;
- (iv) Noting with interest the initiatives taken by the Institute to make WEU and other European organisations aware of the problems of the Mediterranean and the Maghreb;
- (v) Welcoming the fact that the Institute's expertise was called upon in the context of the International Conference on Peace in former Yugoslavia, thus demonstrating the reputation enjoyed by the Institute among European research institutes;
- (vi) Stressing the Institute's active policy of openness towards European countries seeking membership of the European Union and WEU;
- (vii) Noting that the enlargement of WEU entails an increase in the Institute's responsibilities towards new members, associate members, associate partners and observers, but that there has been no adjustment of the Institute's means to meet this new situation;
- (viii) Noting that the present structure of the Institute is not such as to be able to meet all expectations arising from enlargement and from the emergence of a new European security and defence identity;
- (ix) Recalling the declaration of the WEU member countries, annexed to the Maastricht Treaty, in which the Council undertook to study "the transformation of the WEU Institute into a European security and defence academy";
- (x) Recalling Recommendation 474, requesting the Council to "take no measures that may involve relations between the new institute and the Assembly without securing the latter's prior agreement";
- (xi) Regretting that the Assembly may not always be in a position to take advantage of closer and more direct co-operation with the Institute, to their mutual benefit,

RECOMMENDS THAT THE COUNCIL

1. Consider forthwith the Institute's transformation into a European security and defence academy, in accordance with the Council's own wishes as expressed in 1991;
2. Encourage member countries to resume holding advanced European defence study sessions, with the support of the Institute, and to ensure the continuity of such sessions;
3. Provide the Institute with appropriate means for handling the increase in its requirements and activities stemming from the enlargement of WEU and the development of relations with countries seeking membership of the European Union and with the Mediterranean countries;
4. Redefine, as necessary, the tasks of the Institute assigned to it at the time of its creation and adapt them to the new European situation in view of whatever changes may result from the 1996 intergovernmental conference;

1. Adopted by the Assembly on 1st December 1994 during the second part of the fortieth ordinary session (12th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Román on behalf of the Committee for Parliamentary and Public Relations (Document 1430).

5. Permit the development of co-operation between the Institute and the Assembly, without the former having to request the permission of the Council on each occasion in order to respond to a request for information or collaboration from the Assembly;
6. Ask the Institute to make declassified versions of its studies available to the Assembly and ensure that, in its work, it takes account of the Assembly's point of view on topics of common interest;
7. Associate the Assembly with the process of examining the transformation of the Institute into an academy, and, if necessary, establish procedures for close co-operation between the latter and the Assembly with a view to achieving the openness and transparency necessary for fostering European awareness of security and defence matters.

REPLY OF THE COUNCIL¹***to Recommendation 573***

1. The Council welcomes the interest the parliamentary Assembly has always shown in the work of the WEU Institute for Security Studies and the positive assessment of its achievements in the report of the Honourable MP Mr Roman. For its part, the WEU Council of Ministers, in the Noordwijk declaration adopted on 14th November 1994, reiterated its commitment:

“ (...) gradually to develop the Institute for Security Studies into a European Security and Defence Academy and request the Permanent Council to take this matter forward as a priority. ”

2. The Council informs the parliamentary Assembly that in early 1995 it will consider favourably proposals by the Institute for Security Studies on the first steps to be taken towards the development of the Institute into an Academy. The Council would consider, as a part of this, the possible resumption of the European sessions of advanced defence studies with the active involvement of the Institute.

3. The Council will consider the budgetary implications of this possible transformation. The Council, as a matter of principle, has the responsibility of providing its ministerial organs with the appropriate means to carry out their mandated tasks.

4. The ministerial mandate to take the matter of developing the Institute for Security Studies into a European Security and Defence Academy forward as a priority raises the question of the compatibility of such a change with the Institute's existing missions. The Council will have to determine how to ensure that the transition is not detrimental to those missions.

The Council will consider all options before taking decisions on new roles for the Institute.

5. The Council informs the parliamentary Assembly that a revision of the present arrangements, regarding the development of co-operation between the Institute and the Assembly, without the former having to request the Council's permission on each occasion in order to respond to a request for information or collaboration from the Assembly, is not envisaged. As ministerial organ of WEU, the WEU Institute for Security Studies remains under the direct authority of the Council which is the only body competent to task WEU subsidiary bodies.

6. The Council reminds the parliamentary Assembly that the Institute's work is meant to be carried out in an independent manner. The Council therefore believes that the Institute should remain free to decide how “ to take account of the Assembly's point of view ”. The Institute is well aware of the parliamentary Assembly's concerns and viewpoints as made public in its reports, recommendations and written questions.

The Council will instruct the Institute for Security Studies to make available to the members of the parliamentary Assembly through its Secretariat the unclassified studies it submits to the Council.

7. The parliamentary Assembly, through its institutional dialogue with the Council is kept informed of the ongoing debate on the future of the Institute. Therefore, the Council does not deem it necessary to envisage further formal procedures for closer co-operation between the Institute and the Assembly.

1. Communicated to the Assembly on 13th March 1995.

RECOMMENDATION 574¹

on WEU's relations with Russia²

The Assembly,

- (i) Considering the importance of the Russian Federation, the main successor to the Soviet Union as a world power, for the management of international relations and in particular for the establishment of an order of stability, security and peace at world and European level;
- (ii) Gratiified that Russia is no longer a threat to the security of Western Europe, but recalling nevertheless that, in terms of conventional and nuclear armaments, it is still the greatest military power in Europe and still has the largest army and the highest defence budget of all the countries of Europe;
- (iii) Recalling that after the withdrawal of the last military units from the states of Central Europe, Russia still maintains troops in at least ten member countries in the Commonwealth of Independent States (CIS);
- (iv) Considering that the Russian Federation is, on the one hand, at a difficult juncture in the consolidation of its internal political, economic and social situation and, on the other hand, at a stage where it is defining its rôle in the world with particular regard to its place in a new security architecture in Europe;
- (v) Convinced that such a security architecture in Europe is inconceivable without the participation of the Russian Federation in the process of concerting approaches in the various international bodies destined to strengthen confidence, stability and collective security, particularly in the framework of the CSCE, NACC and the partnership for peace;
- (vi) Also convinced that the improvement in the domestic economic situation in Russia is an important factor for strengthening political stability and security on the Eurasian continent;
- (vii) Believing it essential to consolidate democracy and respect for human rights in Russia;
- (viii) Calling consequently for the conditions to be created without delay for Russia to be associated with the work of the appropriate international organisations for economic and financial co-operation;
- (ix) Wishing relations between the Russian Federation and European authorities and countries participating in the process of European integration to be governed by the principle of partnership and co-operation;
- (x) Welcoming, therefore, the conclusion of an agreement of partnership and co-operation between the European Union and Russia;
- (xi) Believing that WEU as defence component of the European Union and European pillar of the Atlantic Alliance must also improve its relations with the Russian Federation;
- (xii) Convinced that the new relations with Russia should result in a permanent system for information, dialogue and consultation and also co-operation in specific areas of mutual interest;
- (xiii) Emphasising the importance of establishing contacts and dialogue between the WEU Assembly and the two chambers of the Russian parliament;
- (xiv) Consequently welcoming the re-establishment of a regular interparliamentary dialogue in the framework of these new relations;
- (xv) Stressing the importance of the controlled dismantlement of nuclear and chemical armaments on Russian territory and that of the CIS in conformity with the international treaties in force;
- (xvi) Concerned at the dangers that might stem from possible shortcomings in the control of Russian nuclear arms and the clandestine traffic of Russian nuclear material abroad;
- (xvii) Insisting that all activities in crisis-management and the maintenance and re-establishment of peace in crisis areas in the territory of the CIS should be conducted in conformity with the rules fixed by the United Nations and the CSCE and in co-ordination with those bodies;

1. Adopted by the Assembly on 1st December 1994 during the second part of the fortieth ordinary session (12th sitting).

2. Explanatory Memorandum: see the report tabled by Mr. Baumel on behalf of the Political Committee (Document 1440).

- (*xviii*) Also wishing the appropriate western organisations and their member countries to show greater readiness in providing assistance in maintaining or re-establishing peace in the crisis areas mentioned above;
- (*xix*) Calling the attention of the Council in particular to the consequences of present developments in the Caucasus and in the Turkish-speaking republics of the CIS for the future evolution of relations between Russia and Turkey;
- (*xx*) Wishing WEU to start a specific dialogue with the Russian Federation for harmonising their respective concepts concerning the future development of the CSCE, particularly in the light of the summit meeting that organisation is preparing to hold in Budapest;
- (*xxi*) Emphasising that outstanding questions between Russia and Ukraine should be settled to the satisfaction of both sides, respecting the sovereignty and independence of each one;
- (*xxii*) Wishing the Commonwealth of Independent States (CIS) to continue to develop in such a way as to become a factor of security and stability from which all its member countries might benefit;
- (*xxiii*) Wishing all the problems of neighbourliness between Russia and the countries that have become associate partners of WEU to be resolved with due respect for the principles of international law and to the satisfaction of all the partners concerned in such a way as to increase security and stability in the regions in question;
- (*xxiv*) Convinced that co-operation between WEU and Russia in the framework of the implementation of the Open Skies Treaty should be a prelude to the enlargement of this co-operation to other specific areas;
- (*xxv*) Emphasising the importance of establishing close relations between the appropriate Russian research institutes in security and defence and the WEU Institute for Security Studies,

RECOMMENDS THAT THE COUNCIL

1. Offer the Russian Federation permanent co-operation including a regular system for information, dialogue and political consultation at ministerial level and at that of the chairmanship-in-office, the Secretary-General and senior officials of the ministerial organs of WEU;
2. Determine, in co-ordination with the Russian authorities, the specific areas in which WEU might offer the Russian Federation practical co-operation that might include questions within the purview of WEAG and possibly space questions;
3. Offer its good offices to the Russian Federation:
 - (a) in its struggle against the clandestine proliferation of Russian nuclear material by creating a joint WEU-Russia monitoring committee;
 - (b) for implementing the destruction of Russian arsenals of chemical weapons;
4. Offer, in co-ordination with the CSCE and using the framework of the conference on the security pact, its good offices for facilitating the settlement of all problems of neighbourliness remaining between the Russian Federation and certain countries that have become associate partners of WEU and which might jeopardise security in the regions in question;
5. Encourage its Institute for Security Studies to increase its contacts and co-operation with the appropriate Russian research institutes in the field of security policy;
6. Establish with Ukraine and Belarus similar relations to those proposed in paragraphs 1 and 2.

REPLY OF THE COUNCIL¹

to Recommendation 574

1. The WEU Council of Ministers, in the Kirchberg declaration of 9th May 1994, instructed the Permanent Council to examine appropriate ways to develop dialogue and exchanges of information on issues of common concern between WEU and Russia and WEU and Ukraine. At their meeting in Noordwijk on 14th November 1994, Ministers underlined the particular importance of establishing appropriate relationships with Russia and Ukraine.

As a consequence, the Permanent Council decided, at its meeting on 7th March 1995, that contacts with Russia and Ukraine should allow for the development of the existing dialogue with WEU and for exchanges of information on issues of common interest.

In this decision, the Permanent Council welcomed the Assembly's efforts aimed at further developing contacts with Russia and Ukraine at parliamentary level.

These objectives will be pursued, in particular, through consultations to be held between the Permanent Representative of the Presidency, Secretary-General and the Russian and Ukrainian Ambassadors respectively. The frequency will take into account, inter alia, the calendar of principal WEU meetings.

Other forms of contacts could include meetings with visiting senior members of the Governments of Russia and Ukraine; visits by the Secretary-General and presidency to Kiev and Moscow; and contacts through the presidency embassies in Kiev and Moscow.

2. These contacts will be used to identify specific areas of common concern in which practical co-operation between WEU and Russia might be developed.

3. The Council also considers that "the struggle against the clandestine proliferation of Russian nuclear material" as well as the "destruction of Russian arsenals of chemical weapons" are issues of common concern which could be addressed in the framework of the respective bilateral dialogue.

4. On the basis of the pact on stability in Europe, the Council is of the opinion that the good offices of the European Union should be offered, in co-ordination with the OSCE and using the framework of the conference on the stability pact, for facilitating the settlement of all problems of neighbourliness remaining between the Russian Federation and the countries that have become associate partners of WEU. The Council continues to support fully the process initiated in Paris aimed at the conclusion of a pact on stability in Europe.

5. The Council is aware of the fact that the WEU Institute should give greater priority in its future work to contacts with Russia and Ukraine, including the organisation of joint seminars, while ensuring that these enhanced contacts are fully compatible with the Institute's overall work programme.

6. The Council informs the parliamentary Assembly that the relations mentioned in paragraphs 1 and 2 of this recommendation already apply to Russia and Ukraine. As far as Belarus is concerned, the Council will bear in mind the importance of Belarus in European security in the context of WEU's relations with third countries.

1. Communicated to the Assembly on 21st April 1995.

The situation in former Yugoslavia

REPORT¹

*submitted on behalf of the Political Committee*²
by Mr. Fassino, Rapporteur

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1. Adopted in committee by 13 votes to 1 with 0 abstentions.

2. *Members of the committee:* Mr. *de Puig* (Chairman); Lord *Finsberg*, Mr. *Roseta* (Vice-Chairmen); MM. *Alegre* (Alternate: Mrs. *Aguiar*), *Antretter*, Sir *Andrew Bowden*, MM. *Bühler*, *Caballero*, *Capsis*, *Cioni*, *Ehrmann*, *Fassino*, *Irmer*, Sir *Russell Johnston*, Mr. *Kaspereit*, Lord *Kirkhill* (Alternate: *Davis*), MM. *Koschyk*, *Liapis*, *van der Linden*, *de Lipkowski*, *Maass* (Alternate: *Zierler*), Mrs. *Papandreou*, MM. *Pécriaux*, *Pozzo*, Mrs. *Prestigiacomo* (Alternate: *Arata*), MM. *Puche Rodriguez*, *Recoder*, *Rodeghiero*, *Rodrigues*, *Seeuws*, *Seitlinger*, Sir *Keith Speed*, MM. *Vinçon*, *Wintgens Woltjer*, *Zijlstra*, N...

Associate member: Mr. *Godal*.

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

*Draft Recommendation**on the situation in former Yugoslavia*

The Assembly,

- (i) Profoundly shocked by the ease with which the Bosnian Serbs were able to seize United Nations blue berets, hold them hostage and steal armaments and equipment guarded by United Nations personnel in Bosnia-Herzegovina;
- (ii) Dismayed by the apparent powerlessness of the international community to prevent Bosnian Serbs from continuing to massacre civilians in safe areas, particularly in Tuzla, on 25th May 1995, with a toll of more than 76 dead and 150 wounded, surrounding and shelling the town of Sarajevo and disrupting the provision of United Nations humanitarian aid to the civilian population;
- (iii) Noting also the powerlessness of the international community to prevent Croatian forces from resuming hostilities against the Krajina region, in violation of the cease-fire agreed in respect of Croatia on 29th March 1994, and despite present negotiations to find an acceptable political arrangement concerning the status of Krajina;
- (iv) Convinced that the time has come either to take vigorous measures to put an end to action by the Bosnian Serbs, two of whose political leaders are accused of war crimes before the International Court in The Hague, who are continuing to humiliate the United Nations and the entire international community, or to withdraw United Nations forces from the region;
- (v) Recalling that the Presidential Committee, on 23rd September 1991, asked the WEU Council "to invite the United Nations Security Council to set up an effective United Nations force to secure a cease-fire in Yugoslavia" and stated that "WEU stands ready to play its full part in any such proposal";
- (vi) Recalling that Security Council Resolution 836 (1993) gave a wide mandate to UNPROFOR allowing it to resort to force in order to give effective protection to safe areas in Bosnia-Herzegovina;
- (vii) Recalling therefore paragraphs 2 and 3 of Recommendation 541 inviting the WEU Council to "ensure the strict application of Resolution 836 ... adopted by the Security Council on 4th June 1993" and "in particular help the adjustment and reinforcement of forces of WEU countries that may be required by the implementation of Resolution 836" and "consider assigning some of these forces to the support of units responsible for protecting security areas";
- (viii) Considering in consequence that the decision to create a rapid reaction force for former Yugoslavia taken in Paris on 3rd June 1995 is an appropriate – if belated – measure falling within the framework of the implementation of Security Council Resolution 836, but regretting that the mission and status of this force are somewhat ambiguous;
- (ix) Deeply regretting, nevertheless, the WEU Council's total absence of initiative, despite the undertaking on crisis-management given by member governments in their Petersberg declaration;
- (x) Astounded that, despite operation Deny Flight, the United Nations authorities have recorded, up to the month of April 1995, over 4 290 violations of the ban on military flights in the air space over Bosnia-Herzegovina;
- (xi) Dismayed, moreover, by the blatant contradiction between the WEU Council's affirmation of "the successful results accomplished by the WEU police and customs mission on the Danube" and "the continued positive results achieved in the joint WEU-NATO operation Sharp Guard in the Adriatic" and reports of large quantities of fuel being smuggled into the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) through Albania and the former Yugoslav Republic of Macedonia and also through the territory of neighbouring countries;
- (xii) Considering that the trade embargo Greece has imposed on the former Yugoslav Republic of Macedonia is placing this country in such a difficult economic situation that, in order to survive, it is forced to maintain some commercial relations with the Federal Republic of Yugoslavia in violation of United Nations sanctions against the latter;
- (xiii) Still convinced that the effectiveness of the embargo banning arms supplies to the whole of the territory of former Yugoslavia continues to be one of the essential conditions for achieving a peaceful settlement of the conflict in that region;

(xiv) Disturbed by the contradictory declarations of United States political leaders regarding the policy and rôle of the United States in the conflict in the Balkans;

(xv) Concerned also that the lack of clarity regarding Russia's rôle in its relations with the Federal Republic of Yugoslavia (Serbia and Montenegro) raises problems, but welcoming the meeting between the Minister for Foreign Affairs of Russia and the new European Union negotiator, Mr. Carl Bildt, which will hopefully clarify the situation and lead to a more coherent approach within the contact group and the Z-4 group;

(xvi) Convinced that a peaceful settlement of the conflict in former Yugoslavia is possible only if all international organisations and countries participate in efforts to this end, agreeing on a joint strategy and refraining from isolated and unco-ordinated initiatives;

(xvii) Recalling that the danger of the Yugoslav conflict spreading and escalating into a wider regional conflict is still present,

RECOMMENDS THAT THE COUNCIL

1. Resolutely call upon the Bosnian Serbs to free immediately and unconditionally all the blue berets they still hold hostage;
2. Appeal to all parties concerned to abandon once and for all the illusion of a military solution and rather work to achieve a political solution based on fair negotiations through which the rights of all ethnic and religious communities can be guaranteed;
3. Ask all international organisations, the European Union and all countries involved in the peace efforts – and above all the members of the contact group – to strengthen their cohesion by adopting a joint strategy and to refrain from isolated and unco-ordinated initiatives;
4. Ask the United Nations to strengthen the presence and action of the blue berets and request all governments to make the necessary manpower, resources and means available to the United Nations;
5. Strengthen the operability of the rapid reaction force created on the initiative of France and the United Kingdom by giving its command responsibility for on the spot initiatives required in certain situations that endanger the safety and lives of UNPROFOR troops or of some of its own members;
6. Transform the rapid reaction force into a European multinational unit placed under the authority of WEU in accordance with the arrangements decided at Petersberg and invite all WEU member countries to participate;
7. Take steps in the United Nations to obtain a mandate from the Security Council for WEU to elaborate and implement the tasks of this multinational force within the framework of the guidelines issued by the Security Council;
8. Urge the Security Council to ensure that the task of the European multinational force is to facilitate the implementation of the missions of the blue berets in former Yugoslavia and not to prepare for their withdrawal;
9. Ask the Security Council to provide all the means necessary for supervising more effectively the domestic and international borders of the successor republics of former Yugoslavia, the better to monitor the effectiveness of the arms embargo;
10. Ask the United States to reverse its decision to participate no longer in the embargo against Bosnia-Herzegovina;
11. Ask the Government of Russia to use its influence in conformity with the the proposals of the contact group and with the agreement of its member countries;
12. In co-ordination with NATO, take the necessary measures to prevent any further violation of the flight exclusion zone over Bosnia-Herzegovina;
13. Take appropriate measures to prevent any violation of the embargo on arms supplies to the territory of former Yugoslavia and inform the Assembly of all proven cases of sanctions-breaking;
14. Request Greece forthwith to lift the trade embargo it has imposed on the former Yugoslav Republic of Macedonia;
15. Provide the Assembly with more accurate and detailed information regarding the effectiveness of operations Deny Flight and Sharp Guard and the monitoring of shipping on the Danube;

16. Ask the United Nations and the European Union to offer compensation to neighbouring countries whose economies have been weakened by their participation in the embargo against the Federal Republic of Yugoslavia;
17. Ask the Croatian Government not to undertake further military action against the United Nations safe areas since these areas, which belong to the Republic of Croatia, must be integrated peacefully and given autonomy, as proposed by the Z-4 group;
18. Ask the Government in Belgrade to bring all possible pressure to bear on Bosnian Serb leaders to persuade them to accept the proposals of the contact group;
19. Furthermore ask the Government in Belgrade to recognise the borders of Croatia and, explicitly, Bosnia's right to exist as a sovereign state within its present borders, given that the constitutional framework and territorial organisation of the Bosnian state are to be established by consensus in negotiations on the basis of the proposals made by the contact group;
20. Call on the Government in Belgrade to restore autonomous structures to Kosovo and Vojvodina and review its arrangements for minorities in the Sandjak and elsewhere;
21. Oppose any suspension of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) until such time as it recognises Croatia and Bosnia-Herzegovina as defined by their international borders;
22. Actively support the resumption of the political dialogue with a view to:
 - achieving a lasting cease-fire over the whole of the territory of Croatia and Bosnia-Herzegovina;
 - reaching a peaceful and political settlement of the conflict as a whole on the basis of the peace plans drawn up by the contact group and the Z-4 group;
 - avoiding the conflict escalating into a wider regional conflict;
 - convening, at the appropriate time, a peace conference with the participation of the political leaders of the Federal Republic of Yugoslavia, Croatia and Bosnia-Herzegovina;
23. While recognising the many contributions made by the international community, ask all governments to step up their efforts in the area of humanitarian aid for civilians and refugees;
24. Ask all governments to support the work of the International War Crimes Tribunal.

