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(Second Part)

A European security policy

REPORT

**submitted on behalf of the Political Committee
by Mr. Soell, 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); Mr. Alegre, Sir Andrew Bowden, MM. Caballero, De Hoop Scheffer, Ehrmann, Fassino, Feldmann, Goerens, Homs I Ferret, Sir Russell Johnston, Kaspereit (Alternate: *Baumel*), Lord Kirkhill, MM. Kittelmann, *van der Linden, de Lipkowski, Müller, Pécriaux, Mrs. Prestigiacomo, MM. Puche Rodriguez, Reddemann, Rodeghiero, Rodrigues* (Alternate: *Mrs. Aguiar*), Salvi, Selva, Seeuws, *Seitlinger, Soell, van Velzen, Vinçon, Ward, Wintgens, Woltjer.*

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

Draft Recommendation

on a European security policy

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) Deploring 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 deploring 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;
- (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 – 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. On the same basis, examine whether conditions have been met 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 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 the success of the conference on the 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 to speak with one voice 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.

Draft Order
on a European security policy

The Assembly,

- (i) Considering:
- (a) the document on a status of association of WEU with 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;
 - (b) the declaration further to the document on associate membership of WEU of 20th November 1992,

which texts were transmitted by the Council to the Assembly following the ministerial meeting held at Kirchberg, Luxembourg, on 9th May 1994;

(ii) Considering that the declaration referred to in paragraph (b) above states that it “ does not entail any changes to the document on associate membership adopted in Rome on 20th November 1992;

(iii) Taking the view therefore that this declaration does not contain elements requiring a re-examination of the measures drawn up by the Assembly for the participation of delegations of associate member countries;

(iv) Recalling nevertheless its Recommendation 558;

(v) Recalling also Article IX of the modified Brussels Treaty which states that the WEU Assembly is composed of representatives of the Brussels Treaty powers to the Parliamentary Assembly of the Council of Europe;

(vi) Noting that the “ document on the modalities ”, dated 3rd May 1994, stipulates that:

“ The provisions of this document apply as from today.

The status will formally be achieved when:

- the Hellenic Republic, currently an active observer, becomes a member of WEU and the Republic of Iceland, the Kingdom of Norway and the Republic of Turkey, currently active observers, become associate members of WEU;
- the associate partner has signed a Europe Agreement with the European Union.

In the meantime the associate partners will be considered as active observers to WEU with respect to the provisions of their new status. ”;

(vii) Recalling the decision taken by the Presidential Committee on 18th October 1994 to enlarge the permanent observer delegations of Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia from two to four members and to invite the nine associate partner countries each to appoint one observer to the Political, Defence and Technological and Aerospace Committees and to the Committee for Parliamentary and Public Relations without prejudging the eventual adoption of a status for the delegations of these countries;

(viii) Considering the brief assigned by the Presidential Committee to the Political Committee to propose a substantive text on the adoption of an appropriate status for the delegations of countries that became associate partners prior to the question being placed before the Committee on Rules of Procedure and Privileges;

(ix) Recalling its Order 85 on the enlargement of WEU and in particular paragraph (vii) of the preamble drawing attention to the fact that “ any reasonable enlargement of the number of parliamentary delegations participating in the Assembly will be impossible without major adjustments of the Assembly's accommodation and budget ”;

(x) Noting with surprise that, despite its repeated approaches to the Council, the latter has not taken action on the pressing demands formulated by the Assembly in this respect;

(xi) Regretting also that the Council has not provided any information on the arrangements for financial contributions by the associate partners to WEU's budget;

(xii) Stressing the need nevertheless to avoid any further delay in making official participation of parliamentarians from states which have become associate partners of WEU,

INVITES ITS COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES

To study the creation of a specific “ associate partner ” status for the representatives of associate partner states.

Explanatory Memorandum

(submitted by Mr. Soell, Rapporteur)

I. Introduction

1. The task of beginning work on the definition of a common European defence policy, entrusted to the Permanent Council of WEU in Luxembourg on 9th May 1994, marks the beginning of an ambitious and difficult enterprise, as it closely affects areas in which the sovereignty of the states concerned has so far been absolute.

2. However, as stated in its Recommendation 558 adopted on 14th June 1994, the Assembly of WEU is convinced that now is the time for WEU to undertake this task as a matter of priority. It therefore warmly endorses the Council's initiative. The Assembly nevertheless recalls that the best studies by diplomats and military experts are not enough to get a project off the ground, realisation of which depends primarily on the political will of the member countries. Hence in assigning this task to the Permanent Council, the Council cannot absolve itself of its own political responsibility, namely the pursuit of a European security policy, having been created expressly for that purpose in accordance with Article VIII, paragraph 1, of the modified Brussels Treaty.

3. A European defence policy and, even more so, a European defence is dependent on the achievement of a European security policy based on a joint perception of risks and threats to European security, and a joint concept of the ways in which this security should be guaranteed, including institutional questions – in short, on harmonisation of political interests and objectives in external security matters. It is clear that all these necessary conditions for the creation of a common policy have not as yet been met. One must therefore work towards creating the conditions necessary for a common European security policy. This falls to WEU both under its founding treaty and under the Maastricht Treaty, given that any direction Europe is preparing to take in external security policy matters will inevitably have implications in the defence field.

4. In order to remove the obstacles that continue to stand in the way of development of a true common European security and defence policy, these must first be identified and their causes established so that the appropriate means of overcoming them can then be sought. The present report therefore proposes to make a contribution to the

work that is essential if Europeans wish to take control of their own security to meet the challenges of the future and avoid Europe's being unable to act or react in the event of a crisis (as in the case of the conflict in former Yugoslavia, in Somalia or Rwanda); at the same time 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.

5. This report, moreover, provides an opportunity to reaffirm the vital responsibility of the parliaments of our member countries in developing a European security and defence policy. A demonstration of this responsibility was the colloquy held by the WEU Assembly in Paris, on 17th October 1994, on the subject "organising our security" to which were invited the chairmen of the foreign affairs and defence committees of the national parliaments of the WEU member countries, associate members, associate partners and observer countries together with a delegation from the two houses of the parliament of the Russian Federation. This first colloquy of its type, organised on the initiative of Mr. Baumel, Chairman of the Defence Committee of the Assembly, allowed a very lively debate to be held around addresses given, inter alia, by the ministers of defence of France and the Netherlands; it was thus regarded as an initial step towards strengthening co-operation between our parliaments, and one which would be followed by other meetings of a similar nature.

II. Differing interests and attempts to achieve harmonisation

6. A rough comparison of the defence white papers published recently by three WEU member countries (France, the United Kingdom and Germany) can provide a useful insight into the similarities and differences that exist at present between these three countries in their views on security and their policy objectives in security and defence matters.

7. The primary objective of France's defence policy, as set out in the 1994 French defence white paper, is "to defend France's interests". This states specifically that:

"The primary objective of France's defence policy is therefore to defend the country's

vital and strategic interests and those with a bearing on France's international responsibilities and position in the world... ”

8. The second objective is summarised under the heading: Build Europe and contribute to international stability. “ ... France's ability to maintain its position in the world will be linked in large measure to its ability to influence the building and the future development of Europe. ” In the context of building Europe in security and defence matters, the French white paper states that “ two extreme options are to be ruled out: sole reliance on ad hoc coalitions and the option of trying to create an integrated military organisation in a federal-type European framework ”.

9. “ ...the building of defence Europe is dependent on the willingness of three states (France, the United Kingdom and Germany) to harmonise their view of their security interests by deepening their co-operation and, as necessary, pooling their military assets... Specific relations should also be developed with our other partners ... ” Among such partners the white paper specifically mentions Belgium, Italy, the Netherlands, Spain and Sweden.

10. In matters relating to the international framework of France's defence policy, the European ambition – which provides the context for the wish to strengthen WEU – is placed before the description of a renewed Atlantic Alliance which, according to the white paper, “ must also become a place for asserting the European defence and security identity ”.

11. The French white paper makes several references to the country's interests in relation to the security and stability of specific regions of the world such as *Africa*, for example, where France's action “ is more an acknowledgement of its international responsibilities in an area where it can exercise its influence than a strategic concern ”.

12. Moreover, “ ...the new democracies of Central and Eastern Europe, with whom a series of bilateral agreements have been concluded in a matter of years, will have greater priority in the allocation of the resources of military co-operation ”.

13. As to the *United Kingdom*, the Secretary of State for Defence, in a statement on the 1994 defence budget, defined national defence policy in the following terms:

“ From our immediate security perspective, perhaps the key factor will be the evolution of Russia; and we have a keen interest in the continuing independence and integrity of the new democracies of Central and Eastern Europe.

...

