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FORTY-FIRST ORDINARY SESSION (Second Part)

General report – WEU's activities –
Reply to the forty-first annual report of the Council

REPORT

submitted on behalf of the Political Committee
by Mr Urbain, Rapporteur

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1. Adopted in committee by 13 votes to 0 with 2 abstentions.

2. *Members of the committee:* Mr *de Puig* (Chairman); Lord *Finsberg*, Mr *Roseta* (Vice-Chairmen); MM *Antretter*, de *Assis*, *Blaauw*, Sir *Andrew Bowden*, MM *Bühler*, *Caballero*, *Caputo*, *Cioni*, *Dias*, *Ehrmann*, *Eyskens* (Alternate: *Staes*), MM *Fassino*, *Irmer*, Sir *Russell Johnston* (Alternate: *Marshall*), MM *Jurgens*, *Kaspereit*, Lord *Kirkhill* (Alternate: *Davis*), Mr *Koschyk* (Alternate: Mrs *Fischer*), MM *Liapis*, van der *Linden*, *Van der Maelen*, de *Lipkowski*, *Maass*, *Pottakis*, *Pozzo*, *Puche Rodríguez*, *Reco-der*, *Rippinger*, *Rokofyllos*, *Rodeghiero* (Alternate: *Serra*), Mr *Seitlinger*, Sir *Keith Speed*, MM *Urbain*, *Vinçon*.

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

Draft Recommendation

on WEU's activities – Reply to the forty-first annual report of the Council

The Assembly,

- (i) Deploring that it received the second part of the forty-first annual report of the Council so late that it was impossible for the Assembly committees to examine it;
- (ii) Regretting furthermore the lack of substance in the Birmingham Declaration, dated 7 May 1996, which confines itself to describing the role of WEU in the context of the Maastricht Treaty and the NATO summit Declaration of January 1994 and makes no reference to the original obligations of WEU and its member countries, such as they are stipulated by the modified Brussels Treaty;
- (iii) Regretting the absence of any substantial progress on most of the Council's plans, such as:
 - the drafting of a European White Paper on security and defence;
 - the development of its relations with the associate members, associate partners and observers;
 - the transformation of the WEU Institute for Security Studies into an academy;
 - cooperation on armaments;
- (iv) Welcoming, on the other hand, the fact that the ministers meeting in the WEU Council reaffirmed their resolve to contribute fully to the intergovernmental conference on the revision of the Maastricht Treaty;
- (v) Recalling in this respect Assembly Recommendations 588, 589 and 590 and Decision 14 on the organisation of security in Europe, which was adopted at its extraordinary session in London;
- (vi) Desirous that cooperation and contacts between the Assembly and the Council should be considerably strengthened throughout the period of the intergovernmental conference;
- (vii) Considering that signature of the security agreement and the agreement on the concept of CJTF opens up the prospect of new relations between WEU and NATO,

RECOMMENDS THAT THE COUNCIL

1. Give effect to its intention to contribute fully to the intergovernmental conference on the revision of the Maastricht Treaty and, to that end, adopt a specific approach and not envisage any project designed to subordinate WEU to the European Union for as long as the two organisations are based on separate treaties and do not have the same member countries;
2. Inform the Assembly every two months, starting from 1 July 1996, about the content of all meetings of the intergovernmental conference that concern:
 - (a) the future of WEU and its Assembly;
 - (b) development of the CFSP and institutional issues;
 - (c) the parliamentary dimension;
3. Do more to project itself within the European Union and the Atlantic Alliance as an organisation which produces political impetus and, where necessary, plays a precursor role;
4. Draw up, on the basis of the new type of relations established between WEU and NATO as a result of the conclusion of the security agreement and the agreement on the concept of CJTF, new formulas for cooperation and coordination between the two organisations, which shall include the Assembly of WEU;
5. Develop and strengthen WEU's operational capabilities, particularly in the areas of planning, logistics, strategic lift, intelligence, space-based observation and the joint production of armaments so that WEU can make an effective contribution to supply Europe, in due course, with the means for a common defence policy, and even a common defence, in accordance with Article J.4.1 of the Maastricht Treaty;
6. Study the transformation of the Institute for Security Studies into an analysis and forecasting centre comparable to the one planned for the CFSP;
7. Keep the promises it has repeatedly given to convey its annual reports to the Assembly sufficiently early for the latter and its committees to study them.

Explanatory Memorandum

(submitted by Mr Urbain, Rapporteur)

I. Introduction

1. This is not the first time a rapporteur to the Assembly has had difficulty in evaluating WEU's activities because of the scant information the Council has provided the Assembly and the late date on which it has conveyed to it the annual report. At the time of writing, the second part of the Council's 41st annual report has still not reached the Assembly. That part of the report should cover the Council's activities between 1 July and 31 December 1995, a period now largely overtaken by events. What is more, the first part of the report covering the first half of 1995¹, which your Rapporteur could use as a source of information on the Council's activities, has lost all topicality.

2. The Assembly's extraordinary session in London on 22 and 23 February this year provided it with an opportunity for an intensive and thorough debate on the situation in which WEU found itself on the eve of the opening of the intergovernmental conference on the revision of the Maastricht Treaty and a few months away from the next ministerial meeting of the North Atlantic Council in Berlin which is due to take decisions on, among other things, the details of an agreement between NATO and WEU on the CJTF. The texts adopted at the Assembly's extraordinary session clarified its position as regards WEU's future role in the European and Atlantic context. In contrast, the Council confined its contribution to the intergovernmental conference to a presentation of a number of options since it had been unable to agree beforehand on any one of them.

3. The present report will therefore concentrate on the situation that has developed since the opening of the intergovernmental conference in Turin on 29 March 1996. It will take into consideration the information the United Kingdom Presidency gave the Presidential Committee on 1 April in London, and the outcome of the WEU meeting of the Council of Ministers in Birmingham on 7 May, which is summarised in the Birmingham Declaration.

