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EXTRAORDINARY SESSION

Organising security in Europe – political aspects

REPORT

submitted on behalf of the Political Committee
by Mr de Puig, Chairman and Rapporteur

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1. Adopted in Committee by 8 votes to 0 with 3 abstentions.

2. *Members of the Committee:* Mr de Puig (Chairman); Lord Finsberg, Mr Roseta (Vice-Chairmen); MM Alegre, Antretter, Blaauw, Sir Andrew Bowden, MM Buhler, Caballero, Cioni, Ehrmann, Eyskens, Fassino (Alternate: *Benvenuti*), Irmer, Sir Russell Johnston, MM Jurgens, Kasperit, Lord Kirkhill, MM Koschyck, Liapis, van der Linden, de Lipkowski, Maass, *Van der Maelen*, Mrs Papandreou, Mr Pozzo, Mrs Prestigiacomo, MM Puche Rodriguez, Recoder, *Rippinger*, Rodeghiero (Alternate: *Latronico*), Rodrigues (Alternate: *Mrs Aguilar*), MM Rokofyllos, Scitlinger, Sir Keith Speed, MM Urbain, Vinçon

Associate members: Mr Godal, Ms Ragnarsdottir

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

Draft Recommendation

on organising security in Europe – political aspects

The Assembly,

- (i) Considering that the purpose of the modified Brussels Treaty is to ensure the defence of member countries, promote European unity and strengthen both collective security in Europe and world peace;
- (ii) Noting that WEU member countries are resolved to continue to exercise their sovereignty over all matters relating to the composition of their armed forces and their possible deployment;
- (iii) Emphasising that NATO provides Europe with its essential means of defence;
- (iv) Recalling that the European Union is not in a position at present to establish either a common defence policy or, much less, a common defence, both of which are to be implemented principally through NATO;
- (v) Considering, nevertheless, that the European Union can develop a common foreign and security policy only by having available military structures that are closely associated with it and that European security can be assured only if underpinned by adequate defence or deterrent means;
- (vi) Taking the view that such means can only be obtained through close cooperation between states with defence policies that converge towards the same objectives;
- (vii) Considering therefore that WEU should express its own views on how the objectives of the inter-governmental conference with regard to foreign and security policy matters should be attained and regretting that the Council has been unable to do so sufficiently clearly in the document it adopted in Madrid, on 14 November 1995;
- (viii) Wishing consequently to make a contribution to that conference which would help it produce constructive results promoting security, democracy, European Union progress and world peace;
- (ix) Noting that the objective being pursued by the majority of WEU member countries is completion of the European edifice through progressive integration of the security and defence dimension in the European Union, but that this will be achieved only if the following conditions are met, which for the time being is not the case:
 - (a) the existence of a common perception of the role the European Union wishes to play in the world and the contribution it wants to make to security in Europe and neighbouring regions;
 - (b) identification of national security and defence interests and development of the coordination necessary to bring about policy convergence;
 - (c) development of a global European defence concept and of a common policy that takes account of each country's specific views, the possible role of nuclear deterrence and the fact that no member country seems prepared to relinquish the essential attributes of its sovereignty in this area, which implies that all decisions must be the product of a consensus;
 - (d) resolution of the problems raised by the refusal of some European Union member countries to participate in a collective defence within the European and Atlantic frameworks;
 - (e) settlement of the problem created by the fact that three European member countries of the Atlantic Alliance, while contributing fully to Europe's defence, are not members of the European Union;
 - (f) the existence of an agreement on the role the nine WEU associate partner countries which intend to join the European Union in due course might and would wish to play in developing and implementing a common foreign, security and defence policy;
 - (g) implementation of the January 1994 agreement between WEU and NATO on the use of each other's assets in collective defence and crisis- management and peacekeeping tasks;
 - (h) a common perception of the consequences for transatlantic relations of the transformation of the European Union into a military power, the effects of the enlargement of the Union and the development of its relations with neighbouring countries, particularly members of the CIS and Mediterranean countries;