The United Kingdom's defence policy is designed to support our wider security policy, which is to maintain the freedom and territorial integrity of the United Kingdom and its dependent territories, and its ability to pursue its legitimate interests at home and abroad. ”

14. However:

“ As our political and economic interests become increasingly linked to those of our international partners, so our security interests will increasingly be pursued in a multi-lateral context. ... Thus, whilst our defence and security policies are likely to retain specifically British elements with a commensurate ability for national action, and whilst healthy bilateral defence relationships with the United States, our European partners and with others will remain important both for constructive policy-making and for our own defence effectiveness, the multilateral dimension will increasingly influence our judgments about the programmes we choose to implement. It may also affect the types of operation in which our armed forces become involved and the scale of their commitment. ”

15. Chapter 3 of *Germany's* white paper on national security and the situation and future of the Bundeswehr, published in April 1994, defines the “ values and interests ” of Germany in the following terms:

“ The values laid down in the Basic Law guide the interests on which Germany bases its action in the field of security policy. By establishing a constitutional mandate to safeguard peace, to work towards European unity, to settle conflicts by peaceful means and to join a system of collective security, the Basic Law has laid major cornerstones for determining German security interests.

...

German security policy has to take account of constant political factors and parameters with a long-term effect: the geopolitically central location of Germany, as the country with the most neighbours in Europe; its economic situation as an industrialised nation dependent on exports and firmly interwoven with the world economy; and finally the experiences of German and European history. All this sets standards for the objectives, substance and procedures of German policy and plays a part in the way in which it is perceived by Germany's neighbours.

...

German foreign and security policy is guided by five central interests:

- preservation of the freedom, security and welfare of the citizens of Germany and the territorial integrity of the German state;
- integration with the European democracies in the European Union, for democracy, the rule of law and prosperity in Europe mean peace and security for Germany, too;
- the lasting transatlantic alliance, based on a community of values and similar interests, with the United States as a world power, for the potential of the United States is indispensable for international stability;
- the familiarisation of our neighbours in Eastern Europe with western structures in a spirit of reconciliation and partnership and the creation of a new co-operative security order embracing all the states of Europe;
- worldwide respect for international law and human rights and a just world economic order based on market principles, for the security of the individual states is guaranteed only in a system of global security with peace, justice and well-being for everyone.

...

Germany is not impacted by all risks to the same extent. Its security is directly affected by how the situation in Central, Eastern and Southeastern Europe develops. It is indirectly affected by unstable conditions in the Mediterranean, the Middle East and South-western Asia. Germany's security is also affected by destabilising developments in other parts of the world."

16. While these three documents all allude in one way or another to the importance of European and transatlantic co-operation, it is nevertheless clear that the aims of the policies of the countries in question are defined in terms of purely national interests. Only the German white paper regards the promotion of the integration of European democracies into the European Union as one of the country's essential interests. However, in the foregoing documents there is nothing to imply that the harmonisation of national interests constitutes an important goal, nor is inspiration drawn from the objectives of the common foreign and security policy described in Article J.1 of the Maastricht Treaty.

17. One could no doubt go on to examine the position of the other WEU member countries in

this regard – to arrive at the conclusion published at the end of July by an expert of the WEU Institute for Security Studies¹, which states that "what has been missing up to now is an identity of interests between the states of the Union in matters of security policy and a common strategic concept regarding when and where it would be essential to make a commitment in the area of military management of crises".

18. In this situation the proposal presented by Mr. Lellouche on behalf of the delegation of the French National Assembly to the European Communities, according to which the European Union should prepare a white paper on European defence², is interesting, but it should be used to exert pressure on the European countries concerned to harmonise their ideas and policies not only from a strictly military viewpoint but also from a security angle in the broadest sense. It would therefore seem that the initiative announced at the end of August by the French Prime Minister Edouard Balladur³ for drafting a white paper on security in Europe which would highlight Europe's specific interests and define the means necessary for defending them in liaison with the Atlantic Alliance is a move in the right direction.

19. In this connection, your Rapporteur supports the analysis of the WEU Institute for Security Studies expert in the article referred to above according to which:

"... Above all it is necessary to agree on a concept of security policy specific to the Union which takes account of the whole range of possible political, economic and military reactions. This can but be based on the precise determination of joint interests in security matters towards given regions (Central and Eastern Europe, the Balkans, the Mediterranean, North and Central Africa). The simple enumeration of objectives in matters of peace policy and stability that are general and therefore not binding to any great extent, such as those mentioned so far in the framework of the common foreign and security policy, is of little use."

20. It should be recalled once more in this context that the WEU Council's obligation to agree on common principles extends to any region of the world where a situation arises that might constitute a threat to peace.

21. Public debate on the method or methods for achieving the desired objective, in other words

1. Mathias Jopp: Langer Weg – Kühnes Ziel: Gemeinsame Verteidigungspolitik in Europa Archiv, Folge 13-14/1994, page 397.

2. Europe and its security – an information report received by the Presidency of the National Assembly on 31st May 1994.

3. The Figaro, 2nd September 1994.

reaching agreement on a common concept for organising European security, is growing more intense: the larger the European Union and WEU become, the more these two organisations and the Atlantic Alliance are opening up towards the East, as 1996, the year in which the intergovernmental conference to review the Maastricht Treaty is due to start, approaches.

22. This debate concerns both the basic substance of security policy and fundamental institutional questions, two aspects that are closely linked. On matters of substance, three main concepts are still competing even if they are considered to be complementary.

23. The first is the concept of a collective security system according to which crisis-management and prevention are based on rules of co-operation between all the participants in the system. This is the principle on which the United Nations, the CSCE and other forms of regional organisations of the United Nations are based. The second approach is to ensure security by defensive alliances such as WEU and NATO, while the third favours security through integration of a group of states, as proposed by the European Union.

24. In Recommendation 559, the Assembly asked to be informed of the results of the study on mutually reinforcing institutions, recently completed within the framework of the "security" group of the common foreign and security policy, which establishes criteria for better co-operation between the United Nations, the CSCE, the European Union, WEU, NATO and the Council of Europe in conflict-prevention and crisis-management.

25. The Council's reply to this recommendation is revealing. First it informs the Assembly that "the Council has already taken several initiatives in the field of crisis-management and conflict prevention in the context of the emerging common foreign and security policy (CFSP)" and then states that "the Council cannot report on the results of the work undertaken by working groups of the European Union dealing with CFSP matters".

26. The Assembly cannot accept this refusal to provide information which fails to accord with the obligations of the Council under Article IX of the modified Brussels Treaty. The Assembly must remind the Council that it still has responsibility for supervising the application of the treaty as a whole and that it must reply to recommendations and questions concerning the application of the treaty even if exercised in a framework other than that of WEU and especially when the Council contributes to the work of another organisation. So far, the Council has always accepted this principle, and in the past has even transmitted certain Assembly recommendations to other organisations, NATO for example, in order to be able to

reply to them. Quite recently the Council, in its answer to Written Question 326 put by Mr. Goerens, stressed "its determination to exercise its powers, even though – in order to avoid duplication – it may acknowledge that certain work is best conducted within the context of NATO or the European Union".

27. In the same answer, the Council also stated that it did not "consider its competences to be modified since the reactivation of WEU" and that it had "moreover, replied to all the Assembly's recommendations and *will continue to do so in the future.*" Nevertheless this answer is not entirely unambiguous. Hitherto, the Council has always drawn a clear distinction between the exercise of its competences and its competences as such. Thus the transfer of the exercise of its social and cultural responsibilities to the Council of Europe affected *the Council's activity and not its responsibilities as such*, as the Council itself stated in its annual report on its activities in 1959. Its decision in 1970 to cease its activities in economic matters was taken in accordance with the same principle.

28. It is all the more surprising to learn now, though the Council's answer to Written Question 326, that:

"The Council is of the view that WEU, which ceased to exercise its economic competences in 1970, *does not have the competence* ⁴ to deal with the issues of financial compensation for the riparian countries implementing the Danube embargo."

Unless this is mere legal sloppiness in the drafting of this answer, it would mean that the Council has abandoned the distinction between the exercise of its powers and those powers in themselves, which would have extremely serious consequences at a time when WEU must give practical expression to its rôle as an integral part of the development of the European Union and as the European pillar of the Atlantic Alliance.

29. Nor can the Assembly accept that, in the answer referred to above "the Council devotes special attention to questions and recommendations relating to WEU's *direct responsibilities* ⁵, and merely indicates to the Assembly the organisation primarily competent for other issues which are raised". What are these "direct responsibilities" if the Council is maintaining at the same time that its competences have not been modified since the reactivation of WEU? The Assembly therefore insists that the Council continue to provide information on all of its activities in the areas of its responsibilities and, in this connection, specifically recalls paragraph 8 of Recommendation 558.

4. Rapporteur's italics.

5. Rapporteur's italics.

30. This information is the more necessary as the *raison d'être* of the traditional defence alliances such as NATO and WEU seems to be increasingly called into question, both within and without. An example that might be quoted of such questioning from outside is Russia's attitude towards NATO following the dissolution of the Warsaw Pact and the wish of the majority of Central and Eastern European countries to become members of NATO in order to benefit from the reliable protection of the American umbrella.

31. For Russia, there is no longer any place for traditional NATO missions, namely to ensure the defence of Europe, as there is no longer an enemy. On the basis of this reasoning, Mr. Kozyrev, Minister for Foreign Affairs of Russia, recently proposed making the CSCE the central organisation for maintaining security and stability on the European continent. If the CSCE were to coordinate NATO and WEU efforts, the latter would then become subordinate to the CSCE.