4. As things stand, Western European Union is obliged to consider its future mainly for reasons extraneous to the Organisation. Irrespective of opinions that have occasionally been expressed to the contrary, Article XII of the modified Brussels

Treaty places no time limit on the Treaty and merely provides for the right, after 50 years have elapsed, for those countries wishing to do so, to withdraw from it giving one year's notice of denunciation. As far as your Rapporteur is aware, no country intends to avail itself of that right. In fact, many countries are candidates for accession and there is nothing to suggest that WEU is likely to cease to exist in 1998 or at any other time.

5. However, the evolution both of NATO and the European Union will have major consequences for Western European Union as WEU is closely tied to NATO when it comes to forces deployment and to the European Union inasmuch as the latter is seeking to define a common foreign and security policy. But the new directions both those organisations are to take are at present the subject of discussions between partners, the outcome of which it is impossible to predict.

6. Nevertheless, it has to be remembered that the future of WEU does not depend exclusively on how NATO and the European Union will develop but also on its own determination and the political will of its leaders: are they ready to give it a clear direction and remit? As far as the Organisation's determination is concerned, the first obstacle is that of the differences that exist between its member countries, precisely as regards the remit and direction it should be given. In this respect the Assembly has a major responsibility: it must continue to work out positions common to as many of its members as possible and endeavour to win acceptance for a joint stance in the parliaments, general public and governments of the countries concerned. The extent to which the relevant ministries, and above all political leaders, are familiar with the Assembly's reports and recommendations varies considerably from one member country to another. But one often has the distinct impression that the content of these documents is better known outside WEU member countries than within them.

II. WEU and NATO

7. Five major questions can at present be asked as regards NATO:

8. (a) Will NATO continue to be primarily a collective defence organisation that is based essentially on Article 5 of the Washington Treaty and whose prime purpose is to counter threats to

¹ Document 1499.

Europe as a whole? Clearly, the dissolution of the Warsaw Pact, followed by the break-up of the Soviet Union, have wrought profound changes in the nature of that threat. However the present political instability in Russia, the predilection it seems to exhibit for rebuilding in one form or another a political entity reflecting the legacy left by the USSR and the very firm opposition it has registered to any eastward territorial expansion of NATO give the lie to the suggestion that threats no longer exist.

9. In this connection, the result of the presidential elections which are to be held in Russia in June 1996 may perhaps shed some light on the reactions of Russian society and the ambitions of any new government to emerge from them. It is most unlikely, in view of the information that can be gleaned about the election campaign, that the outcome will provide clear answers to the questions the West must address.

10. (b) The countries of central Europe that have left the Warsaw Pact have expressed a wish to join NATO, in order to obtain a better guarantee of their security. NATO must therefore consider whether to admit some or all of these countries. By admitting all of them, it would commit itself to extending its defence system to a huge area of central Europe, the effect of which would be to fuel Russia's opposition and increase the pressure it is exerting on the CIS countries to induce them to return to its own defence system. If NATO were to expand to include certain countries, for example the four Visegrad countries, but not others, it would run the risk of sending Russia a dangerous signal to the effect that the fate of the latter countries, especially the Baltic states, was not a matter of concern to it – which would not strengthen European security as a whole. Lastly, if NATO declines to give any guarantee to the central European countries, it runs the risk of prompting some of them to seek guarantees from Russia, thus increasing tensions in central Europe by recreating the antagonism that led to the cold war.

11. The 1996 election period in the United States does nothing to facilitate US decision-making as regards a possible enlargement of NATO. The US undoubtedly has a decisive role in the organisation but considerable electoral pressure is being brought to bear by certain national minorities with an interest in the issue. It seems unlikely that any decision on accession to NATO by central European countries will be forthcoming before 1997. Moreover in Europe itself, Germany's oft-stated intention that at least some of the central and eastern European countries should be incorporated into western institutions as a whole, would appear to run counter to concern on the part of France and the United Kingdom that NATO's defence commitment should remain intact, thus ruling out any premature enlargement.

12. (c) The role that NATO can and should play in the organisation of a security system involving Europe as a whole, and possibly other regions, particularly those bordering on the Mediterranean, is not defined by the North Atlantic Treaty. Practice over the last ten years, involving intervention in the Gulf, Somalia and former Yugoslavia, has shown that the United States had no pre-conceived intention of extending its military commitments but wished to secure the support of its allies for peacekeeping or peace-enforcement operations in which it took part under *ad hoc* arrangements, which does not make it easy to establish task-sharing between WEU and NATO in advance.

13. (d) The present period of budget austerity in both Europe and the United States has led to considerable reductions in the permanent forces of the Alliance. Such reductions have occurred at a time when, undeniably, the risk of major conflict is much reduced, but when NATO can nevertheless only act as guarantor of peace in Europe if capable of rapid and substantial force deployment. Despite these difficulties, such deployment has proved possible in Bosnia and Herzegovina within the planned time frame but a number of differences between the allies is throwing a shadow over IFOR operations. They concern the duration, nature and objectives of the mission but also the United States' intention to supply arms to the armed forces of the Federation of Bosnia and Herzegovina, an issue which is examined in more detail in the report submitted by Mr Roseta on "The peace process in the Balkans – implementation of the Dayton Accords". It can be inferred that where NATO intervenes outside the scope of Article 5, the conduct of joint activities raises extensive difficulties likely to jeopardise not merely the operation under way but the very cohesion of the Alliance.