(x) Convinced that, under these circumstances, any plan to terminate the modified Brussels Treaty and transfer WEU's responsibilities for collective defence and crisis management to the common foreign and security policy of the European Union would be dangerous and would not increase European security and hence should be discarded by the conference;

(xi) Considering that it is necessary to work towards a rapprochement between WEU and the European Union through a gradual process which might if desired eventually lead to the development of a European security and defence identity in a single European framework, once all the necessary conditions have been met;

(xii) Taking the view, therefore, that for the time being the European Union should concentrate the main part of its work on improving the CFSP decision-making process, without necessarily creating new structures, while WEU should endeavour to become fully operational in order to respond to CFSP requests and to be able to undertake actions consequent to its own decisions;

(xiii) Welcoming the fact that France's decision to participate more closely in military cooperation in NATO and its Nuclear Planning Group facilitates the development of a common European defence in the Atlantic Alliance, the European Union and WEU,

RECOMMENDS THAT THE COUNCIL

1. Take the view that WEU's contribution to the intergovernmental conference should not be confined to submission of the document on the subject adopted in Madrid on 14 November 1995, but that it should actively monitor the intergovernmental conference and hold regular consultations to evaluate the progress of the conference in WEU's areas of responsibility with a view to intervening if necessary;
2. Regularly inform the associate member and associate partner countries and the Assembly of progress made at the intergovernmental conference so as to give them the possibility of making their views known in good time;
3. Maintain the modified Brussels Treaty in force, contemplate no revision thereof other than by the signatory states and not allow accession to WEU by any country not prepared to participate fully and without reservation in a common defence within the framework of the Atlantic Alliance and at the same time in the activities of the CFSP;
4. 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;
5. Encourage all efforts to improve the working of the CFSP but not transfer to it the exercise of any of the authority conferred on WEU by the modified Brussels Treaty, and strengthen cooperation between WEU and the CFSP, in particular by ensuring regular participation by the WEU Secretariat-General in the activities of the CFSP;
6. Reject any proposal to separate WEU from the European Union, and give proper effect to the decision taken at Maastricht to place WEU at the service of the European Union should military action be envisaged under the CFSP, at the same time ensuring that the WEU Council makes full use of its ability to take any decisions arising out of the application of the modified Brussels Treaty, which will always be in the interest of the European Union and other organisations such as the United Nations and the OSCE;
7. Oppose admission to the European Union of any country not prepared to participate in a common defence within the framework of the Atlantic Alliance and the modified Brussels Treaty but envisage, for those European countries that so wish, simultaneous rapprochement with the European Union, WEU and NATO;
8. Make sure that any measures taken by the intergovernmental conference ensure that the development of the European Union and of WEU lead in due course, and consistently in an intergovernmental framework, to full participation by WEU in a Union that will remain incomplete as long as it is unable to develop a security policy and a common defence;
9. Resume preparation to this end of a white paper on European security and defence identifying all areas where convergence exists between the relevant policies of member states, noting any differences and preparing a review by all countries concerned of the progress that needs to be made to enable the European Union to act effectively around the globe;
10. Give WEU the essential means of command for military action in which NATO is not involved, at the same time developing interoperability of WEU and NATO assets and pressing NATO to proceed rapidly with the implementation of the January 1994 agreement on the CJTF;

11. Provide for permanent consultation between the competent bodies of the European Union and WEU with a view to extending European cooperation to areas reserved under Article 223 of the Treaty of Rome, specifically armaments and space;
12. Use all the means available to it to promote better information and understanding about Western European Union in government, parliament and the general public in the United States and Canada;
13. Treat the Assembly as its interlocutor on all matters pertaining to the application of the modified Brussels Treaty and during the intergovernmental conference insist that, for as long as member states remain the sole executors of their sovereignty in this area, national parliaments and delegations representing them in the WEU Assembly are the only partners of governments and the Council with authority in security and defence matters.