Explanatory Memorandum

(submitted by Mr. Fassino, Rapporteur)

I. Introduction

1. The four-month truce concluded on 31st December 1994 between the Bosnian Government and Bosnian Serbs with the help of former United States President, Jimmy Carter, held no hope for an end to hostilities, let alone the war in Bosnia-Herzegovina. Initially, the truce succeeded in halting the fighting. However, as the date of its expiry approached, in particular, from 20th March 1995, fighting was resumed with increased ferocity in nearly all the regions concerned, first around Bihac, then near Tuzla and in the Vlasic mountains.

2. The resumption of Serb attacks against the town of Sarajevo provoked two air strikes (one on 25th May, the other on 26th May 1995) carried out by NATO at the request of the United Nations against Bosnian Serb munitions depots. The Bosnian Serbs reacted by shelling the town of Tuzla, causing many dead and wounded among the civilian population, and by taking some 400 blue berets hostage in several parts of Bosnia. On 2nd June 1995, the Serbs liberated 126 of them, but the same day, an American F-16 was shot down in Bosnia by a Serb missile and Serbs again took United Nations troops hostage.

II. The situation after the creation of a rapid reaction force based in Croatia and Bosnia

3. After the United Kingdom Government decided to send reinforcements to improve the protection of British forces assigned to UNPROFOR in Bosnia, France convened a conference in Paris, on 3rd June 1995, of the fifteen defence ministers of the countries of the European Union and of the Atlantic Alliance participating in the peace-keeping effort on the spot. This conference decided to send to Bosnia a rapid reaction force of some 10 000 men to provide backing for UNPROFOR, prevent the taking of hostages and facilitate the free movement of convoys. On 6th June, the Bosnian Serbs released a further 108 blue berets, while continuing to hold some 150 United Nations soldiers hostage. Although, as from 13th June, Mr. Milosevic and Mr. Karadzic several times announced the liberation of all the remaining blue berets, on 15th June, 26 blue berets and United Nations military observers were still being held hostage by the Bosnian Serbs.

4. The French and United Kingdom Governments, in particular, which have the largest number of blue berets on the spot, believe the new force should not be placed under United Nations command. However, following a compromise, it was decided that it would act under United Nations' authority. It will be based in Croatia and Bosnia – near Sarajevo – under the operational command of the UNPROFOR commander for the whole of former Yugoslavia, the French General Bernard Janvier, with authority delegated to the commander of the blue berets in Bosnia, the British General Rupert Smith. France and the United Kingdom – which already have the largest numbers of blue berets in former Yugoslavia – will provide the majority of the rapid reaction troops, divided into two brigades, as follows:

- (i) A multinational brigade of 1 500 French, 1 500 United Kingdom and some 200 Dutch soldiers (The Hague talks of 170 Royal Netherlands marines).
- (ii) The 5 000-strong United Kingdom 24 air-mobile brigade. France has also a supplementary force of 4 000 men on alert.

5. The United Kingdom has just sent artillery, engineering and communications units and helicopters for the rapid reaction force. The Netherlands marines will be equipped with 120 mm mortars and a trajectory calculation (mortar detection) unit¹. This force will therefore be wholly European; no participation is envisaged by American or Russian forces in the framework of this multinational unit. However, the Americans have sent the aircraft-carrier Theodore Roosevelt with a crack unit of 2 000 marines to the Adriatic and the aircraft-carrier Foch is also off the Bosnian coast.

6. It is still not known exactly what the status and tasks of this new rapid reaction force will be. However, it should be recalled in this connection that, as far back as 19th September 1991, Chancellor Kohl and President Mitterrand had proposed sending an intervention force to Yugoslavia under United Nations' auspices. This proposal was rejected however at the time by the Council of the European Community because the United Kingdom was not then in favour of it.

¹ Le Figaro, 5th June 1995.

7. Moreover, the question arises as to whether this initiative is compatible with the new United Nations thinking on managing the crisis in the Balkans. On 31st May 1995, the United Nations Secretary-General, Mr. Boutros-Boutros Ghali, in his report to the Security Council, presented four options relating to a new rôle for the United Nations Protection Force (UNPROFOR) in Bosnia-Herzegovina. These four options are as follows²:

- (i) withdrawal of UNPROFOR, which would be replaced in Bosnia by a small political mission if the parties concerned so wished;
- (ii) continuation of UNPROFOR's present tasks and methods of achieving them;
- (iii) a change in its mandate, in order to allow greater use of military force;
- (iv) a revised mandate, to cover in future only the tasks that a peace-keeping force can carry out realistically in the prevailing circumstances in Bosnia.

8. The United Nations Secretary-General is clearly in favour of option (iv), but he stipulates that whatever the final decision may be, it will not be effective without real prospects for a negotiated solution, in other words, relaunching and intensifying the peace process through a new and meaningful initiative. The United Nations Secretary-General makes no mention of the rapid reaction force that is the wish of Paris and London and whose creation was decided in Paris on 3rd June 1995. He has never concealed the fact that he is opposed to any offensive rôle for the blue berets or any other force connected with the United Nations' mandate in Bosnia.

9. Several other questions arise, however: the Bosnians' greatest fear is that a change in the mandate and redeployment of the blue berets would simply mean the withdrawal of United Nations forces from particularly dangerous regions. This is how, for example, Mr. Akashi's proposal for the demilitarisation of the Bosnian enclaves of Sebrenica, Zepa and Gorazde is being interpreted.

10. Furthermore, the Bosnians fear that the only task of the rapid reaction force and the additional United Kingdom troops already in the area will be to protect their UNPROFOR colleagues and that protection of the safe areas will finally be abandoned.

11. Above all, one might wonder what was the purpose of the conference of defence ministers convened in Paris on 3rd June 1995 and what

decisions were taken. According to the press³, France invited fourteen ministers and the chiefs-of-staff of the following countries: Belgium, Canada, Denmark, Finland, Germany, Greece, Italy, the Netherlands, Norway, Spain, Sweden, Turkey, the United Kingdom and the United States. A member of the Russian Embassy in Paris represented Russia as an observer. United Nations, NATO and WEU officials were also present. If the aim was to bring together representatives of all the countries which have blue berets in the area, one may wonder why Germany and Greece were invited. It should further be recalled that forces from the Baltic countries and Argentine, Bangladeshi, Czech, Egyptian, Indonesian, Jordanian, Kenyan, Malaysian, Nepalese, New Zealand, Pakistani, Polish, Russian, Slovakian and Ukrainian forces are also involved.

12. It is understandable that the seizure of hostages called for rapid action. It is more than surprising, nevertheless, that Portugal, which occupies the chairmanship-in-office of the WEU Council, was not invited to the conference. Moreover, one has to note, in relation to the Bosnian crisis, that the WEU governmental authorities have been conspicuous for their total silence since the ministerial meeting in Lisbon on 15th May.

13. Sir Dudley Smith, President of the WEU Assembly, alone launched an urgent appeal on 29th May 1995 for all European countries to send troops to Bosnia-Herzegovina on a scale similar to the deployments already undertaken by France and the United Kingdom. "It is now up to the WEU family of twenty-seven nations to show the leadership which has been so sadly lacking where the United Nations is concerned" he said. On 1st June 1995, under the title "WEU must be the hard core of European security", the President of the Assembly of WEU, while welcoming Britain and France's initiative in creating a rapid reaction force to help the United Nations, requested the WEU chairmanship-in-office to "ensure that we take the lead at Saturday's ministerial gathering in Paris as well". He also stressed that it was vital to consult WEU's associate partners.

14. At political level, there is no indication that an arrangement between the Serbs and Bosnians in Bosnia-Herzegovina might be in sight. The rôle of the Belgrade Government remains ambiguous. Despite several encouraging signs from Mr. Milosevic, the latter has so far refused to recognise Bosnia-Herzegovina and Croatia, and there were serious doubts about whether the decision taken by the Federal Republic of Yugoslavia (Serbia and Montenegro) to break off all relations with the Bosnian Serbs and close the frontier between

2. Le Monde, 2nd June 1995.

3. Le Figaro, 5th June 1995.

Yugoslavia and Bosnia is actually being implemented.

15. There remains the problem of the Krajina region in Croatia. The decision of the United Nations Security Council contained in Resolution 981, dated 31st March 1995, to replace UNPROFOR in Croatia by UNCRO, a United Nations Confidence Restoration Operation in Croatia, for a period ending 30th November 1995, which would provide supervision of the international frontiers between the Republic of Croatia, the Republic of Bosnia-Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), did not obtain the backing of the Krajina authorities.
16. Early in May 1995, the Croats violated the cease-fire agreement of 29th March 1994 by launching a military offensive in the area of western Slavonia, pushing back the line of the Krajina Serb militia in the Pacrac region by some 20 km in order to clear a stretch of motorway linking eastern and western Croatia, which had been cut by the formation of a Serb enclave. The Serbs reacted by shelling the town of Zagreb with Orkan missiles which caused deaths among the civilian population. A temporary cease-fire was concluded with the help of Mr. Akashi, the United Nations representative, but the situation remains very tense and is a cause for concern in the region, even after the agreement signed on 15th May between Croatia and the United Nations on the new status of UNCRO forces. Moreover, tension is evident in Krajina where Prime Minister Mikelic, one of the moderate leaders, has been removed from office.
17. It is still impossible to assess the consequences of the escalation of the Bosnian crisis for the survival of the federation approved between Croats and Bosnians in Bosnia or for the administration of the town of Mostar by the European Union.
18. Regarding the territory of the Federal Republic of Yugoslavia, continued encroachment to the detriment of Albanians, Bosnians, Hungarians and Croats in the Kosovo region, the Sandjak and Vojvodina, offers an insight into the extreme complexity of the situation in this troubled region of Europe.
19. The decision taken by the United States no longer to participate in monitoring the embargo on arms intended for Bosnia and the resolution adopted by the United Nations General Assembly on 3rd November 1994 – at the initiative of the United States – asking for the embargo on Bosnia to be lifted, primarily supported by Islamic countries while European countries and Russia abstained, resulted in the conflict in Bosnia helping to increase the tension that already existed between Europe and Islam in other regions of the world.
20. The lack of coherence that characterises western policy was further aggravated by the initiative taken by the United States to negotiate directly with the Bosnian Serbs despite United Nations Security Council Resolution 942, which, in September 1994, recommended that no form of political negotiations should be conducted with the Bosnian Serbs as long as the latter refused to accept the peace plan for Bosnia proposed by the contact group.
21. Even after the decision to create a rapid reaction force in Bosnia, the future rôle of the blue berets in the region remains uncertain and the lack of coherence in the political strategy followed by the United Nations, NATO, the European Union and WEU and the United States and Russia illustrates how difficult it is to envisage an equitable and lasting solution to the conflict before it reaches proportions far beyond anything yet seen.
22. Slovenia remains the only country to emerge from former Yugoslavia which has managed to stay on the sidelines of the conflict in the Balkans and to establish suitable conditions for ensuring its political stability and economic recovery, despite a difficult period of transition and the large number of refugees the country has had to take in. The imminent signature of a Europe Agreement between Slovenia and the European Union is an encouraging sign of the country's drawing closer to the European Union.

III. The situation on the spot

(a) Bosnia-Herzegovina

23. In Resolution 982, adopted on 31st March 1995, the Security Council of the United Nations decided to extend the mandate of UNPROFOR in the Republic of Bosnia-Herzegovina for a further period ending on 30th November 1995. The Security Council stressed, in this context, "the responsibility of the parties and others concerned" in Croatia and Bosnia-Herzegovina as regards UNPROFOR safety and protection and demanded "all parties and others concerned" to refrain from any acts of intimidation or violence against UNPROFOR.
24. At the same time, it urged the Bosnian parties to agree forthwith on a further extension and on the implementation of the cease-fire agreements beyond 30th April 1995 and to use that period to negotiate an overall peaceful settlement on the basis of the acceptance of the contact group peace plan as a starting point. It further asked the Bosnian Serbs to accept this proposal.
25. However, neither this resolution nor Resolution 987 dated 19th April 1995 had any practical effect. The reality is that, as of 16th June 1995, the

Serbs had still not released all the blue berets they were holding hostage. While fighting continues between the Bosnian Serbs and government forces, tension is rising around Sarajevo since the Bosnian army began to concentrate a large force some 40 miles from Sarajevo for a purpose which is still not clear, although according to several observers, this force seems to be intended to break the Serb encirclement of the Bosnian capital.

26. Among the many areas of tension in Bosnian territory there is another sensitive area in the Brcko region where the Croatian Serbs occupy only a narrow corridor between the Croatian border and the territory of the Bosnian federation established by the Muslims and Croats. There are signs that General Mladic, the leader of the Bosnian Serbs, will try to widen this corridor in order to prevent Serb-occupied territory in Bosnia being divided into two separate parts. In December 1994, the Bosnian Serbs had already expelled all the United Nations military observers from the Brcko region and transferred them to Belgrade to make it impossible to observe directly what was happening in that region⁴.

27. Moreover, quarrels have apparently broken out between Croats and Bosnian Muslims over the organisation of the federation to which they had agreed in Washington on 18th March 1994 thanks to the mediation of the United States and Russia. (The Bosnian Serbs had rejected this federation, with the exception of the Council of "moderate" Serbs around Sarajevo, which supports the Bosnian Government.) Nevertheless, the agreement between the two parties signed in Bonn on 10th March 1995, which provides specifically for granting the federal bodies all the powers embodied in the constitution of the federation, together with the adoption of a plan for the return of refugees and displaced persons, is a positive step according to the report submitted by the United Nations Secretary-General to the Security Council on 22nd March 1995⁵. All problems are still far from being settled, however.

28. These difficulties have repercussions in particular on the administration of the town of Mostar, for which the European Union has had responsibility, with the assistance of WEU, since 23rd July 1994, under the direction of Hans Koschnik, former burgomaster of the town of Bremen. In order to re-establish a common police force in the town for Croats and Muslims, WEU committed itself to assisting the European Union administrator by setting up a multinational police force of approximately 200 officers. However, to date, it is still not clear whether this force has actually been brought up to full strength. Nevertheless, in their Lisbon declaration dated 15th May 1995, the WEU Ministers "welcomed

the agreement between the parties concerned on the implementation of the first phase of the establishment of a unified police force of Mostar (UPFM) and regarding the structure of the future UPFM. They believe that these important steps should lead to the implementation of the UPFM. Ministers agreed to continue to encourage the parties, in particular via the presidency, to secure agreement to the subsequent implementation phases and the establishment of the UPFM. Ministers welcomed the forthcoming participation of Austria, Finland and Sweden in the WEU police element, in addition to the contributions provided by the member states."

29. The re-establishment of an administration in Mostar is regarded as a test of the viability of the Bosnian-Croat Federation. However, the results obtained so far by Mr. Koschnik are not particularly encouraging. In January, he accused the Croats in particular of hindering his task. He noted in a communiqué that the town remained completely divided between the Bosnians who control the eastern part, and the Croats who control the western part. The administration specifically accuses the Croats of holding up the formation of mixed Muslim-Croat-European patrols, which is delaying the re-establishment of free movement throughout the town. Moreover, in early April, Mr. Koschnik stated that he was convinced that the embargo against Bosnia would primarily harm the civilian population while doing nothing to prevent the clandestine importation of armaments into the Balkans⁶. Your Rapporteur will return to the question of the embargo in a later chapter.

30. As to monitoring the prohibition of military flights in the air space of Bosnia-Herzegovina in accordance with United Nations Security Council Resolution 816 (1993), the United Nations Secretary-General reports regularly to the Security Council on information received by UNPROFOR regarding apparent violations. According to the most recent report of which your Rapporteur is aware (9th April 1995)⁷ covering the period 30th March to 2nd April 1995, it would appear that 21 aircraft or helicopter flights took place in the airspace over Bosnia-Herzegovina. According to the report, the total number of flights regarded as apparent violations stands at present (9th April 1995) at 4 290!

31. One may wonder why the WEU Council does not communicate any information on these violations and their implications. It does however emerge from the report of the United Nations Secretary-General dated 22nd March 1995⁸ that NATO, at the request of UNPROFOR, is continuing to monitor and enforce the flight exclusion zone. According to this report "the 'no-fly-zone'

4. The Times, 14th December 1994.

5. Document S/1995/222.

6. Frankfurter Allgemeine Zeitung, 4th April 1995.

7. United Nations document S/1995/Add. 24.

8. United Nations document S/1995/222.

enforcement has successfully prevented the use by the warring sides of offensive air power and the availability of NATO air power has considerably strengthened UNPROFOR's bargaining position in negotiating convoy clearances". The United Nations Secretary-General is keen to "emphasise that, despite regular frequent infringements of the 'no-fly-zone' by helicopters and some occasional fixed-wing activity" he remains "convinced that the deterrent effect of NATO operations has contributed to the effective containment of warring factions' air activity for combat purposes". One may wonder whether such an assessment is still valid, particularly after the Serbs succeeded, on 2nd June, in shooting down an American F-16 aircraft over Bosnian territory.

32. It should also be recalled that, on 4th August 1994, the Federal Republic of Yugoslavia (Serbia and Montenegro) had decided to break off political and economic relations with the "Republic Srpska" representing the Bosnian Serbs, to prohibit the Bosnian Serb leaders from visiting Federal Yugoslav Republic territory and to close its border with Serb-controlled Bosnian territory to all forms of transport except that carrying food-stuffs, clothing and medicines.

33. Following a report submitted on 11th April 1995 by the co-Chairmen of the Steering Committee of the International Conference on former Yugoslavia to the United Nations Secretary-General⁹:

"In light of the foregoing developments during the past 30 days, based on the mission's on-site observation, and based on the advice of the mission co-ordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organisation (NATO) or national technical means, and aside from the reported tracking of helicopters crossing the border, the co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the land border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The co-Chairmen also conclude that during the past 30 days there were no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

34. For that reason the United Nations Security Council agreed in Resolution 988, dated 21st April 1995, on a partial suspension of the economic sanctions on the Federal Republic of Yugo-

slavia (Serbia and Montenegro) until 5th July 1995. However serious doubts remain about the aims of Mr. Milosevic's policy towards the Bosnian Serbs and even his determination to break with Mr. Karadzic. This attitude has, as yet, had no influence whatsoever on the intransigence of the Bosnian Serb leaders' position.

(b) The situation in Croatia

35. Following the precarious truce established in Croatia since the end of the Croat offensive against the western sector of Krajina in early May 1995, two problems have to be dealt with: first, avoiding a resumption of hostilities and, second, finding a political solution to the future status of the "Serb Republic of Krajina" proclaimed on 19th December 1991 by the Serb minority established on Croatian territory. It should be remembered that Croatia has never relinquished its claim to control this territory. After the end of the Serbo-Croat war in autumn 1991, a peace plan signed by the Croats on 3rd January 1992 provided for the deployment of blue berets to disarm the rebel militia and prepare for the return of refugees. According to Zagreb, these provisions were never implemented and the blue berets served Serb interests by maintaining the status quo in the territories occupied by the secessionist Serbs.

36. The new mandate of UNCRO forces in Croatia, under the terms of United Nations Security Council Resolution 981, dated 31st March 1995, and Resolution 990, therefore includes, inter alia, controlling the movement of military personnel, equipment, supplies and weapons across the international borders between Croatia and Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible; this mandate further provides that UNCRO is to facilitate the delivery of international humanitarian assistance to Bosnia through the territory of Croatia and monitor the demilitarisation of the Prevlaka peninsula. Its aim is also to facilitate implementation of the economic agreement concluded on 2nd December 1994 between the Croats and the Krajina authorities under the auspices of the co-Chairmen of the International Conference on former Yugoslavia.

37. To achieve its objectives, the Security Council approved the implementation plan submitted by the United Nations Secretary-General on 18th April 1995¹⁰, which stated that a complement of some 8 750 troops would be sufficient. It is therefore envisaged that the United Nations forces currently in Croatia can be reduced to the proposed level of 8 750 troops between now and 30th June 1995 and that deployment will be completed on that date.

9. Document S/1995/302, 13th April 1995.

10. United Nations document S/1995/320.

38. The implementation of this new plan has been seriously called into question both by the refusal of the Krajina Serbs to accept it and by the Croatian offensive against the Serbs of western Slovenia in early May 1995. Security Council Resolution 994 dated 17th May 1995 therefore calls upon the parties to complete without delay the withdrawal of all their troops from the separation areas agreed in the cease-fire agreement and refrain from any further violation of these areas; it also calls for the status and mandate of UNCRO to be respected and the safety and protection of UNCRO personnel to be assured.

39. Even if the situation prevailing in Croatia differs from that of Bosnia, principally because the Krajina Serbs have not taken hostages among the blue berets, it is impossible yet to predict the consequences of the creation, agreed in Paris, of a rapid reaction force on the evolution of events in Croatia. The differences that divide the Serb authorities of Krajina are deepening and the departure of the moderate "head of government", Mr. Mikelic, is reinforcing the emerging tendency in Krajina to reject the stationing of blue berets in this territory and initiatives for unifying Krajina and Bosnian Serb territory.