32. The Russian proposal to develop the North Atlantic Co-operation Council (NACC) in close liaison with the CSCE is, however, the consequence of an evolution which started in NATO itself according to which the latter might be transformed into a Euro-Atlantic security system based on a strategic concept giving precedence to a wider vision of stability and security. Under this new philosophy it becomes difficult to make the distinction between an enlarged NATO mandate and the global approach of the CSCE⁶. The introduction of the partnership for peace, offered to all NACC and CSCE member countries, reinforces this trend and places participants in peace-keeping measures either under the authority of the United Nations or under CSCE responsibility.

33. Another reason why the traditional missions of the alliances are being called into question is because the Secretary-General of the United Nations is tending to restrict the right of legitimate individual and collective defence guaranteed by Article 51 of the United Nations Charter and to strengthen instead the rights and powers of the Security Council. This tendency is reinforced, as far as the Atlantic Alliance is concerned, by a reduction in the importance accorded to mutual assistance obligations in the event of armed aggression in favour of a wider interpretation of Article 4 of the Washington Treaty which allows NATO to intervene "out of area" to maintain and enforce peace within the framework of crisis-prevention and management. Although NATO stresses its independence in relation to the

United Nations in this area, it has to be admitted that NATO action not authorised by the United Nations is hardly conceivable.

34. Questioning from inside is evident in European efforts to substitute for the traditional alliances in Europe an integration of states in a new type of entity in which decision-making through intergovernmental co-operation would gradually give way to supranational procedures and decisions by qualified majority. Some are even calling for a new transatlantic treaty to take the place of the present alliance.

35. Divergences between advocates of retaining an intergovernmental system and those of a supranational system remain, as also between those who favour first deepening the European Union and those who stress the importance of enlarging the Union or who are convinced that it is possible to go deeper without abandoning enlargement.

36. Even before this enlargement of the European Union becomes a reality, a new debate has recently arisen, particularly in France and Germany, on the expediency of a multi-speed Europe, to consist of circles of co-operation of varying intensity. The Rapporteur is however of the opinion that the aim of further advancing matters European cannot be achieved by creating a central nucleus, since even among the small number of participants in such a nucleus, differing interests still persist.

37. Study of the various proposals put forward, among others by Mr. Lamassoure, the French Minister for European Affairs, for a new founding contract⁷, by the French Prime Minister, Mr. Balladur, for a Europe organised in three concentric circles⁸ and by the Christian Democrat Group of the German Parliament⁹, influenced in part by a study published in 1994 by the Bertelsmann Foundation on "Europe 96: reform programme for the European Union" reveals that these proposals merit careful analysis above all in the area of the organisation of security and defence.

38. It is not the Rapporteur's intention to discuss the timeliness or otherwise of launching a public debate on the usefulness of creating a nucleus in the context of building Europe and designating the countries of which it might consist when preparations are underway in three Scandinavian countries for difficult referendums on entry into the European Union and the countries of Central and Eastern Europe are wondering whether they will be accepted into the European and Atlantic institutions, when and under

6. Werner Bauwens, Bruno Colson etc.: The CSCE and the changing rôle of NATO and the European Union, NATO Review, No. 3, June 1994.

7. *Le Monde*, 31st May 1994.

8. *Le Figaro*, 30th August 1994.

9. *Le Figaro*, 6th September 1994; *Frankfurter Allgemeine Zeitung*, 6th September 1994.

what terms. However the initiatives referred to above have the merit of raising fundamental problems and enabling them to be debated publicly before government civil servants and officials in Brussels begin their work. The Rapporteur would nevertheless wish to stress, first, that he is not in favour of the creation of an exclusive club of member states; second that the criteria for the advancement of Europe should be defined by all participant states; third, that those who remain outside the discussions will have no right to contribute to the decisions to be taken; fourth, that the national parliaments must participate in the work on reform and fifth that a nucleus exists in security and defence matters, namely WEU (see paragraph 49 below).

39. It will first be noted that none of the ideas or projects put forward in the recent past proposes a complete merger between the European Union and WEU in the foreseeable future. While the Institute for Security Studies expert¹⁰ does not foresee the incorporation of WEU in the Union until after 1998, "at the earliest", if certain conditions are met, the CDU/CSU document is asking for the 1996 conference to lead to a "reorganisation" of relations between WEU and the European Union with a view to "transforming NATO into a balanced alliance between the United States, Canada and Europe, as a unit capable of acting."

40. According to the study by the Bertelsmann Foundation the most that would be achievable in the foreseeable future would be a mixture of intergovernmental co-operation on the one hand and supranational crisis-management and intervention on the other. In this context, the authors of this document are asking that WEU be "finally consolidated as the security and defence instrument of the European Union and as such as the European pillar of the Atlantic Alliance".

41. The thoughts expressed by the French Prime Minister, Mr. Balladur, tending towards "pursuing efforts to make Western European Union a true European alliance that will enable the European Union to ensure, itself, the security of its members"¹¹ follow the same lines.

42. However, at the end of the day, while there is general agreement on the need for the European countries to acquire an identity of interests and a capability of acting together in matters of security and defence, an in-depth examination of how this might be achieved is still lacking and none of the projects referred to above provides a recipe for identifying the real difficulties and overcoming them.

10. See paragraph 17 above.

11. *Le Figaro*, 30th August 1994.

III. Organising European security – an institutional problem?

43. In practical politics, it can be observed that the constitutional approach represents the essential means of promoting Europe's security and defence identity. There is general agreement in thinking (although this conviction is not well-founded) that the harmonisation of positions and joint decision-making will be facilitated if the process of co-operation extends beyond the purely intergovernmental stage. While the Maastricht Treaty has retained the intergovernmental component and Title V on a common foreign and security policy has strengthened the hand of the presidency, it has introduced the decision-making process by qualified majority in certain cases, in particular for implementing joint action and has granted the European Commission – the main supranational component of the Union – rights of initiative and of participation. It is certain that advocates of a tighter community approach to decision-making regard the treaty in its present form merely as a stage on the road towards a true community system.

44. On the assumption that interests relating to key fields which have until now been the exclusive province of national sovereignty could be better harmonised in a European Union evolving towards a community, moves were started in the period between the adoption of the Single European Act in 1986 leading up to the conclusion of the Maastricht Treaty in December 1991, to encourage the Twelve to co-ordinate their positions more closely on the political and economic aspects of security in order finally to create, with the Maastricht Treaty, a true foreign and security policy, comprising the whole range of questions relating to the security of the European Union, including the eventual framing of a common defence policy.

45. Concerning areas relating to the security dimension, the European Council stated at its Lisbon meeting on 26th and 27th June 1992 those that might, from the entry into force of the Maastricht Treaty, give rise to joint action, namely:

- the CSCE process;
- the policy of disarmament and arms control in Europe, including confidence-building measures;
- nuclear non-proliferation issues;
- the economic aspects of security, in particular control of the transfer of military technology to third countries and control of arms exports.

46. For considering the elements which will be necessary to the Union in the framework of the common foreign and security policy, the European Council, at the same meeting, formed an ad

hoc security working group within the Political Committee in accordance with Article J.8, paragraph 5, of the Maastricht Treaty. The status and tasks of this group, like those of the common foreign and security policy Political Committee, have still not been made known to the WEU Assembly. Nor does your Rapporteur know whether the WEU ministerial organs are co-operating with the aforementioned groups and to what extent. Nevertheless, there is some evidence that the security working group is closely examining several areas of European security including risk assessment, the implications for European security of developments in Central and Eastern Europe, the situation in the Mediterranean and the Maghreb, disarmament and arms control. The defence implications of much of its work are undeniable.

47. In talks your Rapporteur had with the new Secretary-General of the Council of the European Union, Mr. Trumpf, on 13th October 1994, brought him no specific information about the new structures of the common foreign and security policy, nor about the way co-operation might work between that body, the WEU authorities and the European Commission. It appeared, however, that the new Secretariat-General of the Council considers itself to be at the same level ensuring continuity and upholding European interests in face of a strong presidency of the Union. Subsequently, the Secretary-General of the Council of the Union should be invited to explain in detail to the Political Committee the working of the security structures created within the Union.

48. However, in the context of a gradual transfer to the European Union of powers hitherto belonging to WEU as sole organisation responsible for European security and defence, we are witnessing an assignment of responsibilities in security matters to the CFSP and of those with defence implications to WEU.

49. However, in view of the fact that security and defence are closely intertwined, it is difficult to imagine that the assignment of the former to the common foreign and security policy and the latter to WEU can succeed in the long term if it is hoped to advance towards procedures allowing Europeans to reach joint positions on these matters and to act together. Suffice it to recall that the structure of the Political Division of the WEU Secretariat-General now includes a "Defence Policy" section as well as a "Politics and Planning" section, indicating that the WEU ministerial organs are aware of the importance of these close links and of the need to harmonise and co-ordinate security and defence aspects in a single institutional framework.

50. However, the governments of the Twelve preferred a different solution and decided that it fell to the Council of the European Union to examine, case by case, whether security questions discussed in the framework of the CFSP had

implications in the defence area and whether decisions should be taken on the basis of Article J.4 of the Maastricht Treaty, in other words, whether WEU should be called in ¹².