*Draft Order**on organising security in Europe – political aspects*

The Assembly,

Desirous that its position on the organisation of security in Europe, which it adopted at the extraordinary session held in London on 22 and 23 February 1996, is duly taken into account at the 1996 intergovernmental conference,

INVITES ITS PRESIDENT

To transmit the reports on the organisation of security in Europe, adopted at the London extraordinary session, to:

- (a) the Chairman-in-Office of the Council of the European Union,
- (b) the group of representatives of the European Union foreign affairs ministers, which is responsible for preparing the intergovernmental conference,
- (c) the Secretary-General of the Council of the European Union,
- (d) the President of the European Commission,
- (e) the President of the European Parliament,
- (f) the national parliaments of the member countries of the European Union,
- (g) the national parliaments and foreign ministries of WEU associate member and associate partner countries,
- (h) the Secretary-General of NATO,
- (i) the President of the North Atlantic Assembly.

Explanatory Memorandum

(submitted by Mr de Puig, Chairman and Rapporteur)

I. Introduction

1. On the eve of the intergovernmental conference on the revision of the Treaty on European Union, which is to open in Turin under the Italian presidency on 29 March 1996, the Assembly of WEU finds itself in a state of uncertainty, not to mention deadlock, as regards the stance WEU should take. The document entitled "WEU contribution to the European Union intergovernmental conference of 1996", adopted by the WEU Council of Ministers in Madrid¹ on 14 November 1995 and transmitted to the European Union, discusses three options regarding future relations between WEU and the European Union, without favouring any particular one since the Council of Ministers was not able to reach a consensus on the matter.

2. Moreover, the parallel debate on WEU in the Reflection Group set up by the European Union, under the chairmanship of Mr Carlos Westendorp, merely adds to the uncertainty. Its final report, published on 5 December 1995, sets out a number of options, which do not appear to be the same as those drawn up by the WEU Council. Lastly, the latter clearly informed the Assembly that it considered the debate closed and did not envisage re-opening a discussion among member governments in an attempt to reach a common position.

3. Although the Spanish presidency of the Council had stated that any contribution from the Assembly would be welcomed and would certainly be taken into consideration in discussions concerning the conference, experience has nonetheless shown that the Council has so far failed to take account of the Assembly's contributions to the institutional debate, notwithstanding its statement in the second part of its fortieth annual report that the Assembly's contribution to this debate was both welcome and most necessary².

4. Given that the Council document on the "WEU contribution to the European Union intergovernmental conference of 1996", or indeed the report of the European Union Reflection Group do not contain even a remote reference to any aspects the Assembly has considered in depth, particularly as regards the organisation of parliamentary supervision at European level of the

security and defence dimension, one might question the value that should be attached to statements from the WEU Council, particularly in view of the emphasis it places in the Lisbon Declaration on "the importance they [the ministers] attach to the role played by the Assembly in the debate on security and defence in Europe and its substantive contribution to the wider considerations of these issues"³ or the statement in the Madrid Declaration dated 14 November 1995⁴ that "ministers appreciated the valuable contribution of the parliamentary Assembly of WEU to the ongoing development of Western European Union. Ministers attach great importance to the Assembly's input into the debate on security and defence in Europe".

5. In point of fact the only references to the Assembly contained in the above document on WEU's contribution to the intergovernmental conference are to be found in paragraph 18 where it is claimed that "closer cooperation between the parliamentary Assembly of WEU and the European Parliament has not been promoted", which is far from being the case as it is well known that the Assembly has spared no effort in attempting to establish cooperative relations with the European Parliament on the basis of equality and reciprocity. If the European Parliament considers that it cannot establish its relations with the WEU Assembly on this basis, this decision cannot be attributed to a failure to promote such cooperation on the part of the Assembly. The Assembly is mentioned a second time in paragraph 87 of the same document dealing with the implications of integration of WEU in the European Union in the framework of option C, where the Council merely states: "The parliamentary Assembly's functions would be assumed by the European Parliament in accordance with the provisions governing the CFSP".