40. Such a development would have serious consequences for the chances of plan Z-4 being accepted, in other words the draft agreement on Krajina, Slavonia, southern Baranja and western Sirmium worked out by the ambassadors to Croatia of the United States and the Russian Federation and certain representatives of the international conference on the former Yugoslavia. This arrangement provides for very wide autonomy for the Serb minorities in Croatia and in particular the right of Krajina Serbs to mint their own coinage and have their own police force, if the Serbs recognise Croatia's sovereignty over that region and over its international borders. If, conversely, a unified Serbian state spanning Bosnian-Croatian borders were to be proclaimed, this would not only be the end of the contact group's peace plan, which is based on the integrity of Bosnian territory, but also that of the Z-4 group.

41. Regarding Croatia's internal policy, it should be noted that the media and independent information means are encountering difficulties in relation to Mr. Tudjman's government which is seeking to control and dominate them.

42. Apart from unresolved problems in other Serb-occupied regions of Croatia such as Slavonia, Croatia has an additional internal difficulty linked to the status of Istria, which has, for some years, been asking for greater autonomy from the government in Zagreb. The region, which has an Italian minority of some 30 000 out of a total of 250 000 inhabitants, was divided into two parts following the creation of the independent states of Slovenia and Croatia after the collapse of Yugo-

slavia. In early February, the Croatian Constitutional Court ruled that Croatian Istria's independent status was largely unconstitutional and repealed several articles, including those relating to the rights of the Italian minority and the right to use the Italian language on a par with Croatian. This decision by the Constitutional Court confirms the centralising tendency of the Croatian Government which is leading it to curtail the autonomy of national minorities and local authorities alike. It is giving rise to acute concern among the population of Istria and the ethnic Italian community.

(c) The situation in the former Yugoslav Republic of Macedonia (FYROM)

43. The relatively small number of Serbs living on FYROM territory (approximately 2.2% of the population) has certainly helped to keep this country out of the fighting and to bring about an agreement between Macedonia and former Yugoslavia in September 1993, establishing the rights of the Serbian minority. It would appear from a report of the United Nations Secretary-General dated 22nd March 1995¹¹ that the government of the former Yugoslav Republic of Macedonia expressed the wish that United Nations forces stationed in that country should be separate from UNPROFOR. The United Nations Security Council therefore agreed, in Resolution 983 dated 31st March 1995, that in the former Yugoslav Republic of Macedonia, UNPROFOR would in future be known as the United Nations preventive deployment force (UNPREDEF) and that its mandate would cover a period ending on 30th November 1995.

44. In the light of Belgrade's equivocal attitude towards Macedonia (and taking account also of that country's differences with Greece), the most widely publicised international effort to prevent armed conflict in the FYROM has undoubtedly been the preventive deployment of United Nations forces. United Nations Security Council Resolution 795 of 11th December 1992 had authorised the deployment of an infantry battalion and observers to monitor the FYROM's border with Albania and the Federal Republic of Yugoslavia. On 18th June 1993, the United Nations Security Council authorised sending reinforcements of 1 000 American troops. At the end of March 1995, the true number of American forces in Macedonia was 540 men, reinforced by a Nordic battalion of 556 troops to which must be added 53 representatives of the command headquarters¹². However the United States has still not opened an embassy in Skopje.

11. United Nations document S/1995/222.

12. Report of the Secretary-General of the United Nations, 29th March 1995, S/1995/222.

45. While this preventive deployment, in which mainly the United States participates (this is the only example of American participation in the territory of former Yugoslavia), has contributed to stability in this region, it should be recalled that, during the Political Committee's visit to Washington in March 1995, an expert from the Centre for Strategic and International Studies (CSIS) nevertheless pointed to the growing risk of conflict breaking out in the FYROM following mounting tension between Macedonians and Albanians. He did not even rule out the possibility of Bulgaria's becoming involved in such a conflict.

46. The United Nations Secretary-General states in his report dated 22nd March 1995¹³ that the government of the former Yugoslav Republic of Macedonia conducted a nation-wide census from 25th June to 11th July 1994, in order to establish accurate estimates of the ethnic composition of the population. This exercise is monitored, financed and partly organised by the Council of Europe and the European Union. In November 1994, the government announced the results which showed that 67% of the population were ethnic Macedonians, 23% were ethnic Albanians and the remaining 10% were formed of Turks, Serbs, Vlachs, gypsies and people of non-identified ethnicity. Ethnic Albanian leaders have disputed the results, proffering a figure of 35% for the ethnic Albanian population.

47. Again according to the report by the United Nations Secretary-General, "some leaders of the ethnic Albanian population have stepped up demands for improvements in their political, economic, social, cultural and educational status, including recognition of Albanian as the republic's second official language". Confrontation occurred on 17th February 1995 during a demonstration in favour of establishing an Albanian language university at Tetovo.

48. Internal political, social and inter-ethnic difficulties continue to be exacerbated by the fragile state of the economy of the former Yugoslav Republic of Macedonia. According to the above report of the United Nations Secretary-General, "the trade embargo imposed by Greece in February 1994, as well as United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to disrupt severely the country's principal export/import routes on its southern and northern borders".

49. The United Nations Secretary-General notes that the monitoring carried out by the blue berets along the former Yugoslav Republic of Macedonia's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro) and with

Albania reveals no immediate military threat. Yet, there has been no decisive move towards establishing a clear international border between Macedonia and Yugoslavia. There is only "a military administrative boundary" between the two parties. While UNPROFOR has monitored military patrols from both countries crossing the boundary, it has observed no tension between the two sides. However the potential for confrontation still exists in the absence of an international border recognised by both sides.

50. By all accounts, the balance of the situation in the former Yugoslav Republic of Macedonia continues to be unstable and many FYROM politicians are convinced that Belgrade and Athens are co-ordinating their policy against Skopje, since neither Yugoslavia nor Greece is particularly friendly to this small country which neither of them recognises.

IV. The implementation of sanctions against the Federal Republic of Yugoslavia and the effectiveness of the embargo on armaments bound for the territory of former Yugoslavia

51. If information supplied by the WEU Council, in particular in the second part of the fortieth annual report of the Council to the Assembly, is to be believed, it is a fact that the joint Council of WEU and NATO noted in relation to operation Sharp Guard that "the concept of operations remained completely valid, taking into account the adjustments made by the operational commanders". We are also informed that the Planning Cell presents weekly written situation reports to the Permanent Council with the aim of informing the Council about current operations such as Deny Flight, Sharp Guard and the Danube embargo. The presidency, for its part, has regularly briefed the Council on developments in the WEU Danube operation. According to the annual report, the Council has also closely followed the conduct of operation Sharp Guard to strengthen the embargo in the Adriatic.

52. Whereas the Council is giving no concrete information to the Assembly on the effectiveness of the embargo, press reports suggest that arms traders are likely to have a field day throughout former Yugoslavia¹⁴, which is somewhat disturbing. Indeed, is it not to be feared that all the measures to implement the embargo are proving ineffective since arms and fuel are crossing the border by clandestine means that are impossible to control?

53. Referred to primarily are the large arms deliveries to Bosnia from Iran which are supposed to have been made in May 1994. However, an

13. United Nations document S/1995/222.

14. Le Figaro, 15th March 1995.

EU/OSCE Sanctions Assistance Mission exists in Brussels under the chairmanship of the Italian Ambassador Antonio Napolitano which reports regularly on the situation regarding sanctions against the Federal Republic of Yugoslavia. According to press reports¹⁵:

“ The sanctions were first imposed on Yugoslavia by the United Nations in 1992, and from the beginning they have been porous. But controls on the Danube and in Bulgaria and Romania have reduced, although not completely eliminated, trade with Serbia along those routes.

Now, new routes have sprung up, principally through Macedonia and Albania, according to American and European officials throughout the region.

Nearly 5 000 trucks and 1 200 rail cars crossed from Macedonia into Serbia during the first six weeks of this year carrying chemicals, spare parts and metals, according to a 27th February report of the EU sanctions commission.

A return flow of 4 535 trucks and 1 524 rail cars moved from Serbia into Macedonia, according to the report, carrying shoes, copper wire, furniture and tractors, the stuff that brings in foreign exchange so that Serbia can pay for the fuel and other strategic needs being smuggled in.

The United States and the European Union have virtually given up trying to enforce the sanctions in Macedonia because the country is suffering under its own economic embargo by Greece, arising out of a feud over the use of the name Macedonia.

In Albania, a leadership struggling with a feeble economy is reluctant to interfere with the trade that has made the country the major route for fuel into Serbia, providing an income for substantial numbers of Albanians as well as revenue for the government.

The fuel Albanians are smuggling into Serbia is coming from Greek and Italian oil companies. For nine months last year, Greek companies shipped nearly 22 million gallons of gasoline and diesel fuel to Albania, and Italian companies 14 million, according to the commission.

American officials say that, at most, half of that was for domestic consumption, with the rest going on to Serbia, where officials say it is being used not for consumers, who are suffering most from the sanctions, but for Serbia's war machine. ”

15. International Herald Tribune, 12th April 1995.

54. According to American intelligence reports, Greek companies in particular are sending thousands of barrels of fuel to Albania whence most of these consignments are smuggled into Yugoslavia. In March, Albania imported 9 000 more barrels a day than it needed for domestic consumption. In January, the excess came to 3 645 barrels a day. Greek companies have replaced Italian ones as the principal source of fuel, the intelligence reports show. But a Greek official asserted that Italy, not Greece, was the main culprit¹⁶.

55. According to the American press¹⁷, Washington has made repeated overtures to Greece to exercise control over the trade. The response has generally been that there is nothing illegal about selling fuel to Albania. Italy has also answered in similar terms. Another report by the sanctions commission of the Organisation for Security and Co-operation in Europe indicated that, after Albania, the most blatant violations of sanctions could be attributed to Macedonia.

56. Moreover, in their Lisbon declaration of 15th May 1995, the WEU Ministers “ welcomed the successful results accomplished by the WEU police and customs mission on the Danube, which contribute to the full implementation of the relevant United Nations Security Council resolutions ... They also expressed their satisfaction at the continued positive results achieved in the joint WEU-NATO operation Sharp Guard in the Adriatic ”. Bearing in mind all the above information, this declaration seems to have no credibility whatsoever and to be remote from the real world.

57. In this context, it should be noted that on 5th April 1995 the Prime Minister of Bulgaria said that it was urgently necessary to lift the embargo against Yugoslavia which, in his view, constituted an increasingly real threat to the stability of third countries¹⁸. According to the former government of Mr. Luben Berov, Bulgaria suffered direct and indirect losses worth \$6.1 billion as a result of the embargo against Yugoslavia. In April too, China came out in favour of lifting sanctions against Yugoslavia. As matters now stand, the negotiators, endeavouring to offer Belgrade a partial removal of the sanctions against the country in exchange for Yugoslav recognition of Croatia and Bosnia as defined by their international borders are finding themselves in an increasingly weaker position.

58. Other questions arise, however: first, one cannot help but wonder at the reaction of the Security Council when informed of sanctions vio-

16. International Herald Tribune, 2nd May 1995.

17. International Herald Tribune, 2nd May 1995.

18. Agence France Presse, 5th April 1995.

lations. Second, the Council of WEU must be required to give the Assembly specific information about the effectiveness of the embargo, or risk losing all credibility.

V. *The rôle of Belgrade*

59. With regard to the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), developments in the Kosovo, Vojvodina and Sandjak regions continue to give rise to concern. In Kosovo province, the population of which is 90% Albanian, there seems to be no hope of an agreement being reached between the Albanian community, which is demanding the restoration of the independence it lost in 1990, and Belgrade, which not only takes the view that Kosovo is an integral part of Yugoslavia (Serbia and Montenegro)¹⁹ but furthermore does not recognise any form of autonomy for it. Given this situation, the Geneva talks in the framework of the international conference on Yugoslavia are making no headway whatsoever and, in addition, thousands of ethnic Albanian inhabitants of Kosovo have already left the country for Albania. In any event, the problem remains unsolved and might become a new source of conflict in the Balkans.

60. It seems that for Serbs, Kosovo has an almost mythical significance. This attachment is historically based, for Kosovo was once the seat of a medieval Patriarchate and the centre of early Serbian civilisation. Also, it was at Kosovo Polje (the field of Kosovo), near Pristina, that Serbs fought a much celebrated battle against the Turks in 1389. Serbs see Kosovo as a central and inalienable part of their civilisation.

61. In 1990, having put an end to the independence Tito had granted Kosovo in 1974, Belgrade imposed a harsh political and military régime on the population of the region. Prominent ethnic Albanians lost all the influential political and administrative offices they had formerly held and a 40 000-strong security force was set up in the region. If the number of ethnic Albanian refugees leaving Kosovo for Albania continues to increase apace, the situation might dangerously deteriorate.

62. Also in 1990, Vojvodina, like Kosovo, lost the independent status in Yugoslavia that it had enjoyed since 1974. Serbs are in the majority in this region, where they now account for 57% of the population, followed by 17% ethnic Hungarians, the remainder being divided between Romanians, Croats, Slovaks, Ruthenians and Ukrainians. Not only do the non Serb minorities, particularly the Hungarian minority, feel themselves victims of pressure from Belgrade as a

result of the war in Croatia and Bosnia-Herzegovina, they also believe that Belgrade is promoting the settlement of Serb refugees in Hungarian and Croat-dominated regions of Vojvodina and even encouraging ethnic cleansing to Serb advantage, along with atrocities – of which proof exists – against the Hungarian and Croat populations. Another source of tension is the reluctance of the non Serb minorities in Vojvodina to enlist in the ranks of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to serve the cause of “Greater Serbia”. Roughly 25 000 Hungarians and 37 000 Croats are believed to have left the area for these reasons. The growing number of refugees leaving Vojvodina for Hungary, violation of Hungarian air space by Yugoslav aircraft and the shelling of the Hungarian town of Barcs have contributed to increasing tension between Hungary and the Federal Republic of Yugoslavia. However the Hungarian Government has, so far, managed to avoid direct involvement in the conflict.

63. With regard to the Sandjak, straddling the border between Serbia and Montenegro and adjoining Bosnia and Kosovo, this impoverished region has a majority Muslim population which identifies with the Muslims of Bosnia-Herzegovina. In a referendum on 25th-27th October 1991, held despite police obstruction and disruption, 98.9% of voters in the Serbian Sandjak expressed themselves in favour of regional autonomy and subsequent integration with another republic, namely Bosnia Herzegovina. Shortly thereafter the Sandjak leaders in Serbia declared their autonomy. This was an obvious challenge to Serb interests. As in Kosovo, rumours abound in the Sandjak to the effect that the Serb authorities in the region are endeavouring to remove Muslims from posts of influence in politics and administration and encroaching on Muslim property. It appears that there is less tension in the part of the Sandjak belonging to Montenegro. However if open conflict were to break out in Kosovo or cross the border from Bosnia-Herzegovina, the Sandjak region would quickly become involved.

64. In a referendum held in March 1992, 66% of the electorate of Montenegro voted in favour of remaining in the Federal Republic of Serbia. Nevertheless, relations with Belgrade are not without tension, as it is feared by some in Montenegro that nationalist Serbs want federal union with Montenegro and they are also hoping to incorporate it into a Greater Serbia. Unlike Belgrade, Montenegro has stated that it is willing to have an OSCE observer mission on its borders with Bosnia-Herzegovina.

65. The closed and highly centralist mentality of the Belgrade authorities was recently confirmed by an article by the leader of the Serbian

19. Neue Zürcher Zeitung, 27th March 1995.

socialists, Miharlo Markovic, which appeared in the newspaper "Borba", in which he argues that the rights of nations and national minorities should be even further curtailed²⁰. He quotes the example of countries such as "Bulgaria, Greece, Macedonia, Romania, Russia and Serbia" which are able to maintain their territorial integrity only through repressive measures against the Chechen, Hungarian, Turk or Albanian separatist movements. As far as the Kosovo Albanians are concerned, he argues that one must start by acknowledging the fact that Kosovo is part of Serbia. These alarming views must be challenged and rejected by the international community.

66. As to the official policy of Belgrade, opinions are divided on the future strategy of President Milosevic. Some foresee a decisive battle between Serbs and Croats in the event of a UNPROFOR withdrawal, others feel that Mr. Milosevic's first priority is likely to be the lifting of sanctions imposed on his country and its return to the international community of states. There are signs to suggest that the thinking in Belgrade is also that it would not be in Mr. Milosevic's interest to become involved in further war with Croatia over the Croatian Serbs. According to this view, Belgrade would not be opposed in principle to Krajina being reintegrated into the Croatian state, although this would not necessarily mean that Belgrade was prepared to recognise Croatia's pre-war borders. For that to happen, Serbia is asking Croatia to recognise it as the sole successor to former Yugoslavia and to settle the status of the Krajina region.

67. Regarding the position of the internal opposition parties in Serbia which hold 123 seats out of 250 in the Belgrade Parliament, it must be noted that these have widely differing views. Among the latter are extreme nationalist elements whose rôle is extremely negative. Other, more moderate tendencies are trying to encourage Mr. Milosevic's government to take a more flexible attitude towards negotiation. It also appears that the pressure exerted by the government in Belgrade on all forms of opposition, especially the independent media, has intensified following the break with the Bosnian Serbs. Many feel that Milosevic has undermined the basis of his own legitimacy by no longer fighting for a solution to the problem of Serbia as a nation, i.e. the creation of a Greater Serbia in which all Serbs would be united, but solely for the lifting of international sanctions at any price.

68. Indeed, there are many signs indicating that Mr. Milosevic is preparing to decide whether or not to recognise Bosnia-Herzegovina. Talks between the Yugoslav Head of Government and Mr. Filipovic, the Bosnian Ambassador to Switzer-

land, held in Belgrade in March 1995, seemed to point in this direction. However, a month later, Mr. Milosevic stated to contact group representatives that there was no question of recognising Bosnia-Herzegovina until the latter was transformed into a union of states that included the Serb-held regions. Mr. Milosevic also asked for sanctions to be lifted as a precondition of any recognition²¹.

69. Since the end of May 1995, there have been many reports to the effect that Mr. Milosevic may have accepted recognition of Bosnia-Herzegovina in principle. In particular, the American representative on the contact group, Mr. Frasure, has negotiated this question several times with Mr. Milosevic. However these rumours have given rise to strong protest from the extreme right opposition in Belgrade, which has denounced any form of recognition as a betrayal of Serb interests. Conversely, other opposition elements have stated that they would support Mr. Milosevic if he were to recognise Bosnia.

70. Nevertheless, it seems that hope largely now rests on Mr. Milosevic. According to a contact group proposal, recognition of the integrity of Bosnia-Herzegovina's international borders might be obtained by a partial lifting of the economic sanctions against Belgrade for a period of 200 days. Arms and fuel deliveries alone would continue to be prohibited. It is hoped by this recognition to further isolate the Serbs in Pale, but it is impossible to foresee the consequences of such recognition.

71. The influence of Mr. Milosevic over Serbs in Pale and Krajina Serbs seems limited and his true intentions are still not known. All the western leaders have put pressure on him to use his influence on the Pale leadership to obtain an immediate release of the hostages. At the same time, they have asked Russia to make representations to Belgrade in this connection. In such circumstances, what will be the effect of the creation of the rapid reaction force which has been decided in Paris? Can Mr. Milosevic survive politically in his own country if he abandons his project for a Greater Serbia once and for all?

72. In this context, one must consider the possible extent of the rôle of the Orthodox Church and the influence it exerts over the official policy of the Federal Republic of Yugoslavia and also over the Serb authorities in Bosnia and the Krajina and Slavonia regions. According to the politicians your Rapporteur met during his talks in Belgrade, the Orthodox Church would appear to be one of the principal advocates of a Greater Serbia. The influence exerted by the Orthodox Church throughout the country is perhaps therefore one of

20. Die Welt, 3rd February 1995.

21. Financial Times, 13th April 1995.

the reasons – or alibis – for Mr. Milosevic's hesitation. The question is therefore how to avoid the Orthodox Church becoming a major obstacle to the peace process.

VI. The possibility of international efforts pacifying the Balkans

73. International activities to bring an end to the war, particularly in Bosnia, are concentrated on two main problems: first, the question of the UNPROFOR mandate and the division of tasks between the United Nations and NATO in the military management of the conflict and, second, the search for a political solution, properly speaking, acceptable to all concerned. Clearly these two problems are closely linked.