51. Admittedly, the European Union and WEU have agreed on arrangements to facilitate co-ordination of the work. However, the provisions contained in Chapter IV, Appendix IV, of the document on the implementation of the Maastricht Treaty ¹³ entitled "Relations between the Union and WEU" envisage only "mutual information" and "cross-participation" of collaborators from the two secretariats at CFSP and WEU meetings and it is hardly likely that such arrangements can resolve the fundamental problem.

52. All full members of WEU are of course represented at the Council of the Union and in the CFSP institutions and it will therefore be up to them to make sure that WEU positions are duly taken into account. But is this situation satisfactory? This, however, is not the real issue. It should be recalled first and foremost that the CFSP includes two European countries that are not prepared to become members of WEU: Ireland and Denmark. Moreover, in 1995 Austria, together with Finland, Norway and Sweden, depending on the results of the referendums to be held in the latter two countries, will become members of the European Union; Norway alone has stated its intention to apply for accession to the modified Brussels Treaty.

53. Furthermore, the two European members of NATO which are not members of the European Union (namely Turkey and Iceland) whose accession to the European Union is not to be expected in the foreseeable future are associate members of WEU, with all the afferent rights excepting those under Article V of the modified Brussels Treaty.

54. Additionally, WEU has granted nine Central and Eastern European countries associate partnership status, offering these countries a wide range of options for co-operation and participation in the work of its Council and subsidiary organs. The European Union has, for its part, concluded Europe Agreements with only six of these countries, while agreements on a free trade area have been signed with the three Baltic countries.

55. Under such circumstances several questions arise: given that the countries which belong to the CFSP group of the European Union and those of the WEU group are not the same, the problem of a multi-speed Europe emerges in relations between these two organisations, raising an issue which has not yet surfaced in public debate.

12. See Chapter IV, Appendix I, of the document on the implementation of the Maastricht Treaty.

13. Document 1412, 8th April 1994.

56. There is undeniably a nucleus in European defence and security matters – namely WEU. This nucleus includes the full member countries, in other words the signatories of the modified Brussels Treaty and the countries that have acceded to the treaty. Mutual assistance obligations under this treaty and the development of joint positions in the event of a threat to peace bind the member countries together more firmly than obligations under any other European or Atlantic treaty currently in force.

57. It should therefore first be noted that, as compared with the European Union and the CFSP, WEU member countries have reached a more advanced stage of co-operation, thanks to the reactivation of WEU which has led to full application of the treaty. Moreover, WEU's intergovernmental system has not prevented its member countries from taking a large number of decisions of a political, structural and operational nature. WEU is not yet fully operational but it is making progress thanks to the homogeneity of its membership.

58. Co-operation in the CFSP framework is not yet as close or as advanced, partly because it is founded on a treaty entailing far vaguer obligations and partly because its participants include one neutral country (and soon perhaps four) and one NATO member country, Denmark, which refuses nonetheless to take part in closer co-operation in defence matters in the framework of WEU.

59. The parallelism between WEU and the CFSP and the procedures envisaged for interaction between them should not therefore act as a brake or block. WEU's political action should agree in the CFSP framework appear impossible or if CSFP decision-making is reduced to the lowest common denominator.

60. With a revision of the treaties in prospect during the intergovernmental conference in 1996, several matters therefore have to be settled: first, WEU must be made fully operational and able to act. It must then be ensured that the organisation can continue to develop its political action in autonomous fashion and according to its own rules, even after 1998. Your Rapporteur shares the opinion expressed by the French Ambassador to WEU on 29th September last in Brussels in an address given at the Centre for European Policy Studies which holds that the problem of merging WEU and the European Union as such is a secondary problem; what matters is that there should be something going on in WEU so that there is something to merge with the European Union. Any premature attempt to replace the modified Brussels Treaty or incorporate it wholly or partly into a new treaty of European Union between sixteen member states would endanger WEU "acquis" and cause the mutual obligations of the partners to

be weakened. For this reason it might be interesting to have more details of ideas, recently referred to in the United Kingdom press¹⁴, which suggest that defence policy might become the fourth pillar of the Union, which would be separate from the CFSP.

61. Third, it should be stipulated that several WEU member countries will be able to take independent political initiatives, either on WEU's own behalf or on behalf of the European Union, without first having to have received a mandate from the latter, contrary to the present provisions of the Maastricht Treaty. Should the European Union be unable to reach agreement on an initiative from WEU, the latter should be free to forge ahead.

62. Mr. Léotard, Minister of Defence of France, stated very pertinently, during the colloquy that the Assembly organised in Paris on 17th October 1994:

“ I believe that in future WEU will gain greater credibility and political efficiency. Those who hesitate about this organisation developing a rôle of its own should realise that Europe's credibility on the international scene depends on that. ”

In developing a true joint security and defence doctrine which might be set out in a white paper on security, WEU should, as the French minister emphasised on this occasion, receive a mandate from the highest European authorities.

63. To facilitate decision-making in areas within its purview and to achieve the necessary political impetus, the WEU Council should be constituted, when necessary, as the “ European security and defence council ” at the level of heads of state and of government that might meet when necessary on the occasion of meetings of the European Council.

IV. The problems of enlarging WEU

64. To follow a coherent European security policy based on the nucleus formed by WEU, solutions must be found to problems stemming from the fact that neither the member countries of the Union and the WEU member countries, nor the European members of NATO and the members of WEU are one and the same. Before the Maastricht Treaty was concluded the WEU Council's policy on admitting new member countries was rightly based on criteria stating that enlargement should not prejudice in any way the “ acquis ”, cohesion or homogeneity of WEU but should contribute to strengthening European security. In

14. The Independent, 21st September 1994.

this context, the Assembly had immediately supported Portugal and Spain's request for accession to WEU.

65. When Turkey and Greece also made known their wish to accede to the modified Brussels Treaty (in summer 1988 and December 1988 respectively), the Assembly expressed its firm view that the two countries should first settle their bilateral disputes to avoid any weakening of WEU's internal cohesion and particularly of the scope of Article V of its treaty. However with the conclusion of the Maastricht Treaty, Greece was invited to accede to the modified Brussels Treaty, while WEU had to abandon the policy referred to above and was obliged to stipulate in the Petersberg declaration of 19th June 1992 that the founding treaties of WEU and the Atlantic Alliance would not be invoked in disputes between member states of either of the two organisations.

66. The weakening of the scope of Article V of the modified Brussels Treaty will therefore become a reality once the process of ratification of the protocol of accession of Greece to WEU is completed. Moreover the continuing conflict between Greece and the former Yugoslav Republic of Macedonia and the crisis that has developed recently between Greece and Albania, along with Greece's ambiguous position towards the conflict raging in former Yugoslavia, are together likely to increase WEU's difficulties in reaching agreement between the ten on a security policy.

67. As to WEU's relations with the European members of NATO that are not members of the European Union, the WEU Council had to draw the consequences of the decision it took at Maastricht to link full membership of WEU with membership of the European Union. Article J.4 of the Maastricht Treaty considers WEU solely as an integral part of the development of the European Union without referring to the nature of its relations with the Atlantic Alliance. Conversely, declaration I of the WEU member countries appended to the Maastricht Treaty states that "WEU will be developed as the defence component of the European Union *and as the means to strengthen the European pillar of the Atlantic Alliance*"¹⁵.

68. However, it appears that the same importance is not being attached to this second aspect of WEU's rôle as to the first. For this reason the WEU member countries decided to invite the European members of NATO not members of the European Union to become, not full members, but associate members only of WEU. This decision specifically concerns Iceland and Turkey. To date, Iceland has not applied to become a member of the European Union but political discussion

within the country reveals that a change of heart towards the Union is in progress, influenced by the decision of the Scandinavian countries to join. If Iceland were to apply this would not present a major problem for the European Union. However the situation with Turkey is different. Although, since 1987, the latter has applied to join first the European Community, then the European Union, the prospects of its being admitted in the foreseeable future are hardly realistic. The association agreement between Turkey and the European Community dates from 1964 and the European Union is currently engaged in negotiations for establishing a customs union with Turkey in 1995.

69. Turkey's importance to European security has not lessened, despite the end of East-West confrontation and of the Soviet threat against the south-east flank of the alliance. Rather, Turkey's rôle and influence continue to grow, as evidenced by the development of its relations with Russia, with the Islamic countries bordering on Russia and in the Caucasus, with the countries of the Near and Middle East and of its Balkans policy. At the summit meeting in Istanbul that ended on 19th October 1994 between the heads of state of six Turkish-speaking republics – Azerbaijan, Kazakhstan, Kirghizstan, Turkey, Turkmenistan and Uzbekistan – discussions included the diverse hostilities in the region, particularly in Nagorno-Karabakh, and the hope was expressed that the United Nations and the CSCE would play a more effective rôle in these matters, which incurred the irritation of Moscow¹⁶.

70. Again, under fire on account of human rights violations and/or for its handling of the Kurdish problem, Turkey is experiencing a number of difficulties in obtaining recognition as a full member of the Western European group of democracies. Additionally, the unresolved status of Cyprus (which has applied for membership of the European Union) and the other differences that still exist between Turkey and Greece continue to weigh upon the cohesion of the Atlantic Alliance and against Turkey's efforts to draw closer to the European Union and to WEU. A petition submitted to the President of the Assembly of WEU on 25th June 1994 by Mr. Monnot, a writer, even requests that Turkey be refused associate member status in WEU.