6. However paragraph 85 clearly states that in the event of WEU's integration in the European Union, Article J.4.3 of the Maastricht Treaty would be maintained in its present form. The paragraph makes clear that questions with defence implications would not be subject to the procedures defined in Article J.3, which provides for the possibility of decisions being taken by a qualified majority. Consequently, the Council consi-

1. Document 1492, 20 November 1995

2. Document 1453, 30 March 1995

3. Paragraphs 6 and 8 of the Reply of the Council to Recommendation 575, Document 1497, 1 December 1995.

4. Document 1491, 20 November 1995.

ders that the principle of consensus among governments should be maintained in defence matters even after the integration of WEU in the European Union. Your Rapporteur therefore wishes to point to the incompatibility between the option envisaged by the Council of transferring the WEU Assembly's responsibilities to the European Parliament, a community institution, and that of fully preserving member countries' national sovereignty over defence matters thus placing the defence dimension within a purely intergovernmental framework.

7. Consequently, the Assembly increasingly has the impression that political will is lacking not only in European Union circles but also in the relevant authorities of the WEU Council, even when it is merely a matter of the Council listening to arguments put forward by the Assembly. The present report therefore has a threefold objective: first, to convince the Council that although it has transmitted the document it adopted in Madrid to the European Union, it still cannot consider its preparatory work for the intergovernmental conference to have ended. On the contrary, if WEU is regarded as an integral part of the process of European Union development and if furthermore it is held that Article VIII.1 of the modified Brussels Treaty places an obligation on the WEU Council to encourage "the progressive integration of Europe" and closer cooperation between member countries and other European organisations, the Council should participate actively in the intergovernmental conference and continue to contribute as the negotiations progress. Furthermore it must keep the Assembly informed of any developments during the course of the negotiations likely to affect the future activities and role of our organisation.

8. Secondly, this report is intended for all the governments participating in the intergovernmental conference and particularly the representatives of each of the Foreign Affairs Ministers and of the President of the European Commission, who make up the group to which, at its meeting in Madrid on 15 and 16 December 1995, the European Council gave the responsibility of preparing the conference. It would be highly desirable, in matters relating to the future organisation of European security and defence, for the competent authorities in this area, such as WEU and the defence ministries, to be involved in some form or another in the preparation of the conference and the negotiations themselves. It goes without saying that this report is also intended for the governments of the WEU associate member and associate partner countries, which are not involved in the conference but which have a major interest in the outcome.

9. Thirdly, this report is intended to draw the attention of the national parliaments of European

Union member countries to the issues at stake at the intergovernmental conference. The way in which governments have so far made it impossible for the national parliaments that will be required to ratify the new treaty to decide how they intend to organise parliamentary supervision of security and defence at European level is wholly unacceptable. It is quite inconceivable that a diplomatic conference alone should decide upon the organisation of parliamentary supervision in a reformed European Union. The Speaker of the French National Assembly is therefore to be congratulated on having formed a parliamentary reflection group on the 1996 intergovernmental conference, bringing together, over a period of five months in 1995, parliamentarians appointed by the speakers of their respective assemblies. The group did very useful work, the conclusions of which were published and conveyed to the intergovernmental Reflection Group on 4 December 1995⁵.

II. Defining the purpose of the institutional reforms of the European Union in areas of interest to WEU

10. Paragraph 22 of the Madrid Declaration adopted on 14 November 1995 by the Council of Ministers of WEU⁶ states that "Ministers reiterated their conviction that the construction of an integrated Europe will remain incomplete as long as it does not include security and defence and reaffirmed that the objective is to build up WEU in stages as the defence component of the European Union". The first part of this oft-repeated statement implies that a consensus exists on the purpose of such construction, which is not the case. Persistent differences of opinion on this matter find expression in the first part of the final report by the Reflection Group responsible for preparing the 1996 intergovernmental conference entitled "A strategy for Europe", in which the Group observes that "The (European) Union is not and does not want to be a super-state. Yet it is far more than a market. It is a unique design based on common values"⁷.