14. (e) The difficulties encountered in implementing the agreement reached in the NATO Council, in January 1994, for the establishment, organisation and deployment of multilateral forces (CJTF) mainly for peacekeeping and peace-enforcement tasks under either NATO or WEU auspices, have revealed a fundamental problem that is hampering relations between NATO and Europe. The United States, understandably, does not under any circumstances want NATO to be party to operations over which the US does not have both political and military control for fear of finding itself involved without its consent in military adventures that are dubious or are repudiated by American public opinion. A solution appears to be in the process of being worked out and should take the form of a new agreement in the June 1996 NATO Council of Ministers on defining NATO/WEU relations in the event of NATO not taking responsibility directly for operations undertaken by the CJTF. NATO assets in terms of

logistics and command might be made available to these forces, which would naturally use NATO procedures, but such operations would be sanctioned only by express decision of the NATO Council, thus subordinating any military action by Europe to prior authorisation by the United States. There is no certainty that such a solution would be accepted unreservedly by certain European partners in the Alliance. Nevertheless, there appears to be optimism in WEU that the North Atlantic Council will be able to take a decision on the combined joint task forces on 3 June in Berlin. In any event, experts from the 16 member countries reached agreement on 24 April on the concept that should be adopted by the ministerial meeting in Berlin. It would seem that differences between Washington and Paris about arrangements for the integrated military structure being used for the Europeans' purposes have been ironed out and that a compromise was recently found at the highest level².

15. It appears that France's decision henceforth to attend meetings of defence ministers within the framework of the Atlantic Alliance, re-occupy its seat in the Military Committee, and improve its working relations with the supreme headquarters of the allied powers in Europe was taken precisely to facilitate agreement on arrangements for implementing the CJTF.

16. In the same context, the fact that it has at last been possible, after two years of negotiations, for NATO and WEU to sign a "security agreement" designed to facilitate the transmission of confidential information from NATO to WEU, is to be welcomed. According to the press, the information in question will include military intelligence as well as NATO procedures, which could be used by WEU in the event of it conducting an operation with the support of military assets supplied by the Alliance.

17.(f) France's return to the fold as regards certain NATO military structures, the consequences of which for WEU have been the subject of a good deal of speculation, was described in the following terms by the French Prime Minister, Mr Juppé, when addressing the National Assembly on 20 March:

"Our vision of the Atlantic Alliance is a European one. There is no contradiction in this – on the contrary. Since the conclusion of the Treaty on European Union and the declaration the Atlantic Alliance heads of state and of government issued at their summit meeting in Brussels in January 1994, and since 1995 when the President of the Republic spelt out the course to be followed, we have not ceased to state that the development of Europe's political and mili-

tary capabilities and the strengthening of what, for lack of a more simple term, is called the European pillar of NATO, are two facets of the same policy. Moreover, the Declaration by the WEU countries, annexed to the Maastricht Treaty, states that "WEU will be developed as the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance". European defence will not be built outside the Alliance and, even less so, against it. At the same time, of course, we want Europeans to begin to agree within the European Union on what should be a joint approach for a European defence policy. And we are gradually getting there.

The policy defined by the President of the Republic is wholly in line with these principles. The purpose of the gestures France made on 5 December in the North Atlantic Council is to enable us to take part in a real renovation of the Alliance at a crucial time in its existence. At a time when we are learning the lessons of the end of the cold war and when the principle of expansion of the European Union and NATO has been accepted, who would understand it if France were to keep out of the reform of the Alliance's political and military bodies that is being prepared? Especially since it was France that wanted and requested it!

The new configuration that will result will provide the equation for European security for many years. The degree of our future commitment to this reformed Alliance will depend on the realism of the changes to be decided and on the degree of responsibility Europeans will be able to exercise in it, in the spirit of the new transatlantic partnership that the President of the Republic and the government are earnestly calling for.

...

Everybody realises today that NATO must adjust to the new strategic situation and, in particular, to the clear assertion of a European identity."

18. However, the uncertainty weighing upon the decisions NATO will be required to make about its own reorganisation in the coming months, indeed years, makes it hard to envisage what measures WEU, for its part, may need to take. But it is clear that these should not entail any consequences that might throw doubt on the American presence in Europe and continuation of the defence system and deterrent provided by NATO. Clearly this concern will be a major factor when it comes to considering relations between WEU and the European Union.

2. *Nouvelles Atlantiques*, No. 2811, 26 April 1996.

III. WEU and the European Union

19. As far as the European Union is concerned, the intergovernmental conference which opened recently in Turin is to define an extension of Union activities in the area of the common foreign and security policy, their organisation, and the way in which European armed forces could serve that policy. WEU as such is not participating in the conference but all its member countries are taking part and on 14 November 1995, in Madrid, the WEU Council adopted a document which set out its collective position on the matter. The Assembly for its part considered the document to be far from satisfactory as it did not take a clear position on the essential issues. It therefore held an extraordinary session in London on 22 and 23 February last, in order to better express WEU's point of view on the foreign policy, security and defence matters to be discussed at the intergovernmental conference.

20. Your Rapporteur feels that the various substantive texts adopted in London can fairly be summarised as follows:

- (a) The Assembly of WEU attaches great importance to the intergovernmental conference and in February 1996 held an extraordinary session in order to express its views on this matter.
- (b) It was prompted to do so by the fact that at its meeting in Madrid in November 1995, the WEU Council of Ministers discussed the issue but was unable to do any more than present options. In contrast, the Assembly arrived at a unanimous and constructive position.
- (c) The thrust of the Assembly's message is that the European Union is not ready to take responsibility for Europe's defence or for the use of armed forces to ensure European security.
 - (i) The accession to the European Union of three countries that intend to remain neutral now means that one third of its members do not wish to participate in NATO. This makes it impossible to establish proper working relations between NATO and the European Union. WEU alone can provide the link between the two organisations.
 - (ii) Some members of WEU and the European Union categorically refuse to give the Union authority in matters concerning defence and armed forces.
 - (iii) On the face of it, no WEU country has indicated a willingness to place its armed forces under the com-

mand of a foreign authority, save in the case of a massive offensive against Europe.