74. The unease of the blue berets in the conflict in Bosnia, as in other regions of former Yugoslavia, has been described, inter alia, in a report by the United Nations Secretary-General: Supplement to an agenda for peace: position paper, presented by the Secretary-General on 3rd January 1995 on the occasion of the fiftieth anniversary of the United Nations²². In this report, the Secretary-General recalls that in Bosnia-Herzegovina,

“ Even though the use of force is authorised under Chapter VII of the Charter, the United Nations remains neutral and impartial between the warring parties, without a mandate to stop the aggressor (if one can be identified) or impose a cessation of hostilities. Nor is this peace-keeping as practised hitherto, because the hostilities continue and there is often no agreement between the warring parties on which a peace-keeping mandate can be based. The safe areas concept in Bosnia and Herzegovina is a similar case. It too gives the United Nations a humanitarian mandate under which the use of force is authorised, but for limited and local purposes and not to bring the war to an end. ”

75. It is precisely on this last point that major differences between the United Nations and NATO have arisen. Although the United Nations mandate is in fact as limited as the above paragraph describes, account must nevertheless be taken of Security Council Resolution 836 of 4th June 1993, in which it was decided first:

“ to extend ... the mandate of UNPROFOR in order to enable it, in the safe areas ... to deter attacks against [the latter] to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to

occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in Resolution 776 (1992) of 14th September 1992; ”

second:

“ ... To make the adjustments or reinforcement of UNPROFOR which might be required by the implementation of the present resolution, and to consider assigning UNPROFOR elements in support of the elements entrusted with protection of safe areas, with the agreement of the governments contributing forces; ”

third, to authorise:

“ UNPROFOR, in addition to the mandate defined in Resolutions 770 (1992) of 13th August 1992 and 776 (1992), in carrying out the mandate defined ... above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys; ”

fourth, the Security Council decided:

“ that ... member states, acting nationally or through regional organisations or arrangements, may take, under the authority of the Security Council and subject to close co-ordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate set out ... above. ”

76. Finally, the Security Council requested the member states concerned, in other words, primarily those of the Atlantic Alliance, and the Secretary-General and UNPROFOR to co-ordinate closely on the measures they were taking over the arrangements to implement the foregoing paragraph. However, bearing in mind what has happened in the “ safe area ” around Bihac, for example, implementation of Resolution 836 has been a complete failure. Implementation of this resolution also failed when the United Nations authorities asked NATO to carry out air strikes on 24th and 26th May 1995 around Sarajevo, since the blue berets were not in a position to defend themselves nor to prevent the Serbs from taking some of them hostage. The decision taken in Paris on 3rd June 1995 to create a rapid reaction force might therefore be considered as a measure which seeks to implement – somewhat belatedly – Security Council Resolution 836.

22. Document A/50/60S/1995/1, 3rd January 1995.

77. Many questions remain regarding the mandate and status of this force. Under what type of command is it to be placed? What will be its relations with the United Nations, NATO or WEU? Quite apart from the problem of the release of the hostages, will this force have the task of ensuring that the blue berets remain in Bosnia or will it facilitate their withdrawal?

78. It appears finally to have been understood, however, that NATO air strikes are useless, indeed dangerous, without land forces that are sufficiently large and well-armed in the field to repel actions taken by those against whom the air strikes were directed and protect the safe areas. What must be avoided at all costs is that the new rapid reaction force should be considered from now on as the unit involved in the war. Consequently, it is important to state clearly that its establishment is fully covered by Resolution 836 and it remains for the members of the United Nations Security Council to reach agreement on a new, more specific mandate. However, the Security Council's decision on the implementation of this mandate has been delayed, the American Congress having opposed American participation in financing the rapid reaction force. Finally, on 16th June 1995, the Security Council voted a resolution authorising the creation of a rapid reaction force of up to 12 500 troops. Russia and China abstained. The resolution does not specify the conditions under which this force will be authorised to use its heavy weapons. Moreover, it merely indicates that a decision on financing will be taken later.

79. One might nevertheless wonder whether this force will be really strong enough to carry out the tasks it will have to shoulder. Moreover, what rôle will be played by WEU, the only European defence organisation involved in this matter? The United States, whose official line changes virtually from day to day as regards whether or not it will be prepared to participate in action on the ground in former Yugoslavia, has eventually given to understand that it would become involved only if a possible withdrawal of the blue berets called for military support. It is now therefore for Europeans to demonstrate whether or not they are able to manage this crisis alone (with of course the backing of the United Nations). Russia's attitude to the Paris decision is the major unknown factor at the present time.

80. However, in attempting to reach agreement on the best way to protect the safe areas, the problems encountered are not only those of co-ordination between the United Nations, NATO and WEU but also the fundamental problem that consensus is as much lacking among the powers represented at the Security Council as in the Atlantic Alliance, the European Union or WEU, over who are the aggressors, who are the aggress-

sed, who are the guilty parties and who are the victims in this war. Preferably, reference is made to "belligerents", thus putting all the parties involved in the hostilities on the same footing. Preferences and sympathies linking those concerned with either the Serbs, Croats or Bosnian Muslims have invariably prevented common positions being taken in regard to this conflict and also when faced with the need to put forward a peace plan acceptable to all concerned. As Mr. Cutileiro, Secretary-General of WEU, observed recently in an address to the Royal Institute for International Relations, Brussels²³:

"Former Yugoslavia does show that in 1991 we had not yet reached a stage where political agreement among us could have led to swift and decisive collective action. But it also shows – and this is more important – that we had already reached a stage where a conflict of that magnitude and closeness to our borders was unable to make us break ranks and come into confrontation with each other. If we look back to history, this is a remarkable achievement."

81. It may be said that we are no further forward in 1995 than in 1991 – and the danger of a wider confrontation is still present. NATO is therefore intensifying its preparation of contingency plans in support of a possible withdrawal of the blue berets. Yet a political solution which makes no provision for supervision by United Nations forces is unrealistic. Must the fighting be continued inexorably until the total collapse of all sides?

82. The pursuit of political efforts to find a solution to the conflict in Bosnia is still based on the peace plan proposed on 5th July 1994 by the contact group of representatives of France, Germany, Russia, the United Kingdom and the United States: this plan allocated 51% of Bosnian territory to the Croatian-Muslim federation and 49% to the Serbs, while envisaging that the state as a whole should continue to exist within its recognised borders. The parliament of the Croatian-Muslim federation accepted this proposal, but the Bosnian Serbs rejected it and demanded new negotiations.

83. At the beginning of January, new initiatives were taken by the contact group with a view to offering the Bosnian Serbs the possibility of amending the lines on the map drawn up on 5th July 1994 for dividing the territory between the populations concerned. The Serbs had specifically laid claim to the Muslim enclaves of Srebrenica and Gorazde together with part of the town of Sarajevo. While the Bosnian Government rejec-

23. Western European Union – myth and reality. Address by Mr. José Cutileiro, Secretary-General of WEU, Palais d'Égmont, Brussels, Thursday, 9th February 1995.

ted any changes to the peace plan, Mr. Karadzic reiterated the demand for the partition of the town of Sarajevo.

84. After a six-month period of diplomatic isolation of the Bosnian Serbs, contact group emissaries resumed negotiations with them to try and persuade them to accept the peace plan. Moreover, the American Government had informed the Bosnian Government on 19th January 1995 that the United States was prepared to resume talks with the Bosnian Serbs, while emphasising that this in no way called American support for the contact group's plan into question²⁴. (This American initiative ran counter to Resolution 942 passed in September 1994 whereby the Security Council prohibited such contacts for as long as the Bosnian Serbs did not accept the peace plan.)

85. Following talks between the Americans and the Bosnian Serbs, the latter appear to have formulated new demands for control over the whole of the town of Sarajevo and the Tuzla industrial centre and the division of the country into two equal parts²⁵.

86. For as long as the Serbs of Pale hold hostages and continue shelling Sarajevo and for as long as they are not willing to accept the existing peace plan as a basis for negotiation, it is scarcely conceivable that they should again be recognised as partners in the negotiations that were broken off on 25th January 1995. Nevertheless, on 5th June 1995, the Greek Government sent its defence minister to Pale to obtain the release of the hostages.

87. One might wonder whether the time has come to take up once again the French proposal made at the end of January 1995 for convening a summit that would bring together Presidents Slobodan Milosevic of Yugoslavia, Alija Izetbegovic of Bosnia and Franjo Tudjman of Croatia under the aegis of the European Union, the United States and Russia in an attempt to take up the threads of the dialogue on the whole range of problems that are still outstanding. On 6th February 1995, the European Union had agreed this proposal, after having specified that such a meeting might have as the first agenda item mutual recognition of these three states. A further aim of the meeting would be to reaffirm acceptance of the contact group's plan on the division of territory between the three Bosnian communities; in exchange, suspension of sanctions against Yugoslavia might be offered to Mr. Milosevic and lastly, the summit meeting might ratify the most recent international proposal for a settlement of the conflict in Croatia between the Zagreb authorities and the Krajina Serbs.

24. *Le Monde*, 24th January 1995.

25. *Die Welt*, 24th January 1995.

88. The offer of a total suspension (rather than lifting) of the sanctions imposed on Serbia by the United Nations in May 1992 (with the exception of the embargo on arms) was a crucial part of the French proposal to revive the process of negotiation over the whole range of conflicts in Croatia and Bosnia, provided that Serbia agrees to recognise the Republics of Croatia and Bosnia within their present borders which would amount to formally renouncing the creation of a Greater Serbia.

89. However, for this offer to be valid, it is necessary to ensure that the embargo really works. It is also absolutely essential to convince the Bosnian Serbs to accept the contact group's peace plan at a time when they feel strong enough to keep by force the 70% Bosnian territory they control at present. Mr. Milosevic's influence over the Bosnian Serbs in this connection cannot be relied upon any more than his political will to exercise it.

90. Several proposals to modify the contact group's peace plan have begun to circulate in the press, either for creating a kind of confederation of all the former components of Yugoslavia²⁶ or persuading the Bosnian Government to accept the present front lines as borders and allow the Bosnian Serbs to form a confederation with Yugoslavia²⁷.

91. Any uncertainty over the determination of the international community to implement the existing peace plan will strengthen the intransigence of the Bosnian Serbs, but would the international community be prepared to implement the peace plan by force? There is no indication whatsoever that the United Nations would be prepared to give such a mandate to any intervention force. Given the United States' reluctance to become militarily involved in the Balkans, the Russian Government's attitude is becoming ever more important.

92. Russia is a member of the contact group but does not always support joint approaches developed in this framework. Moreover, it signed a military co-operation agreement with Belgrade, the content of which is unknown. This pact is due to enter into force only after the lifting of sanctions against Yugoslavia (Serbia and Montenegro) and Moscow strongly supports the lifting of these sanctions. The President of the former Yugoslav Republic of Macedonia has already expressed concern about this pact. It should be noted that Russia did not vote in favour of Security Council Resolution 981, but instead abstained.

93. When Western European leaders pressed the Russian President to use his influence to calm

26. See Flora Lewis, *International Herald Tribune*, 19th May 1995. *Die Zeit*, 31st March 1995.

27. *International Herald Tribune*, 20th May 1995.

the situation around Sarajevo, he agreed to do everything in his power on condition there was a halt to NATO air strikes in Bosnia, but in reality Russia's efforts have been negligible; nor did it react favourably to the creation of a European rapid reaction force. In any event, Moscow wishes to play a key rôle in settling the crisis and its interests are not always the same as those of Europeans.

VII. *The rôle of WEU*

94. WEU's political rôle in the conflict raging in former Yugoslavia may be described as inexistent; the organisation has in fact handed over all responsibility in the matter to the authorities of the European Union. As is clear from the first part of the fortieth annual report of the Council²⁸, the latter has done no more than keep informed of the situation:

“ The Greek Representative, on behalf of the presidency of the Twelve, has regularly briefed the Permanent Council on the activities and démarches of the European Community aimed at reaching a peaceful settlement of the conflict in former Yugoslavia. ”

95. The Council's activities have focused specifically on the implementation of the Danube embargo, operation Sharp Guard and WEU's police contribution to the European Union's administration of the town of Mostar. The extent of WEU's marginalisation in political terms cannot be better described than by the sentence in the annual report stating that “ WEU's involvement is contingent upon the negotiations on Mostar between the European Union's troika and the parties on the spot ”. WEU has not even proved capable, to date, of supplying the promised number of policemen for Mostar, in other words, 200 men!

96. However, the WEU Council of Ministers used its Noordwijk declaration of 14th November 1994²⁹ to present a few political considerations concerning this conflict. Thus, they agreed “ on the need for the United Nations Security Council to consider the appropriate measures ” (against attacks on safe areas). They also stated their conviction “ that the full development of the federation of Bosnia and Herzegovina [was] an essential factor in a political settlement which should be based on the principle of balanced treatment of all the peoples of Bosnia and Herzegovina ”.

97. The ministers welcomed “ the important decision by Belgrade to support the peace plan [which one?] and close the border with Bosnia in

order to make the Bosnian Serbs accept the plan ”. They furthermore asked that the contact group should better inform “ non-contact group members who, through the contribution of troops, military assets or otherwise, contribute to the international effort to restore peace in former Yugoslavia ”. In conclusion, they thought it necessary for appropriate measures to be envisaged for preserving peace once it was restored in the Balkans, without specifying what WEU's rôle should be in such an eventuality, which is still far from imminent.

98. At operational level, there is no longer any question of WEU being involved in drawing up contingency plans and the United Nation's sole interlocutor in this respect is NATO. The Council criticised the measures taken by the United States for withdrawing from participation in the enforcement of the arms embargo in the framework of operation Sharp Guard, but when, in Written Question 328, Mr. De Decker asked specifically about the political consequences of this decision, the Council's answer was very evasive. The clear impression conveyed is that WEU's increasing marginalisation with regard to former Yugoslavia is not confined to political matters but extends also to its rôle in the military management of the crisis.

99. At the close of their meeting in Lisbon, the WEU Ministers published a declaration on former Yugoslavia which made no reference whatsoever to WEU's rôle. Conversely, the Chief-of-Staff of the French armed forces, Admiral Lanxade, stated at the close of the Lisbon meeting that the worsening of the situation in Bosnia and Croatia had been the subject of a mere exchange of views between a few WEU countries. In his view it was not for WEU today to define policy on former Yugoslavia³⁰.

100. Marginalisation of WEU became total when, on 3rd June 1995, France convened the conference of the fifteen defence ministers of the countries of the Atlantic Alliance and the European Union to take a decision on the creation of a rapid reaction force in Bosnia. Apparently, WEU involvement in this undertaking is in no way envisaged. Under such conditions, how can WEU become the armed branch of the European Union? The question is still open, but seems of interest to no one, with the exception of the Assembly.

VIII. *Conclusions*

101. As matters now stand, the main issue to be decided is whether the blue berets should remain in former Yugoslavia and under what terms. Des-

28. Document 1433, 9th November 1994.

29. Document 1443, 18th November 1994.

30. Agence France Presse, 15th May 1995.

pite all the difficulties and the many humiliations the United Nations forces have had to undergo, it must not be forgotten that they have brought and will continue to bring humanitarian aid, both very necessary and irreplaceable, to the civilian population in the areas of the fighting.

102. Even if up to now it has not been possible to protect the United Nations safe areas in Bosnia and Croatia, the psychological aspect of the presence of the blue berets providing a degree of reassurance to the population should not be underestimated. A withdrawal of the blue berets would probably lead to a massive exodus towards the countries of Western Europe.

103. It is therefore necessary to make clear that the purpose of deploying a rapid reaction force on the spot is neither to prepare for the withdrawal of the blue berets nor to allow the international community to side with one or other of the belligerents, but better to protect the safe areas in accordance with the present United Nations mandate and specifically with Security Council Resolution 836. If a new Security Council mandate is necessary for the rapid reaction force, this should primarily serve to place the latter clearly under the existing United Nations mandate, in other words

within the framework of Resolution 836; the wording should specifically state this.

104. It would also be desirable for other WEU member countries to participate in some form or other in the newly-created rapid reaction force and for WEU to take responsibility for this force, ensuring the necessary co-ordination with the United Nations.

105. Apart from the question as to whether there can be a partial suspension of the sanctions imposed on the Federal Republic of Yugoslavia in the event of Yugoslavia recognising Bosnia and Croatia, a lifting of the embargo on armaments and fuel cannot be entertained until all parties have agreed to a peaceful solution of the conflict. Since it is apparent that this embargo is constantly circumvented by illegal supplies through Albania and Macedonia, it is essential to take vigorous measures to strengthen its effective implementation.

106. Once there is a multinational buffer force truly in position between the belligerents, every effort must be directed towards achieving a lasting cease-fire agreement throughout the territory of former Yugoslavia as the precondition of a peaceful and political settlement of the conflict that can be accepted by all the parties concerned.

The situation in former Yugoslavia

AMENDMENTS 1 and 2¹

tabled by Mr. Hardy

1. In paragraph 4 of the draft recommendation proper, after “ presence and ” insert “ to clarify the purpose and capacity to take ”.
2. At the end of paragraph 16 of the draft recommendation proper, add “ but notes that the member states which have been heavily involved have also borne substantial cost ”.

Signed: Hardy

1. See 17th sitting, 21st June 1995 (amendment 1 amended and agreed to; amendment 2 agreed to).

The situation in former Yugoslavia

AMENDMENTS 3 to 7¹

tabled by Mr. Fassino

3. At the beginning of paragraph 6 of the draft recommendation proper, leave out “ Transform the rapid reaction force into a European multinational unit ” and insert “ Verify with the countries which established the rapid reaction force that that force is ”.
4. Leave out paragraph 10 of the draft recommendation proper and insert:
“ Ask the United States Government not to act on the proposal to participate no longer in the embargo against Bosnia-Herzegovina; ”
5. Leave out paragraph 14 of the draft recommendation proper and insert:
“ Request the governments of Greece and the former Yugoslav Republic of Macedonia to open negotiations and, in that framework, ask Greece to lift the trade embargo it has imposed on the former Yugoslav Republic of Macedonia; ”
6. Leave out paragraph 21 of the draft recommendation proper and insert:
“ Make any suspension of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) conditional upon recognition of Bosnia-Herzegovina within its international borders; ”
7. Leave out paragraph 1 of the draft recommendation proper and insert:
“ Resolutely call upon the Bosnian Serbs to refrain from any action against the blue berets and to guarantee them freedom of movement and free access to ‘safe areas’; ”.

Signed: Fassino

1. See 17th sitting, 21st June 1995 (amendments 3, 4 and 7 agreed to; 5 and 6 withdrawn).

The situation in former Yugoslavia

AMENDMENT 8¹

tabled by Mr. Benvenuti and Mr. Martínez

8. Leave out paragraph 14 of the draft recommendation proper and insert:
“ Request the governments of Greece and the former Yugoslav Republic of Macedonia to open negotiations on the basis of United Nations resolutions and ask Greece to lift the trade embargo it has imposed on the former Yugoslav Republic of Macedonia; ”

Signed: Benvenuti, Martínez

1. See 17th sitting, 21st June 1995 (amendment agreed to).

The situation in former Yugoslavia

AMENDMENT 9¹

tabled by Mr. Antretter

9. Leave out paragraph 17 of the draft recommendation proper and insert:
“ Ask the Croatian Government not to undertake further military action against areas controlled by Serb forces since these areas, which belong to the Republic of Croatia, must be integrated peacefully and given autonomy, on the basis of the Z-4 group proposal; ”

Signed: Antretter

1. See 17th sitting, 21st June 1995 (amendment agreed to).

*European armed forces***REPORT**¹

*submitted on behalf of the Defence Committee*²
by Mr. De Decker, Rapporteur

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on a European armed forces

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submitted by Mr. De Decker, Rapporteur

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1. Adopted in committee by 13 votes to 0 with 1 abstention.

2. *Members of the committee:* Mr. Baumel (Chairman); Mr. De Decker, Mrs. Baarveld-Schlaman (Vice-Chairmen); Mr. Alloncle, Mrs. Beer, MM. Bianchi, Briane, Brito, Cox, Dees, Dumont, Fernandes Marques, Mrs. Fernandez Ramiro, MM. Hardy, Horn, Jacquat, Kastanidis, Kelchtermans, La Russa, Mrs. Lentz-Cornette, MM. Lopez Valdivielso (Alternate: *Lopez Henares*), Marten, Lord Newall (Alternate: *Sir Russell Johnston*), MM. Parisi, Pavlidis, Pécriaux, Petruccioli (Alternate: *Guidi*), Reis Leite (Alternate: *Aguiar*), Scholten, Sir Dudley Smith, Mr. Sole Tura (Alternate: *de Puig*), Mrs. Soutendijk van Appeldoorn, Sir Keith Speed, MM. Speroni, Vazquez, Vrettos, Zierer.

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

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Preface

It is known only too well that the new security environment in Europe after the cold war has led to an overall revision of defence expenditures in all the member states of NATO and WEU.

In November 1991, NATO adopted a new strategic concept calling for highly-mobile, multinational and flexible forces to replace the former linear defence forces. Only a few months later, in June 1992, the WEU Ministerial Council issued the Petersberg declaration including a chapter on strengthening WEU's operational rôle. WEU member states declared that they were prepared to make available military units from the whole spectrum of their conventional armed forces for military tasks conducted under the authority of WEU. It was also said that military units would be organised on a multinational and multiservice basis and that WEU member states intended to develop and exercise the appropriate capabilities to enable the deployment of such units in accomplishing specific tasks.

Since then, many initiatives have been taken, both in NATO and WEU, to implement the decisions mentioned above and the Defence Committee of the WEU Assembly considered it appropriate to present a concise inventory of what has been accomplished in the area of bilateral or multilateral forces. Admittedly, some of the forces mentioned in the present report existed before the 1990s, but they also had to be adapted to the new strategic environment and find their place in new structures.

One chapter in the present report discusses the stage reached in the implementation of the combined joint task forces concept (CJTF) since its adoption at the January 1994 NATO summit meeting.

Originally, the committee had also intended to examine recent developments in defence budgets and armed forces of the individual WEU member states, but your Rapporteur, much to his regret, has not been able to accomplish all the necessary preparations for such a survey which proved to be more demanding than foreseen. It is hoped, however, that it will be possible to make this survey on another occasion.