11. The basic question raised by Mrs Aguiar in her report "the future of European security and the preparation of Maastricht II"⁷, was to ask what the objective of European integration was in the framework of the European Union. This has still not been answered. However there is no disa-

5. Assemblée Nationale: information papers on the parliamentary reflection group on the 1996 intergovernmental conference. Report of proceedings and conclusions, June-December 1995.

6. Document 1491, 20 November 1995.

7. Document 1458, 16 May 1995, Explanatory Memorandum, paragraph 19.

reement on the goals to be achieved in certain quite specific areas. There is general agreement in thinking that any institutional reform should guarantee and increase the security of citizens and peace and stability in Europe and the world, not lessen them. In order to defend in Europe these values and the fundamental principles set out in the preamble to the modified Brussels Treaty, namely the principles of democracy, civil and personal liberties and fundamental human rights proclaimed in the United Nations Charter, the states party to the Treaty gave a firm commitment to defend Europe against all external aggression.

12. The commitment of the WEU member countries found expression first in the preamble to the modified Brussels Treaty in which the signatory states undertake "To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression" and, even more strongly, in Article V, which establishes an unconditional obligation that, in the event of armed aggression against the European territory of any signatory state, the others are to provide military assistance.

13. Until now this binding commitment offers an absolute guarantee against military aggression only to full members of WEU that have acceded to the modified Brussels Treaty and are at the same time members of the Atlantic Alliance. Under Article IV of the modified Brussels Treaty, Europe's territorial defence has been assigned to NATO military authorities and forces.

14. Had there been a desire to find a simple way of extending the territorial defence guarantee to all members of the European Union, it would have sufficed to make accession to the modified Brussels Treaty and the Washington Treaty a condition of entry to the European Union and to acknowledge unreservedly WEU *acquis* while deciding not to denounce the modified Brussels Treaty in 1998, the date fixed arbitrarily in the Maastricht Treaty by the governments concerned, with a view to that "deadline". If such had been the case, it would have been possible to make the modified Brussels Treaty an integral part of the Treaty on European Union and the intergovernmental conference would have been able to concentrate its efforts on problems other than that of Europe's defence.

15. It was however decided to proceed otherwise and to leave European Union members which are not members of WEU the choice of acceding to WEU or becoming observers if they so wish. Five European Union member countries, four of them neutral, Ireland, Sweden, Finland and Austria, and one, Denmark, a member of the Atlantic Alliance, opted to become observers. There were

undoubtedly good reasons for acting thus and preventing the European Union, including a fully integrated WEU, from becoming a European military bloc. The reason for not selecting the first method was not just to take the interests of the five countries mentioned into account but also to facilitate convergence between European institutions and the Central European countries it is intended should one day become part of the Union. Although enlargement of the latter to include the Central European countries is an objective in principle recognised by the vast majority of EU member countries, not all of them are yet prepared to give these countries firm security guarantees. Moreover, it should be remembered that as long as they remain outside the Atlantic Alliance, the United States does not wish to be obliged to offer them a security guarantee via an intermediary organisation. Finally it is to no-one's benefit to ignore the security concerns of Russia, which continues vigorously to oppose any prospect of a military alliance of which it is not a member being extended to its borders.

16. Moreover it was necessary to take account of the interests of European members of the Atlantic Alliance, such as Norway, Turkey and Iceland which, for various reasons, are not at present members of the European Union. In accordance with the Declaration by the WEU member states, which is annexed to the Maastricht Treaty, these countries have become associate members of WEU, which gives them the possibility of participating fully in the activities of the organisation but without acceding to the modified Brussels Treaty. Finally mention should be made of other countries wishing to join the European Union such as Cyprus and Malta, whose participation in the security and defence dimension of Europe has yet to be defined.