71. It remains to be seen whether the recent appointment of Mr. Mumtaz Soysal as Minister for Foreign Affairs should be regarded as a sign of change in Turkish policies towards the West, and if so, a change in which direction. In any event, it must be entirely in Western Europe's interest for Turkey again to become a factor of stability in the region and for it to retain as close links as possible with western security and defence structures.

15. Rapporteur's italics.

16. Le Monde, 21st October 1994.

72. Similar considerations, it would appear, led the WEU Council to agree at its Kirchberg meeting on a declaration intended to strengthen the status of WEU associate members, while stressing that this declaration did not entail any changes to the "Document on Associate Membership" adopted in Rome on 20th November 1992.

73. The Council therefore decided that associate members had "full rights to nominate forces answerable to WEU", to "nominate officers to the Planning Cell" and that they should be "connected as soon as possible to the WEUCOM network for all communications concerning meetings and activities in which [they] participate". Lastly the Council invited the Assembly to "examine further the present arrangements for the participation of parliamentarians from associate member countries". All these declarations cannot meet the aspirations of Turkey which has always pressed to be admitted to full membership of WEU. The meeting on 24th June 1994 between the President of the Assembly and the President of the Grand National Assembly of Turkey together with the letter sent to the President of the Assembly by two Turkish parliamentarians on 14th June 1994 testify to this.

74. It should be stated from the outset that the Assembly cannot substitute for the Council when the latter is unable to reach a clear decision. Among the member countries, opinions are divided on the substantive issue of whether membership of WEU should continue to be linked solely to membership of the European Union. The discussion embarked on in the Political Committee, and at the plenary session when Recommendation 558¹⁷ was adopted requesting the Council to "reconsider the WEU declaration II annexed to the Maastricht Treaty with a view to allowing the European members of NATO which are not members of the European Union the right to accede to the modified Brussels Treaty", demonstrates that there was no unanimity among parliamentarians on this question either.

75. Furthermore, in accordance with the brief it was given by the Presidential Committee, the Political Committee carefully examined the Council's invitation to review the arrangements the Assembly made for the participation of parliamentarians from associate member countries on the basis of the Council's declaration further to the document on associate membership of WEU of 20th November 1992 published on 9th May 1994. The Political Committee reached the conclusion that this declaration included no factors calling for a reexamination of the arrangements agreed by the Assembly in Document 1416

regarding the participation of parliamentarians from associate member countries.

76. However, the development of the European Union and WEU's relations with Turkey will constitute a crucial element in any European security policy and must therefore remain on the agenda; when preparing "Maastricht II", the European countries members of the European Union must know whether they wish to regard Turkey as an integral part of the area the future Union is to occupy and the WEU member countries must decide to what extent they are ready to integrate Turkey into the structures guaranteeing Europe's external security.

77. The proposal put forward by the French Prime Minister, Mr. Edouard Balladur, in his speech on 8th September 1994 to course participants at the French Institut des hautes études de défense nationale (IHEDN)¹⁸, which inclined towards participation by the Central and Eastern European countries concerned in a European Council meeting devoted to discussion of a white paper on European security, highlights another institutional aspect of a European security policy, namely harmonisation of WEU, European Union and NATO policies towards the Central and Eastern European countries.

78. At an informal meeting of the European Union foreign affairs ministers on 11th September 1994¹⁹, the sixteen discussed the overall guidelines prepared by the German presidency, the aim of which was to bring ten Central and Eastern European countries closer to the Euro-Atlantic structures, namely the European Union, WEU and NATO. These guidelines envisage rapprochement of the countries concerned – the four Visegrad countries, Romania and Bulgaria, the three Baltic countries and Slovenia, – according to three models described below.

79. – The first option advocates parallel admission of all of the countries concerned to the three organisations.

– The second allows the possibility of separate accessions, according to the specific interests of the applicant countries.

– The third involves a stage-by-stage procedure for individual accessions over a specified period but requiring all countries involved to attain membership status of the three organisations within roughly ten years.

80. It is clear that discussions on such an approach, details of which are not known to your Rapporteur, are only at a very early stage. It should therefore be recalled that a parallel approach by

17. See the report by Mr. Ferrari on WEU in the process of European Union – reply to the thirty-ninth annual report of the Council, Document 1417 10th May 1994.

18. *Le Monde*, 9th September 1994.

19. *Frankfurter Allgemeine Zeitung*, 12th September 1994.

WEU, the Union and NATO to the Central and Eastern European countries is at the moment still a very long way off and that the objectives of this policy of convergence are far from being clearly formulated.

81. The decision taken by the WEU Council at Kirchberg, on 9th May 1994, granting the nine countries of the Forum of Consultation, namely the four Visegrad countries, Bulgaria, Romania and the three Baltic countries the status of associate partner of WEU does not concern Slovenia. The recent differences between Italy and Slovenia on minorities and other questions of neighbourliness should be settled quickly in order to avoid them having negative repercussions on questions of security and preventing this former Yugoslav Republic from also obtaining a status of associate partner in WEU. The European Union on the other hand is linked by "Europe Agreements" only to the Visegrad countries, Bulgaria and Romania, while the three Baltic countries have for the time being concluded free trade agreements with the Union. However at its Corfu meeting on 26th June 1994, the European Council recalled that the goal of the Union remained the conclusion with these countries of Europe Agreements, intended to help them prepare for accession at a later date. Hence the Union is in contact with Slovenia with a view to examining terms for the conclusion of a Europe Agreement. As to NATO, the ten Central and Eastern European countries mentioned are all NACC members and have joined the partnership for peace while Lithuania has made an official application to become a full member of the Washington Treaty.

82. As far as the objectives that the three organisations concerned are pursuing in their relations with Central and Eastern Europe, only the European Union has clearly decided that associate countries that so wish may become members of the European Union as soon as they are able to fulfill the appropriate conditions. At its Corfu meeting, the European Council stated that "the subsequent implementation (of the Europe Agreements) is one of the essential conditions of membership" ²⁰.

83. NATO, on the other hand, without opening up any definite prospect of membership for the countries of Central and Eastern Europe, merely stated at its summit meeting on 10th-11th January 1994 "that the alliance, as provided for in Article 10 of the Washington Treaty, remains open to membership of other European states in a position to further the principles of the treaty and to contribute to the security of the North Atlantic area." The communiqué continued: "We expect and would welcome NATO expansion that would reach

to democratic states to our East, as part of an evolutionary process, taking into account political and security developments in the whole of Europe."

84. The use of the term "democratic states to our East" is liable to give rise to all kinds of conjecture particularly regarding Russia, as the recent controversy between the German and United States defence ministers on the prospects of a NATO enlargement to the East serves to demonstrate ²¹. It is now necessary to await the results of the recent steps taken by the United States in NATO in order to be able to be more specific about enlarging NATO towards Eastern Europe without including Russia ²².

85. Nor does the purpose of the WEU Council's decision to grant the nine countries participating in the WEU Forum of Consultation associate partner status in WEU emerge sufficiently clearly from the document issued at the time ²³. The reference made in this document to the decisions of the European Council and the intention, explicitly stated, of preparing the countries concerned for integration into the European Union, and, in the longer term, for their accession, is nonetheless indicative of the direction taken, but without opening up a real prospect of the accession of these countries to WEU.

86. Rather the document states that the status of associate partner of WEU does not involve any change to the modified Brussels Treaty, and the Council representatives continue to stress that it has no legal effect. Nevertheless the Council has agreed with the associate partners on a system, described in detail, which allows them limited participation in the work of the Council and its subsidiary organs. The degree of such participation and of information available to the associate partners on the activities of the organs of WEU is very variable, and the only common principle is that they may not block a decision on which consensus has been reached by the member states.

87. The complexity of the modalities of the new status established at Luxembourg is such as to offer little encouragement to the Assembly when it takes up the Council's invitation to consider the possibility of participation by associate partners in its work. In accordance with the mandate which the Presidential Committee gave the Political Committee for proposing an operative text on the adoption of an appropriate status for delegations or countries becoming associate partners before the matter is placed before the Committee on Rules of Procedure and Privileges, your Rapporteur has proceeded to reexamine these questions.

21. Frankfurter Allgemeine Zeitung, 12th September 1994.

22. International Herald Tribune, 28th October 1994.

23. Document 1422, 22nd May 1994.

20. See Europe No. 6260, 26th June 1994.

88. Such an examination nevertheless requires clarification from the Council on several points: firstly on the date of implementation of the status. According to the Document on the Modalities of 3rd May 1994, the provisions apply from that date; however, it is stipulated that the status will officially take effect when:

- " the Hellenic Republic, currently an active observer, becomes a member of WEU and the Republic of Iceland, the Kingdom of Norway and the Republic of Turkey, currently active observers, become associate members of WEU;
- the associate partner has signed a Europe Agreement with the European Union. "

89. This latter condition relates to the Baltic countries. Lastly there must be clarification of the meaning of the following statement: " In the meantime the associate partners will be considered as active observers to WEU with respect to the provisions of their new status ". Moreover the financial contribution arrangements arising from the participation of the associate partners in WEU activities should be made known once these are established. In this connection on 15th June 1994, the Chairman-in-Office of the Council, addressing the plenary session of the Assembly, stated:

[This new status] " will certainly have financial consequences. One of the presidency's tasks will be to persuade the member states' governments to provide the finance for carrying out these political obligations. I also see it as the task of every member of this Assembly to urge their government, and in particular their minister of finance, to ensure that their country's financial contributions to WEU are increased in next year's budget. "

The Presidential Committee's meeting with the Permanent Council of WEU in Brussels on 27th September 1994 unfortunately provided no enlightenment on the position regarding financial contributions to the WEU budget from associate partners.