21. There is no basis for the argument that the modified Brussels Treaty is due to expire in 1998 even though the Presidency conclusions on the European Council meeting held in Turin on 29 March 1996 are an attempt to make the public believe this is so. The French Government also used the argument that the Treaty would expire in 1998 in a reply on 18 April 1996 to a question from Senator About. Your Rapporteur is therefore grateful to Mr De Decker for having put written question 336 to the WEU Council on 12 April in the following terms:

“ The Presidency conclusions, issued at the close of the European Council opening the intergovernmental conference in Turin on 29 March 1996, contain a passage referring to ‘the deadline of the Brussels Treaty in 1998’.

Can the Council refute the clear implication or explain how Article XII of the Treaty would enable a High Contracting Party to withdraw from a Treaty that had expired? ”

22. The Council has not yet replied to this question. However, when Lord Finsberg asked the British Government on 16 April 1996 whether the modified Brussels Treaty:

- (a) had a deadline for termination of 1998,
- (b) could be denounced by any signatory after 1998,
- (c) could be reviewed in 1998, and
- (d) would remain in force unamended until denunciation or amendment,

Baroness Chalker of Wallasey, Minister of State for Foreign and Commonwealth Affairs, replied as follows:

“ Article XII of the modified Brussels Treaty states that:

‘[The Treaty] shall enter into force on the date of the deposit of the last instrument of ratification and shall remain in force for fifty years.

After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government’.

As the text of this Article was not amended by the modification to the Brussels Treaty in 1954, the Government consider that the period of fifty years is to be measured from the date of entry into force of the original Treaty (25 August 1948). It may be misleading to suggest that the Treaty has a deadline

of 1998; it is not a deadline for termination. Instead, from 25 August 1998, each of the High Contracting Parties may denounce the Treaty individually. It has always been possible for the High Contracting Parties to agree collectively to amend or terminate it. The expiry of the period of 50 years does not affect this right in any way. The Treaty will remain in force, unamended, until such time as the Parties collectively decide otherwise.”

23. There is probably little point in re-opening the debate on the question of the date on which each member country can denounce the Treaty individually, but reference should be made in this respect to the very clear position the Assembly adopted in June 1993 in Recommendation 539 on the interpretation of Article XII of the modified Brussels Treaty³, in which it recommended the Council to concur with its juridically-based interpretation of the article, according to which the 1954 Paris Agreements established a new treaty.

24. What is important to note is that the German Government, which is one of the most enthusiastic advocates of a merger between WEU and the European Union, gave the following reply on 5 December 1995 to a question put by the ecology group in the Bundestag:

“The Federal Government considers that in 1998 no contracting party will avail itself of the possibility open to it, in accordance with Article XII.3 of the WEU Treaty, to denounce the Treaty upon the expiry of the fifty-year period for which it provides. However, the expiry of the period of fifty years opens up the prospect, in political terms, of a fundamental reorganisation of relations between the European Union and Western European Union.”

25. The decision taken at Maastricht to review the role of WEU prior to that date would seem reasonable, provided both NATO and the European Union have succeeded in defining their own roles in the new circumstances.

26. Without prejudging the future organisation of a European defence, the purpose of the current strengthening of WEU in the operational field and above all as regards its defence structures (Planning Cell, Satellite Centre, Intelligence Section, Situation Centre, WEAG, commands for the Mediterranean region) is to provide Europe with the means it needs for a security and defence policy.

27. The Assembly considers that WEU can provide the CFSP with the structures for action that it at present lacks but the WEU Council must preserve its political prerogatives so that it can take action in the event of the CFSP not producing

decisions that are clear enough to define operational tasks for WEU. This is a fundamental point as it has to be considered in the context of the theses defended mainly by France and Germany, according to which WEU would be party to powers the European Council holds to give general guidance. According to the French Government's reply on 18 April 1996 to a question put by Senator About⁴:

“At the intergovernmental conference, France will endeavour to secure agreement for the role of the European Council as the cornerstone of the European security and defence system. In such a context it would be for the European Council to give general guidance that WEU could use as a basis for taking action on behalf of the European Union, which includes the tasks defined by the WEU Council of Ministers in Petersberg, on 19 June 1992.”

28. On 7 March this year Belgium, Luxembourg and the Netherlands signed a memorandum on preparations for the intergovernmental conference which was similar in its content in that it stated that between now and the merger between the European Union and WEU, the three countries proposed that a very close institutional rapprochement should take place quickly between the two Unions so that the Council of the European Union could instruct WEU to give effect to the military implications of decisions taken in the CFSP by the Council.

29. The three countries went even further by asking for the “second pillar of the Maastricht Treaty” to include Petersberg tasks *and collective defence*, on the understanding that responsibility for its implementation would remain firmly in the hands of the Atlantic Alliance with which the European Union was urged to create specific links in the field of defence.

30. The underlying trend in all these proposals is towards a subordination of WEU to the European Union, which is not acceptable to the British Government, as its Minister for Foreign Affairs reaffirmed to members of the Presidential Committee on 1 April 1996.

31. But it is not only the British who have put forward irrefutable counter-arguments. In WEU too, they have been used to show that such an approach does not necessarily promote European action on security and defence. In an address to the Royal Institute for International Relations in Brussels on 21 March 1996, Mr Cutileiro, the WEU Secretary-General, referred to proposals which:

“have in common the fact that they advocate a gradual merger of WEU into the EU.

3. Document 1369, 24 May 1993.

4. See the Senate's parliamentary debates, *Journal officiel de la République française*, No.16S (Q), 18 April 1996.

the first step of which would be in effect the subordination of WEU to the EU, through the creation of a formal link allowing the European Union to instruct WEU.