17. Hence there is ample justification to ask whether the intergovernmental conference will really contribute to enhancing European security by insisting on giving priority to the search for arrangements for organising Europe's defence in the framework of the European Union in the present conditions, namely:

- (a) while both the neutral countries and Denmark maintain their refusal to participate in a common defence as conceived of within the framework of WEU;
- (b) as long as the problem of widening the defence guarantee to the Central European countries within their existing borders remains unresolved;
- (c) while the three associate member countries are not members of the European Union, and

- (d) while the form of participation in the European security and defence dimension of other countries wishing to join the European Union, such as Cyprus and Malta, has not been defined.

18. Such difficulties seem not to arise in relation to peacekeeping and crisis management in Europe and the wider world. One of the main objectives of the intergovernmental conference is to develop methods enabling the European Union to assert its identity more clearly on the international scene and to acquire the capability to act more effectively in crises that may affect the security of Europe and its citizens.

19. In this context it should be recalled that within the framework of WEU the legal basis already exists to empower the member countries of that organisation to act in the event of international crises. Article VIII.3 of the modified Brussels Treaty states that at the request of a member country "the Council shall immediately be convened in order to enable them [the High Contracting Parties] to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise ...".

20. At present the signatory countries of the Treaty alone have the right to make use of the possibility offered by the abovementioned Article. However it has been agreed that all the countries of the "WEU family", namely the associate members, associate partners and observers, will be authorised to take part in Petersberg-type missions, i.e. peace-keeping and peace-enforcement actions and humanitarian missions carried out under the mandate of the United Nations or of the OSCE.

21. Your Rapporteur wishes here to define what he means by *security* and *defence* in order to clear any ambiguity there might be over the use of these terms in various contexts.

22. *Defence* means any preventive, deterrent or field action undertaken by the countries involved to secure their territorial integrity and protect their vital interests. Article V of the modified Brussels Treaty provides WEU member countries with the legal framework for such action, complementing the commitments they entered into under Article 5 of the Washington Treaty. Article IV of the modified Brussels Treaty establishes a link between the organisations responsible for the application of the two Treaties and Article VIII provides WEU with an instrument for ensuring the smooth running of WEU both as an instrument of European defence and for promoting security in Europe and in the wider world.

23. By *security*, your Rapporteur understands the organisation of peace in such a way as to avoid, contain or resolve conflicts which might

endanger it. Security implies political action which may be accompanied, although not necessarily so, by economic or military action. WEU derives its responsibility in this area from Article VIII of the modified Brussels Treaty but this responsibility can only be discharged in conjunction with both the CFSP and NATO, given that security operations must not under any circumstances compromise the cohesion of the Union or the defence of Europe. In the Petersberg Declaration of 19 June 1992, the WEU Council specified how it intended to act to enhance security in Europe and the wider world.

24. This distinction is essential since on it are based the relationships between WEU and NATO and between WEU and the European Union and the neutral countries that are members thereof. It should not, however, obscure the fact that, in practice, security and defence are closely linked since action to preserve security cannot be effective without a defence capability and defence effectiveness must not be compromised by actions promoting security, particularly bearing in mind that the involvement of the United States is essential for Europe's defence. This means that there must be consultation with that country, even on matters in which it wants no direct involvement.

25. In view of the above considerations, it must be emphasised that any reorganisation of the security and defence dimension in Europe must guarantee that transatlantic ties are maintained and strengthened, particularly in the areas referred to, both in terms of practical cooperation and task-sharing between WEU and NATO and in the context of the new transatlantic agenda and the joint action plan signed in Madrid on 3 December 1995 by the European Union and the United States. The importance of ensuring that there is consistency of views on both sides of the Atlantic emerges, *inter alia*, from the wording used by the authors of that document, which states:

"We share a common strategic vision of Europe's future security. Together, we have charted a course for ensuring continuing peace in Europe into the next century. We are committed to the construction of a new European security architecture in which the North Atlantic Treaty Organisation, the European Union, Western European Union, the Organisation for Security and Cooperation in Europe and the Council of Europe have complementary and mutually reinforcing roles to play.

We reaffirm the indivisibility of transatlantic security. NATO remains, for its members, the centrepiece of transatlantic security, providing the indispensable link between North America and Europe. Fur-