Draft Recommendation
on European armed forces

The Assembly,

- (i) Noting the NATO Council's declared full support for the development of a European security and defence identity and the strengthening of the European pillar of the alliance through WEU;
- (ii) Noting that, according to the NATO Council's decision, the alliance's organisation and resources will be adjusted so as to facilitate this process;
- (iii) Believing, however, that in more than eighteen months since the endorsement of the CJTF concept at NATO's summit meeting in January 1994, no significant progress has been made in the implementation of this concept, even though it is almost a year ago now, on 29th June 1994, that WEU presented to NATO its report on criteria and modalities for the effective use of the CJTF;
- (iv) Noting that there is an ever more urgent need for WEU to identify clearly those assets and capabilities which WEU will need in possible future operations and to define its views on ways and means for the use of such assets and capabilities which the alliance could make available to WEU;
- (v) Recognising and calling upon the Council to demonstrate its own recognition that WEU member states will have to procure, through multinational co-operative programmes, those assets and capabilities which the alliance cannot make available to WEU;
- (vi) Emphasising that the European allies cannot afford to delay the establishment of appropriate operational capabilities and command structures for whatever European contingency operations in which NATO may choose not to act;
- (vii) Welcoming the decisions taken at the WEU ministerial meeting in Lisbon on 15th May 1995 regarding the development of WEU operational capabilities;
- (viii) Taking note of the increasing reluctance of the United States to commit ground troops to any operation on European soil which is not based on Article 5 of the North Atlantic Treaty;
- (ix) Recognising that on either side of the Atlantic there might be different perceptions of the threats to European security and the political and military means to handle them;
- (x) Welcoming the fact that, with the approval of a document identifying their common interests as well as potential risks to European security, the 27 WEU nations have taken the first steps towards joint thinking on the new European security conditions which should result in the publication of a white paper on European security;
- (xi) Welcoming the recent decision by France, Italy and Spain to establish a land force (EUROFOR) and a maritime force (EUROMARFOR) in both of which Portugal will participate and which will be declared forces answerable to WEU;
- (xii) Somewhat surprised that, whenever European multinational forces are established, NATO insists on its right to use them, while at the same time it seems increasingly reluctant to mount operations in the new type of post-cold war contingencies which are threatening Europe's security;
- (xiii) Welcoming the decision to establish the WEU Satellite Centre in Torrejón as a permanent WEU body;
- (xiv) In doubt whether the establishment in the near future of a WEU humanitarian intervention force would be an adequate solution for the hazardous and often hostile environments in which such a force would have to operate both on European soil and elsewhere in the world;
- (xv) Considering that the United Nations' lack of an appropriate command, control, communications and intelligence structure calls into question its ability to command humanitarian, peace-keeping or peace-enforcing operations which are taking place in hazardous circumstances;
- (xvi) Expressing the wish that the WEU Permanent Council's examination of peace-keeping and conflict prevention, combined with the initiative taken by France and the United Kingdom, will produce early and tangible results;

(*xvii*) Emphasising that recent developments in the Bosnian conflict have clearly demonstrated the urgent need for exclusively European rapid reaction forces for all WEU operations mentioned in the Petersberg declaration;

(*xviii*) Noting that geostrategic developments and reductions in the means European states are allocating to their defence are encouraging them to opt increasingly for multinational co-operation but that such co-operation is haphazard,

RECOMMENDS THAT THE COUNCIL

1. Invite WEU member states to stop reducing their defence expenditure;
2. Organise a summit meeting of heads of state and of government of WEU member countries in the first half of 1996 at the latest to examine European security and more particularly the need to co-ordinate means, policies and multinational co-operation in order to organise effective joint defence;
3. Devote its every effort to urge NATO to implement the CJTF concept by the end of 1995;
4. However this may be, by the end of 1995 at the latest, identify clearly those assets and capabilities which WEU will need in possible future operations and, in addition, as mentioned in the Lisbon declaration, define views on ways and means of using such assets and capabilities which the alliance should make available to WEU;
5. In parallel, identify those assets and capabilities which WEU should possess in its own right and which its member states will have to procure urgently through multinational co-operative programmes or otherwise;
6. Promote forthwith the establishment of permanent exclusively European rapid reaction forces, including headquarters and political-military command structures, for all WEU operations mentioned in the Petersberg declaration;
7. Refrain from accepting, or appearing to accept, further obligations or commitments where there is a lack of capacity or a will to fulfil them.

Explanatory Memorandum

(submitted by Mr. De Decker, Rapporteur)

I. The European Corps

1. On 14th October 1991, President François Mitterrand and Chancellor Helmut Kohl, who in 1987 started to create a French-German brigade which has been operational since October 1991, informed the President of the European Council, at that time the Prime Minister of the Netherlands, Ruud Lubbers, of their intention to create an army to which other member states of WEU could contribute. The official decision to create the European Corps was taken at the French-German summit meeting at La Rochelle on 22nd May 1992 with the adoption of the "joint report concerning the creation of the European Corps".

2. In July 1992, a provisional staff was created in Strasbourg with the task of setting-up the staff of the European Corps, which became fully operational on 1st July 1994. General-Lieutenant Helmut Willmann from Germany, who took office on 1st October 1993, marking the official creation of the European Corps, was nominated as the first General to command the European Corps.

(a) Membership

3. The European Corps is currently drawn from five member states: Belgium, France, Germany, Luxembourg and Spain. The Belgian Council of Ministers decided to request participation in the Franco-German corps on 22nd June 1993 and Belgium's official accession to the European Corps took place on 25th June 1993. The official Spanish accession was on 1st July 1994 and in June 1994 Luxembourg announced that it would like to join the European Corps. Although all member states of WEU have been invited to join the European Corps, it is thought that - if only for practical reasons - it should not be enlarged beyond its present composition. It is now generally agreed that if more nations are interested in participating, consideration should be given to the possible creation of a second European Corps.

(b) Relations with NATO

4. After the creation of the European Corps, based on their earlier understanding of December 1992. The French Chief-of-staff, Admiral Jacques Lanxade, and the German Chief-of-staff, General Klaus Naumann, signed an agreement with

NATO's Supreme Allied Commander Europe, General John M. Shalikashvili, on 21st January 1993, on the use of the European Corps. Belgium signed the SACEUR agreements on 12th October 1993. According to this agreement, the corps may be used by NATO either as a main defence force in Central Europe or as a rapid reaction peace-keeping or peace-making force in the European theatre, covered by the North Atlantic Treaty Organisation. Relations between the European Corps and NATO are based on the specific nature of this new multinational European formation, which the participants wished to maintain. Moreover, it should be noted that the European Corps is adapted to the structures and procedures of the alliance, thus confirming it as compatible with NATO and as France's contribution (in that context) to the strengthening of the European pillar in NATO. As a consequence, in the event of a crisis and under specific circumstances, French troops could be placed under the operational command of NATO. However, such engagement of French troops could take place, after approval by the French authorities, for specific and preliminary-defined missions. In such a case, France would be prepared to participate in the debates of the Military Committee together with the other member states of the European Corps.

(c) Relations with WEU

5. The European Corps was also created with a view to reinforcing the European defence identity, and the forces of the European Corps have been designated as forces answerable to WEU (FAWEU) at the WEU Council's meeting held in Rome on 19th May 1993. The conditions for WEU's employment of the European Corps were then agreed on 20th September 1993 in the "joint declaration stating the conditions for the use of the European Corps in the framework of Western European Union". The joint declaration states that the corps could be subordinated, after a decision of the Council for use, to a command designated by WEU, for which the participating states will set up a joint committee for internal co-ordination. The European Corps can be deployed for all the tasks specified in the Petersberg declaration and its use by WEU would be based on plans formulated by the operation commander designated by WEU, in co-operation with the WEU Planning Cell.

(d) Missions

6. The European Corps itself has first call on the units allocated to it intended for joint operations. The joint decision to deploy the European Corps, remains the responsibility of the participating governments. The Joint Committee in charge of carrying out the governments' decisions defines the method and procedures for the deployment and transfer of command of the European Corps for each mission.

7. The missions of the European Corps are the common defence of the allied territory in application of Article 5 of the Treaty of Washington or Article V of the Brussels Treaty. It can also be deployed for peace-restoring and peace-keeping missions, humanitarian and rescue tasks, and tasks of combat forces in crisis-management, missions mentioned in the Petersberg declaration. Furthermore, the European Corps is to serve as the central core structure for European armed forces, to constitute an instrument for the common foreign and security policy and a means of reinforcing the European pillar within NATO.

(e) Composition

8. The first unit assigned to the European Corps was the Franco-German brigade of 5 250 men, operational since 1991, with headquarters in Müllheim. The other national contributions are:

- France: the 1st armoured division with headquarters in Baden-Baden;
- Germany: the 10th armoured division with headquarters in Sigmaringen, composed of the 12th armoured brigade and the 30th mechanised brigade;
- Belgium: the 1st mechanised division with headquarters in Saive, consisting of the 1st, the 7th and the 17th mechanised brigades;
- Spain: the 21st mechanised brigade based in Córdoba which will join the European Corps in 1995. The Spanish contribution will be completed to a full mechanised division in 1998.

9. Luxembourg intends to integrate a reconnaissance company into the Belgian 1st mechanised brigade.

10. The total strength of the European Corps is presently 50 800 men, spread over the member states as follows:

Belgium	9 600
France	10 300
Germany	18 500
Spain	4 500
Franco-German Brigade	5 250

(f) Training

11. The first exercise of the European Corps (Pegasus) was held from 7th-17th November 1994 with about 5 000 soldiers from all the participating states, practising interoperability of the corps staff and troops. Pegasus was based on counter-concentration, requiring quick movement of large units over long distances. The ultimate goal of the exercise was deep integration at a high operational level. The exercise has demonstrated that the objective of being operational on 1st October 1995 is feasible.

(g) Problems still to be resolved

12. The creation of the European Corps has caused a number of problems, all of which have not yet been solved satisfactorily. The most worrying is the absence of a juridical and institutional statute for the headquarters. At the moment, transposed NATO texts are used. The present situation affects the operational capability of the European Corps and is leading many observers to wonder whether political willingness will be enough. An even greater problem is the requirement for unanimity on every decision taken in the joint committee. Furthermore, there are difficulties with the heterogeneity of equipment, the lack of appropriate independent logistics, mobility and appropriate mission training, military airlift capability and military transport capacity. In particular, for logistics, communication systems and air transport capacity, the European Corps is still too dependent on the United States.

13. Although it is still in the process of being established, the European Corps has already fulfilled one important task of its mission: it has shown that the resilient and flexible working arrangements between NATO and WEU are capable of extension and expansion.

II. EUROFOR - EUROMARFOR

14. Initially, as discussed at the 20th November 1992 ministerial meeting in Rome, the idea had been to create a trilateral, non-permanent, air-maritime force eventually to be extended with an amphibious capability. At the meeting in Luxembourg on 22nd November 1993, ministers "welcomed and agreed to study the Italian initiative envisaging a multinational groundforce aimed at enhancing the operational significance of the air-maritime initiative". This ground force would be able to act alone or co-operate with the air-maritime force. At their meeting in Noordwijk (14th November 1994), WEU ministers discussed the progress made by France, Italy and Spain and asked them to present these forces at their ministerial meeting in the spring of 1995.

15. At a WEU ministerial meeting on 15th May 1995, France, Italy and Spain signed the founding documents for the creation of an army joint rapid reaction force (EUROFOR) and a European maritime force (EUROMARFOR) to provide extra security for the Mediterranean at a time of mounting concern over the security situation in the southern Mediterranean.

16. Also on 15th May, Portugal officially made its request to participate in the two forces. Spain, France and Italy have now agreed to Portugal's participation from the beginning of the establishment of these forces. The United Kingdom has already shown its interest in EUROMARFOR and its possible association in the future is not ruled out.

(a) Goals and missions

17. According to a joint communiqué issued by France, Spain and Italy, the EUROFOR and EUROMARFOR initiatives are meant to contribute to the creation of a military capability for Europe, notably in the field of force projection; create a multinational base structure for member states of WEU that wish to participate in its operations; contribute, while respecting the content of the Petersberg declaration, to initiatives of international organisations, to promote and maintain peace and security.

18. EUROFOR is a large multinational land force of up to a division in strength. It has a rapid reaction capability, easy deployment and can act on its own or together with EUROMARFOR. It will have no permanently-attached units but consists of pre-assigned professional elite units, which are available at short notice.

19. EUROMARFOR is a pre-structured, non-permanent multinational maritime force, with aeronaval and amphibious forces, capable of acting on their own or together with EUROFOR. The composition and structure of the EUROMARFOR will depend on the missions to be performed. A typical composition for certain tasks could be an aircraft-carrier with four to six escort units, a landing force, amphibious forces and a supply ship. EUROMARFOR will have no permanent structures nor a permanent headquarters but will come under rotating command of the participating states. Warships under WEU will be led by a French aircraft-carrier. In each of the participating states, marines will be designated to prepare a possible operation and will co-ordinate with their counterparts. Although some of the problems over how to finance the operations are still to be solved, the two forces will be established as of autumn 1995.

20. The missions for EUROFOR and EUROMARFOR correspond to those set out in the Petersberg declaration: humanitarian and rescue

tasks; peace-keeping tasks; tasks of combat forces in crisis-management, including peace-making. It is noted, however, that the fulfilment of these tasks must not involve the participation of these forces in defence missions in the sense of Article 5 of the North Atlantic Treaty or Article V of the modified Brussels Treaty.

(b) Relations with NATO and WEU

21. For the use of these forces in a trilateral framework, a common decision of the participating states is needed. Their use within the framework of WEU has priority, but they could also be used in the framework of NATO. In preliminary WEU discussions, the United Kingdom had insisted on the two forces being equally available to NATO and WEU, although WEU would have first priority. The British view was endorsed by Italy, which also wishes to avoid any weakening of NATO. As a consequence, NATO would have first call on the new forces should the territory of the alliance be threatened or attacked.

22. An agreement is being prepared on the conditions for the use of these forces in WEU with a view to WEU's rôle as the defence component of the European Union and as a reinforced pillar of NATO. It is noted that EUROFOR and EUROMARFOR will be declared forces answerable to WEU (FAWEU). A high-level interministerial committee will assure politico-military co-ordination, establish the conditions for use and provide directives for the command of these two forces. The Permanent Council was charged to specify the relations between WEU and these forces. The two forces are intended to complement the European Corps in its promotion of the operational rôle of WEU.

23. France has already suggested creating multinational and multiservice European intervention forces, under the command of a European general staff.

(c) Structure

24. EUROFOR will have a permanent command with a multinational headquarters in Florence and the capability to perform joint operations. It is expected to have about 5 000 troops with the possibility of being expanded to 10 000. It will be highly mobile and capable of long distance operations. Procedures will be prepared for WEU to use the rapid reaction force. The four participating nations plan to contribute infantry and light artillery units. Although no units will be specifically and permanently attached, they will be directly available for peace-keeping and humanitarian operations. Troops will remain with their national armed forces and be earmarked for WEU when needed for missions undertaken by WEU.

25. The command of EUROMARFOR does not require the creation of new permanent structures. Existing command structures will intensify their co-operation and learn how to co-operate better. In the case of an operation, a joint command will be established under the alternating command of one of the headquarters of the participating states. Other member states of WEU can, if they wish, be admitted to participate in the two forces, after acceptance by the other participants.

(d) Exercises

26. In preparation of the present initiative, France, Italy and Spain have held a number of air-maritime exercises.

27. The first exercise, Farfadet 92, was held in the South of France in 1992. This was only a French-Italian exercise in which Spain participated as an observer. The aim of the exercise was the simulation of a rescue mission, including the removal of residents from conflict zones.

28. The second exercise, Ardente 93, in the last two weeks of October 1993 in central Italy, comprised 10 000 troops from France, Italy and Spain with the participation of six other countries. This was considered the first ever WEU exercise. The main objectives of the exercise included the build-up and transfer of a combined multinational force in an out-of-area operation, command and control in overseas operations, the use of special forces and electronic warfare for intelligence gathering, organisation and conduct of search-and-evacuation operations, the study of rules of engagement.

29. The third exercise was Tramontana 94 with France, Italy and Spain as the main participants, on 14th-25th November 1994, in the southeast of Spain. Further participants were Greece, the Netherlands, Portugal and a battalion of the European Corps. This exercise, comprising 8 000 troops, was also concentrated on the simulation of evacuations in a humanitarian operation.

30. These exercises have already greatly improved co-operation among the air-maritime forces of France, Italy and Spain. The abovementioned exercises demonstrated the lack of ground forces in such operations.

31. In September 1995, the next exercise, Mistral 95, will again be held in the south of France.

III. The Dutch-British amphibious force

32. After having been nationally oriented since the second world war, the Dutch marines corps decided, in 1968, that it was necessary to have the ability to deploy amphibious-trained marines for the benefit of SACLANT. In 1970, the Netherlands realised that within the framework of the

Maritime Contingency Force Atlantic it was necessary to co-operate with the British marines, with the British also agreeing that co-operation would be beneficial for the efficiency of both corps. This resulted in modest exercises of both corps in 1971 and 1972.

33. On 9th May 1973, this co-operation was formalised by the signing of the memorandum of understanding (MoU), the officialisation of the Dutch-British amphibious force (UK/NL/AF), the prime example of NATO/European maritime co-operation and often seen as one of the most militarily effective (flexibility and operational effectiveness) multinational European forces. This MoU was re-adapted in 1979, 1987 and is at the moment being revised again.

34. The MoU covers, inter alia, the following aspects: the constituent units of UK/NL/AF and their way of concentration during deployment; command and control; logistic support; common exercises and training in times of peace.

(a) Missions

35. The UK/NL landing force is the land component of the UK/NL/AF and is a lightly-equipped unit which is quickly deployable and which operates independently. The UK/NL/LF is primarily destined for the execution of amphibious operations/landings and prolonged land operations. It is a mobile unit, capable of operations on any type of terrain and under any climatic conditions and, because of that, it is perfectly suited for crisis-management operations anywhere in the world (for example operation Haven, North Iraq, 1991).

36. In the framework of NATO, the UK/NL/LF can be deployed on the northern and southern flank of the territory of NATO and on the Atlantic Islands. With the growing emphasis nowadays on the problems of Southern Europe, the UK/NL/LF has also become available to Commander Allied Forces Mediterranean (CAFMED), when not needed by SACLANT).

(b) Composition

37. The British contribution to the UK/NL/LF is the 3rd Commando Brigade Royal Marines (3 CdoBdeRM, headquarters in Plymouth). The Dutch contribution is formed by units of the group operational units of the marine corps. During operations and exercises the units are placed under the command of the Commander UK/NL/LF.

38. The 3rd Commando Brigade consists of:

- a headquarters and signals squadron royal marine;
- three royal marines commandos;
- a royal marines air squadron (Gazelle helicopters);

- the 29th royal artillery commando regiment;
- 845/846 naval air squadron (NAS);
- the 59 independent commando squadron royal engineers;
- a commando logistics regiment royal marines;
- the 539 assault squadron royal marines.

39. The Dutch units, contributed to the UK/NL/NL, are:

- the 1st marines battalion;
- the 1st mortar company;
- a part of the engineers platoon;
- the anti-aircraft platoon;
- a platoon and staff element of the boat company;
- a part of the amphibious reconnaissance platoon;
- a logistic element.

40. The UK/NL/LF has 5 200 men in times of peace (3 600 British, 900 Dutch).

41. The combat support units are expected to support the manoeuvre units and because the UK/NL/LF is partly deployable by means of helicopters there are certain special requirements for the weapon systems. Support is given by:

- the 29th royal artillery commando regiment with the light 105 mm gun. The 1st Dutch mortar company is integrated in this unit and has the 120 mm mortar;
- air defence troops, which belong to the headquarters and signal squadron RM equipped with the anti-aircraft weapons, in which the Dutch anti-aircraft platoon is integrated and is equipped with the Stinger;
- the 59th independent commando squadron royal engineers, for the engineers support. The Dutch engineers platoon can be integrated in this unit;
- helicopter support (for reconnaissance, command and control and troops support);
- the 539th assault squadron RM, takes care of the transfer of the UK/NL/LF from ship to landing strand, the bigger units of which are landing crafts vehicle and landing crafts utility.

42. Logistic support is provided by the commando logistic regiment RM, which includes a transport squadron, a combat supply group, a medical squadron, a workshop squadron and administrative units. For the transport of supplies, merchant ships are hired in times of peace, and commandeered in times of war. The communication system used in the UK/NL/LF is the British "Clansman" radio-system.

43. The headquarters of the Royal Marines is located in Portsmouth, together with Commandant-General Royal Marines, the Head of the Royal Marines. The Command-General RM falls under CINCFLEET (Commander-in-Chief). The Commander of the Dutch sea forces retains full command over the units of the marines corps during the deployment of the UK/NL/LF. The commander of the commando logistic regiment RM is the deputy brigade commander of the UK/NL/LF.

44. The units of the Dutch marine corps have been fully integrated into the UK/NL/LF. Tactical and logistic procedures have been completely assimilated and the material has been standardised where possible.

(c) Relations with NATO and WEU

45. Within NATO, the UK/NL/LF forms a part of the rapid reaction forces under SACLANT, especially meant for combat crisis situations.

46. The UK/NL/AF is available for possible out-of-area military tasks under the auspices of WEU, as specified by the Petersberg declaration. The UK/NL/AF was declared a force answerable to WEU (FAWEU) at the Rome summit meeting on 19th May 1993. The UK/NL/AF, or part of it, can be deployed after a WEU Council decision to do so and a common decision of both participating countries to place the UK/NL/AF at the disposal of WEU. The deployment of the UK/NL/AF is based on plans formulated by the Planning Cell and the Operational Commander, designated by WEU. To this purpose, the UK/NL/AF regularly provides the Planning Cell with updated information. In the framework of NATO a point of contact provides regularly updated information to CINCFLEET. In the case of an operation, the British and Dutch units are placed under the operational command and control of the Operation Commander. After this transfer of authority, the Netherlands and the United Kingdom retain responsibility for personnel and administrative matters and for logistic support.

(d) Exercises

47. The UK/NL/LF participates every year in the NATO exercise on the northern flank, for which preparational training is held every January to March in Norway. Furthermore the UK/NL/LF takes part in the Combined Amphibious Force Mediterranean (CAFMED) exercises, once or twice a year, in the Mediterranean. Every autumn, the UK/NL/LF takes part in NATO exercises in Norway or Denmark or in the United Kingdom.