From a practical point of view, it is hard to see what this would add to the Maastricht disposition. Although at present the EU can only 'request' and not 'instruct', WEU is bound to accept any request coming from the EU. Experience has shown that obstacles to a closer cooperation between both organisations are due not to the absence of formal links but to the lack of practice of working together and perhaps also to the relative weakness of the CFSP.

Equally from a practical standpoint, the merger of WEU into the EU creates considerable difficulties owing to the fact that they are based on different treaties and have different memberships. Proposals to provide the EU with military competences postulate 'opt-ins', 'opt-outs' and complicated arrangements to somehow associate European allies who are not in the Union. With due respect for such well-meaning efforts one cannot help feeling that they come very close to re-inventing WEU independently."

32. Some recent initiatives such as those taken by the Finnish and Swedish Foreign Ministers, designed to confer power on the European Union to give WEU instructions in the exclusive area of peacekeeping and crisis management, are proof of this view. The main problem with such an approach is that any crisis situation can easily degenerate into a collective-defence situation.

33. It remains to be seen whether it will be possible to narrow the gap between the various positions, particularly those of Germany and the United Kingdom, whose ministers agreed – in the framework of a group of experts – to specify the meaning of terms such as "general guidance", "guidelines" and "directives"⁵.

34. However, for as long as five European Union member countries are not prepared to accede to the modified Brussels Treaty, it is difficult to see how they could be given a right, even a limited one, to issue directives in respect of WEU.

35. The reason why the Assembly attaches such importance to the WEU Council preserving its prerogatives and powers of decision (including at the highest political level), is that it is convinced that WEU is far better suited than the European Union to coordinate the activities of certain member countries, without any collective decision, whereas the CFSP, regardless of what its future decision-making arrangements may be,

will be gripped by paralysis as soon as any serious differences arise among the participants. The principle according to which countries refusing to participate in a particular area of the common foreign policy would undertake to allow others to proceed is only valid in cases where opposition is limited.

36. A special effort must be made to coordinate WEU and CFSP activities better than in the past. The results of such coordination, agreed in principle at Maastricht, have until now, on the Council's own admission, been unimpressive. It emerges from the Birmingham Declaration, adopted by the WEU Council on 7 May 1996, that some specific measures have been taken in this respect. They include, for the first time, meetings between WEU and EU working groups on evacuation planning and Mostar, and a forthcoming meeting on the Mediterranean. The Declaration also mentions certain documents drawn up jointly with the European Union, dealing with evacuation operations and peacekeeping in Africa. The Assembly awaits more detailed information on these texts.

37. It is understandable that neither WEU nor the European Union wish their practical cooperation arrangements to set precedents that might prejudice the institutional debate going on in the intergovernmental conference, but this should not prevent WEU bodies and the authorities in its Secretariat-General from insisting on playing a greater role in CFSP activities.

38. The Assembly has, on a number of occasions, debated whether it is appropriate for the Council to maintain or modify the policy it adopted in December 1991 on the criteria for the accession of new member countries to the modified Brussels Treaty. It is true that opinion in the Assembly is divided on this subject but your Rapporteur would point out that at its extraordinary session, the Assembly adopted Recommendation 589 in which it asked the Council to:

"Reconsider the Assembly's repeated requests to permit European members of the Atlantic Alliance who wish to join WEU as full members to do so without having to be full members of the European Union."

39. This concerns the associate member countries, namely, Iceland, Norway and Turkey. The Council has not yet responded to the Recommendation but the Birmingham Declaration shows it has no intention of changing its policy since it merely recalled its earlier decisions while recognising "the significant contribution of the associate members to the Organisation's work and to European security and stability as a whole". The point should be impressed on the Council that its policy in respect of the associate members may have a considerable effect on the will of some of them to support any eastward enlargement of

⁵ *Frankfurter Allgemeine Zeitung*, 3 April 1996.

NATO and WEU. It also has an impact on WEU's relations with the European Union in that the more integrated the associate members are in WEU, the closer they could move to the European Union.

40. However, there is no tangible sign that the lack of congruence between the European members of NATO, the member countries of the European Union and those of WEU will end in the foreseeable future. The Birmingham Declaration clearly shows that the WEU Council has no intention of taking major initiatives in this respect and certainly none of taking measures to give the associate partners' status a considerable boost. As regards the problem of harmonising the enlargement of NATO, the European Union and WEU, the latter appears to be waiting to see what the others will do.

41. If the European Union wants to help achieve a better match between its membership and that of WEU, it should no longer take in countries that are not prepared to accede to WEU or those whose accession to the modified Brussels Treaty is unacceptable to WEU members. NATO, for its part, should adopt a similar policy for any European state applying to accede to the Washington Treaty.

42. In the prevailing circumstances, the hypothesis of an early merger of WEU with the European Union does not seem feasible, unless the merger is theoretical, leaving it to WEU to apply the modified Brussels Treaty with appropriate instruments and a membership that meets the requirements of a common defence and joint action in the interests of European security.

43. It is evident from the many preparatory documents for the intergovernmental conference published by many of the governments concerned, several political parties, the Commission of the European Communities and the European Parliament that major differences of principle exist, particularly regarding whether WEU should be integrated in the European Union. However it is not certain that these divergences are such as to prevent decisions being taken with a bearing on the immediate future, since a number of specific proposals can be pursued irrespective of the framework within which they are finally brought to completion.