90. Moreover, account must be taken of the administrative and financial consequences of the increase in the parliamentary delegations of associate partners participating in the work of the Assembly. Order 85 on the enlargement of WEU²⁴ rightly emphasised that " any reasonable enlargement of the number of parliamentary delegations participating in the Assembly will be impossible without major adjustments of the Assembly's accommodation and budget. " Unfortunately, the Assembly's approaches in this regard

towards the Council have not yet led to results that might lead it to believe that it will be able to pursue its future activities stemming from a considerably enlarged membership in normal working conditions. Furthermore, on 15th June 1994, the Chairman-in-Office of the Council confirmed to the Assembly that the entry into force of this status was immediate, that meetings of the Permanent Council were being held in the presence of the new partners and that the latter would also attend the forthcoming ministerial meeting.

91. In order not to delay further the participation of parliamentarians of the states which have become associate partners of WEU, the Presidential Committee decided on 18th October 1994 to enlarge the delegations of permanent observers of Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia from two to four members and to invite the nine associate partner countries each to appoint an observer to the Political, Defence and Technological and Aerospace Committees and to the Committee for Parliamentary and Public Relations, without prejudging the adoption of a status for the delegations of these countries. This new status, which is to be worked out in detail by the Committee on Rules of Procedure and Privileges, should enable the representatives of the associate partner countries to participate in committee meetings with consultative voting rights and in plenary sessions of the Assembly without voting rights. The delegations of these countries should be constituted in conformity with the provisions in force in the Council of Europe.

92. The Bureau of the Assembly has referred to the Political Committee a petition submitted by Mr. Jarolimek, Chairman of the Committee of Free Czechs and Slovaks in the Netherlands, to the President of the Assembly, requesting him to " deny any form of membership of WEU to the Czech Republic and to the Slovak Republic, as long as they discriminate, confiscate and do not prosecute (ex) communist torturers, i.e. as long as they do not respect the basic human rights and are unjust ". Identical petitions were presented to the Assembly by Dr. Radvakova, a chemist, and Mr. Hajek, a scientist. To decide what action should be taken on these petitions, the committee requested the opinion of the Council of Europe on the grounds for them. The committee was informed that the problems referred to in these petitions had been dealt with in full by the Council of Europe. It is therefore not necessary for the Assembly of WEU to re-open a debate on these questions.

93. However, while it is necessary to define the status of the delegations from states which become associate partners of WEU, one must not lose sight of the basic task which is to define the conditions in which associate partners might subsequently be invited to accede to the modified Brussels Treaty. If the wish is to avoid different security zones being

24. Adopted by the Standing Committee in Rome on 19th April 1993, Document 1360.

set up in the regions in question, it is not enough to make accession to WEU dependent merely upon membership of the European Union.

94. For the conditions fixed by the European Union for countries wishing to become members are only partly dictated by external security considerations. It is necessary therefore to examine the question more deeply to ascertain what significance and weight should be attached to security concerns as compared with other considerations, of an economic nature for example. Is it not possible to conceive of a situation that would require accelerated convergence of WEU and the associate partner countries on account of overriding security considerations, even before other conditions for entry had been met? Nowadays, the impression often is rather that security policy arguments are used as a pretext for not making progress.

95. The WEU member countries have in point of fact already overtaken the European Union in terms of their policy towards the East, without waiting for the European Union to negotiate Europe Agreements with them. The concern to ensure consistency between WEU, European Union and NATO initiatives towards the countries of Central and Eastern Europe which, according to the second part of the thirty-ninth annual report of the Council to the Assembly²⁵, has until now guided the work of the Council's Special Working Group, is wholly justified. Nevertheless WEU cannot dispense with its own assessment of the importance of the security situation in Central and Eastern Europe for the security of Western Europe and the implications for the development of a common defence policy in its own framework. It is on the basis of such an analysis that WEU must decide to what extent convergence with its associate partners can be speeded up. WEU will furthermore have to present and sustain its conclusions to the European Union and NATO. To do so WEU may of course take into consideration studies and thinking in these two fora to ensure consistency. As to current thinking within NATO, it is worth noting the recent declaration by Mr. Alexander Vershbow, Foreign Affairs Adviser to President Clinton, stating that there is no need to wait until the Central and Eastern countries are integrated into Europe before NATO opens up to them²⁶.

V. Some suggestions for a pragmatic approach to a European security and defence policy

96. Joint assessment of risks to European security remains an essential basis for formulating a common security and defence policy. Such

25. Document 1411, 5th April 1994.

26. *Le Soir*, 9th September 1994.

assessment depends in large measure on harmonising the interests of the various member countries. To this end, it is necessary first for each country to be asked – possibly by questionnaire – to state its basic concerns and to specify the areas in which, in its opinion, a joint, multilateral approach would be required and those for which states should retain a national responsibility.

97. In a speech given the University of Leyden on 7th September 1994, the United Kingdom Prime Minister, Mr. Major, observed for example that:

“ With France, Britain is one of only two nations in the Union which still have a global reach to their foreign policies. Alone in Europe, the United Kingdom is a member simultaneously of the United Nations Security Council, the Economic Summit and of the Commonwealth which now comprises one third of the world's nations. We have a deep involvement in all of the continents of the world. ”

and also quoted Hong Kong as an example, as the United Kingdom regards the territory as being solely a matter for domestic policy, an argument which will hold good only until 1997.

98. Starting from a drawing-board where each member country identified its essential interests and the areas it felt to be of most direct concern, areas of approximate convergence of interests would need to be defined. Agreement would then have to be reached, based on this definition, as to what crisis or conflict situation might be likely to affect European security and other common interests in such a way as to require joint military action. In this connection it is possible to draw on the following criteria set out in the report on the probable evolution of the common foreign and security policy (CFSP) addressed to the European Council in Lisbon on 26th and 27th June 1992:

“ It is possible at this stage to list certain factors determining important common interests ...

- the geographical proximity of a given region or country;
- an important interest in the political and economic stability of a region or country; ”

To these criteria might be added other factors to be determined such as perception of dangers to the security of citizens of member states etc.

99. There will undoubtedly always be cases where a particular area of interest will be more important to some member countries than others. For this reason there must be agreement, so that the attitude of all member countries in any given

situation is governed by the principle of solidarity that must come to constitute the pillar of their co-operation. The entire modified Brussels Treaty is based on this principle, even if the most explicit reference to the "close community of interests" of the WEU member countries is in Article I which deals with economic co-operation.

100. Differences of perception have been observed in many western European countries as to the origins of the conflict in former Yugoslavia and a certain mistrust noted between European partners, in particular Paris, London and Bonn, as to their respective intentions with regard to the management of this crisis²⁷. These differences have demonstrated how much still remained to be done to establish unqualified solidarity between all the member countries.

101. There are numerous ways of reinforcing this spirit of solidarity which must permeate the political classes of the nations concerned and not simply their leaders. From this perspective, the regular exchanges of senior civil servants taking place between the foreign affairs ministries of the CFSP member countries might also be undertaken within the framework of WEU and should be extended to defence ministries and possibly even to the private offices of heads of government.

102. In political terms, the senior political figures with responsibility in WEU must be made to understand that the organisation should remain free to take initiatives in the areas of its remit when the European Union has not made an explicit request. In particular, the Council must be reminded that if political initiatives and impetus were to come from WEU, this could assist the progress of the European Union as a whole. If, however, the WEU leadership confines itself to waiting upon the outcome of deliberations in other European fora, WEU will rapidly become a secondary organisation, carrying out subordinate tasks only, like administering the police force in Mostar, for which, as the Chairmanship-in-Office observes in its Luxembourg report on Mostar, WEU is invariably dependent on the outcome of the negotiations between the European "troika" and the parties.

103. WEU has a substantial work of analysis to undertake on European security matters, extending far beyond the specific problem of a common defence policy currently being examined in the Permanent Council. This policy has been defined by the Director of the WEU Institute for Security Studies as: "a common policy with respect to the use of the armed forces of the member states of the European Union"²⁸. Such analysis is

essential but must be approached in a wider perspective. According to information published in the press²⁹, the WEU study concerns mainly the technical aspects, whereas Germany is believed to be preparing its own study on the more political problems, and France would also make a separate contribution. Moreover, the United Kingdom would no longer be so categorically opposed to any integration of defence under the umbrella of the European Union. The foregoing sections have already referred to the interest there is in coherence in the thinking of WEU, the European Union and NATO on enlargement to the East. WEU must therefore monitor closely progress achieved within the framework of the conference on the pact on stability, the results of which are to be presented at a second ministerial-level conference in spring 1995. To this must be added the assessment of the implications for European security of developments in Russia and the CIS countries and the consequences for the relations of (a possibly enlarged) WEU with Russia, a subject which will be dealt with in the report by Mr. Baumel. What implications might arise from the prospect of a long common border between Russia and the European Union if Finland and Norway join? In this respect, one should draw on Norway's experience of which the observer to the Political Committee had noted that it was infinitely better to establish clearly-defined borders than to create grey areas. The result of the Finnish referendum on 16th October last when the people of Finland voted by a comfortable majority in favour of the country's accession to the European Union has greatly contributed to such clarification, irrespective of the way in which Finland now decides to organise its relations with WEU.

