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(Third Part)

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

REPORT

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

*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, Copsis (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 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.

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

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.

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."

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 adurance 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

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-

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

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.

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