44. Thus the British White Paper, published early in March 1996, contains evidence of a commitment to maintaining an autonomous WEU but proposes developing the Organisation's operational capability and strengthening a "partnership" with the European Union, while the Foreign Ministers of France and Germany, meeting in Freiburg on 27 February 1996, stated that their "long-term objective remains WEU's integration in the European Union. The intergovernmental

conference should lead to clear and specific commitments in this direction", adding however that "to this end the process of bringing WEU and the European Union closer together will be stepped up". This corresponds quite closely to the British proposal for a stronger partnership. Conversely, most recent statements, whether from the governments or the main political parties of Ireland, Sweden, Austria, and even Denmark and Finland, or from parliamentarians of those countries speaking in the debate on the intergovernmental conference held in the European Parliament on 14 March 1996, express concern that the European Union should not be "militarised" and that their countries should be able to remain outside a defence Europe. Several representatives of Scandinavian countries have even threatened that their countries would leave the European Union if it decided to organise itself in terms of defence. However such statements do not rule out cooperation between the European Union and WEU.

45. On 19 March 1996, the Prime Minister of Greece, Mr Simitis, made a statement in the Greek parliament in favour of WEU being integrated in the European Union, while making clear that Greece would not abandon its "right of veto" while it had no commitment that its vital interests would be guaranteed. He restated that at the intergovernmental conference, his country intended to seek the inclusion of solidarity and mutual assistance clauses in the new treaty. Given Greece's current understanding of its "vital interests", it hardly seems likely that its partners would enter into commitments, within the framework of the European Union, which they pointedly took care to rule out when Greece acceded to the modified Brussels Treaty, and it would also seem that at the end of the day there is only a slight difference between the United Kingdom's rejection of any form of qualified majority voting on foreign policy, security and defence questions and Greece's support for the principle, accompanied by conditions Greece's partners do not want.

46. It should however be noted that the idea of including a "solidarity clause" in the new Treaty on the Union has started to gain acceptance since the German Chancellor, Helmut Kohl, first threw up the idea during the 33rd conference on security policy, held in Munich on 3 February 1996. At that time he suggested that all the member countries of the European Union should benefit from a solidarity clause similar to the mutual assistance guarantee in the WEU and NATO Treaties.

47. This proposal is slightly different from one of the options studied by the WEU Council, which is designed to include the Article V clause of the modified Brussels Treaty in the new Treaty on the Union or in one of its appended protocols. It would seem that this solidarity clause is not intended to be a substitute for Article V given that

Mr Hoyer, the German Minister of State for Foreign Affairs and Germany's representative at the intergovernmental conference, referred on 21 March 1996 to a "clause of political solidarity". It is therefore clear that this idea is still in the process of germination.

48. Finally, in his address to the XVIIth Conference of the EDU heads of parties on 13 March 1996 on the line France will be taking at the intergovernmental conference, the French Prime Minister, Mr Juppé, referred to a formula – "enhanced solidarity" – which might allow seemingly opposing viewpoints to be reconciled. While rejecting the principle of a "multi-speed" Europe, the Prime Minister, noting the differing views expressed, proposed that the new treaty include a clause explicitly authorising those countries that so wish to move forward, in their bilateral or multilateral relations, beyond the obligations contained in the future Treaty on European Union, in order to enhance solidarity in security and defence matters through better organisation. It was clear that Mr Juppé had Franco-German cooperation foremost in mind but that this "enhanced solidarity" is a fairly accurate description of what WEU's role and its relations with the European Union might be in those areas covered by the application of the modified Brussels Treaty. It is for the fifteen European Union member states to decide what they are prepared to achieve together. The ten signatory countries of the modified Brussels Treaty will then have to consider what they are prepared to do in order to strengthen solidarity among them, as provided by the Treaty. This formula therefore offers a fairly neat definition of WEU's role as it might emerge from decisions taken by the intergovernmental conference on behalf of the Fifteen with a view to European Union enlargement.

49. However, it has to be recognised that the Assembly will be faced with a serious problem throughout the intergovernmental conference, namely, that of not being informed of the progress of IGC work or the initiatives taken during its various phases. The European Council has made detailed arrangements for the European Parliament to be involved in the work of the conference. They ensure it is kept informed regularly – at least once a month – and also make provision for an exchange of views with the President of the Parliament prior to each meeting of the European Council and IGC ministerial sessions.

50. It is understood that this information is to cover all the problems discussed at the conference, which implies that the European Parliament will be in a position to know about all the discussions concerning WEU's future well before the WEU Assembly finds out about them. As far as the Assembly is concerned, any information it receives will be based on speculation and on

articles in the press. The European Union Presidency has also undertaken to provide national parliaments with information via the Conference of European Affairs Committees (CEAC), but that applies only to areas concerning the Community pillar.

51. This inadmissible situation is aggravated by the fact that the WEU Council and Secretariat-General are not even represented at the intergovernmental conference despite the fact that it is preparing to take fundamental decisions that concern WEU. The United Kingdom Chairmanship-in-Office agreed, at its meeting with the Presidential Committee on 1 April 1996, that not only should arrangements be made for the Assembly to be informed regularly about the work of the IGC but also that at the conference WEU should be able to express its points of view as an organisation.

52. However, no such arrangements have yet been drawn up and coordinated between the Council and the Assembly. In order to do so, it would be appropriate to take as a pattern the arrangements involving the European Parliament in the work of the conference, with emphasis on the following requirements:

- (a) it goes without saying that the Council should undertake to inform the Assembly about all meetings discussing the future of WEU and its future relations with the European Union;
- (b) furthermore, the Council should keep the Assembly informed of progress in the conference's work on the CFSP;
- (c) the Council should bring to the Assembly's attention all the conference's institutional discussions that might have consequences for WEU;
- (d) the Council should inform the Assembly about any initiative designed to strengthen the role of the European Parliament as regards external security, and also about the work of the intergovernmental conference to determine how and to what extent national parliaments could, individually and collectively, make a greater contribution to the tasks for which the European Union is responsible (see paragraph 2 of the "Turin European Council Presidency Conclusions", dated 29 March 1996).