104. What interaction is there between WEU and the European Union over the Maghreb countries and security in the Mediterranean? To what extent are WEU members able to reach agreement on actions directed towards crisis-management and peace-keeping should situations similar to those in Bosnia, Somalia or Rwanda arise? Is the co-operation that has been established between the United States, Russia and certain European countries representing the European Union with a view to establishing a peace plan for Bosnia a sign of a return to ad hoc coalitions and the balance of power politics of former years?

105. During the discussion of the working paper which your Rapporteur presented to the meeting of the committee held on 26th September 1994, one member wished the present report to contain a description of the world security situation including the Mediterranean and crisis-flashpoints on other continents. Your Rapporteur naturally recognises the importance of continuous assessment of the risks of such crises to the world and their

27. Matthias Jopp, *Europa Archiv*, 28th July 1994, No. 13-14.

28. *Institute Bulletin* No. 12, July 1994.

29. *The Independent*, 21st September 1994.

consequences for Europe's security. He would recall however that these questions were debated in particular in Recommendation 559 on European security: crisis-prevention and management, adopted by the Assembly in June 1994. In paragraphs 25 to 28 above, your Rapporteur has explained the reasons why certain parts of the reply of the Council to this recommendation cannot be accepted. However, in this reply the latter states *inter alia*: "that the regular meetings of its working groups and the item "Topical questions" on their agendas provide opportunities for regular assessment of risks and threats affecting peace, security and European interests. It goes without saying that the Council will draw the consequences of its findings when they are perceived as affecting European security".

106. In the same reply the Council states that it "can assure the Assembly that member states, through the debates taking place at all levels, always make maximum efforts to seek political consensus, especially in the event of crises where WEU is likely to play a rôle". Unfortunately this did not work in the case of Rwanda, nor in that of Somalia. And what consensus has emerged in WEU over ending the war in Bosnia which now seems set to escalate further? Admitting that WEU has virtually no political rôle whatsoever in this conflict, the address given by Mr. Voorhoeve, Defence Minister of the Netherlands, at the colloquy organised by the Assembly in Paris on 17th October 1994, was particularly interesting since it recalled WEU's responsibility in the management of international crises, referring specifically to the crises in North Africa, Algeria, Egypt, the southern Sahara, southern Sudan, Burundi, the Persian Gulf etc. Moreover he did not rule out WEU's playing a pacifying rôle on the Golan Heights in the event of a peace agreement being reached between Syria and Israel; he mentioned the rôle of Iran in central Asia and, lastly, the problems in the Caribbean and Haïti where he advocated that the WEU member countries contribute to re-establishing a police force.

107. The minister rightly recalled that the WEU member countries have neither the will nor the necessary military means to promote peace in every area of instability. In this connection he declared himself in favour of a procedure by means of which each member country should evaluate, case by case, "whether our national interests and values prompt us to get involved or stay out". However, does not the development of a European security and defence policy in fact make it necessary for joint criteria to be established in order to be able to act together?

108. A large part of the thinking on a European security policy consists in defining the new factors which, from now, characterise Europe's relations with NATO, and above all the United States,

since the development of a European security and defence identity was confirmed at the last NATO summit meeting. However it would appear – at least if information published by the press is to be believed – that the emergence of this identity and the strengthening of WEU, its means and autonomy are at present marking time³⁰. According to these reports, the Netherlands, Portugal and the United Kingdom take a minimalist view of WEU. Moreover the Assembly learned only from the Council's reply to Recommendation 556 that the Permanent Council had created a new Politico-Military Working Group which has formulated a joint WEU position on the CJTF (combined joint task forces) concept, which has been introduced in the framework of the alliance consultation process. According to the last half-yearly report that the German Government transmitted to the Bundestag on WEU's activities, this position of WEU was communicated to NATO on 29th June 1994. What was the outcome? Other questions arise. How will the United States react if Europe tries to commit it to guaranteeing the security of the Central and Eastern European countries through an association with WEU? This would be as unacceptable to the United States as it would be unacceptable to Europeans to give the Americans a right of veto over the way applicant countries to the European Union should be dealt with³¹. There must therefore be close co-operation between WEU and NATO over the policy of enlargement to the East and WEU must define its thinking in this regard. According to Mr. Léotard, Minister of Defence of France, it seems inevitable that the security guarantees provided by the Brussels Treaty, on which WEU is founded, and by the Treaty of Washington in respect of NATO will be extended to the new members of the European Union³². Mr. Kinkel, Minister for Foreign Affairs of Germany, stated on 6th October 1994 that a country belonging to the Union wishing to join WEU should also be admitted to NATO³³. The proposal of the President of the Russian Federation might be recalled in this context, suggesting that a security guarantee be given jointly by NATO and Russia to the Central and Eastern European countries. These proposals have been rejected out of hand by the countries concerned, particularly Hungary and Poland. It will also be recalled that the United States has a tendency to seek to settle world-wide strategic questions through bilateral co-operation with Russia, to the detriment of Western Europe. The increasingly frequent calls for a new "transatlantic contract" reflect a growing anxiety: are the instruments of transatlantic

30. See for example *Le Monde*, 29th September 1994: article on the redistribution of rôles between Americans and Europeans within NATO.

31. Daniel Vernet, *Le Monde*, 12th May 1994.

32. *Le Figaro*, 30th September 1994.

33. *Frankfurter Allgemeine Zeitung*, 7th October 1994.

security created during the cold war period sufficient to meet the challenges presented by the factors that now determine international relations?

109. WEU must, furthermore, continue to develop a coherent concept of its own rôle vis-à-vis the United Nations, particularly in the context of peace-keeping and crisis-management. Recent talks between the United Nations Secretary-General and the representatives of the majority of regional organisations seem to have yielded no concrete results. It is important therefore that WEU should state its position as clearly and convincingly as possible at the United Nations, the more so as the decisions it has taken over the Petersberg missions have lent it credibility as a player. Moreover, is WEU assured of being able to speak with one voice in the Security Council where it is represented by two of its member countries? The matter needs to be looked into further. The Rapporteur would refer in this connection to Recommendation 549 and to his report on political relations between the United Nations and WEU and their consequences for the development of WEU³⁴.

110. The same applies to WEU's relations with the CSCE, which is to hold its next ministerial conference in Budapest on 5th-6th December 1994. The WEU ministers in their Kirchberg communiqué agreed:

“ that the CSCE, as the only European and transatlantic forum covering all of Europe, must be strengthened to avoid the emergence of new divisions. To this end, they reaffirmed their governments' resolution to commit the necessary resources and to continue working for a reasonable division of labour with the CSCE giving effect to the concept of mutually reinforcing institutions developed in the 1992 Helsinki Declaration. ”

111. What will WEU's position be and what will it do to make known these intentions at the Budapest conference? Moreover, how will it react to the Russian proposals to subordinate its work to the co-ordination of the CSCE?

112. To return finally to efforts aimed at strengthening and improving the effectiveness of the instruments available to WEU for discharging its responsibilities, there will also need to be discussion of the problems described below. After the decision to reduce the term of office of the WEU Presidency to six months from 1st July 1994, the Assembly should be informed of the results of the studies by the Permanent Council on questions raised by the harmonisation of the presidencies of the European Union and WEU which are still pending. It is interesting to note in this connection

that the study published by the Bertelsmann Foundation on Europe 96 contains a programme of reforms for the European Union that proposes extending the term of office of the presidency of the Council of the Union and the European Council by at least a year in order to ensure continuity of work. One of the systems under discussion provides, for example, for the replacement of the alphabetical rotation of the presidency by a system that would achieve a better allocation of the presidential terms between the large and small countries. Another proposal from the French Senator, Mr. Jean-François Poncet³⁵, aims at the free election of the President of the European Council for a term of two years. In any event, this problem must remain on the agenda in order to achieve a solution that increases the effectiveness of the work of the organisation. To this end, WEU's policy planning and decision-making must also be strengthened and the political section within the Secretariat-General considerably reinforced.

113. When considering the future rôle of WEU within the range of mutually reinforcing organisations, one must also consider the risk that certain institutions are developing within WEU with different levels of participation and at different speeds; inter alia the Council and its subsidiary organs can now meet as 24, 15, 13 (in the case of WEAG) or nine participant countries. In another context the following development can be observed: certain member countries reach agreement within a bilateral framework and then invite other member countries of WEU to join them. A case in point is the creation of the European corps which was originally a Franco-German initiative. There has recently been another initiative that aims to reinforce bilateral co-operation in armaments matters by setting up a Franco-German armaments agency. These last two initiatives, intended as they are to facilitate and speed up projects whose progress is running into difficulties in the framework of WEU and benefit member countries as a whole, must obviously be supported. However, one should avoid such initiatives developing independently and giving rise to structures separate from those of WEU.