48. In the foreseeable future, the UK/NL/LF will participate in the following exercises: Tartan Venture (June 1995), Rolling Deep (September 1995), Mistral (September 1995), Dynamic Mix

(October 1995), Battle Griffin (March 1996), Destined Glory (May 1996).

(e) New developments

49. On 6th April 1995, the United Kingdom and the Netherlands signed an exchange of letters regarding common interests in the area of maritime defence and a reaffirmation and strengthening of co-operation between the two navies in such areas as logistics, personnel, training, research and development, information, hydrography, oceanography etc. It shows the common will of both countries to develop closer links in all naval activities and to contribute to the development of the European common foreign and security policy. The exchange of letters does not alter the many existing MoUs regarding the UK/NL/AF and the navy to navy agreements concerning submarine matters, nor does it prevent the signing of further MoUs, but it seeks to draw them together under a single policy directive.

50. These closer links, to be developed, include:

- closer co-operation between the respective defence departments and the constitution of even closer maritime links;
- closer co-operation between operational and planning staffs and those of their subordinate commanders. Probably this will be further enhanced by the development of a navy to navy letter of intent on closer co-operation in the Caribbean. Co-operation in other areas such as submarine forces is envisaged. Another domain of close co-operation is the regular participation of Royal Netherlands Navy surface ships in all aspects of Royal Navy operational sea training, in exchange for the provision of essential submarine support to flag officer sea training (FOST) under the Portland credit scheme, with permanent Royal Netherlands Navy liaison officers assigned to the FOST staff. The above-mentioned exchange of letters also mentions that further opportunities for co-operation should be investigated;
- exploration of the arrangements on logistic co-operation and co-operation in the domain of equipment are to be encouraged, both on a bilateral and NATO basis. Examples of these arrangements are: the close links between naval support command and the Royal Netherlands Navy; the ties between the defence helicopter support authority and the Royal Netherlands Navy through the Lynx multinational support committee; liaison between the director general fleet

support and the Royal Netherlands Navy liaison officer;

- more exchange of personnel and common training;
- extension of research and development and the pooling of knowledge and experience, under the Anglo-Netherlands Joint Naval Committee, created by the Defence Research MoU, 1991;
- enhancement of co-operation by regular and good quality information exchanges in all areas of mutual interest (technical data, doctrine and tactical developments etc.);
- more co-operation between the two respective hydrographic offices.

51. On 6th April 1995, the Secretary of State for Defence of the United Kingdom, Malcolm Rifkind, and the Dutch Minister of Defence, Joris Voorhoeve, also signed a statement of intent on tri-service defence co-operation. It concerns their intention to extend existing co-operation in naval matters to other areas within their organisation, including land and air forces.

IV. The Allied Command Europe rapid reaction corps (ARRC)

52. In late May 1991, the NATO Defence Planning Committee agreed in principle to create an allied rapid reaction corps (ARRC). This was endorsed at the NATO summit meeting in Rome in November 1991 as a part of NATO's adaptation to the changing strategic security environment and was worked out in the new strategic concept, in which highly-mobile, multinational and flexible forces replace the former linear defence forces of NATO.

53. The ARRC headquarters was officially activated at Bielefeld, Germany, on 2nd October 1992, with the ARRC being officially recognised by General John M. Shalikashvili, Supreme Allied Commander Europe (SACEUR). The corps will be able to draw forces from thirteen nations, NATO member states: Belgium, Canada, Denmark, Germany, Greece, Italy, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom and the United States. In peacetime the ARRC takes its guidance from SACEUR. The ARRC headquarters is an international headquarters directly subordinate to SACEUR and the Commander ARRC (COMARRC), who co-ordinates authority over the divisions, reports to SACEUR and ARRC headquarters. Supreme Headquarters Allied Powers Europe (SHAPE) has overall control over the ARRC, a decision to deploy forces must follow the appropriate procedure before SHAPE can commit the ARRC.

54. The United Kingdom, as the framework nation, will always provide the commander of the ARRC, a three-star general. From October 1992 until December 1994, Lieutenant-General Sir Jeremy McKenzie commanded the ARRC. He was replaced in December 1994 by Lieutenant-General M.J.D. Walker.

(a) *Missions*

55. Within the NATO new strategic concept, the ARRC forms the land component of the Allied Command Europe (ACE) rapid reaction forces. The air and sea elements of this rapid reaction force can operate independently or alongside the ARRC. In support of SACEUR's crisis-management options at short notice, the ARRC has five rôles, in a so-called "ACE-wide-plus-area":

- demonstration of resolve to be prepared for any aggression;
- reinforcement of NATO's main defence forces and of national forces;
- combat rôle in sustained multinational operations up to corps level in case of a major conflict;
- peace support operations (PSOs) in response to regional conflicts or at the request of the United Nations or the Organisation for Security and Co-operation in Europe (OSCE). Such peace support operations will include, amongst others, monitoring tasks, humanitarian assistance and peace-keeping;
- the performance of other related tasks as monitoring, movement control or disarmament verification tasks.

(b) *Composition*

56. The ARRC has a permanent headquarters, located in Rheindahlen since May 1994. Troops and units assigned to it will be allocated for specific operations as a force package. The ARRC comprises a headquarters staff, combat support units, combat service support units and the assigned divisions. The ARRC force structure includes ten divisions, which fall into the following categories:

- *National divisions* which consist of formations solely from one nation, the following forces being assigned to the ARRC:
 - *Germany*: the 7th armoured division with up to three brigades (headquarters in Düsseldorf);
 - *United Kingdom*: the 1st armoured division (headquarters in Herford), with three brigades;

- *Greece*: the 2nd mechanised division (headquarters in Edhessa), with two mechanised brigades;
- *Turkey*: a Turkish division will be operational within the ARRC in 1995, but the assigned Turkish mechanised brigade and the Turkish armoured brigade are currently already operational;
- *United States*: the 1st armoured division (headquarters in Bad Kreuznach), with two armoured and one mechanised brigade;
- *Spain*: the fully operational Spanish rapid reaction force (FAR), consisting of a Para brigade, a light aeromobile brigade, a legion brigade and support units.

- *Framework divisions*, which contain troops from two nations, in which the nation making the major contribution provides the framework. Framework divisions within the ARRC are:

- *The 3rd UK division* (headquarters in Bulford) consisting of the 1st and 19th mechanised brigades, the 5th airborne brigade and an Italian brigade, the Ariette armoured brigade;
- *The Italian mechanised division* (headquarters near Milan) operational by 1995. It will consist of the Garibaldi brigade, the Legnano brigade and a Portuguese airborne brigade.

- *Multinational divisions* in which three or more nations make an equal contribution. Multinational divisions within the ARRC are:

- *The multinational division (Central) (MND(C))*

The MND(C) will be an airmobile division comprised of airborne brigades from Belgium and Germany and airmobile brigades from the Netherlands (the 11th brigade) and the United Kingdom (the 24th brigade). The MND(C) headquarters is located in Rheindahlen;

- *The multinational division (South) (MND(S))*

The MND(S) will include a Greek infantry brigade, an Italian airborne brigade and a Turkish commando brigade.

(c) *Training*

57. Ready to tackle a whole mix of missions, the ARRC had 34 exercises planned for 1994, the most important of which were:

- *Mapex*, 19th-20th January 1994, to study the capacity of ARRC headquarters for possible action of the ARRC in Bosnia-Herzegovina;
- *Arrcade Guard*, a command exercise with some 2 000 troops participating with the objective of validating procedures for deployment to a foreign country under a United Nations mandated peace support operation. A similar Arrcade Guard exercise will be held from 21st to 28th April 1995. The training of the combat troops takes place at national and divisional level.

(d) Shortcomings of the ARRC

58. Participants regret the absence of France in the ARRC, but they are aware that France's non-participation in NATO's integrated military structure is an unsurmountable impediment.

59. As for the ARRC itself, it is thought that the disparate nature of the main elements and the fact that its troops are widely dispersed in peacetime will cause problems. The ARRC has no authority to train the forces assigned; it can only request the participating states to provide troops assigned to the ARRC with the appropriate training.

60. Furthermore, it is suggested that the dominance of the United Kingdom within the ARRC (the United Kingdom provides the day-to-day infrastructure, running costs, 60% of the staff and the Commander and the Chief-of-Staff of the ARRC) might one day cause problems. Given its preponderant position in ARRC, it might not be attractive for the United Kingdom to participate in other European armed forces initiatives where it would play a different and most probably less important rôle. Other European states have in fact reluctantly criticised the dominance of the United Kingdom within the ARRC.

61. Although all nations provide their own logistical support, the ARRC is heavily dependent upon the United States for strategic lift - mostly aircraft and partially shipping - and satellite intelligence. The United Kingdom provides the largest part of long-haul communications with some contributions from other countries.

62. Initially, the ARRC was planned to be operational by 1995, but NATO Headquarters had sufficient confidence in the progress to commit units of the ARRC to peace-keeping duties in Bosnia-Herzegovina as early as summer 1993.

V. The Dutch-German army corps

63. On 30th March 1993, the Ministers of Defence of Germany and the Netherlands, Relus Ter Beek and Volker Rùhe, acting upon NATO's

London declaration of July 1990 and Rome declaration of November 1991, signed a common declaration concerning the creation of a multinational corps. The joint declaration announced the creation of a multinational corps, with initially Dutch and German participation as a main defence force, in conformity with the new strategic concept of NATO. The Dutch-German corps will be open to other NATO member states for participation.

64. Although the corps has not yet been made officially available to WEU, units of the corps may be deployed in WEU operations. Joint operations with the European Corps, although it is not a part of the integrated NATO military structure, are not excluded because some of the forces in the European Corps are also earmarked as NATO main defence force units.

65. The headquarters of the Dutch-German army corps, which is located in Münster (Germany) and became operational in March 1995, has a unique, completely integrated corps staff with partial task specialisation, composed of 400 men (50% Dutch, 50% German). The command of the army corps will rotate every three years, the first commander being a Dutchman, Lieutenant-General Ruurd Reitsema. The official language of the corps will be English. The Dutch-German army corps is expected to be operational by the end of August 1995.

(a) Missions

66. The Dutch-German army corps is part of the main defence forces of NATO, integrated in NATO's command structures and will come under direct LANDCENT command. When half of the Dutch army was dissolved as a consequence of defence budget cuts, it was decided to merge the remaining forces with German forces so that the Dutch army would still be able to co-operate effectively in military defence operations within NATO. It was also thought that this move, with its ineluctable international obligations, would protect the Dutch army against further budget cuts. The army corps will function only in situations of war; in peacetime it will remain under national command, so that the two countries will be free to use parts of the corps for crisis-management operations within NATO or any other international context.

(b) Composition

67. The Dutch-German army corps will be composed of the following units:

- the 1st Dutch division (headquarters in Apeldoorn) consisting of:
 - the 41st light brigade;
 - the 11th airmobile brigade;
 - the 13th, the 43rd and the 52nd mechanised brigades.

- the 1st German armoured division (headquarters in Hanover) which consists of:
 - the 1st, the 19th and the 32nd mechanised brigades.
 - the 7th armoured division (headquarters in Düsseldorf), which can also be used in the ARRC.

68. The corps will be 35 000 men strong. The command and support group will be mixed and will be established in Eibergen, in the Netherlands. Support will be provided by corps troops with task specialisation: Germany, for example, will provide most of the intelligence assets and the Netherlands will provide corps-level communications. The integration will be accommodated through equipment standardisation.

69. The only possible serious problem for the Dutch-German army corps might be the fact that the divisions are separate and co-operate only in times of crisis.

VI. LANDJUT (Headquarters allied land forces, Schleswig-Holstein and Jutland)

70. NATO's LANDJUT corps is the oldest example of a multinational corps within the NATO organisation. The multinational headquarters - Headquarters Allied Land Forces, Schleswig-Holstein and Jutland (LANDJUT) - located in Rendsburg, Germany, was created in 1962. In the Oslo agreement of 1951, it was decided to form a combined and joint defence headquarters (Baltic Approaches, BALTAP) with two corps, LANDJUT and LANDZEALAND, to protect the critical land area controlling the Baltic approaches and exits.

71. In peacetime LANDJUT is manned only by Danish and German forces (although the headquarters also involves other NATO officers), but in times of war it can be expanded to include forces from Canada, the United Kingdom and the United States. The Commander of LANDJUT, currently the Danish Lieutenant-General Gustav Grüner, reports directly to the Commander Allied Forces Baltic Approaches in Karup, Denmark, who, in turn, in accordance with the new strategic concept of November 1991, reports to the Commander-in-Chief Central Europe (CINCENT, Brunssum). Overall control reverts to the Supreme Allied Commander Europe (SACEUR).

72. The commander and chief-of-staff rotate in a three-year cycle between Denmark and Germany, the other permanent staff positions are distributed on an equal basis among the nations.

73. There are no formal relations between LANDJUT and WEU. In the summer of 1994, however, the Danish Parliament decided that if

WEU made a request to use Danish forces assigned to NATO, it could rely on Denmark's LANDJUT units.

(a) Missions

74. The initial mission of the Commander LANDJUT (COMLANDJUT) was to ensure the flexible forward defence of the territory controlling the Baltic approaches and exits and to deny an attack into the heart of Schleswig-Holstein and Jutland and the Baltic Sea area up to Poland. Possession of the strategically important Baltic approaches is essential for the cohesion of NATO's defence of Europe.

75. With the end of the Warsaw Pact, the need for a strong defence towards Poland has diminished but the collective defence tasks of LANDJUT remain.

(b) Composition

76. The Danish contribution to the LANDJUT corps consists of the armoured infantry Jutland division with headquarters in Frederica, Denmark.

77. Since NATO's increased focus on peace-keeping and crisis-management as indicated in its new strategic concept of November 1991, Denmark reorganised its forces on 1st July 1994 and created a new force, the Danish reaction brigade, its objective being to integrate this force into the ARRC by the end of 1995. The Danish reaction brigade has become a modern, heavy-armoured infantry brigade of about 4 500 men. The most important parts of the reaction brigade are:

- one armoured battalion with among others three tank squadrons, equipped with Leopard 1A5 tanks;
- two mechanised infantry battalions;
- one self-propelled artillery battalion.

78. This Danish reaction brigade does not co-operate with LANDJUT in peacetime, but in times of war can be allocated to the LANDJUT corps for reinforcement.

79. The German contribution to LANDJUT consists of the 6th armoured infantry division with headquarters in Neumünster (Kiel, Germany), composed of the 7th mechanised brigade (Hamburg, Germany) and the 18th mechanised brigade (Boosted, Denmark). Also part of the German contribution is the German defence group 13, a territorial brigade-size formation located at Eutin, Germany, with a defence mission in the forward defence area.

80. Normally, corps combat support and service troops come from both countries with each country supporting its own troops, but exceptionally a

few combined units are to be created. Combined communication systems already exist.

81. The headquarters has a reduced peacetime strength of around 100 men, including officers and non-commissioned officers from Germany, Denmark, Canada, the United Kingdom and the United States. The latter three countries have certain contingency forces earmarked for the area.

82. LANDJUT's left flank neighbour is the Allied Land Forces, Zealand, in peacetime a national Danish corps command at Ringsted, operating together with the Danish fleet, the Danish airforce and parts of German naval forces. The LANDJUT corps maintains close liaison with these forces as well as with its neighbour to the right, the 1st German corps south of the river Elbe.

(c) Exercises

83. To enhance interoperability, a constant and permanent exercise programme is conducted at all levels from headquarters to the company throughout the year, on German and Danish soil. Every four years, a major live exercise is conducted under the name of Bold Guard, in which, since 1989, American and British naval- and land-forces can take part. The exercises are held under the command of the multinational corps headquarters.

(d) Critical points

84. The introduction of external reinforcements from the United Kingdom or the United States into the area brings a number of host nation support problems that only national commands can solve. Furthermore, there is a problem of availability of forces. The German forces are readily available and near their wartime positions but the Danish forces must be partially mobilised and moved to wartime positions.

85. Notwithstanding the abovementioned problems, it is noted that, because of its long experience, the LANDJUT corps has already overcome its most urgent problems including language. Together with the Anglo-Dutch amphibious force and the European Corps, the LANDJUT corps can therefore be considered as the only operational multinational force.

VII. Co-operation initiatives in Belgium and the Netherlands

(a) Belgian-Netherlands naval co-operation

86. On 28th June 1994, the Dutch and Belgian Ministers of Defence, Relus Ter Beek and Leo Delcroix, signed a declaration of common intent on the reinforcement of the Dutch-Belgian naval co-operation in times of peace and war and in

times of crisis and tension. The agreement called for both navies to co-operate in operations, logistics, instruction and training. Both countries had severely cut their defence budgets and abolished conscription. The ensuing fundamental review of their naval forces and the standing down of the Belgian navy's maritime command centre at Ostend, further increased their desire to achieve more intensive multinational military co-operation. Some observers consider the initiative as a possible nucleus for closer co-operation between the two nations and even in a wider international context.

87. During the annual meeting of the Ministers of Defence of Benelux, in Alden-Biezen, Belgium, on 28th March 1995, the current Ministers of Defence of the Netherlands and Belgium, Joris Voorhoeve and Karel Pinxten, formalised the intent of both countries in an extensive co-operation agreement. Co-operation is intended to be effective on 1st January 1996 and will result in the creation of one of the largest naval forces in NATO.

88. The objective of the Dutch-Belgian naval co-operation is to promote efficiency and better mutual use of existing expertise and means, and to improve operational readiness. The two navies will also operate together in peacetime, possibly outside their territorial waters, which means an extension of the 1951 Admiral Benelux agreement, which only envisaged co-operation in times of war.

89. The 1995 co-operation agreement in particular envisages the following activities:

- the creation of an integrated bi-national operational command staff centre in Den Helder, the Netherlands, jointly manned by Belgian and Dutch officers but it is stipulated that each country retains the possibility of committing its ships to purely national missions or making them available to international organisations. The centre will be under the command of a Benelux Admiral (currently Dutch, Vice-Admiral Luuk Kroon), but it is not excluded that a Belgian naval officer may be assigned this command. The staff will have command of 40 Dutch and about 10 Belgian surface vessels - submarines and naval patrol boats have been excluded. The official languages will be Dutch and French, with English used for operations and procedures within NATO;
- common operation/command of operational fleets;
- adjustment and integration of training and education;

- deepening of existing co-operation agreements in matériel and logistics, standardisation of equipment and use of common infrastructure.

90. A very wide range of opportunities for co-operation has been outlined, comprising;

- joint schemes for ocean surveillance;
- greater transparency in procurement plans and in strategic intelligence, the pooling of expertise in ship design and construction and logistic standardisation;
- combined operational exercises;
- joint action in the enforcement of international law and order at sea.

91. The objectives of joint planning and joint exercises are undertaking missions regarding peace-keeping, search and rescue and humanitarian operations.

92. Around the year 2000, the combined Dutch-Belgian fleet is planned to have under its command 19 frigates (16 Dutch and 3 Belgian), 1 landing platform dock (LPD), 4 underway replenishment and command ships, up to 26 mine countermeasure vessels (MCMVs) and support and survey ships. Belgium might contribute one or more amphibious transport ships (LPDs).

(b) The Belgian-Netherlands deployable air task force

93. In June 1994, when Belgium and the Netherlands signed the declaration of common intent on naval co-operation, both parties also stressed the importance of closer co-operation between their air forces. At their meeting in Alden-Biezen, on 28th March 1995, the Ministers Pinxten and Voorhoeve also signed a declaration of intent on the creation of a deployable air task force (DATF), which is meant to be a joint intervention air wing, to be employed first and foremost for peace operations. The division of tasks and the concepts for the use of this force have yet to be defined and a definitive agreement, specifying the different elements of co-operation will, in principle, be signed before 1st January 1996. The idea is to create a force which can be easily adapted to the situation and the tasks to be fulfilled.

94. Both Belgium and the Netherlands think that the creation of this deployable air task force will help them to reduce costs through the use of common and complementary assets, especially in the domain of logistics and command and to improve operational efficiency for common air operations. They also take the view that it could be the first step towards the creation of a Europe-wide partnership of smaller air forces. Depending on the situation, the Benelux wing could be deployed in support of United Nations, WEU, NATO or OSCE sponsored operations.

95. The intent is to maintain the independence of each of the two participating air forces, particularly in policy and planning. It is also thought that this form of co-operation should not be extended too far, given the experience that in general smaller air forces are more productive than larger ones. Force multiplication through collaboration in complementarity is to be preferred.

VIII. The Franco-British Euro air group

(a) Tasks, objective and importance

96. The ministerial announcement of the formation of the Franco-British Euro Air Group (FBEAG), a joint air command, was one outcome of the 17th Anglo-French summit meeting at Chartres on 18th November 1994. The framework agreement, a formal agreement regarding the creation of the FBEAG, is currently in the final stages of drafting.

97. The new air group is in fact a planning and co-ordination cell with no aircraft permanently allocated to it, which could designate, if need be and on a case-by-case base, the best adapted combat or transport squadrons of the two countries to participate in operations and exercises. It will be responsible for preparing requirements and procedures for combat and transport missions and common use of assets in combined out-of-area and non-NATO-Article 5 peace-keeping and humanitarian operations which are compatible with missions mentioned in the Petersberg declaration.

98. The FBEAG constitutes an operational cell for distributing assignments between French and British fliers and drawing forces from existing units, in the framework of combined operations set up on short notice, with the respective forces remaining under national command. These operations will be conducted either bilaterally or possibly under the auspices of WEU. At Chartres, it was stated that other European Union air forces could join the group at a later stage.