53. To ensure that the Assembly is regularly informed by the WEU Council, a precise timetable should be drawn up on the basis of the schedule of work in the conference. To facilitate the task, such information could be supplied to the President of the Assembly and to an Assembly *ad hoc* group whose composition would need to

be decided. Furthermore, it would also be a good idea to request the IGC representative of the ministry of foreign affairs of the country holding the presidency of the WEU Council to provide the Assembly with information.

IV. A programme for WEU

54. Even if, as your Rapporteur believes, the future of WEU will very much depend on decisions taken by NATO and the European Union, there is more or less unanimous agreement that any progress made within WEU towards more effective organisation of European security and defence should help both to strengthen NATO, by achieving a better political and military balance in that organisation, and give more weight to the European Union's common foreign and security policy by providing it with the military structures it at present lacks and will no doubt be a long time acquiring.

55. However, to meet these goals, strong political determination and drive is necessary and your Rapporteur wonders whether it is enough to assign WEU a "pivotal role" between the European Union and the Atlantic Alliance or to state, as the WEU Secretary-General did in his address in Brussels on 21 March 1996, that WEU has never been a completely independent decision-making body. Such an approach is hardly likely to foster a spirit of political initiative within the Council, which is nonetheless essential if progress is to be made in the direction described in the previous paragraph.

56. There are three areas in which such progress in WEU can be envisaged: foreign policy, operational capability, and military structures. Clearly, any ambitions WEU may have in the field of foreign policy are limited by the prospects that might open up for the CFSP. However, it should not be forgotten that while those prospects looked even better after the signature of the Maastricht Treaty, little progress has in fact been made since. Today, it is considered good taste to attribute this failure to the weakness of institutions and governments are turning their thoughts to the sort of figurehead they might wish to see directing the CFSP secretariat with a view to imposing on them a "common will" they would be incapable of displaying by themselves, or to the idea of giving the country holding the CFSP presidency a more dynamic role possibly in association with both its predecessor and its successor. It is probably not for WEU to say which would be the better solution but its Assembly can assert that it is not by creating institutions that Europe will be able to compensate for a lack of political will and impose on governments European views that would not necessarily be those held by Europeans themselves.

57. A number of recent events have shown that Europeans do not have the same ideas about security and defence requirements. Mr Major's address to the extraordinary session of the WEU Assembly, closely followed by his government's White Paper, have made it perfectly clear that NATO is the be all and end all in any United Kingdom defence policy. In contrast, the official French line, even since France decided to become re-involved in a number of NATO bodies, stresses the European dimension of the new defence policy the country is in the process of formulating, making it quite clear that by "European" it means a policy that is distinct from that of the United States. The positions of the other member countries of WEU lie somewhere between these two extremes but the attitude most of them adopted on the French nuclear tests in the summer of 1995 and their lack of enthusiasm for Mr Juppé's proposals on "concerted deterrence" show they have no intention of following French policy, however European it might claim to be.

58. In addition, now that the European Union has grown to its present size, not all Europeans have the same view of threats to peace. The Mediterranean countries have drawn up a number of initiatives designed to ensure greater European security in their region. The countries in northern Europe have had some difficulty in following suit. The prospects of European Union enlargement to the east are giving rise to similar differences. The defence commitments of some of them outside Europe, mainly – but not exclusively – in Africa, are perceived by others as national commitments only.

59. There are grounds for hope that progress on European economic integration and improved exchanges will gradually lead to a convergence of the various points of view but as things stand in Europe today, the facts have to be accepted. While the presence of a leading political figure at the head of the CFSP secretariat might possibly help to produce compromises, it will not force states or their populations to subscribe to a common vision of Europe's responsibilities in the world at large.

60. Your Rapporteur is nonetheless anxious to take account of the points of view expressed by several members of the Political Committee, at its meeting in London on 1 April 1996. They effectively supported the British position that the eminent person to be appointed head of the CFSP secretariat should not be a politician but someone responsible for implementing the decisions of the Council of the European Union. This whole debate and the results of the intergovernmental conference might have important implications for the role of the Secretary-General of WEU. It is absolutely essential therefore that the Assembly should receive regular information on these institutional issues.

61. It is necessary for the structures in Europe's foreign, security and defence policy to be sufficiently flexible to allow some countries to take action without requiring all of them to become involved. This is why our Assembly deemed it necessary for the WEU Council to retain responsibility for foreign policy and considered that even if WEU is able to make its armed forces available to the CFSP, it should still be able to formulate its own policy according to its own procedures.

62. In this respect, two of the WEU Council's subsidiary bodies could develop their activities to good advantage. The Institute for Security Studies was set up to promote awareness among Europeans about their common interests in WEU areas of responsibility. It is intended to become an "academy" although the Council has yet to define unanimously and satisfactorily exactly what this label is supposed to mean. It is no doubt time for the Council to explain what it plans to do with the Institute, not because the work the latter has done to date is open to criticism, but because setting common security and defence objectives for Europeans and deciding on activities designed to familiarise the public with them appear to be taking on new importance in the present circumstances. Furthermore, the Assembly has very little information about the Institute's role as a think tank for the Council – the Birmingham Declaration contains but a single sentence on the subject – but it would seem that this role could be developed to turn the Institute into an analysis and forecasting centre comparable with the one being suggested for the CFSP. In this respect, your Rapporteur does not share fears that have been expressed that once the Institute has undergone this transformation, it may duplicate the CFSP analysis and forecasting centre, which at present is still only a project. The two institutions should be complementary and their longer-term development will depend on the way in which the relationship between WEU and the European Union develops after the intergovernmental conference.

63. WEU's operational role will mainly depend on the decisions the NATO Council is due to take in June 1996. Whatever the outcome, it is clear that the hypothesis of organising Europe's defence using European means alone will not be contemplated but that the fear of engendering a situation in which it is obliged to provide such means will weigh heavily on joint decisions. In any event it should be noted that one of the more detailed sections of the Birmingham Declaration deals with the many aspects of WEU's operational development.