VI. Implications for the preparation of the 1996 intergovernmental conference

114. On a procedural level, it should be recalled that the European Council decided, at its meeting in Corfu on 24th and 25th June 1994, to create a “ think tank ” to prepare for the 1996 intergovernmental conference, made up of representatives of the foreign affairs ministries of member states and the President of the Commission. This is to be

34. Document 1389, 8th November 1993.

35. Frankfurter Allgemeine Zeitung, 19th September 1994.

chaired by a personality designated by the Spanish Government and will begin work in June 1995; the conclusion of this work will be the presentation of a report in due course to the European Council meeting at the end of 1995. It has furthermore been decided, following a German proposal, reception of which was initially somewhat unenthusiastic on the part of the majority of countries, that two representatives of the European Parliament will participate in the work of the think tank.

115. This procedure, based on the provisions of Articles N, paragraph 2 and J4, paragraph 6 of the Maastricht Treaty has as yet no equivalent in WEU, despite the fact that the declaration of the WEU member countries annexed to the Maastricht Treaty stipulates that: "WEU will re-examine the present provisions in 1996. This re-examination will take account of the progress and experience acquired and will extend to relations between WEU and the Atlantic Alliance." It will again be noted that the WEU declaration distinguishes itself from the parallel provisions of the Maastricht Treaty by its added transatlantic dimension.

116. If WEU wishes to assert its own thinking and attitudes in the framework of the 1996 conference and to avoid being faced with a *fait accompli*, as was the case in the negotiations on the Maastricht Treaty, it is essential that those with responsibility should begin their analysis immediately and ensure that their conclusions are taken account of from the outset in the work of the think tank set up by the European Union.

117. Given the importance of this matter, the task of reviewing the existing provisions should be assigned to a WEU working group created exclusively for that purpose. The Permanent Council and its working groups are already too overburdened with other tasks to be able to take on this particular work. The new group should be established at the next ministerial meeting and be made up of representatives of the foreign affairs and defence ministries, the Secretariat-General and a representative of each subsidiary body. There should also be participation by the WEU Assembly in this work.

118. This "WEU think tank" must begin work in early 1995 in order to be ready to present its views in time to the European Union authorities. In view of the working relationships established between WEU and the Union, the two organisations should inform one another on the progress of their work, providing, for example, for "cross-participation" of collaborators from both secretariats at the relevant meetings of the two groups. However, care must also be taken that the WEU group keeps the NATO institutions duly informed of its studies. As to the chairmanship of the WEU think tank, this should be offered to a personality chosen in consultation with the Assembly.

119. Among the various subjects for examination, the Assembly should concentrate in particular on organising control by parliamentary representatives over a future European security and defence system, taking account of experience gained within the framework of Western European Union. It should be noted in this context that the presidents of the national parliaments meeting in Bonn on 13th September 1994 stressed the need for increased participation by national parliaments in preparing the European Union reform due in 1996³⁶.

120. It should be recalled in this connection that in several member countries of the Union, particularly France and Germany, the constitutional courts have been called upon to examine whether the Maastricht Treaty is in conformity with the national constitution. In France, the Constitutional Council clarified in its decision of 9th April 1992³⁷ that the European Parliament did not constitute a sovereign assembly with overall powers and which might contribute to the exercise of national sovereignty. In its decision of 12th October 1993³⁸ pronouncing the Maastricht Treaty in conformity with the Basic Law of the Federal Republic, the Constitutional Court of Germany stipulated clearly that, in the context of European integration, the transfer of duties and powers to the European institutions should not jeopardise the legitimacy of the Bundestag and its influence on the exercise of state power in such a way as to violate the principle of democracy guaranteed by the Basic Law.

121. With a view to developing a series of models for a system of parliamentary control, the basic assumption should be that the 1996 conference will not change the system whereby decisions on questions with defence implications remain the exclusive province of national governments, meeting in WEU in an intergovernmental structure. Mr. Heathcoat-Amory, Secretary of State for the Foreign Office of the United Kingdom recently put forward the following arguments in favour of such an arrangement:

"This arrangement has a number of important advantages. The different forms of membership and relationship embodied in WEU's variable geometry – full members, associate members, associate partners and observers – are essential to accommodate the different positions and interests of current, and imminent, European Union members in the defence field. WEU's institutional separation also offers a way of getting

36. Frankfurter Allgemeine Zeitung, 14th September 1994.

37. Journal officiel de la République française, 11th April 1992, page 5354.

38. Zeitschrift Europäische Grundrechte, 18th October 1993, No. 17, pages 429-448.

around the practical problem of taking account of the extra-European obligations and interests of various Union members. The time is not yet ripe to try and squeeze these different interests into a single strait-jacket. This would mean either forcing states into false positions, which will prove untenable in the long run, or weakening the nature of the mutual defence commitment which lies at the heart of WEU. We have to recognise that common defence is deadly serious. It must be a matter of deeds, not words, of deep-reaching solidarity, not simply the highest common denominator – especially at a time when Europe faces new risks and new responsibilities.

...

NATO shows beyond any doubt that in the defence field intergovernmentalism is not second best; it is what works. I do not believe that any realistic observer can think that European governments are ready to delegate decisions on defence, which are ultimately decisions about the lives and deaths of their soldiers, to a supranational body or, even less likely, to majority voting.”³⁹

Under these circumstances, the Christian Democrat Group of the German Parliament’s idea of granting the European Commission the powers of a European government, while the European Parliament would have the character of a legislative body on an equal footing with the Council, the latter being called upon to take on the rôle of second chamber, cannot serve as a realistic basis of discussion for organising a defence Europe.

122. It is furthermore interesting to note that an earlier document, prepared in August 1993 by the same parliamentary group, stressed the need to consider another bicameral system based on representation of national parliaments at European level, thus forming a European Senate. In a recent article⁴⁰, Mr. Jean-François Poncet took up this concept in the following terms:

“ ... For as long as there are no political parties, trades-unions, professional associations at European level, for as long as there is no European government and opposition, democratic legitimacy must continue to be provided largely through national states. This means that the dual nature of the Union, its supranational and intergovernmental structure, must be maintained for many years to come. This is why it might be useful to create a European Senate representing the national parliaments ... ”

Therefore, to avoid the public debate running off course, it is essential very quickly to develop and present convincing models which propose that national parliamentarians are represented in a European assembly such as that of WEU, an essential instrument of democratic control for any defence organisation that continues to be based on a system of intergovernmental co-operation. For unlike the European Parliament, only the national parliaments and their committees can exercise direct control over governments and have the right to participate in the decision-making process.

123. In this instance, it would perhaps be appropriate to draw on the relevant provisions of the European Defence Community Treaty, Article 38 of which provides for “ the constitution of an Assembly of the European Defence Community, elected on a democratic basis ... based on the principle of the separation of powers and having, in particular, a two-chamber system of representation.

124. But before proceeding with these various trains of thought, one basic question must be raised: in two or three years, will the time really have come to exercise the right laid down in Article XII of the modified Brussels Treaty to terminate a treaty which has only in recent years again shown its worth; would there not then be a risk of endangering the gains achieved by the reactivation of WEU and the success of all the efforts to make it operational? The more dynamic the organisation shows itself to be and the more successful its activities, the less reason there will be to call its treaty basis into question.

VII. Conclusion

125. Political Europe is currently being recreated on several fronts. The difficulty of bringing all of these together to achieve a single structure is the result, for the time being, of the lack of a clear vision in relation to several fundamental aspects essential to the final design of a coherent structure. In the first place, the outer limits and size of the structure are not clearly defined: these depend, inter alia, on developments in the regions bordering on Europe. Then there is the problem of the dimensions of the different buildings making up the overall structure which have to meet different requirements and accommodate inhabitants drawn from different families.

126. Under these circumstances, both flexibility and firmness are necessary. In matters concerning European security and defence, any initiative which seeks to reform the present system must be directed by a need to strengthen and improve the security of European citizens and preserve the stability of Europe. As to opinions on the rôle of WEU in the context of building a unified Europe,


39. The next step for Western European Union: a British view, *The World Today*, July 1994.

40. *Frankfurter Allgemeine Zeitung*, 19th September 1994.

the situation today is very different to the period prior to the negotiations over Maastricht I. WEU is now in a position to claim substantial gains in several areas that have been acknowledged as such and should not be jeopardised by experiments based solely on institutional considerations.

127. To avoid revised conceptions relating to the building of a Europe of security and defence leading to a weakening of that security, the Assembly and the Council should co-operate more closely in the coming years and the Assembly in particular should be more closely associated with the thinking and the results of the research and studies of the Council, its subsidiary bodies and its working groups. In the words of the Chairman-in-Office of the Council, addressing the plenary session of our Assembly on 15th June 1994:

“ On the question of the Assembly’s participation, I have said on several occasions that it is up to the relevant presidency to ensure that the procedures are pragmatic and to consult the Assembly at an early stage of decision-making. That will also be possible within the new group set up by the Council to consider the common European defence policy to be put before the 1996 intergovernmental conference. This task is expected to take eighteen months. It will be quite possible in that period for your Assembly to offer its own input to the Council, for the Council to refer back to the presidency of the Assembly and for this to result in very effective co-operation. ”

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