99. At this stage, the political interest of this initiative is far more important than its military significance. Apparently, on the one hand, France has started to attach more importance to co-operation in military planning, while, on the other hand, the United Kingdom is showing more interest in European initiatives and a greater commitment to European defence. Moreover, the FBEAG constitutes the first joint military initiative between the only two European countries capable of significantly projecting their military power overseas.

100. It is expected that ties will be developed with WEU and probably also with NATO, as the United Kingdom has stressed the complementarity of the FBEAG to NATO. The FBEAG is planned to be operational by 1st September 1995.

(b) Structure

101. France and the United Kingdom have agreed to establish a permanent staff of ten senior officers (five from each nation) at the Royal Air Force base at High Wycombe. The first director of the FBEAG will be a French two star general, combining this task with his duties in the French national air force. His deputy will be a British one star air commodore, who will combine this task with his assignment at Strike Command. These posts will alternate between the two nations.

102. The permanent staff will have a chief of staff and a deputy with the rank of colonel or group captain, again one from each nation and alternating between the two nations. Serving under their command there will be four staff officers from each nation, specialised in operational and logistical matters, who will be tasked with making both air forces complementary and inter-operational. Overarching control will be in the hands of a steering group at ministerial or Chief of Defence staff level. A lower level working group will deal with the day-to-day activities of the FBEAG.

103. The staff will be able to draw forces from any unit of the two countries air forces, including transport aircraft, maritime patrol aircraft, offensive airpower and communications or troops to establish and guard ground bases. The FBEAG may also be able to call on naval aircraft.

IX. Affiliation of the Danish reaction brigade and the 1st United Kingdom armoured division

104. After the restructuring of the Danish forces and the creation of the Danish reaction brigade which started in October 1993, discussions began on how to integrate this reaction brigade into NATO and especially into the ARRC. In order to enable it to carry out a broad spectrum of international missions, the Danish reaction brigade pursued co-operation with forces of other NATO member states. It was thought that after Germany, to which Danish forces were already closely linked in the LANDJUT corps, the United Kingdom, in view of its geographical proximity, was the next logical co-operation partner.

105. On 13th December 1994, the Danish Chief of Staff of the armed forces, General J. Lyng, and his counterpart from the United Kingdom, Field Marshall Sir Peter Inge, signed a letter of intent on the affiliation between the Danish reaction brigade and the 1st UK armoured division. This affiliation is intended to lead to the establishment of a divisional formation within the framework of the 1st UK armoured division, to be part of NATO's ARRC as from 1st January 1996. In case of activation of the ARRC, the Danish brigade will be

practically integrated into the British division, which will facilitate and simplify command in the ARRC.

(a) Missions

106. The Danish and British forces are expected to co-operate in support of the ARRC's missions which are, as mentioned in paragraph 17 of this report: demonstration of resolve, reinforcement of main defence, combat and peace support operations such as humanitarian assistance and peace-keeping.

107. There is still doubt about whether the Danish reaction brigade will be able to implement missions outside NATO's treaty area in Central and Eastern Europe.

(b) Composition

108. The 4 500-strong Danish reaction brigade comprises amongst others one armoured battalion, two mechanised infantry battalions and one self-propelled artillery battalion. The 1st United Kingdom armoured division consists of the 4th, 7th and 20th armoured brigades.

109. Since these forces are only affiliated there is no joint headquarters, only an exchange of liaison officers. There is no common commander and both countries support their own troops, without a pre-established support co-operation system. Logistical support provision is also separate. There might be integration in transport and communications, the Danish headquarters company is linked to British communication systems.

(c) Relations with NATO and WEU

110. In view of the loose structure of the Danish-British affiliation, there was no need for any formal agreement with NATO in the ARRC framework. Provisions have been made for some form of command co-operation in case of combined deployment of the affiliated Danish and British forces. Only in this case does the Danish commander report to the British commander, otherwise command is separated. There is no permanent infrastructural co-operation.

111. Unlike the Danish brigade, the 1st United Kingdom armoured division is also available for WEU missions. It is, however, noted that the Danish Parliament has decided that Denmark will not withdraw its forces if WEU "borrows" forces from NATO in which Danish forces participate. The Danish reaction brigade participating in British exercises in Germany under the control of the ARRC have already demonstrated a perfect symbiosis.

X. Two German-American corps

112. On 25th February 1993, the then American Secretary of Defence, Les Aspin, and the German Minister of Defence, Rühle, agreed in Washington on the creation of two German-American corps, which were constituted on 22nd April 1993 in Giebelstadt in the neighbourhood of Würzburg, to increase the number of multinational military units in Central Europe. These corps were created as a central element of NATO's new main defence force. It is recalled here that NATO's new strategic concept called for smaller, more flexible, and more mobile forces. Initially, co-operation was limited to the exchange of headquarters officers, but in May 1994 it was decided to give both corps a multinational structure.

(a) Composition

113. The two German-American corps are: the 2nd German-US corps (53 000 men) and the 5th US-German corps (56 000 men), each being a so-called framework corps with a "lead nation".

114. The 2nd German-US corps comprises the 2nd German corps based in Ulm and the 1st US armoured division (18 000 men) based in Bad Kreuznach. The 2nd German corps which is also available to the Multinational Division Central and Allied Command Europe (ACE) Mobile Forces-Land, consists of two divisions: the 10th tank division, located in Sigmaringen (18 000 men) which is also part of the European Corps and the 1st Mountain division, located in Munich (17 000 men).

115. The 5th US-German corps comprises the 5th US corps based in Frankfurt and the 5th German mechanised division (19 000) based in Mainz. The 5th US corps consists of two divisions, the 3rd mechanised division (18 500 men) and the 1st armoured division (18 500 men) both based in Bad Kreuznach. The 1st US armoured division is also assigned to the ARRC; the United States decides at the critical moment which mission the division will have.

116. The staffs of both corps will, in principle, retain their national structures but it is understood that for exercises and operations in the framework of NATO, the 1st US armoured division and the 5th German mechanised division will be subordinated to the 2nd German-US corps and the 5th US-German corps, respectively, with joint staff for planning and command. The subordinated divisions are expected to have their own support and logistics means, intelligence and the decision for deployment is taken under national authority.

(b) Difficulties in co-operation

117. Co-operation within the two German-US corps may face some problems as a result of dissimilarities between the forces of the two countries.

For example, the United States force is a professional force which is fully available at any given time, while German forces depend on conscripts and receive their general and special tasks during deployment within alliances. This basic dissimilarity affects advanced planning co-ordination between the two forces.

118. There are several structural differences, such as the fact that the 5th US corps includes an armoured brigade and an engineer brigade, units which are no longer part of the 2nd German corps. Furthermore, it is noted that the 1st US armoured division is better equipped, more readily available and more easily deployed, because of its helicopter brigade, than the German units which are, in general, less mobile. Also, the two corps are dependant on the United States for the constitution of reserves. These differences in forces could also frustrate their mobility and flexibility.

(c) Exercises

119. The technical arrangement, signed on 14th June 1994, improved the willingness for deployment and both bi-national corps have declared that they are prepared to subscribe to field standing operation procedures (FSOP). The degree of interoperability will be tested for the first time in a framework exercise of the 2nd German-US corps to be held in the Spring of 1995.

XI. The combined joint task forces (CJTF)

120. At their meeting in Luxembourg, on 22nd November 1993, WEU Ministers, aware of the need to allow for specific European military operations outside the cases of collective defence specified under Article 5 of the Washington Treaty, looked to the NATO summit meeting to endorse the principle that WEU should be able to use not only European allies' forces and resources, but also collective assets of the Atlantic Alliance such as communication systems, command facilities and headquarters.

121. The NATO summit meeting held in Brussels on 10th and 11th January 1994 then responded to the requests made by WEU Ministers in Luxembourg. It endorsed the concept of combined joint task forces "as a means to facilitate contingency operations, including operations with participating nations outside the alliance". It directed the North Atlantic Council with the advice of the NATO military authorities to develop this concept and establish the necessary capabilities. In the communiqué it was also said that "The Council, with the advice of the NATO military authorities, and in co-ordination with WEU, will work on implementation in a manner which provides separable but not separate capabilities that could be

employed by NATO or WEU". The CJTF concept was the result of co-operation between the United States Department of State and the Pentagon, witnessing United States support for WEU employment of NATO assets and a further development of a European security and defence identity.

122. The CJTF proposal aimed at a flexible and efficient multinational, tri-service headquarters capability for non-Article 5 contingency operations, facilitating the use of NATO collective assets by WEU, should NATO choose not to act, preventing useless duplication. It concerns short-term, quick reaction multinational (combined) and multiservice (joint) self-contained contingency elements within NATO, which on the basis of an ad hoc North Atlantic Council decision could be detached for certain missions and put under the command of WEU should NATO choose not to participate in an operation. The idea is to create a stand-by capability for out-of-area operations, including conflict-prevention, peace-keeping, humanitarian aid and peace-enforcement, drawing elements from AFCENT, AFSOUTH and AFNORTHWEST. According to the original concept, nations outside the alliance could participate.

123. It is thought that WEU would, in particular, use CJTF for humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis-management, including peace-making, as outlined in the Petersberg declaration of June 1992.

124. Since early 1994, the implementation of the CJTF concept has been discussed at three levels under the authority of the North Atlantic Council and in co-operation with the military authorities of NATO. At the Military and Political Committee level, the Provisional Policy Co-ordination Group (PPCG), is treating questions such as the role of SACEUR, the activation process of CJTF, etc. At the major NATO command level, under the command of SACEUR, the Military Transition Issue Working Group is examining operational aspects for CJTF command and control and harmonisation of the positions of member states, while the Allied Command Europe (ACE) and Allied Command Atlantic (ACLANT) are studying the procedures, training and equipment aspects. Finally, a co-ordination group at SHAPE is discussing the composition and designation of potential CJTF forces, though this might also be possible on an ad hoc basis. WEU has established a special CJTF political-military working group and authorised the Planning Cell to take part in the working group's weekly working meetings and support its work. The terms of reference for this group were approved by the Council on 15th March.

(a) Command and control

125. The basic idea of the CJTF concept is to maintain the original objectives of NATO, while adapting it to the new security environment. Collective defence of the territory of the alliance, preservation of the transatlantic character and continuation of the integrated military structure of the alliance remain NATO's priorities. CJTF will therefore be separable but never separate from NATO's structures.

126. The command and control of CJTF should, in particular, enable it to provide timely responses out-of-area, ensure smooth co-ordination between NATO and WEU and accommodate staff from participating non-NATO members. Such operations will require the assimilation of intelligence, logistics and management, reception and commitment of forces and maintenance of communication at all levels.

127. The CJTF headquarters will be hosted by one of the eight NATO major subordinate commands (MSC), AFCENT, AFSOUTH or AFNORTHWEST in the case of ACE, which might task subordinate commands to provide assets and might receive resources from other MSCs, with the commanders reporting directly to the MSC. Both ACE and Allied Command Atlantic (ACLANT) will develop capabilities for possible CJTF operations. NATO keeps insisting that CJTF lines of command always lead back to the major NATO command responsible for Article 5 defence in the region, taking the view that any CJTF operation could escalate a straight-forward NATO Article 5 operation to defend allied territory. For WEU-led CJTF, procedures will be established to recall forces under NATO in the case of territorial collective defence.

(b) CJTF under WEU

128. There are three possibilities for the employment of CJTF; purely under NATO, a NATO-plus CJTF including forces from non-NATO member states and a CJTF under WEU.

129. After a unanimous decision of the North Atlantic Council, a CJTF headquarters and support could be provided, on an ad hoc basis, to WEU, which can ask for contributions from its members, observers, associate members and associate partners, altogether 27 states. It should be noted here again that the essential shortcoming of WEU in case of military operations remains the absence of a political-military structure within WEU. For the European Corps, however, an adequate political-military structure has been created and this force could therefore carry out a CJTF mission, obtaining those elements from NATO which the European Corps is lacking (logistics, communication systems, air transport capacity,

airlift and sealift), acting under the aegis of WEU. A solution must still be found for the participation of France in CJTF, given the fact that it does not participate in NATO's integrated military structure. Different proposals are now being discussed but the problem has not yet been solved.

130. In the discussion about CJTF, the question of which units will participate in a task force, has not been discussed because most of the parties expect that this will be solved without too many problems. For the Europeans, the CJTF remains an essential tool for building up the European security and defence identity (ESDI).

131. After stating the importance of CJTF in the Kirchberg declaration (9th May 1994), WEU has worked out a report on the criteria and modalities for effective use of the CJTF which was presented to NATO on 29th June 1994.

132. Once the North Atlantic Council has decided to provide WEU with a CJTF, NATO will select CJTF headquarters elements (including support assets) from one of its MSCs and prepare it for deployment, the control of which will at a certain moment be given to WEU. The forces will come from WEU member states maintaining forces answerable to WEU (FAWEU) such as the European Corps, the United Kingdom-Netherlands Amphibious Force and the Multinational Division Central. Co-ordination between CJTF and FAWEU, and possibly their integration, would simplify force generation processes and arrangements.

133. An important issue on this field will be the rôle of SACEUR and of SACLANC. Given the fact that SACEUR is a United States General, at present Lieutenant-General Joulwan, many Europeans are concerned that in a WEU operation, supported with CJTF, ultimate military decision-making would be in American hands. France, in particular, has problems in accepting the day-to-day planning function of SACEUR, in which it does not want to participate since this function is part of NATO's integrated military structure.

134. Recent declarations by the United States that the CJTF cannot count on logistic support from NATO if the CJTF are not placed under the military command of NATO, because of its concern for escalation into Article 5 operations, have provoked especially French opposition. None of this changes the fact that the European political-military structure for a CJTF under WEU command is inadequate. Joint military planning capabilities will have to be developed and WEU's operational headquarters strengthened. The CJTF concept does not provide for the automatic availability of assets; WEU will therefore have to retain its autonomous planning capability and should continue to develop a credible operational rôle. In this regard especially the rôle

of the WEU Planning Cell has to be developed further so as to serve more as the intended motor for exclusively European military operations. As long as WEU lacks its own command staff/military command structures, questions about military control remain premature.

(c) Advantages of CJTF

135. The implementation of the CJTF proposal may help NATO to adapt its command and force structure in line with the requirements of the alliance's strategic concept. First of all, it could make current NATO procedures and structures more flexible, simplify communication links and rationalise mobilisations, also because it will increasingly rely on experienced, well-trained units. The possibility of employing "coalitions of the willing", with some countries participating and others not, certainly increases flexibility in the use of forces, but it is thought that, in decision-making, the unanimity rule in the North Atlantic Council will not be abandoned under any circumstances.

136. Second, CJTF may help to reinforce the European security and defence identity (ESDI), avoiding duplication which might cause waste and damaging competition. It is also a clear demonstration of the United States' determined support for the development of the ESDI.

137. A third advantage, not to be neglected, is the possibility of conducting operations with participating nations outside the alliance. Earlier experience in ad hoc operations such as the Gulf war and the enforcement of the embargo in the Adriatic Sea have proved the feasibility of the CJTF concept. At present, there is an urgent requirement for smaller, more flexible and detachable headquarters, which can be reinforced with different NATO assets according to the circumstances. As a consequence, there is a need to draft possible contingency plans, indicating the operational and material requirements for different circumstances.

138. Fourth, CJTF may be a tool to engage both France and Spain in NATO's military planning process for certain contingency operations.

(d) Problems concerning the implementation of CJTF

139. After sixteen months of intensive discussions in many different working groups, task forces and committees, it has become quite clear that implementation of the CJTF idea is even more complicated than it was thought to be at the moment of its conception. In the following paragraphs, some of the problems encountered will be reviewed.

140. First of all, negotiators have noted that the notion of joint or multiservice activities, one of the foundations of CJTF, is not yet widely accepted in the armed forces activities. The fact that joint activities are supposed to include mobilisation, interoperability of on-hand communications and intelligence, airlift, sealift, transport and multiservice preparation and planning, shows the range and complexity of the concept. Notwithstanding the extended efforts made so far, the implementation of CJTF is still at a preliminary stage. Basic elements such as a financial framework and a command and control system for combined and joint forces and for ground force missions are still lacking.

141. The CJTF concept is still a semi-official project and until now work has been developing on this semi-official basis, still awaiting a command system, control of combined and joint forces and missions for ground forces. Another important deficiency in this regard is the lack of a financial system.

142. Some key allies have diverging views on the required interface between political and military decision-making authorities. In particular, the level of political control over military operations to attain a politically decided objective are subject to discussion.

143. The rôle of SACEUR in CJTF operations is another vital issue. The European allies would not like SACEUR, under present arrangements always a United States General, to have the ultimate military decision-making authority over CJTF when it operated under WEU. They consider CJTF to be an element to reinforce the European security and defence identity. Ultimate control by NATO's SACEUR would in fact subordinate WEU operations with CJTF to United States control and considerably limit Europe's opportunities to conduct military operations independently.

144. The United States, however, will never allow its own assets, or those of the alliance, to be used in a non-NATO CJTF framework without the possibility of exerting control. Nor will the United States allow any infringement of NATO's integrated military structure.

145. Will CJTF cause a radical reorganisation of NATO's integrated military structure? Some member states, France in particular, seem to take the view that the creation of CJTF makes little sense if it not accompanied by a thorough reorganisation of NATO's integrated military structure and a flexible system to provide those assets needed for operations under European command. Others, in particular Denmark and the United Kingdom, have made it clear that CJTF should not lead to any infringement of NATO's integrated military structure and command, which they

regard as a guarantee of United States military presence in Europe and a prerequisite for the continuation of the transatlantic link.

146. If the allies succeed in establishing CJTF which are substantial enough to provide European-led operations with the assets which at present are missing in the European inventory, such as satellite intelligence, logistics and strategic airlift, the question will arise as to whether this might not diminish the incentive for Europeans to develop and acquire their own independent strategic assets. In other words, CJTF intended to reinforce the European security and defence identity, could ultimately result in weakening it.

147. For the security and defence of their territory, Western Europe's NATO member states have always relied on the strategic assets of the United States. The development of a European security and defence identity is meant to enable Europe to assume greater responsibility in this field. It was finally endorsed by the United States because it was, and still is, thought that an economically strong Europe should also pay for its own defence and security.

148. The CJTF idea was conceived to fill the deficiencies in Europe's operational capabilities and enable European allies to carry out contingency operations should NATO choose not to act. This is a useful and rational procedure in the present times of transition. It would fail in its purpose if it led to ultimate United States decision-making authority over non-Article 5 European contingency operations. At the same time, it should not deter European allies from acquiring their own strategic assets which, in the long term, should enable them to develop and implement their own security and defence policy.

XII. Conclusions

149. Taking into account the many initiatives in recent years to create bilateral or multilateral forces and to adapt existing forces to new missions and structures, there is a clear determination, especially among WEU member states, to adapt their forces in order to meet the challenges of a new security environment.

150. It should be noted, however, that the new patterns of co-operation are not only the result of decisions taken in the framework of NATO or WEU. One other compulsory reason was, and still is, that reductions in defence budgets and armed forces in a number of member states have been so drastic that there has been no alternative to more intensive co-operation with other nations if the effectiveness of what was left of their armed forces was to be maintained.

151. At the same time, one cannot avoid feeling that the overall result of the many different initiatives, some bilateral, others tri- or multilateral, somehow lacks coherence.

152. The implementation of the CJTF concept decided eighteen months ago, and considered essential for specific European military contingency operations where NATO chooses not to act, leaves much to be desired. Negotiations clearly seem to be at a dead end. The WEU Council should devote its every effort to urge NATO to implement the CJTF concept by the end of 1995. On the other hand, European allies will have to realise that, whether the CJTF concept is implemented or not, they will not be able to rely eternally upon others for their security.