64. The area in which the NATO Council should take real initiatives of direct concern to WEU is that of the CJTF which, once properly formed, would constitute the only means for mili-

tary action by Europe whether for its defence or for peacekeeping or peace-enforcement missions. In fact, it is WEU's actual capability to deploy its armed forces that will be at issue because in Europe the deployment of any forces, whether national or multinational, increasingly requires the use of assets that only NATO has. The only exception to this is the case of operations that are limited in time, space and above all in terms of the means employed. In this respect, both the British White Paper and the Prime Minister, Mr John Major, when addressing the Assembly on 23 February 1996, have specified that the United Kingdom can conceive of no intervention by WEU other than in such cases since anything more important had to come under NATO's responsibility.

65. This is no doubt a minimalist view of the possibilities open to Europe, which some of the United Kingdom's partners will perhaps have difficulty in accepting. But until now, WEU has not been able to acquire the means to do much more, mainly because of government limitations on the development and autonomy of the Planning Cell. The accompanying creation of a Situation Centre and Intelligence Section is not sufficient for the Cell to function as a proper headquarters able to prepare for the deployment of armed forces in any circumstances imaginable. It is probably not appropriate at present to speculate about any significant development of its resources and capabilities. What information is available about preparations for the June meeting of the NATO Council of Ministers gives no reason to suggest there will be any, and the priority all WEU member countries give to NATO as Europe's defence organisation will not prompt them to press very hard for WEU initiatives in this area.

66. In contrast, the notion of structures for a European defence opens the door to a long-term task, the result of which should be to give WEU in the first instance, and Europe thereafter, the means for a genuine security and defence policy as provided for in Article J.4.1. of the Maastricht Treaty. With Germany having joined the Helios 2 programme and four other countries having joined the Horus programme, and with the commissioning of the Helios 1 satellite and the development of the Torrejón Satellite Centre, an ambitious European military observation satellite programme is under way. Despite the problems posed by France's withdrawal from the FLA project, the proposal put forward in 1989 by Mr Genscher, the then German Foreign Minister, to equip Europe with strategic mobility instruments, is still being studied and should produce results over the next few years. France's decision to abandon conscription and opt for professional armed forces should significantly increase European rapid force projection capabilities over the years ahead.

67. In addition, even though it is proving a very slow process, the plan to transform the WEAG into a European Armaments Agency with extensive authority and, more significantly, legal powers, will be a major step towards streamlining armaments production in Europe and, above all, towards standard equipment for all WEU forces, thus making for more effective deployment in the event of a crisis.

68. Your Rapporteur therefore attaches special importance to ventures such as these, which are designed for the long term, since he considers that at the present time, Europe is not ready to reach the agreement necessary for developing a common defence policy and does not have the wherewithal that is essential for any joint military action outside NATO. It would be pointless to waste time and energy in defending the principle of such a policy for as long as the requisite political conditions are not fulfilled and military means remain extremely inadequate.

69. This outline of a programme for WEU would be incomplete if it did not take account of the parliamentary dimension of building Europe and the problems it raises. With regard to relations between the Assembly of WEU and the European Parliament, it does not seem possible to overcome the main difficulties and establish relations on the basis of mutual recognition and the principle of full reciprocity. More flexible arrangements have, however, been found to allow regular information to be exchanged between rapporteurs and between liaison groups set up within the two assemblies.

70. The attendance of a WEU parliamentary delegation, consisting of the chairmen of political groups and led by Mr de Puig, Chairman of the Political Committee, at a public hearing entitled "Towards a European Security Structure", organised in Brussels on 19 March last, was felt to have been one of the most constructive such arrangements and gave the representatives of the WEU Assembly a good opportunity to express their points of view. A meeting with Mr Tindemans, Rapporteur of the European Parliament, also proved very worthwhile and it is planned, through these informal contracts, to establish regular exchanges of views between rapporteurs of the two assemblies within the relevant committees.

71. The context for relations between the Assembly and the European Parliament is in fact more general as they are linked to the creation of

a parliamentary dimension in a reformed European Union – a subject for discussion at the inter-governmental conference. The Assembly will need to follow this debate very closely and make its position on the issue clear. In order to do so, it might draw, *inter alia*, on a very interesting document on the European institutions, produced in December 1995 by the Tindemans group, which presents five options or scenarios, three of which suggest using parliamentary models based on the principle of a second chamber. This issue is highly topical and should therefore be examined closely by our Assembly.

V. Conclusions

72. The reason why WEU continues to have a role to play is that it is the most appropriate European organisation for preparing and conducting joint action by states that implement foreign and above all security and defence policy individually. It would be wrong to assimilate the security and defence sector to that of the economy in which there are forces that work in favour of the creation of an economic area and the adoption of common rules. It is pointless to hope that the obstacles to union will be overcome if things are allowed to go their own way. There will be no European defence without a fundamental political decision and everything, including the document adopted by the WEU Council of Ministers on 14 November 1995, indicates that such a decision has not yet been taken. Until this changes, WEU's flexible structures remain the most appropriate for dealing with the situation. They also enable those who so wish to pursue technical objectives which, in due course, should facilitate the political decision.

73. In view of this situation, the outcome of the ministerial Council meeting in Birmingham on 7 May 1996 is disappointing. It gives the clear impression that the Council is focusing its work primarily on purely technical and organisational issues when it should be endeavouring to give political impetus to efforts to solve the various problems concerning the European Union and the Atlantic Alliance. If WEU considers that one of its main tasks is to strengthen the European Union and the Atlantic Alliance, it should be doing more to defend its own vision and proposals within those organisations and usher in a change in the situation rather than sitting back and waiting for others to take action.

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