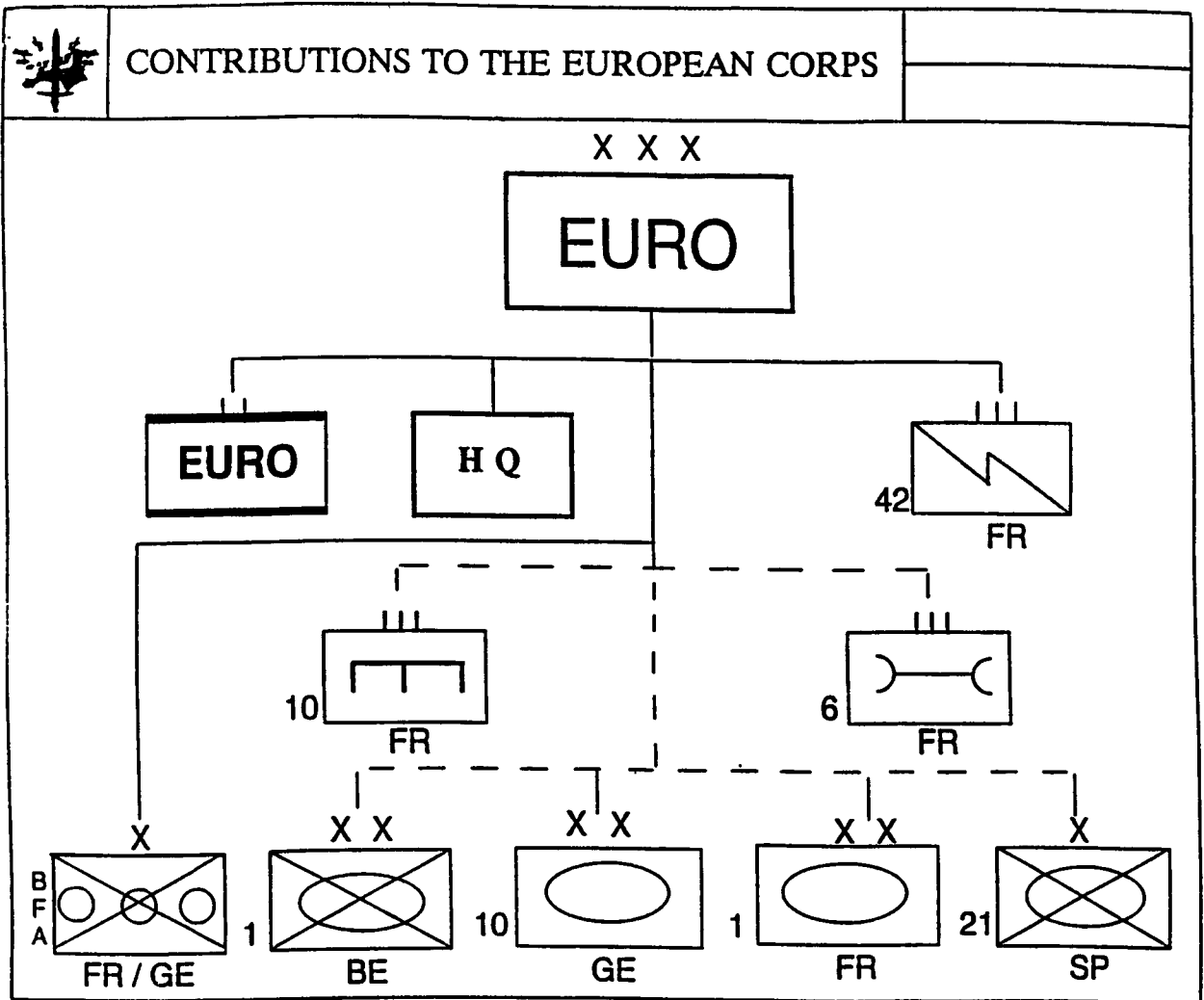
153. In the near or more distant future, WEU should possess in its own right a number of strategic assets, in particular strategic military trans-

port, a satellite observation system and military headquarters.


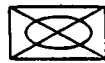
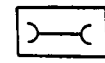


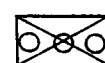
154. Finally, United Nations operations in Somalia, Rwanda and Bosnia-Herzegovina have clearly demonstrated that the United Nations chain of command, even after recent improvements, is a failure, causing unacceptable risks for military units involved in such operations. In the future, European units operating in contingency situations under the aegis of the United Nations should rely upon WEU headquarters.

155. Apparently, there is an urgent need to organise a summit meeting of heads of state and of government of WEU member states to examine European security and more particularly the need to co-ordinate means, policies and multinational co-operation in order to organise effective joint defence.

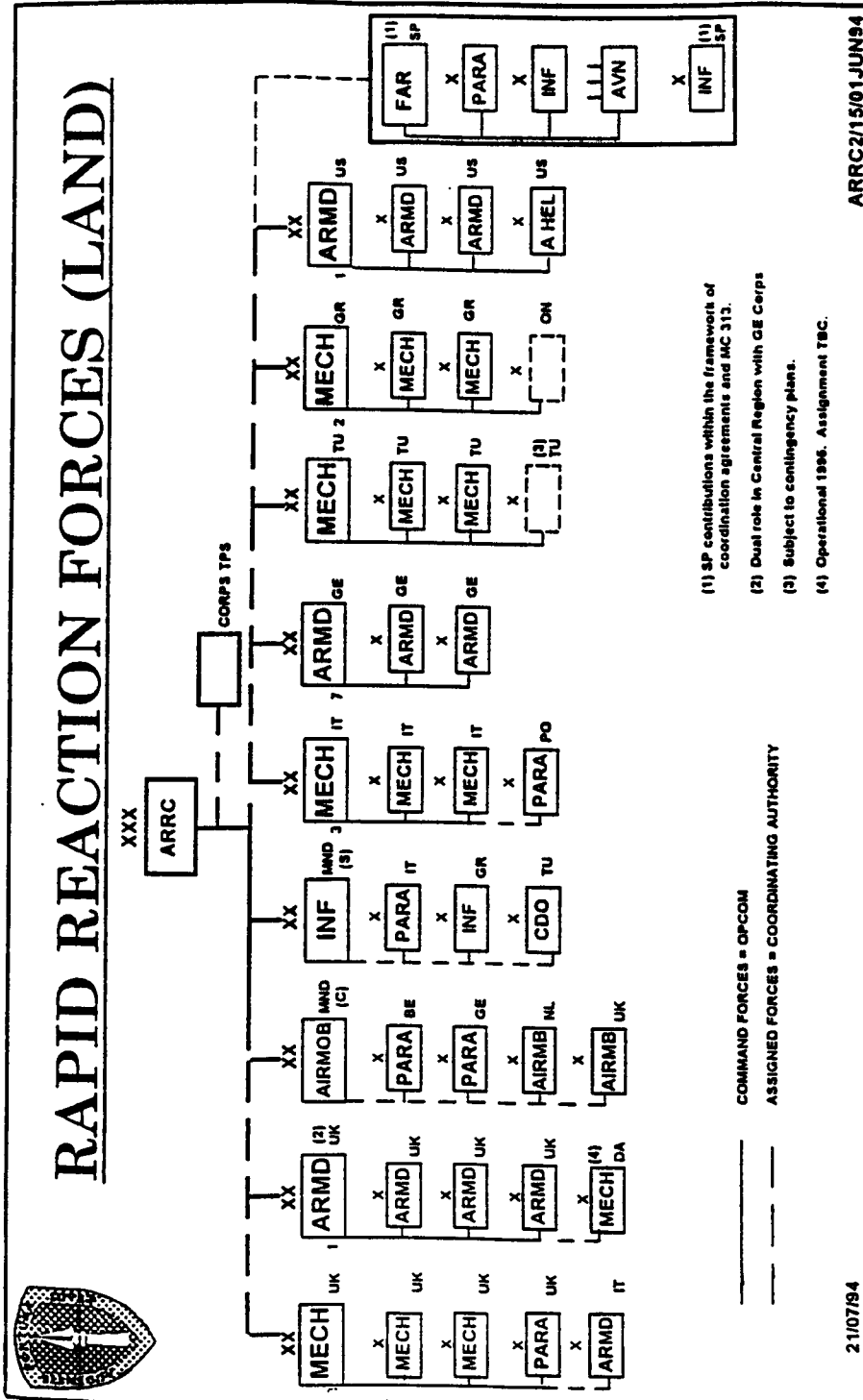
APPENDIX I



- X : BRIGADE
- XX : DIVISION
- XXX : CORPS
- II : BATTALION
- III : REGIMENT

-  : ARMoured
-  : MECHANISED
-  : EQUIPMENT
-  : ENGINEER
-  : SIGNALS
-  : WHEELED INFANTRY

APPENDIX II



European armed forces

AMENDMENT 1¹

tabled by Mr. Guidi

1. Leave out paragraph 1 of the draft recommendation proper.

Signed: Guidi

1. See 16th sitting, 21st June 1995 (amendment negatived).

European armed forces

AMENDMENT 2¹

tabled by Mr. López Henares

2. After paragraph 4 of the draft recommendation proper, add a new paragraph as follows:
“ Study the inclusion, and overall framework, of the various partial or regional initiatives such as EUROFOR, the Anglo-Dutch amphibious force, the ARRC, and other similar initiatives in a general European defence system, in order to provide coherence and a global vision of the European defence identity; ”

Signed: López Henares

1. See 16th sitting, 21st June 1995 (amendment agreed to).

European armed forces

AMENDMENT 3¹

tabled by Mr. Hardy

3. At the end of paragraph 1 of the draft recommendation proper, add “ except where a member state is unable to provide its proper contribution to international security ”.

Signed: Hardy

1. See 16th sitting, 21st June 1995 (amendment agreed to).

*Written questions 328 to 331 and replies of the Council***QUESTION 328**

*put to the Council by Mr. De Decker
on 6th December 1994*

Can the Council clarify what the consequences have been of the decision taken by the United States, on 11th November 1994, no longer to participate in measures in the Adriatic for monitoring enforcement of the embargo agreed by the United Nations on supplies of arms to Bosnia-Herzegovina and specifically:

1. What remedial measures have been found to the American decision no longer to share information on arms supplies to Bosnia?
2. How can a single command co-ordinate ships operating under different rules, given that American units have received instructions no longer to apply certain of operation Sharp Guard's rules of engagement?
3. How are areas of control divided between the United States and its allies?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 16th January 1995*

1. The Permanent Council endorses the analysis of the Military Committee (Adriatic), which is content with the Operation Commander's overall assessment and considers that the Nunn-Mitchell amendment is unlikely to downgrade the overall military effectiveness of operation Sharp Guard.

The joint WEU/NATO Council, meeting on 6th December, noted that the concept of operations remained completely valid, taking into account the adjustments made by the Operation Commander.

2. The Permanent Council can assure the Honourable Parliamentarian that the areas of control have been divided in a way such as to ensure the maximum effectiveness of the operation.

QUESTION 329

*put to the Council by Mr. de Puig
on 19th December 1994*

In their declaration annexed to the Maastricht Treaty, the WEU member states agreed, inter alia, that states which were members of the European Union would be invited to accede to

WEU on conditions to be agreed in accordance with Article XI of the modified Brussels Treaty, or to become observers if they so wished.

Will this principle also hold good for Austria, Finland and Sweden as soon as these countries become members of the European Union?

Has the Council already invited these three countries to join WEU?

Would such invitation be limited to the option provided for in the Maastricht declaration?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 21st February 1995*

The Chairman-in-Office of the WEU Council of Ministers, recalling the offers made in the WEU declaration of Maastricht of 10th December 1991, invited the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, in the light of their ratification of the Treaty of Accession to the European Union, to state their intentions with respect to their relations with WEU.

The Ministers for Foreign Affairs of Austria, Finland and Sweden replied to the Chairman-in-Office of the WEU Council of Ministers by confirming their desire to become observers.

The first meeting of the WEU Council in 1995 took place on 10th January and was marked by the attendance of the new members of the European Union – Austria, Finland and Sweden.

Austria and Sweden were formally welcomed as observers. Finland, which has yet to finalise its internal procedures regarding its observer status, attended the Council on an informal basis.

QUESTION 330

*put to the Council by Mr. Cucó
on 26th April 1995*

Can the Council confirm that the terms of the ratification by Greece of the protocol of accession of the Hellenic Republic to the modified Brussels Treaty, as deposited with the Belgian Ministry for Foreign Affairs on 10th June 1994 contained the following passage:

On 10th January 1994 the Government of the Hellenic Republic accepted the jurisdiction of the International Court of Justice; the Minister for

Foreign Affairs, Mr. Karolos Papoulias made the following declaration:

On behalf of the Hellenic government, I declare that I acknowledge as fully binding in law and without special convention, on the condition of reciprocity, vis-à-vis any other state accepting the same obligation, the jurisdiction of the International Court of Justice over all legal disputes referred to in Article 36 paragraph 2 of the Statute of the International Court of Justice. However, the Hellenic government excludes from the competence of the Court any dispute over the Hellenic Republic taking defensive military measures for reasons of national defence.

The present declaration shall remain in force for a period of five years. After the expiry of this period it shall remain in force until notification of its abrogation¹?

Can the Council state the reasons why this important text has not been transmitted to the Assembly?

Does the Council consider that it is lawful, when ratifying an international agreement, for a reservation to be made which should normally have been included in the protocol of accession itself, since such reservation, unilaterally modifying Article X of the modified Brussels Treaty, cannot acquire validity without the signature and ratification of all the other contracting parties?

REPLY OF THE COUNCIL

*communicated to the Assembly
on 12th June 1995*

The content of the verbal note which accompanied the deposit of the instrument of ratification by Greece of its accession to WEU corresponds to the reservation made by Greece at the time of acceptance of the jurisdiction of the International Court of Justice.

The maintenance of this reservation, as communicated to the Secretary-General of the United Nations and known to all WEU member states, is entirely consistent with the wording of Article X, second paragraph, of the modified Brussels Treaty.

(...) 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. (...)

The verbal note by Greece was forwarded on 10th June 1994 to all the signatories of the protocol of accession of Greece to WEU.

QUESTION 331

*put to the Council by Mr. Lenzer
on 30th May 1995*

In its issue dated 22nd May 1995, the American weekly "Defense News" devoted an article to WEU's space activities. The article contains the following passage:

"WEU's access to Helios data was granted in April 1993 by the French, Italian and Spanish defence ministers. These three governments own Helios I.

An official familiar with the centre said the access would be determined in part by the price per image. This official said negotiations led to tentative settlement on 200 000 French francs (\$39 000).

'If this price becomes final, the centre will be able to purchase no more than eight Helios images a year,' the official said. 'This price is ridiculous'."

What price has the Torrejón Centre been asked for each image from this satellite by the governments participating in the Helios I programme?

Is the Council able to inform the Assembly whether an agreement already exists for supplying the centre with Helios I images? If such an agreement does not yet exist, what stage have the negotiations reached?

REPLY OF THE COUNCIL

No reply has yet been received from the Council.

1. Unofficial translation.

*Draft supplementary budget of the administrative expenditure
of the Assembly for the financial year 1995*

MOTION FOR A RECOMMENDATION ¹

*tabled by Mr. Rathbone, Chairman and Rapporteur
of the Committee on Budgetary Affairs and Administration ²*

The Assembly,

- (i) Having heard the report by the Chairman of the Committee on Budgetary Affairs and Administration;
- (ii) Noting the continued absence of the opinion of the Council on the draft supplementary budget of the administrative expenditure of the Assembly for 1995 submitted to it, at its request, in the autumn of 1994;
- (iii) Noting that the Assembly had already expressed its disappointment at its autumn session;
- (iv) Noting that the Council thus appears unsupportive of the Assembly's plans to meet satisfactorily the requirement of expanded membership including guest members and observers;
- (v) Considering that the Council had, in its Kirchberg declaration, invited the Assembly to welcome new members and to adjust its rules accordingly;
- (vi) Reiterates its support for the outlined plans to meet the logistics of the Assembly in the foreseeable future, in particular the requirement to accommodate over 400 members in a chamber conceived to seat 228;
- (vii) Recognises the efforts made by the Presidential Committee to speed up negotiations with the Council;
- (viii) Expresses its disappointment at the Council's delay in giving its opinion on the draft supplementary budget of the Assembly,

URGENTLY RECOMMENDS THAT THE COUNCIL

Consider the draft supplementary budget of the Assembly in order to make available to it adequate financial means to allow it to play its rôle in a reactivated WEU, taking into account in particular the Kirchberg declaration and its requirements.

1. Adopted unanimously by the committee.

2. Members of the committee: Mr. *Rathbone* (Chairman); Mr. Redmond (Vice-Chairman); MM. Alvarez (Alternate: *Herrero Merediz*), Anomeritis, Mrs. Baarveld-Schlaman, MM. Biefnot, Branger, Brugger, Curto, Daniel, Dame Peggy Fenner, Mrs. Gaiotti de Biase, Mr. Guia Marques, Mrs. Hoffman, Mr. Horn, Sir Ralph Howell, MM. Kriedner (Alternate: *Hornung*), Lauricella, Leers, Magginas, Masson, Michels (Alternate: *Siebert*), Pinto, Recoder, Roger, Scaglioso, Thissen, N ...

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

*Draft supplementary budget of the administrative expenditure
of the Assembly for the financial year 1995*

PREVIOUS QUESTION ¹

*moved by Mr. Rathbone
on behalf of the Committee on Budgetary Affairs and Administration
under Rule 34 of the Rules of Procedure*

The Assembly,

- (i) Considering the procedure for approving the Assembly's budgets;
- (ii) Considering that the opinion of the Council on the supplementary budget has not yet been communicated to the Assembly, despite repeated requests by the Assembly at its previous session;
- (iii) Considering that the Assembly is therefore unable to vote in full knowledge of the facts on the supplementary budget for 1995,

DECIDES

That the draft supplementary budget is withdrawn from the agenda of the session.

Signed: Rathbone

1. See 17th sitting, 21st June 1995 (previous question agreed to).

Resumption of French nuclear tests in the Pacific

REQUEST FOR A DEBATE ¹

under urgent procedure tabled by Mr. Guidi and others

Considering that the decision taken by the French Government to resume nuclear testing concerns the security of the whole of Europe, Mr. Guidi and nine others ask the President to arrange for an urgent debate on this matter in the course of the present session.

Signed: Guidi, Benvenuti, Cucó, Martínez, Brito, Blunck, Hardy, Baarveld-Schlaman, Schluckebier, Vrettos

1. See 14th sitting, 20th June 1995 (motion agreed to).

Resumption of French nuclear tests in the Pacific

MOTION FOR AN ORDER ¹

*tabled by Mr. de Puig following the request for a debate under
urgent procedure tabled by ten members of the Socialist
Group of the Assembly*

The Assembly,

Considering that the decision taken by the French Government to resume nuclear testing concerns the security of the whole of Europe,

DECIDES

To instruct the committee concerned to table urgently an operative text on this question.

Signed: de Puig

1. See 14th sitting, 20th June 1995 (motion agreed to).

The state of the Assembly's interpretation and microphone system

MOTION FOR AN ORDER ¹

*tabled by Lord Finsberg and others
with a request for urgent procedure*

The Assembly,

Placing on record its total anger at the repeated failure of the interpretation and microphone system,

DEMANDS THAT THE PRESIDENT OF THE ASSEMBLY

Urgently summon the Managing Director of the suppliers, SATI of Paris, in order that he may apologise on behalf of SATI for the failures and guarantee that there will be no further problems.

Signed: Finsberg, Baarveld-Schlaman, Martínez, Fenner, Fassino, Patnick, López Henares, Fernandes Marques, Liapis, Horn

1. See 18th sitting, 22nd June 1995 (urgent procedure agreed to and motion referred to the Presidential Committee).

Failure of the Assembly's interpretation system

MOTION FOR AN ORDER ¹

*tabled by Mr. Hardy and others
with a request for urgent procedure*

The Assembly,

Considering the confounded nuisance arising from the farce revealed by the inability to provide it with properly functioning interpretation facilities,

1. SUGGESTS TO THE PRESIDENTIAL COMMITTEE

That these sporadic suspensions caused by equipment failure should lead to a decision not to call any further sessions until a reliable arrangement can be guaranteed in the hemicycle or alternative premises are found, and

2. REQUESTS THE PRESIDENT OF THE ASSEMBLY

To issue a full report in explanation of the breakdowns of the interpretation facilities on 21st June 1995.

Signed: Hardy, Antretter, Davis, Dunnachie, Guirado, Jeambrun, Johnston, Marshall, Mackie, Wray

1. See 18th sitting, 22nd June 1995 (urgent procedure agreed to and motion referred to the Presidential Committee).

Resumption of French nuclear tests in the Pacific

MOTION FOR A RESOLUTION ¹

*tabled by Sir Russell Johnston
on behalf of the Defence Committee*

The Assembly,

- (i) Noting the 13th June 1995 decision of the President of France to resume France's nuclear tests in the South Pacific in order to ensure the safety, security and reliability of its deterrent forces and to complete current work on the development of a test simulation;
- (ii) Aware that this decision concerns a total of eight tests between September 1995 and the end of May 1996 at the latest;
- (iii) Aware that France intends to sign the comprehensive nuclear test ban treaty – which is now being negotiated – without reservation in the autumn of 1996;
- (iv) Noting that in May 1995 all signatories unanimously decided to extend indefinitely the non-proliferation treaty;
- (v) Recognising that only very few specialists have at their disposal the scientific and technical means needed to assess whether these additional nuclear underground tests are indispensable;
- (vi) Considering that this autonomous decision was taken notwithstanding the existence of a self-imposed moratorium on nuclear testing which had been observed by France, Russia, the United Kingdom and the United States since 1992;
- (vii) Considering that unilateral decisions on issues which can be considered vital for the defence and security of Europe could impede the development of a common European security and defence policy;
- (viii) Regretting that France has not taken the opportunity to hold a fundamental discussion with its European partners on a common security and defence policy and the rôle of the French nuclear forces in that framework;
- (ix) Considering that it is increasingly less likely that, within the framework of a common European security and defence policy, nuclear forces would be an asset for the defence and security of the national territory of only one particular country;
- (x) Recalling its Recommendation 564 on the rôle and future of nuclear weapons adopted on 16th June 1994;
- (xi) Considering that this decision might encourage those states which are not official nuclear weapon states, but which are either trying to acquire such weapons or have the ability to assemble them quickly, to proceed with their efforts to possess a nuclear capability;
- (xii) Profoundly concerned that France's decision to proceed with nuclear tests has political consequences that are damaging to the cohesion of the European policy to promote non-proliferation of nuclear weapons;
- (xiii) Accepting that France wishes to ensure that its deterrent force is fully effective in advance of its commitment to sign the Nuclear Test Ban Treaty, but nevertheless considering that its decision could create political conditions which endanger the signature of such a treaty in the autumn of 1996,

ASKS THE FRENCH GOVERNMENT

1. To review its decision to proceed with nuclear tests as a gesture of good faith and as evidence of its commitment to the achievement of a worldwide nuclear test ban in autumn 1996;
2. To initiate discussions with the British Government with a view to enabling co-operation on their nuclear forces and consider in what way these forces can be integrated into a common European security and defence policy.

1. See 18th sitting, 22nd June 1995 (text referred to the Presidential Committee).

Resumption of French nuclear tests in the Pacific


AMENDMENT 1¹

tabled by Lord Finsberg and Dame Peggy Fenner

1. Leave out paragraph 2 of the motion for a resolution proper.

Signed: Finsberg, Fenner

1. See 18th sitting, 22nd June 1995 (vote postponed in the absence of a quorum).

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